


FORM OF ORDER SHEET

Court of _____

Appeal No. 2134 /2024

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

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

C.M No _____ -P of 2024

In Ref to

Service Appeal No 2134 2024

Naila Sherazi

VERSUS

Secretary to Government of Khyber Pakhtunkhwa, & others

INDEX

S#	DESCRIPTION OF DOCUMENTS	ANNEX	PAGES
1.	Appeal and Verification	*	1-4
2.	Application for suspension	*	5
3.	Copy of Monthly Salary Account	A	6-9
4.	Copy of notification No. SD (Policy) EV AD/1-3/2020 dated 06/08/2020	B	10-11
5.	Copy of impugned Letter dated June 6 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
9.	Copy of Representation against the said notification and representation made by APTA President	G & H	23, 24 25
10.	Wakalat Nama		26


ADVOCATE

M. Muazzam Butt

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

In Ref to

Service Appeal No 2134 /2024

Naila Sherazi wife of Noor Said, PSHT (BPS-14)

Mashkny, Maidan, Batagram

VERSUS

.....Appellant

- 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 Appointment letter is annexed as **Annexure A**

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

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

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

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 F

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 APFA 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 of 04 years and on second refusal the employees were permanently debarred from availing the facility of promotion during their entire service. Hence the employees himself/herself forebear agonies of foregoing their promotions. As a result, junior to the appellant according to the order of seniority cum fitness are granted promotion to next rank.
- c. That as per Civil Servant laws, promotion is a kind of appointment which is always optional to get promotion or not, hence the impugned notification is void, illegal and against the law and the same to the extent of the appellant is liable to be set-aside.
- d. That it is further submitted that on account of grant of promotion, some employees who are suffering from severe medical ailment or facing acute domestic issues cannot avail promotion with transfer in other areas, therefore, no employee can be compelled to accept the promotion compulsorily which is not beneficial to the employee, but if an employee does not avail and get benefit of her promotion it must be optional for the employees as to whether to avail or forego the benefits. Any promotion without willingness of employee is illegal and liable to be set-aside.

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

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

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

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

AFFIDAVIT:

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

Naila
Deponent

Through

Naila
Appellant

Muhammad Muazzam Butt
Muhammad Muazzam Butt
Advocate Supreme Court

Muhammad Adeel Butt
Muhammad Adeel Butt
Advocate High Court

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

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

C.M No _____ -P of 2024

In Ref to

Service Appeal No _____ 2024

Naila Sherazi

VERSUS

Secretary to Government of Khyber Pakhtunkhwa, & others

APPLICATION FOR SUSPENSION OF IMPUGNED NOTIFICATION BEARING NO. 50 (POLICY) E&D/1-3/2020 DATED 06/08/2020; COMMUNICATED TO RESPONDENT NO.2 BY RESPONDENT NO.1, VIDE LETTER DATED 06/06/2023 TILL THE FINAL DISPOSAL OF CASE IN HAND.

Respectfully Submitted:-

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

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

AFFIDAVIT

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

Naila
Deponent

Naila
Appellant

Through

Muhammad Muazzam Butt
Muhammad Muazzam Butt
Advocate Supreme Court

Muhammad Adeel Butt
Muhammad Adeel Butt
Advocate High Court

OFFICE OF THE EXECUTIVE DISTRICT OFFICER (SCHOOLS & LITERACY) BATTAGRAM.

ORDER

11-10-24

Consequent upon the approval of the District Selection Committee, the Competent authority is pleased to appoint the following trained/untrained eligible (Fresh) PST female, Open merit and Union Council wise candidates purely on Merit/Policy in BPS No as mentioned in terms and condition plus usual allowances as admissible under the rules, posted in the Schools as noted against each w.o, f the date of taking over charge, in the interest of public service subject to the following Terms and Conditions.

Open Merit 75 %

S.No.	Name of Candidate	Father's Name	Address	SI/Status	Place of Posting	Remarks
1	Abida	Dilraz Khan	Tikri	GGPS	Pirhari	Ag:VI/Post
2	Aifa Bibi	Syed Sadar Shah	Pagera	GGPS	Moh:Alamgir	Ag:VI/Post
3	Alla Qazi	Qazi Muhammad Zahid	Battagram	GGPS	Sosal Seri	Ag:VI/Post
4	Amita Jehanzab	Jehanzab Khan	Blari	GGPS	Blari	Ag:VI/Post
5	Asia Bibi	Mian Jamal	Para	GGPS	Chosran Matah	Ag:VI/Post
6	Asla Bibi	Gul Muhammad Khan	Batamari	GGPS	Kadio	Ag:VI/Post
7	Asla Shaikh	Muhammad Saeed	Kushgram	GGPS	Blari	Ag:VI/Post
8	Aysha Hanif	Muhammad Hanif	Gantar Ahal	GGPS	L/Kalay Ganther	Ag:VI/Post
9	Bakht Bibi	Zabit Khan	Bagh	GGPS	Muthal Deshan	Ag:VI/Post
10	Bakht Meena	Aurang Zaid	Akhlor Abad	GGPS	Wara Banna	Ag:VI/Post
11	Balqees Bibi	Sultan Room	Battagram	GGPS	Chanjil	Ag:VI/Post
12	Bibi Abida Hussain	Anwar Hussain Shah	Saidra	GGPS	Kund S/Akbar	Ag:VI/Post
13	Bibi Musarat	Dost Muhammad	Tikri	GGPS	Shaikhay	Ag:VI/Post
14	Bibi Nafia	Muhammad Ismail	Arghashori	GGPS	Sultan abad	Ag:VI/Post
15	Bibi Nergus	Muhammad Asghar	Tikri	GGPS	Gangwal	Ag:VI/Post
16	Bibi Sadia	Abdul Wadood	Neher	GGPS	Palang	Ag:VI/Post
17	Bibi Samina	SI Muhammad Shah	Ajmera	GGPS	Ranja Pazzang	Ag:VI/Post
18	Bibi Shabnum	Schrab Khan	Kharari	GGPS	Chrl Line.	Ag:VI/Post
19	Bibi Sofia	Aslam Khan	kakarshang	GGPS	Jozz	Ag:VI/Post
20	Bibi Wahida	Muhammad Usman	Tikri	GGPS	Akhlor Abad	Ag:VI/Post
21	Bushra Luqman	Luqman Husain	Landai	GGPS	Talootabad	Ag:VI/Post
22	Farah Naz	Nadir Khan	BandaBala	GGPS	Wara Bana	Ag:VI/Post
23	Farzana	Shalee Ahmad	Landi	GGPS	Garang	Ag:VI/Post
24	Fehmeeda	Ghani Gul	Battagram	GGPS	Shamlat	Ag:VI/Post
25	Gul Bibi	Upmer Zarsun	Qallagram	GGPS	Nala Itashang	Ag:VI/Post
26	Gul Nahida	Noor Habib	Chapper Gram	GGPS	Kucha Maidarmula	Ag:VI/Post
27	Gul Sad Bar	Muhammad Jan	Matta J/ Khan	GGPS	Kara Nara	Ag:VI/Post
28	Gul Shahida	Gul Dad Khan	Karg Ahal	GGPS	Karg	Ag:VI/Post
29	Gul Shahroon	Amir Muhammad	Tikri	GGPS	Rabbat	Ag:VI/Post
30	Hafsa	Muhammad Alzal	Batamari	GGPS	Kadio	Ag:VI/Post
31	Hameeda Begum	Motvi Abdulrah	Battagram	GGPS	Talootabad	Ag:VI/Post
32	Hussain Bibi	Syed Feroq Shah	Batamari	GGPS	Kadio	Ag:VI/Post
33	Hussain Parf	Juma Khan	Sakargah	GGPS	Desher S/Gah.	Ag:VI/Post
34	Ifat Bibi	Hakim Khan	Cham Qilla	GGPS	Chanjil	Ag:VI/Post
35	Ifat Dildar	Dildar Khan	Qilla	GGPS	Qilla Behram Khan	Ag:VI/Post
36	Iqbal Begum	Sand Malook	Jesol	GGPS	Kuz Nazimqai	Ag:VI/Post
37	Jan o Tabah	Sher Alzal Khan	Kuz Banda	GGPS	Sohna Mian Muthal	Ag:VI/Post
38	Khalida Bibi	Muhammad Ilyas	Tikri	GGPS	Nogram	Ag:VI/Post
39	Lubna Khalak	Amirul Rehman	Asim Colony	GGPS	Tummal	Ag:VI/Post
40	Mehnaz Yusuf	Hazrat Yusuf	Battagram	GGPS	Tass Alarin	Ag:VI/Post

APPROVED

41	Musarrat Shaheen	Aunag Zeb	Mandawali	GGPS	Dabaper	Ag:V/Post
42	Naseema Bibi	Soehab	Aghashari	GGPS	Kakrshung	Ag:V/Post
43	Nageena Shaheen	Munawar Khan	Kanal	GGPS	Mulyano Peza.	Ag:V/Post
44	Naila shorazi	Syed Shafiqullah Shah	Maidan	GGPS	Shahtoot	Ag:V/Post
45	Naseem Akhter	Muhammad Ikram	Balamori	GGPS	Iqbal Abad	Ag:V/Post
46	Naseem Begum	Muhammad Jan Khan	Matta J/ Khan	GGPS	Khurshidabad	Ag:V/Post
47	Naseem Bibi	Aziz Ur Rehman	Ballagram	GGPS	Nala Rashang	Ag:V/Post
48	Nazla Bibi	Liaqat Ali Khan	Zareen Abad	GGPS	G/Zarnabad	Ag:V/Post
49	Nazik Gul	Muhammad Anwar	Chemang	GGPS	Rabbat	Ag:V/Post
50	Nalun Khan	Muhammad Ummer Khan	Kuza Banda	GGPS	Karag	Ag:V/Post
51	Nargis Naz	Qasim Khan	Batagram	GGPS	Wadood Abad.	Ag:V/Post
52	Nezakat Bibi	Gul Muhammad Khan	Kharari	GGPS	Jatyal	Ag:V/Post
53	Nigat Bano	Qasim Khan	Ballagram	GGPS	Wadood Abad.	Ag:V/Post
54	Noreen Bibi	Daraj Khan	Kuza Band	GGPS	Kangri	Ag:V/Post
55	Nusrat Shaheen	Hazrat Ummer	Balamori	GGPS	Kadio Bala	Ag:V/Post
56	Perveen Begum	Abdul Tawab	Manu Mera	GGPS	Kund S/Akbar	Ag:V/Post
57	Rahat Naz	Hastam Khan	Shamrad	GGPS	Masoom abad	Ag:V/Post
58	Rahat Shaheen	Abdul waris	Shaker Bagh	GGPS	Sokar	Ag:V/Post
59	Raheela Math	Abdul Math	Josol	GGPS	Seri Ishaq	Ag:V/Post
60	Rifat Naz	Muhammad Alam	Kuz Banda	GGPS	Bar Huthal	Ag:V/Post
61	Rohana Bibi	Alam Zaib	Balamori	GGPS	Kadio Bala	Ag:V/Post
62	Robina Naz	Dost Muhammad	Batagram	GGPS	Karwar	Ag:V/Post
63	Roobi Sultan	Sultan Muhammad	Korwal	GGPS	Nalho	Ag:V/Post
64	Roona Khan	Zlaret Khan	Pomang	GGPS	Seri Mian Sadar	Ag:V/Post
65	Rukhsana Bibi	Babo Khan	Bajmera	GGPS	Bandigo	Ag:V/Post
66	Rukhsana Bibi	Bahram Syed	Landal	GGPS	Seri Mian Dadar	Ag:V/Post
67	Ruqia Bibi	Mian Jamal	Pora	GGPS	Gangwal	Ag:V/Post
68	Saadia Bibi	Hafiz Ullah	Rajmira	GGPS	Rajmira	Ag:V/Post
69	Saeed Bibi	Zarif Khan	Kuza Banda	GGPS	Rabbat	Ag:V/Post
70	Saeeda Begum	Muhammad Iqbal	Tukri	GGPS	Nogram	Ag:V/Post
71	Saeeda Bibi	Shakr Muhammad Khan	Ajmera	GGPS	Kandi Peshora.	Ag:V/Post
72	Sahera Gul	Gul Bahadar Khan	Kuza Banda	GGPS	Dehri Mashakhail	Ag:V/Post
73	Salma Gul	Shad Muhammad	Batagram	GGPS	Surgai	Ag:V/Post
74	Salma Salar	Salar Khan	Balamori	GGPS	Balamori	Ag:V/Post
75	Saiqa	Abdul Majeed	Jesole	GGPS	Kuz Bazargai	Ag:V/Post
76	Saira Ahmad	Asif Ahmad Khan	Batagram	GGPS	Huthal Kandov	Ag:V/Post
77	Sajida Khan	Ali Jan Khan	Chemang	GGPS	Pokal	Ag:V/Post
78	Sajida Khan	Anwar Khan	Kuz Banda	GGPS	Zareenabad	Ag:V/Post
79	Salma Rani	Taj Muhammad Khan	Balamori	GGPS	Banser	Ag:V/Post
80	Sameena Naz	Raheem Said	Saldra	GGPS	Saldra	Ag:V/Post
81	Sameena Saeed	Saeedur Rehman	Mera Tukri	GGPS	Gichkote	Ag:V/Post
82	Samina Khan	Idrees Khan	Balangi D/Khan	GGPS	Andanwali	Ag:V/Post
83	Shad Begum	Zar Nosh	Sharif Abad	GGPS	Sharif Abad	Ag:V/Post
84	Shaista Bibi	Muhammad Ashraf	Kanal	GGPS	Kanal	Ag:V/Post
85	Shakeela Bibi	Muhammad Ayub	Tukri	GGPS	Asharay	Ag:V/Post
86	Shakil Aslam	Aslam Khan	Batagram	GGPS	Shantal	Ag:V/Post

ATTACHED

87	Zakia Naz	Gul Muhammad	Pokal Afzar	GGPS	Karg	Ag:V/Post
88	Shakila Naz	Sareen Khan	Chagri	GGPS	D/Sakargah	Ag:V/Post
89	Shakra	Haji Spain Khan	Thakot	GGPS	Colony Thakot	Ag:V/Post
90	Shamaila Afzal	Alzal Ali Khan	Baitagram	GGPS	Kotata	Ag:V/Post
91	Shamal Pari	Haji Muhib Khan	Chraqmar	GGPS	Chraqmar	Ag:V/Post
92	Shazla	Abadur Rehman	Bajmera	GGPS	Gibori Kandi	Ag:V/Post
93	Shazla Rahim	Rahim Khan	Kuza Banda	GGPS	Matta Sofian	Ag:V/Post
94	Shoukal Naz	Muhammad Siraj Khan	Chagri M/ Khan	GGPS	Kakata	Ag:V/Post
95	Sidra	Malik Aman	Baitagram	GGPS	Kanai	Ag:V/Post
96	Sumaira Tahseen	Tahseen Khan	QMa	GGPS	Kakarshang	Ag:V/Post
97	Tabasum Shahzadi	Attaur Rehman	Charbagh	GGPS	Trand	Ag:V/Post
98	Tamanna Bibi	Gul Muhammad Khan	Tikri Kharari	GGPS	Kass Gujer Khan	Ag:V/Post
99	Tanzeela Bibi	Abdur Rehman	Mera	GGPS	Zareen Abad	Ag:V/Post
100	Tasleem Husain	Ghulam Husain	Ajmora	GGPS	Moh:Baikhali	Ag:V/Post
101	Yasmin Gul	Nadir Khan	BandaBala	GGPS	Haji Abad	Ag:V/Post
102	Zahra Bibi	S. Muzafar Husain Shah	Landai	GGPS	Kushgram	Ag:V/Post
103	Zakia Naz	Gohar Aman	Kuza Banda	GGPS	Peshora	Ag:V/Post
104	Zehnal Begum	Taj Malook	Batamori	GGPS	S/Sum Banda	Ag:V/Post
105	Zehnal Bibi	Abdur Rehman	Geroi Bazar	GGPS	Takotabad	Ag:V/Post
106	Zenab Bibi	Noor Habib	Chapper Gram	GGPS	Chappagram	Ag:V/Post

Terms & Conditions:

- 1 They are entitled to get all benefits as admissible under the rules in civil servant Act except pension/ gratuity. They should however be entitled to receive such amount contributed by them toward the contributory Provident fund along with contribution made by the provisional government to their accounts in the said fund in the prescribed manner. Provided further that in the event of death of civil servant whether before or after retirement their families should be entitled to receive the said amount if it has already not been received by the concerned.
- 2 Charge reports should be submitted to all concerned
- 3 The candidates are required to produced Age and Health certificate from the Medical Supdt: DHO Hospital Baitagram.
- 4 The candidates should join their posts within fifteen days of the issue of this order, otherwise appointment order will be cancelled.
- 5 Age below 18 and above then 33 years not acceptable
- 6 The DDO (F) S&L is directed to verify and confirm the Domicile Certificates from the concerned Authority
- 7 The candidates who are FA/FSc, PTC/ Diploma in Elementry Education or SSC/ PTC with three year Diploma in Elementry Education will draw their pay in BPS - 7 @ 2555 - 140 - 6755 per months + usual allowances as admissible under the rules
- 8 The candidates who are FA/FSc, will draw their salaries in BPS - 6 @ 2485 per month fixed + usual allowances as admissible under the rules.
- 9 The candidates who are SSC, will draw their salaries in RPS - 5 @ 2415 per month fixed + usual allowances as admissible under the rules.

نوٹ: اساتذہ کرام کو اپنی تعلقہ کے ڈی او سکول و لٹریسی بایٹاگرام سے رابطہ کرنا چاہیے۔

Executive District Officer
School & Literacy Baitagram

Encls: 2008 - 86 /AE-III/APPTT:PST(F)

Dated Baitagram the 30/11/2006.

Copy To The:-

- 1 P.S To Secretary Schools & Literacy Deptt, NWFP Peshawar.
- 2 Director Schools & Literacy NWFP Peshawar.
- 3 District Nazim Baitagram
- 4 District Co-Ordination Officer Baitagram
- 5 District Accounts Officer Baitagram.
- 6 Dy. District Officer (Female) Primary Baitagram
- 7 A.D.O. (B & A) Local Office.
- 8 Candidate Concerned.
- 9 O.O.Flo.

District Officer (Female)
Schools & Literacy Baitagram

ATTACHED

Annexure - B -

GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(REGULATION WING)

NOTIFICATION

Dated Peshawar, the 06/8/2020

SUPPolicies/E&A/DI-3/2020: In exercise of the powers conferred by section 25 of the Khyber Pakhtunkhwa Civil Services Act, 1977 (Khyber Pakhtunkhwa Act No. XVIII of 1977) the Chief Minister of Khyber Pakhtunkhwa is pleased to direct that in the Khyber Pakhtunkhwa Civil Services (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

EXIST. 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.
The Section Officer (Admn), Administration Department with the request to arrange 20 gazette copies.
The Carotaker, Administration Department.

(Signature)
DEPUTY SECRETARY (POLICY)

ATTESTED

(Signature)

ATTESTED



- 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-rule (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

ATTACHED

WP4447-2023 AZIZULLAH VS GOVT OF PUNJ

21.6.23
2023

[Signature]
Secretary (Policy)

[Signature]
Secretary (Policy)

1. To Special Secretary (Legal), Establishment Department.
2. To Additional Secretary (Rec-1), Establishment Department.
3. To Deputy Secretary (Policy), Establishment Department.

Copy forwarded to him.

[Handwritten initials]

Further, those officers/officers who do not comply with promotion order and 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.

3. Furthermore, those officers/officers who do not comply with promotion order and 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.

The basic rationale behind the deletion of the bid rule is aimed at preventing a prevalent trend of manipulation for which a single individual position or level of civil servant from being selected to a single individual position or level of civil servant who tend to forego promotion to evade post-employment or allow lack of capacity to lock in higher responsibilities in case of promotion. Therefore, it is obligatory upon every civil servant to accept promotion in every condition.

1. I am directed to refer to your letter No. SO(Adm-3)/M/MS/SP/22 dated 18.04.2023 in the subject noted above and to state that sub-rule (5) of rule 7 of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 stands deleted vide the department notification dated 06.08.2020. Thus, no provision exists to decline or forego promotion.

Subject: QUADRAHIC PROMOTION OF MR. AZIZULLAH IN THE CIVIL SERVICE (GENERAL) GROUP, PUNJAB AND THE PUNJAB CIVIL SERVICE (GENERAL) GROUP, PUNJAB.

The Government of Punjab, Pakistan.

GOVERNMENT OF PUNJAB, PAKISTAN
 FEDERAL SECRETARY (GENERAL)
 No. SO(Policy)/M/MS/SP/22
 Dated: Islamabad, the 21st June 2023.



67

Annexure - C

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

No. SO (Primary-M)E&SED/2-6/2023
Dated Peshawar Dho. June 26th 2023

To

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

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

[Handwritten Signature]
26/6/23

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

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

~~RECEIVED~~

-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, 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)

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 715 IN THE CIVIL SERVANT (APPOINTMENT, PROMOTION & TRANSFER RULES 1989).

Annexure
①


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

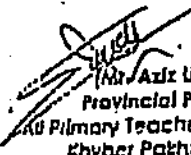
S/1	NAME	DESIGNATION
1	Mr. Fazal Wahid	Deputy Director Establishment of Directorate Elementary & Secondary Education Department
2	Mr. Aziz Ullah	Provincial President All Primary Teachers Association Khyber Pakhtunkhwa
3	Mr. Razaqat Ullah	General Secretary APTA Peshawar
4	Muhammad Ishaq	Section Officer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


APPROVED

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

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

S/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 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

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

~~RESTRICTED~~

WP 1442-2023 AZIZULAH VS GOVT OF PBAJ

Assistant Director (Establishment)
Elementary & Secondary Education
Higher Pakisthan

Assistant Director (Establishment)
Elementary & Secondary Education
Higher Pakisthan
17/01/2023

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

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

The case is submitted for perusal and necessary actions please.

Departmental Provision Committee.
Teachers below 10-16 may be exempted of implications of the amendments in the rules bid
7(5) have offered irregularly a huge numbers of female Teachers. Thus it is proposed that
in view of the above, this office is of considered opinion that the decision of Rules
been asked for submission of consolidated case.
Chairman/Additional Secretary Establishment at his office this office has
Time, in the light of the minutes of meeting dated 6-07-2022 held under the
(Primary-4) E&SED/2-1/Appointment/2022 dated 12-06-2022.
The same was received by this office from your good office vide letter No.50
will serve) to accept promotion under every condition.
that there exists no provision in decline or forgo promotion. It is obligatory upon every
Wing) vide letter No.50 (Policy) E&AD/1-1/2020 dated 6-06-2022 categorically stated
That the Government of Higher Pakisthan Establishment Department (Regulation
No.50 (Primary-4) E&SED/2-1/Appointment/2022 for necessary guidance.
That you good office forwarded the same to the quarter concerned vide letter
promotion.
(ii) It is the obligation of the civil servant to accept promotion in every condition
No.6087 dated 06-02-2022.
That this office sought guidance from your good office in the following words vide letter
vide notification No. SOR-VI (E&AD)/1-1/2020 dated 06-08-2022.
dated Rule 7(5) in the Civil Servants (Appointment, Promotion & Transfer Rules 1989)
That Government of Higher Pakisthan Establishment Department (Regulation Wing)

I am directed to refer to the letter No.50 (Primary-4) E&SED/2-1/2022 dated 10-07-2022 on the subject cited above and in
G.M/Sir/Minglas of the Meeting/P/57/2022 dated 10-07-2022 on the subject cited above and in
person brief history about the background of the case as under:

MINUTES OF THE MEETING

The Section Officer (Primary-Wing),
Elementary & Secondary Education Department,
Higher Pakisthan Islamabad.

Subject:-
Dear Sir,

To

Email: estob@pakistan.gov.pk

Phone: 01-9233344

Date: 22/01/2023

Higher Pakisthan, Islamabad

No. 8145



~~UNTESTED~~

Richard Director
Elementary & Secondary Education
Khyber Pakhtunkhwa

1. PA to Director Local Directorate
2. Master Copy

Copy of the above to:

Please -
The case is submitted for perusal and necessary action
members of Female teachers.
In view of the above, this office is of considered opinion
that the deletion of Rules 7(S) have effected negatively a huge

consolidated case.
held under the chairmanship of Hon. Additional Secretary (English
-ment at his office. This office has been asked for submission of
That in light of the minutes of the meeting dated 6-9-2023

no provision to decline for promotion under any condition.
servant to accept promotion upon every civil
EQD/1-2/2020 dated 6-06-2023 accordingly stated that there exists
That the government of KP-ED (Regulation Wing) vide letter No. SO (Policy)

Guidance -
vide letter No. SO (Policy-1) EQSD/2-2/Appointment-2023 for necessary
That your good office forwarded the same to quarters concerned
offer of promotion.

(ii) B-13 prerogative of civil servant to either accept/decline the
(i) Now it is obligatory upon civil servant to accept promotion.
That this office sought guidance from your good office in the following
vide notification No. No. SOP-VI (EQAD)-1-3/2020 dated 06-08-2020.
dated vide 7(S) in Civil Servants (Appointment, Promotion, Transfer Rule 1999)

That Government of KP Establishment department (Regulation Wing)
present brief history, about background of case as under:
Minutes of meeting PRT/2023 dated 30-7-2023 on subject cited above and to
I am directed to refer to letter No. (SO Policy-M) EQSD/5-1/GMA/1

Dear Sir, I am directed to refer to letter No. (SO Policy-M) EQSD/5-1/GMA/1

Subject: Minutes of Meeting
KPK, Peshawar
Elementary & Secondary Education Department
Section Officer (Policy-Male)

FISHAWAR
(21-7-2023)

DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION, KPK

-B/C-

RECEIVED

WP4442-2023 AZIZULLAH VS GOVT-CP FC43

Scanned with CamScanner

SECTION OFFICER (PRIMARY MALE)

Handwritten signature and date 20/08/23

1. Director ERSE Khyber Pakhtunkhwa,
2. PS to Secretary, ERSE Department Khyber Pakhtunkhwa.

Copy forwarded to the:

SECTION OFFICER (PRIMARY MALE)

Handwritten signature and date 20/08/23

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

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

cases, there are negative effects on service delivery.

2. In this connection it is submitted that in some cases lady teacher of primary school are married with kids and elder father or mother-in-law who need care. In such

perform duties in the remotest station with no residential or transport facility. Most of

and who avail such promotions have to face serious inconvenience while they have to

try to evade promotion through different means shall be proceed under Khyber

Pathtunkhwa Civil Servant (Efficiency & Discipline) Rules, 2011.

Officers/officials who do not comply with promotion order of the competent authority or

Servant (Appointment, Promotion & Transfer Rules 1989) it has been intimated that those

of June 2023 and to state that after deletion of rule 7(5) Khyber Pakhtunkhwa Civil

I am directed to refer to your letter No. SO(Policy)/ERAD/1-3/2020 dated

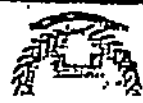
20/8/23

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

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

No. SO(Policy-M)/ERSED/2-2/Appointment-Rule /2023
Peshawar Dated 23rd August, 2023

SECRETARY AND SECRETARY EDUCATION DEPARTMENT
CIVIL SECRETARIAT PESHAWAR
(Phono No.091-8223587)



Annexure E

~~TESTED~~

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

(Muhammad Tariq)
Section Officer (Primary)

Copy forwarded to:
In view of above, the said amendment may be reconsidered in the light of local teacher in primary schools.
Mother-in-law who read case. In such cases there are negative effects on service delivery. Most of them are married with kids and elder father of in the remotest stations with no residential/transport facilities for serious inconvenience while they have to perform duties teacher of primary level who avail such promotion have to In this connection it is submitted that in some cases local Civil Servant (Efficiency and Discipline) Rule 2013. different means shall be proceed under Khyber Pakhtunkhwa of the competent authority or try to evade promotion through those officers/officials who don't comply with promotion order Promotion and Transfer Rules 1989) it has been intimated that deletion of Rule 7(5) Khyber Pakhtunkhwa Civil Servant (Appointment, 1-3/2020 dated 6th June 2023 and to state that after I am directed to refer to your letter No. SA/Primary (Policy)/E&AD Dear Sir,

SUBJECT: Guidance regarding deletion of Rule 7(5) in the Civil Servant (Appointment, Promotion & Transfer Rules 1989)

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

To
No. SA (Primary-M) E&SE/18-2/1
Appointment - Rule/2023
Peshawar Dated 23rd August, 2023

- B/c -

Annexure - F



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

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

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

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

Yours faithfully,

Section Officer (Policy)

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.

18-09-2023 10:00 AM 17091448 US GOVT CF PG13

21-

-22-

- B/c -

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

To

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

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

Dear Sir,

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

Yours faithfully,

Section Officer (Policy)

Endst. Of even No & date

Copy forwarded to the:-

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

Section Officer (Policy)

ATTESTED

Annexure - G

To,

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

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

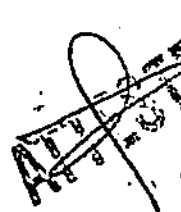
Sir/ Madam:-

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

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

Dated 16/03/2024

Naila


NAILA SHERAZI
W/O NOOR SAID
PSHT

ARRESTED

WP4442-2023 AZIZULHAQ VS GOVT OF PGI3

Handwritten signature and date: 20/11/23

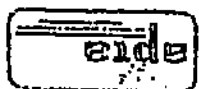
Handwritten text in Urdu script, appearing to be a legal notice or statement.

Handwritten signature and date: 20/11/23

Answer - H

اپنی رائے میں (اپنی) رائے میں

APTA House
Govt. Printing Station
Dubbahar Peshawar City



Khyber Pakhtunkhwa

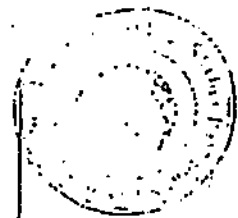
1st Floor Room
0333-014618
0222-2722000
www.apta.gov.pk

RECEIVED

Date of Presentation of Appeal: 10-06-2024
 Name of Appellant: Mr. Muhammad Akbar Khan
 Name of Respondent: [illegible]
 Date of receipt of copy: 17-06-2024

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

Learned counsel for the appellant present.
 Let a pre-admission notice be issued to the respondents through ICS for submission of reply comments. Appellant is directed to deposit ICS expenses within three days. To come up for reply comments as well as preliminary hearing on 10/06/2024 before S.A. P.P. given in learned judgment for the appellant.
 Although 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.



07/05/2024

- 07 -

VAKALAT NAMA

BEFORE THE SERVICE TRIBUNAL PESHAWAR

NAILA SHERALI
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.

Naila

APPELLANT

ACCEPTED


MUHAMMAD MUAZZAM BUTT
Advocate Supreme Court


MUHAMMAD ADEEL BUTT
Advocate High Court


BASSAM AHMAD SIDDIQUI
Advocate High Court