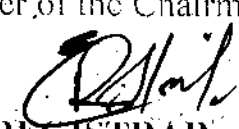


FORM OF ORDER SHEET

Court of _____

Appeal No. 2135 /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

Alam Zeb

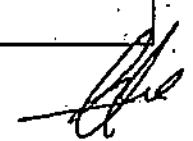
V/S

ANo: 2135/24

Government of KP & others

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3.	Copy of Monthly Salary account	A.	6 - 10
4.	Copy of notification No. SD (Policy) EV AD/1-3/2020 dated 06/08/2020	B.	11 - 12
5.	Copy of Impugned Letter dated June 06th, 2023	C.	13 - 15
6.	Copy of Minutes of Meeting dated 06-07-2023	D.	16 - 19
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8.	Copy of Impugned letter dated 07-09-202	F.	22 - 23
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ADVOCATE

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

In Ref to

Service Appeal No 2135 /2024

AlamZeb Son of Aurangzeb Resident of Tehsil & District Manshera

Designation: Primary School Head Teacher at GPS Oghra

.....Appellant

V E R S U S

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

.....Respondents

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

PRAYER:

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

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

RESPECTFULLY SHEWETH:

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

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

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

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

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

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

GROUND:-

- a. That as per various judgments it is established and settled principle that executive notifications cannot be given retrospective effect. A valid Notification which confers rights is always applicable with prospective effect, however, if an amendment notification that adversely 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 set aside.

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

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

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

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

[Signature]
Appellant

AFFIDAVIT:

I AlamZeb Son of Aurangzeb 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]
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

**ALAM ZEB
VERSUS**

Secretary to Government of Khyber Pakhtunkhwa, & others

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

Respectfully Submitted:-

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

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

AFFIDAVIT:

I (the appellant) 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

[Signature]
Deponent

Through

[Signature]
Appellant

[Signature]
Muhammad Muazzam Butt
Advocate Supreme Court

[Signature]
Muhammad Adeel Butt
Advocate High Court

Dist. Govt. KP-Provincial
District Accounts Office Manshra
Monthly Salary Statement (January-2024)



Personal Information of Mr ALAMZEB d/w/s of RAJA AURANGEZEB

Personnel Number: Q0218379

CNIC: 1350305365111

NTN:

Date of Birth: 22.07.1970

Entry into Govt. Service: 27.10.1993

Length of Service: 30 Years 03 Months 006 Days

Employment Category: Active Permanent

Designation: PRIMARY SCHOOL HEAD TEACH.

80003206-DISTRICT GOVERNMENT KHYBE

DDO Code: MA6145-Mansehra

Payroll Section: 001

GPF Section: 001

Cash Center: 1

GPF A/C No: EDUMA010160

GPF Interest applied:

GPF Balance:

1,064,330.00 (provisional)

Vendor Number: -

Pay and Allowances:

Pay scale: BPS For - 2022

Pay-Scale Type: Civil

BPS: 15

Pay Stage: 23

Wage type		Amount	Wage type		Amount
0001	Basic Pay	69,460.00	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	857.00
2199	Adhoc Relief Allow @10%	614.00	2316	Teaching Allowance 2021	3,224.00
2341	Dispr. Rtd All 15% 2022KP	6,607.00	2347	Adhoc Rel At 15% 22(PS17)	6,608.00
2378	Adhoc Relief All 2023 35%	23,618.00			0.00

Deductions - General

Wage type		Amount	Wage type		Amount
3015	GPF Subscription	-4,290.00	3501	Benevolent Fund	-1,200.00
3609	Income Tax	-2,710.00	3990	Emp. Edu. Fund KPK	-135.00
4004	R. Benefits & Death Comp:	-600.00			0.00

Deductions - Loans and Advances

Loan	Description	Principallamount	Deduction	Balance

Deductions - Income Tax

Payable: 42,124.69 Recovered till JAN-2024: 18,045.00 Exempted: 10530.94 Recoverable: 13,548.75

Gross Pay (Rs.): 118,908.00 Deductions: (Rs.): -8,935.00 Net Pay: (Rs.): 109,973.00

Payee Name: ALAMZEB

Account Number: PLS 23949-8

Bank Details: HABIB BANK LIMITED, 220663 ABBOTTABAD ROAD, MANSEHRA, ABBOTTABAD ROAD, MANSEHRA, MANSEHRA

Leaves: Opening Balance: Aailed: Earned: Balance:

Permanent Address: MANSEHRA

City: MANSEHRA

Domicile: NW - Khyber Pakhtunkhwa

Housing Status: No Official

Temp. Address:

City:

Email: alamzaibturk@gmail.com

ATTESTED

11/2-15

B-15

OFFICE OF THE DISTRICT EDUCATION OFFICER (M) DISTRICT MANSEHRA

NOTIFICATION

In pursuance of Government of Khyber Pakhtunkhwa Peshawar Notification No. SC(85A)/11 dated 12/02/2012 and Finance Department Notification No. NO(FR)/FD/10-22(E)/2010 Dated 16/07/2012, and subsequently Notification issued by the District Education Officer (Male) Mansehra Endst No 3000-125 dated 27/02/2015 the following Primary School Head Teachers B15 are adjusted to vacant post of PSHT (B 15) with the following terms & conditions given below with effect from their date of joining the charge.

Sl. No.	Sl. No.	Name of Teacher	Present School	Union Council	Adjusted School	Union Council
1475	1475	Amir Ayub	GPS Shah Wali	Dehral	GPS Ghazni	Babal
1476	1476	Saeed Ishtiaq	GPS Moteer Khan	Sawan Mera	GPS Kangal Darga	Sansadara
1477	1477	Muhammad Nawaz	GPS Chak Byns	Lassan Hawab	GPS Chak Byns	Lassan Hawab
1478	1478	Muhammad Shehbaz	GPS Kadir Sarani	Salian	GPS Dala Sakh	Hingon
1479	1479	Zahir Hussain	GPS Roh	City 1/Bah	GPS Bahran	Batal
1480	1480	Mir Ahmad Ahsan	GPS Kaghari	Kaghari	GPS Sen Rajwal	Khal G
1481	1481	Muhammad Nazim	GPS Ghannat	Ghannat	GPS Pappang	Lachoo
1482	1482	Azhar Ayub	GPS Makhan Gab	Kagari	GPS Makhan Gab	Kagari
1483	1483	Shafa J Hatan	GPS Tapan	Dhodai	GPS Harinar	Bhagwanpur
1484	1484	Muhammad Nazim	GPS Dham	Daha	GPS Alam Barangay	Cylo
1485	1485	Muhammad Riaz	GPS Tarda	Uphos	GPS Tardaha	Batal
1486	1486	Muhammad Shafique	GPS Banda Gula No 2	Sawan Mera	GPS Banda Gula No 2	Sawan Mera
1487	1487	Chir A. Shah	GPS Keth Para	Ichman	GPS Lamin	Ichman
1488	1488	Zan Muhammad	GPS Man Ghannat	Phulm	GPS Man Ghannat	Phulm
1489	1489	Fida Mahomed	GPS Sun	Sun	GPS Banda Syehan	Saghan
1490	1490	Umar Tapan	GPS Kheer	Phara	GPS Ghazkol	Phara
1491	1491	Muhammad Inqal	GPS Jabba Gula No 1	Lassan Hawab	GPS Jaha Yaqub	Lassan Hawab
1492	1492	Inda Hussain	GPS Khun	Lassan Hawab	GPS Khun	Lassan Hawab
1493	1493	Imdad Ahmad	GPS Sun	Hingon	GPS Chakha	Hingon
1494	1494	Masha Khan	GPS Chak Gab	Kathai	GPS Banda Syehan	Kathai
1495	1495	Mir Nawaz Khan	GPS Dhotkund	Dhotkund	GPS Sikandra	Mak Par
1496	1496	Muhammad Asif	GPS Havan	Takhta	GPS Gulson	Takhta
1497	1497	Muhammad Haroon	GPS M. S. Sher	Bandi Shugh	GPS Nawaz Sher	Khosh Shugh
1498	1498	Muhammad Baqar	GPS Bala Para	Haigral	GPS Yand	Hingon
1499	1499	Zahid Khan	GPS M. Tareen Ghannat	Sindagi	GPS Dhal Dada Main	B.Shugh
1500	1500	Muhammad Tariq	GPS Kagan Khala	Panai	GPS Kongai Khala	Panai
1501	1501	Sun Shafiq	GPS Kagan Hara	Mohandai	GPS Pathan	Mohandai
1502	1502	Amyar Ali	GPS Gurban	Aitershisha	GPS Kagari	Kagari
1503	1503	Muhammad Saleem	GPS Buz Ghad	Pitershina	GPS Buzh Kanth	Phudosa
1504	1504	Umer Farooq	GPS Dala Main	Dhodai	GPS Dala Da Bari	Bhagwanpur
1505	1505	Delawar Khan	GPS Chanyar	Kathai	GPS Lamin Chakar	Kathai
1506	1506	Sajid Ahsan	GPS Sun	Kaghari	GPS Sooh	Kaghari
1507	1507	Sulfiqar Khan	GPS D. M. S.	Dhodai	GPS Sooh	Bhagwanpur
1508	1508	Alam Zeb	GPS Oghra	Phulm	GPS Luntl Tank	Shergarhi
1509	1509	Haz Muhammad	GPS Ichman	Ichman	GPS Kamrang Bala	Batal
1510	1510	Muhammad Hanif	GPS Inayat Abad	Inayat Abad	GPS Kandla	Batal
1511	1511	Saeed Ali Rehman	GPS Jal	Jaloo	GPS Murad Abad	Jaloo
1512	1512	Ghaz Khan	GPS M. S. Hala	Sandson	GPS Chakal Bala	B/Shugh
1513	1513	Altab Jhal Khan	GPS L. S. Thakral	Lassan Thakral	GPS Khumron	Shergarhi
1514	1514	Azmat Ali	GPS Chakal Bala	Ichman	GPS Chugn Pain	Balian
1515	1515	Hesar Ahmad	GPS B. S.	Dhodai	GPS Chanyar	Jaban
1516	1516	Rashid Khan	GPS M. S. Hala	Mohandai	GPS Haka Javed	Mohandai
1517	1517	Amyar Khushid	GPS M. S. Hala No 1	City No 1	GPS Chappri	B/Shugh
1518	1518	Muhammad Khan	GPS M. S. Hala	Sun	GPS Koi Dalham	Sun
1519	1519	Ali Gokar	GPS M. S. Hala	Khal Para	GPS M. S. Hala	Makha Para
1520	1520	Abdul Davrum	GPS M. S. Hala	Kaghari	GPS Rajwal	Kaghari
1521	1521	Shahid Ahmad	GPS M. S. Hala	Dhodai	GPS Sundhu	Jaloo
1522	1522	Muhammad Hussain	GPS M. S. Hala	Jaloo	GPS Dabbar Katha	Jaloo

~~TESTED~~

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46. A. VAC. POST	46. A. VAC. POST	46. A. VAC. POST	46. A. VAC. POST
47. A. VAC. POST	47. A. VAC. POST	47. A. VAC. POST	47. A. VAC. POST
48. A. VAC. POST	48. A. VAC. POST	48. A. VAC. POST	48. A. VAC. POST
49. A. VAC. POST	49. A. VAC. POST	49. A. VAC. POST	49. A. VAC. POST
50. A. VAC. POST	50. A. VAC. POST	50. A. VAC. POST	50. A. VAC. POST

Government upon their selection by merit. The following PTC listed candidates were hereby appointed in accordance with the Rules and the date of their taking over of office is indicated in the table below in the column headed "DATE OF APPOINTMENT".

APPOINTMENT

OFFICE ORDER NO. 1277
DATED 18/10/1998

Sl. No.	Name & Father's Name	Residence	Place of Posting	Remarks
43	HANJOOB HUSSAIN S/O ABDOU REHMAN	SULIMERA	SULIMERA KANDOW	A VAC: POST
44	ABDUL ALI S/O MUHAMMAD QADDOUS	ATTARCHISHA	GHUMBER DELA	A VAC: POST
45	MUHAMMAD SHAFI S/O BAGRA	MANJIAN	LASHORA	A VAC: POST
46	HASHIR MUHAMMAD S/O TANU KHAN	GHUMBER	KASBY KHATA	A VAC: POST
47	ABDUR RAHIM S/O KALI MUHAMMAD	GHUMBER	GHUMBER	A VAC: POST
48	SHUKAN BAKSH S/O HAFIZ	GHUMBER (B. KOTE)	GHUMBER KARNA	A VAC: POST
49	MUHAMMAD ARIF S/O MUHAMMAD SHARIF	GHUMBER (B. KOTE)	GHUMBER ANHARAY	A VAC: POST
50	ITTIKHAR AHMAD S/O JAN MUHAMMAD	GHUMBER AKHAR ASAD	GHUMBER PANDU DHERTI	A VAC: POST
51	SAJID HAJIB S/O HABIB UL REHMAN	GHUMBER	GHUMBER	A VAC: POST
52	MUHAMMAD PARVAIZ S/O GOSAR REHMAN KHAN	GHUMBER	GHUMBER	A VAC: POST
53	AKHTAR HANAZ S/O MUHAMMAD NAHAS	GHUMBER	GHUMBER	A VAC: POST

TERMS & CONDITIONS

1. They should submit their charge reports to the concerned authority.
2. Their appointment is purely on temporary basis and can be terminated at any time without assigning any reason.
3. Their appointment is subject to the verification of their original Academic and professional Certificates/Documents.
4. Their original Academic and professional certificates should be checked thoroughly before handing over the charge and should not be handed over charge if their original certificates are not found correct.
5. No one should be handed over charge if he is below 18 years and above 28 years.
6. Their pay will not be drawn until they produce age and health certificate by the Medical Superintendent District Head quarter Hospital Manshara.
7. The Candidates who received their Professional Training from the Colleges/Universities other than Government Elementary Colleges in N.W.F.P. will be appointed according to their merit order after the Verification of their Professional Qualification from the concerned Issuing Agencies.
8. They will be Governed under prescribed Service Rules framed by the Government of N.W.F.P.

(Name) (Signature)
 DISTRICT EDUCATION OFFICER
 (Name) (Signature) MANSHERA

Encls. No. 1980-5020/08/G-I/Vol-III/98, Dated Manshara the 19/10/93

Copy forwarded to the:-

1. Director Primary Education N.W.F.P. HAYATABAD Peshawar
2. District Accounts Officer Manshara
3. Sub-Divisional Education Officer (Male) Manshara
4. All the Candidates concerned
5. Superintendent local office

(Name) (Signature)
 DISTRICT EDUCATION OFFICER
 (Name) (Signature) MANSHERA

Received 9/10/93
15/10/93
15/10/93

(Name) (Signature)
 District Education Officer
 (Name) (Signature) MANSHERA

DEPUTY SECRETARY (POLICY)
MADAN LAL (T)

ATTESTED



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

CHIEF SECRETARY
GOVERNMENT OF THE KHYBER PAKHTUNKHWA

QUEST NO & EVEN DATE

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

Notification No. A.D.I-7/2020
In exercise of the powers conferred by section 26 of the Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973) the Chief Minister of Khyber Pakhtunkhwa is pleased to direct that in the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the following amendment shall be made, namely:

NOTIFICATION

GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(REGULATION-WING)

Annexure - B

**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. 50(Policy)II&A/II(1/2020
Dated Peshawar the June 06, 2023

62

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

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

Dear Sir,
I am directed to refer to your letter No. 50(Policy-MY/MS/11072-
2/Appointment/2023 dated 18.04.2023 in the subject noted above and to state that Sub-Rule
(5) of Rule-7 of Khyber Pakhtunkhwa Civil Services (Appointment, Promotion and Transfer)
Rules, 1989 stands deleted vide this department notification dated 06.08.2020; thus, no
provision exists to decline or forgo promotion.

The basic rationale behind the deletion of the said rule is aimed at preventing a
civil servant from temptation for illicit gain by seeking 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 to every condition.

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

Yours faithfully,

(Issa Bhatti Aram Khan)
Section Officer (Policy)

ASKE
M-
7/6

Encls. Of even No & date

Copy forwarded to:-

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)

66/11/11/11
2023
2023

ATTESTED



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT
CIVIL SECRETARIAT PESHAWAR
(Phone No.001-9227507)

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

To

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

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

[Handwritten Signature]
26/6/23

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

I am directed to refer to the subject noted above and to enclose 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 mark]

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

Copy forwarded to the:

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

[Handwritten mark]

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

~~APPROVED~~

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

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

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

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

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

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

Encl: AA

(MUHAMMAD ISHAQ)
SECTION OFFICER (PRIMARY MALE)

Copy forwarded to the:

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

SECTION OFFICER (PRIMARY MALE)

WP4442-2023 AZIZULLAH VS GOVT CP PG43

~~ATTACHED~~

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
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#	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

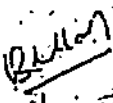
2. The meeting started with recitation from The Holy Quran. The chair welcomed the participants. The Deputy Director (Establishment) of Directorate of Elementary & Secondary Education briefed the forum regarding agenda item in detail.


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

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

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

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

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

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

Provincial President
All Primary Teachers Association
Khyber Pakhtunkhwa

(Mr. Razaqat Ullah)
General Secretary APTA
Peshawar

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

(Abdullah)

Additional Secretary (Establishment)

ATTESTED

ATTESTED

WP 1442-2023 AZIZULAH VS GOVT CP PQA3

Assistant Director (Ex-Officio)
Elementary & Secondary Education
Kyber Pakhtunkhwa

Assistant Director (Ex-Officio)
Elementary & Secondary Education
Kyber Pakhtunkhwa
17/05/2023

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 Resolution Committee.
provided they fulfil the written refusal prior to conclusion of the meeting of
Teachers' Union. It may be exempted of implications in the meeting held
7/5) have affected negatively a large number of female teachers. Thus it is proposed that
in view of the above, this office is of considered opinion that the deletion of rules
has been asked for resolution of considered cases.
(Chairman) of Non-Utilization Secretary Establishment of the office. This
That, in the light of the minutes of meeting dated 6-07-2023 held under the
(Primary) B&S/D-2/1/2023 dated 13-06-2023.
The same was received by this office from your good office with letter No.50
civil servant to accept promotion under every condition.
that there will be no provision to decline or forgo promotion. It is obligatory upon every
No.50 (Primary) B&S/D-2/1/2023 for necessary guidance.
The Government of Kyber Pakhtunkhwa Establishment Department (Regulation
Wing) vide letter No.50 (Primary) B&S/D-1/1/2023 dated 6-06-2023 categorically stated
The Government of Kyber Pakhtunkhwa Establishment Department (Regulation Wing)
dated Rule 7(2) in the Civil Servants (Appointment, Promotion & Transfer Rules, 1989)
vide notification No. No. 508-VI (B&S/D)/1-1/2020 dated 06-08-2020.
That this office sought guidance from your good office in the following words vide letter
No.6987 dated 06-03-2023.
(i) Now if I am going upon the civil servant to accept promotion in every condition,
(ii) If it is the obligation of the civil servant to either accept or turn down the offer of
promotion.
The same was forwarded the same to the quarter concerned vide letter
No.50 (Primary) B&S/D-2/1/2023 for necessary guidance.
The Government of Kyber Pakhtunkhwa Establishment Department (Regulation
Wing) vide letter No.50 (Primary) B&S/D-1/1/2023 dated 6-06-2023 categorically stated
that there will be no provision to decline or forgo promotion. It is obligatory upon every
civil servant to accept promotion under every condition.
The same was received by this office from your good office with letter No.50
(Primary) B&S/D-2/1/2023 dated 13-06-2023.
That, in the light of the minutes of meeting dated 6-07-2023 held under the
(Chairman) of Non-Utilization Secretary Establishment of the office. This
has been asked for resolution of considered cases.
in view of the above, this office is of considered opinion that the deletion of rules
7/5) have affected negatively a large number of female teachers. Thus it is proposed that
Teachers' Union. It may be exempted of implications in the meeting held
provided they fulfil the written refusal prior to conclusion of the meeting of
Departmental Resolution Committee.

MINUTES OF THE MEETING
The Section Officer (Primary-Wing),
Elementary & Secondary Education Department,
Kyber Pakhtunkhwa

Dear Sir,

No. 8145
Kyber Pakhtunkhwa Establishment
Date: 23/05/2023
Phone: 09-9232144
Email: establishment@kpk.gov.pk



~~SECRET~~

WP4443-2023 AZIZULHAQ VS GOVT OF PAK

Richard Director
Elementary & Secondary Education
Khyber Pakhtunkhwa

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

Please -
The case is submitted for perusal and necessary action
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 6-7-2023
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 (Policy)
EQAD/1-3/2020 dated 6-06-2023 accordingly stated that there exists
no provision to clarify/forgo promotion. It is obligatory upon every civil
servant to accept promotion under any condition.

That your good office forwarded the same to quater concerned
vide letter No. SD (Promotion) EQSED/2-2/Appointment/2023 for necessary
guidance.

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) BTA prerogative of civil servant to either accept/reject the
offer of promotion.

That Government of KP Establishment department (Regulation Wing)
dated rule 7(S) in Civil Servant (Appointment, Promotions Transfer Rule 1987)
vide notification No. No. SDR-VI(EQAD)-1-3/2020 dated 06-08-2020.

Minutes of meeting 15/7/2023 dated 10-7-2023 on subject cited above and to
present brief history, about background of case as under:

I am directed to refer to letter no. (SD. Promog-M) EQSED/5-1/GM/1/
121-7-2023

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

Subject: Minutes of Meeting
To: DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION, KPK
PESHAWAR

-B/C-



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

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

Annexure
E

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

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

Dear Sir,

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

2. In this connection it is submitted that in some cases lady teacher of primary level who avail such promotions have to face serious inconvenience while they have to perform duties in the remotest station with no residential or transport facility. Most of them are married with kids and elder father 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 ISMAIL
SECTION OFFICER (PRIMARY MALE)

Copy forwarded to the:

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


SECTION OFFICER (PRIMARY MALE)
28/8/23

Scanned with CamScanner

WP4442-2023 AZIZULLAH VS GOVT OF PG43

~~APPROVED~~

NOTIFIED

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

(Muhammad Ishtiaq)
Section Officer (Primary)
Mails

Copy forwarded to;
In view of above, the said amendment may be reconsidered to the extent of lady teacher in primary schools.
Effects on service delivery. Mother-in-law who need care. In such cases there are negative Most of them are married with kids and elder father of in the remotest stations with no residential/transport facilities. face serious inconvenience while they have to perform duties. teacher of primary level who avail such promotion have to In this connection it is submitted that in some cases lady Civil Servant (Efficiency and Discipline) Rule 2011. different means shall be proceed under Khyber Pakhtunkhwa of the competent authority or try to evade promotion through those officers/officials who don't comply with promotion order Promotion and Transfer Rules 1989) It has been intimated that deletion of Rule 7(5) Khyber Pakhtunkhwa Civil Servant (Appointment, 1-3/2020 dated 6th June 2023 and the state that after 9 am directed to refer to your letter No. SO/primary (Peshawar) 124AD 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.

No. 5 (Primary-M) E&SE/18-21
Appointment - Rule/2023
Peshawar Dated 23rd August 2023.

- b/c -
- 2 -

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(5) IN THE
KHYBER PAKHTUNKHWA CIVIL SERVANTS (APPOINTMENT,
PROMOTION AND TRANSFER) RULES, 1982.

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.

RECEIVED

VP-442-2023 AZIZULLAH VS GOVT OF PK

23

- B/c -

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

To

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

Subject -

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

Dear Sir,

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

Yours faithfully,

Section Officer (Policy)

Endst. Of even No & date

Copy forwarded to the:

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

Section Officer (Policy)

~~ATTACHED~~

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

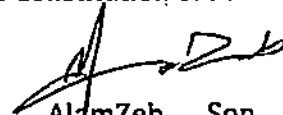
REPRESENTATION AGAINST THE IMPUGNED NOTIFICATION BEARING NO.SO(POLICY)E&AD/1-312020, DATED 06/08/2020, COMMUNICATED TO SECRETARY TO GOVERNMENT OF KHYBER PAKHTUNKHWA, ELEMENTARY & SECONDARY EDUCATION DEPARTMENT VIDE LETTER D06/06/2023, WHEREIN IT WAS STATED THAT SUB RULE 5 OF RULE 7 OF KHYBER PAKHTUNKHWA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

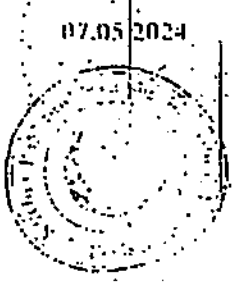
It is, therefore, humbly prayed that on the acceptance of the instant representation; the Notification bearing No. SO (POLICY) E&D/1-3 1-2020 DATED 06/08/2020, communicated to vide letter dated 06/06/2023, may please be declared and ordered to be struck down being Void, Ultra vires to the Constitution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

Best Regards



Alamzeb Son of Aurangzeb
Resident of Tehsil & District
Manshera

ATTACHED



07.05.2024

1. Learned counsel for the appellant present.
2. Let a pre-admission notice be issued to the respondents through TCS for submission of reply comments. Appellant is directed to deposit TCS expenses within three days. To come up for reply comments 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 10-5-24
 Number of 1
 Copies 5/1
 Fees 5/-
 Name of 1326/23
 Date of 12-6-24
 Date of delivery of copy 12-6-24

[Handwritten signature]
TESTED

27

VAKALAT NAMA

BEFORE THE SERVICE TRIBUNAL PESHAWAR

ALAM ZEB

Appellant

Versus

Government of KP & others

Respondents

I (the Appellant)

do hereby appoint and retain

MUHAMMAD MUAZZAM BUTT ASC, MUHAMMAD ADEEL BUTT AHC

BASSAM AHMAD SIDDIQUI AHC

&

ASSOCIATES OF MUAZZAM LAW FIRM

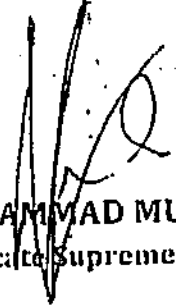
to act and appear for me in the above Suit and on my behalf to conduct and prosecute (or defend) the same and all proceedings that may be taken in respect of any petition connected with the same or any decree or order passed therein and Applications for review to file and obtain return of documents,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

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



APPELLANT

ACCEPTED



MUHAMMAD MUAZZAM BUTT
Advocate Supreme Court



MUHAMMAD ADEEL BUTT
Advocate High Court



BASSAM AHMAD SIDDIQUI
Advocate High Court