


FORM OF ORDER SHEET

Court of _____

Appeal No. 2200 /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>By order of the Chairman</p> <p> REGISTRAR</p>

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

C.M.No _____-P of 2024

In Ref to

Service Appeal No 2200 2024

Rahman Ullah

VERSUS

Secretary to Government of Khyber Pakhtunkhwa, & others

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ADVOCATE

M. Muazzam Butt

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

In Ref to

Service Appeal No 2200 /2024

Rehman Ullah Son of Toorsam Khan, PSHT
GPS Shah Dhand, Tehsil & 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 Rule/2023 dated 23-08-2023 to reconsider the amendment made in Khyber

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

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

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.

d. 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.

A. Mulla
Deponent

Through

A. Mulla
Appellant

Muhammad Muazzam Butt
Advocate Supreme Court

Muhammad Adeel Butt
Advocate High Court

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

5.

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

C.M No _____ -P of 2024

In Ref to

Service Appeal No _____ 2024

Rahman Ullah

VERSUS

Secretary to Government of Khyber Pakhtunkhwa, & others

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

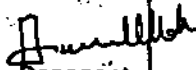
Respectfully Submitted:-

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

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


AFFIDAVIT.

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


Deponent

Through


Appellant


Muhammad Muazzam Butt
Advocate Supreme Court


Muhammad Adeel Butt
Advocate High Court

6
Dist. Govt. KP-Provincial
District Accounts Office Peshawar Dist.
Monthly Salary Statement (January-2024)



Personal Information of Mr REHMAN ULLAH d/w/s of TOORSAM KHAN

Personnel Number: 00048720 CNIC: 1730116016799 NTN: 7622814-3
Date of Birth: 10.12.1973 Entry into Govt. Service: 09.08.1997 Length of Service: 26 Years 05 Months 024 Days

Employment Category: Vocational Temporary

Designation: PRIMARY SCHOOL HEAD TEACH 80696670-DISTRICT GOVERNMENT KHYBE

DDO Code: PW6574-Sub: Divisional Education Officer (Male) Town 1 Peshawar

Payroll Section: 003 GPF Section: 001 Cash Center: 25

GPF A/C No: EDU 044384 GPF Interest applied GPF Balance: 249,598.00 (provisional)

Vendor Number: -

Pay and Allowances: Pay scale: BPS For - 2022 Pay Scale Type: Civil BPS: 15 Pay Stage: 21

Wage type		Amount	Wage type		Amount
0001	Basic Pay	65,500.00	1210	Convey Allowance 2005	2,856.00
1300	Medical Allowance	1,500.00	1505	Charge Allowance	40.00
1897	Housing Subsidy Allowance	13,958.00	2148	15% Adhoc Relief All-2013	827.00
2199	Adhoc Relief Allow 60-10%	555.00	2316	Teaching Allowance 2021	3,224.00
2341	Dispr. Red All 15% 2022 KP	6,208.00	2347	Adhoc Rel All 15% 22(PS17)	6,208.00
2378	Adhoc Relief All 2023 35%	22,232.00			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	-1,795.00	3990	Emp. Edu. Fund KPK	-135.00
4004	R. Benefits & Death Comp.	-600.00			0.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance
6505	GPF Loan Principal Instal	360,000.00	-10,000.00	340,000.00

Deductions - Income Tax

Payable: 27,487.38 Recovered till JAN-2024: 11,641.00 Exempted: 6871.68 Recoverable: 8,974.70

Gross Pay (Rs.): 123,108.00 Deductions: (Rs.): -18,020.00 Net Pay: (Rs.): 105,088.00

Payee Name: REHMAN ULLAH

Account Number: 0010015864580014

Bank Details: ALLIED BANK LIMITED, 250319 Kohat Rd. Peshawar Kohat Rd. Peshawar, Peshawar

Leave: Opening Balance: Aailed: Earned: Balance:

Permanent Address: VILLAGE LANDI ARBAB PESHAWAR

City: Peshawar

Domicile: NW - Khyber-Pakhtunkhwa

Housing Status: No Official

Temp. Address:

City:

Email: rahmanr14@gmail.com

(1)

OFFICE OF THE DISTRICT EDUCATION OFFICER, DISTRICT OF COLUMBIA

10

Government upon the selection by the Department of Education Officer (Mr. Harry Parker) of the following trained TTS candidates of merit No. 12/57, 13/57, 14/57, 15/57, 16/57, 17/57, 18/57, 19/57, 20/57, 21/57, 22/57, 23/57, 24/57, 25/57, 26/57, 27/57, 28/57, 29/57, 30/57, 31/57, 32/57, 33/57, 34/57, 35/57, 36/57, 37/57, 38/57, 39/57, 40/57, 41/57, 42/57, 43/57, 44/57, 45/57, 46/57, 47/57, 48/57, 49/57, 50/57, 51/57, 52/57, 53/57, 54/57, 55/57, 56/57, 57/57, 58/57, 59/57, 60/57, 61/57, 62/57, 63/57, 64/57, 65/57, 66/57, 67/57, 68/57, 69/57, 70/57, 71/57, 72/57, 73/57, 74/57, 75/57, 76/57, 77/57, 78/57, 79/57, 80/57, 81/57, 82/57, 83/57, 84/57, 85/57, 86/57, 87/57, 88/57, 89/57, 90/57, 91/57, 92/57, 93/57, 94/57, 95/57, 96/57, 97/57, 98/57, 99/57, 100/57.

S.No.	Name of candidate/ Father's name/Address Date of birth:	Merit No./ Rank	School where appointed	Remarks
1.	Mr. [Name] / [Address] / [Date]	12/57	MS [School Name]	vice [Name] J.P. appointed against post
2.	Mr. [Name] / [Address] / [Date]	13/57	MS [School Name]	vice [Name] J.P. appointed against post
3.	Mr. [Name] / [Address] / [Date]	14/57	MS [School Name]	vice [Name] J.P. appointed against post
4.	Mr. [Name] / [Address] / [Date]	15/57	MS [School Name]	vice [Name] J.P. appointed against post
5.	Mr. [Name] / [Address] / [Date]	16/57	MS [School Name]	vice [Name] J.P. appointed against post
6.	Mr. [Name] / [Address] / [Date]	17/57	MS [School Name]	vice [Name] J.P. appointed against post
7.	Mr. [Name] / [Address] / [Date]	18/57	MS [School Name]	vice [Name] J.P. appointed against post
8.	Mr. [Name] / [Address] / [Date]	19/57	MS [School Name]	vice [Name] J.P. appointed against post
9.	Mr. [Name] / [Address] / [Date]	20/57	MS [School Name]	vice [Name] J.P. appointed against post
10.	Mr. [Name] / [Address] / [Date]	21/57	MS [School Name]	vice [Name] J.P. appointed against post
11.	Mr. [Name] / [Address] / [Date]	22/57	MS [School Name]	vice [Name] J.P. appointed against post
12.	Mr. [Name] / [Address] / [Date]	23/57	MS [School Name]	vice [Name] J.P. appointed against post
13.	Mr. [Name] / [Address] / [Date]	24/57	MS [School Name]	vice [Name] J.P. appointed against post
14.	Mr. [Name] / [Address] / [Date]	25/57	MS [School Name]	vice [Name] J.P. appointed against post
15.	Mr. [Name] / [Address] / [Date]	26/57	MS [School Name]	vice [Name] J.P. appointed against post
16.	Mr. [Name] / [Address] / [Date]	27/57	MS [School Name]	vice [Name] J.P. appointed against post
17.	Mr. [Name] / [Address] / [Date]	28/57	MS [School Name]	vice [Name] J.P. appointed against post
18.	Mr. [Name] / [Address] / [Date]	29/57	MS [School Name]	vice [Name] J.P. appointed against post
19.	Mr. [Name] / [Address] / [Date]	30/57	MS [School Name]	vice [Name] J.P. appointed against post
20.	Mr. [Name] / [Address] / [Date]	31/57	MS [School Name]	vice [Name] J.P. appointed against post
21.	Mr. [Name] / [Address] / [Date]	32/57	MS [School Name]	vice [Name] J.P. appointed against post
22.	Mr. [Name] / [Address] / [Date]	33/57	MS [School Name]	vice [Name] J.P. appointed against post
23.	Mr. [Name] / [Address] / [Date]	34/57	MS [School Name]	vice [Name] J.P. appointed against post
24.	Mr. [Name] / [Address] / [Date]	35/57	MS [School Name]	vice [Name] J.P. appointed against post
25.	Mr. [Name] / [Address] / [Date]	36/57	MS [School Name]	vice [Name] J.P. appointed against post
26.	Mr. [Name] / [Address] / [Date]	37/57	MS [School Name]	vice [Name] J.P. appointed against post
27.	Mr. [Name] / [Address] / [Date]	38/57	MS [School Name]	vice [Name] J.P. appointed against post
28.	Mr. [Name] / [Address] / [Date]	39/57	MS [School Name]	vice [Name] J.P. appointed against post
29.	Mr. [Name] / [Address] / [Date]	40/57	MS [School Name]	vice [Name] J.P. appointed against post
30.	Mr. [Name] / [Address] / [Date]	41/57	MS [School Name]	vice [Name] J.P. appointed against post
31.	Mr. [Name] / [Address] / [Date]	42/57	MS [School Name]	vice [Name] J.P. appointed against post
32.	Mr. [Name] / [Address] / [Date]	43/57	MS [School Name]	vice [Name] J.P. appointed against post
33.	Mr. [Name] / [Address] / [Date]	44/57	MS [School Name]	vice [Name] J.P. appointed against post
34.	Mr. [Name] / [Address] / [Date]	45/57	MS [School Name]	vice [Name] J.P. appointed against post
35.	Mr. [Name] / [Address] / [Date]	46/57	MS [School Name]	vice [Name] J.P. appointed against post
36.	Mr. [Name] / [Address] / [Date]	47/57	MS [School Name]	vice [Name] J.P. appointed against post
37.	Mr. [Name] / [Address] / [Date]	48/57	MS [School Name]	vice [Name] J.P. appointed against post
38.	Mr. [Name] / [Address] / [Date]	49/57	MS [School Name]	vice [Name] J.P. appointed against post
39.	Mr. [Name] / [Address] / [Date]	50/57	MS [School Name]	vice [Name] J.P. appointed against post
40.	Mr. [Name] / [Address] / [Date]	51/57	MS [School Name]	vice [Name] J.P. appointed against post
41.	Mr. [Name] / [Address] / [Date]	52/57	MS [School Name]	vice [Name] J.P. appointed against post
42.	Mr. [Name] / [Address] / [Date]	53/57	MS [School Name]	vice [Name] J.P. appointed against post
43.	Mr. [Name] / [Address] / [Date]	54/57	MS [School Name]	vice [Name] J.P. appointed against post
44.	Mr. [Name] / [Address] / [Date]	55/57	MS [School Name]	vice [Name] J.P. appointed against post
45.	Mr. [Name] / [Address] / [Date]	56/57	MS [School Name]	vice [Name] J.P. appointed against post
46.	Mr. [Name] / [Address] / [Date]	57/57	MS [School Name]	vice [Name] J.P. appointed against post
47.	Mr. [Name] / [Address] / [Date]	58/57	MS [School Name]	vice [Name] J.P. appointed against post
48.	Mr. [Name] / [Address] / [Date]	59/57	MS [School Name]	vice [Name] J.P. appointed against post
49.	Mr. [Name] / [Address] / [Date]	60/57	MS [School Name]	vice [Name] J.P. appointed against post
50.	Mr. [Name] / [Address] / [Date]	61/57	MS [School Name]	vice [Name] J.P. appointed against post
51.	Mr. [Name] / [Address] / [Date]	62/57	MS [School Name]	vice [Name] J.P. appointed against post
52.	Mr. [Name] / [Address] / [Date]	63/57	MS [School Name]	vice [Name] J.P. appointed against post
53.	Mr. [Name] / [Address] / [Date]	64/57	MS [School Name]	vice [Name] J.P. appointed against post
54.	Mr. [Name] / [Address] / [Date]	65/57	MS [School Name]	vice [Name] J.P. appointed against post
55.	Mr. [Name] / [Address] / [Date]	66/57	MS [School Name]	vice [Name] J.P. appointed against post
56.	Mr. [Name] / [Address] / [Date]	67/57	MS [School Name]	vice [Name] J.P. appointed against post
57.	Mr. [Name] / [Address] / [Date]	68/57	MS [School Name]	vice [Name] J.P. appointed against post
58.	Mr. [Name] / [Address] / [Date]	69/57	MS [School Name]	vice [Name] J.P. appointed against post
59.	Mr. [Name] / [Address] / [Date]	70/57	MS [School Name]	vice [Name] J.P. appointed against post
60.	Mr. [Name] / [Address] / [Date]	71/57	MS [School Name]	vice [Name] J.P. appointed against post
61.	Mr. [Name] / [Address] / [Date]	72/57	MS [School Name]	vice [Name] J.P. appointed against post
62.	Mr. [Name] / [Address] / [Date]	73/57	MS [School Name]	vice [Name] J.P. appointed against post
63.	Mr. [Name] / [Address] / [Date]	74/57	MS [School Name]	vice [Name] J.P. appointed against post
64.	Mr. [Name] / [Address] / [Date]	75/57	MS [School Name]	vice [Name] J.P. appointed against post
65.	Mr. [Name] / [Address] / [Date]	76/57	MS [School Name]	vice [Name] J.P. appointed against post
66.	Mr. [Name] / [Address] / [Date]	77/57	MS [School Name]	vice [Name] J.P. appointed against post
67.	Mr. [Name] / [Address] / [Date]	78/57	MS [School Name]	vice [Name] J.P. appointed against post
68.	Mr. [Name] / [Address] / [Date]	79/57	MS [School Name]	vice [Name] J.P. appointed against post
69.	Mr. [Name] / [Address] / [Date]	80/57	MS [School Name]	vice [Name] J.P. appointed against post
70.	Mr. [Name] / [Address] / [Date]	81/57	MS [School Name]	vice [Name] J.P. appointed against post
71.	Mr. [Name] / [Address] / [Date]	82/57	MS [School Name]	vice [Name] J.P. appointed against post
72.	Mr. [Name] / [Address] / [Date]	83/57	MS [School Name]	vice [Name] J.P. appointed against post
73.	Mr. [Name] / [Address] / [Date]	84/57	MS [School Name]	vice [Name] J.P. appointed against post
74.	Mr. [Name] / [Address] / [Date]	85/57	MS [School Name]	vice [Name] J.P. appointed against post
75.	Mr. [Name] / [Address] / [Date]	86/57	MS [School Name]	vice [Name] J.P. appointed against post
76.	Mr. [Name] / [Address] / [Date]	87/57	MS [School Name]	vice [Name] J.P. appointed against post
77.	Mr. [Name] / [Address] / [Date]	88/57	MS [School Name]	vice [Name] J.P. appointed against post
78.	Mr. [Name] / [Address] / [Date]	89/57	MS [School Name]	vice [Name] J.P. appointed against post
79.	Mr. [Name] / [Address] / [Date]	90/57	MS [School Name]	vice [Name] J.P. appointed against post
80.	Mr. [Name] / [Address] / [Date]	91/57	MS [School Name]	vice [Name] J.P. appointed against post
81.	Mr. [Name] / [Address] / [Date]	92/57	MS [School Name]	vice [Name] J.P. appointed against post
82.	Mr. [Name] / [Address] / [Date]	93/57	MS [School Name]	vice [Name] J.P. appointed against post
83.	Mr. [Name] / [Address] / [Date]	94/57	MS [School Name]	vice [Name] J.P. appointed against post
84.	Mr. [Name] / [Address] / [Date]	95/57	MS [School Name]	vice [Name] J.P. appointed against post
85.	Mr. [Name] / [Address] / [Date]	96/57	MS [School Name]	vice [Name] J.P. appointed against post
86.	Mr. [Name] / [Address] / [Date]	97/57	MS [School Name]	vice [Name] J.P. appointed against post
87.	Mr. [Name] / [Address] / [Date]	98/57	MS [School Name]	vice [Name] J.P. appointed against post
88.	Mr. [Name] / [Address] / [Date]	99/57	MS [School Name]	vice [Name] J.P. appointed against post
89.	Mr. [Name] / [Address] / [Date]	100/57	MS [School Name]	vice [Name] J.P. appointed against post

1. They will be governed by such rules and regulations as may be prescribed by the Department from time to time for the category they belong.
2. Their service shall be terminated on one month notice from the date of the receipt of such notice. In case of resignation without notice the month pay will be restricted to the amount in lieu thereof.
3. They should join the posts within one month of the issue of this order.
4. Their insurance seniority shall be subject to accordance with the rules of the Department's pension fund.
5. Their records should be submitted to the concerned authorities.
6. They should be available for a period of two weeks and after that for one week for departmental examination. In case a candidate fails to appear for the departmental examination, he will be given one more chance. In the final examination his services will be terminated. On arrival of the final result of the examination, the services of unsuccessful candidates should be terminated.
7. Their existing records and documents should be checked and got verified through the concerned authorities/Board/Panel etc before handing over to them.
8. Service books of the above candidates should be got completed before handing over to them.
9. The declaration of assets should be submitted to the concerned authorities.
10. They should be asked to provide health and other certificates from the concerned authorities before handing over to them.

11. Charge should not be given to average candidates. Their cases for age relaxation should be submitted to the quarter concerned.
12. Efforts for transfer before the completion of the term will disqualify them from service.
13. An undertaking shall be obtained from Master/Degree holders P.T.S. that they will serve the department for atleast five years unless selected by the Public Service Commission.
14. No TA/DA/etc is allowed.
15. In case of a person appointed as untrained teachers, he will have to pass the required training examination within four years failing which his services will be terminated.

FAZAL-1-MABOOD KHAN
 District Education Officer(M)
 Primary Peshawar.

Encl. No. 2 of No. 197/PTC Apptt. 07 dated Pesh the 7-8-97

Copy for information and action to the:-

1. Accountant General NWFP, Peshawar.
2. Director Primary Education NWFP w/r to his F. No 2/DFE/M&A/ Appointment-Genl./AO/39804 dated 2-8-1997.
3. P/S to the Secretary Education, Govt of NWFP, Peshawar.
4. Sub-Divisional Education Officer (M) Peshawar.
5. Candidates concerned.

Dy. District Education Officer (M)
 Primary Peshawar

(M. TARIQ)
 S/O Clerk

7/8/97
 719157/111

ATTESTED

DEPUTY SECRETARY POLICY
WAZIRAN LAYUN

[Signature]



- 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. The Principal Secretaries in Khyber Pakhtunkhwa.
- 7. All Divisional Commissioners in Khyber Pakhtunkhwa.
- 8. All Heads of Attached Departments in Khyber Pakhtunkhwa.
- 9. All Autonomous/Semi Autonomous Bodies in Khyber Pakhtunkhwa.
- 10. All Deputy Commissioners in Khyber Pakhtunkhwa.
- 11. The Registrar, Khyber Pakhtunkhwa Public Service Tribunal, Peshawar.
- 12. The Registrar, Khyber Pakhtunkhwa Public Service Commission, Peshawar.
- 13. The Deputy Director (IT), E&A Department.
- 14. The Section Officers in Establishment & Administration Department.
- 15. The Section Officer (Admn), Administration Department.
- 16. The Section Officer (Admn), Administration Department.
- 17. The Section Officer (Admn), Administration Department.
- 18. The Section Officer (Admn), Administration Department.
- 19. The Section Officer (Admn), Administration Department.
- 20. The Section Officer (Admn), Administration Department.

DATE & SIGNATURE

CHIEF SECRETARY
GOVERNMENT OF THE KHYBER PAKHTUNKHWA

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

AMENDMENT

the Chief Minister of Khyber Pakhtunkhwa is pleased to direct that in the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1998, the following further amendment shall be made, namely:

Amendment to the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973) in the exercise of the powers conferred by section 25 of the

Date: Peshawar, the 06/8/2020

NOTIFICATION

GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(REGISTRATION-WING)

Annexure - B-

8

-90

GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(REGULATION WING)

NOTIFICATION

Dated Peshawar the, 06/08/2020

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

AMENDMENT

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

CHIEF SECRETARY
GOVERNMENT OF THE KHYBER PAKHTUNKHWA

(ANDS): & EVEN DATE

Copy is forwarded to :-

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

(WARDAH LATIF
DEPUTY SECRETARY (POLICY)



-10-
Annexure - C



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
No. SO(Policy)H&AD/1-3/2020
Dated Peshawar the June 06, 2023

62

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

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

Dear Sir,
I am directed to refer to your letter No. SO(Policy-MY&SU/D/2/Appointment/2023) dated (8.04.2023) on the subject noted above and to state that Sub-Rule (S) 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,

(Iqbal Mubashir Khan)
Section Officer (Policy)

ASE
7/6

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.

8/1/23

26/3
21/6/23

Section Officer (Policy)

- JB -

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

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

To

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

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

26/6/23

Subject: GUIDANCE REGARDING DELETION OF RULE 7(5) IN THE KHYBER PAKHTUNKHWA CIVIL SERVANTS (APPOINTMENT, PROMOTION AND TRANSFER) RULES, 1988.

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

o/c

(MUHAMMAD Ishaq)
SECTION OFFICER (PRIMARY MALE)

Copy forwarded to the:

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

o/c

SECTION OFFICER (PRIMARY MALE)
26/6/23

12
B/c
No SO (Primary-M)/E&SED/2-6/2023
Dated Peshawar the June 25th 2023

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

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

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

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

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

Encl: AA

(MUHAMMAD ISHAQ)
SECTION OFFICER (PRIMARY MALE)

Copy forwarded to the:

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

SECTION OFFICER (PRIMARY MALE)

13-

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

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


Annexure
①

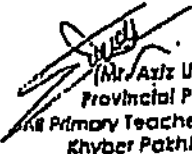
Sl	NAME	DESIGNATION
1	Mr. Fazal Wahid	Deputy Director Establishment of Directorate Elementary & Secondary Education Department
2	Mr. Aziz Ullah	Provincial President All Primary Teachers Association Khyber Pakhtunkhwa
3	Mr. Razaqat Ullah	General Secretary APTA Peshawar
4	Muhammad Ishaq	Section Officer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


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

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

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


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


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


(Mr. Razaqat Ullah)
General Secretary APTA
Peshawar


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

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

74
-B/C-

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

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

S/1	NAME	DESIGNATION
1.	Mr. Fazal Wahid	Deputy Director Establishment of Directorate Elementary & Secondary Education Department
2.	Mr. Aziz Ullah	Provincial President All-Primary Teachers Association: Khyber Pakhtunkhwa
3.	Mr. Rofaqt 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. Rofaqt Ullah)
General Secretary APTA
Peshawar

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

(Abdullah)

Additional Secretary (Establishment)



[Handwritten signature]

WP4442-2023 AZIZULLAH VS GOVT CP PG43

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

Assistant Director (Ex-1)
Elementary & Secondary Education
Khyber Pakhtunkhwa
21/7/2023

Encl: No. 1. PA to Director Local Directorate.
2. Master Copy.
Copy of the above is to:-

The case is submitted for perusal and necessary actions please.
Departmental Promotion Committee.
provided they submit their written report prior to conclusion of the meeting of
Teachers below 15-16 may be exempted of implications of the amendment in the rules laid
7(5) have affected negatively a huge number of Female Teachers. Thus it is proposed that
in view of the above, this office is of considered opinion that the deletion of Rules
has been asked for submission of consolidated case.
Chairman/Secretary, Additional Secretary Establishment at his office has
That, in the light of the minutes of meeting dated 6-07-2023 held under the
(Primary-4) E&SED/2/Appointment/2023 dated 12-06-2023.
The same was received by this office from your good office vide letter No.50
civil servants to accept promotion under every condition.
that there exists no provision to decline or forgo promotion. It is obligatory upon every
Wing) vide letter No.50 (Policy) E&AD/1-17020 dated 6-06-2023 categorically stated
That the Government of Khyber Pakhtunkhwa Establishment Department (Regulation
No.50 (Primary-4) E&SED/2/Appointment/2023 for necessary guidance.
The year 2023 office forwarded the same to the quarter concerned vide letter
promotion.
(ii) It is the prerogative of the civil servant to either accept or turn down the offer of
(i) Now it is obligatory upon the civil servant to accept promotion in every condition
No.6987 dated 06-02-2023.
That this office sought guidance from your good office in the following words vide letter
wide notification No. SOR-VI (E&AD)/1-37020 dated 06-08-2020.
dated Rule 7(5) in the Civil Servants (Appointment, promotion & Transfer Rules 1980)
That Government of Khyber Pakhtunkhwa Establishment Department (Regulation Wing)

Subject: MINUTES OF THE MEETING
Khyber Pakhtunkhwa Peshawar
Elementary & Secondary Education Department
The Section Officer (Primary-4),

No. 8145
Khyber Pakhtunkhwa Peshawar
Date: 21-7-2023
Email: establishment@kpn.gov.pk



13

18
- B/c -

DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION, KPK

To:

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

PESHAWAR
(21-7-2023)

Subject: Minutes of Meeting

Dear Sir, I am directed to refer to letter No. (SO Primary-M) E&SED/S-1/GMPL/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 1981) vide notification No. No. SOR-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 6-06-2023 categorically stated that there exists no provision to decline/forgo promotion. It is obligatory upon every civil servant to accept promotion under every 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.



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

17

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

Annexure
E

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

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

Dear Sir,

I am directed to refer to your letter No. SO(Policy)/ EBAD/ 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, E&SE Khyber Pakhtunkhwa.
2. PS to Secretary, E&SE Department Khyber-Pakhtunkhwa.


SECTION OFFICER (PRIMARY MALE)
20/8/23

Scanned with CamScanner



[Handwritten signature]

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

Copy forwarded to:
(Muhammad Ishaq)
Section Officer (Primary)
(Male)

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

Dear Sir,
I am directed to refer to your letter No. SO (Primary) (E&AD) /1-3/2020 dated 04 June 2023 and to state that after deletion of Rule 7(5) (Khyber Pakhtunkhwa Civil Servant (Appointment, Promotion and Transfer Rules 1989)) it has been intimated that those officers/officials who don't 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 and Discipline) Rule 2012.

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

The Secretary to Government of Khyber Pakhtunkhwa, Establishment and Administration Department, Peshawar.
To
No. SO (Primary-M) (E&SE) /8-2/ Appointment-Rule/2023
Peshawar Dated 23rd August, 2023.

- B/c -
- /8 -

[Handwritten signature]

Annexure - F



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

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

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

WP/14/2-2023 AZIZULLAH VS GOVT OF PK43

20

- B/C -

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

To

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

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

Dear Sir,

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

Yours faithfully,

Section Officer (Policy)

Ends: Of even No & date

Copy forwarded to the:-

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

Section Officer (Policy)

24

Annexure - G

To.

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

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

Sir/ Madam:-

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

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

Dated 16 / 03 / 2024



Rahman Ullah
RAHMAN ULLAH
S/O TOORSAM KHAN
PSTT.

23

07.05.2024



1. Learned counsel for the appellant present.
2. Let a pre-admission notice be issued to the respondents through TCS for submission of reply/comments. Appellant is directed to deposit TCS expenses within three days. To come up for reply/comments as well as preliminary hearing on 10.06.2024 before S.B. P.P given to learned counsel for the appellant.

03. Alongwith the service appeal there is an application for suspension of Notification dated 06.06.2023 and letter dated 23.08.2023 till the final disposal of main service appeal. In the meanwhile, no adverse action shall be taken against the appellant till next date of hearing.

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

[Handwritten signature]
13/5/24

Date of Presentation of Application 10-6-24
 Number of 1
 Copies 1
 Uperan 1
 Total 1
 Stamp of 13-6-24
 Date of 17-6-24
 Date of delivery of copy 17-6-24

[Handwritten signature]

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VAKALAT NAMA

BEFORE THE SERVICE TRIBUNAL PESHAWAR

RAHMAN ULAH
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