
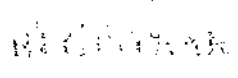


# FORM OF ORDER SHEET

Court of \_\_\_\_\_

Appeal No. \_\_\_\_\_

2191 /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> <p>By order of the Chairman</p> <p></p>

**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA**

C.M No \_\_\_\_\_ -P of 2024

In Ref to

Service Appeal No 2191 2024


Muhammad Riaz

**VERSUS**

Secretary to Government of Khyber Pakhtunkhwa, & others

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1.	Appeal and Verification	*	1-4
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3.	Copy of Monthly Salary Account	A	6-9
4.	Copy of notification No. SD (Policy) EV AD/1-3/2020 dated 06/08/2020	B	10-11
5.	Copy of impugned Letter dated June 6 <sup>th</sup> , 2023	C	12-14
6.	Copy of Minutes of meeting dated 06-07-2023	D	15-18
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ADVOCATE

M. Muazzam Butt

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**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA**

In Ref to

Service Appeal No. 2191 /2024

Muhammad Riaz Son of Muhammad Human, PSHT  
GPS Zagi Koroona, 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:-

#### **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 affects 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/1-3/2020 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.**

*[Signature]*  
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.  
*[Signature]*  
Deponent

Through

*[Signature]*  
Muhammad Muazzam Butt  
Advocate Supreme Court

*[Signature]*  
Muhammad Adeel Butt  
Advocate High Court

*[Signature]*  
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

Muhammad Riaz

**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**

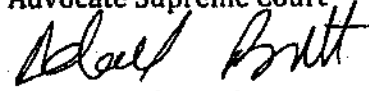
I (the appellant) do hereby solemnly stated on oath that the contents of foregoing application are true and correct to the best of my knowledge and belief and nothing has been concealed therein this Honorable Court.

  
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 MUHAMMAD RIAZ d/w/s of MUHAMMAD HUMAN**

Personnel Number: 00025531      CNIC: 1730113961123      NTN: 0  
 Date of Birth: 12.08.1970      Entry into Govt. Service: 18.03.1992      Length of Service: 31 Years 10 Months 015 Days

**Employment Category: Active Temporary**

Designation: PRIMARY SCHOOL HEAD TEACH      80675740-DISTRICT GOVERNMENT KHYBE

DDO Code: PW6571-District Peshawar

Payroll Section: 003

GPF Section: 001

Cash Center: 2

GPF A/C No: EDU 041005

GPF Interest applied

**GPF Balance:**

352,257.00 (provisional)

Vendor Number: -

**Pay and Allowances:**

Pay scale: BPS For - 2022

Pay Scale Type: Civil      BPS: 15

Pay Stage: 23

Wage type		Amount	Wage type		Amount
0001	Basic Pay	69,460.00	1004	House Rent Allow 45% KP21	8,741.00
1210	Convey Allowance 2005	2,856.00	1300	Medical Allowance	1,500.00
1505	Charge Allowance	40.00	2148	15% Adhoc Relief All-2013	915.00
2199	Adhoc Relief Allow @10%	614.00	2316	Teaching Allowance 2021	3,224.00
2341	Dispr. Red All 15% 2022KP	6,607.00	2347	Adhoc Rel Al 15% 22(PS17)	6,607.00
2378	Adhoc Relief All 2023 35%	23,618.00			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	-3,205.00	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: 50,035.38      Recovered till JAN-2024: 21,505.00      Exempted: 12508.18      Recoverable: 16,022.20

**Gross Pay (Rs.): 124,182.00      Deductions: (Rs.): -9,430.00      Net Pay: (Rs.): 114,752.00**

Payee Name: MUHAMMAD RIAZ

Account Number: 5258-4

Bank Details: MCB BANK LIMITED, 240958 LRH ROAD LRH ROAD, PESHAWAR

Leaves:      Opening Balance:      Aailed:      Earned:      Balance:

**Permanent Address: SDEO MALE PESHAWAR**

City: Peshawar

Domicile: NW - Khyber Pakhtunkhwa

Housing Status: No Official

Temp. Address:

City:

Email: mohammadriaz344@gmail.com



OFFICE OF THE DISTRICT EDUCATION OFFICER (M) PRIMARY PESHAWAR

S: No 46

APPOINTMENT

The following PTC trained candidates of Peshawar District are hereby appointed against vacant PTC posts in the schools mentioned against each in HFS-7 (Rs. 1095-60-1995) plus usual allowances, as admissible under the rules with effect from the date of their taking over charge against PTC posts in the interest of public service on the following terms and conditions:-

S.No.	Merit No.	Name/Father's name Marks in PTC Exam Address	School where appointed	Remarks
<b>PF-1 PESHAWAR-1</b>				
1.	1.	Suhail Anjum s/o Abdus Sattar H.No. 2230, Jogian Yaka toot, Peshawar (822/1200)	GPS Wazir Bagh Pesh	against vacant post ..do.
2.	2.	Shehriyar s/o Akber Khan H.No. 522 Nothia Jaid 115/1200	GPS Kakshal No. I	..do.
3.	3.	Ghulam Murtaza s/o A. Sattar H.No. 2230 Jogian Yakatoot Peshawar (784/1200)	GPS Ander Sher Pesh	..do.
4.	4.	Javid Iqbal s/o Zarin Khan Teriq Abad No. 2 Pesh (740/1200)	GPS Qaid Abad, Peshawar	..do.
5.	5.	Mohd Ashfaq s/o Atta Mohd Gul Afshan Colony, Pesh 722/1200	GPS Khalid Town Pesh	..do.
6.	6.	Zulfiqar Ali s/o Abdul Azia, Qissa Khani Peshawar 704/1200	GPS Kakshal No. I Pesh	..do.
<b>IF-2 PESHAWAR-2</b>				
7.	1.	Jen Mohd s/o Hazrat Said c/o Bafi & Co. GT Road Peshawar 757/1200	GPS Gul Bahar No. 2 Pesh	..do.
8.	2.	Sehar Gul s/o Jen Mohd Islam Abad Lahori Gate Pesh	GPS Gul Bahar No. 3	..do.
9.	3.	Mohammad Tahir s/o Nazir Husein Paqir Abad No. 2 746/1200	GMS Pakia Singan	..do.
10.	4.	Ruhul Amin s/o Misbahuddin c/o Maulana Khairur Rahman Faisal Colony (730/1200)	GPS Kotla Keelbanan Pesh	..do.
11.	5.	Nawab Ali s/o Mehibullah Moh: Pir Hidayatullah Shah Pesh (745/1200)	GMS Sethian Peshawar	..do.
<b>12PF-3 PESHAWAR-3</b>				
12.	1.	Gul Mohammad s/o Abdullah Jen Mohallah Samander Khan near GHS No. 2 Pesh City (730/1200)	GPS Pishtakhara Bala, Pesh	..do.
13.	2.	Lughman Shah s/o Sadiq Shah vill: Achini Payan Pesh (626/1200)	GPS Pishtakhara	..do.
14.	3.	Yahya Shah s/o Habib Shah Sufaid Pheri Pesh (581/1200)	GMS Sufaid Pheri Pesh	..do.
15.	4.	Kholiq Sher s/o Fazol Sher Sufaid Pheri Pesh (AIOB)	GMS Sufaid Pheri Pesh	..do.

(see next page).

District Education Officer (M) Primary Peshawar

[Handwritten notes and signatures in the left margin, including a large signature and some illegible text.]

PF = 5

Page 3

- 36.12. Zahidullah s/o Mohammed Khan  
vill:Shahi Payan P.O.Shaghi Bala  
GPS Shahi Bala Peshawar against PTC post
- 37.13. Bashir Khan s/o Ghaniur Rehman  
vill:Bela Baramad Khel Peshawar  
GPS Sufaid Sang Pesh ..do..
- 38.14. Rifaqatullah s/o Said Ahmad  
vill:Alizai P.O.Charpariza  
GPS Terai Payan Pesh ..do..
- 39.15. Zahidullah s/o Amanullah  
vill:Shahi Payan Pesh(711/1200)  
GPS Regi, Peshawar ..do..
- 40.18. Fida Mohammad s/o Mohammad Khan  
707/1200 Vill:&PO.Chaghar Matti  
GPS Badezai Peshawar ..do..
- 41.17. Misri Khan s/o Mohi Khan  
vill:Wazir Killi PO.Shagi Peshawar(703/1200)  
GPS Sufaid Sang Pesh ..do..
- 42.18. Mohammad Shehriyuz s/o Mohammad Ayyaz  
Vill:Sheikh Killi Mathra.  
(700/1200)  
GPS Badezai Peshawar ..do..
- 43.19. Imdadullah s/o Hidayatullah  
Village Mamukhataki Peshawar  
(683/1200)  
Garhi Badshah Gul  
GPS Peshawar ..do..
- 44.20. Sparli Gul s/o Pir Mohammed  
vill:&P.O.Sufaid Sang(670/1200)  
GPS Sufaid Sang, Peshawar ..d
- 45.21. Abdul Majid s/o Mohamad Khan  
vill:&P.O.Chaghar Matti Pesh  
(660/1200)  
Badezai  
GPS Peshawar ..do..
- 46.22. Rahammad Riaz s/o Mohammad Human  
Iga-Khel Torchian P.O.Bakhshi-Pul  
Peshawar(600/1200)  
GPS Zagi Koroono Pesh ..do..
- 47.23. Hamidullah s/o Abdur Rashid  
vill:Haji Zai Mathra (665/1200)  
GPS Bridge Nasir Khaw ..do..  
Peshawar.
- 48.24. Insanullah s/o Najibullah  
Village and P.O.Matara(663/1200)  
GPS Regi, Peshawar. ..do..
- 49.25. Muqaddar Khan s/o Mahmood Khan  
Vill:&P.O.Chaghar Matti  
Peshawar(636/1200)  
GPS Bachhi Koroono Pesh ..do..
- 50.26. Mohammed Ilyas s/o Sardar Ali x  
vill:Shahi Bala Pesh(634/1200)  
GPS Sufaid Sang, Peshawar ..d
- 51.27. Shakirullah s/o Ghulam Habib  
Vill:Gari Fazli Haq Mathra  
(624/1200)  
GMPS Gari Zahir No.2 ..do..
- 52.28. Ayaz Hussain s/o Sanjab Hussain  
Vill:Pir Killi PO Chaghar Matti  
Pesh(621/1200)  
GMPS China Badezai Pesh ..d
- 53.29. Rehmat Sher s/o Jamshid Khan  
Vill:Sufaid Sang Pesh(607/1200)  
GPS Tor Kamar Pesh ..do..
- 54.30. Mohammad Iqbal s/o Hayat Khan  
vill:Shaghali Payan Pesh(579/1200)  
GMPS Kandi Inam Pesh ..do..
- 55.31. Nasrat Ali s/o Abdul Hakim  
Vill:Gari Sher Dad Pesh(556/1200)  
GMPS Kandi Yusufzai Pesh ...
- 56.32. Yasmin Khan s/o Fura Bez  
vill:Kot Killi PO Chaghar Matti  
Peshawar 523/1200  
GMPS Gujar Dhand, Pesh ..d
- 57.33. Saiful Hanan s/o Abdul Hanan  
vill:Nano Killi Gari Chendan  
Pesh(160/400)  
GMPS Jora Peshawar ..do..

Head IV  
High Sec  
Birok

Handwritten signatures and stamps, including "GMPS" and "Dab" marks.

(see next page).

(b)

TERMS & CONDITIONS

1. The above appointments are purely temporary and subject to the termination at any time without assigning any reasons or prior notice. In case any of the above wishes to leave the post he shall have to submit one month's prior notice or in lieu thereof forfeit one month pay and allowances to the Government.
2. In case a candidate fails to take over charge within 15 days from the date of issue of this order, his appointment will stand cancelled automatically.
3. No TA/DA/etc is allowed being first appointment.
4. No joining time is allowed except what is absolutely necessary for travel.
5. Charge request (with page) submitted to all concerned in duplicate.
6. They should produce health and age certificates from the Civil Surgeon, Peshawar within seven days of reporting arrival for duty as required under the rules.
7. They should not be handed over charge if the age is below 18 years or exceeds 25 years of any candidate.
8. Pay scales and service rules will be subject to the revision in accordance with the orders to be passed by the Government of NWFP from time to time.

Khurshid Ahmad,  
District Education Officer (M)  
Primary, Peshawar.

Endst. No. 3100-3296

Dated Pesh the 16/3/1992

Copy for information and p/action to the:-

1. Director Primary Education, NWFP, Hayat Abad, Peshawar.
2. P/S to the Hon: Minister for Education, NWFP, Peshawar.
3. P/S to the Secretary Education, Govt of NWFP, Peshawar.
4. Accountant General, NWFP, Peshawar.
5. Sub Divisional Education Officer (M) Peshawar.
6. Candidates concerned.
7. 3/Files.

Head Master  
Govt. High School  
Barbar Opazai Peshawar

11/10  
15/3/92  
District Education Officer (M)  
Primary, Peshawar.

Attested  
G.M.S. Peshawar  
District Education Officer (M)  
Primary, Peshawar.

Annexure - B -

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

**NOTIFICATION**

Dated Peshawar, the, 06/8/2020

**S.O. (Powers) E & A D/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**

**INDEX NO & EVEN DATE**

Copies 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.

18/8/20  
1767  
18/8/20

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

**ATTESTED**

*(Signature)*

11

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

**NOTIFICATION**

Dated Peshawar the, 06/08/2020

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

**AMENDMENT**

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

**CHIEF SECRETARY  
GOVERNMENT OF THE KHYBER PAKHTUNKHWA**

(ANDS): & EVEN DATE

Copy is forwarded to :-

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

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



*[Handwritten signature]*

WP4442-2023 AZIZULLAH VS GOVT OF PAK

02.06.2023

Section Officer (Policy)

Section Officer (Policy)

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

Copy forwarded to: Under Officer Na & Note

*[Handwritten initials]*

2011, please

proceeded against under Khyber Pakhtunkhwa Civil Servants (Efficiency & Discipline) Rules, of the competent authority or try to evade promotion through different means shall be

3. Furthermore, those officers/officials who do not comply with promotion order will be liable to accept promotion in every condition.

to lack the higher responsibilities in case of promotion. Therefore, it is obligatory upon every prevent those who tend to forge promotion to evade posting/transfer or show lack of capacity or to evade promotion for illegitimate reasons by seeking to a single lucrative position or to

2. The basic rationale behind the said rule is aimed at preventing a provision exists to decline or forgo promotion.

(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

2/Appointment/2023 dated 18.04.2023 on the subject noted above and to state that Sub-Rule-1 and directed in letter to your letter No. SO(Policy-M)MKA-HW/22.

Subject: TRANSFERENCE, PROMOTION OR DEBARMENT IN THE SERVICE OF THE GOVERNMENT OF PAKISTAN

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



GOVERNMENT OF KHYBER PAKHTUNKHWA  
SECRETARIAT  
No. SO(Policy)MKA/D/2/2023  
Dated Peshawar the 10th June 2023

62

*[Handwritten signature]*

12



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

No. SO (Primary-M)/E&SED/2-6/2023  
Dated Peshawar the, June 28<sup>th</sup>, 2023

To

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

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

*[Handwritten Signature]*  
26/6/23

Subject: GUIDANCE REGARDING DELETION OF RULE 7(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

*[Handwritten mark]*

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

Copy forwarded to the:-

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

*[Handwritten mark]*

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

*[Large Handwritten Signature]*

14

B/c

No SO (Primary-M)/E&SED/2-6/2023  
Dated Peshawar the June 25<sup>th</sup> 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, 1909.

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.

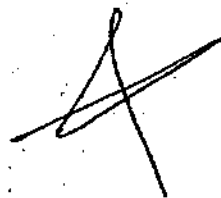
Encl: AA

(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.

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

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

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

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

(Mr. Fazal Wahid)  
Deputy Director-I  
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

- 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#	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. Rafaqat 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. Rafaqat Ullah)  
General Secretary APTA  
Peshawar

\_\_\_\_\_

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

\_\_\_\_\_

(Abdullah)

Additional Secretary (Establishment)



*[Handwritten signature]*

WP4442-2023 AZIZULAH VS GOVT OF POKH

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

Evids: No. \_\_\_\_\_  
Copy of the above is for:  
1. PA to Director Local Directorate.  
2. Master Copy.

Assistant Director (Ezabai M-1)  
Elementary & Secondary Education  
Khyber Pakhtunkhwa  
Date: 22/7/2023

The case is submitted for perusal and necessary actions please.  
Departmental Promotion Committee.  
Teachers below 15-16 may be exempted of implications of the amendment in the rules bid provided they submit their written refusal prior to conduction of the meeting of (15) have offered negatively a huge numbers 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-M) E&SED/2-Appointment/2023 dated 12-06-2023.  
The same was received by this office from your good office vide letter No.50 that there exists no provision to decline or forgo promotion. It is obligatory upon every civil servant to accept promotion under every condition.  
This Government of Khyber Pakhtunkhwa Establishment Department (Regulation Wing) vide letter No.50 (Policy) E&AD/1-1/2020 dated 6-06-2023 categorically stated that your office forwarded the same to the quarter concerned vide letter No.50 (Primary-M) E&SED/2-Appointment/2023 for necessary guidance.  
That you are requested to accept promotion in every condition.  
(ii) It is the prerogative of the civil servant to either accept or turn down the offer of promotion.  
(iii) Now it is obligatory upon the civil servant to accept promotion in every condition.  
No. 6987 dated 04-07-2023.  
That this office sought guidance from your good office in the following words vide letter No. 50 (Policy) E&AD/1-1/2020 dated 06-08-2020.  
This Government of Khyber Pakhtunkhwa Establishment Department (Regulation Wing) vide letter No. 50 (Policy) E&AD/1-1/2020 dated 06-08-2020.  
That Government of Khyber Pakhtunkhwa Establishment Department (Regulation Wing) dated Rule 7(1) in the Civil Servants (Appointment, Promotion & Transfer Rules 1989) provides that the Civil Servants shall be eligible for promotion in every condition.  
I am directed to refer to the letter No.50 (Primary-M) E&SED/2-1/2023 dated 10-07-2023 on the subject cited above and in the background of the case as under:  
G.M/Ministry of the Health/ST/2023 dated 10-07-2023 on the subject cited above and in the background of the case as under:  
I am directed to refer to the letter No.50 (Primary-M) E&SED/2-1/2023 dated 10-07-2023 on the subject cited above and in the background of the case as under:

Subject - MINUTES OF THE MEETING  
Dear Sir,  
The Section Officer (Primary-M) (Ezabai-1),  
Elementary & Secondary Education Department,  
Khyber Pakhtunkhwa Peshawar.

Khyber Pakhtunkhwa, Peshawar  
Date: 22-7-2023  
Phone: 091-9222314  
Email: estab@kpk.gov.pk



*[Handwritten signature]*

Assistant Director  
Elementary & Secondary Education  
Khyber Pakhtunkhwa

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

Please -  
The case is submitted for perusal and necessary action members of female teachers.  
In view of the above, this office is of considered opinion that the deletion of Rules 7(S) have affected negatively a huge consolidated case.

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

no provision to decline / forgo promotion, it is obligatory upon every civil servant to accept promotion under every condition.  
That the government of KP-ED (Regulation Wing) vide letter No. 50 (Policy) EQAD/1-3/2020 dated 6-06-2023 accordingly stated that there exists

That your good office forwarded the same to quarters concerned vide letter No. 50 (Policy) EQAD/1-3/2020 dated 6-06-2023 for necessary guidance.

That this office sought guidance from your good office in the following words vide letter No. 6983 dated 06-07-2023  
(i) Rule 7(S) is obligatory upon civil servant to accept promotion.  
(ii) Rule 7(S) is obligatory upon civil servant to either accept / surrender the office of promotion.

That Government of KP Establishment department (Regulation Wing) dated rule 7(S) in Civil Servants (Appointment, Promotion, Transfer Rule 1987) present brief history, about background of case as under:  
Minister of meeting PST/2023 dated 30-7-2023 on subject cited above and to

I am directed to refer to letter No. (50 Policy-M) EQAD/1-3/2020 dated 6-06-2023 to refer to letter No. (50 Policy-M) EQAD/1-3/2020 dated 6-06-2023 on subject cited above and to

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

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

- b/c -



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

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

Annexure  
E

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

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

Dear Sir,

I am directed to refer to your letter No. SO(Policy)/ E&AD/ 1-3/2020 dated 06<sup>th</sup> 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.

(Signature)  
SECTION OFFICER (PRIMARY MALE)  
20/8/23

Scanned with CamScanner

(Signature)

8

1. Director E.G. SE Khyber Pakhtunkhwa  
2. PS to Secretary, E.G. SE Department of Education  
Khyber Pakhtunkhwa

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

Civil Servant (Efficiency and Discipline) Rule 2011.  
different means shall be proceed under Khyber Pakhtunkhwa of the competent authority or try to evade promotion through those officers/officials who don't comply with promotion order Promotion and Transfer Rules 1989) It has been intimated that deletion of Rule 7(S) Khyber Pakhtunkhwa Civil Servant (Appointment, 1-3/2020 dated 04 June 2020 and to state that after I am directed to refer to your letter No. Sd/primary (Policy)/E.G. AD

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

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

To  
Peshawar Dated 23rd August 2023.  
No. Sd/primary-M) E.G. SE/8-81  
Appointment - Rule/2023

- b/c -

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(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)

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.

WP442-2023 AZIZULLAH VS GOVT CF PG 13





- 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)

Endst. Of even No & date

Copy forwarded to the:-

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

Section Officer (Policy)

## 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 19/10/2024



MUHAMMAD RIAZ  
S/O MUHAMMAD HUMAN  
PS HT



Aziz Ullah Khan  
President  
0333-8414648  
azizullah1973@gmail.com  
71 notakpli



APTA House  
Govt. Primary School No.1,  
Dulbahar Peshawar City.

آل پرائمری ٹیچرز ایسوسی ایشن (اپٹا) خیبر پختونخوا

Annexure - A

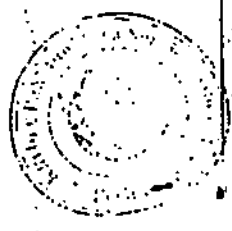
مقام: سیکرٹری ایڈمیٹری و سٹوڈنٹ ایسوسی ایشن خیبر پختونخوا  
مقام: آل پرائمری ٹیچرز ایسوسی ایشن خیبر پختونخوا  
جناب عالی

گزارش ہے کہ پرموشن ہر ادارے میں ہوتے ہیں اور سرکاری ملازم کی خواہش اولیٰ ہے پرموشن کا ایک قانون اور کرنا تھا کہ ہر ملازم ایک اگر کسی  
مجوزے تحت ایک دفعہ پرموشن نہ لیں تو وہ ہر آٹھ ماہ سال تک پرموشن نہیں لے سکتے تھے مطلب ہر سال تک ہر اس کی پرموشن نہیں ہو سکتی تھی  
پھر اس قانون میں ترمیم کی گئی ہر سال وہی ہوتی ہے کہ اگر ایک ملازم ایک سال پرموشن نہ لیں تو وہ دوسرے سال لے سکتا ہے  
لیکن اب ایک ہفتہ پہلے ایک اور نوٹیفکیشن آیا ہے  
اس کے مطابق اب ہر ملازم پرموشن ضرور لیں گے اگر نہیں لیں گے تو اس کے خلاف ای سی ڈی رول کے مطابق کارروائی کرنے لگی ہے  
رواں ہے آئی نوٹیفکیشن بنیادی انسانی حقوق کی کئی خلاف ورزی ہے سو اس کی دور دور اور پڑھ کر ملحقین میں خاص کر خواتین اساتذہ کو انتہائی مشکلات کا  
سامنا کرنا پڑے گا  
چکہ عام حالات میں بھی فوری پرموشن اور دور دورا بنیاد بنی انسانی حقوق کی خلاف ورزی ہے کہ تک خیبر پختونخوا میں بد قسمتی سے غلطی و دشمنی  
میں آئی ہے ایسے حالات میں یہ یا نوٹیفکیشن جو EASE کی گائیڈ لائنز کے خلاف ہے جو بد قسمتی اور بنیادی انسانی حقوق کی خلاف ورزی  
ہم اس کے خلاف قانونی کارروائی کا حق بھی محفوظ رکھتے ہیں  
لہذا ہم آپ سے درخواست کرتے ہیں کہ نوٹیفکیشن کو واپس لیا جائے یا اس میں ترمیم کر کے پرائمری اساتذہ کو (Relaxation) دیا جائے اور ان کی  
لہذا ہم آپ سے درخواست کرتے ہیں کہ نوٹیفکیشن کو واپس لیا جائے یا اس میں ترمیم کر کے پرائمری اساتذہ کو (Relaxation) دیا جائے اور ان کی  
لہذا ہم آپ سے درخواست کرتے ہیں کہ نوٹیفکیشن کو واپس لیا جائے یا اس میں ترمیم کر کے پرائمری اساتذہ کو (Relaxation) دیا جائے اور ان کی  
لہذا ہم آپ سے درخواست کرتے ہیں کہ نوٹیفکیشن کو واپس لیا جائے یا اس میں ترمیم کر کے پرائمری اساتذہ کو (Relaxation) دیا جائے اور ان کی  
لہذا ہم آپ سے درخواست کرتے ہیں کہ نوٹیفکیشن کو واپس لیا جائے یا اس میں ترمیم کر کے پرائمری اساتذہ کو (Relaxation) دیا جائے اور ان کی

شکریہ

عزیز اللہ خان، صدر  
آل پرائمری ٹیچرز ایسوسی ایشن خیبر پختونخوا

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.D. 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 13-5-24  
 Number of 1  
 Copying 5/-  
 Urgent 5/-  
 Total 5/-  
 Name of ---  
 Date of 13-5-24  
 Date of Delivery of copy 17-5-24

*[Handwritten signature]*

# WAKALAT NAMA

## BEFORE THE SERVICE TRIBUNAL PESHAWAR

MUHAMMAD RIAZ  
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.

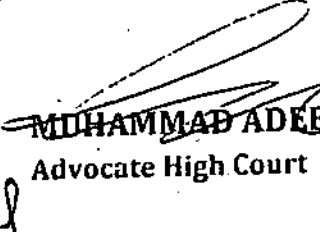
I agree to ratify all acts done by the aforesaid Advocate in pursuance of this Authority.



APPELLANT

ACCEPTED

  
MUHAMMAD MUAZZAM BUTT  
Advocate Supreme Court

  
MUHAMMAD ADEEL BUTT  
Advocate High Court

  
BASSAM AHMAD SIDDIQUI  
Advocate High Court