


FORM OF ORDER SHEET

Court of _____

Appeal No. 2183 /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  REGISTRAR</p>

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

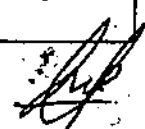
A - No. 2183/2024
Muhamamd Farooq

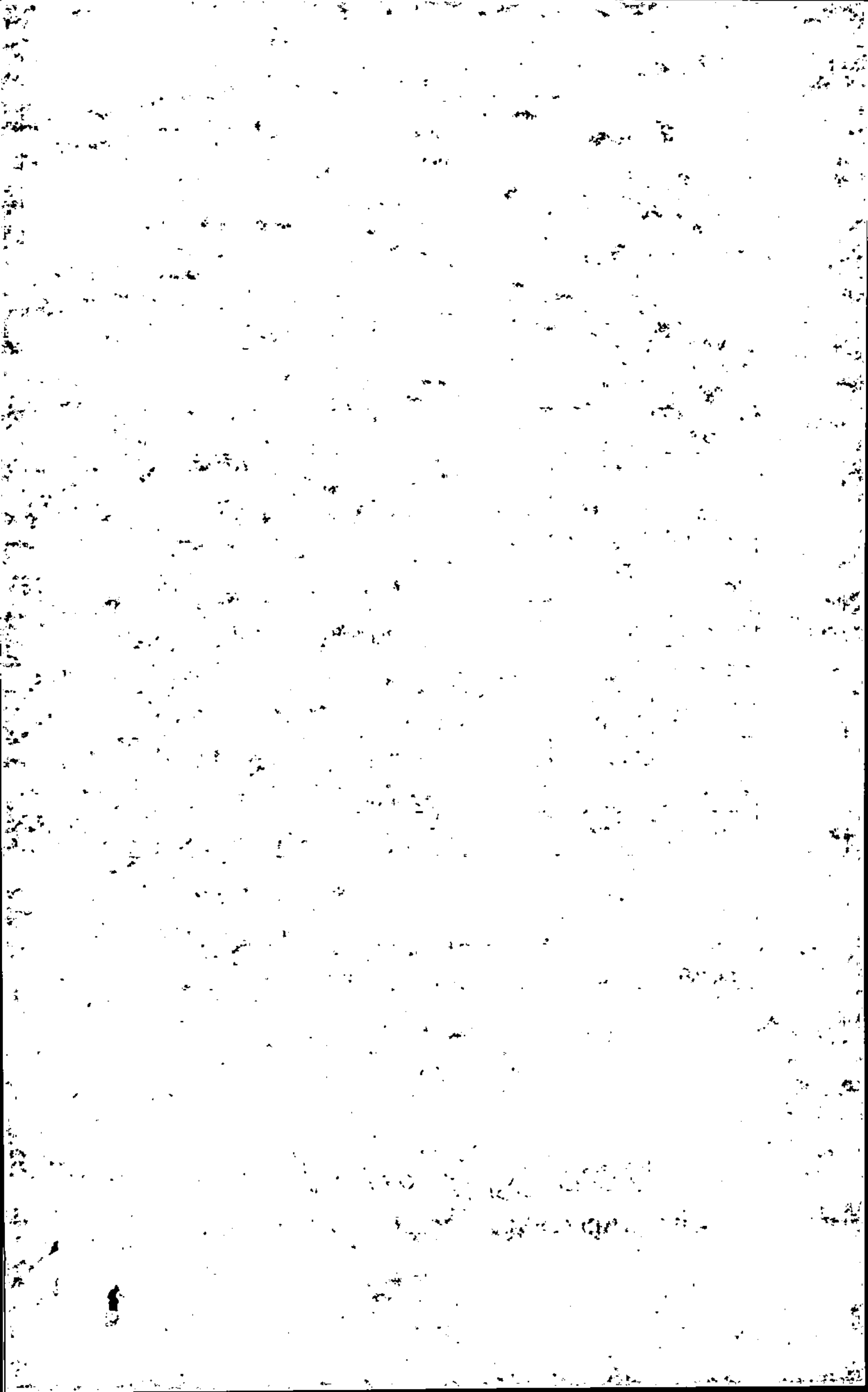
V/S

Government of KP & others

INDEX

S#	DESCRIPTION OF THE DOCUMENTS	ANNEX	PAGES
1.	Appeal and Verification	*	1-4
2.	Application for suspension	*	5
3.	Copy of Monthly Salary account	A.	6 - 13
4.	Copy of notification No. SD (Policy) EV AD/1-3/2020 dated 06/08/2020	B.	14 - 15
5.	Copy of Impugned Letter dated June 06th, 2023	C.	16 - 18
6.	Copy of Minutes of Meeting dated 06-07-2023	D.	19 - 22
7.	Copy of Letter dated 23-08-2023	E.	23 - 24
8.	Copy of Impugned letter dated 07-09-202	F.	25 - 26
9.	Copy of Representation against the said notification and representation made by APTA President	G & H	27, 28 29
10.	Wakalat Nama		30


ADVOCATE



BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

In Ref to

Service Appeal No 2193 /2024

Muhammad Farooq Son of Sikandar Khan Resident of Tehsil & District Manshera

Designation: Primary School Head Teacher at GPS Jabbi No 1

.....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

.....Respondents

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

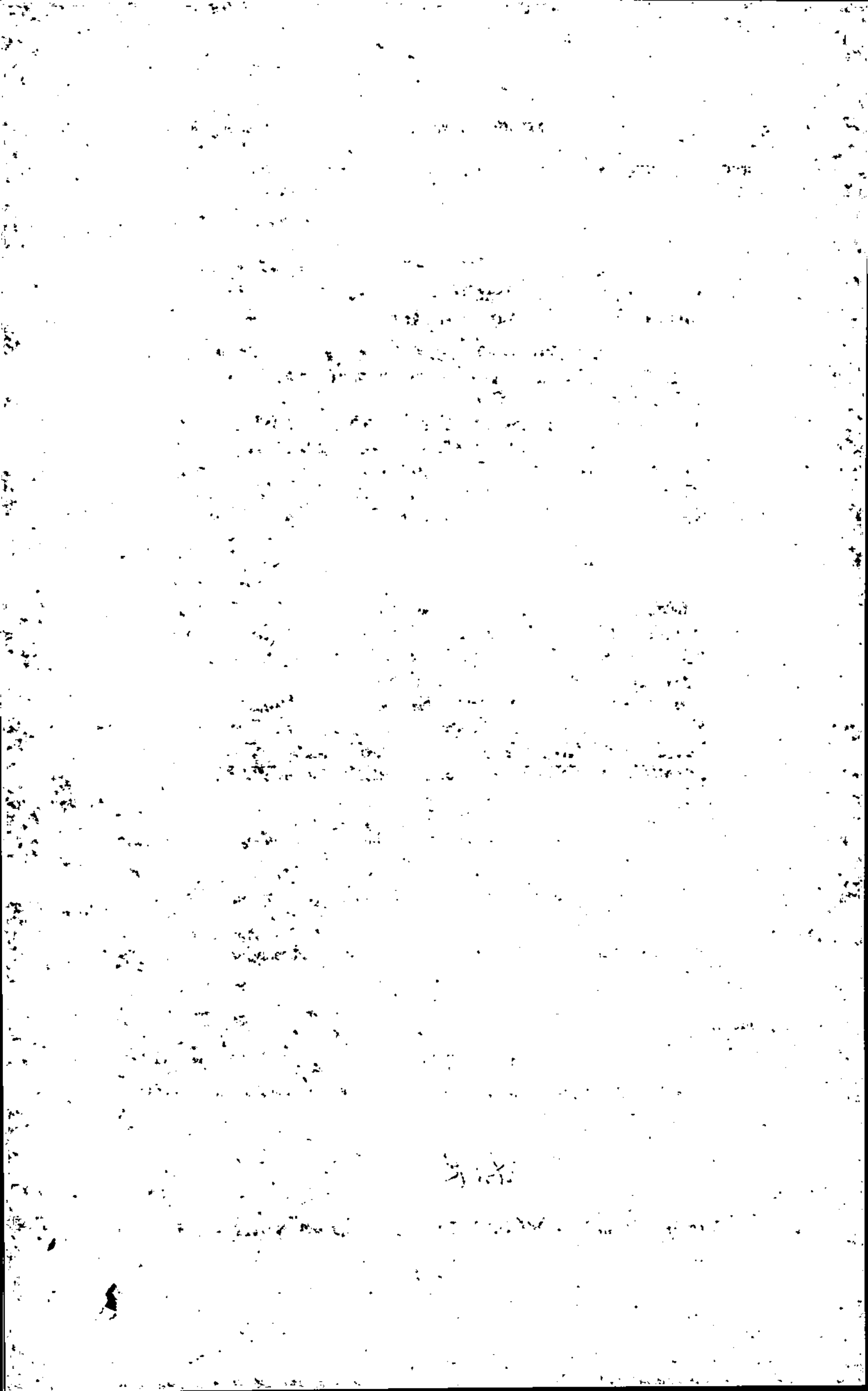
PRAYER:

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

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

RESPECTFULLY SHEWETH:

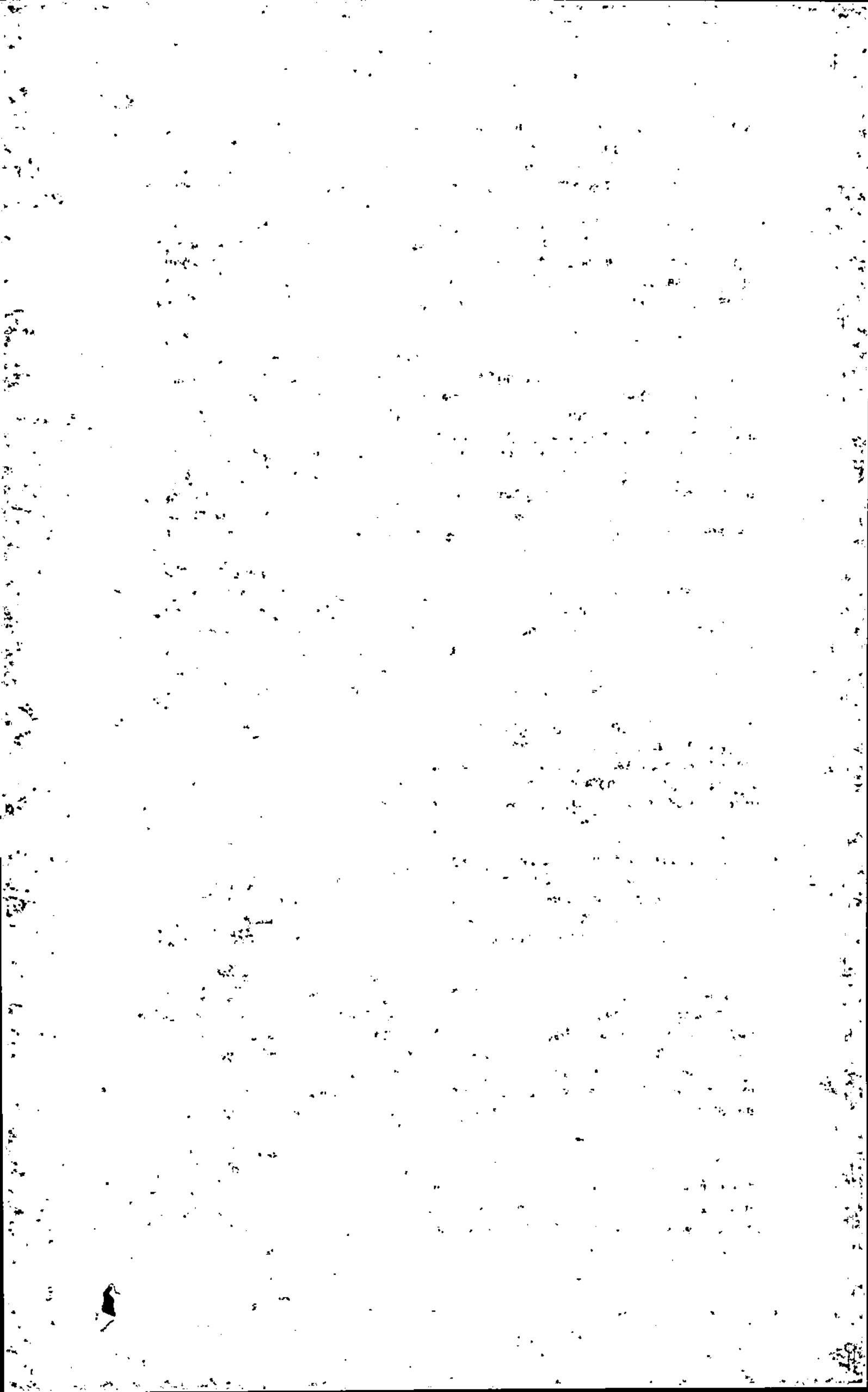
1. That the Respondents Department appointed the Appellant as Primary School Head Teacher.
Copy of Monthly Salary account is annexed as Annexure A



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

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

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

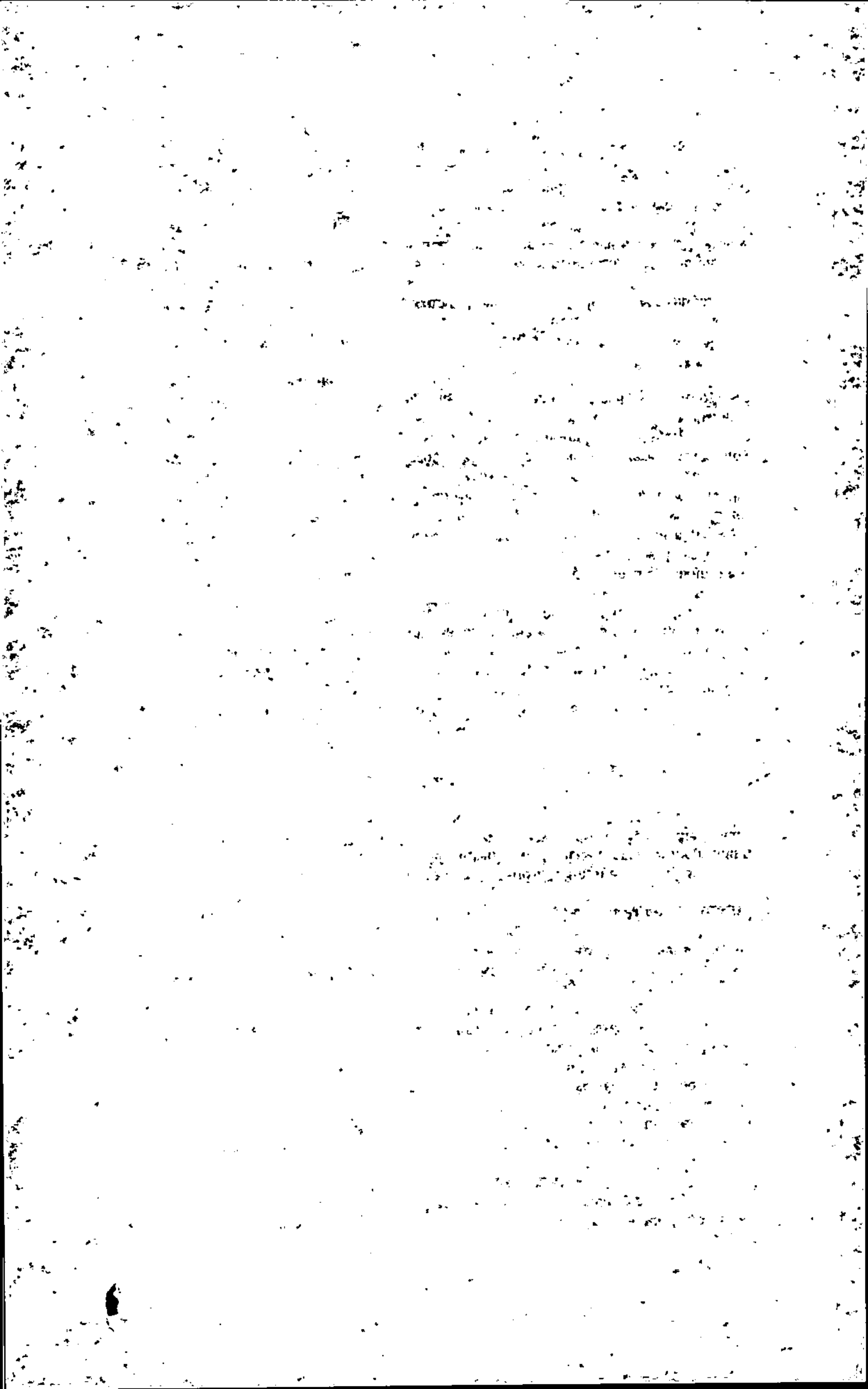


Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 as it had negatively affected a large number of teachers and especially female teachers. Copy of Letter dated 23-08-2023 is attached as Annexure E

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

GROUND:-

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



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

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

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

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


Appellant

AFFIDAVIT:

I Muhammad Farooq Son of Sikandar Khan Resident of Tehsil & District Manshera that the contents of foregoing application are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Court


Deponent

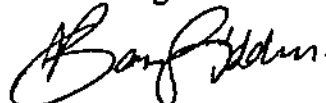
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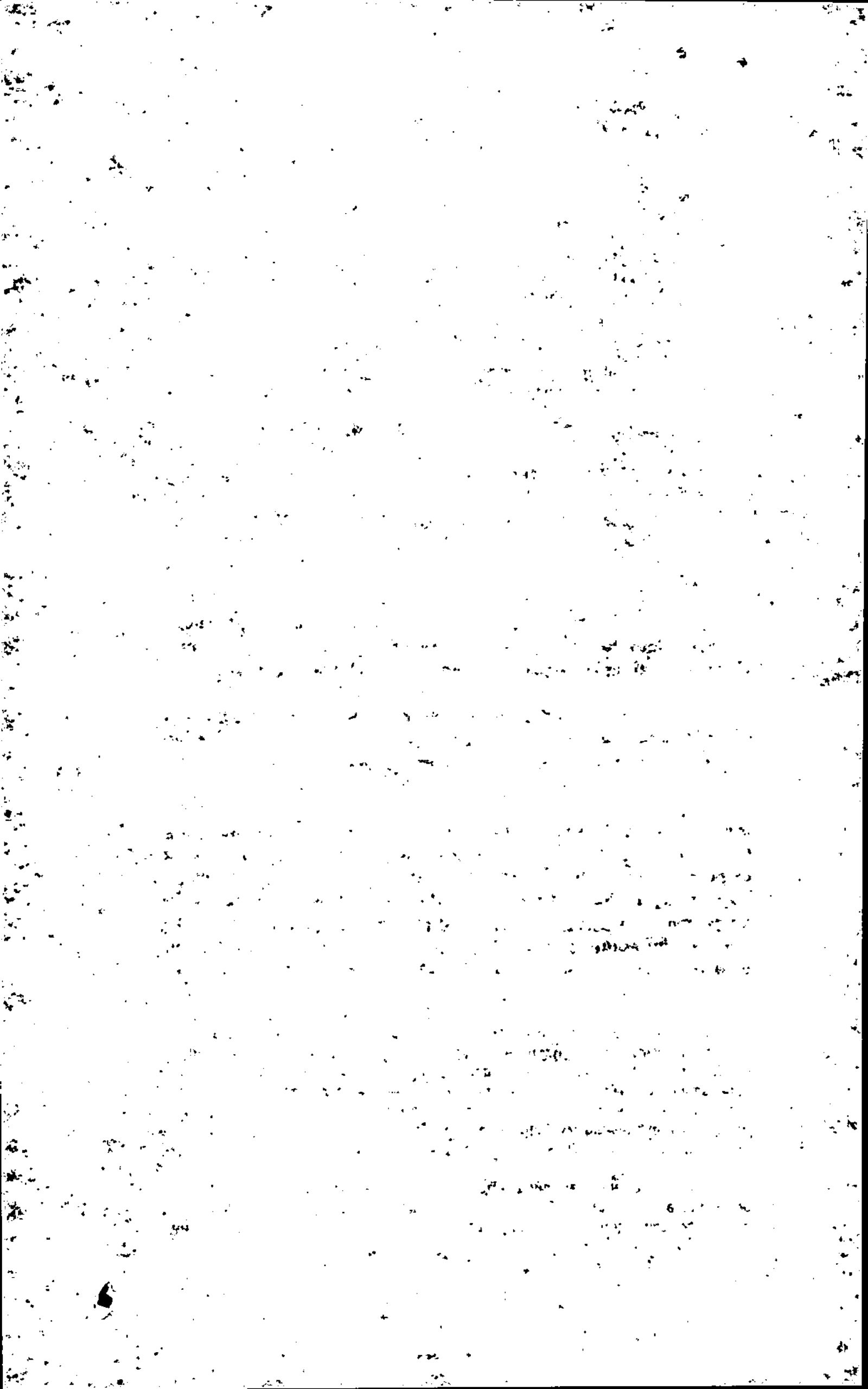
Muhammad Muazzam Butt
Advocate Supreme Court



Muhammad Adeel Butt
Advocate High Court



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



BEFORE THE SERVICE TRIBUNAL KHAYBER PAKHTUNKHWA

CM No. _____ of 2024

In Ref to

Service Appeal No. _____ /2024

MUHAMMAD FEROZ

VERSUS

Secretary to Government of Khyber Pakhtunkhwa, & others

APPLICATION FOR SUSPENSION OF IMPUGNED NOTIFICATION BEARING NO. 50 (POLICY) E&D-1-3/2020 DATED 06/08/2020, COMMUNICATED TO RESPONDENT NO.2 BY WIDE LETTER DATED 08/06/2023 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 I.A. And if the notification bearing No. 50 (Policy) E&D-1-3/2020 dated 06/08/2020, communicated to Respondent No.2 by Respondent No.1, Wide 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.

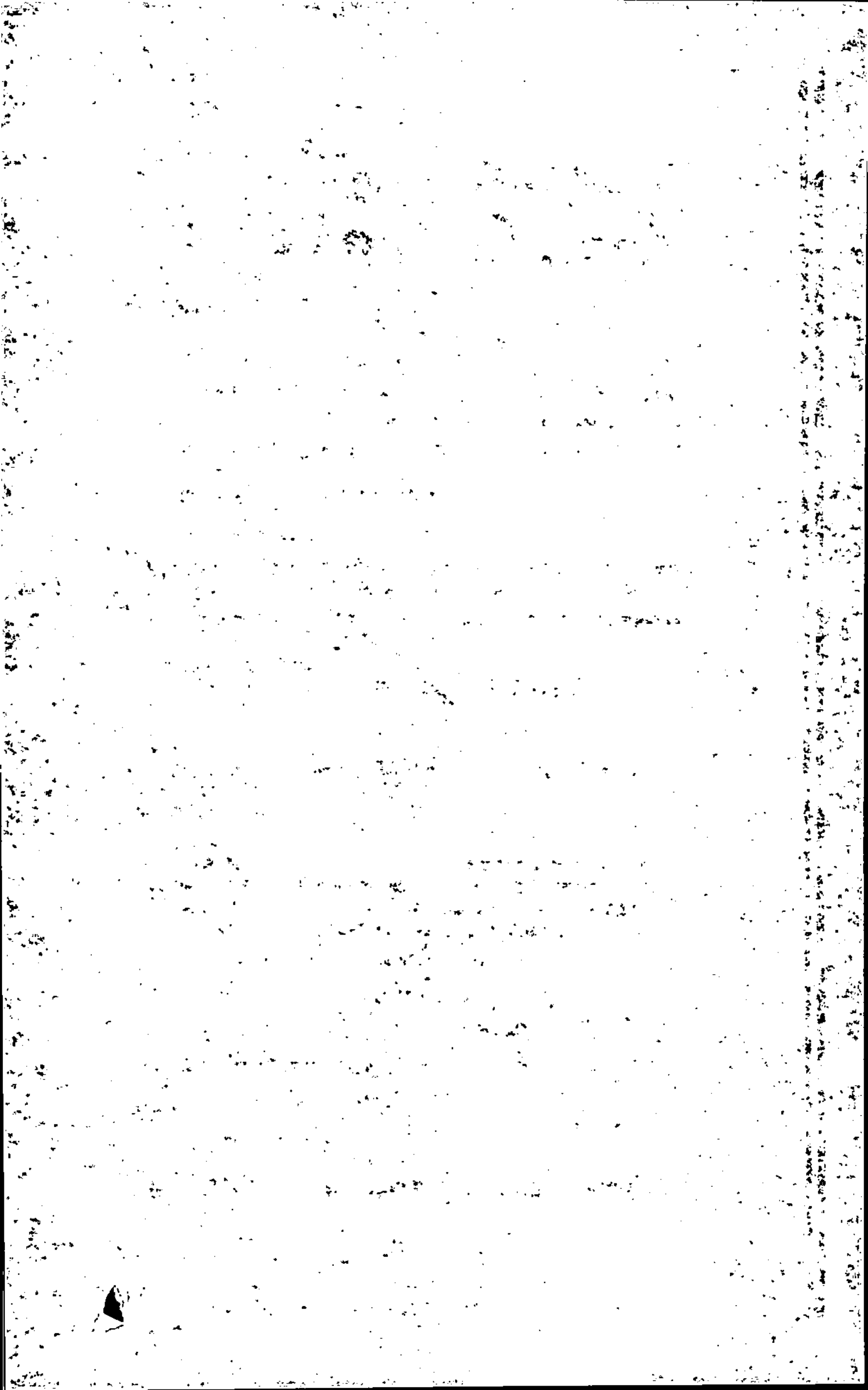
In view of the reasons, it is humbly requested that the notification bearing No. 50 (Policy) E&D-1-3/2020 dated 06/08/2020, communicated to Respondent No.2 by Respondent No.1, Wide Letter Dated 06/06/2023 may kindly be suspended till the final disposal of the main appeal in hand.

Appellant

[Signature]
Muhammad Ijazam Butt
Advocate Supreme Court
[Signature]
Muhammad Ahsan Butt
Advocate High Court

Through

AFFIDAVIT
(The appellant) do hereby solemnly stated on oath that the contents of foregoing application are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honorable Court
[Signature]
Deponent



-6-

Dist. Govt. NWFP-Provincial
District Accounts Office Mansehra
Monthly Salary Statement (December-2023)



Personal Information of Mr MUHAMMAD FAROOQ d/w/s of SIKANDER KHAN

Personnel Number: 00222046 CNIC: 1350151316135 NTN:
 Date of Birth: 27.01.1970 Entry into Govt. Service: 26.03.1992 Length of Service: 31 Years 09 Months 007 Days

Employment Category: Active Permanent

Designation: PRIMARY SCHOOL HEAD TEACH 80003206-DISTRICT GOVERNMENT KHYBE

DDO Code: MA6145-Mansehra

Payroll Section: 001

GPF Section: 001

Cash Center: 2

GPF A/C No: EDUMA007487

Interest Applied: Yes

GPF Balance: 1,033,993.00

Vendor Number: -

Pay and Allowances:

Pay scale: BPS For - 2022

Pay Scale Type: Civil BPS: 15

Pay Stage: 22

Wage type	Amount	Wage type	Amount
0001 Basic Pay	67,480.00	1001 House Rent Allowance 45%	3,524.00
1210 Convey Allowance 2005	2,856.00	1300 Medical Allowance	1,500.00
1505 Charge Allowance	40.00	2148 15% Adhoc Relief All-2013	880.00
2199 Adhoc Relief Allow @10%	591.00	2316 Teaching Allowance 2021	3,224.00
2341 Dispr. Rel All 15% 2022KP	6,408.00	2347 Adhoc Rel Al 15% 22(PS17)	6,408.00
2378 Adhoc Relief All 2023 35%	22,925.00		0.00

Deductions - General

Wage type	Amount	Wage type	Amount
3015 GPF Subscription	-4,290.00	3501 Benevolent Fund	-1,200.00
3609 Income Tax	-2,422.00	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

Deductions - Income Tax

Payable: 37,516.38 Recovered till December-2023: 13,607.00 Exempted: 9378.76 Recoverable: 14,330.62

Gross Pay (Rs.): 115,836.00 Deductions (Rs.): -8,647.00 Net Pay (Rs.): 107,189.00

Payee Name: MUHAMMAD FAROOQ

Account Number: 1118-5

Bank Details: ALLIED BANK LIMITED, 250082 G.HABIBULLAH G.HABIBULLAH, MANSEHRA

Leaves: Opening Balance: Availed: Earned: Balance:

Permanent Address: MANSEHRA

City: MANSEHRA

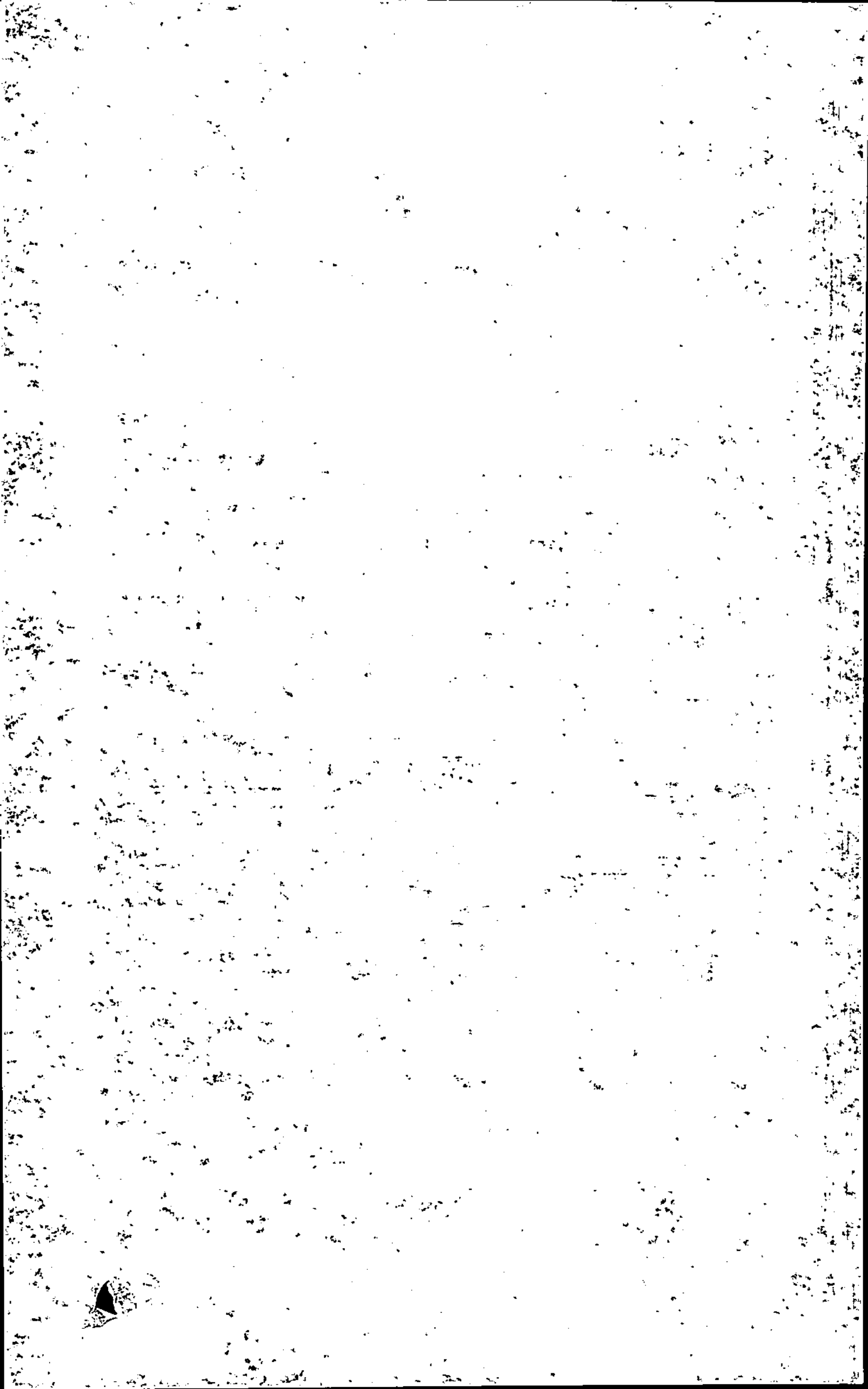
Temp. Address:

City:

Domicile: NW - Khyber Pakhtunkhwa

Housing Status: No Official

Email:



Sl. No.	Name of Official	Name of Present School	Month	Remarks
1	M. AHMAD NAZIR	U.S.P.O.	01/01/82	
2	SALIM AHMAD D.	GPS (Lower) Banda	04/04/82	
3	MUHAMMAD TAYYAB	GPS BOWMAN	20/02/84	
4	ANWAR BULTEAN	GPS BANJAL MATA	08/06/83	
5	M. ALI AD SHAH	GPS RANGI	04/04/84	
6	ABDUR RAUF	GPS KADLA	14/08/84	
7	Syed P. Zaman Shah	GPS KOLA GRAM	01/01/87	
8	MUHAMMAD IQBAL	GPS TARKALI	02/01/84	
9	MUHAMMAD IMRAN	GPS BARI MUKUN	25/04/84	
10	MUHAMMAD JAVED	GPS ZAFAR MARDAN	18/05/82	
11	KAZA MUHAMMAD	GPS Lashan Nawab	02/01/85	
12	ZAFAR PARAZ KHAN	GPS BILALAN	15/09/83	
13	Muhammed Khaled	GPS BAYAN	03/04/84	
14	MUHAMMAD JASIR	GPS BILVA TANDA	03/11/85	
15	Abdul Karim	GPS Bahadur	02/02/87	
16	ANWAR KHAN	GPS Bhoghring	00/02/83	
17	Syed MUHAMMAD SH	GPS RAHAT	05/02/86	
18	MUHAMMAD FAROOQ	GPS SHAHQOT	4/02/84	
19	MOOZ ZAMAN	GPS BAQCH	25/12/84	
20	MUHAMMAD ASHRAF	GPS BAGNO	02/01/80	
21	Abdul Fattah	GPS DADA	08/04/85	
22	Gulrez	GPS Pathana Village	18/12/83	
23	S. Ashiq Hussain Shah	GPS Tamra	30/04/83	

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823	TOTAL NO OF SANCTIONED POST OF SPST
827	SHARE OF PROMOTION FOR SPST
828	PROMOTED TO THE POST OF SPST
829	DEFERRED

Checked and used the recommendation of the Departmental Promotion Committee and in pursuance of the Government of Khyber Pakhtunkhwa (Public Service) Regulations, 1974 (No. 12/84) dated 15/07/2012 and 17/08/2012, the following Senior Section Officers (SSOs) are hereby promoted to the post of SPST B-15 (8300-700-2500) pay band, subject to the following conditions: (a) The promotion is subject to the availability of the posts and the rules and conditions given below with immediate effect. Note - The adjustment of newly promoted SPST B-15 at the disposal of SDO (M) against newly upgraded post notified under above mentioned Regulation No. 12/84.

NOTIFICATION



THE GOVERNMENT OF KHYBER PAKHTUNKHWA
(Public Service) Regulations, 1974

Chief of the
Departmental Promotion Committee
(Chief Member)
Phone: 8337-38-33

7/10/2012
SPST - 15

-2-

1208	1208	M ASIF	GPS NARBER	01/01/71
1207	1208	MHAMMAD NISAR	GPS MARI SHAH WALI	01/01/70
1206	1205	ABDUR RAJIF	GPS DARRAH BALA KOT	20/11/60
1205	1204	MUHAMMAD HUSBAIN	GPS SADR NO1	01/01/60
1204	1201	MUHAMMAD SHAFEE	GPS KAUSH	14/11/68
1203	1200	MUHAMMAD RIAZ	GPS NOK SUM	20/03/68
1202	1198	SADQAT HUSSAIN	GPS BOU	13/01/67
1201	1197	SAJID KHAN	GPS HASSARI	20/03/67
1200	1196	WAQAR AHMED	GPS KHAIR ABAD	06/01/64
1199	1195	ISHAQ AHMAD	GPS MANSEHRA	01/01/63
1198	1194	MUHAMMAD SALEEM	GPS GHITA BAITY	22/03/63
1197	1193	AHMAD NAWAZ	GPS MURAD PUR	10/01/63
1196	1192	AZHAZ HUSBAIN	GPS PAKLANG	12/01/63
1195	1191	Muhammad Humayoun	GPS Mera Hagarin	03/01/62
1194	1189	ALTAF HUSSAIN	GPS POME	03/01/62
1193	1188	Sattiaz	GPS KHATI SAMUNDAR KHAN	06/01/61
1192	1187	AHMED NAWAZ	GPS DAKKON DIARI	09/03/61
1191	1186	HAD NAWAZ	GPS LEHLAN	25/01/60
1190	1184	MUHAMMAD YOUSAF	GPS KHARVALA	06/02/60
1189	1182	ARSHAD FAROOQ	GPS KANAT	26/01/60
1188	1181	ALAM ZEB	GPS RAHVAL	00/01/60
1187	1179	Muhammad Kibbi	GPS DANDAN	10/01/60
1186	1178	SAYD MUHAMMAD	GPS GHOUTH	10/01/60
1185	1177	MUHAMMAD ISRAH	GPS GARLAT	10/01/60
1184	1176	MUHAMMAD NAEEM	GPS KHATTA MALOON	01/01/60
1183	1175	SHAHID JAMIL	GPS JAIRI MANSEHRA NO3	01/01/60
1182	1174	Muza Ahsad Zaman	GPS BUDI DA NAKA	01/01/60
1181	1170	ANWAR KHAN	GPS SAJDA DAR	28/01/60
1180	1168	Abdoul Wahed	GPS CHANDRA	13/01/60
1179	1160	KHANI ZAMAN	GPS KHANI ZAMAN	03/01/60
1178	1161	ALAM ZEB	GPS DAWAY	10/01/60
1177	1162	AZAL ULLAH	GPS JAGGI	01/01/60
1176	1161	MADIR HUSSAIN	GPS DAWAY	01/01/60
1175	1160	MUHAMMAD IFTIKHAR	GPS SHADOGH KATRAK	01/01/60
1174	1158	SAID HUSSAIN SHAH	GPS CHANDRA	01/01/60
1173	1157	M ANWAR SHAH	GPS CHITTA BIRRI	10/01/60
1172	1156	MUHAMMAD ANWAR	GPS BAWVA	01/01/60
1171	1154	Said Shajid Hussain	GPS KHAN SAJA	01/01/60
1170	1213	LIAQAT HUSBAIN	GPS KASSI TARAINNA	01/01/71
1169	1211	MUHAMMAD IOBAL	GPS AZAL ABAD GIDDER PUR	10/03/71
1168	1210	Mizhar Ul Haq	GPS KORY	01/03/71
1167	1208	M ASIF	GPS NARBER	01/01/71

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DISTRICT EDUCATION OFFICER
(MALE) MANSHERA

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Order No 1774-850 Dated 25/2-2013.
Copy forwarded for information and necessary action to the:
1. The Director B&SB Khyber Pakhtun Khwa, Peshawar.
2. District Account Officer Manshera.
3. Deputy District Education Officer (Male) Manshera.
4. Sub Divisional Education Officer (Male) Manshera.
5. Official Concerned.
6. M/P/16

SPL
(UMER KHAN KUNDI)
DISTRICT EDUCATION OFFICER
(MALE) MANSHERA

TERMS AND CONDITIONS:-

1. They would be on probation for a period of one year extendable for another one year.
2. They will be governed by such rules and regulations as may be issued from time to time by the Government.
3. Their services can be terminated at any time, in case his performance is found unsatisfactory during probationary period. In case of misconduct, he shall be proceeded under the rules framed from time to time.
4. Charge report should be submitted to all concerned.
5. Their inter se Seniority on lower post will remain intact.
6. No TADA is allowed for joining his duty.
7. They will give an undertaking to the effect to be recorded in their service Book.

Sl No	Name	Qualification	Grade	Joining Date
1	ALIMGZER	MAJID AHM	1410	1974
2	MUMTAZ AHMAD	MUMTAZ AHMAD	1411	1974
3	MUMTAZ AHMAD	MUMTAZ AHMAD	1412	1974
4	MUMTAZ AHMAD	MUMTAZ AHMAD	1413	1974
5	MUMTAZ AHMAD	MUMTAZ AHMAD	1414	1974
6	MUMTAZ AHMAD	MUMTAZ AHMAD	1415	1974
7	MUMTAZ AHMAD	MUMTAZ AHMAD	1416	1974
8	MUMTAZ AHMAD	MUMTAZ AHMAD	1417	1974
9	MUMTAZ AHMAD	MUMTAZ AHMAD	1418	1974
10	MUMTAZ AHMAD	MUMTAZ AHMAD	1419	1974
11	MUMTAZ AHMAD	MUMTAZ AHMAD	1420	1974
12	MUMTAZ AHMAD	MUMTAZ AHMAD	1421	1974
13	MUMTAZ AHMAD	MUMTAZ AHMAD	1422	1974
14	MUMTAZ AHMAD	MUMTAZ AHMAD	1423	1974
15	MUMTAZ AHMAD	MUMTAZ AHMAD	1424	1974
16	MUMTAZ AHMAD	MUMTAZ AHMAD	1425	1974
17	MUMTAZ AHMAD	MUMTAZ AHMAD	1426	1974
18	MUMTAZ AHMAD	MUMTAZ AHMAD	1427	1974
19	MUMTAZ AHMAD	MUMTAZ AHMAD	1428	1974
20	MUMTAZ AHMAD	MUMTAZ AHMAD	1429	1974
21	MUMTAZ AHMAD	MUMTAZ AHMAD	1430	1974
22	MUMTAZ AHMAD	MUMTAZ AHMAD	1431	1974
23	MUMTAZ AHMAD	MUMTAZ AHMAD	1432	1974
24	MUMTAZ AHMAD	MUMTAZ AHMAD	1433	1974
25	MUMTAZ AHMAD	MUMTAZ AHMAD	1434	1974
26	MUMTAZ AHMAD	MUMTAZ AHMAD	1435	1974
27	MUMTAZ AHMAD	MUMTAZ AHMAD	1436	1974
28	MUMTAZ AHMAD	MUMTAZ AHMAD	1437	1974
29	MUMTAZ AHMAD	MUMTAZ AHMAD	1438	1974
30	MUMTAZ AHMAD	MUMTAZ AHMAD	1439	1974
31	MUMTAZ AHMAD	MUMTAZ AHMAD	1440	1974
32	MUMTAZ AHMAD	MUMTAZ AHMAD	1441	1974
33	MUMTAZ AHMAD	MUMTAZ AHMAD	1442	1974
34	MUMTAZ AHMAD	MUMTAZ AHMAD	1443	1974
35	MUMTAZ AHMAD	MUMTAZ AHMAD	1444	1974
36	MUMTAZ AHMAD	MUMTAZ AHMAD	1445	1974
37	MUMTAZ AHMAD	MUMTAZ AHMAD	1446	1974
38	MUMTAZ AHMAD	MUMTAZ AHMAD	1447	1974
39	MUMTAZ AHMAD	MUMTAZ AHMAD	1448	1974
40	MUMTAZ AHMAD	MUMTAZ AHMAD	1449	1974
41	MUMTAZ AHMAD	MUMTAZ AHMAD	1450	1974
42	MUMTAZ AHMAD	MUMTAZ AHMAD	1451	1974
43	MUMTAZ AHMAD	MUMTAZ AHMAD	1452	1974
44	MUMTAZ AHMAD	MUMTAZ AHMAD	1453	1974
45	MUMTAZ AHMAD	MUMTAZ AHMAD	1454	1974
46	MUMTAZ AHMAD	MUMTAZ AHMAD	1455	1974
47	MUMTAZ AHMAD	MUMTAZ AHMAD	1456	1974
48	MUMTAZ AHMAD	MUMTAZ AHMAD	1457	1974
49	MUMTAZ AHMAD	MUMTAZ AHMAD	1458	1974
50	MUMTAZ AHMAD	MUMTAZ AHMAD	1459	1974
51	MUMTAZ AHMAD	MUMTAZ AHMAD	1460	1974
52	MUMTAZ AHMAD	MUMTAZ AHMAD	1461	1974
53	MUMTAZ AHMAD	MUMTAZ AHMAD	1462	1974
54	MUMTAZ AHMAD	MUMTAZ AHMAD	1463	1974
55	MUMTAZ AHMAD	MUMTAZ AHMAD	1464	1974
56	MUMTAZ AHMAD	MUMTAZ AHMAD	1465	1974
57	MUMTAZ AHMAD	MUMTAZ AHMAD	1466	1974
58	MUMTAZ AHMAD	MUMTAZ AHMAD	1467	1974
59	MUMTAZ AHMAD	MUMTAZ AHMAD	1468	1974
60	MUMTAZ AHMAD	MUMTAZ AHMAD	1469	1974
61	MUMTAZ AHMAD	MUMTAZ AHMAD	1470	1974
62	MUMTAZ AHMAD	MUMTAZ AHMAD	1471	1974
63	MUMTAZ AHMAD	MUMTAZ AHMAD	1472	1974
64	MUMTAZ AHMAD	MUMTAZ AHMAD	1473	1974
65	MUMTAZ AHMAD	MUMTAZ AHMAD	1474	1974
66	MUMTAZ AHMAD	MUMTAZ AHMAD	1475	1974
67	MUMTAZ AHMAD	MUMTAZ AHMAD	1476	1974
68	MUMTAZ AHMAD	MUMTAZ AHMAD	1477	1974
69	MUMTAZ AHMAD	MUMTAZ AHMAD	1478	1974
70	MUMTAZ AHMAD	MUMTAZ AHMAD	1479	1974
71	MUMTAZ AHMAD	MUMTAZ AHMAD	1480	1974
72	MUMTAZ AHMAD	MUMTAZ AHMAD	1481	1974
73	MUMTAZ AHMAD	MUMTAZ AHMAD	1482	1974
74	MUMTAZ AHMAD	MUMTAZ AHMAD	1483	1974
75	MUMTAZ AHMAD	MUMTAZ AHMAD	1484	1974
76	MUMTAZ AHMAD	MUMTAZ AHMAD	1485	1974
77	MUMTAZ AHMAD	MUMTAZ AHMAD	1486	1974
78	MUMTAZ AHMAD	MUMTAZ AHMAD	1487	1974
79	MUMTAZ AHMAD	MUMTAZ AHMAD	1488	1974
80	MUMTAZ AHMAD	MUMTAZ AHMAD	1489	1974
81	MUMTAZ AHMAD	MUMTAZ AHMAD	1490	1974
82	MUMTAZ AHMAD	MUMTAZ AHMAD	1491	1974
83	MUMTAZ AHMAD	MUMTAZ AHMAD	1492	1974
84	MUMTAZ AHMAD	MUMTAZ AHMAD	1493	1974
85	MUMTAZ AHMAD	MUMTAZ AHMAD	1494	1974
86	MUMTAZ AHMAD	MUMTAZ AHMAD	1495	1974
87	MUMTAZ AHMAD	MUMTAZ AHMAD	1496	1974
88	MUMTAZ AHMAD	MUMTAZ AHMAD	1497	1974
89	MUMTAZ AHMAD	MUMTAZ AHMAD	1498	1974
90	MUMTAZ AHMAD	MUMTAZ AHMAD	1499	1974
91	MUMTAZ AHMAD	MUMTAZ AHMAD	1500	1974

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) PRIMARY MANSEHRA.
APPOINTMENT. Office Order No 9 / dated 24.3.92;

Consequent upon their selection on merit, the following PTC trained candidates are hereby appointed in BPS 7 Rs. 1095-60-1995 plus usual allowances as admissible under the rules with effect from the date of their taking over charge the against the newly created posts in the schools given against their names each in the interest of public service.

S.NO	NAME OF CANDIDATE, FATHER NAME AND RESIDENCE.	NAME OF SCHOOL WERE APPOINTED	REMARKS.
1.	Fazalul Islam S/O Ahmad Khan R/O Kotly Paen	GPS Bisala Dadar	Against Newly created post.
2.	Israrul Haq S/O Ezrat Yousaf R/O Kotly Paen	GPS Kulharay west	vice Mohd Ayub retired from service.
3.	Mohammad Fiaz S/O Fazalur Rehman R/O Kot Ballah	GPS Terawara(Oghi)	Against newly created post.
4.	Anwar Khan S/O Behram Khan R/O Paras	GPS Naran	--do--
5.	Mohammad Ijaz S/O Noor Mohammad R/O Channial(Mansehra)	Msq: School Ogra	--do--
6.	Azizur Rehman S/O Mohammad Arfan R/O Pairan	Msq: School Moh: Noghar Parani	--do--
7.	Mohammad Yousaf S/O Mahmood Khan R/O Karori Fala	GPS Kagle	Against newly created add. post.
8.	Mohammad Tariq S/O Abdur Rashid R/O Jabbi (B/Kote)	GPS Makarya	vice Mohd. Ajab Retired.
9.	Sajjad Ahmad S/O Mohammad Ayub R/O Batkarar (B/Kote)	GPS Ogra Village	Against newly created AD: post.
10.	Dost Mohammad S/O Malang Khan R/O Tikri (Battagram)	GPS Gurati B/Gram	Against vacant post.
11.	Shahid K Jamil S/O Mohammed Younas R/O Kotkay	GPS Pazo Dheri	Against newly addl: post.
12.	M.Ghulam S/O Mohammad Yusuf Shohal Najaf Khan	Msq: Sreet Pira	Against newly created post.
13.	Mohammad Rifaqat S/O Mohammed Zarin R/O Kot Ballah	GPS Hussain Banda (Ogh)	newly created post.
14.	Mohammad Ishtiaq S/O Mohammad Younis R/O Haryala	Msq: School Bela Mutraan.	--do--
15.	Raja Babu Jehangir S/O Raja Babu Sultan R/O Behaki.	GPS Barraj	--do--
16.	Haq Nawaz S/O Khalilur Rehman R/O Hari Mera	Msq: School Khakoo Gilder ur.	--do--

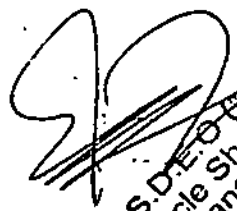
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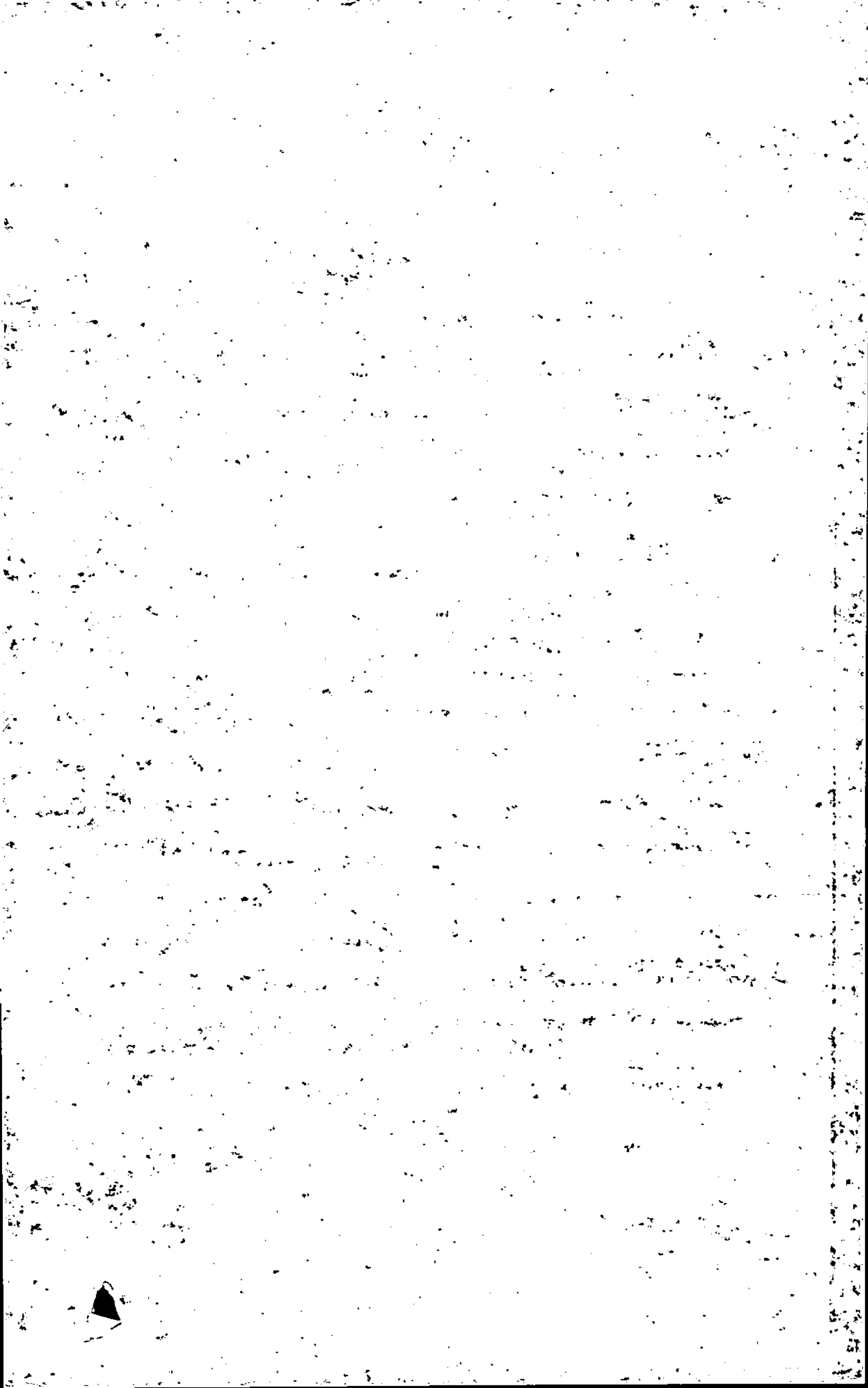

AS.D.E.O. (Male)
Circle Shahra
Mansehra.



- | | | | |
|-------|-------------------------------------------------------------|-----------------------------------------|------------------------------------------|
| | Mohammad Sajid S/O Mahmood Khan
R/O Kaghan. | GPS, Bela-
Manoor. | Against newly creat;
Addl;post. |
| 39. | Mohd Ishfaq S/O Masawar Hussain
R/O Potha. | GPS, Poteh. | -do- |
| 40. | Q. Ghulamullah S/O Mohd Yunis
R/O Battamohri (B. Gram) | GPS, Ruen Darra. | Against vacant post. |
| 41. | Ghulam Yusuf S/O Jumma Khan
R/O Battamohri (B. Gram) | GPS, Panjool | -do- |
| ✓ 42. | Wasif Khan S/O Amir Khan
Kotli Bala. Kot Ballah. | GPS, Khabal Bala
(Oghi) | Against newly creat;
Addl;post. |
| 43. | Hidayatullah S/O Qarcebul Haq
R/O Phagar. (KD) | Mosque School
Changah (Madakhail) | Against newly Crt;
Post. |
| ✓ 44. | Salim Khan S/O Izam Khan
R/O Arhora (Beri Arhora) | GPS, Sufaide peeen
(Oghi) | Against newly crt
Addl;post. |
| 45. | Abdul Washeed S/O Khani Zaman
R/O Banni Karnol. | GPS, Karnol (G. H. Ullah) | -do- |
| 46. | Mohd Sharaan S/O Mohd Yusuf
R/O Arghachori (B. Gram) | Mosque School
Cudlai. | Against V/post |
| ✓ 47. | Mohd Munsif S/O Habibullah
R/O Mera. Batora. | GPS, Chijjri (Oghi) | Against newly
crt; P post. |
| 48. | Mohd Farooq S/O Sekandar Khan
Jabbi Ghri Bahadur Khan. | GPS, Kizal Bala (Oghi) | -do- |
| 49. | Sarfraz S/O Kala Khan
R/O Banda Balola. | GPS, Zoonglay
(KD) | Against newly
created post. |
| 50. | Mohd Ahmad S/O Junna Khan
R/O Dandar. | GPS, Dandar. | -do- |
| 51. | Mohd Iqbal S/O Ghulam Rabbani
R/O Dandar (Khaith Serash) | GPS, Kotgali | -do- |
| 52. | Sain Muhammad S/O Wali Mohammad
R/O Attershisha. | Mosque School
Battangi Da. Nakra | -do- |
| 53. | Mohd Farooq Khan S/O Mohd Rafique
R/O Lab arkote. | Mosque School
Mandian Bela | -do- |
| 54. | Arshad Farooq S/O Umar Farooq
R/O Tarha Jala. | GPS, Nakote. | Against newly crt;
Addl;post. |
| 55. | Mohd Iqbal S/O Ghulam Rabbani
R/O Tareri (Jalakote) | Mosque School
Chitti Gati (In; Ahed) | -do- |
| 56. | Mohd Hesar S/O Dilber Khan
R/O Tarha payeen. | Mosque School
Nai Abbadi (B. Kund) | Against newly crt;
pte post. |
| 57. | Shabeer Hussain Shah, S/O Hayat Shah
Kote Chatter Plain. | GPS, Qazi Abad | Vice Abdul Khaliq
retir from service. |
| 58. | Ahmad Nawz S/O Muhabat Khan
R/O Katha Dubandi. | Mosque School
Dakkan. | Against newly crt;
addl;post. |

CONT: ON PAGE....4.....


 A.S.D.F.O. Manshera
 Circle Shahwal
 Manshera.



148. Noorud Din S/O Alaf Din . GPS Badwar(B/Kote) vice Shakil Ahmad on long leave.
Kalas Bhangan
149. Sirajuddin ~~Mohammad~~ S/O Msq: School-Sunder against Newly creat
Mohammad Sharif R/O Mera Imjad ili PTC post.
- ✓ 150. Mohammad Saeed S/O Mirza Mohammad ---do---
Arfan R/O Ghanool GPS Barrian (Oghi)
151. Ashfaq Ahmad S/O Mohammad Yousaf Msq: School Mandier ---do---
R/O Mera Imjad ili
152. Attaurehman S/O Saifullah GPS Sarwai Sh: additional Post.
R/O Pore G.H.Ullah Mazullah
153. Mohammad Rehman S/O Attaurehman GPS Bateela against vacant post
R/O Rasheng Ilei
- ✓ 154. M Raja Mohammad Intiaz S/O R. GPS Jiskote Oghi against additional
Abdur Rashid R/O Trari post
155. Altaf Hussain S/O Safiullah GPS Miana Gali against Newly creat
R/O Pore G.H.Ullah post.
- ✓ 156. Mohammad Arif S/O Mohammad Rafique GPS Oghi Centre additional post.
R/O Garlat
157. Ikhtlaq Hussain Shah S/O Noor Ahmad Bagan Bala vice Javed on stud
Shah R/O Manda Jigan G.H.Ullah leave.
158. Said Nawab S/O Mohammad Khan Msq: School Para against newly creat
R/O Mera Mada Khail K.D Mada Khail.K.D post.
159. Mohammad Saleem S/O Mohammad GPS Zoonglay K.D against Newly creat
Ibrahim R/O Jhajja G.H.Ullah post.
160. Abdus Sattar R/O Faiz Mohammad GPS Miana Gali ---do---
R/O Shinkiri
- ✓ 161. Inayatullah S/O Said Ahmad R/O GPS Para Pashto vacant post.
Pashto

NOTE. The occupant of the post if found vacant the post and take over charge in the school from where he has been posted/adjusted against any one of the above mentioned newly created posts.

TERMS AND CONDITIONS:-

1. They should submit their charge reports to all the concerned.
2. Their appointment is purely temporary and can be terminated at any time without assigning any reason.
3. Their appointment is subject to the verification of their professional and academic certificate/documents.
4. Their pay will be drawn after the verification of their professional and academic certificate from the concerned issuing agency/organisation if found correct.

CONTD: PAGE 9.

A.S.D.E.O (Mia) Circle Shikhar Manshira.

- 5. Their original professional and academic certificates should be checked thoroughly before handing over the charge and should not be handed over charge if the original certificates are not found correct.
- 6. Their pay will not be drawn till they produce their age and health certificates issued by the Medical Superintendent DHQ Mansehra.
- 7. They will be Governed under prescribed services rules of Govt of N.W.F.P.

[Signature]
 DISTRICT EDUCATION OFFICER(M),
 PRIMARY MANSEHRA.

1911-2074

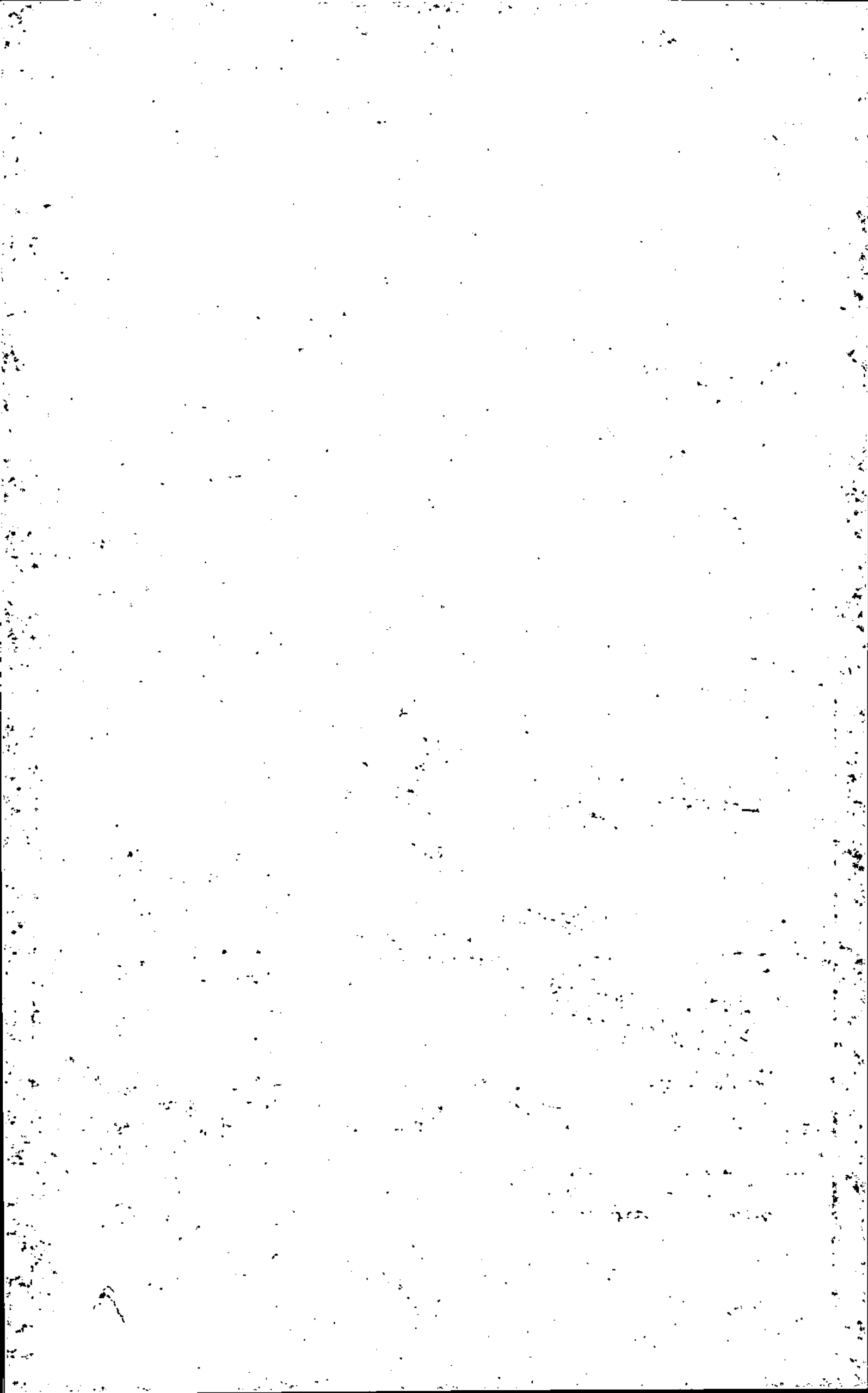
Endst.No. _____ /GB/Appott./PTC. Dated Mansehra the 24/3/9

Copy of the above forwarded to the:-

- 1. 2. Sub-Divisional Education Officer(M) Uchsik Mansehra & Battagram
- 3. 163 All the candidates concerned.
- 64. O.O.File.

[Signature]
 A.S.D.E.O.(Male)
 Circle Shahrhela
 Mansehra.

[Signature]
 DISTRICT EDUCATION OFFICER(M),
 PRIMARY MANSEHRA.



Annexure - B -

GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(REGULATION WING)

NOTIFICATION

Dated Peshawar, the 06/08/2020

Policy/EAAD/1-3/2020 In exercise of the powers conferred by section 26 of the
Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber-Pakhtunkhwa Act No. XVIII of
1973) the Chief Minister of Khyber Pakhtunkhwa is pleased to direct that in the Khyber
Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the
following further amendment shall be made, namely:

AMENDMENT

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

CHIEF SECRETARY
GOVERNMENT OF THE KHYBER PAKHTUNKHWA

ENCL: NO & EVEN DATE

Copy is forwarded to:-

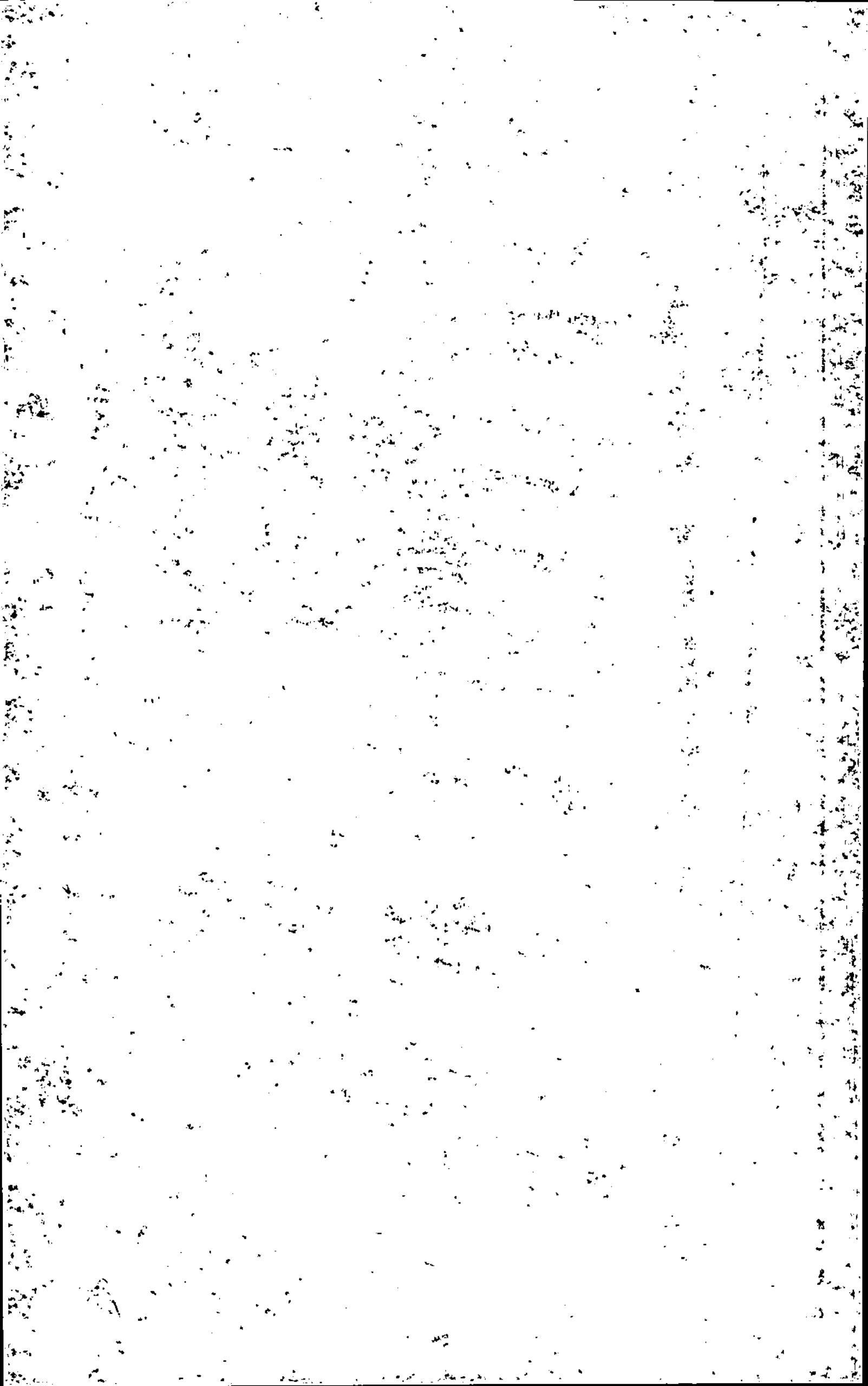
1. Additional Chief Secretary, Govt. of Khyber Pakhtunkhwa, Planning & Development Department.
2. The Senior Member Board of Revenue, Khyber Pakhtunkhwa.
3. All Administrative Secretaries to Govt. of Khyber Pakhtunkhwa.
4. The Principal Secretary to Governor, Khyber Pakhtunkhwa.
5. The Principal Secretary 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 (Admn), Administration Department with the request to arrange 20 gazette copies.
16. The Caretaker, Administration Department.

19/8/20
267
01/08/20

ATTESTED

(WAJDAH LATIF)
DEPUTY SECRETARY (POLICY)

Handwritten signature and initials.



- 15 -

**GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(REGULATION WING)**

NOTIFICATION

Dated Peshawar the, 06/08/2020

In exercise of the powers conferred by section 26 of the Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No XVIII of 8) the chief Minister of Khyber Pakhtunkhwa is pleased to direct that in the Khyber Pakhtunkhwa Civil Servants (Appointment Promotion and Transfer) Rules 1989, the following further amendment shall be made, namely:

AMENDMENT

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

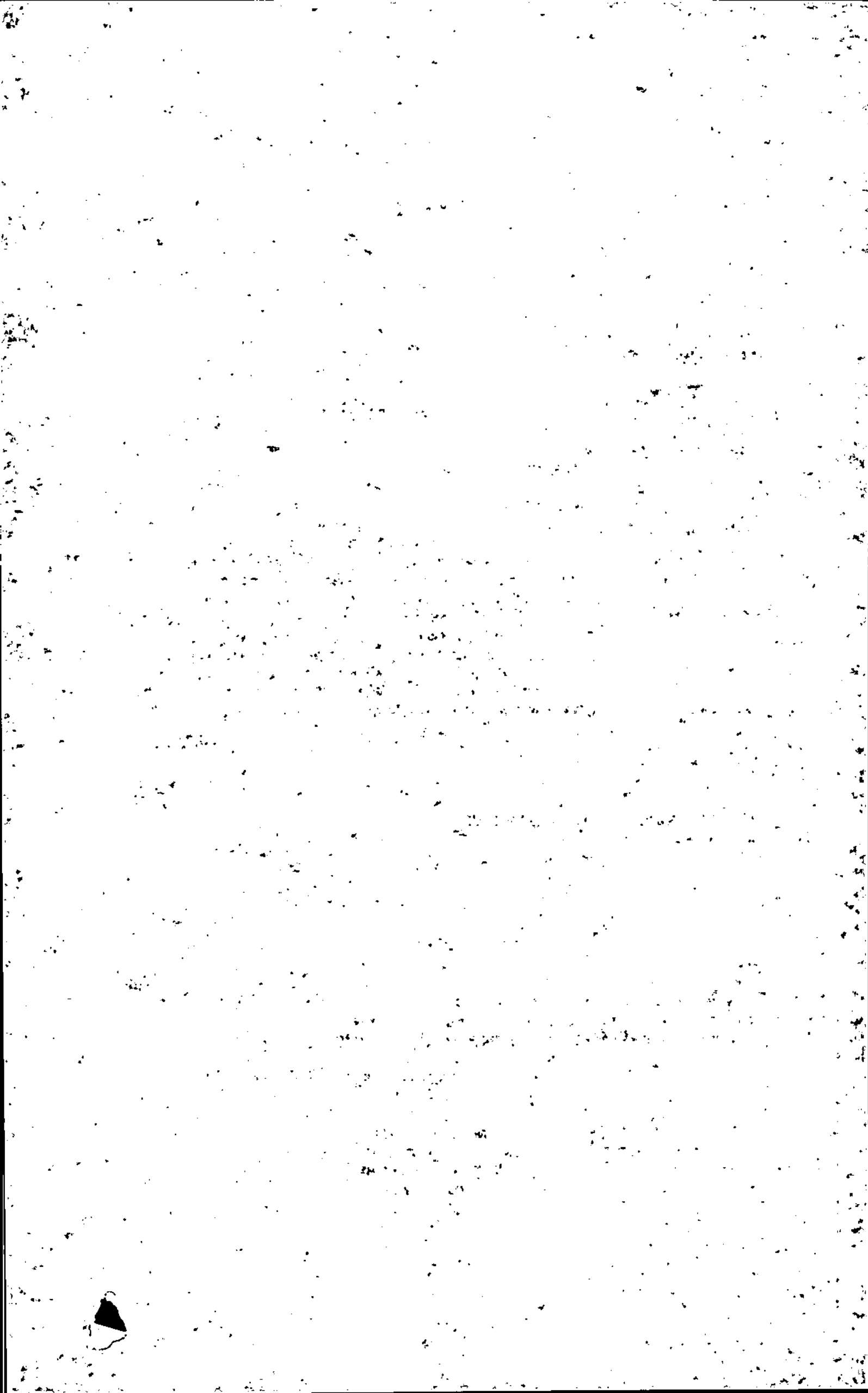
**CHIEF SECRETARY
GOVERNMENT OF THE KHYBER PAKHTUNKHWA**

(ANDS): & EVEN DATE

Copy is forwarded to :-

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

**(WARDAH LATIF)
DEPUTY SECRETARY (POLICY)**



-16-

Annexure - C



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
No. 50(Polcy)HR/III/3/2020
Dated Peshawar the June 06, 2022

62

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

Subject: GUIDANCE REGARDING VIOLATION 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. 50(Polcy-MYR&9/11/22-
2/Appointment/2022) dated 18.04.2022 on the subject noted above and to state that Sub-rule
(5) of Rule-7 of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer)
Rules, 1989 stands deleted vide this departmental notification dated 06.08.2020; thus, no
provision exists to decline or forgo promotion.

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

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

Yours faithfully,
(Issa Nishtar) (Chair)
Secretary (Policy)

ASSE
7/6

7/6

Encl. Of even No & date

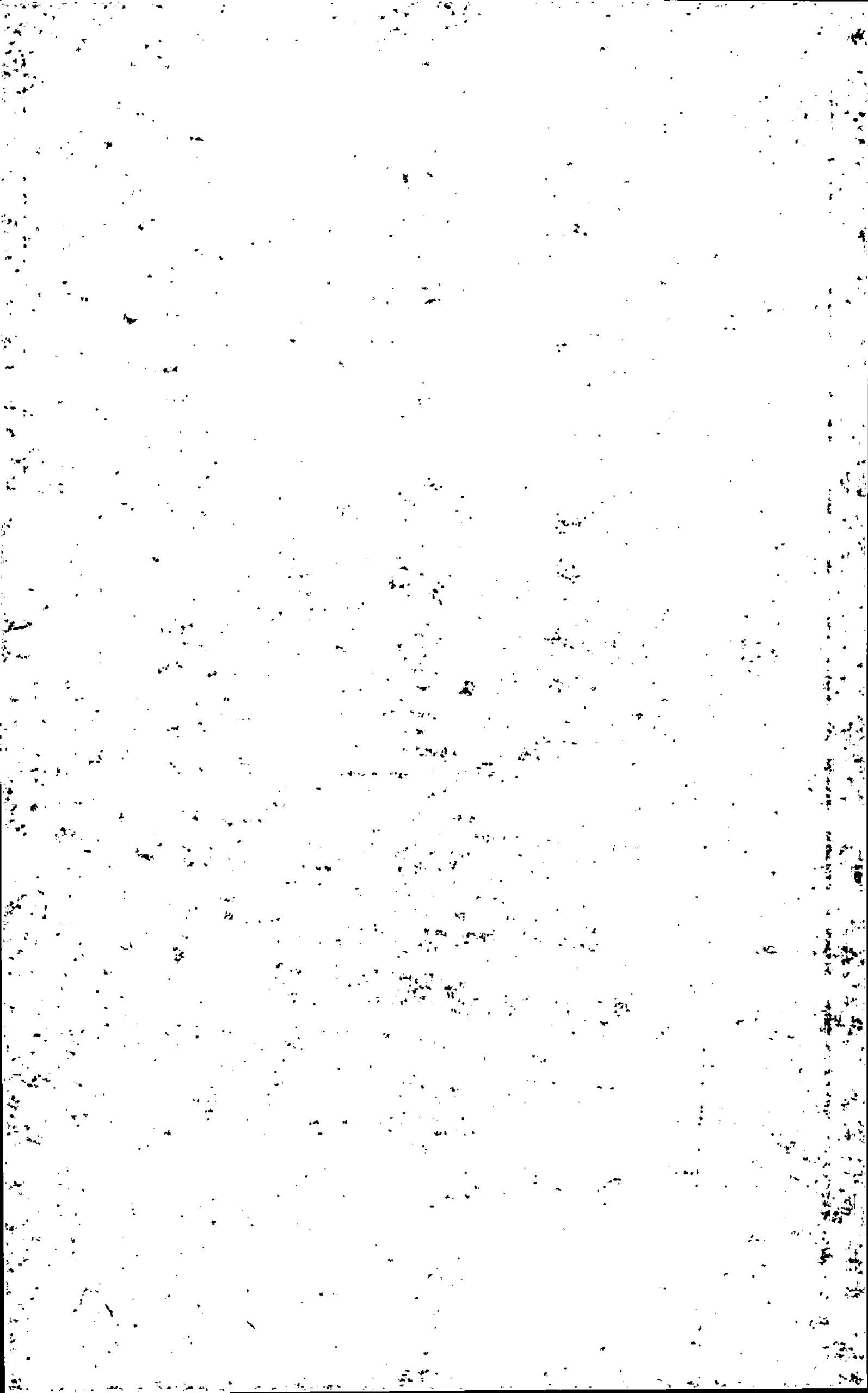
Copy forwarded to:-

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

8/1/22

263
2.1.6.13

Section Officer (Policy)



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

No. SO (Primary-M)/E&SED/2-5/2023
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

[Signature]
26/6/23

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 05 July, 2023 at
11:00 AM in this department under the Chairmanship of Additional Secretary (Estab)
E&SE Department in his office.

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

Encl: AA

[Handwritten mark]

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

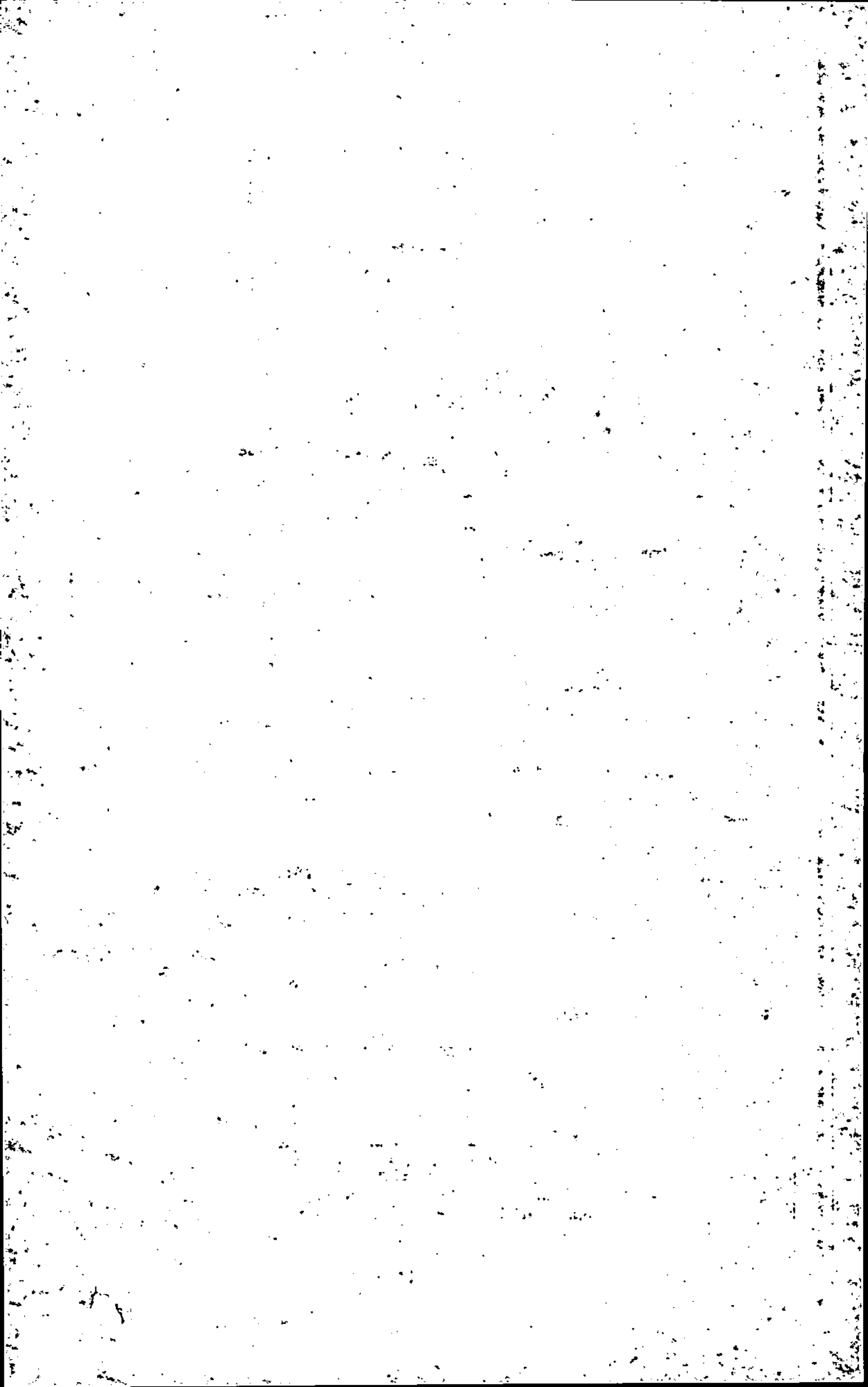
Copy forwarded to the:

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

[Handwritten mark]

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

[Handwritten mark]



-18-

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(S) 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

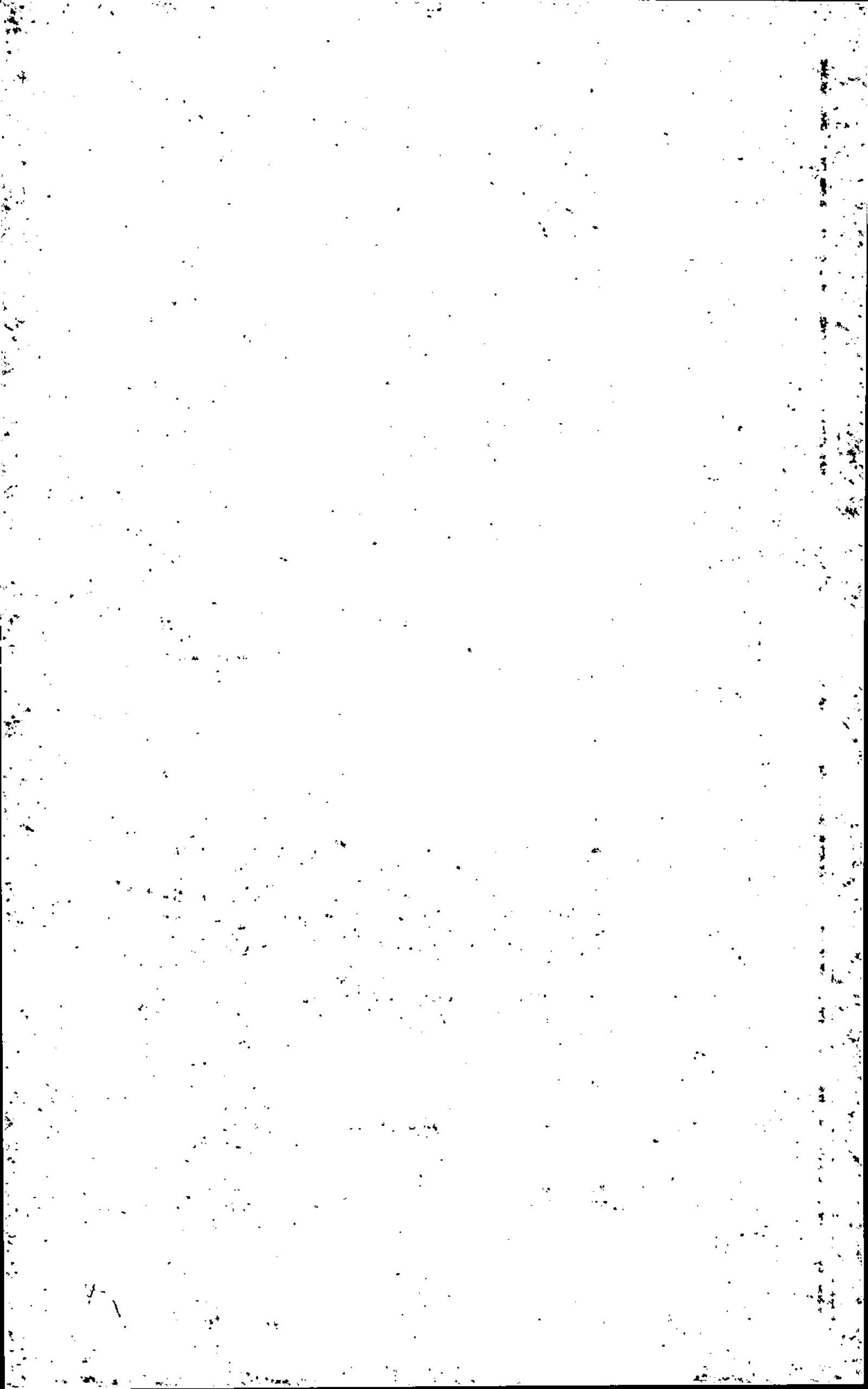
(MUHAMMAD ISHAQ)
SECTION OFFICER (PRIMARY MALE)

Copy forwarded to the:

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

SECTION OFFICER (PRIMARY MALE)





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

Annexure
①


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

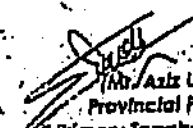
Sl	NAME	DESIGNATION
1	Mr. Fazal Wahid	Deputy Director Establishment of Directorate Elementary & Secondary Education Department
2	Mr. Aziz Ullah	Provincial President All Primary Teachers Association Khyber Pakhtunkhwa
3	Mr. Razaqal Ullah	General Secretary APTA Peshawar
4	Muhammad Ishaq	Section Officer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

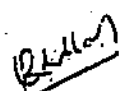
2. The meeting started with recitation from The Holy Quran. The chair welcomed the participants. The Deputy Director (Establishment) of Directorate of Elementary & Secondary Education briefed the forum regarding agenda item in detail.


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

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


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


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


(Mr. Razaqal Ullah)
General Secretary APTA
Peshawar


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

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



-20-

-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/No	NAME	DESIGNATION
1	Mr. Fazal Wahid	Deputy Director Establishment of Directorate Elementary & Secondary Education Department
2	Mr. Aziz Ullah	Provincial President All Primary Teachers Association: Khyber Pakhtunkhwa
3	Mr. Razaqat Ullah	General Secretary APTA Peshawar
4	Muhammad Ishaq	Section Officer (Primary) E&SE Department Civil Secretariat Khyber Pakhtunkhwa Peshawar

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

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

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

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

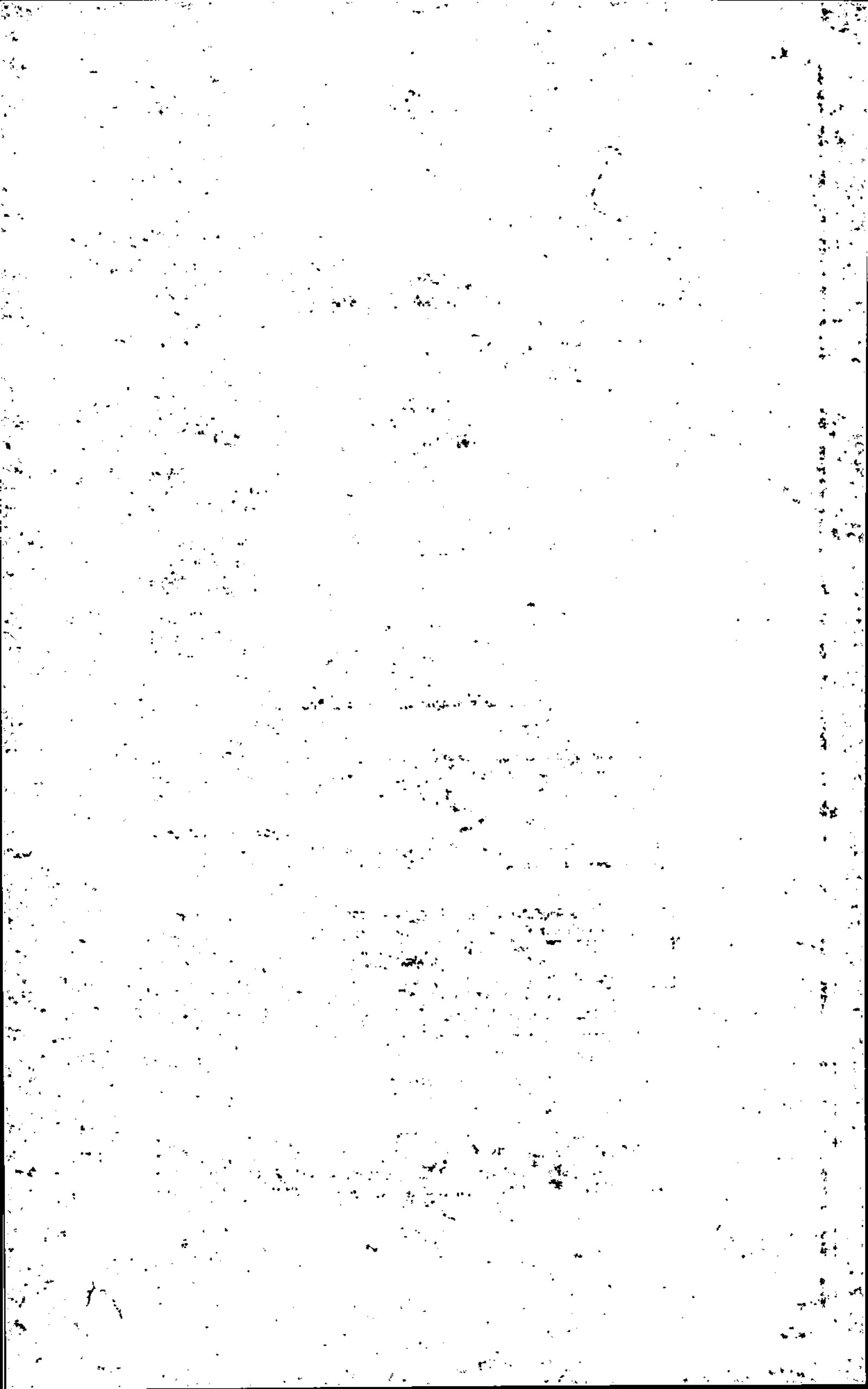
Provincial President
All Primary Teachers Association
Khyber Pakhtunkhwa

(Mr. Razaqat Ullah)
General Secretary APTA
Peshawar

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

(Abdullah)

Additional Secretary (Establishment)





No. 8145

Khyber Pakhtunkhwa, Peshawar
Phone: 09122244
Email: chiefsecretary@pk.gov.pk

To
The Section Officer (Primary-144),
Government of Khyber Pakhtunkhwa Peshawar

Subject: MINUTES OF THE MEETING

Dear Sir,
I am directed to refer to the letter No.50/Primary-144/565242-11
dated 10-07-2023 on the subject cited above and to
present brief history about the background of the case as under:

The Government of Khyber Pakhtunkhwa Establishment Department (Registration Wing)
dated Rule No 7(C) under Civil Servants (Appointment, Promotion & Transfer Rules 1989)
with notification No. 50-R-VI (544D)/1-1/2020 dated 06-08-2020
That this office has been guided from your good office in the following words vide letter
No. 6987 dated 16-02-2023.

(1) Now it is obligatory upon the civil servant to accept promotion in every condition.
(2) If he/she is not agreeable of the civil servant to either accept or turn down the offer of
promotion.

That your good office forwarded the memo to the quarter concerned vide letter
No.50 (Primary-144) 565242-11/1/2023 for necessary guidance.
The Government of Khyber Pakhtunkhwa Establishment Department (Registration
Wing) vide letter No.50 (Policy) 544D/1-1/2020 dated 06-08-2020 categorically stated
that there shall be no provision in decline or forgo promotion. It is obligatory upon every
civil servant to accept promotion under every condition.

The same was received by this office from your good office vide letter No.50
(Primary-144) 565242-11/1/2023 dated 12-04-2023.
That, in the light of the minutes of meeting held 6-07-2023 held under the
Chairmanship of Hon. Additional Secretary Establishment of this office, has
been asked for submission of consolidated case.

In view of the above, this office is of considered opinion that the notion of Rules
(7C) have affected negatively a huge number of Female Teachers. Thus it is proposed that
Teachers below Rule-16 may be exempted of implications of the amendment in the rules that
provided they, until their written request prior to conclusion of the meeting of
Departmental Promotion Committee.

The case is submitted for perusal and necessary actions please.

Assistant Director (Grade A1-1)
Government of Khyber Pakhtunkhwa
17/07/2023

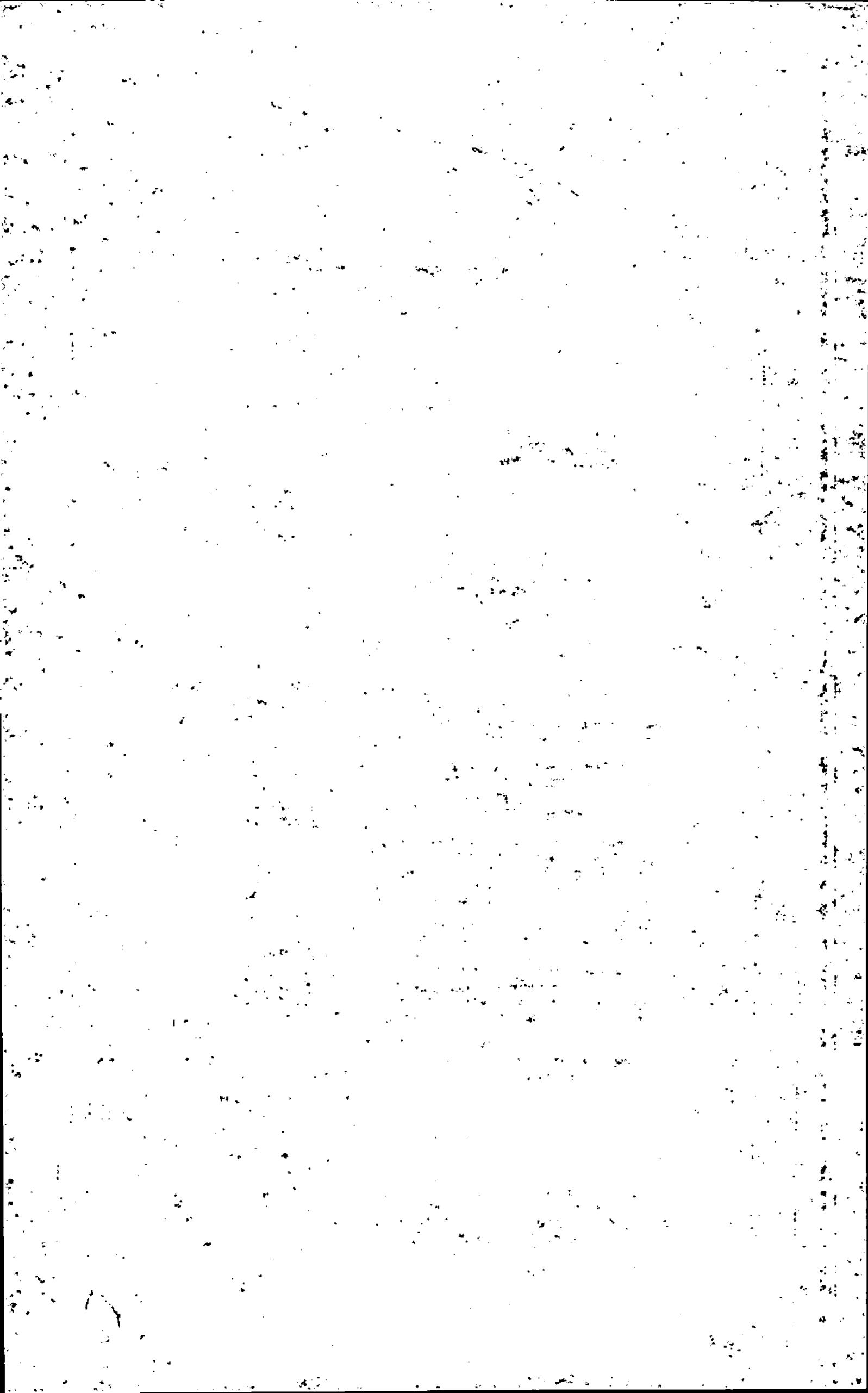
Exhibit No. _____
Copy of the above is to:-

- 1. P/A to Director Local Director.
- 2. Master Copy.

Assistant Director (Grade A1-1)
Government of Khyber Pakhtunkhwa

VB-1443-2023 AZIZULAH VS GOVT CP P043

[Handwritten signature]



Richard Director
Elementary & Secondary Education
Khyber Pakhtunkhwa

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

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 action please.

That in light of the minutes of the meeting dated 6-07-2023 held under the chairmanship of Hon. Additional Secretary Education at his office. This office has been asked for submission of consolidated case.

That the government of KP-ED (Regulation Wing) vide letter No. SO (Policy) EQ/AD/1-3/2020 dated 6-06-2023 accordingly stated that there exists no provision to decline / forgo promotion. It is obligatory upon every civil servant to accept promotion under every condition.

That your good office forwarded the same to a/writer concerned vide letter No. SO (Policy) EQ/ED/2-2/Appointment-2023 for necessary guidance.

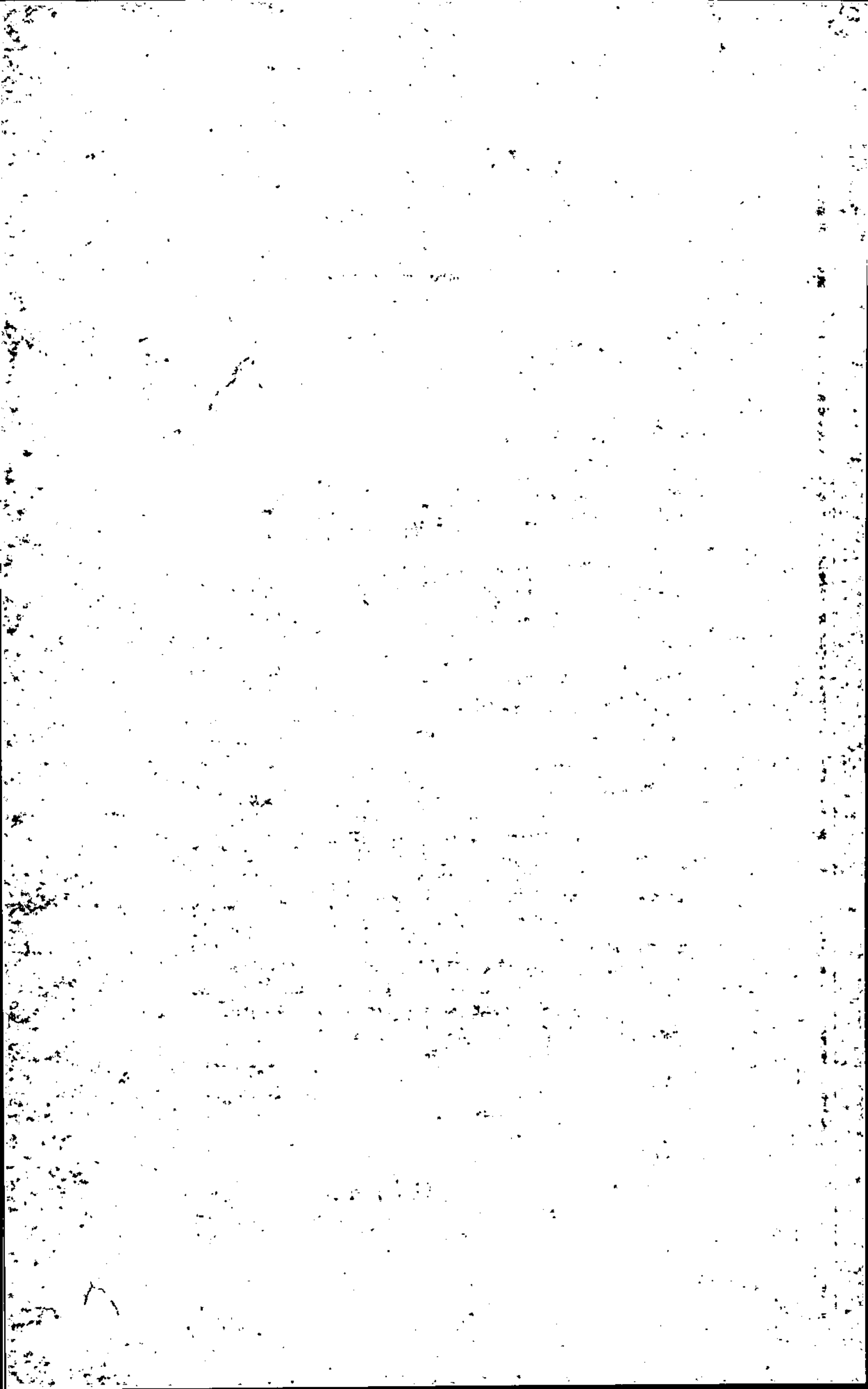
That the government of KP Establishment department (Regulation Wing) dated rule 7(S) in Civil Servant (Appointment-promotion, Transfer Rule 1987) vide notification No. SO-R-VI(EAD)-1-3/2020 dated 08-08-2020. That the office sought guidance from your good office in the following words vide letter No. 6983 dated 06-07-2023.

(1) Now it is obligatory upon civil servant to accept promotion. (2) It is prerogative of civil servant to either accept/turn down the offer of promotion.

Dear Sir, I am directed to refer to letter No. (SO. Policy-M) EQ/ED/5-1/6424/Minuties of meeting/PST/2023 dated 30-7-2023 on subject cited above and to present brief history, about background of case as under:

To: Section Officer (Primary-Sale), Elementary & Secondary Education Department, KPK, Peshawar.

Subject: Minutes of Meeting



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SECTION OFFICER (PRIMARY MALE)

20/8/23

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

Copy forwarded to the:

SECTION OFFICER (PRIMARY MALE)

20/8/23

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

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

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

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

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

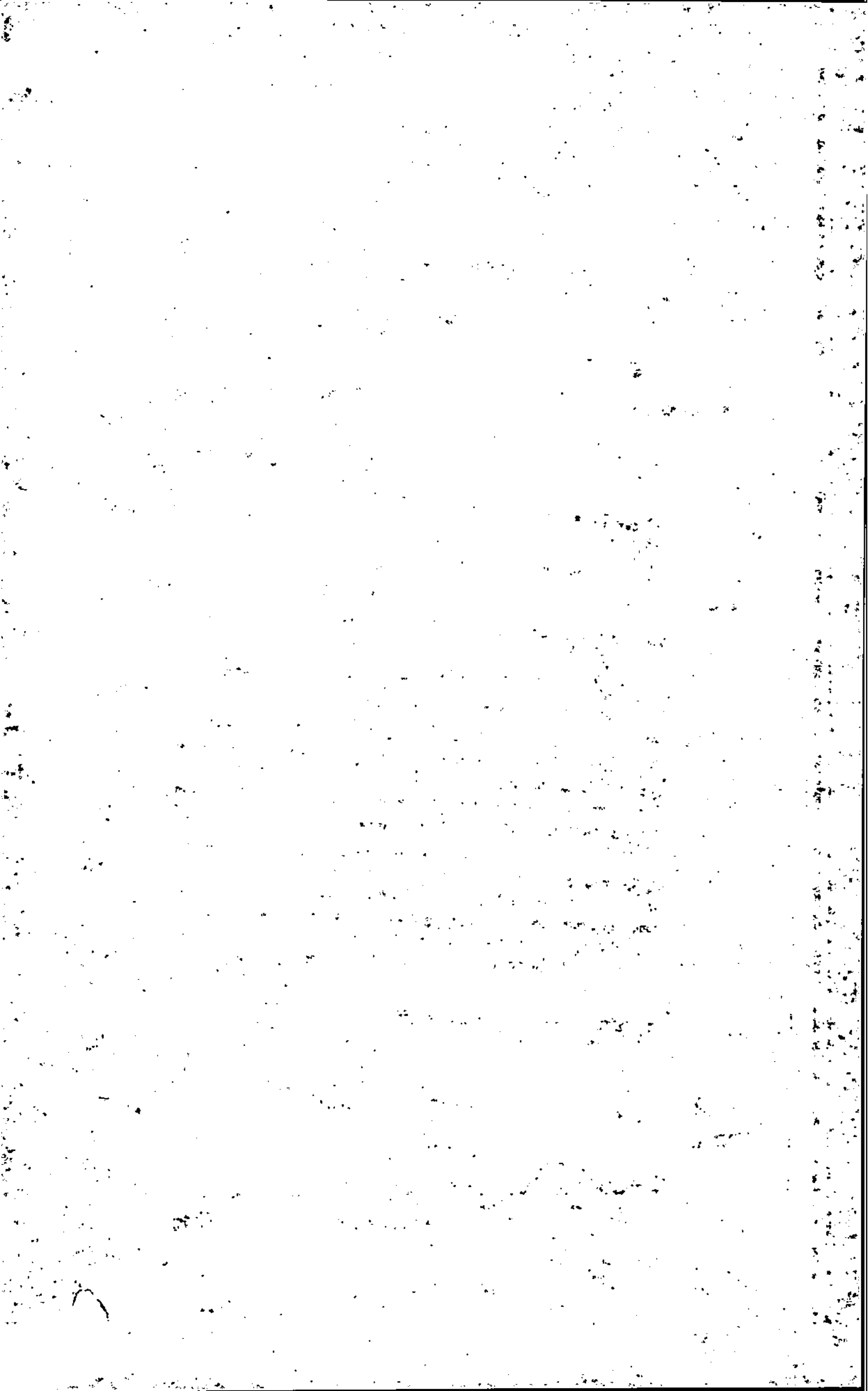
Annexure E

19. SO(P/primary-M)E/SED/2-2/Appointment-Rule /2023
Peshawar Dated 23rd August, 2023

SECRETARY AND SECONDARY EDUCATION DEPARTMENT

CIVIL SECRETARIAT PESHAWAR

(Phone No.091-8223587)



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

(Muhammad Ishaq)
 Section Officer (Army)
 (Male)

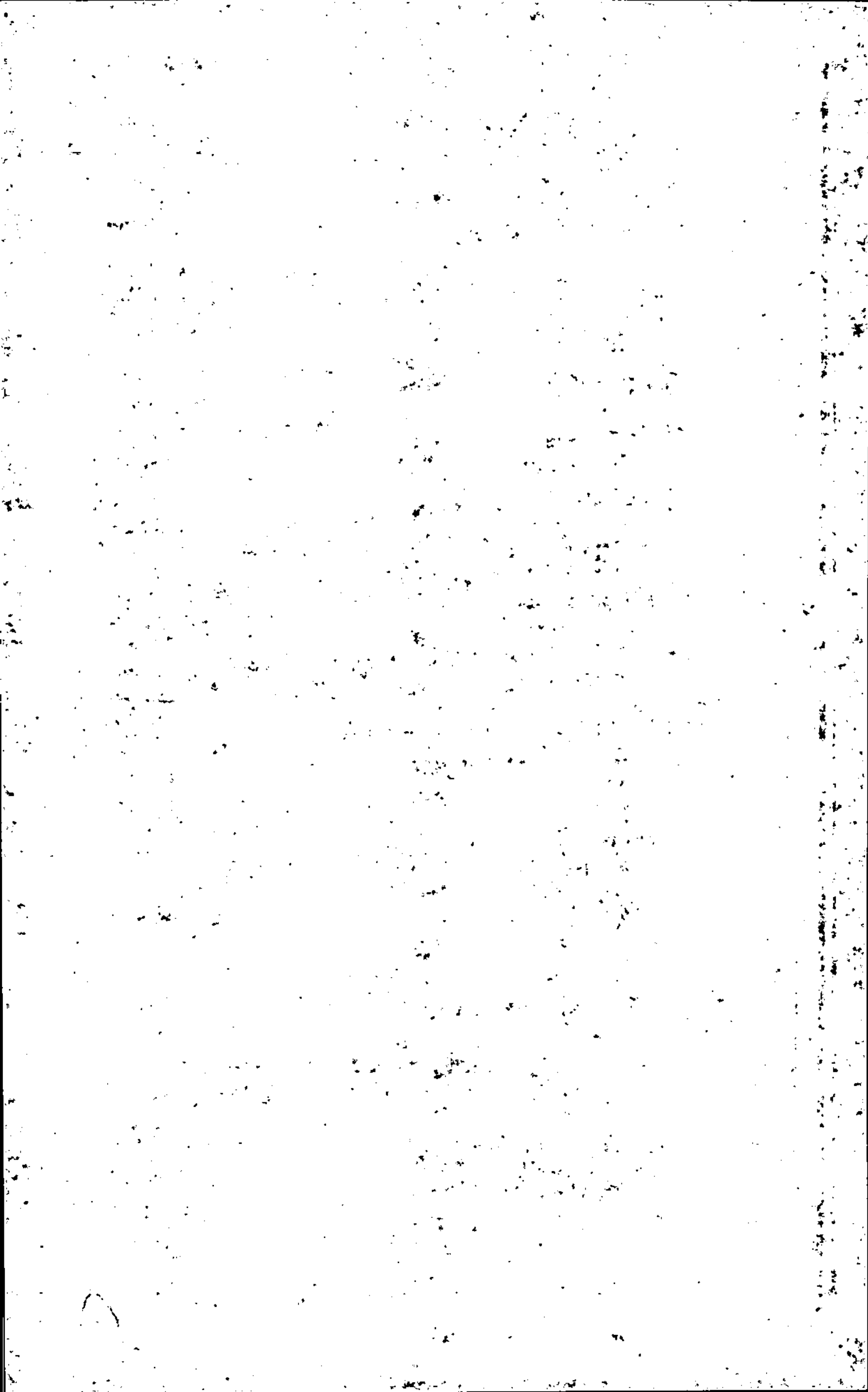
Copy forwarded to,
 In view of above, the said amendment may be reconsidered to the extent of lady teacher in primary schools.
 Mother-in-law who need care. In such cases there are negative effects on service delivery.
 Most of them are married with kids and elder fathers of In the remotest stations with no residential/transport facilities face serious inconvenience while they have to perform duties teacher of primary level who avail such promotion have to In this connection it is submitted that in some cases lady Civil Servant (Efficiency and Discipline) Rule 2013. of the competent authority or try to evade promotion through different means shall be proceed under Khyber Pakhtunkhwa those officers/officials who don't comply with promotion order Promotion and Transfer Rules 1989) or has been intimated that deletion of Rule 7(5) Khyber Pakhtunkhwa Civil Servant (Appointment, 1-3/2020 dated 8th June 2023 and to state that after I am directed to refer to your letter No. S (Army) (Policy) /E&AD Dear Sir,

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

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

To
 No. S (Army-M) /E&SE /A-21 / Appointment - Rule / 2023
 Peshawar Dated 23rd August, 2023.

-B/c-
 -24-



Annexure - F



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

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

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

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

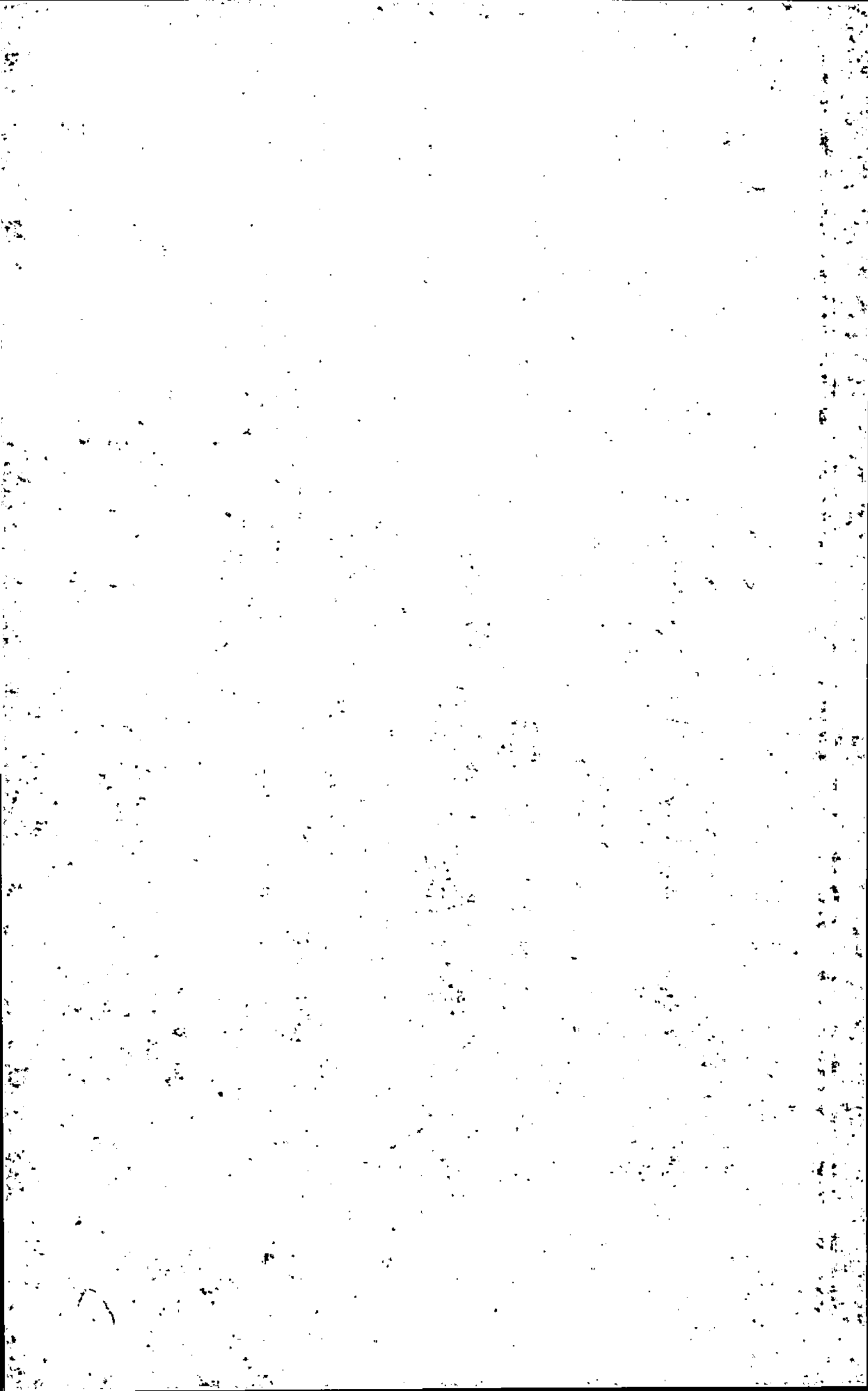
Yours faithfully,

Section Officer (Policy)

Encl. Of even No & date

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

WP442-2023 A ZIJJILAH VS GOVT OF PK-3



- 26 -

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

Yours faithfully,

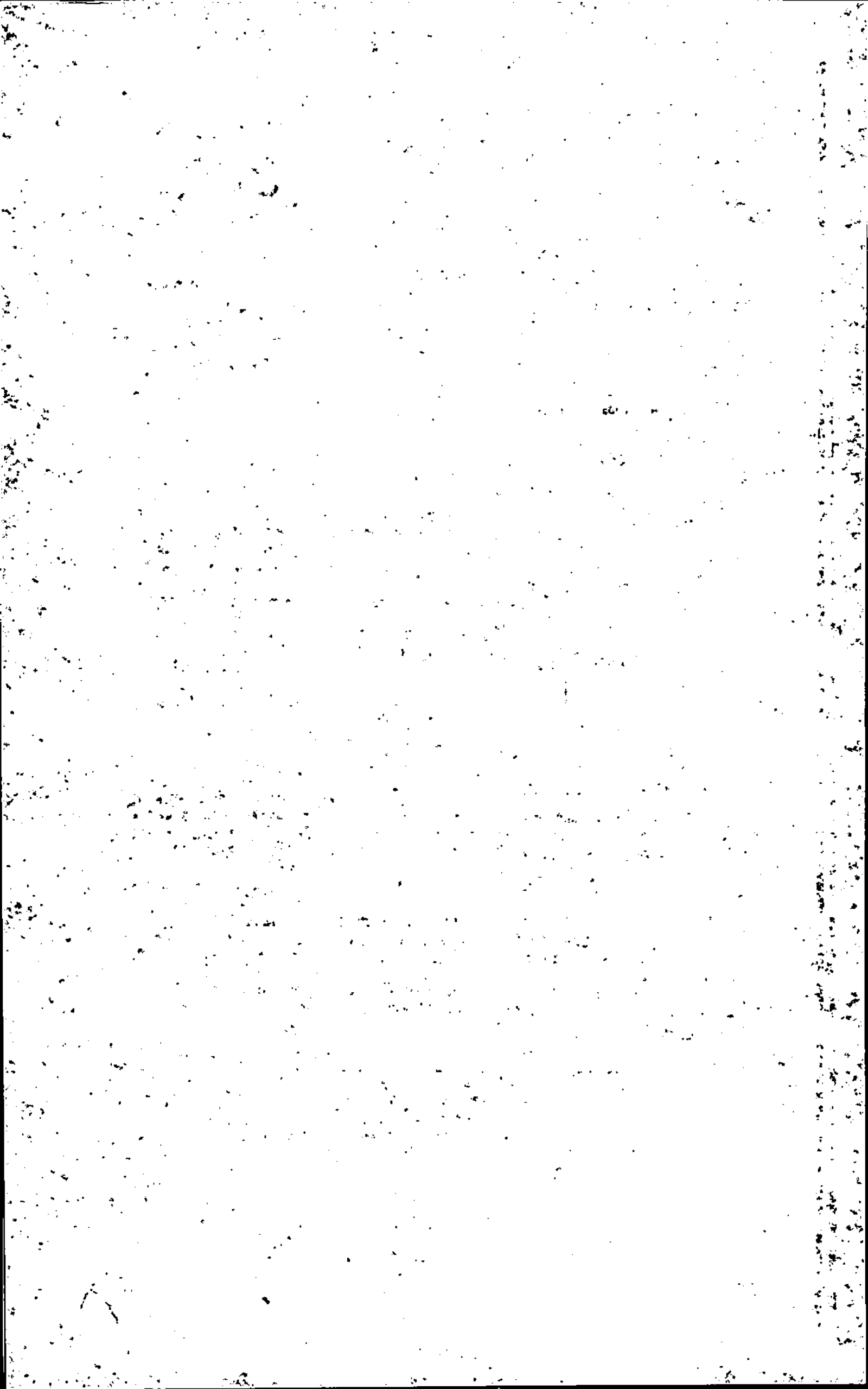
Section Officer (Policy)

Encl: Of even No & date

Copy forwarded to the:-

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

Section Officer (Policy)



-27-

Annexure 7

To,

Dated: 28-01-2024

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

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

Sir/ Madam:-

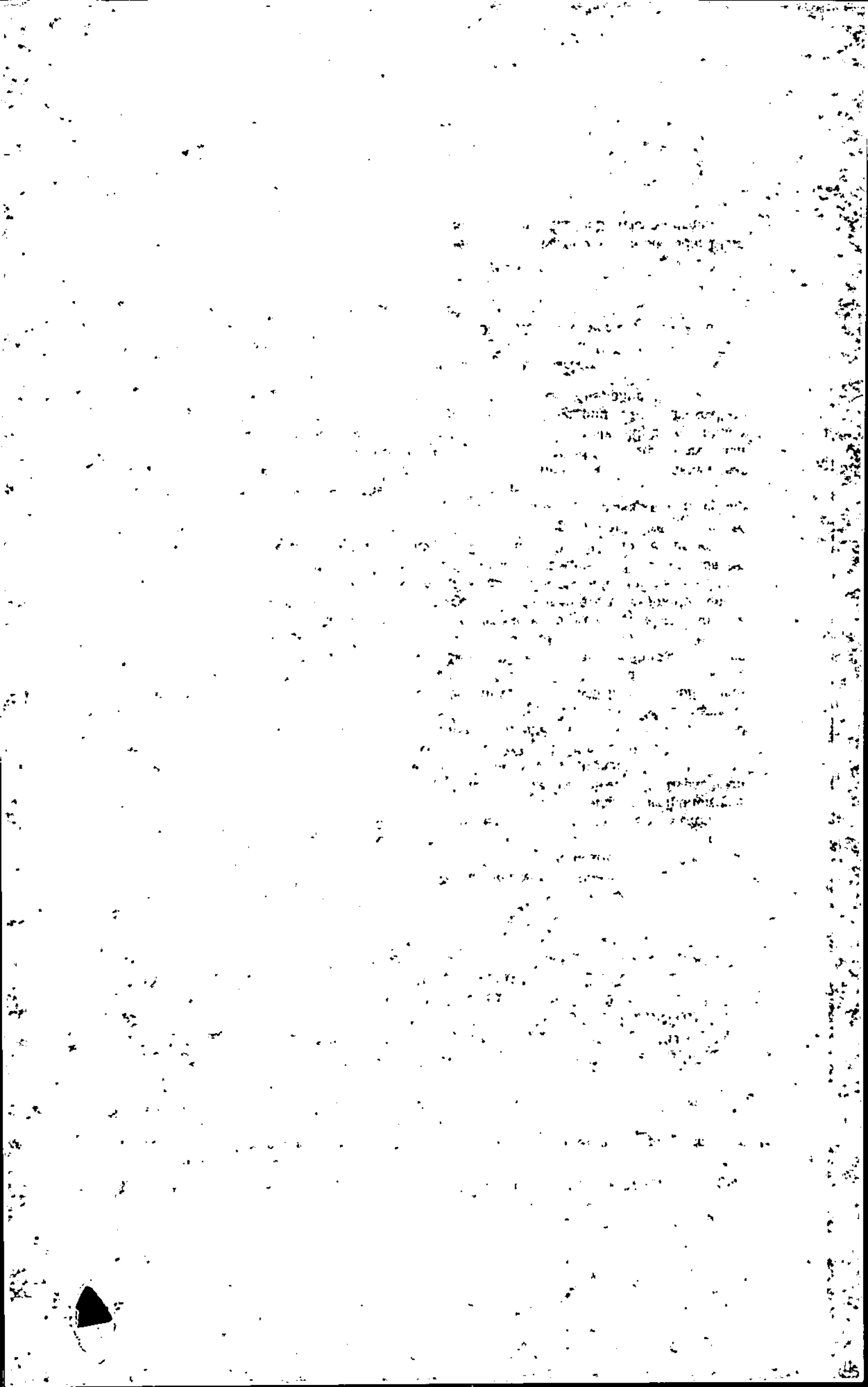
Your Honorable authority promulgated Notification No: SO (Policy) E&AD/1 3/2020, dated 06/08/2020, communicated to Elementary & Secondary Education vide letter dated 06/06/23 wherein it has been made mandatory to the employees to avail the promotion, otherwise, disciplinary action shall be taken against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

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

Best Regards



Muhammad Farooq Son of Sikandar Khan
Resident of Tehsil & District Manshera



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WP4443-2023 AZIZULAH VS GOVT CR PC43

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Handwritten signature and date: 08/11/23

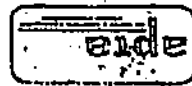
Main body of handwritten text in Urdu script, appearing to be a legal document or court order.

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Answer - H

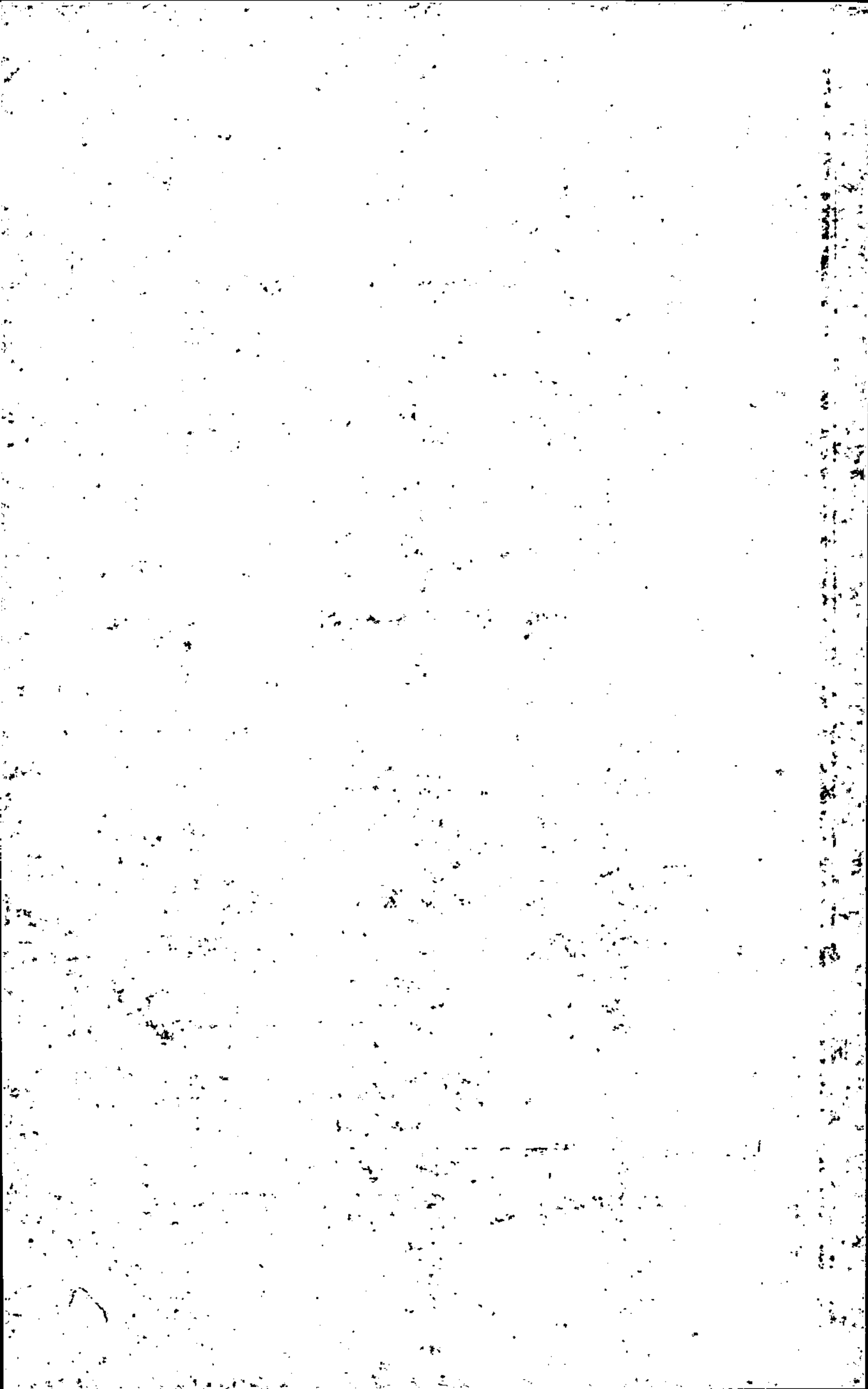
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APTA House
Govt. Printing Station
Dillibagar, Dhaka

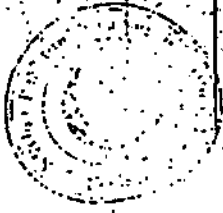


Kyber Pakhtunkhwa

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07.05.2024



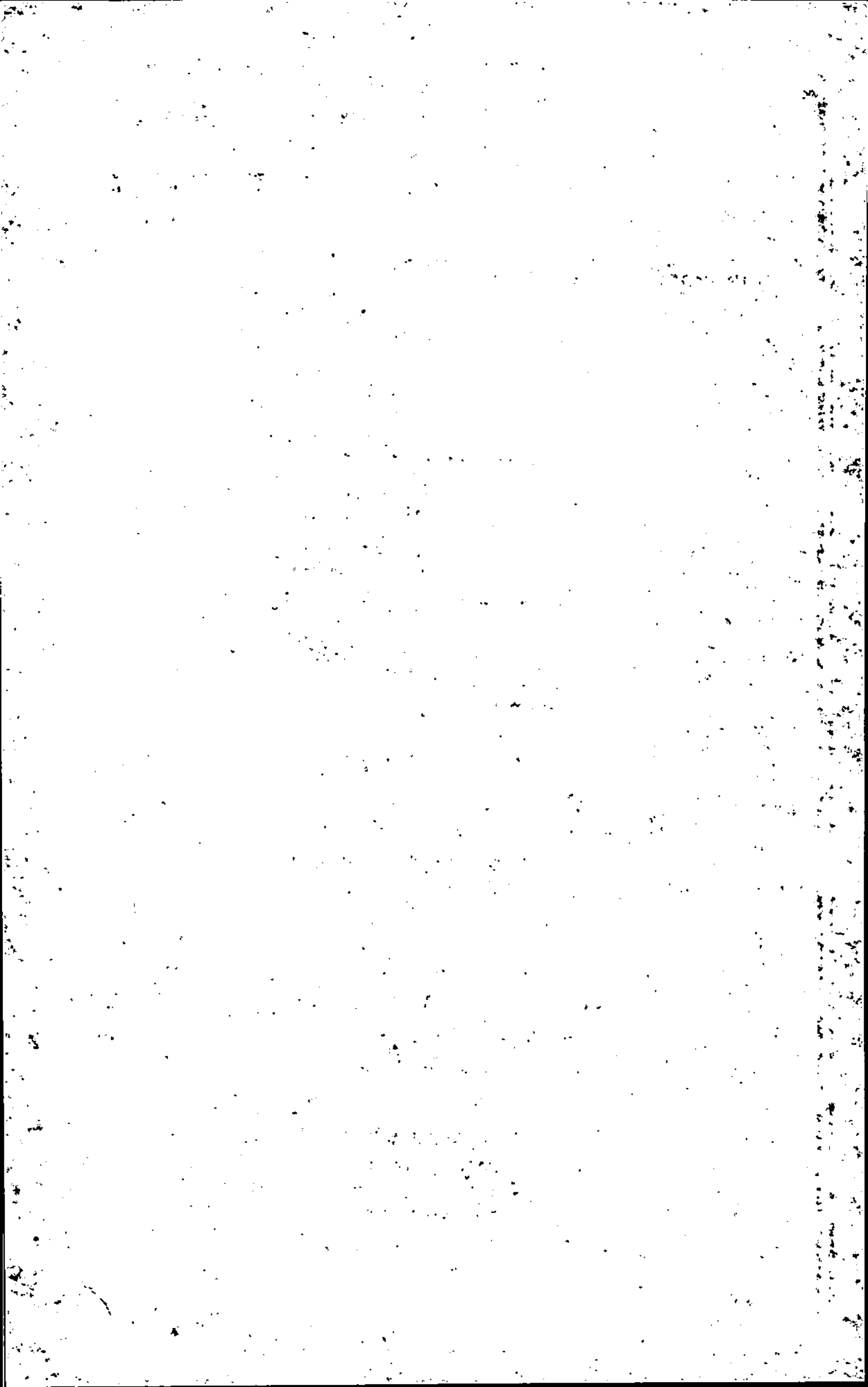
1. Learned counsel for the appellant present.
2. Let a pre-admission notice be issued to the respondents through TCS for submission of reply/comments. Appellant is directed to deposit TCS expenses within three days. To come up for reply/comments as well as preliminary hearing on 10.06.2024 before S.B.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

Date of Presentation of Application 10-5-24
 Number of 1
 Copies 1
 Urgent 1
 Total 1
 Name of 10-5-24
 Date of 10-5-24
 Date of Release of copy 10-5-24

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30

VAKALAT NAMA

BEFORE THE SERVICE TRIBUNAL PESHAWAR

MUHAMMAD FARDOQ

Appellant

Versus

Government of KP & others

Respondents

I (the Appellant)

do hereby appoint and retain

MUHAMMAD MUAZZAM BUTT ASC. MUHAMMAD ADEEL BUTT AHC

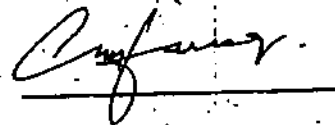
BASSAM AHMAD SIDDIQUI AHC

&

ASSOCIATES OF MUAZZAM LAW FIRM

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

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



APPELLANT

ACCEPTED

MUHAMMAD MUAZZAM BUTT
Advocate Supreme Court

MUHAMMAD ADEEL BUTT
Advocate High Court

BASSAM AHMAD SIDDIQUI
Advocate High Court

