## FORM OF ORDER SHEET

	Court o	peal No. 219-3 /2024
S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1.	2	3
1-	29/10/2024	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.
		By order of the Chairman
,		REGISTRAR
:		

# before the service tribunal khyber pakhtunkhuwa ANO = 2193 / 24

ROMINIA.

Government of KP & others

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ADJOCATE - Muazan Butt

## BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

1	n.	c	
ın	ке	1	to

Service Appeal No 2193 /2024

Ron	ninia wife of Abrar ullah, SPST (BPS-14)	
Cha	rbagh, PO Kapani, Jhandi, Tehsil Takht Bhai, District Mardan	
	VERSUS	Appellant
1)	Secretary to Government of Khyber Pakhtunkhwa, Establishme Secretariat, Peshawar	nt Department, Civil
2)	Secretary to Government of Khyber Pakhtunkhwa, Element Education Department, Civil Secretariat, Peshawar	ary and Secondary

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:

 That the Respondents Department appointed the Appellant as Senior Primary School Teacher.
 Copy of Appointment letter is annexed as <u>Annexure A</u>

- 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
- 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 <u>Annexure C</u>
- 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 yit had negatively affected a large number of teachers and especially female teachers... Copy of Letter dated 23-08-2023 is attached as <u>Annexure E</u>

- 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 <u>Annexure G & H</u>
- 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.
- 15. 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 or 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 grunted promotion to next rank.
  - c. That as per Civil Servant laws, promotion is a kind of appointment which is always optional to get promotion or not, hence the impugned notification is void, illegal and against the law and the same to the extent of the appellant is liable to be set-aside.
  - d. That it is further submitted that on account of grant of promotion, some employees who are suffering from severe medical ailment or facing acute domestic issues cannot avail promotion with transfer in other areas, therefore, no employee can be compelled to accept the promotion compulsorily which is not beneficial to the employee but if an employee does not avail and get benefit of her promotion it must be optional for the employees as to whether to avail or forego the benefits. Any promotion without willingness of employee is illegal and liable to be setaside.

- e. That non-availing of promotion and foregoing thereof does not cause loss to the government exchequer and in consequence of foregoing promotion, pave way to the next employee in seniority, aspiring for promotion could be promoted.
- [ 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 untawful, 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:

11/1

1, (the appellant) soleninly 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.

Through

Deponent

Muham And Muazzzam Butt Advocate/Supreme Court

ppellant

Nuhammad Adeel But Advocate4figh Court

n Allmad Siddiqui Advocate High Cour

LL.M- Human Rights

## BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

C.M No	P of 2024	
In Ref to		
Service Appeal No _	2024	

#### Rominia

#### 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:-

...

- 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.

Through

**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.

Deponent

Appellant

Muhammad Muazzam Butt Advocate Supreme Court

Muhammad Adeel Butt Advocate High Court

### Dist. Govt. KP-Provincial District Accounts Office Mardan Monthly Salary Statement (June-2024)



Personal Information of Miss ROMANIA d/w/s of ABC

Personnel Number: 00365290

CNIC: 1610213762442

Date of Birth: 31.12.1984

Entry into Govt. Service: 30.12.2006

NTN:

Length of Service: 17 Years 06 Months 002 Days

**Employment Category: Active Temporary** 

Designation: SENIOR PRIMARY SCHOOL TEA

80003435-DISTRICT GOVERNMENT KHYBE

DDO Code: MR6159-DY.DISTRICT EDUCATION OFFICER (F) TAKHT BHAI

Payroll Section: 003

GPF Section: 001

Cash Center: 3

GPF A/C No: 365290 **GPF** Interest applied GPF Balance:

565,777.00 (provisional)

Vendor Number: -

Pay and Allowances:

Pay scale: BPS For - 2022

Pay Scale Type: Civil BPS: 14

Pay Stage: 13

	Wage type	Amount	Wage type	Amount
0001	Basic Pay	45,150.00	1001 House Rent Allowance 45%	3,321.00
_	Convey Allowance 2005	2,856.00	1300 Medical Allowance	1,500.00
_	15% Adhoc Relief All-2013	475.00	2199 Adhoc Relief Allow @10%	324.00
_	Teaching Allowance 2021	3,036.00	2341 Dispr. Red All 15% 2022KP	4,207.00
	Adhoc Rel Al 15% 22(PS17)	4,207.00	2378 Adhoc Relief All 2023 35%	15,193.00

#### Deductions - Genéral

Wage type		· Amount:		Wage type	Amount
3014	GPF Subscription 2	-3,900.00	3501	Benevolent Fund	-1,200.00
3609	Income Tax	-567.00	3990	Emp.Edu, Fund KPK	-135.00
4004	R. Benefits & Death Comp:	-600.00	ĺ		0.00

#### Deductions - Loans and Advances

Loan	Description	 Principal amount	Deduction	Balance
6505	GPF Loan Principal Instal	 300,000.00	-10,000.00	20,000.00

**Deductions - Income Tax** 

Payable:

8,863.18

Recovered till JUN-2024:

Exempted: 2215.18

Recoverable:

Gross Pay (Rs.):

80,269.00

Deductions: (Rs.):

-16,402.00

Net Pay: (Rs.):

63,867.00

Payee Name: ROMANIA

Account Number: 17391-1

Bank Details: HABIB BANK LIMITED, 220472 TAKHT BAI, MARDAN. TAKHT BAI, MARDAN., MARDAN

Opening Balance:

Availed:

Earned:

Balance:

Permanent Address:

City: MARDAN

Domicile: NW - Khyber Pakhtunkhwa

Housing Status: No Official

Temp. Address:

City:

Email: romaniabrar@gmail.com

System generated document in accordance with APPM 4.6.12.9(288598/21.06.2024/v3.0)
\*All amounts are in Pak Rupees
\*Errars & omissions excepted (SERVICES/02.07.2024/19:40:32)

Consequent upon the advertisement published in the daily "Mashriq" Peshawar dated 08/06/2006 and resulted interview held on 27/06/2006 by the District recruitment/selection committee the undersigned being competent Authority is pleased to appoint/approve the following PST (Female) Fresh candidates BPS-07(Rs.2555-140-6720) plus usual allowances as admissible to them under the rules against the vacant PST post at the schools noted against each with effect from the date of their taking over charge in the interest of public service subject to the following existence terms and conditions:-

J.C. I	C. BABANI					
1	1522	SÓHAILA	ABDUL KARIM SHAH	BABAHI	GGPS 8abin-1	Agensi Veceni PST Post
2	477	SHELA GUL	KHÂUD KHAN	BABANI	GGPS Yahya Jadeed	Against Vacars PST Post
3	842	LUBNA BEGUM	WAHEED GUL	BABAM	GGPS Sher Bahadher Keb	Agamsi Vacant PST Post
4	642	GOHARA	GUL RAHMAN	BABAIO	GGPS /ahya Jadeed	Against Vacant PST Post
8	236	FATHMA BIBI	MUHAMMAD GUL	BABAN	GGPS Hap Muhammad Kille	Against Vacant PST Post
6	2092	HANI GUL	IHAJI RAMA	BABAKI	GGPS Babin-1	Agavist Vacant PST Post
7	2067	SHAGUFTA MUMTAZ	MUMTAZ ALI	BABAHI	GGPS Kodinata	Agamst Vacare PST Post
•	817	SAIQA BEGUM	ASHRAF KHAN	BABANI	GGPS Kodmara	Againsi Vacars PST Post
•	2589	RASHIDA KAUSAR	KHAN GUL	BABAN	GGPS Khalid Abad	Againsi Vacari PST . Post
U.C.	BOBU	JZAI			<u></u> .	
П	1171	ZAINAB BIBI	SAHIB ZADA ALI HAIDER	BABOZAI	GGPS Bebuzai-1	Agamsi Vicana PST Post
2	2471	NIGHAT GULZAR	GULZAR KHAN	BABOZAI	GGPS Bobutai-2	PST Poul
•	1139	RASHIDA	MUSAHEF SHAH	BABOZAI	GGPS Bobuzawi	Azəmsi Vəcani PST Posi
•	1650	SKAMIM ARA	SAID FAOIR	BABQZAI	GGP5 BuboraiZ	AGAMSI VACEM PST Posi
5	1632	ZEENAB SULTAN	RAHAM AKBAR	BABOZAI	GGPS Boouza-1	Against Vacant PST Post
ÜC	BACH	TIRUM				
1	1462	RIFFAT	ZAHIR ULLAH L	BAGH E IRUM	GGPS BAGHI IRUM	Agamsi Vaçant PST Post
2	399	ASMA BIBI	WAZIR ZADA	BAGH E IRUM	GGPS Tambush	PST Post
13	1490	AGEELA NAZ	ALI BAHADAR	BAGH E IRUM	GGPS Tembulak	Agansi Vacant PST Post
4	1760	REHANA YASIJEEN	MUHAMMAD ALI	8AGH E IRUM	GGPS Tambulai	Against Vecan PST Post
5	1154	KULSOOM JAMSHED	JAMSHED KHAN	BAGH E IRUM	GGPS Tambulak	PSY Pou
•	903	HALEEMA AIGHTAR	GUL SHAHZADA	BAGH E	GGPS Yamoutat	PST Post
7	455	TAFSEEL BEGUM	накім кнал	'BAGH E' T IRUM	<u> </u>	PST Post
•	284	ALIA	DIAYATULLAH	BAGH E IRUM	GGPS Tembulak	PST Post
,	1505	SAEEDA GUL	SHASHTI GUL	BAGH E IRUM	GGPS Tamburak	PST Post
UC BAIZO KIIARKI						
1	1204	MUSSARAT	MUHAMMAD ZAMAM	SAIZO KHARKI	GGPS Ikram Pur	Against Vacant PST Post
1	176	KHATOON	HOOR ALL	BAIZO KHARKI	GGPS (krampur	Actent Vacant PS1 Post
- 1	.l	1.===				

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U.C.	JEH/	ANGIR ABAD			8	
T	1364	SAMINA BEGUM	SABZ ALI KHAN	JEHANGIR GABA	GGPS Aslam Koorona	Agamsi Vacare PST Post
2	904	ROMANIA	AMANULLAH KHAN	JEHANGIR ABAD	GGPS Sher Dil Khan Banda	Againsi Vacare PST Post
3	1307	REHANA	MUHAMMAO YOUSAF	JEHAHÇIR ABAD	GGPS Sher Od Khan Qanda	Againsi Vacarii . PST Post
Ŀ	1150	AMBAREEN AXHTAR	PIR SABZ ALI SHAH	JEHANGIR ABAD	GGPS Kamargai	Agamsi Vacam PST Post
	1834	RIFAT GULZAR	GULZAR KHAN	JEHANGIR ABAD	GGPS Aslam Koorona	Against Vacard PST Post
<u>v.c.</u>	KAN					
<u>                                     </u>	1547	DURR E SHAHWAR	KKAN SAHIB	KANDAR	GGPS Gadeeno Kus	Agenti Vacari PST Poel
2	1550	MENHAS BEGUM	AMIR ZADA	KANDAR	GGPS Abdul Qade Kole	Agenti Vacere PST Post
1.	1519	ROBINA	BAHADAR KHAN	KANDAR	GGP9 Sufaid Abad	Agamsi Vacani PST Post
╚	615	BALMA NAHEED	GHULAM SARWAR	KANDAR	GGPS Bhattai Koorona	Againsi Vacant PST Post
٥	727	MEHRUN NISA	AFZAL KHAN	KANDAR	GGPS Ohakki Kandar	Agams Vacari PST Post
6	1550	SALMA BEGUM	KAMAL KHAN	KANDAR	GGPS About Qade Koorona	PST Post .
7	1521	afbana '	BAHADAR KHAN	KANDAR	GGPS Yalo Inzor	Agamsi Vacare PST Post
	2042	ADILA BIBI	RAJ MUHAMMAD	KANDAR	GGPS Bhattai Koorona	Agensi Vacare PSY Post
U.C. KATA KHAT						
-	869	ATIA	JAMROZ KHAN	KATA KHAT	GGPS Kata Khai	Agamsi Vacant PST Post
2	1120	MEHNAZ	Syed Member Skah	KATA KHAT	GGPS Kotar Pan	Agamst Vacant PST Post
3	2070	ZUHARA	BAHADAR SHER	KATA KHAT	GGPS Kotar Pan	Against Vacant PST Pout
•	1750	NAVEEDA ANWAR	MUHAMMAD ANWAR	KATA KHAT	GGPS Ashral Abad	Agrent Vacare PST Poul
8	720	SAMINA	SAID KARIM	KATA KHAT	GGPS Tang Abad	Against Vacans PST Pour
v.c	. KA7	LANG-II	,			
<u>'</u>	1592	SAIQA BEGUM	MUHAMMAD IRSHAD KHAN	KATLANG	GGPS Yora Baz	Agami Vacare PST Pou
2	894	ALIA 6:8)	FAZLI HAKIM	KATLANG -(I	GGPS Pathoral-1	Agenti Vacent PST Post
3	184- B	MEHRUN NISA TABASSUM	SHAMSUL QAWAR	KATLANG 411	GGPS Shet/a Baba	Agensi Vacare PST Poul
•	2363	SHAMA FIDA	FIDA MUHAMMAD	KATLANG -II	GGPS Yora Baz Killi	Agressi Vacant PST Post
U.C.	KAT.	GARHI			· · · · · · · · · · · · · · · · · · ·	
•	1024	SEEMA BEGUM	MUHAMMAD AYAZ "	KATTI GARHI	CMS Nowsher Khan	Agamsi Vecart PST Poul
2	1023	ROBEENA BIBI	ALI REHMAN	GARHI '	CMS Nowsher Khan	Agamii Vacari PST Poss
U.C.	KHA	ZANA DHERI	<u> </u>			<del>,</del>
<u>.</u>	1113	NAGINA ALI	KARIMULLAH	KHAZANA DHERI	GGPS Khazana Dheri	Against Vacant .PST Post
U.C. KOHI BARMOL						
1	1094	TASLEEM SHAH	SHAH ZAMR	KOHI BARMOL	GGPS Kohi Barmo-1	Agenst Vacant PST Post ANS 9
2	540	FARAH DEEBA	SHAHAB UD DIN	KOHI BARMOL	GGPS Kohi Barmo-i	Agams: Vacant PST Post
3	1937	MEHRUN NISA	RAHIM ZADA	KOHI BARMOL	GGPS MIAN KHAN	Against Vacant PST Post
4	1935	ABIDA TAJ	TAJBAR SHAH	KOHI BARMOL	GGPS Sangao	Agamst Vacant PST Post
5	1606	MALAL ZAMINA	MUHAMMAD RAHIM	KOHI BARMOL	GGPS GGPS Mian Khan	Agama Vacar: PST Post
•	672	SAESDA BIBI	MUHAHMAD NAWAZ	KOHI BARMOL	COPS (A)IOAO	AGENSI VICENT PST POSE
لــــا	<u> </u>		ISHTIME .	- WINAUL		PST Post



Ĭ.	1440	BUSHARA '	ROOM BIHAR	TAKKAR	IGGRS Gunia	PST Post
Ή,	1063	NOOR BUSHRA ALI	SABZ ALI	TAKKAR	GGPS Gunjai	Against Vacari PST Post
<u>U.</u>	CBIJL	T .		Bijligarh	GGPS Bulgarin	Agamsi Vacant PST Post
14	1263	Keuser Parveen	Gui Rehman	Gindau	<u> </u>	

## TERMS AND CONDITIONS:

- Their appointments are made purely on contract policy 2005 and will not be entitled for pension / Gratuity as per policy and are liable to termination at any time without any notice or reason.
- They are required to produce health and age certificates from the concerned 2-Medical Superintendent before taking over charge.
- They are not allowed to take over charge if their age is less than 18 years and
- Their educational/professional certificates/degree should be verified from the concerned Board/University before drawl of their pay and pay should not be released till the comparison of their score with merit list maintained in this office after verification.
- They will be governed by contract policy 2005 and other policy/rules released by the Govt: from time to time.
- They are entitled for annul increment on completion of one year service.
- They will take over charge of the post within 15 days.
- In case of resignation they will give one month prior notice to the Department or forfeit one month's salary in Government treasury.
- In case of duplication of post the appointment order of junior most will be withdrawn automatically.

(MIAN WALI MUHAMMAD) EXECUTIVE DISTRICT OFFICER SCHOOLS & LITERACY MARDAN

\_23611-G\_/Apptt: PST, Dated Mardan the; \_23/12/2006 Copy forwarded for information and necessary action to the:-Director Schools and Literacy NWFP, Peshawar. Endst: No.

- District Nazim Mardan. 2-
- District Coordination Officer Mardan. 3-
- District Accounts Officer Mardan.
- 4-5-Supdn: local office.
- Deputy District Officer (Female) Mardan & Takhi Bhai. 6-
- ADO (Estt :) Local Office.
- Head Teachers Concerned
- Candidate concerned.

TRICT OFFICER SCHOOLS & LITERACY-MARDAN

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<u> Vu.c. takkar</u> GCPS Our BUSHARA 👌 TAXKAR SAHIB NOOR 1448 NOOR AGAMA VAI PST Post BUSHRA ALI SABZ ALI TAKKAR 1063 Againsi Vacar PST Post GGPS Bybgam Kausar Parveen Gul Rehmen BĢigem 1253

### TERMS AND CONDITIONS:

- Their appointments are made purely on contract policy 2005 and will not be entitled for pension / Gratuity as per policy and are liable to termination at any time without any notice or reason.
- They are required to produce health and age certificates from the concerned Medical Superintendent before taking over charge.
- They are not allowed to take over charge if their age is less than 18 years and 3above 40 years.
- Their educational/professional certificates/degree should be verified from the concerned Board/University before drawl of their pay and pay should not be released till the comparison of their score with merit list maintained in this office after verification.
- No TA/DA is allowed.
- They will be governed by contract policy 2005 and other policy/rules released by the Govi: from time to time.
- They are entitled for annul increment on completion of one year service.
- They will take over charge of the post within 15 days.

  In case of resignation they will give one month prior notice to the Department or forfeit one month's salary in Government treasury.
- In case of duplication of post the appointment order of junior most will be 10withdrawn automatically.

(MIAN WALI MUHAMMAD) EXECUTIVE DISTRICT OFFICER SCHOOLS & LITERACY MARDAN

Endst: No.\_\_23611-G\_/Apptt: PST. Dated Mardan the, 23/12/2006 Copy forwarded for information and necessary action to the:-

- Director Schools and Literacy NWFP, Peshawar.
- District Nazim Mardan.
- District Coordination Officer Mardan.
- District Accounts Officer Mardon.
- Supdit: local office.
- Deputy District Officer (Female) Mardan & Takht Bhai.
- ADO (Esit :) Local Office.
- Head Teachers Concerned
- Candidate concerned.

TRICT OFFICER ERACY MARDAN **SCHOOLS &** 

<u>ASIENIIA</u>

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# Annexue-

GOVERNMENT OF CHYBER PARHTUNKHWA ESTABLISHMENT DEFARTMENT (BECOLATION WING)

## NOTHITICATION

Dafed Pashawar the 06 / 8-72020

the exercise of the powers conferred by section 25 of the Civil Soryants Act Hollar Dakhinkhistor Act Moixvill of Miles China Mindster of Khylier Dakhinkhistor Philippe Pakingmanya Livie Servents Act, 1973 (Khyber Pakingnkhwa Act No.XVIII of Khyber Chief Minister of Khyber Pakhighkhiwa is pleased to direct that in the Khyber Chief Minister of Khyber (Appointment). Promotion and Transfert from the Chief Civil Servents (Appointment). Promotion and Transfert from (Appointment), Promotion and Transfer Rules, 1989, the Kinghankhard Civil Surveying (Appointment), Promotion and Transfer Rules, 1989, the Thomas further unrendencest shall be made, namely:

## AMENDMENT

in rule 7, sub-rule (5) shall ba delened.

GOVERNMENT OF THE KITY DER PAKETUNKHYA

## NISTEND & PIVEN DATE

Additional Chief Secretary, Govi. of Khyber Pakhtunkhwa. Planning & finit a furnitated to:-

The Senior Member Board of Revenue, Khyber Pakhrunkhwa. All Administrative Segreturies to Govt. of Khyber Balthturkhya.

The Principal Secretary to Governor, Khyber Pakhtunkhwa.

The Principal Secretary to Chief Minister, Khyber Pekhininkhwa.

All Divisional Commissioners in Khyber pakhtunkhwa All Houses of Artaclied Departments in Khyber Pakhiunkhiva.

All Autonomous/Semi Autonomous Bodies in Khyber Pakhunkhwa.

All Deputy Commissioners in Khyber, Pakhiunkhwa. The Registrar, Khyber Bakhtunkhya Service Tribunal, Peshawat. The Registrar Peshawar High Court, Peshawar The Secretary; Chyber Pakhimkhwa Public Service Commission, Peshawin

The Deputy Director (IT), ESA Department.
All Saction Officers in Establishment.

The Section Officer (Admn), Administration Department with the request to

The Carelaker, Accininistration Department. arrange 20 gazetic copies.

ATTESTED

(WALLAH LATIF) DEPUTY SECTIONARY (POLICY)

1-11,81.00

### 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, name (7.4)

#### **AMENDMENT**

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

CHIEF SECRETARY
GOVERNMENT OF THE KHYBER PAKHTUNKHWA

(ANDS): & EVEN DATE

Copy is fogwarded to :-

- 1. Additional Chief Secretary, Goyt 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. Ali 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.
- $_{\chi i}$ , 16. The Caretaker, Administration Department.

(WARDAH LATIF)
DEPUTY SECRETARY (POLICY)

A

PA to Additional Secretary (Account, Buchildment Department pain abreit Becking (Ites), Aitabilthmen Deprimin.

Cony forwarded to these

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proceeded agalast under Khyber fakhinnkhirn Cloff Servanis (Affielency & Discipline) Aules, ad flads encoun incredible diguond nothernment above of get to the theorem end end for Fundermore, those officersoffields who do not comply with promotion order

clyll serveni to occept promotion in every condition.

to sackle higher responsibilites, in case of promotion. Therefore, it is obligatory upon every Vilsagaz to Asal works to islenandynlikog obsvs al nollomoig ogiol at basi artiv starif insvsig. of 10 molillogyzan evaluation is the substance to a single lucrality and allegans transfer or to a unimavang to bamia at olen üldi aris to natialab oili bnidad alenoten ateed with

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Rules, 1989 stands deleted wide startment noulficulton dated 06.08.2020; thus, on (1) of Rule 7 of Rhybert Publiculation Cleil Bermais (Appolatement, Promotion and Tanisfer) plassing land plate of the evode trained toplate oil in ELOS. 30.81 total ESASVinominionanal - rectificated in teles to yant teller No. Southformery-Mynassiupty-

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Exor , 30 acrul, orb sawailes ! ( John ( No. Stoll olley like Athl. 30020 **ชพมกักรากลุ่งแก่ รพมกุลและเล่นล่วนลู** COVERNMENT OF CHYBIRIC PARITY DAILOWA

## ЭОVЕКИМЕНТ ОР МИЧВЕК РАНИТИНКИМА ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT CIVIL SECRETARIAT PESHAWAR (Fnone No.091-9223587)

Nn.SO (Pilmary-M)/EBSED/2-6/2023 Daled Peshavar the, June 26", 2023

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

Aziz Üllah Khan President :

All Primary Teacher's Association, KP

GUIDANCE REGARDING DELETION OF RULE 7(5) IN THE KHYEER PAKHTUNKHWA CIVIL SERVANTS (APPOINTMENT, PROMOTION Subject:

AND TRANSFER) RULES, 1988.

am directed to refer to the subject noted above and to enclose here with a letter of Establishment Department letter No. SO (Policy)E8AD/1-3/2020 dated '06 June, 2023 and to state that the subject meeting is to be held on 05 July, 2023 at 11:00 AM in this department under the Chairmanship of Additional Secretary (Estab) EASE Capairment in his office.

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

Engl: AA

(MUHANMAD ISHAO) SECTION OFFICER (PRIMARY MALE)

Copy forwarded to the:

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

SECTION OFFICER (PHIN

42-7923 AZIZULLAH VS GOVT CF PG43

15

No SO (Primary-M)/6&550/2-6/2023 Datad Peshawar the June 25th 2023

Ta

The Director
Elementary & Secondary Education Department
Khyber Pokhtunkhwa, Peshawar

Aziz Ullah Khon Prosident 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 nated 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:

1.95 to Secretary, E&SE Department Khyber Pakhtunkhwa.

SECTION OFFICER (PRIMARY MALE)

WP4442-2023 AZIZULLAH VS GOVT CF PG43

A

MINUTES OF THE MEETING REGARDING APPLICATION SUBMITTED BY MR. AZIZ ULCAH PROVINCIAL PRESIDENT ALL PRIMARY TEACHERS ASSOCIATION KHYRER FAKHTUNKHWA REGARDING OF DELETION OF RULE 7(5) IN THE CIVIL SERVANT (APPOINTMENT, PROMOTION & TRANSFER RULES 1769).

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

	<u> </u>	
S#	NAME	DESIGNATION/
1	Mr. Pozol Wahld	Deputy Director Establishment of Directorale Elementary & Secondary Education Department
2	ı Mr. Axiz Ülləh	Provincial President All Primory Teachers Association Khyber Pokhlunkhwo
3	Mr. Ralagal Ullahi	General Secretary APTA Peshawar
4	Muhammad Ishaq	Section Officer (Primary) ELSE Department Civil Sectelarial Knyber Pakhtunkhwa Peshawar

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

3. After threadbare discussion it was decided that Directorate of Elementary 2. Secondary Education Department may examine the case properly and submit a self-contained/consolidated case for anward submission to Establishment Department for further necessary action.

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

(Mr. Fozol Wahld)
Deputy Director-I
ESSE Deportment

(Mr. Rolagol Ullah) General Secretary APTA Peshowar (Mr Aziz Ullah)
Provincial President
All Primary Teachers Association
Khyber Pothtunkhyla

(Muhammad ishaq)
Sacilon Oktoer (Frimary-Male)
EESE Department

(Abdullah) . Addilland Secretary (Establishment) . E&SE Department

WP4442-2023 AZIZULLAH V5 GOVT CF PG43

1

## - B/c-

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

A meeting regarding the subject matter was held on 06-07-2025 at 12:00 AM under the Chairmanship of Additional Secretary Establishment in his office. The following attended the meeting

S# NAME	DESIGNATION	
1 Mr. Fazal Wahld	Deputy Director Establishment of Directorate Elementary & Secondary Education Department	
2 Mr. Aziz Ullah	Provincial President All Primary Teachers Association: Khyber Pakhtunkhwa	
3 Mr. Rafaqat Ullah	General Secretary APTA Peshawar	
4. Muhammad Ishaq	Section Officer (Primary) E&SE Department Civil Secretarial Knyber 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 & 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 Wahld)	
Deputy Director-1	
E&SE Department	
Provincial President	
Ali Primary Teachers Association	
Khyber Pakhtunkhwa	· · ·
(Mr. Rafagat Ullah) General Secretary APTA	
Peshawar	
[Muhammad Ishaq]	•
Section Officer (Primary-Male)	
E&SE Department	
1.	
<del></del>	(Abdullah)
Additio	RAL SASTALATA LESTA DISPOSO
- WP4442-Z	023 AZIZUELAH VE GOVT CZ PC45

A



Kliyber Pakliturikhwa, Pestidwar No. 14/SST/M/Galieral Cours

Galieral Color Doreil 26-

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

Subject: -Dear Sir,

### <u>MINUTES DE TUE MEETING</u>

I am precient to refer to the letter No.SO(Primary-M)E&SED/3-1/
G.Misc/Minipas of the desting/PST/2023 dated 10-07-2023 on the subject cited above and to
present brief history about the background of the case as under:

- That Government of Khyber Pakhtunkhwa Establishment Department (Regulation Wing) daleied Rule 7(1) in the Civil Servents (Appointment, promotion & Transfer Rules 1989) vide notification No. No. SOR-VI (E&AD)/I-1/2020 dated 06-08-2020.

  That this office double guidance from your good office in the following words vide letter No. 6082 dated 04-02-2023.
- No.6987 dated 06-02-2025.
  - (i) It is the precognitive of the civil servant to accept Promotion in every condition.

    (ii) It is the precognitive of the civil servant to either accept or turn down the offer of
- That your Rolf affice forwarded the same to the quarter concerned vide letter No.50 (Primet b) E&SED/2-2/Appointment/2021 for necessary guidance.

  That the Gave hunted of Klyber Pokhtunkawa Establishment Department (Regulation
- iVing) vide let et No.SO (Policy) E&AD/1-3/2020 dated 6-06-2023 categorically stated that there exten no provision in decline or forgo promotion. It is obligatory upon every civil servant to accept promotion under every condition.
- The same with secretard by this office from your good office wide letter No.50 (Primary-M) EESED/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 tion, Additional Secretary Establishment at his office this office; has heen asked for submission of consulidored ense.

in visit of the above, this affice is of constitered opinion that the deletion of Rules 7(5) have affected regulively a lings numbers of Femals Teachers. Thus it is proposed than Teachers balow Brb-16 may be exempted of implications of the amondment in the rules lold provided they submit their written refusal prior to conduction of the meeting of Depurimental Marketlan Committee.

The case is submitted for perusal and necessary actions please.

Assistant Direttor (Estab M-1) Elementary & Secondary Education

Khyber Pakhtunkhwa

· Endst: No.

Copy of the Hoove is to:-

1. PA ja Director Local Directorate.

E. Marier Copy.

Assistant Director (EstabM-1) Elementary & Socondary Education Klipber Pakhninkhwa

42-2021 AZIZULLAH VS GOVT CF PG43

DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION, KPK

To:

PESHAWAR (21-7-1013)

Section Officer (Primary Male)
Elementory & Secondary Education Department
KFF, Yeshawar.

Subject: Minutes of Heeting

Dear Sir; g am directed to refer to letter No. (SO Aimage -M) E & SED /5-1/GNBL/ Minister of meeting /957/2023 dated 20-7-2023 on subject cited above and to present but history, about background of cure as under. That Government of KP Establishment dependment (Regulation Wings)

\* That Government of KP Establishment dependment (Regulation Wing)

added rule 9(5) In Civil Servents (Appointment, promotion of Transfer Rules 1941)

vide notification No. No. 5DR-VI(ESAD)1-3/2020 dated 06-08-2020.

· That this office sought guidance from your good uffice in the following words vide letter No. 6987 dialed ob-over2022

(i) Now it is obligatory upon will swant to accept promotion.

(ii) It is prerogative of civil scavant to estron accept/transform the offer of promotion.

offer of promotion.

That your good office forwarded the came to appendix concerned wide letter No. So (Principle) E&SED/2-2/Appointment (2023 for racessary guidonce.

- That the government of KP-ED (Regulation Wilny) vide letter No. So (Policy) EGAD 1-3 2020 dated 6-06-2023 categorically stated that those exists no provision to decline forgo promotion. It is obligatory upon every civil servent to accept paristin under energy condition.
- That in light of the minutes of the meeting dated 6-07-202) held under the Chairmanship of Hon. Additional Secretary Establishment at his office. This office has been asked for submission of consolidated case.

The view of the above, this office is of considered opinions that the deletion of Rules 7(5) have affected negatively a huge members of Febrale teachers.

The case is "submitted for person and necessary actions

Copy of the cubive to;

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

Assistand Director
Elementary & Secondary Education
Khalos Rathlankhus.

WP4447-2023 AZIZULLAH VS GOVT CF PG43

1



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

Ho. SO(Primary-M)EBSED/2-2/Appointment-Rule /2023 Peshawar Dated 23rd August, 2023

Annexure #

The Secretary to GovL of Khybar Pakhlunkhwa. Establishment & Administration Department, Peshawar

GUTDANCE REGARDING DELETION OF RULE 7(5) IN THE CIVIL SERVANT (APPOINTMENT, PREMOTION & TRANSFER RULES SUBSECT: -

DEED SIL

11.16

I am directed to refer to your letter No. 50(Policy)/ E&AD/ 1-3/2020 dated 067 June 2023 and to state that after deletion of rule 7(5) Khyber Pakhtunkhwa Ovil Servers (Applionament, Promotion & Transfer Rules 1989) It has been intimated that those officers/ officials vitio do not comply with promotion order of the competent authority or סיץ נס evade promotion through different means shall be proceed under Khyber Peterbunkity/a Civil Servant (Efficiency & Discipline) Rules, 2011.

In this connection it is submitted that in some cases lady teacher of primary level with avail such promotions have to face serious inconvience 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.

In view of the above, the said amendment may be reconsidered to the

extent of lasty leacher in julmary schools.

SECTION OFFICER PRIMARY MALE!

Copy forwarded to the:

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

SECTION OFFICER

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MP4442-2023 AZİZÜLLAH VS GOVT CF PG43

Ecoscherguthors bostod namerles? No.56 (M- yang) 2.000 Angalahura - Rule (2023

- 7 - -

Establishment and Administration is prominers, The Secretary to Government of Khybo Bethronblues.

الجرا كمر يجيد.

(686T Cit Servari (Applitment, Amelian & Transfer Rules Guidance regending deletion of Rule 7(5) in the SUBJECT: .

Civil Servant (Efficiency and Dixipline) Rule 2011. tooth betranitri resid had tel (1881 result betrain) and redismont deletton of Rule 7(5) Khyber Rithdunkhwa Civil Servant (Appaintment, with tank state or large scar south betak crosts-11 On directed to refer to your letter No. Solfmingy New Six

about noisement shows at but to ethoritup breatsymes with fo those officers officially who do not comply with promotion order

different means shall be proceed under Khyben Aikhimikhua

In this connection it is submitted that in some coves lady

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effects on service delivery. Mathew-in-law who reed onse in such case their are negative

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(Muhramad Ishay)
Haring Secritors Officer (Amang) Drictan E 6:5E Khybaltyphylang Cat baboound tos

PS to Secretary, E & SE-Department Libration Albertaines of 29



## GOVERNMENT OF KHYBER PAKHTUNKHWA ESTABLISHMENT DEPARTMENT

No. SO(Policy)E&AD/1-3/2020 Dated Peshawar the September 07, 2023

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.

I am directed to refer to your letter No. SO(Primary-M)/E&SED/2-Dear Sir, 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 Depurment.
- 3. PS to Deputy Secretary (Policy), Establishment Depuryment.

-. 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 ICHYEER PAICHTUNKHWA CIVIL SERVANTS (APPOINTMENT, PROMOTION AND TRANSFER) RULES, 1989.

Dear Str.

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)

### Endsc 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 nicer (Policy)

WP44422023 AZIZÜLLAH VS GOVT CF PG43

To,

Annexure - G

- 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)&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 not fication No. SD (Policy) /EDAD/1, 3/2020 dated 06/08/2020, the right of foregoing of promotion was withdrawn and the Government of Khyber Pakhtunkhwa Establishment Department (Regulation Wing) deleted Rule 7(5) in the Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 vide notification no SOR-VI (E & AD)/1-2/2020 dated 06-08-2020. That the Directorate of Elementary & Secondary Education Khyber Pakiitunkhwa Peshawar asked for guidance regarding deletion of Rule 7(5) in Khyber Pakitankhwa 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 Electiontary & 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 Klarber 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) E2D/1-3 1-2020 DATED 06/08/2020, communicated to vide letter dated 06/08/2023, 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 1 10 4, -112.

X

ROMINIA WIFE OF ABRAR ULLAH SPST

المنظمة المنظ للاراسي والله يركود الدامان سيدالا لاحدر بدفاء رأاية لاراد للمكر ما معد درما مدارد والمراح والمما الله ښد. مجلج يجنح فالخالاتك كالجركم كالمريكا البهنج الكنيخ بيط فالمذال المرابل علايات المايل المنابية المخ يُنْحُورِينُ (إنِّهِ السَّلِيُّ الرَّمِيدِ الْمُعْلِمُ لَكُمُّ الرَّمِيدُ لَا مُوابِرٌ لَا إِ

בי ון ית יוציים בה ה או יושו חריביים ולק יחת ול וול יו בנוול בולי ושבונול למיעל או לים חוב בינו (מכושמטוות) ליבוע עלול ל לרבי עונו בין עולוו לשבי ל לעוב בין ליוא سيكناه فرائ وللمبيانة بالاكرار 

שות ב ולטו (שבל עוט וכון בנו לו לו שוב מנו ב יב לו מו מנוח אמו שלנו זו מנול לוש מזב לושף בחבו



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Laured counsel for the appellant present.

Let a pre-admission notice he issued to the respondents through TCS for submission reply/comments. Appellant is directed to deposit FCS . . . \* expenses within three days. To come up for reply/comments as well as preliminary bearing on 10.06.2024 before S.B. P.P given to learned enumed 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.

destitied to be true cops(Muhammad Akbar Khan) Member (E)

Date of Presentation of Application 10 1/2 Lg

Total .... 5/

CamScanner

# JAKALAT NAMA

## BEFORE THE SERVICE TRIBUNAL PESHAWAR

ROMINIA Versus Appellant

Government of KP & others

Respondents

I (the Appellant)

do hereby appoint and retain

## MUHAMMAD MUAZZAM BUTT ASC, MUHAMMAD ADEEL BUTT AHC BASSAM AHMAD SIDDIQUI AHC

## ASSOCIATES OF MUAZZAM LAW FIRM

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

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

**APPELLANT** 

ACCEPTED

MUHAMMAD MUAZZAM BUTT

Advocate Supreme Court

MUHAMMAD ADEEL BUTT

**Advocate High Court** 

BASSAM AHMAD SIDDIQUI
Advocate High Court