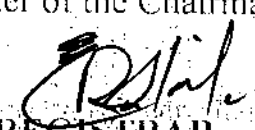


FORM OF ORDER SHEET

Court of _____

Appeal No. 2133 /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 2133 2024

Shazia Rauf

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
4.	Copy of notification No. SD (Policy) EV AD/1-3/2020 dated 06/08/2020	B	7-8
5.	Copy of impugned Letter dated June 6 th , 2023	C	9-11
6.	Copy of Minutes of meeting dated 06-07-2023	D	12-15
7.	Copy of Letter dated 23-08-2023	E	16-17
8.	Copy of Impugned letter dated 07.09-2023	F	18-19
9.	Copy of Representation against the said notification and representation made by APTA President	G & H	20, 21 22
10.	Wakalat Nama		23


ADVOCATE

M. Muazzam Butt

7

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

In Ref to

Service Appeal No 2133 /2024

Shazia Rauf wife of Muhammad Safeer, SPST (BPS-15)

House no. C/219, Mohallah Khoh, Haripur

.....Appellant

VERSUS

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

.....Respondents

SERVICE APPEAL UNDER SECTION 4 OF KPK SERVICE TRIBUNAL ACT 1974. AGAINST THE IMPUGNED NOTIFICATION BEARING NO.SO(POLICY)E&AD/1-3/2020. DATED 06/08/2020. COMMUNICATED TO RESPONDENT NO. 2 VIDE LETTER DATED 06/06/2023. WHEREIN IT WAS STATED THAT SUB RULE 5 OF RULE 7 OF KHYBER PAKHTUN 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 Senior Primary School 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 KP 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) /E&AD/1-3/2020 dated 06/08/2020, the right of foregoing of promotion was withdrawn and the Government of Khyber Pakhtunkhwa Establishment Department (Regulation Wing) deleted Rule 7(5) in the Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 vide notification no SOR-VI (E & AD)/1-2/2020 dated 06-08-2020. Copy of Impugned notification No. SD (Policy) EV AD/1-3/2020 dated 06/08/2020 is attached as Annexure B
- 6. That the Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar asked for guidance regarding deletion of Rule 7(5) in Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 in respect of which the respondent No. 1 vide its letter No. SO(Policy) E&AD/1-3/2020 dated Peshawar the June 06th, 2023 directed the respondent No 3 (Directorate of Elementary & Secondary Education) that Rule 7(5) in the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 has been deleted vide notification dated 06-08-2020 and therefore, no provision exists to decline or forgo promotion and it is obligatory upon every civil servant to accept promotion under every condition. Copy of Impugned Letter dated June 06th, 2023 is attached as Annexure C
- 7. That thereafter the meeting was also held in the office of Additional Secretary Establishment on 06-07-2023 in which it was decided to examine the case properly and submit a self-contained/ consolidated case for onward submission to the Establishment Department for further necessary action. Copy of Minutes of Meeting dated 06-07-2023 is attached as Annexure D
- 8. That the Respondent No.3 i.e. Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa also wrote a letter to the office of Establishment & Administrative Department vide No SO(Primary-M) E&SED/2-2/Appointment Rule/2023 dated 23-08-2023 to reconsider the amendment made in Khyber

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

9. That the respondent vide its letter dated 07th of September 2023 directed the Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa that necessary guidance has already been provided to the department and therefore no provision exists to decline or forgo promotion and those teachers who do not comply with the promotion order of the competent authority or try to evade promotion through different means shall be proceeded under the Khyber Pakhtunkhwa Civil Servant (Efficiency & Discipline) Rules, 2011.
Copy of Impugned letter dated 07-09-2023 is attached as Annexure F
10. That the petitioner feeling aggrieved, filed Representation to the respondents in person, and also approached to respondents through APTA Pres. 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 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 setaside.

- c. 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.

Shaira Rauf
Deponent

Through

Shaira Rauf
Appellant

Muhammad Muazzain Butt
Advocate Supreme Court

Muhammad Adeel Butt
Advocate High Court

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

5

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA

C.M No _____-P of 2024

In Ref to

Service Appeal No _____ 2024

Shazia Rauf

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. this Honorable Court.

Shazia Rauf
Deponent

Through

Shazia Rauf
Appellant

Muhammad Muazzam Butt
Advocate Supreme Court

Adeel Butt
Muhammad Adeel Butt
Advocate High Court

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



Personal Information of Miss SHAZIA RAUF d/w/s of MUHAMMAD ABDUL RAUF

Personnel Number: 00252964 CNIC: 1330203684102 NTN:
 Date of Birth: 24.08.1971 Entry into Govt. Service: 11.04.1996 Length of Service: 28 Years 04 Months 022 Days

Employment Category: Active Temporary

Designation: PRIMARY SCHOOL HEAD TEACH 80002159-DISTRICT GOVERNMENT KHYBE

DDO Code: HR6110-DEPUTY DISTT EDUCATION OFFICER(F/P) HARIPUR

Payroll Section: 002 GPF Section: 001 Cash Center: 01

GPF A/C No: EDUHR001224 GPF Interest applied GPF Balance: 654,000.00 (provisional)

Vendor Number: -

Pay and Allowances: Pay scale: BPS For - 2022 Pay Scale Type: Civil BPS: 15 Pay Stage: 22

Wage type		Amount	Wage type		Amount
0001	Basic Pay	67,480.00	1001	House Rent Allowance 45%	3,524.00
1210	Convey Allowance 2005	2,856.00	1300	Medical Allowance	1,500.00
1505	Charge Allowance	40.00	2148	15% Adhoc Relief All-2013	880.00
2199	Adhoc Relief Allow @10%	591.00	2316	Teaching Allowance 2021	3,224.00
2341	Disor. Red All 15% 2022KP	6,408.00	2347	Adhoc Rel Al 15% 22(PS17)	6,408.00
2378	Adhoc Relief All 2023 35%	22,925.00	2393	Adhoc Relief All 2024 25%	16,870.00

Deductions - General

Wage type		Amount	Wage type		Amount
3015	GPF Subscription	-1,290.00	3501	Benevolent Fund	-1,200.00
3609	Income Tax	-5,555.00	3990	Emp.Edu. Fund KPK	-155.00
4004	R. Benefits & Death Comp:	-600.00			0.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance

Deductions - Income Tax

Payable: 88,870.65 Recovered till AUG-2024: 11,110.00 Exempted: 22216.95 Recoverable: 55,543.70

Gross Pay (Rs.): 132,706.00 Deductions: (Rs.): -11,780.00 Net Pay: (Rs.): 120,926.00

Payee Name: SHAZIA RAUF

Account Number: PLS00000006875-5

Bank Details: NATIONAL BANK OF PAKISTAN, 230827 SHAHRA-E-HAZARA SHAHRA-E-HAZARA, ABBOTABAD

Leaves: Opening Balance: Availed: Earned: Balance:

Permanent Address: HARIPUR

City: HARIPUR

Domicile: NW - Khyber Pakhtunkhwa

Housing Status: No Official

Temp. Address:

City:

Email: shaziarauf.education@gmail.com

ATTESTED

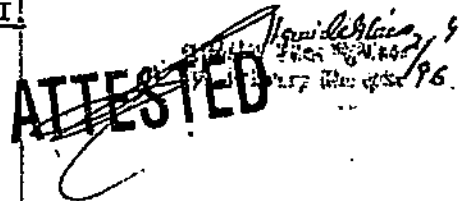
OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) PRIMARY HARIPUR.

APPOINTMENT.

According to the approved merit list of PTC trained candidates, The following PTC trained candidates are hereby appointed as PTC teachers in BPS-7 (Rs. 1480-81-2695), plus usual allowances as admissible to them under the rules at Govt. Girls Primary Schools noted against the name of each in the interest of public service from the date of their taking over charge on opening of schools after spring vacations subject to the following terms and conditions-

S.No.	Name/Address.	Place where appointed.	Remarks.
1.	Shahnaz D/O Safdar Khan R/O Moonan P.O Sarai Saleh.	GGPS Phullahgali	Ag:N/C Post.
2.	Shazia Kanwal D/O Sabir Ali Siddiqui R/O Noor Colony: HPR.	" Uper Dolni	---do---
3.	Saeeda Bibi D/O Q. Azizur-Rehman R/O & P.O Laban Bandi.	" Maira Chhach	---do---
4.	Fozia Bibi D/O Aurangzeb Khan, R/O Maqsood P.O Sarai Saleh,	" Chitti Dhaki	---do---
5.	Ghazala Bibi D/O Q. Khalilur-Rehman R/O & P.O Laban Bandi.	" Maira Chhach	---do---
6.	Shazia Raof D/O Mohd: Abdur-Raof R/O Moh: Khoo Haripur.	" Mohra (Rehana)	---do---
7.	Khalida Parveen D/O Abdur-Rehman R/O Kahal Baia.	" Chatti Dhaki	---do---
8.	Shazia Zaman D/O Shah Zaman R/O Moh: Khoo Haripur.	" Durshkhel	---do---
9.	Mumtaz Begum D/O Shoukat Zaman H.No. 113 Moh: Khoo Haripur.	" ---do---	---do---
10.	Rizwana Bibi D/O Safdar R/O Manakrai.	" Nilore Maira	---do---
11.	Farzana Bibi D/O Lal Khan R/O Vill: Malkiar.	" Karlan	---do---
12.	Qudsia Munawar D/O Munawar Din R/O Vill: & P.O Mohra Mohamdooh.	" Awan Mohra	---do---
13.	Farhat Mumtaz D/O Miskeen Ali R/O Sarai Saleh.	" Rarra	---do---
14.	Shaheen Kousar D/O Mohammad Siddique Vill: Shah Maqsood.	" Rarra	---do---
15.	Shagufta Safdar D/O Mohammad Safdar Khan R/O Shah Maqsood.	" Mohrai NO.2	---do---
16.	Bano Rani D/O Ghulam Mursaleen R/O Haripur.	" Chapri Maira	---do---
17.	Shazia Amin D/O Mohammad Amin R/O Darwaish Moh: Khanawala.	" Mohra (Rehana)	---do---
18.	Nasreen Bibi D/O Fazalur-Rehman Moh: Azia Cly: C-Jail.	" Lower Dolni	---do---
19.	Asiya Khatoon D/O Sarfaraz R/O Vill: & P.O Manakrai.	" Upper Dolni.	---do---

Contud: On page-II.



ATTESTED

20.	Shazia Shaheen D/O Mohd Rafiq Vill:Barthal P.O Sarai Saleh.	GGPS Burqa	Ag:N/C Post.
21.	Razia Shaheen D/O Mohd Rafiq Vill:Barthal P.O Sarai Saleh.	" Burqa	----do----
22.	Ghazala Shaheen D/O Nazik Khan Vill: & P.O Fird Hasham Khan.	" Nilore Maira	---do----
23.	Sadiga Muzamal D/O Muzamal Shah R/O New Bakka Haripur.	" Bakka Jabi	-dq-----
24.	Tehmina Naz D/O Bakhshish Elahi Moh:Khandig Vill:Kotenajibullah.	" Mohri Malya	---do----
25.	Sadia Alam D/O Khawaja Muhammad R/O Vill:Kotenajibullah.	" Gumawan	---do----
26.	Amina Bibi D/O Jehandad R/O Vill:Panian Haripur.	" Bakka Jabi	---dq----
27.	Abida Bibi D/O Imdad Hussain Shah R/O Vill:Kali Trar Bala.	" Rajdhani	---do----
28.	Saira Bano D/O Mohammad Yaqub R/O Vill:Now Khanpur,Haripur.	" ---do---	---do----
29.	Tanveer Akhtar D/O Mohammad Riaz R/O Vill:Bandi Munim.	" Outba Dhak.	---do----
30.	Robina Shaheen D/O Mohd Banaras R/O Vill:Bandi Munim,Haripur.	" ---do---	---do----
31.	Nageena Bibi D/O Sher Bahadur R/O Vill:Meelam P.O Dhenda.	" Kayeen	---do----
32.	Safia Bibi D/O MohammadAslam R/O Vill: & P.O Mang.	" Trar.	---do----

TERMS/CONDITIONS.

1. They are appointed on the basis of PTC trained candidates, therefore before handing over charge their original documents should be verified and attested photo copies placed on record.
2. They are appointed subject to successful verification of their PTC certificates, therefore their salaries should not be drawn from Govt. Treasury uptill the receipt of successful verification of their certificates, which will be conveyed by this office on receipt from the institutions concerned.
3. The appointment is made purely on temporary basis & can be terminated without assigning any notice or reason.
4. They will given fifteen days prior notice or forfeit one month pay lieu there of they desired to leave the post.
5. They will produce their Health and Age certificate from Medical Supdt: D.H.O, Hospital Haripur, with in a weak time from the date of their taking over charge.
6. They are not allowed to take over charge, if ~~her~~ their age is below or above then the prescribed limit of age for appointment against PTC post.
7. Their pay and allowances will be drawn by the S.D.E.O(F)Haripur being Drawing and Disbursing Officer subject to the confirmation of her charge against the above said post and satisfactory attendance/performance, after receipt of successful verification of their PTC certificates as per condition at Sr:No.2.
8. Charge report should be submitted to all concerned.
9. No. TA/DA is allowed being fresh appointment.
10. The Candidates who fail to take over charge with in fifteen days shall automatically loose her right of the appointment against the PTC post, and her appointment stand automatically cancelled.

Contd: on Page-3.

11/11/2019
 DISTRICT EDUCATION OFFICER(F)
 PRIMARY HARIPUR.

~~ATTESTED~~

Endst: No. 1461-1519A-I/DEOFP/HPR/94 Dated Haripur the 2/4/96.
Copy for information & necessary action to :-

1. The Director Primary Education, NWFP, Peshawar.
2. The Sub Divisional Education Officer (F) Haripur.
3. The District Account Officer Haripur.
4. All the Candidates/~~Schools~~ concerned.
5. All the Head Teachers Govt. Girls Pry: Schools, Concerned.

Howick/kins 2/4
DISTRICT EDUCATION OFFICER (F)
PRIMARY, HARIPUR. *96*

~~ATTESTED~~

ATTESTED

ATTESTED



DEPUTY SECRETARY (POLICY)
CWA, PATAH TARTIN

[Handwritten signature]

- 1. Additional Chief Secretary, Govt. of Khyber Pakhtunkhwa, Peshawar
- 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 Government, 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, Khyber Pakhtunkhwa Public Service Commission, Peshawar
- 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
- 15. The Section Officer (Admn), Administration Department
- 16. The Section Officer (Admn), Administration Department
- 17. The Caraker, Administration Department

REQUEST NO & EVEN DATE

CHIEF SECRETARY
GOVERNMENT OF THE UPPER PAKHTUNKHWA

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

AMENDMENT

in exercise of the powers conferred by section 24 of the
 Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XXVIII of
 1973) the Chief Minister of Khyber Pakhtunkhwa is pleased to direct that in the Khyber
 Pakhtunkhwa (Civil Servants) (Appointment, Promotion and Transfer) Rules, 1989, the
 following further amendment shall be made, namely:

NOTIFICATION

Dated Peshawar the 06/08/2020

GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(REGULATION WING)

Annexure - B

8

GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(REGULATION WING)

NOTIFICATION

Dated Peshawar the, 06/08/2020

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

AMENDMENT

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

CHIEF SECRETARY
GOVERNMENT OF THE KHYBER PAKHTUNKHWA

(ANDS): & EVEN DATE

Copy is forwarded to :-

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

(WARDAH LATIF
DEPUTY SECRETARY (POLICY)

ATTESTED

Annexure - C



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
No. SO(Policy)/EAD/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(3) IN THE
KHYBER PAKHTUNKHWA CIVIL SERVANTS (APPOINTMENT,
PROMOTION AND TRANSFER) RULES, 1989.

Dear Sir,
I am directed to refer to your letter No. SO(Policy-MY)EAD/2/2023 dated 18.04.2023 on the subject noted above and to state that Sub-Rule (3) of Rule-7 of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 stands deleted vide this department notification dated 06.08.2020; thus, no provision exists to decline or forgo promotion.

2. The basic rationale behind the deletion of the said rule is aimed at preventing a civil servant from temptation for illicit gain by sticking to a single lucrative post/position or to prevent those who tend to forgo promotion to evade posting/transfer or show lack of capacity to tackle higher responsibilities in case of promotion. Therefore, it is obligatory upon every civil servant to accept promotion in every condition.

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

ASSE
76

Yours faithfully,
(1330) Dilip Kumar Khan
Section Officer (Policy)

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

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

RECEIVED
ESTABLISHMENT DEPARTMENT
NO. 2632

Section Officer (Policy)

ATTESTED

GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT
CIVIL SECRETARIAT PESHAWAR
(Phone No.091-9223587)

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

26/6/23

Subject: GUIDANCE REGARDING DELETION OF RULE 7(6) IN THE KHYBER
PAKHTUNKHWA CIVIL SERVANTS (APPOINTMENT, PROMOTION
AND TRANSFER) RULES, 1988.

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 (SHAD)
SECTION OFFICER (PRIMARY MALE)

Copy forwarded to the:

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

SECTION OFFICER (PRIMARY MALE)
26/6/23

ATTESTED

11
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)

~~ATT/STED~~

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.


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

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

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

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


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


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


(Mr. Razaqat Ullah)
General Secretary APTA
Peshawar


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

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

ATTESTED

13
- B/C -

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

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

S/N	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

WP4442-2023 AZIZULAH VS GOVT OF PAK

Assistant Director (Exhibit-1)
Elementary & Secondary Education
Khyber Pakhtunkhwa

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

Assistant Director (Exhibit-1)
Elementary & Secondary Education
Khyber Pakhtunkhwa

17/11/2023

This is submitted for perusal and necessary actions please.

The Government of Khyber Pakhtunkhwa Establishment Department (Regulation VIII) dated 7/1/2020 in the civil servant (Appointment, Promotion & Transfer Rules 1989) No. SOR-VI (S&AD)/1-1720 dated 06-08-2020. This office sought guidance from your good office in the following words wide letter No. 0287 dated 06-02-2023.

(i) Now if the civil servant is to accept promotion in every condition (ii) If he is to be promoted to either accept or then down the offer of promotion.

The office forwarded the same to the quarter concerned wide letter No. SOR (Primary-4) Ex. S&AD/2-1720 dated 12-04-2023.

The same was received by this office from your good office wide letter No. SOR (Primary-4) Ex. S&AD/2-1720 dated 12-04-2023.

That in the light of the minutes of meeting dated 6-07-2023 held under the Chairmanship of the Assistant Secretary Establishment of this office, it has been asked for submission of consolidated case.

In view of the above, this office is of considered opinion that the retention of Rules 7(2) have effect to regulate a large number of female teachers. Thus it is proposed that teachers having 30-35 may be exempted of implications of the amendment in the rules. Provided they submit their written request prior to the commencement of the meeting of Departmental Promotion Committee.

The Government of Khyber Pakhtunkhwa Establishment Department (Regulation VIII) wide letter No. SOR-VI (S&AD)/1-1720 dated 06-08-2020 categorically stated that there exists no provision in decline or for a 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 wide letter No. SOR (Primary-4) Ex. S&AD/2-1720 dated 12-04-2023.

The Government of Khyber Pakhtunkhwa Establishment Department (Regulation VIII) dated 7/1/2020 in the civil servant (Appointment, Promotion & Transfer Rules 1989) No. SOR-VI (S&AD)/1-1720 dated 06-08-2020. This office sought guidance from your good office in the following words wide letter No. 0287 dated 06-02-2023.

(i) Now if the civil servant is to accept promotion in every condition (ii) If he is to be promoted to either accept or then down the offer of promotion.

The office forwarded the same to the quarter concerned wide letter No. SOR (Primary-4) Ex. S&AD/2-1720 dated 12-04-2023.

The same was received by this office from your good office wide letter No. SOR (Primary-4) Ex. S&AD/2-1720 dated 12-04-2023.

That in the light of the minutes of meeting dated 6-07-2023 held under the Chairmanship of the Assistant Secretary Establishment of this office, it has been asked for submission of consolidated case.

In view of the above, this office is of considered opinion that the retention of Rules 7(2) have effect to regulate a large number of female teachers. Thus it is proposed that teachers having 30-35 may be exempted of implications of the amendment in the rules. Provided they submit their written request prior to the commencement of the meeting of Departmental Promotion Committee.

The Government of Khyber Pakhtunkhwa Establishment Department (Regulation VIII) dated 7/1/2020 in the civil servant (Appointment, Promotion & Transfer Rules 1989) No. SOR-VI (S&AD)/1-1720 dated 06-08-2020. This office sought guidance from your good office in the following words wide letter No. 0287 dated 06-02-2023.

(i) Now if the civil servant is to accept promotion in every condition (ii) If he is to be promoted to either accept or then down the offer of promotion.

The office forwarded the same to the quarter concerned wide letter No. SOR (Primary-4) Ex. S&AD/2-1720 dated 12-04-2023.

The same was received by this office from your good office wide letter No. SOR (Primary-4) Ex. S&AD/2-1720 dated 12-04-2023.

That in the light of the minutes of meeting dated 6-07-2023 held under the Chairmanship of the Assistant Secretary Establishment of this office, it has been asked for submission of consolidated case.

In view of the above, this office is of considered opinion that the retention of Rules 7(2) have effect to regulate a large number of female teachers. Thus it is proposed that teachers having 30-35 may be exempted of implications of the amendment in the rules. Provided they submit their written request prior to the commencement of the meeting of Departmental Promotion Committee.

MINUTES OF THE MEETING

The Section Officer (Primary-4),
Elementary & Secondary Education Department,
Khyber Pakhtunkhwa

Subject -
Dear Sir,

No. 2145
Phone: 011-2222111
Email: info@khyber.gov.pk



ATTACHED

WP4447-2023 AZIZULAH VS GOVT OF PAJAJ

Assistant Director
Elementary & Secondary Education
Khyber Pakhtunkhwa

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

The case is submitted for perusal and necessary action please.

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

That in light of the minutes of the meeting dated 6-07-2023 held under the Chairmanship of Hon. Additional Secretary, Establishment 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) E&AD/1-3/2020 dated 6-06-2023 correspondingly stated that there exists no provision to decline foreign promotion. It is obligatory upon every civil servant to accept promotion under every condition.

That your good office forwarded the memo to quarters concerned vide letter No. SD (Promotion) E&AD/1-2/Appointment-2023 for necessary guidance.

That this office sought guidance from your good office in the following words vide letter No. 6987 dated 06-07-2023 (i) Now it is obligatory upon civil servant to accept promotion. (ii) It is prerogative of civil servant to either accept/reject/turn down the offer of promotion.

That Government of KP, Establishment department (Regulation Wing) added rule 7(S) in Civil Servants (Appointment, promotion, Transfer & etc) vide notification No. No. SDR-VI (E&AD) 1-3/2020 dated 06-08-2020. present brief history, about background of case as under:

Minutes of meeting PST/2023 dated 10-7-2023 on subject cited above and to
I am directed to refer to letter No. (SD) Promog-M) E&AD/1-5/6784/1
Subject: Minutes of Meeting
KPK, Peshawar
Elementary & Secondary Education Department
Section Officer (Promog-Male)

To:
DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION, KPK
PESHAWAR
(21-7-2023)

- B/c -

13



ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT
CIVIL SECRETARIAT PESHAWAR
(Phone No.091-9221587)

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

Annexure
E

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

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

Dear Sir,

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

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

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

(MUHAMMAD ISHAQ)
SECTION OFFICER (PRIMARY MALE)

Copy forwarded to the:

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

(MUHAMMAD ISHAQ)
SECTION OFFICER (PRIMARY MALE)
20/8/23

Scanned with CamScanner

WP#442-2023 AZIZULLAH VS GOVT CF PG43

ATTESTED

~~ATTESTED~~

(Muzimmal Ishtaq)
Section Officer (Primary
Male)

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

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

Civil Servant (Efficiency and Discipline) Rule 2012.
different means shall be proceed under Khyber Pakhtunkhwa of the competent authority or try to evade promotion through those officers/officials who do not comply with promotion order Promotion and Transfer Rules 1989) It has been intimated that deletion of Rule 7(S) Khyber Pakhtunkhwa Civil Servant (Appointment, 1-3/2022 dated 8th June 2022 and to state that after I am directed to refer to your letter No. SO (Primary Policy) /E&AD

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

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

To
No. 50 (Primary-M) E&SE/PA-2/
Appointment-Rule/2022
Peshawar Dated 23rd August, 2022.

-B/c-

Annexure - F



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

ATTESTED

To

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

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

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

Yours faithfully,

Section Officer (Policy)

Encls. Of even No & date

Copy forwarded to the:-

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

WP/445-2023 AZIZULLAH VS GOVT OF PK

14

- 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)

Ends 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~~

20
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) /E&AD/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 16/08/2024

Shazia Rauf

SHAZIA RAUF
W/O MOHAMMAD SAFEER
SPST

Aziz Ullah Khan
President
0333-0114648
azizullah1873@gmail.com
apinkph

apta

APTA House
Govt. Primary School No.4,
Gulshan Peshawar City.

آل پرائمری ٹیچرز ایسوسی ایشن (ایٹا) خیبر پختونخوا

Annexure - A

بہن: سرکاری و سرکاری سے باہر ایجوکیشن ٹیچرز ایسوسی ایشن
آل پرائمری ٹیچرز ایسوسی ایشن خیبر پختونخوا
جناب مال

گزارش ہے کہ پروسچورنگ ایجنسی سے ملنے والے سرکاری عہدہ کی فراہمی ہوتی ہے پروسچورنگ ایک فائل ہر ایک سال کے بعد ایک بار کسی
مقررہ وقت تک ایک بار پروسچورنگ میں ڈیڑھ ماہ یا سال تک پروسچورنگ میں لے سکتے ہیں۔ یہ سبب ہر سال تک ہر اس کی پروسچورنگ میں اور نئی
پہر اس فائل میں سرکاری و غیر سرکاری ہر ایک سال ایک بار ایک سال پروسچورنگ میں ڈیڑھ ماہ سے سال لے سکتے ہیں
لیکن اب ایک ہفتے پہلے ایک بار پروسچورنگ ہوا ہے
اس کے ساتھ اب ہر عام پروسچورنگ شروع ہونے کے آگے ایک ماہ کے عہدہ کی فراہمی کے خلاف ایجنسی کے خلاف کارروائی کرنے لگا ہے
ہاں یہ آئی و لیٹیشن جی ایم ایس کے خلاف ہونے کے سبب کہ وہ سلا اور پڑھنا قانون میں خاص کر نوآئین اساتذہ کے اہل شکایت کا
سامنا کرنے پڑے گا
یہ تمام شکایات ہیں جن کی فراہمی کے بعد ایجنسی کے خلاف کارروائی کی جائے گی۔ یہ سبب پروسچورنگ میں پڑھنے سے ناواقف و غیبی
کیا ہوتا ہے ایسے حالات میں جی ایم ایس کے خلاف کارروائی کی جائے گی۔ یہ سبب پڑھنے اور ایجنسی کے خلاف کارروائی کی جائے گی
میں اس کے خلاف کارروائی ہونے کا حق میں محفوظ رکھتے ہیں
لہذا ہم آپ سے استدعا کرتے ہیں کہ آئی و لیٹیشن کے خلاف کارروائی کی جائے اور اس میں ڈیڑھ ماہ کے پرائمری اساتذہ (Relaxation) دیا جائے اور ان کے
رہنما پروسچورنگ میں لے کر جانے کے لیے ایجنسی کے خلاف کارروائی کی جائے
اور پروسچورنگ میں لے کر جانے کے لیے ایجنسی کے خلاف کارروائی کی جائے
اس سلسلے میں آپ سہارا دینا ضروری ہے اور ایجنسی کے خلاف کارروائی کی جائے تاکہ اساتذہ کو سہولت ملے اور ایجنسی کے خلاف کارروائی کی جائے
البتہ اور ہر ایک سے بتایا جائے
یہ سبب پروسچورنگ میں لے کر جانے کے لیے ایجنسی کے خلاف کارروائی کی جائے تاکہ اساتذہ کو سہولت ملے اور ایجنسی کے خلاف کارروائی کی جائے
لہذا ہم یہ درخواست کرتے ہیں کہ آپ سہارا دینا ضروری ہے اور ایجنسی کے خلاف کارروائی کی جائے تاکہ اساتذہ کو سہولت ملے اور ایجنسی کے خلاف کارروائی کی جائے

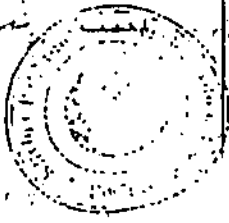
شکر ہے

وزیر تعلیم خانی سہیل مسعود
آل پرائمری ٹیچرز ایسوسی ایشن خیبر پختونخوا

~~ATTESTED~~

82

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 (P)

[Handwritten signature]
13/5/24

Date of Presentation of Application 10-7-24
 Number of 1
 Copy/ies 1
 Urgent
 Total
 Name of
 Date of 13-5-24
 Date of delivery of copy 17-6-24

~~ATTESTED~~

23

VAKALAT NAMA

BEFORE THE SERVICE TRIBUNAL PESHAWAR

SHAZIA RAUF
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.

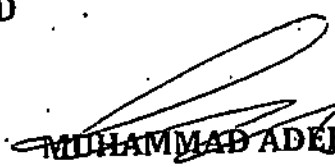
I agree to ratify all acts done by the aforesaid Advocate in pursuance of this Authority.

Shazia Rauf

APPELLANT

ACCEPTED


MUHAMMAD MUAZZAM BUTT
Advocate Supreme Court


MUHAMMAD ADEEL BUTT
Advocate High Court


BASSAM AHMAD SIDDIQUI
Advocate High Court