


FORM OF ORDER SHEET

Court of _____

Appeal No. 2186 /2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	29/10/2024	<p>The appeal presented today by Mr. Muhammad Muazzam But Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 06.11.2024. Parcha Peshi given to counsel for the appellant.</p> <p style="text-align: right;">By order of the Chairman</p> <p style="text-align: right;"> REGISTRAR</p>

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

C.M No _____ -P of 2024

In Ref to

Service Appeal No 2186 2024


Taj Muhammad khan

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	6-11
4.	Copy of notification No. SD (Policy) EV AD/1-3/2020 dated 06/08/2020	B	12-13
5.	Copy of impugned Letter dated June 6 th , 2023	C	15-16
6.	Copy of Minutes of meeting dated 06-07-2023	D	17-20
7.	Copy of Letter dated 23-08-2023	E	21-22
8.	Copy of Impugned letter dated 07.09-2023	F	23-24
9.	Copy of Representation against the said notification and representation made by APTA President	G & H	25-26-27
10.	Wakalat Nama		28


ADVOCATE

M. Muazzam Butt

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

In Ref to

Service Appeal No 2186 /2024

Taj Muhammad Khan son of Ali Muhammad Khan PSHT

Kandi Payan, Patwara Bala, Mathra, Tehsil and District Peshawar

.....Appellant

VERSUS

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

.....Respondents

SERVICE APPEAL UNDER SECTION 4 OF KPK SERVICE TRIBUNAL ACT 1974. AGAINST THE IMPUGNED NOTIFICATION BEARING NO.SO(POLICY)E&AD/1-3/2020. DATED 06/08/2020. COMMUNICATED TO RESPONDENT NO. 2 VIDE LETTER DATED 06/06/2023. WHEREIN IT WAS STATED THAT SUB RULE 5 OF RULE 7 OF KHYBER PAKHTUNKHWA CIVIL SERVANTS (APPOINTMENT, PROMOTION AND TRANSFER) RULES, 1989 STANDS DELETED

PRAYER:

ON ACCEPTANCE OF INSTANT SERVICE APPEAL, THE IMPUGNED NOTIFICATION BEARING NO: SO (POLICY) E&AD/1-3/2020, DATED 06/08/2020, COMMUNICATED TO RESPONDENT NO. 2 VIDE LETTER DATED 06/06/2023, MAY BE DECLARED AND ORDERED TO BE STRUCK DOWN BEING VOID AND ULTRA VIRES TO THE CONSTITUTION OF PAKISTAN AND FUNDAMENTAL PRINCIPLES OF NATURAL JUSTICE AND AGAINST THE RIGHTS OF APPELLANT.

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

RESPECTFULLY SHEWETH:

1. That the Respondents Department appointed the Appellant as Primary School Head Teacher. Copy of Appointment letter is annexed as **Annexure A**

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

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

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

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

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

GROUNDS:-

- a. That as per various judgments it is established and settled principle that executive notifications cannot be given retrospective effect. A valid Notification which confers rights is always applicable with prospective effect, however, if an amendment notification that adversely effects the interests of the employees or causes disadvantage to the employee is not tenable in the eyes of law. The notification/guidance dated 06/08/2020 06/06/2023 are liable to be set-aside.
- b. That there are no terms and conditions of service mentioned in the appointment order of the appellant wherein, availing of promotion is mandatory. It is further submitted that employees in the past, have foregone their promotion along with their posting. It is submitted that when domestic and other personal issues do not permit the employees/appellant to avail the promotion order and in that case, the employees who foregone their promotion were allowed not to avail the promotion for a period 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.
- e. 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.
 Deponent

[Signature]
 Appellant
 Through
 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

CM No _____ -P of 2024

In Ref to

Service Appeal No _____ /2024

TAJ MUHAMMAD KHAN
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

Taj Muhammad Khan
Deponent

Through

Appellant

Muhammad Muazzam Butt
Muhammad Muazzam Butt
Advocate Supreme Court

Muhammad Adeel Butt
Muhammad Adeel Butt
Advocate High Court

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) PESHAWAR

OFFICE ORDER:-

Phone NO: 75084

APPOINTMENT OF P.T.O. TRAINED TEACHERS

Enclosed list of P.T.O. trained teachers from S.NO:1 to S.NO:143 are hereby appointed as P.T.O. teachers on Rs:750-11-1370/-PM in P-8-7 plus usual allowances as admissible under the rules with effect from the date of their taking over charge at the schools noted against each under the following terms and conditions:-

CONDITIONS

1. Charge reports should be submitted to all concerned induplicate.
2. No TA/DA is allowed being first appointment.
3. No joining time is allowed what is absolutely necessary for transit is allowed.
4. Their appointments are purely made on temporary basis and subject to the termination at any reasons or prior notice. In case they want to leave the Department they shall have to submit one month's prior notice or in lieu thereof forfeited one month's pay and allowances to the Govt of NWFP.
5. Their Educational qualification should be checked up before handing over the charge of their new assignment.
6. They should produce their health and age certificates from the Civil Surgeon Peshawar within seven days of reporting arrival of duty as required under the rules (P-10)SR-4.
7. In case the candidate fails to take over charge within 10 days from the date of issue of this letter their appointments will stand cancelled automatically.
8. The verification roll of character and antecedent should be submitted to this office for further verification and record.
9. They should execute necessary bond and in case they are required to handle Govt money or property.
10. The candidates should not be handed over charge if their ages are not between 18-35 years.
11. The pay scale and service rules would be subject to revision in accordance with the criteria to be passed by the Govt of NWFP Peshawar from time to time.
12. They will produce Photo-Stat copies of their SSC/Intermediate/BA and all necessary documents and Identity Card to SIEDO(M) concerned at the time of their taking over charge.
13. They will be dealt with under S&D rules 1973 if they violates Govt rules and Regulations.

P.T.O.

(SYED LAELQ AHMAD BHAR)
DISTRICT EDUCATION OFFICER (MALE)
PESHAWAR

Full Resig:-

ATTESTED

S.No. Roll No. Name/Father's Name.

School where posted.

S.No.	Roll No.	Name/Father's Name.	School where posted.
1.	1143.	M. Sher Akbar S/O Mohd. Feroos.	GPS Yousof Akad (Peshawar).
2.	1144.	M. Jan Mohammad S/O Mohd. Zaman.	GPS Minar Asia Park (Peshawar).
3.	1145.	M. Iltaf Hussain S/O Abdur Rehan.	GPS Badho. (Peshawar).
4.	1146.	M. Hussain Khan S/O Gul. Mahann.	GPS Badho. (Peshawar).
5.	1147.	M. Umar Khitab S/O Taza Gul.	GPS Begum (Peshawar).
6.	1148.	M. Jaseer Ahmad S/O Abdur Hashid.	GPS Kogwala. (Peshawar).
7.	1150.	M. Hafizullah S/O Abdullah.	GPS Kharaka (Peshawar).
8.	1151.	M. Mohd. Hameed S/O Ahmad Sher.	GPS Laja. Garhi. (Peshawar).
9.	1152.	M. Mohd. Ayub S/O Samiul Haque.	GPS Damangi (Peshawar).
10.	1153.	M. Siyyar Mohd S/O Abdul Shakoor.	GPS Safdar Akad (Peshawar).
11.	1154.	M. Tariq Sardar S/O Sardar Gul.	GPS Asia (Peshawar).
12.	1155.	M. Hira Mohd S/O Sher Gul.	GPS Tehkal Bala. (Peshawar).
13.	1156.	M. Falak Sher S/O Abdul Hameed.	GPS Deh Bahadur (Peshawar).
14.	1157.	M. Jaseer Hussain S/O Mohd. Hussain.	GPS Maryumzai (Peshawar).
15.	1158.	M. Saifur Rahman. S/O Asim Khan.	GPS Damangi. (Peshawar).
16.	1159.	M. Mohd. Siraj S/O Mohd. Alor.	GPS Mathra. (Peshawar).
17.	1160.	M. Gohar Zaman S/O Mir Zaman.	GPS Maaho Khal. (Peshawar).
18.	1161.	M. Zulfikar Ahmad S/O Mohd. Zaman.	GPS Gazi Sher Ind (Peshawar).
19.	1162.	M. Ghaniullah S/O Mian. Habib Jan.	GPS Panndhori. (Peshawar).
20.	1164.	M. Zulfikar Ali Shah S/O Said Jan.	GPS Asia. (Peshawar).
21.	1165.	M. Iqbal Hussain S/O Abdul Majid.	GPS Toheed Colony (Peshawar).
22.	1167.	M. Mohd. Zahid S/O Mutakar Khan.	GPS Par Bala. (Peshawar).
23.	1168.	M. Jaleem Shah S/O Mehmood Shah.	GPS Bala. Barmand Khal (Peshawar).
24.	1171.	M. Gohar Zaman S/O Gul. Zaman.	GPS NO:1 Chankani (Peshawar).
25.	1176.	M. Mohd. Ajmal S/O Mohd. Gulzar.	GPS NO:3 Gul Bahar (Peshawar).
26.	1177.	M. Khan Zada S/O Shah Khal.	GPS Ma Gul Kerana (Peshawar).
27.	1178.	M. Arshad Kamal S/O Noor Mohd.	GPS NO:3 Gul Bahar (Peshawar).
28.	1180.	M. Sajid Hameed S/O Ghadi Gul.	GPS Barbar (Peshawar).
29.	1181.	M. Tahir Shah S/O Mian. Badshah Gul.	GPS Malogoo (Peshawar).
30.	1182.	M. Abdul. Mateen S/O Abdullah Javeed.	GPS Qaid Akad (Peshawar).
31.	1184.	M. Iqbal Khan S/O Adem Khan.	GPS Lakri. Kamra (Peshawar).
32.	1185.	M. Jehangir Khan S/O Habibullah.	GPS Qilla. Jabbar (Peshawar).
33.	1188.	M. Mian Hussain S/O. Bakhtshah Khan.	GPS Qaid. Akad (Peshawar).
34.	1190.	M. Raeesatullah S/O Mohd. Ashraf.	GPS Garhi. Fazil (Peshawar).
35.	1192.	M. Mubshraf Khan S/O Mohd. Gulzar.	GPS Dalazak Colony (Peshawar).
36.	1193.	M. Zahidullah S/O Said. Habib.	GPS Gulshans. Rehman (Peshawar).
37.	1197.	M. Towab Gul. S/O Hazrat Gul.	GPS Garhi. Shortad (Peshawar).
38.	1198.	M. Javeed Iqbal. S/O Habibullah.	GPS Shahi. Bala. (Peshawar).
39.	1202.	M. Mohd. Khan S/O Gul. Rehman.	GPS Toheed Colony (Peshawar).
40.	1203.	M. Taj Mohammad S/O Ali. Mohd.	GPS Patwar Bala. (Peshawar).
41.	1204.	M. Latifullah S/O Amir Mohd.	GPS NO:3. Badaber (Peshawar).
42.	1205.	M. Mohammad Baseed S/O Taza Gul.	GPS Toheed Colony (Peshawar).
43.	1206.	M. Jehan Zeeb S/O. Abdur Hashid.	GPS Afghan Colony (Peshawar).
44.	1209.	M. Inayatullah S/O Ihsanullah.	GPS Railway Quarters (Peshawar).
45.	1210.	M. Iftikhar Ahmad S/O Mukhtar Ahmad.	GPS Deh Bahadur (Peshawar).
46.	1213.	M. Mohd. Israr S/O. Abdul. Jallil.	

ATTESTED

Roll No:	Name/father's name	School where posted:
4	1218. M. Shamsud Khan S/O Fazli Hakim.	GPS Fida Abad (Peshawar).
48	1219. M. Abdullah Shah S/O Mir Aslam Shah	GPS Maszama (Peshawar).
49	1220. M. Sabar Jan S/O Fazli Hakim.	GPS NO:2 Badaber (Peshawar).
59	1221. M. Dost Mohd S/O Ghulam Haider.	GPS Qaula Abad (Peshawar).
51	1223. M. Bakht Taj S/O Ghansur Rehman.	GPS Garhi Sher Daji (Peshawar).
52	1225. M. Mohd Salim S/O Mohd Shafiq.	GPS NO:1 Chakani (Peshawar).
53	1226. M. Nasir Rehman S/O Khalilur Rehman.	GPS Saadabad (Peshawar).
54	1227. M. Iran Shah S/O Hassan Shah	GPS Haji Kandar Ina (Peshawar).
55	1230. M. Mohd. Rehman S/O Miltan Khan	GPS Bazar Zhandi (Peshawar).
56	1228. M. Shahid Mohd S/O Mohd Akbar.	GPS Bazar Khahi (Peshawar).
58	1235. M. Wali Mohd S/O Wahed Gul.	GPS Akhbar Abad (Peshawar).
50	1236. M. Mohd Hissar Khan S/O Yar Mohammad.	GPS Haji Aftozai (Peshawar).
51	1237. M. Jabir Jan S/O Lawang Jan	GPS Bazar Garhi (Peshawar).
60	1238. M. Abdul Maqsood S/O Abdul Samad.	GPS Asia (Peshawar).
61	1241. M. Bab Nawaz S/O Hissar Mohd.	GPS Yakka Toth (Peshawar).
62	1245. M. Rehmat Shah S/O Phool Badshah.	GPS Deb Bahadur (Peshawar).
63	1246. M. Afzal Muntaq S/O Jatta Muntaq	GPS Landi Akhbar Ahmad (Peshawar).
64	1248. M. Denial S/O Bozaris.	GPS Kodesh Bela (Peshawar).
65	1251. M. Khalilur Rehman S/O Bastan Khan.	GPS Garhi Shaded (Chandan) Pawan.
66	1252. M. Moadad Shah S/O Galeb Shah	GPS Garanga Payah (Peshawar).
67	1253. M. Mohd. Saad S/O Mohd Shafiq.	GPS Farah Yeh (Peshawar).
68	1254. M. Khan Said S/O Paqir Said.	GPS Garhi Qambar Din (Peshawar).
69	1257. M. Ghulam Mohd S/O Taj Mohammad.	GPS Fajjagi (Peshawar).
70	1261. M. Iqbal Ali S/O Maqbali.	GPS Garhi Sherdad (Peshawar).
71	1264. M. Saifur Rehman S/O Fazal Akbar.	GPS Larana (Peshawar).
72	1266. M. Ghulam Hussain S/O Ghulam Habib	GPS Jogi Wana (Peshawar).
73	1268. M. Farhad Khan S/O Shamsud Khan	GPS Dag (Peshawar).
74	1269. M. Hiaz Ali Khan S/O Amanullah	GPS Chakha Khal (Peshawar).
75	1270. M. Shah Hussain S/O Mehraban Shah.	GPS Yusuf Khal (Peshawar).
76	1274. M. Mohd Wali S/O Hamza Khan	GPS Ica Khal Hamed (Peshawar).
77	1279. M. Hidayatullah S/O Latif Khan	GPS Larana (Peshawar).
78	1280. M. Mohd Hameed S/O Marud Khan	GPS Hulazal (Peshawar).
79	1281. M. Sarzaman Khan S/O Noor Rehmat Khan.	GPS Audit Colony (Peshawar).
80	1283. M. Abdul Qadeer S/O Malvi Abdur Rauf.	GPS Buzal Abad (Peshawar).
81	1286. M. Nasarul Haque S/O Samul Haque.	GPS Shah Mand (Peshawar).
82	1326. M. Shah Nozar S/O	GPS Spin Khak (Nowshera).
83	1327. M. Said Ishaq S/O Sadiq Shah	GPS Spin Khak (Nowshera).
84	1328. M. Koushil S/O Nawab Shah	GPS Umar Miann NO:3 (Nowshera).
85	1330. M. Jan Bahadur S/O Ghulam Qadir.	GPS Zaryab NO:2 (Nowshera).
86	1333. M. Mohammed Iqbal S/O Abdul Jabbar	GPS Kandarak (Nowshera).
87	1334. M. Umar Mohammad S/O Huzrat Gul.	GPS Landarak (Nowshera).
88	1335. M. Javed Khan S/O Abdul Hanan.	GPS Spin Khak (Nowshera).
89	1336. M. Fasihur Rehman S/O Abdul Mastan.	GPS Bazar Miann (Nowshera).
90	1341. M. Sher Khan S/O Mir Wali Khan.	GPS NO:1 Shaich (Nowshera).
91	1370. M. Fazal Badshah S/O Said Badshah.	GPS Landi Akhbar Ahmad (Peshawar).

continued on page 10:4.

F. Raafiq
ATTESTED

Sl NO.	Name/Father's Name.	School where posted.
1371.	M. Sakawat Shah S/O Chiragh Shah.	GPS Malogoo (Peshawar).
1372.	M. Abdul Jalil S/O Abdul Jamil.	GPS Hisartang (Nowshera).
1335.	M. Jehanzeeb S/O Abdul Jabbar.	GPS Aldur Mahima (Peshawar).
1394.	M. Khizar Hayat S/O Mohd Hafiq.	GPS Nowshera Kalan NO:5 (NER).
136.	1399. M. Afsar Jan S/O Mfeedul Basar.	GPS NO:2 Shaidu (Nowshera).
97.	1400. M. Hashid Kamal S/O Kamalud din.	GPS NO:2 Shaidu (Nowshera).
98.	1401. M. Avesed Khan S/O Sherin Khan.	GPS Kotli Kalan (Nowshera).
99.	1402. M. Iltaf Khan S/O Ismail.	GPS Walai NO:2 (Nowshera).
100.	1403. M. Mohd Irfan S/O Fazeel Gul.	GPS Spin Kana Kalan (Nowshera).
101.	1404. M. Hazrat Ali S/O Fazli Qayum.	GPS Tordhur (Nowshera).
102.	1405. M. Mohd Ayaz S/O Banarass Khan.	GPS Asa Khel (Nowshera).
103.	1406. M. Mohd Sarir S/O Abdul Jalil.	GPS Mira Umar Miana (Nowshera).
104.	1407. M. Mohd Iqbal S/O Abdur Rauf.	GPS NO:3 Spin Khak (Nowshera).
105.	1408. M. Liaqat Ali S/O	GPS Bara Banda (Nowshera).
106.	1409. M. Sabirullah S/O Habibullah.	GPS Labori Gate (Nowshera).
107.	1411. M. Amir Nawaz S/O Hayat Khan.	GPS Fahari Kati Khel (Nowshera).
108.	1413. M. Jehanzeeb S/O Abdul Manan.	GPS Manki Sharif (Nowshera).
109.	1420. M. Muntaz Gul S/O Harif Gul.	GPS Manki Sharif (Nowshera).
110.	1437. M. Saad Gul S/O Sultan Mahmood.	GPS Nowshera Kalan NO:5 (NER).
111.	1468. M. Zair Ali Shah S/O Fazli Bari.	GPS Asa Khel Bala (Nowshera).
112.	1470. M. Mohd Abid S/O Mohd Saad.	GPS Aziz Abad (Nowshera).
113.	1471. M. Mohd Shoaib S/O Mohd Azam.	GPS Zoo Banda (Nowshera).
114.	1473. M. Mehmet Hussain S/O Fazal Hussain.	GPS Samzai NO:1 (Nowshera).
115.	1475. M. Mohd Ilyass S/O Khan Mohd.	GPS Dhert Kati Khel (Nowshera).
116.	1476. M. Gohar Ali S/O Ali Akbar.	GPS Jalozai (Nowshera).
117.	1477. M. Noorul Amin S/O Ghulam Sarwar.	GPS Gul Mahim Killi (Nowshera).
118.	1545. M. Mohd Zohrab S/O Mohd Ihsan.	GPS Marhati Banda (Nowshera).
119.	1546. M. Mahmood Ali Shah S/O S. Ali Shah.	GPS Palodher (Nowshera).
120.	1548. M. Qasim S/O Noor Shahid.	GPS Palodher (Nowshera).
121.	1549. M. Abdul Ghani S/O Abdul Qadir.	GPS Garhi Khan Sher (Nowshera).
122.	1551. M. Aurangzeeb S/O Wahid Gul.	GPS Garhi Khan Sher (Nowshera).
123.	1552. M. Ajnabi Khan S/O Lalimud din.	GPS Dag Basood (Nowshera).
124.	1563. M. Azim Khan S/O Mir Mehman.	GPS Gunj Gate (Peshawar).
125.	1577. M. Nazifur Rehman S/O Ahmad Quresh.	GPS Dag Basood (Nowshera).
126.	1480. M. Mohd Fayyaz S/O Fazli Haziq.	GPS NO:2 Walai (Nowshera).
127.	1485. M. Taj Wali S/O Saraf Gul.	GPS Sheikhani (Nowshera).
128.	1502. M. Habibur Rehman S/O Abdul Khalid.	GPS Milan Gojar NO:1 (Peshawar).
129.	1506. M. Hiaz Gul S/O Abdul Jalil.	GPS Chaba Gojjar (Peshawar).
130.	1507. M. Samiul Haque S/O Hafiz Mohd Asghar.	GPS Jogian (Peshawar).
131.	1510. M. Saadur Rehman S/O Saadur Rehman.	GPS NO:2 Gul Bahar (Peshawar).
132.	1511. M. Sher Zada S/O Amir Zada.	GPS Mushtarzai (Peshawar).
133.	1512. M. Shamshad Khan S/O Hazrat Gul.	GPS Kagwala (Peshawar).
134.	1534. M. Badshah Gul S/O Huma Gul.	GPS Khat Killi (Nowshera).
135.	1535. M. Mohd Khalid S/O Ghulam Habib.	GPS Malak Ajeon Garhi (Nowshera).
136.	1536. M. Arshad Ali S/O Nazir Mohd.	GPS Wezir Bagh (Peshawar).

Continued on page NO: 5.

F. Haziq:-

ATTESTED

Page No: 5

S. NO.	Roll NO.	Name/Father's Name	School where posted
137.	1537.	M. Mohd Iqbal S/O	Haji Amala Khan GPS Wazir Bagh (Peshawar).
138.	1538.	M. Mohd Suliman S/O Mohd. Ilyas.	GPS NO:1 Kabi (Nowshera).
139.	1539.	M. Ahmad Yar S/O Aurangzeb.	GPS Charlagh (Nowshera).
140.	1540.	M. Muqadar Shah S/O Maroof Shah	GPS Charlagh (Nowshera).
141.	1543.	M. Hikmat Khan S/O Farooq Khan	GPS Malik Ajoon (Nowshera).
142.	1541.	M. Perveezur Rehman S/O Faal Yasdan	GPS Malik Ajoon (Nowshera).
143.	1542.	M. Noor Alam S/O Wakoal Khan	GPS Spin Khak NO:3 (Nowshera).

9133-9283

Handwritten Signature
 (SYED LATIF AHMAD KHAN)
 DISTRICT EDUCATION OFFICER (MALE)
 PESHAWAR.

Indt. NO: /Appointments/PTO trained Dated Peshawar the 15/10 /1988.
 Copy of the above is forwarded for information to those:-

- 1- Director of Education (Schools) NWFP Peshawar.
- 2- Director of Education (Schools) Peshawar Division, Peshawar.
- 3- PS to Deputy Secretary Education (Schools) NWFP Peshawar.
- 4- Sub-Divisional Education Officer (Male) Nowshera, } With the remarks to check-up the original documents of the candidates concerned before taking over charge of their new posts.
- 5- Sub-Divisional Education Officer (Male) Peshawar.
- 6- Candidates concerned.

Handwritten Signature
 Fazli Raziq
 Nasrullah.

Handwritten Signature
 DISTRICT EDUCATION OFFICER (MALE)
 PESHAWAR.

ATTESTED

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



Personal Information of Mr TAJ MOHAMMAD KHAN d/w/s of ALI MOHAMMAD

Personnel Number: 00022332 CNIC: 1730158366403 NTN: 0
 Date of Birth: 04.04.1968 Entry into Govt. Service: 16.10.1988 Length of Service: 34 Years 08 Months 016 Days

Employment Category: Active Temporary

Designation: PRIMARY SCHOOL HEAD TEACH 80675740-DISTRICT GOVERNMENT KHYBE

DDO Code: PW6571-District Peshawar

Payroll Section: 003 GPF Section: 001 Cash Center: 33

GPF A/C No: EDU 037037 GPF Interest applied GPF Balance: 114,783.00 (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	1004	House Rent Allow 45% KP21	8,741.00
1210	Convey Allowance 2005	2,856.00	1300	Medical Allowance	1,500.00
2148	15% Adhoc Relief All-2013	950.00	2199	Adhoc Relief Allow @10%	637.00
2316	Teaching Allowance 2021	3,224.00	2341	Dispr. Red All 15% 2022KP	6,807.00
2347	Adhoc Rel Al 15% 22(PS17)	6,807.00			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	976.00	3990	Emp.Edu. Fund KPK	135.00
4804	R. Benefits & Death Comp.	600.00			0.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance
6505	GPF Loan Principal Instal	172,800.00	4,800.00	139,200.00

Deductions - Income Tax

Payable: 15,235.38 Recovered till JUN-2023: 11,427.00 Exempted: 3808.38 Recoverable: 0.00

Gross Pay (Rs.): 100,982.00 Deductions: (Rs.): 12,001.00 Net Pay: (Rs.): 88,981.00

Payee Name: TAJ MOHAMMAD KHAN

Account Number: 4063850702

Bank Details: NATIONAL BANK OF PAKISTAN, 231499 OFFICER COLONEY OFFICER COLONEY.

Leaves: Opening Balance: Aailed: Earned: Balance:

Permanent Address: SEDO M PESHAWAR

City: Peshawar Domicile: NW - Khyber Pakhtunkhwa Housing Status: No Official

Temp. Address:

City: Email: tajmuhammadkhan1968@gmail.com

ATTESTED

System generated document in accordance with APPM 4.6.12.9(82882/0.06.2023/v3.0)

* All amounts are in Pak Rupees

* Errors & omissions excepted (SERVICES/04.07.2023/17:01:30)

Annexure - B

GOVERNMENT OF KHYBER PAKHTUNKHWA ESTABLISHMENT DEPARTMENT (REGULATION WING)

NOTIFICATION

Dated: Peshawar, the 06/8/2020

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

AMENDMENT

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

CHIEF SECRETARY
GOVERNMENT OF THE KHYBER PAKHTUNKHWA

NOTE: NO. & EVEN DATE

Copy 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.



(Signature)
(WAJIAH LATIF)
DEPUTY SECRETARY (POLICY)

ATTESTED

(Signature)
ATTESTED

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 Autonomys/Semi Autonomous Bodies in Khyber Pakhtunkhwa.
9. All Deputy Commissioners in Khyber Pakhtunkhwa.
10. The Registrar, Peshawar High Court, Peshawar.
11. The Registrar, Khyber Pakhtunkhwa Service Tribunal, Peshawar
12. The Secretary, Khyber Pakhtunkhwa Public Service Commission, Peshawar.
13. The Deputy Director (IT), E&A Department.
14. All Section Officers in Establishment & Administration, Department.
15. The Section Officer (Admin), Administration Department with the request to arrange 20 gazette copies.
16. The Caretaker, Administration Department.

(WARDAH LATIF
DEPUTY SECRETARY (POLICY)

~~ATTESTED~~

Annexure - C



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
No. SO(Polcy)/E&A/12/2020
Dated Peshawar the June 08, 2023

62

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

Subject: GUIDANCE REGARDING DILATION 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(Polcy-M)/E&A/22-
2/Appointment/2023 dated 18.04.2023 on the subject noted above and to state that Sub-Rule
(5) of Rule-7 of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer)
Rules, 1989 stands deleted 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 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 in every condition.

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

Yours faithfully,

(Issa Nizam Khan)
Section Officer (Polcy)

ASE
7/6

Encl: Of even No & date

Copy forwarded to:-

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

Section Officer (Polcy)

ATTESTED



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

No.SO (Primary-MY/ES/EO/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, 1988.

I am directed to refer to the subject noted above and to enclose herewith
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

~~ATTESTED~~

16
B/c
No SO (Primary-M)/E&SD/2-6/2023
Dated Peshawar the June 25th 2023

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

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

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

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

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

Encl: AA

(MUHAMMAD ISHAQ)
SECTION OFFICER (PRIMARY MALE)

Copy forwarded to the:

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

SECTION OFFICER (PRIMARY MALE)

WP4442-2023 AZIZULLAH VS GOVT CF PB43

~~ATTESTED~~

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

Annexure
0


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. Balalqal Ullah	General Secretary APTA Peshawar
4	Muhammad Ishaq	Section Officer (Primary) E&SE Department Civil Secretariat Khyber Pakhtunkhwa Peshawar

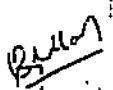
2. The meeting started with recitation from The Holy Quran. The chair welcomed the participants. The Deputy Director (Establishment) of Directorate of Elementary & Secondary Education briefed the forum regarding agenda item in detail.


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,
E&SE Department


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


(Mr. Balalqal Ullah)
General Secretary APTA
Peshawar


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

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

ATTESTED

- B/C -

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

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

S#	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

- B/C -

DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION, KPK

PESHAWAR
(21-7-2023)

To:

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

Dear Sir, I am directed to refer to letter No. (SO Primary-M) E&SED/S-1/G/1241/ Minutes of meeting/PST/2023 dated 10-7-2023 on subject cited above and to present brief history, about background of case as under:

- That Government of KP Establishment department (Regulation Wing) deleted rule 7(S) in Civil Servants (Appointment, promotion, Transfer Rule 1997) vide notification No. No. SDR-VI (E&AD) 1-3/2020 dated 06-08-2020.
- That this office sought guidance from your good office in the following words vide letter No. 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/turndown the offer of promotion.
- That your good office forwarded the same to quarters concerned vide letter No. SO (Primary-M) E&SED/2-2/Appointment/2023 for necessary guidance.
- That the government of KP-ED (Regulation Wing) vide letter No. SO (Policy) E&AD/1-2/2020 dated 6-06-2020, categorically stated that there exists no provision to decline /forgo promotion. It is obligatory upon every civil servant to accept promotion under any condition.
- That in light of the minutes of the meeting dated 6-07-2023 held under the Chairmanship of Hon. Additional Secretary Establishment at his office, This office has been asked for submission of consolidated case.

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

The case is submitted for perusal and necessary actions please.

Copy of the above to:

1. PA to Director Local Directorate
2. Master Copy

Assistant Director
Elementary & Secondary Education
Khyber Pakhtunkhwa.

ATTESTED



No. 8145

Khyber Pakhtunkhwa, Peshawar

Phone: 091-9211344

F.No. 3/ASST/AD/General Cases

Dated: 21/7/2023

Email: establishmentmajeed@gmail.com

To

The Section Officer (Primary-Male),
Elementary & Secondary Education Department,
Khyber Pakhtunkhwa Peshawar.

Subject: MINUTES OF THE MEETING
Dear Sir,

I am directed to refer to the letter No.SO(PPrimary-M)E&SED/1-1/G.Misc/Minutes of the Meeting/PS/2023 dated 10-07-2023 on the subject cited above and in present brief history about the background of the case as under:

- That Government of Khyber Pakhtunkhwa Establishment Department (Regulation (P)ing) dated Rule 7(3) in the Civil Servants (Appointment, promotion & Transfer Rules 1949) vide notification No. No. SCR-VI (E&AD)/1-3/2020 dated 06-08-2020.
- That this office sought guidance from your good office in the following words vide letter No. 6987 dated 16-02-2023.
 - (i) Now it is obligatory upon the civil servant to accept Promotion in every condition.
 - (ii) It is the prerogative of the civil servant to either accept or turn down the offer of promotion.
- That your good office forwarded the same to the quarter concerned vide letter No.SO (Primary-M) E&SED/2-2/Appointment/2023 for necessary guidance.
- That the Government of Khyber Pakhtunkhwa Establishment Department (Regulation (P)ing) vide letter No.SO (P)lay) E&AD/1-3/2020 dated 6-06-2023 categorically stated that there exists no provision to decline or forgo promotion. It is obligatory upon every civil servant to accept promotion under every condition.
- The same was received by this office from your good office vide letter No.SO (Primary-M) E&SED/2-2/Appointment/2023 dated 12-06-2023.
- That, in the light of the minutes of meeting dated 6-07-2023 held under the Chairmanship of Hon. Additional Secretary Establishment at his office, this office has been asked for submission of consolidated case.

In view of the above, this office is of considered opinion that the deletion of Rules 7(3) have affected negatively a huge numbers of Female Teachers. Thus it is proposed that Teachers below 15-16 may be exempted of implications of the amendment in the rules provided they submit their written refusal prior to conduction of the meeting of Departmental Promotion Committee.

The case is submitted for perusal and necessary actions please.

[Signature]
21/7/2023
Assistant Director (Estab M-1)
Elementary & Secondary Education
Khyber Pakhtunkhwa

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

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

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

ATTESTED



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

No. SO(PPrimary-M)EBS&ED/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(S) IN THE CIVIL SERVANT (APPOINTMENT, PROMOTION & TRANSFER RULES 1989).

Dear Sir,

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

2. In this connection it is submitted that in some cases lady teacher of primary level who avail such promotions have to face serious inconvenience while they have to perform duties in the remotest station with no residential or transport facility. Most of them are married with kids and elder father 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 EB&SE Khyber Pakhtunkhwa.
2. PS to Secretary, EB&SE Department Khyber-Pakhtunkhwa.


SECTION OFFICER (PRIMARY MALE)
20/8/23

Scanned with CamScanner

ATTESTED

~~ATTACHED~~

1. Division E & SE Kyber Pakhtunkhwa
2. PS to Secretary, E & SE Department of Education, Government of Kyber Pakhtunkhwa
(Muhammad Ismail)
Section Officer (Primary)

Copy forwarded to:
In this connection it is submitted that in some cases lady teachers 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.

Dear Sir,
I am directed to refer to your letter No. SA/primary (Policy) /24AD/1-3/2022 dated 6th June 2022 and to state that after deletion of Rule 7(S) Kyber Pakhtunkhwa Civil Servant (Appointment, Promotion and Transfer Rules 1989) it has been intimated that those officers/officials who do not comply with promotion order of the competent authority or try to evade promotion through different means shall be proceed under Kyber Pakhtunkhwa Civil Servant (Efficiency and Discipline) Rule 2012.

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

To
No. SA (Primary-M) E&SE/D/18-21/ Appointment-Rule/2022
Peshawar Dated 23rd August 2022.

- b/c -
- 12 -

Annexure - F



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

23

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.

ATTESTED
WP4442-2023 AZIZULLAH VS GOVT OF PK

24

- 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)

Encl. Of even No & date

Copy forwarded to the:-

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

Section Officer (Policy)

WP4442-2023 A2/ZULLAH VS GOVT OF PG43

~~ATTESTED~~

Annexure - G

To,

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

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

Sir/ Madam:-

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

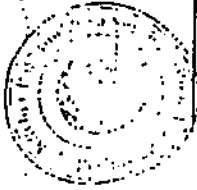
It is, therefore, humbly prayed that on the acceptance of the instant representation; the Notification bearing No. SO (POLICY) E&D/1-3 1-2020 DATED 06/08/2020, communicated to vide letter dated 06/06/2023, may please be declared and ordered to be struck down being Void, Ultra vires to the Constitution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

Dated 16/08/2024



ATTESTED TAS MUHAMMAD KHAN
 ALL MUHAMMAD KHAN
 PSHT

07.05.2024



1. Learned counsel for the appellant present.

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 1
Urgent 1
Total 1
Name of ---
Date of 13-5-24
Date of delivery of copy 12-5-24



ATTESTED

VAKALAT NAMA

BEFORE THE SERVICE TRIBUNAL PESHAWAR

TAJ MUHAMMAD KHAN

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