


# FORM OF ORDER SHEET

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

Appeal No. 2253 /2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	30/10/2024	<p>The appeal presented today by Mr. Muhammad Muazzam Butt 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**

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

In.Ref to

Service Appeal No 223 2024

Chand Bibi

**VERSUS**

Secretary to Government of Khyber Pakhtunkhwa, & others

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ADVOCATE

M. Muazzam Butt

**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA**

In Ref to

Service Appeal No 2253 /2024

Chand Bibi wife of Saleem Gul, SPST (BPS-14)

Sheikh Abad No. 1, near Tube well, Street no.1 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**

**P R A Y E R:**

**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 Senior Primary School 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 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 60/06/2023 may be declared as unlawful, illegal and without having any legal effect.**

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

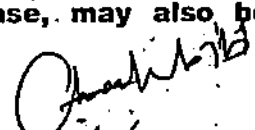
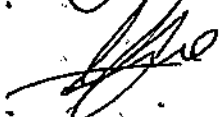
**AFFIDAVIT:**

I Chand Bibi Wife of Saleem Gul Resident of Sheikh Abad No 1, Near Tube Wall Peshawar do hereby solemnly affirm and declare that the contents of foregoing application are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Court

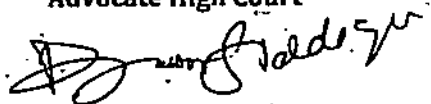
  
Deponent

Appellant

Through

  
  
Muhammad Muazzam Butt  
Advocate Supreme Court

  
Muhammad Adeel Butt  
Advocate High Court

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

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**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA**

C.M No \_\_\_\_\_/2024

In

Service Appeal No \_\_\_\_\_/2024

Chand Bibi

V/S

Government of KP & others

**APPLICATION FOR SUSPENSION OF IMPUGNED NOTIFICATION SO. (POLICY)E&AD/1-3/2020 NO. DATED 06/08/2023 AND PROMOTION ORDER DATED 29/08/2023 TILL FINAL DISPOSAL OF MAIN SERVICE APPEAL.**

Respectfully Sheweth:-

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 favour
3. There is likelihood of success of the appellant in the lis. The impugned notification dated 06/06/2023 is against Section 25 of KP Civil Servant Act, 1973 and promotion order dated 29/08/2023 of the appellant/applicant is also to be set-aside.
4. That valuable right of the appellant is involved.

In view of the above it is humbly prayed that notification No. SO(POLICY)E & Ad/1-3/2020, dated 06/06/2023 and promotion order dated 29/08/2023 to the extent of appellant/applicant may graciously be ordered to be suspended till final disposal of the main service appeal.

**AFFIDAVIT:**

I Chand Bibi Wife of Saleem Gul Resident of Sheikh Abad No 1, Near Tube Wall Peshawar do hereby solemnly affirm and 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

*Chand Bibi*  
Deponent

through

Appellant

*Chand Bibi*  
*Muhammad Muazzam Butt*  
Muhammad Muazzam Butt  
Advocate Supreme Court

*Muhammad Adeel Butt*  
Muhammad Adeel Butt  
Advocate High Court

FIRST appointment

S. NO 29

Masha AFRID'ABAD

Order C.No. B.181

OFFICE OF THE EXECUTIVE DISTRICT OFFICER, SCHOOLS & LITERACY PESHAWAR. APPOINTMENT.

Consequent upon the recommendation/approval of the Departmental Selection Committee, the following PTC(Female) candidates are hereby appointed on contract basis @ Rs.222/-P.M. fixed in BPS-7 plus usual allowances as permissible to civil Servants of the same status and grade for three year from the date of taking over their charge in the schools as noted against their names subject to the following conditions:-

No./Sl. No.	Name/Father's name/Qualification & address.	D/O Birth	Score	Schools where posted.	Remarks.
1	Nabeeda Khabroz Khan (B.A.PTC) H.No. 295 T.3-B/Adad Pesh.	28.6.01	68.62	GGPS, Palosi Nag-i-arzai (Pesh.)	Against vacant post.
2	Sajida Zakir D/O Haji Muhammad Zakir, Shaha (F.A. PTC) Vill: Sheikh-Killi (Matra) Pesh.	10.4.02	66.29	GGPS, Gararga Payan.	-do-
3	Sbeeta Ayez D/O Muhammad Ayez (B.A.PTC) H.No. 7411 Kowshah Ahad U.Council-24 Pesh.	01.04.83	64.74	GGPS, Bazid Khel Payan Pesh.	-do-
4	Saina D/O Javed (B.A.PTC) Vill: Lendi Arbab T-3 Peshawar.	12.2.01	63.03	GGPS, Redaber Marozai Pesh.	-do-
5	Kiran Azha D/O Agha Zillullah Khan (F.A.PTC) T-02C Wali Abad C/S Kohati Gate Pesh: City.	05.6.93	63.44	GGPS, Ghari - Charagh.	-do-
6	Dura Samin D/O Sharif Khan (B.A.PTC) Vill: Bashir Abad T-2 U.Council H.Ghari	01.7.81	63.75	GGPS, Hara Shahi-bala No.2, Pesh.	-do-
7	Naheed Akhtar D/O Muhammad Jamil (B.A.PTC) Vill: Haryan Garh T-2 Pesh.	12.12.81	62.11	GGPS, Barhar-Pezu Pesh.	-do-
8	Hesina Gul D/O Gul-Muhammad (M.A.PTC) Babo-Ghari Khablian Pesh.	16.4.70	62.03	GGPS, Hajizai Peshawar.	-do-
9	Kalsoon Raziq D/O Khan-Raziq (B.A.PTC) W-52 T-3 U.C. Dhari Baghbanan Pesh: City.	7.5.81	61.05	GGPS, Mattari No.1, Pesh.	-do-
10	Shehla Naeem D/O Naeem Jan (B.A.PTC) H.No. 2504 Moh: Sarbanan T-1 Pesh.	2.1.80	61.79	GGPS, Zarrar-Sher Killi.	-do-
11	Irum Iqbal D/O S. Iqbal-Shah (B.A.PTC) Jehangir-Paru H.No. 4215 Pesh: City.	14.2.80	61.15	GGPS, Telaband Yousaf Abad.	-do-
12	Mehruan Nisa D/O Abdul-Salam (M.A.PTC) Mohmand-Colony No.1, Wasir Bagh T-3, Pesh: City.	3.12.77	60.40	GGPS, Telaband Yousaf Abad.	-do-
13	Munir D/O Karim Bakht	1.1.79	60.26	GGPS, Enza-Sheikhan No.1.	-do-

ATTESTED  
M. MUAJIBULLAH  
Executive District Officer  
Supreme Court



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4/14.	Fauzia Tabbasum D/O Fir Bakht(B.A.PTC) H.No.60 Street No.4. Pupils Colony Kakshal.	1.7.81	60.20	GGPS,Dang- Lakhta Pesh:	Against vacant post.
5/15	Azma Homayun L/O Muba- mmad Homayun(B.A.PTC) H.No.269 Moh:Muhtassa- han Pesh:City.	4.4.80	60.06	GGPS,Ghari- Mossan Pesh:	-do-
6/16	Shazia Atlas D/O Atlas- Khan(B.A.PTC)Umeed Abad No.2,Swati Gate Pesh:	2.2.74	60.75	GGPS,Talam Khan Killi Pesh:	-do-
7/17	Noreen D/O Muhib Gul (B.A.PTC)T-5,Dheri Bagh- hanan Pesh:City.	13.8.78	60.00	GGPS,Passani Pesh:	-do-
8/18.	Fauzia Khanum D/O Fazal Hussain(B.A.PTC) Kohati Gate Wazir Bagh	17.7.79	59.27	GGPS,Ghari Charakh(Urmar)	-do-
9/19.	Parveen Akhtar D/O H.Taj Muhammad(B.A.PTC) Kotla Mohsin Khan Pesh:	8.7.80	59.26	GGPS,Khaweja Mir Killi Pesh:	-do-
10/20	Khalida Bibi L/O Umar - Gul(BA.PTC)Vill:Chamkani Peshawar.	21.4.81	58.98	GGPS,Banda- Kacheri Pesh:	-do-
11/21.	Humera Chand D/O Zulfi- car Ahmed(B.A.PTC)H.No. 2438 Moh:Garbanan I/S Ishori Gate Pesh:City.	15.1.80	58.92	GGPS,Ahmed Khel No.2, Pesh:	-do-
12/22	Sadia Noreen D/O Afzal- Hussain(B.A.PTC)H.No. 4235 Moh:Jangl I/S Kabali Gate Pesh:City.	14.6.80	58.86	GGPS,Mera- Sheikhan Pesh:	-do-
13/23.	Munza Iram D/O Muham- ad Shari(B.A.PTC)Q.23 Civil Quarters Pesh:	18.8.80	58.54	GGPS,Sana Badsher Pesh:	-do-
14/24.	Nighat Shaheen D/O Mar- bohullah(B.A.PTC)U.B.L. Solkarno Chowk Khyber- Bazar Pesh: City.	16.4.81	58.52	GGPS,Mattani No.1,Pesh:	-do-
15/25.	Dure Nayab D/O Ali Khan (F.A.PTC)Vill:Bashir Abad T-2,U.C.E.Ghari Pesh:	6.4.81	58.37	GGPS,Mera- Sheikhan Pesh:	-do-
16/26.	Saryah Jehan D/O Muham- ad Shafiq(B.A.PTC)W-5, Centrent Board Pesh:Centt.	14.2.79	58.32	GGPS,Multan- Ghar Pesh:	-do-
17/27.	Nusrat Begum D/O Khaista- Gul(B.A.PTC)Shahi Pesh Din Bahar No.7 Ujaz Abad.	14.3.78	57.90	GGPS,Takhi- Koroona Pesh:	-do-
18/28.	Naila Mahboob L/O Mehb- oob Khan(B.A.PTC)Warsak Road Mathra T-2.	17.1.79	57.84	GGPS,Mera Shahi Bala Pesh:	-do-
19/29	Chand Bibi D/O S.Amir- Khan(B.A.PTC)Sheikh Abad No.3,near Tube Wil Pesh:	9.6.79	57.03	GGPS,Afridi- Abad Pesh:	-do-
20/30.	Fauzia Begum L/O Mubamm- ad Zaman(B.A.PTC)Vill: Bela Baramad Khel 4-2 U.C.Kbatki Pesh:	1.1.79	57.78	GGPS,Piyari- Payan Pesh:	-do-
21/31.	Mebnaz D/O Hakimullah	12.3.81	57.76	GGPS,Badsher	-do-

ATTESTED

M. MUAZZAM BUTT  
Advocate Supreme Court

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- 9. Their original certificates/degree should be checked and the D.D.O. (P) Pesh: Peshawar should verify from the concerned University/Board/RDE, NWFP, Pesh: etc: before handing over charge by the DDO (P), Pesh: being DDO. Their salary may not be drawn till the complete verification of certificate/degree and if found bogus, they may be handed over to the concerned Police authority under intimation to this office.
- 7. Their declaration of assets should be obtained and kept in safe custody by the DDO concerned.
- 8. They are required to produce Health and Age certificate from the M.S/C.S concerned before their taking over charge.
- 9. Charge reports should be submitted to all concerned (in duplicate).
- 10. The above selection has been made on the following criteria. Marks obtained multiplied by the marks allocation to the certificate/degree and divided by the total marks e.g.  $550 \times 10 = 11.4$ .

ALLOCATION MARKS.

850

SSC I	30	2nd	20	3rd	15
BA/B.Sc.	30		20		15
PTC.	25				
BA/B.Sc.	5				
MA/H.Sc.	7				

- 11. They should not apply for transfer at any stage.
- 13. They are required to produce an under taking stamp Paper of Rs.10/- as per annexure "A" attached before taking over charge.
- 14. The contract period will be renewed only those who have good service performance.

(LAJI MEHAL RABBI KHAN)  
 SECRETARY DISTRICT OFFICER,  
 SCHOOLS AND LITERACY PESHAWAR.  
 dt: 1/10/2003

Endst: No. 10720-92 / P.No.F.No.11/Adv: /

Cop. forwarded for information and n/action to the:-

- 1. Director (Schools and Literacy) NWFP Peshawar.
  - 2. Accountant General NWFP Peshawar.
  - 3. Nazim-e-Aala District Peshawar.
  - 4. District Coordination Officer Peshawar District.
  - 5. District Account Officer Peshawar.
  - 6. P.S to Minister for Education NWFP Peshawar.
  - 7. P.S to Secretary Education (Schools & Literacy) NWFP Peshawar.
  - 8. Deputy District Officer (P) Peshawar s/with a copy of Annexure-A (Agreement) with the remarks to verify all the original certificates degrees personally from the concerned officers to avoid any complication at the later stage failing which she will be personally held responsible for any mis-happened. She is further directed to furnish a Certificate that physical verification has been carried out and also mentioned in the Certificate.
- (A) Bogus case: Nil  
 OR  
 (B) Name of Candidates with bogus certificates s/w name of Certificate Degree and name of RDE/Board/University etc in case of any bogus case.
- 9.70. All candidates concerned.
- Supt: Local Office  
 File.

**ATTESTED**  
 M. MUAZZAM BUTT  
 Advocate Supreme Court

*(Signature)*  
 District Officer (Female)  
 Literacy, Peshawar.

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

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Personal Information of Mr CHAND BIBI d/w/s of SYED AMIR KHAN

Personnel Number: 00079596 CNIC: 1730113067900 NTN.  
 Date of Birth: 09.06.1979 Entry into Govt. Service: 01.09.2003 Length of Service: 21 Years 02 Months 029 Days

Employment Category: Vocational Temporary

Designation: SENIOR PRIMARY SCHOOL TEA 80678693-DISTRICT GOVERNMENT KHYBE

DDO Code: PW6573-District Peshawar

Payroll Section: 002

GPF Section: 001

Cash Center: 76

GPF A/C No: 79596

GPF Interest applied

GPF Balance: 685,156.00 (provisional)

Vendor Number -

Pay and Allowances:

Pay scale: RPS For - 2022

Pay Scale Type: Civil DPS: 14

Pay Stage: 17

Wage type		Amount	Wage type		Amount
0001	Basic Pay	52,110.00	1004	House Rent Allow 45% KP21	8,640.00
1210	Convey Allowance 2005	2,856.00	1300	Medical Allowance	1,500.00
2148	15% Adhoc Relief All-2013	644.00	2199	Adhoc Relief Allow @10%	436.00
2316	Teaching Allowance 2021	3,036.00	2341	Dispr. Red All 15% 2022KP	4,909.00
2347	Adhoc Rel Al 15% 22(PS17)	4,909.00	2378	Adhoc Relief All 2023 35%	17,629.00

**Deductions - General**

Wage type		Amount	Wage type		Amount
3014	GPF Subscription	-3,900.00	3501	Benevolent Fund	1,200.00
3543	Professional Tax	-1,200.00	3609	Income Tax	-8,740.00
3990	Emp. Edu. Fund KPK	-135.00	4004	R. Benefits & Death Comp.	600.00

**Deductions - Loans and Advances**

Loan	Description	Principal amount	Deduction	Balance

**Deductions - Income Tax**

Payable: 13,783.18 Recovered till MAY-2024: 9,464.00 Exempted: 3445.48 Recoverable: 873.70

Gross Pay (Rs.): 96,669.00 Deductions: (Rs.): -7,909.00 Net Pay: (Rs.): 88,760.00

Payee Name: CHAND BIBI

Account Number: 4106587675

Bank Details: NATIONAL BANK OF PAKISTAN, 231516 GUNJ GATE GUNJ GATE.

Leaves: Opening Balance: Aailed: Earned: Balance:

Permanent Address: Peshawar

City: Peshawar

Temp Address:

City:

Domicile: NW - Khyber Pakhtunkhwa

Email: chandbibi555@gmail.com

Housing Status: No Official

**ATTESTED**  
  
**M. MUAZZAM BUTT**  
 Advocate Supreme Court

GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT  
(REGULATION WING)

NOTIFICATION

Dated Islamabad, the 06/08/2020  
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 KHYBER PAKHTUNKHWA

EXISTING & EMEND 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 with the request to arrange 20 gazette copies.
  15. The Section Officer (Admn), Administration Department with the request to arrange 20 gazette copies.
  16. The Caretaker, Administration Department.

1267  
06/08/2020

ATTESTED

Wardah Latif  
WARDAH LATIF  
DEPUTY SECRETARY (POLICY)

ATTESTED  
M. MUAZZAM BUTT  
Advocate Supreme Court

- 10 -

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 B) 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)

ATTESTED  
M. MUAZZAM BUTT  
Associate Supreme Court



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT  
No. SO(Polcy)II/ADII-3/2023  
Dated Peshawar the June 05, 2023

62

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

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

Dear Sir,  
I am directed to refer to your letter No. SO(Polcy-M)/N/A/S/107/23/Appointments/2023 dated 18.04.2023 on the subject noted above and to state that Sub-Rule (3) of Rule-7 of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 stands deleted vide this departmental notification dated 04.02.2020 thus, no provision exists to decline or forgo promotion.

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

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

Yours faithfully,

(Issa Dilday Khan)  
Section Officer (Policy)

ASSE  
7/6

Encl: Of even No & date

Copy forwarded to the:-

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

Section Officer (Policy)

88/11/11

0623  
7.6.23

ATTESTED

M. MUAZZAM BUTT  
Advocate Supreme Court

-12-

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

No.RO (Primary-MYE&SEO/2-5/2023  
Dated Peshawar the, June 26<sup>th</sup>, 2023

To

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

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

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

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

*[Signature]*  
(MUHAMMAD SHAQI)  
SECTION OFFICER (PRIMARY MALE)

Copy forwarded to the:

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

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

ATTESTED  
*[Signature]*  
M. MUAZZAM BUTT  
Advocate Supreme Court

-13-

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(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. 50 (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)

ATTESTED  
  
M. MUAZZAM BUTT  
Judge Supreme Court



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.

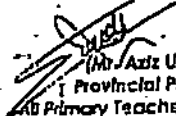
Sl	NAME	DESIGNATION
1	Mr. Fazal Wahid	Deputy Director Establishment of Directorate Elementary & Secondary Education Department
2	Mr. Aziz Ullah	Provincial President All Primary Teachers Association Khyber Pakhtunkhwa
3	Mr. Razaqat Ullah	General Secretary APTA Peshawar
4	Muhammad Ishaq	Section Officer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

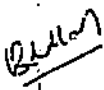
2. The meeting started with recitation from the Holy Quran. The chair welcomed the participants. The Deputy Director (Establishment) of Directorate of Elementary & Secondary Education briefed the forum regarding agenda item in detail.

3. After 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-1  
E&SE Department

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

  
(Mr. Razaqat Ullah)  
General Secretary APTA  
Peshawar

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

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

ATTESTED  
  
M. MUAZZAM BUTT  
Advocate Supreme Court

-15-

-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 Directorata Elementary & Secondary Education Department
2.	Mr. Aziz Ullah	Provincial President All Primary Teachers Association: Khyber Pakhtunkhwa
3.	Mr. Razaqat Ullah	General Secretary APTA Peshawar
4.	Muhammad Ishaq	Section Officer (Primary) E&SE Department Civil Secretariat Khyber Pakhtunkhwa Peshawar

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

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

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

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

Provincial President  
All Primary Teachers Association  
Khyber Pakhtunkhwa

(Mr. Razaqat Ullah)  
General Secretary APTA  
Peshawar

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

(Abdullah)

Additional Secretary (Establishment)

ATTESTED  
  
M. MUAZZAM HUSSAIN  
Advocate Supreme Court



No. 8145 /F.No. 3/ISST/UG/General Cases Dated 21-7-2023  
Phone: 091-9273344 Email: establishment@kpk.gov.pk

**Khyber Pakhtunkhwa, Peshawar**

To

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

Subject: - MINUTES OF THE MEETING  
Dear Sir,

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

- That Government of Khyber Pakhtunkhwa Establishment Department (Regulation Wing) dated Rule 7(3) in the Civil Servants (Appointment, promotion & Transfer Rules 1989) vide notification No. No. SOR-VI (E&AD)/1-3/2020 dated 06-08-2020.
- That this office sought guidance from your good office in the following words vide letter No.6987 dated 06-02-2023.
  - (i) Now it is obligatory upon the civil servant to accept promotion in every condition.
  - (ii) It is the prerogative of the civil servant to either accept or turn down the offer of promotion.
- That your good office forwarded the same to the quarter concerned vide letter No.SO (Primary-M) E&SED/2-2/Appointment/2023 for necessary guidance.
- That the Government of Khyber Pakhtunkhwa Establishment Department (Regulation Wing) vide letter No.SO (Policy) E&AD/1-3/2020 dated 6-06-2023 categorically stated that there exists no provision to decline or forgo promotion. It is obligatory upon every civil servant to accept promotion under every condition.
- The same was received by this office from your good office vide letter No.SO (Primary-M) E&SED/2-2/Appointment/2023 dated 12-06-2023.
- That, in the light of the minutes of meeting dated 6-07-2023 held under the Chairmanship of Hon. Additional Secretary Establishment at his office this office has been asked for submission of consolidated case.

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

The case is submitted for perusal and necessary actions please.

Assistant Director (Estab Mt-D)  
Elementary & Secondary Education  
Khyber Pakhtunkhwa

Encl: No. \_\_\_\_\_  
Copy of the above is to:-

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

Assistant Director (Estab Mt-D)  
Elementary & Secondary Education  
Khyber Pakhtunkhwa

ATTESTED  
  
M. MUAZZAM BUTT  
Advocate Supreme Court

DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION, KPK

PKSHUNR (21-7-2023)

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

Subject: Minutes of Meeting

Dear Sir, I am directed to refer to letter No. (SO:Primary-M) E&SED/5-1/6/184/ Minutes of meeting/PST/2023 dated 30-7-2023 on subject cited above and to present brief history, also background of case as under:-

That Government of KP Establishment department (Regulation wing) deleted rule 7(S) in Civil Servants (Appointment, Promotions, Transfer & Retiree) vide notification No. No. SOP-VI (E&AD) 1-3/2020 dated 08-08-2020. That this office sought guidance from your good office in the following words vide letter No. 6983 dated 06-08-2023.

(iii) How it is obligatory upon civil servant to accept promotion.

(iii) If it is prerogative of civil servant to either accept/reject the offer of promotion.

That your good office forwarded the same to a/upte concerned vide letter No. SO (Primary-M) E&SED/1-2/Appointment/2023 for necessary guidance.

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

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

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

The case is submitted for perusal and necessary action please.

Copy of the above to:

1. PA to Director Local Directorate

2. Master Copy

Harshad Director  
Elementary & Secondary Education  
Khyber Pakhtunkhwa

M. MUAZZAM BUTT  
Advocate Supreme Court

ATTESTED

WP443-2023 AZIZULLAH VS GOVT OF PKD

- B/C -

- 17 -



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

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

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

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

Dear Sir,

I am directed to refer to your letter No. SO(Policy)/ EBAD/ 1-3/2020 dated 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 or mother-in-law who need care. In such cases, there are negative effects on service delivery.

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


  
(MUHAMMAD ISHAQ)  
SECTION OFFICER (PRIMARY MALE)

Copy forwarded to the:

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

  
SECTION OFFICER (PRIMARY MALE)  
23/8/23

Scanned with CamScanner

ATTESTED  
  
M. MUAZZAM BUTT  
Advocate Supreme Court

- 19 -

- B/c -

No. 5 (Primary - M) E&SE/9-2/  
Appointment - Rule/2023  
Peshawar Dated 23rd August, 2023.

To

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

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

Dear Sir,

I am directed to refer to your letter No. 5 (Policy) / E&AD  
(Primary) / 1-3/2020 dated 8th June 2023 and to state that after  
deletion of Rule 7(S) Khyber Pakhtunkhwa Civil Servant (Appointment,  
Promotion and Transfer Rules 1989) it has been intimated that  
those officers/officials who do not comply with promotion order  
of the competent authority or try to evade promotion through  
different means shall be proceed under Khyber Pakhtunkhwa  
Civil Servant (Efficiency and Discipline) Rule 2011.

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.

Copy forwarded to;

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

(Muhammad Ishaq)  
Section Officer (Primary  
Male)

ATTESTED

M. MUAZZAM BUTT  
Advocate Supreme Court

Annexure



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

ATTESTED  
M. MUMTAZ BUTT  
Advocate Supreme Court

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

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

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

Yours faithfully,

Section Officer (Policy)

Endst. Of even No & date

Copy forwarded to the:-

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

WP442-2023 AZEELAH US GOVT CF PG-3

-21-

-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-II), Establishment Department
3. PS to Deputy Secretary (Policy), Establishment Department

Section nicer (Policy)

WP 442-2023 AZIZULLAH VS GOVT OF PK43

ATTESTED  
M. MUAZZAM BUTT  
Advocate Supreme Court



Dated: 26-01-2024

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

**REPRESENTATION AGAINST THE IMPUGNED NOTIFICATION BEARING NO.SO(POLICY)E&AD/1-3/2020, 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

*Chand Bibi*  
 Chand Bibi  
 Wife of Saleem Gul  
 Resident of Sheikh Abad No 1, Near Tube  
 Wall Peshawar

ATTESTED

*M. MUAZZAM BUTT*  
 M. MUAZZAM BUTT  
 Advocate Supreme Court



07.05.2024



1. Learned counsel for the appellant present.
2. Let a pre-admission notice be issued to the respondents through TCS for submission of reply/comments. Appellant is directed to deposit TCS expenses within three days. To come up for reply/comments as well as preliminary hearing on 10.06.2024 before S.B. P.P given to learned counsel for the appellant.
03. Alongwith the service appeal there is an application for suspension of Notification dated 06.06.2023 and letter dated 23.08.2023 till the final disposal of main service appeal. In the meanwhile, no adverse action shall be taken against the appellant till next date of hearing.

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

*[Handwritten signature]*  
13/5/24

Date of Presentation of Application 10-5-24  
 Number of 1  
 Copies 1  
 Urgent 1  
 Total 1  
 Name of 13-5-24  
 Date of 12-5-24  
 Date of delivery of copy 12-5-24

ATTESTED  
*[Signature]*  
M. MUAZZAM BUIT  
Advocate Supreme Court

# VAKALAT NAMA

## BEFORE THE SERVICE TRIBUNAL PESHAWAR

CHAND BIBI

Appellant

Versus

Government of KP & others

Respondents

*I (the Appellant)*

do hereby appoint and retain

MUHAMMAD MUAZZAM BUTT ASC. MUHAMMAD ADEEL BUTT AHC

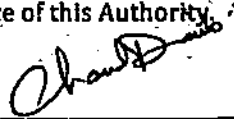
BASSAM AHMAD SIDDIQUI AHC

&

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.

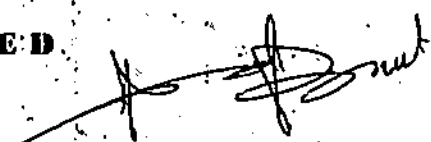


APPELLANT

ACCEPTED



MUHAMMAD MUAZZAM BUTT  
Advocate Supreme Court



MUHAMMAD ADEEL BUTT  
Advocate High Court



BASSAM AHMAD SIDDIQUI  
Advocate High Court