


# FORM OF ORDER SHEET

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

Appeal No. 2141 /2024

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

**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA**

Altaf Hussain

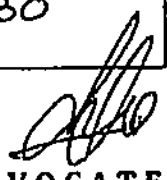
A No: 214/24

V/S

Government of KP & others

**INDEX**

S#	DESCRIPTION OF THE DOCUMENTS	ANNEX	PAGES
1.	Appeal and Verification	*	1-4
2.	Application for suspension	*	5
3.	Copy of Monthly Salary account	A.	6-13
4.	Copy of notification No. SD (Policy) EV/AD/1-3/2020 dated 06/08/2020	B.	14-15
5.	Copy of Impugned Letter dated June 06th, 2023	C.	16-18
6.	Copy of Minutes of Meeting dated 06-07-2023	D.	19-22
7.	Copy of Letter dated 23-08-2023	E.	23-24
8.	Copy of Impugned letter dated 07-09-202	F.	25-26
9.	Copy of Representation against the said notification and representation made by APTA President	G & H	27 28-29
10.	Wakalat Nama		30

  
ADVOCATE

- 1 -

**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA**

In Ref to

Service Appeal No 2141 /2024

Altaf Hussain Son of Safullah Resident of Tehsil & District Manshera

Designation: Primary School Head Teacher at GPS Miane

.....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

.....Respondents

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

**PRAYER:**

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

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

**RESPECTFULLY SHEWETH:**

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

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

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

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

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

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

**GROUNDS:-**

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

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

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

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

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

**AFFIDAVIT:**  
I Altaf Hussain Son of Safiullah, Resident of Tehsil & District Manshera do hereby solemnly affirm and declare that the contents of foregoing application are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Court

*[Signature]*  
Deponent

Through

*[Signature]*  
Appellant

*[Signature]*

Muhammad Muazzam Butt  
Advocate Supreme Court

*[Signature]*

Muhammad Adeel Butt  
Advocate High Court

*[Signature]*

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

**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA**

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

In Ref to

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

**ALTAF MUSSAIN  
VERSUS**

Secretary to Government of Khyber Pakhtunkhwa, & others

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

Respectfully Submitted:-

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

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

**AFFIDAVIT:**

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

*Altaf Mussain*  
Deponent

Through

*Altaf Mussain*  
Appellant

*Muhammad Muazzam Butt*  
Muhammad Muazzam Butt  
Advocate Supreme Court

*Muhammad Adeel Butt*  
Muhammad Adeel Butt  
Advocate High Court

Dist. Govt. KP-Provincial  
District Accounts Office Manshra  
Monthly Salary Statement (June-2023)



Personal Information of Mr ALTAF HUSSAIN d/w/s of SAIFULLAH  
Personnel Number: 00218604 CNIC: 1350112914993  
Date of Birth: 03.03.1972 Entry into Govt. Service: 25.03.1992

NTN:  
Length of Service: 31 Years 03 Months 007 Days

Employment Category: Active Temporary  
Designation: PRIMARY SCHOOL HEAD TEACH  
DDO Code: MA6337-District Manshra  
Payroll Section: 001 GPF Section: 001  
GPF A/C No: EDUMA008557 GPF Interest applied.  
Vendor Number: -  
Pay and Allowances: Pay scale: BPS For - 2022

80627427-DISTRICT GOVERNMENT KHYBE  
Cash Center: 08  
GPF Balance: 367,451.00 (provisional)  
Pay Scale Type: Civil BPS: 15 Pay Stage: 21

Wage type	Amount	Wage type	Amount
0001 Basic Pay	65,500.00	1001 House Rent Allowance 45%	3,524.00
1210 Convey Allowance 2005	2,856.00	1300 Medical Allowance	1,500.00
1505 Charge Allowance	40.00	2148 15% Adhoc Relief All-2013	880.00
2199 Adhoc Relief Allow @10%	591.00	2316 Teaching Allowance 2021	3,224.00
2341 Dispr. Red All 15% 2022KP	6,408.00	2347 Adhoc Rel Al 15% 22(PS17)	6,408.00

Deductions - General

Wage type	Amount	Wage type	Amount
3015 GPF Subscription	-4,290.00	3501 Benevolent Fund	-1,200.00
3609 Income Tax	-767.00	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: 12,031.78 Recovered till JUN-2023: 9,024.00 Exempted: 3007.78 Recoverable: 0.00

Gross Pay (Rs.): 90,931.00 Deductions (Rs.): -6,992.00 Net Pay (Rs.): 83,939.00

Payee Name: ALTAF HUSSAIN  
Account Number: 5187-4  
Bank Details: NATIONAL BANK OF PAKISTAN, 230665 GARHI HABIBULLAH GARHI HABIBULLAH, MANSEHRA

Leaves: Opening Balance: Aailed: Earned: Balance:

Permanent Address: MANSEHRA  
City: MANSEHRA Domicile: NW - Khyber Pakhtunkhwa Housing Status: No Official  
Temp. Address: Email: a1350112914993@gmail.com  
City:

**ATTESTED**



PROMOTION ORDER (PSHT (M) B-15

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) MANSEHRA.

NOTIFICATION

In pursuance of Government of Khyber Pakhtun Khwa Peshawar Notification No SO(B&A) /1-18/E&SE /2012 Dated 11/07/2012 and subsequently Notification issued by the District Education Officer (Male) Mansehra Endstt: No 1711-850 dated 25/02/2013.

The following Primary School Head Teacher B-15 are adjusted against newly upgraded Primary School Head Teacher Post with immediate effect.

S.No	S.L.D	NAME OF OFFICIAL	NAME OF PRESENT SCHOOL	Circle No	Adjust in Circle	Place of Posting	REMARKS
1	6	MUHAMMAD TAYYAB	GPS SOBRIAN	1		GPS SOBRIAN	****do****
2	9	ABDUR RAUF	GMPS KADLA	1		GPS KANSHIAN	****do****
3	90	ABDUL MANAN	GPS BOLI			GPS BOLI	****do****
4	92	MUHAMMAD FARID	GPS KANGRAN	1		GPS KANGRAN	****do****
5	100	MUHAMMAD FARID	GMPS JABRA KUMI	1	2	GPS CHAMBER (SANGAR)	****do****
6	108	MUHAMMAD ILLYAS	GPS SUGDHAR	1		GPS SUGDHAR	****do****
7	108	SHAD MUHAMMAD	GPS SHUHAL NAJAF KHAN	1		GPS SHUHAL NAJAF KHAN	****do****
8	116	MUBARAK UR REHMAN	GPS BANPHORA	1		GPS BANPHORA	****do****
9	120	RAZA MUHAMMAD	GMPS QADAR ABAD	1	2	GPS THANGAR	****do****
10	127	SARAJ AHMED	GPS TARIN BATTORA	1		GPS TARIN BATTORA	****do****
11	157	MUHAMMAD SADIQ	GMPS KHARIAN	1	2	GPS BALA SACHA	****do****
12	158	MEHBOOB UR REHMAN	GPS KHANGARI	1		GPS KHANGARI	****do****
13	182	MUHAMMAD RIAZ	GPS BISSIAN	1		GPS BISSIAN	****do****
14	183	MUHAMMAD ZAHOOR	GPS SHOHAL MAZULLAH	1		GPS SHOHAL MAZULLAH	****do****
15	167	MUHAMMAD AKRAM	GPS DOGHA	1		GPS DOGHA	****do****
16	193	ABDUR RASHID	GPS KANDRILA	1		GPS NAKIA PARIS	****do****
17	208	MUHAMMAD SHAFIQ	GPS GUL MAIRA	1		GPS GUL MAIRA	****do****
18	231	ABDUL WAHID	GPS JAGHEER	1		GPS JAGHEER	****do****
19	255	ABDUL HANIF	GPS BANPHORA	1		GPS THANDA KATHA	****do****
20	258	ABDUL JALIL	GPS GALI SHOHAL	1		GPS GALI SHOHAL	****do****
21	271	ABDUL SABOOKH	GPS BALAKOT	1		GPS BALAKOT	****do****
22	272	ABDUL QAYYUM	GPS BISSIAN	1	2	GPS KHOLA	****do****
23	297	ISHFAQ AHMED	GMPS CHAPRAN	1	2	GPS PHAGAL	****do****
24	309	SABIR HUSSAIN	GPS BURAJ	1		GPS BURAJ	****do****
25	319	MUHAMMAD QASIM	GMPS GARRA	1		GPS BAT SANGRA	****do****
26	324	IFTIKHAR BASHIR	GMPS LASMAIRA	1	2	GPS NIKA KATHER	****do****
27	334	MUHAMMAD ASHRAF	GPS SINGAL DHERI	1		GPS SINGAL DHERI	****do****
28	341	AHMED NAWAZ KHAN	GPS KOT BAHALLAH	1		GPS KOT BAHALLAH	****do****
29	343	GUL FARASH	GPS BATTANG P/TSARY	1	2	GPS CHOWKANA	****do****
30	344	MUHAMMAD JAVED	GPS BATTANG	1		GPS BATTANG	****do****
31	357	SHAH NAWAZ KHAN	GPS DANNA JAGIR NO.1	1		DANNA JAGIR NO. 1	****do****

**ATTESTED**

*[Signature]*  
D.E.O (MALE)

PROMOTION ORDER PSHT (M) B-15

32	380	ABDUL WAHEED KHAN	GPS KHARIAN	1		GPS KHARIAN	****do****
33	388	ABDUL MAJID	GMPS BELA GARLAT	1	2	GPS PRORE	****do****
34	375	MIAN BADER UQ DIN	GPS SOBRIAN	1		GPS KHAIR ABAD	****do****
35	384	MUHAMMAD FAROOQ	GPS KARNOL	1		GPS KARNOL	****do****
36	424	MIAN ASIF SHAH	GPS GARHI HABIB ULLAH	1		GPS GARI HABIB ULLAH	****do****
37	428	FIDA MUHAMMAD	GPS PAT SERI	1		GPS PAT SERI	****do****
38	428	LIAQAT ALI	GMPS TOTANKA MOHRJ	1	2	GPS SHALI DADAR	****do****
39	429	GHULAM NABBI	GPS GARLAT	1	2	GPS DHERI KAMAL BAN	****do****
40	441	MUHAMMAD FARID	GPS MITTI KOT	1		GPS MITTI KOT	****do****
41	482	NAZ MUHAMMAD	GMPS NARA HADDA	1	2	GPS CHAMBER NARAN	****do****
42	490	JEHANZEB KHAN	GPS DANNA JAGIR NO.1	1		GPS KASHTARA	****do****
43	485	MUHAMMAD ILYAS	GPS BISSIAN	1		GPS JABI BISSIAN	****do****
44	509	GHULAM NABI	GMPS PURANA GHORA	1		GPS BUTTA MANOOR	****do****
45	538	MUHAMMAD ZAMAN	GMPS KADAL SHOHAL	1	2	GPS GHANAILA	****do****
46	541	MUHAMMAD YAQOOB	GPS MURDUDA	1		GPS MURDUDA	****do****
47	542	ISHTAQ AHMED	GPS HASSA	1		GPS HASSA	****do****
48	544	MUHAMMAD ARIF	GPS SOBRIAN	1	2	GPS BISSIAN PHAGAL	****do****
49	548	KHURSHID ANWAR	GPS ROH	1		GPS ROH	****do****
50	560	MASOOD UR REHMAN	GPS CHAPRA LOHARA	1		GPS CHAPRA LOHARA	****do****
51	570 B	ARSHAD ALLAHI	GPS GARHI HABIB ULLAH	1		GPS LASPATTIAN	****do****
52	574	MUHAMMAD BABAR	GPA JAGEER	1	2	GPS RAWAL KOT NO 1	****do****
53	577	ABDUL KHALIQ	GMPS SINGLI POEEN	1	2	GPS ANDRA BALA	****do****
54	578	HAMID SULTAN	GMKS KAGUL	1	2	GPS SERI RAJWAL	****do****
55	581	SHAFIQUE UR REHMAN	GMPS JABI HAYDER SHAH	1		GPS ZAMMERI	****do****
56	594	MUHAMMAD TARIQ	GPS LOWER BHURAJ	1		GPS LOWER BHURAJ	****do****
57	598	ABDUL QAYYUM	GPS TRADA BANDI	1		GPS TRADA BANDI	****do****
58	618	S.MASOOD UL HAQ	GPS BANDA BALOLA	1		GPS-BANDA BALOLA	****do****
59	652	MUHAMMAD KHALID	GPS DANDA JAGIR NO2	1		GPS DANDA JAGIR NO. 2	****do****
60	653	MUHAMMAD SADIQUE	GPS BATORA	1		GPS BATORA	****do****
61	665	PERVEZ	GPS TOOT NAKA	1		GPS TOOT NAKA	****do****
62	668	SABIR HUSSAIN	GPS GARLAT	1		GPS GARLAT	****do****
63	672	M.BASHIR	GPS JIBBI H SHAH	1		GPS JIBBI H SHAH	****do****
64	681	MUQADER ZAMAN	GPS BAGGAH	1		GPS BAGGAH	****do****
65	716	MUSHTAQ AHMED	GPS SHAGAI NO.1	1		GPS SHAGAI NO 1	****do****
66	723	M.RAFIQUE	GPS LUNDA	1		GPS LUNDA	****do****
67	732	MUHAMMAD RASHID	GMPS GUL DHARI	1		GPS JAB KASHTRA	****do****
68	740	SAJJAD AHMED KHAN	GPS KAGAL	1		GPS KAGAL	****do****
69	747	GHULAM MUSTAFA	GMPS LASKARA	1	2	GPS KHANIAN	****do****
70	748 B	SAJJAD AHMED	GPS ROH	1		GPS PARIS	****do****
71	784	MUHAMMAD ASLAM	GPS NARRAH	1		GPS NARRAH	****do****

**ATTESTED**

*[Signature]*  
G.D.P. (M) (B-15)

PROMOTION ORDER (PSHI (M) B-15

72	767	MUHAMMAD AFZAL	GPS BAGGAH	1	2	GPS NAKA JARED	****do****
73	773	ABDULLAH SHAH	GMPS CH.MAHMED	1	2	GPS SHOGRAN	****do****
74	774	MUHAMMAD YOUSAF	GPS ALLARI BALA	1		GPS ALLARI BALA	****do****
75	782	MUSHFAQ	GPS PORE	1		GPS PORE	****do****
76	828	MUKHTIAR HUSSAIN	GPS DANDAR	1	2	GPS BUTA JARED	****do****
77	874	ABDUL WAHID	GMPS MANDO BAT SANGRA	1		GPS KANSHAIN BALA	****do****
78	877	MUHAMMAD TAHIR	GPS LUNDA	1		GPS CHAPRA GHOSHAIL	****do****
79	892	M.SABIR	GPS SERI KHAIR ABAD	1		GPS SERI KHAIR ABAD	****do****
80	903	FAKHARULHAJZ SHAH	GPS LASHAKIRA	1		GPS LASHAKIRA	****do****
81	917	MUHAMMAD JAVED	GPS KALISH	1		GPS KALISH	****do****
82	918	NAZ MUHAMMAD	GPS NARRAH	1	2	GPS THAWAN	****do****
83	930	ABDUL MALIK	GMPS KATHA BISSIAN	1	2	GPS BALA MANDOR	****do****
84	940	ABDU WAHID	GMPS ZIARAT TRANNA	1	2	GPS QAMDAMA	****do****
85	941	MUHAMMAD SALEEM	GMPS SHAHOTAR	1		GPS TANGRI	****do****
86	944	LAZ AHMED	GPS SHAGAI NO.1	1	2	GPS LASSA MANDARI	****do****
87	946	MUHAMMAD AYAZ	GPS NOR SUM	1		GPS NOR SUM	****do****
88	948	MUHAMMAD JAVED	GMPS KATVI CHAR	1		GPS PATICAKA	****do****
89	949	IBRAR HUSSAIN	GPS SARWAI	1		GPS TALAHATA	****do****
90	952	GHULAM MUSTAFA	GPS MORI SHOHAL	1		GPS MORI SHOHAL	****do****
91	956	M.RAFIQUE	GPS BANNI KARNOL	1		GPS SIAAL	****do****
92	957	MUHAMMAD SALEEM	GPS NOKOT	1		GPS NOKOT	****do****
93	958	MUHAMMAD RAFIQUE	GPS DARRAH BALA KOT	1		GPS DARRAH BALA KOT	****do****
94	962	SHAMSUR REHMAN	GMKS MANGLI	1	2	GPS SANGARA	****do****
95	977	ABDUL GHANI	GPS BANNI KARNOL	1		GPS BANNI KARNOL	****do****
96	979	MOHIB HUSSAIN SHAH	GPS JAB KASHTRA	1		GPS PALAYANI	****do****
97	987	MUHAMMAD SAEED	GPS JAGIR	1	2	GPS DABRIAN	****do****
98	988	SAEED AHMAD	GPS HASSA PUL	1		GPS KANOCH	****do****
99	989	MUHAMMAD TAHIR	GPS BISSIAN	1		GPS BATORA	****do****
100	991	ISHTIAQ AHMED SHAH	GPS BAGAL CHAR BALA	1		GPS BAGAL CHAR BALA	****do****
101	993	MUHAMMAD ARIF	GPS JAGIR	1	2	GPS LOHARBANDA	****do****
102	1058	BASHIR AHMED	GPS KUMMI			GPS KUMMI	****do****
103	1071	M.ABDUL KARIM	GPS DANA M JAN	1		GPS DANA MUHAMMAD JAN	****do****
104	1076	GHULAM MUJTABA	GMPS HARI KHAN GIRI	1		GPS BATTANGI	****do****
105	1084	MUHAMMAD SHAFIQUE	GMPS HASSA	1	2	GPS BANDA MANDOR	****do****
106	1129	MUHAMMAD ISHAQ	GPS DAKKAN DIDAKI	1		GPS DAKKAN DIDAKI	****do****
107	1150	MUHAMMAD SAJID	GPS MORI SHOHAL	1	2	GPS GHOSHAL	****do****
108	1181	SHABIR HUSSAIN	GPS NAKA KAWARA	1		GPS NAKA KAWARA	****do****
109	1166	KHANI ZAMAN	GMPS KARMI DARRAH	1	2	GPS N. BADA	****do****
110	1177	MUHAMMAD ISRAR	GPS GARLAT	1	2	GPS NOORI	****do****
111	1187	AHMED NAWAZ	GPS DOGA	1	2	GPS SHANGRIAN	****do****

**ATTESTED**

*Full*

PROMOTION ORDER PSHI (M) B-15

112	1189	ALTAF HUSSAIN	GPS BORAJ	1	2	GPS SHUKRAH	****do****
113	1196	WADAR AHMED	GPS HUNDA DANA	1		GPS HUNDA DANA	****do****
114	1187	SAJID KHAN	GPS HASSARI	1		GPS HASSARI	****do****
115	1198	SADAQAT HUSSAIN	GPS TARANA	1		GPS TARANA	****do****
116	1200	MUHAMMAD RIAZ	GPS NOR SUM	1	2	GPS BALA JARED	****do****
117	1201	MUHAMMAD SHAFEE	GPS JABARI KALISH	1		GPS JABARI KALISH	****do****
118	1205	ABDUR RAUF	GPS DARRAH BALA KOT	1	2	GPS KAWAI	****do****
119	1207	MUHAMMAD FAROOQ	GPS JABBI NO.1	1		GPS JABBI NO 1	****do****
120	1213	LIQAAT HUSSAIN	GPS HASSA	1	2	GPS SHUNGA	****do****
121	1215	MUHAMMAD FIAZ	GPS GUL SARI	1		GPS GUL SARI	****do****
122	1219	SAJJAD AHMED	GPS KATHA DOBANDI	1		GPS KATHA DOBANDI	****do****
123	1223	SHAKIL AHMED	GPS DANA SHOHAL	1		GPS DAND SHOHAL	****do****
124	1228	MUHAMMAD RAFIQUE	GPS BOLI	1	2	GPS PATAN DES NO 2	****do****
125	1227	MUHAMMAD USMAN	GMPS M.BAJORI BALAKOT	1	2	GPS CHOAR BANDA	****do****
126	1231	MUHAMMAD MANZOOR	GPS DANA DOGA	1		GPS DANA DOGA	****do****
127	1238	MUHAMMAD RAFAQAT	GPS BAN	1		GPS SARWAI	****do****
128	1240	ABDUL WAHEED	GMPS JABRI BHOONJA	1	2	GPS BUTA BALA	****do****
129	1242	SARFRAZ	GPS PATTAN JAREED	1	2	GPS BANJO	****do****
130	1244	SAJJAD AHMED	GMPS BAKRARAR	1	2	GPS PATTAN DHERI	****do****
131	1247	MUHAMMAD SALIM	GMPS DANNA MOLANA	1	2	GPS PATTAN MESACH	****do****
132	1249	MUHAMMAD ZAMAN	GPS MORI SHOHAL	1	2	GPS GOAR BANDI	****do****
133	1250	M.YOUSUF	GPS BAGAH	1		GPS BAGAH	****do****
134	1253	IGRAR HUSSAIN	GMPS SHER KOTLY BATORA	1	2	GPS KUND	****do****
135	1255	M.TARIQ KHAN	GPS LOWER GUL MERA	1		GPS LOWER GUL MERA	****do****
136	1265	AMAN ULLAH	GMPS CHAJJA BISSIAN	1	2	GPS MANDARI	****do****
137	1278	HAFIZ UR REHMAN	GPS KHARIAN	1	2	GPS GARA DOLA	****do****
138	1278	ASHFAQ AHMED	GPS BASOOT	1		GPS BASOOT	****do****
139	1280	MANZOOR HUSSAIN	GPS MORE SHOHAL	1	2	GPS BARI MEDIAN	****do****
140	1289	MUHAMMAD SADIQUE	GPS KARNOL	1	2	GPS NARAN	****do****
141	1290	ALI AKBER	GPS MURDUDA	1	2	GPS BALA PARIS	****do****
142	1284	ABDUL SATTAR	DARA BALAKOT	1	2	GPS NAKA KAWAI	****do****
143	1297	MUHAMMAD HANIF	GPS GODEY PAYER	1		GPS GODEY PAYER	****do****
144	1346 A	AMJID IMRAN	GPS SHAMORI	1		GPS SHAMORI	****do****
145	1355	SAJID HUSSAIN	GPS NARRAH	1	2	GPS PULDRAN	****do****
146	1386	MUHAMMAD HAROON	GPS NAKA KAWARA	1		GPS RAWAL KOT NO 2	****do****
147	1392	ZUBAIR	GPS BAJMOHRI	1		GPS BAJMOHRI	****do****
148	1427	NIJAZ AHMED	GPS PETEKA	1	2	GPS MANGAL	****do****
149	1428	MUHAMMAD ASHRAF	GPS BARAR KOT	1		GPS BARARKOT	****do****

Note:

**ATTESTED**

S.D.F.O (MALE)

11  
PROMOTION ORDER (PSHT) (M) B-15

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

TERMS & CONDITIONS.


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

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

Endst: No. 779-1707 Estt: (M) Promotion: Primary School Head Teacher (M) Dated 21/3/2013.

Copy forwarded for information and necessary action to the:-

1. PS to Secretary to Government of Khyber Pakhtunkhwa E&SE Department Peshawar.
2. Director E&SE Department Khyber Pakhtunkhwa Peshawar.
3. ASDEO (M) Circle, 1 Balakot, 2 Kaghan, 3 Phulrah, 4 Oghi, 5 Shergar, 6 Mansehra, 7 Battal, 8 Baffa, 9 Dhodial.
4. District Accounts Officer Mansehra
5. Dy: District Officer Finance & Planning Mansehra
6. B&AO local office.
7. Officials concerned.

  
SUB DIVISIONAL EDUCATION OFFICER  
(MALE) MANSEHRA

**ATTESTED**

10/10/1954

SECRET

MEMORANDUM FOR THE DIRECTOR, FBI

FROM: SAC, NEW YORK (100-100000)

SUBJECT: [Illegible]

Reference is made to New York letter to Bureau dated 10/10/54.

Enclosed for the Bureau are two copies of a letterhead memorandum dated 10/10/54.

The letterhead memorandum is being prepared in accordance with the instructions of the Bureau dated 10/10/54.

Very truly yours,  
[Illegible Signature]

Special Agent in Charge



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15

**GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT  
(REGULATION WING)**

**NOTIFICATION**

Dated Peshawar the, 06/08/2020

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

**AMENDMENT**

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

**CHIEF SECRETARY  
GOVERNMENT OF THE KHYBER PAKHTUNKHWA**

(ANDS): & EVEN DATE

Copy is forwarded to :-

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

**(WARDAH LATIF)  
DEPUTY SECRETARY (POLICY)**

**ATTESTED**

Annexure - C



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

62

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

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

Dear Sir,  
I am directed to refer to your letter No. SO(Polcy-MY/123/1072-1/2023) dated 19.04.2023 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 with the departmental 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,

(Asst. Deputy Commr. Khan)  
Section Officer (Policy)

ASE  
7/6

7/6

Encl. Of even No & date  
Copy forwarded to the:-

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

26/06/23

26/6/23

Section Officer (Policy)

ATTESTED



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

No. 50 (Primary-M) E&SED/2-6/2023  
Dated Peshawar lha. June 26<sup>th</sup>, 2023

To

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

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

*[Handwritten Signature]*  
26/6/23

Subject: GUIDANCE REGARDING DELETION OF RULE 7(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 Signature]*

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

Copy forwarded to the:

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

*[Handwritten Signature]*

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

~~ATTESTED~~

B/c

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

To

The Director  
Elementary & Secondary Education Department  
Khyber Pakhtunkhwa, Peshawar

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

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

I am directed to refer to the subject noted above and to enclose here with a letter of Establishment Department Letter No. 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~~

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

Annexure  
D


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


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

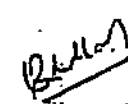
2. The meeting started with recitation from The Holy Quran. The chair welcomed the participants. The Deputy Director (Establishment) of Directorate of Elementary & Secondary Education briefed the forum regarding agenda item in detail.

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

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


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

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

  
(Mr. Razaqat Ullah)  
General Secretary APTA  
Peshawar

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

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

  
ATTACHED

- 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

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

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

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

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

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

\_\_\_\_\_

Provincial President  
All Primary Teachers Association  
Khyber Pakhtunkhwa

\_\_\_\_\_

(Mr. Razaqat Ullah)  
General Secretary APTA  
Peshawar

\_\_\_\_\_

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

\_\_\_\_\_

(Abdullah)

Additional Secretary (Establishment)

**ATTESTED**



**ATTENDED**

WPA443-2023 AZDIALAH VA GOVT CPFG4

Assistent Director (Exhbat-II)  
Elementary & Secondary Education  
Khyber Pakhtunkhwa

Assistent Director (Exhbat II-1)  
Elementary & Secondary Education  
Khyber Pakhtunkhwa  
12/17/2023

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

Encl: No.

The case is submitted for perusal and necessary actions please.

I am directed to refer to the letter No. SOR-P/1737/2023 dated 10-07-2023 on the subject cited above and to present brief history about the background of the case as under:

1. The Government of Khyber Pakhtunkhwa Establishment Department (Registration Wing) dated Rule 7C in the Civil Service (Appointment, Promotion & Transfer Rules 1989) vide notification No. SOR-VI (E&AD)/1-27020 dated 06-08-2023.

2. This office has issued guidelines from your good office in the following words vide letter No. 0087 dated 04-02-2023.

(i) Now it is obligatory upon the civil servant to accept promotion in every condition. If it is the prerogative of the civil servant to either accept or turn down the offer of promotion.

3. The joint office forwarded the case to the quarter concerned vide letter No. SOR (P/1737-2/1737) for necessary guidance.

4. The Government of Khyber Pakhtunkhwa Establishment Department (Registration Wing) vide letter No. SOR (Policy) E&AD/1-17020 dated 06-08-2023 categorically stated that there shall be no provision in decline or forgo promotion. It is obligatory upon every civil servant to accept promotion under every condition.

5. The same was received by this office from your good office vide letter No. SOR (P/1737-2/1737) dated 12-06-2023.

6. In the light of the minutes of meeting dated 6-07-2023 held under the Chairmanship of Joint Assistant Secretary Establishment at his office this office has been asked for submission of consolidated case.

7. In view of the above, this office is of considered opinion that the deletion of Rules 7(C) have affected negatively a huge number of Female Teachers. Thus it is proposed that Teachers below the level may be exempted of implication of the amendment in the rules held provided they submit their written request prior to conclusion of the meeting of Departmental Promotion Committee.

Subject: - MINUTE OF THE MEETING

The Section Officer (P/1737-2/1737)  
Elementary & Secondary Education Department  
Khyber Pakhtunkhwa



No. 8145

File No. 14527/Local/2023

Phone: 09122214

Khyber Pakhtunkhwa, Peshawar

21



**ATTACHED**

MP4443-2023 AZIZILAH VS GOVT OF PK43

Harshad Director  
Elmentary & Secondary Education  
Khyber Pakhtunkhwa

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

The case is submitted for perusal and necessary action please.

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.

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

That the government of KP-ED (Regulation Wing) vide letter No. SD (Reg) E&ED/1-3/2020 dated 6-06-2023 categorically stated that there exists no provision to declare / freeze promotion. It is obligatory upon every civil servant to accept promotion under every condition.

That your good office forwarded the same to quante concerned vide letter No. SD (Promo-1) E&ED/2-2/11/2023 for necessary guidance.

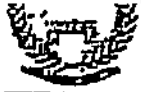
That the government of KP Establishment department (Regulation Wing) added rule 7(s) in Civil Servant (Appointment, Promotion, Transfer Rule 1987) vide notification No. No. SDP-VI (E&ED) 1-3/2020 dated 06-08-2020. That this office sought guidance from your good office in the following words vide letter No. 6983 dated 06-07-2023.

(i) Now it is obligatory upon civil servant to accept promotion.  
(ii) It is prerogative of civil servant to either accept/decline the offer of promotion.

Minister of meeting 15/1/2023 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) added rule 7(s) in Civil Servant (Appointment, Promotion, Transfer Rule 1987) vide notification No. No. SDP-VI (E&ED) 1-3/2020 dated 06-08-2020. That this office sought guidance from your good office in the following words vide letter No. 6983 dated 06-07-2023.

Dear Sir, I am directed to refer to letter No. (SD Promog-1) E&ED/5-1/6/2021/ dated 15/1/2023 on subject cited above and to present brief history, about background of case as under:  
That Government of KP Establishment department (Regulation Wing) added rule 7(s) in Civil Servant (Appointment, Promotion, Transfer Rule 1987) vide notification No. No. SDP-VI (E&ED) 1-3/2020 dated 06-08-2020. That this office sought guidance from your good office in the following words vide letter No. 6983 dated 06-07-2023.

Section Officer (Primary-Male)  
Elmentary & Secondary Education Department  
KPK, Peshawar  
To:  
DIRECTORATE OF ELMENTARY & SECONDARY EDUCATION, KPK  
PESHAWAR  
(21-7-2023)



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

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

Annexure  
E

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

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

Sir,

I am directed to refer to your letter No. SO(Policy)/E&AD/1-3/2020 dated 06<sup>th</sup> June 2023 and to state that after deletion of rule 7(5) Khyber Pakhtunkhwa Civil Servant (Appointment, Promotion & Transfer Rules 1989) it has been intimated that 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, 2013.

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.

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

Scanned with CamScanner

ATTESTED

- B/c -

- 2 -

No. 50 (Primary - M) E & SE S / 2-2 /  
Appointment - Rule / 2023

Peshawar Dated 23rd August, 2023.

To

The Secretary to Government of Khyber Pakhtunkhwa,  
Establishment and Administration Department,  
Peshawar.SUBJECT: Guidance regarding deletion of Rule 7(S) in the  
Civil Servant (Appointment, Promotion & Transfer) Rules  
(1989)

Dear Sir,

I am directed to refer to your letter No. 50 (Primary) / E & AD / 1-3 / 2023 dated 6th June 2023 and to state that after deletion of Rule 7(S) Khyber Pakhtunkhwa Civil Servant (Appointment, Promotion and Transfer Rules 1989) it has been intimated that those officers/officials who do not comply with promotion order of the competent authority or try to evade promotion through different means shall be proceed under Khyber Pakhtunkhwa Civil Servant (Efficiency and Discipline) Rule 2011.

In this connection it is submitted that in some cases lady teacher of primary level who avail such promotion have to face serious inconvenience while they have to perform duties in the remotest stations with no residential / transport facilities. Most of them are married with kids and elder father or 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 &amp; SE Khyber Pakhtunkhwa.

2. PS to Secretary, E &amp; SE Department, Khyber Pakhtunkhwa.

(Muhammad Ishaq)  
Section Officer (Primary  
Male)

ATTESTED

Annexure - F



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

ATTESTED

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

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

Dear Sir,

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

Yours faithfully,

Section Officer (Policy)

Encl. Of even No & date

Copy forwarded to the:-

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

WP-442-2023 AZIZULLAH VS GOVT OF PK

- 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- Z/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-IF), Establishment Department.
- 3. PS to Deputy Secretary (Policy), Establishment Department.

Section Officer (Policy)

**ATTESTED**

To,

Dated: 28-01-2024

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

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

Sir/ Madam:-

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

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

Best Regards



Altaf Hussain Son of Safullah  
Resident of Tehsil & District  
Manshera

~~ARRESTED~~

WP4443-2023 AZIZULHAQ VS GOVT CR 541

88/7/23  
~~Signature~~

Handwritten text in Urdu script, possibly a signature or name.

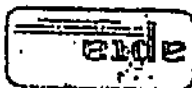
Main body of handwritten text in Urdu script, appearing to be a legal document or affidavit.

Handwritten text in Urdu script, likely a signature or name.

Annexure - H

Handwritten text in Urdu script, possibly a title or reference.

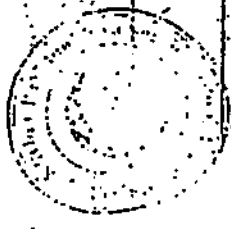
APTA House  
Govt Primary School Nat.  
Quibber Peshawar City



Quibber Peshawar

APTA House  
Govt Primary School Nat.  
Quibber Peshawar City

07.05.2024



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

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

*[Handwritten signature]*  
13/5/24

Date of Presentation of Application 13-5-24  
 Number of 57  
 Copies 57  
 Urgent 57  
 Total 57  
 Name of 13-5-24  
 Date of 13-5-24  
 Date of Delivery of copies 13-5-24

**ATTESTED**



# VAKALAT NAMA

## BEFORE THE SERVICE TRIBUNAL PESHAWAR

ALTAH HUSSAIN  
Versus

Appellant

Government of KP & others

Respondents

I (the Appellant)

do hereby appoint and retain

MUHAMMAD MUAZZAM BUTT ASC. MUHAMMAD ADEEL BUTT AHC

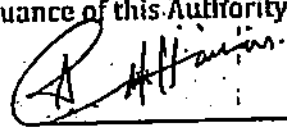
BASSAM AHMAD SIDDIQUI AHC

&

ASSOCIATES OF MUAZZAM LAW FIRM


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

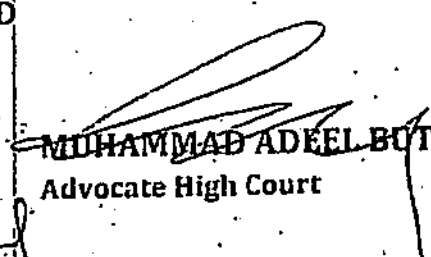
I agree to ratify all acts done by the aforesaid Advocate in pursuance of this Authority.



APPELLANT

ACCEPTED

  
MUHAMMAD MUAZZAM BUTT  
Advocate Supreme Court

  
MUHAMMAD ADEEL BUTT  
Advocate High Court

  
BASSAM AHMAD SIDDIQUI  
Advocate High Court