

FORM OF ORDER SHEET

Court of _____

Appeal No. 2270 /2024

| S.No. | Date of order proceedings | Order or other proceedings with signature of judge |
|-------|---------------------------|---|
| 1 | 2 | 3 |
| 1- | 30/10/2024 | <p>ORDER 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 style="text-align: right;">By order of the Chairman</p> <p style="text-align: right;"><i>[Signature]</i> REGISTRAR</p> |
| 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 style="text-align: right;">By order of the Chairman</p> <p style="text-align: right;"><i>[Signature]</i> REGISTRAR</p> |

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

CHECK LIST

Case Title: Jhaaz-e-b vs Govt of KP

| SN | CONTENTS | YES | NO |
|----|--|-----|----|
| 1 | This Appeal has been presented by: <u>M. Muazzam Butt</u> | — | |
| 2 | Whether Counsel/Appellant/Respondent/Deponent has signed the requisite documents? | — | |
| 3 | Whether appeal is within time? | — | |
| 4 | Whether the enactment under which the appeal is filed mentioned? | — | |
| 5 | Whether the enactment under which the appeal is filed is correct? | — | |
| 6 | Whether affidavit is appended? | — | |
| 7 | Whether affidavit is duly attested by competent Oath Commissioner? | — | |
| 8 | Whether appeal/annexures are properly pagged? | — | |
| 9 | Whether certificate regarding filing any earlier appeal on the subject, furnished? | — | |
| 10 | Whether annexures are legible? | — | |
| 11 | Whether annexures are attested? | — | |
| 12 | Whether copies of annexures are readable/clear? | — | |
| 13 | Whether copy of appeal is delivered to AG/DAG? | — | |
| 14 | Whether Power of Attorney of the Counsel engaged is attested and signed by petitioner/appellant/respondents? | — | |
| 15 | Whether numbers of referred cases given are correct? | — | |
| 16 | Whether appeal contains cutting/overwriting? | — | |
| 17 | Whether list of books has been provided at the end of the appeal? | — | |
| 18 | Whether case relate to this court? | — | |
| 19 | Whether requisite number of spare copies attached? | — | |
| 20 | Whether complete spare copy is filed in separate file cover? | — | |
| 21 | Whether addresses of parties given are complete? | — | |
| 22 | Whether Index filed? | — | |
| 23 | Whether Index is correct? | — | |
| 24 | Whether Security and Process Fee deposited? On | — | |
| 25 | Whether In view of Khyber Pakhtunkhwa Service Tribunal Rules 1974 Rule 11, notice along with copy of appeal and annexures has been sent to respondents? On | — | |
| 26 | Whether copies of comments/reply/rejoinder submitted? On | — | |
| 27 | Whether copies of comments/reply/rejoinder provided to opposite party? On | — | |

It is certified that formalities/documentation as required in the above table have been fulfilled.

Name:

M. Muazzam Butt

Signature:

[Signature]

Dated:

20/09/24

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

A No 2270/2024
Jehanzeb

V/S

Government of KP & others

INDEX

| S# | DESCRIPTION OF THE DOCUMENTS | ANNEX | PAGES |
|----|--|-------|--------------|
| 1 | Appeal and Verification | | 1-4 |
| 2 | Application for suspension | | 5 |
| 3 | Copy of Monthly Salary account | A. | 6-9 |
| 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 06th, 2023 | C. | 12-14 |
| 6 | Copy of Minutes of Meeting dated 06-07-2023 | D. | 15-18 |
| 7 | Copy of Letter dated 23-08-2023 | E. | 19-20 |
| 8 | Copy of impugned letter dated 07-09-2023 | F. | 21-22 |
| 9 | Copy of Representation against the said notification and representation made by APTA President | G & H | 23, 24 25 |
| 10 | Wakalat Nama | | 26 |


ADVOCATE

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

In Ref to

Service Appeal No 2270 /2024

Jehan Zeb Son of Akmal Khan Resident of Tehsil & District Manshera

Designation: Primary School Head Teacher at Mosque School Sheikhwāi

.....Appellant

V E R S U S

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

.....Respondents

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

PRAYER:

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

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

RESPECTFULLY SHEWETH:

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

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

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

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

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

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

GROUND:-

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

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

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

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

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



Appellant

AFFIDAVIT:

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


Deponent

Through


Muhammad Muazzam Butt
Advocate Supreme Court


Muhammad Adeel Butt
Advocate High Court


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

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA

CM No _____ -P of 2024

In Ref to

Service Appeal No _____ /2024

JEHAN ZEB

VERSUS

Secretary to Government of Khyber Pakhtunkhwa, & others

APPLICATION FOR SUSPENSION OF IMPUGNED NOTIFICATION BEARING NO. 60 (POLICY) EAD/1-3/2020 DATED 06/08/2020, COMMUNICATED TO RESPONDENT NO.2 BY RESPONDENT NO.1, WIDE 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 lit. And if the notification bearing No. 60 (Policy) EAD/1-3/2020 dated 06/08/2020, communicated to Respondent No.2 by Respondent No.1, Wide Letter Dated 06/06/2023 is not suspended the appellant would suffer irreparable loss.

4. That valuable rights of the appellant is involved in the case.

In view of the reasons, it is humbly requested that the notification bearing No. 60 (Policy) EAD/1-3/2020 dated 06/08/2020, communicated to Respondent No.2 by Respondent No.1, Wide Letter Dated 06/06/2023 may kindly be suspended till the final disposal of the main appeal in hand.

Appellant

Muhammad Nazam Butt

Advocate Supreme Court

Muhammad Adnan Butt

Advocate High Court

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 from the Honorable Court

Dependent

Through

[Signature]

[Signature]

Dist. Govt. KP-Provincial
District Accounts Office Manshra
Monthly Salary Statement (July-2022)



Personal Information of Mr JEHAN ZEB d/w/s of AKMAL KHAN

Personnel Number: 00224097 CNIC: 12390737794

NTN:

Date of Birth: 04.07.1972 Entry into Govt. Service: 01.07.1992

Length of Service: 30 Years 01 Months 001 Days

Employment Category: Active Temporary

Designation: PRIMARY SCHOOL HEAD TEACH

80667882-DISTRICT GOVERNMENT KHYBE

DDO Code: MA6339-Oghi District Mansehra

Payroll Section: 001

GPF Section: 001

Cash Center: 06

GPF A/C No: EDUMA008910 GPF Interest applied

GPF Balance:

916,804.00 (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 | 1001 House Rent Allowance 45% | 3,524.00 |
| 1210 Convey Allowance 2005 | 2,856.00 | 1300 Medical Allowance | 1,500.00 |
| 1505 Charge Allowance | 40.00 | 1968 Incentive Allowance 20% | 1,000.00 |
| 2148 15% Adhoc Relief All-2013 | 985.00 | 2199 Adhoc Relief Allow @10% | 659.00 |
| 2316 Teaching Allowance 2021 | 3,224.00 | 2341 Dispr. Red All 15% 2022KP | 7,006.00 |
| 2347 Adhoc Rel AI 15% 22(PS17) | 7,007.00 | | 0.00 |

Deductions - General

| Wage type | Amount | Wage type | Amount |
|--------------------------------|-----------|-------------------------|-----------|
| 3015 GPF Subscription | -2,890.00 | 3501 Benevolent Fund | -1,200.00 |
| 3609 Income Tax | -887.00 | 3990 Emp. Edu. Fund KPK | -125.00 |
| 4004 R. Benefits & Death Comp: | -600.00 | | 0.00 |

Deductions - Loans and Advances

| Loan | Description | Principal amount | Deduction | Balance |
|------|-------------|------------------|-----------|---------|
| | | | | |

Deductions - Income Tax

Payable: 14,178.41 Recovered till JUL-2022: 887.00 Exempted: 3543.76 Recoverable: 9,747.65

Gross Pay (Rs.): 97,261.00 Deductions: (Rs.): -5,702.00 Net Pay: (Rs.): 91,559.00

Payee Name: JEHAN ZEB

Account Number: 9765-1

Bank Details: MCB BANK LIMITED, 240640 Oghi Oghi, MANSEHRA

Leaves: Opening Balance: Availed: Earned: Balance:

Permanent Address: MANSEHRA

City: MANSEHRA

Domicile: NW - Khyber Pakhtunkhwa

Housing Status: No Official

Temp. Address:

City:

Email: jzeb538@gmail.com

ATTESTED

System generated document in accordance with APPM 4.6.12.9(50399005/26.07.2022/v3.0)

All amounts are in Pak Rupees

Errors & omissions excepted (SERVICES/31.07.2022/03:09:21)

OFFICE OF THE DISTRICT EDUCATION OFFICER(MALE) PRIMARY MANSEHRA.

OFFICE ORDER NO. 20

APPOINTMENT

DATED MANSEHRA THE 9/5/1992.

Consequent upon their selection on merit, the following, untrained PT candidates are hereby appointed in BP-8-Rs.1095/PM fixed plus usual allowances as admissible under the rules with effect from the date of their taking over charge against the newly created posts in the Mosque Schools given against their names each in the interest of publice service.

| S. NO. | Name of Candidate, Father's Name and Residence. | Name of Mosque School where Apptt; | Remarks |
|--------|--|---|-----------------------------|
| 1. | Mohd Manzoor S/O Malik Abdullah Jan R/O Bahi Maira. | Mosque School Moh; Barkatabad (Manah) | Againt newly created PTPost |
| 2. | Kasif Waseem S/O Jahanzeb R/O Kalgan. | Mosque School Dara Moh; Ghulam Mustafa. | " |
| 3. | Jahanzeb S/O Aurangzeb R/O Mansetra. | Mosque School Moh; Aziz Abad Mansetra. | " |
| 4. | Malik Mazhar Jalal S/O Malik Abdul Jalal R/O Khanal | Mosque School Doodkote Baidra. | " |
| 5. | Mohd Nisar S/O Wali Mohammad R/O Khawari | Mosque School Taliser. | " |
| 6. | Munir Ahmad S/O Samundar R/O Behali | Mosque School Kandi Bissian | " |
| 7. | Mohd Suhail S/O Mohd. Raza Moh; Mansetra. | Mosque School Moh; Upper Channai Manah; | " |
| 8. | Sher Afzal S/O Mir Afzal R/O Mandian Kotkay | Mosque School Tari Noghazi | " |
| 9. | Malik Waheed S/O Mir Mohammad R/O Khawari | Mosque School Baidra (Kohistan Colony) | " |
| 10. | Ejaz Ahmad S/O Mohd Iqbal R/O Behali | Mosque School Ismailabad (Atterahisha) | " |
| 11. | Ajmal Hussain S/O Asadur Rehman R/O Arab Khan. | Mosque School Sandasar. | " |
| 12. | Mohd Khalid S/O Abdul Khaliq R/O Barerkote. | Mosque School Katha Bissain. | " |
| 13. | Naveed Aslam S/O Mohd. Aslam R/O Dhanfri | Mosque School Char-Cum-Baidra. | " |
| 14. | Abdul Shakoor S/O Ghulam Nabi R/O Jabba Manoor | Mosque School Larri (ela (Kaghan) | " |
| 15. | Mohd Furqan S/O Fazal Haq R/O Joscha. | Mosque School Jandrukian (Jarved) | " |
| 16. | Shaheen Akhtar S/O Sardar Ghulam Jallani R/O Ghanool. | Mosque School Poonja Village. | " |
| 17. | Sultan Mohd S/O, Mian Ghulam Rabbani R/O Chamer Kaghan (B. Kote) | Mosque School Pull Hassa | " |

Cont; On Page... (2).....

ATTESTED

.....Pag.....(3).....

| | | | |
|-----|---|---|--------------------------------|
| 43. | Ashfaq Ahmad PT GPS, Shadoor | to Mosque School Bada, Aganis V/Post. | |
| 44. | Zulfiqar Ali S/O Abdul Qayum R/O Bathu Bandi. | Mosque School Choja. | Aganist Newly created PT post. |
| 45. | Mohd Saeed S/O Abdul Hamid R/O Mera Kalan. | Mosque School Sehki Payeen. | " |
| 46. | Abdul Karim S/O Mohd Janif R/O Johkan | Mosque School Kotgran. | " |
| 47. | Abdul Basir S/O Abdul Jalal R/O Thoker Mera. | Mosque School Chachian (Parhinna) | " |
| 48. | Mohd Arshad S/O Khani Zaman R/O Chanian. | Mosque School Thanda (Parhinna) | " |
| 49. | Khalid Mahmood S/O Mohd Yousuf R/O Shakooki. | Mosque School Seri Gran (Phulra) | " |
| 50. | Abdul Qadeem S/O Q. Maqboolur R/O Nambal. | Mosque School Bani Bala U/c | " |
| 51. | Mohd Saleem S/O Khani Zaman R/O Seri Mehrgul. | Mosque School Chandor payeen. | " |
| 52. | Munghad Khan S/O M. Ghulam Noud R/O Karori | Mosque School Barra Pain. | " |
| 53. | Mohd Riaz S/O Abdur Rahman R/O Jabba (Khamorian) | Mosque School Batti U/c | " |
| 54. | Munghzeb S/O Khalilur Rahman R/O Fateh Bandi | Mosque School Fateh Bandi. | " |
| 55. | Shakeel Ahmad S/O Habibur Rahman R/O New Harband. | GPS, Jihad Bala | Aganist v/post. |
| 56. | Mohd Arshad S/O Ghulam Hussain R/O Choja. | Mosque School Kala-Mera. | Against newly Created PT Post. |
| 57. | Shakeel Ghani S/O Abdul Ghani R/O Roeria | Mosque School Mobar Khurd. | " |
| 58. | Jahnzeb S/O Akmal Khan R/O Dnda Kholian. | Mosque School Shaikhwal (Phulra) | " |
| 59. | Attiqur Rahman S/O Khani Zaman R/O Sawan Mers. | Mosque School Jandar Bari | " |
| 60. | Sajjad Ahmad PTC GPS, Jihad Bala | To Mosque School, Dhan Dhan | Aganist v/post. |
| 61. | Mohd Ayaz S/O Madar Khan R/O Pokal (Allai) | Mosque School Uchar Rupkanai. | Against newly created PT post. |
| 62. | Mohd Ayaz S/O Faqir Mohd R/O Pashto | Mosque School Mangrai Ziarat (Rupkanai) | " |
| 63. | Bashir Ahmad S/O Bakhet Zareen R/O Hotal. | Mosque School Jatai Khail (Rashang) | " |
| 64. | Abdul Qayum S/O Mohd Farid R/O Nul Pashto | Mosque School Karkura Danna (Pashto) | " |
| 65. | Jafizul Haq S/O Fazlur Rahman R/O Pashto | Mosque School Kurkora (Rashang) | " |
| 66. | Pervez Khan S/O Farbaz Khan R/O Palang. | Mosque School Bagarai (Gantar) | " |
| 67. | Karim Dad S/O Chapoo R/O Rashang. | Mosque School Mangrai (Rashang) | " |
| 68. | Inayatur Rahman S/O Abdus Sattar R/O Biari. | Mosque School Chopri Karg. | " |
| 69. | Abdul Nazid S/O Umar Khatab. R/O Hotal | Mosque School Moray Ghanwal. | " |

CONT:ON PAGE....(4).....

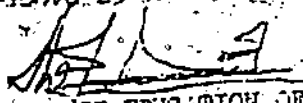
ATTESTED

3
9
Hajirul Haq S/O Abdul Qayum Mosques School Against newly
S/O Broori. Jhangri created PT Post.

25. Fazal Malik P.T.O. Mosques School Jahri to G.S. Kamrai Against V.P. Post.

TERMS AND CONDITIONS:-

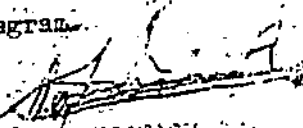
1. They should submit their charge report to all concerned.
2. Their appointment is purely temporary and can be terminated at any time without assigning any reason.
3. Their appointment is subject to the verification of their academic certificates/documents.
4. Their original academic certificates should be checked thoroughly before handing over the charge and should not be handed over charge if the original certificates are not found correct.
5. Their pay will not be drawn till they produce their age and health certificates issued by the Medical Superintendent, DHO Mansehra.
6. They will be governed under proscribed services rules of Govt. of NWFP.
7. Their age should not be less than 18 years and above 25 years.


DISTRICT EDUCATION OFFICER
(MALE) PRIMARY MANSEHRA.

10. /GB/I/Dated Mansehra the 9/5/1972.

Copy of the above forwarded to the:-

1. Sec. Divisional Education Officer (M) Mansehra & Battagram.
2. District Accounts Officer Mansehra.
3. All the ASDEOs Mansehra & Battagram.
4. All the candidates concerned.
5. All the Incharge pay centres Mansehra & Battagram.
6. Office Order File.
7. All the Head Teachers of school concerned.


DISTRICT EDUCATION OFFICER
(MALE) PRIMARY MANSEHRA.

ATTESTED

Annexure - B

GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(REGULATION WING)

NOTIFICATION

Dated Peshawar, the 06/8/2020

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

NO & EVEN DATE

Copy is forwarded to:-

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



(Signature)
WAJDAH LATIF
DEPUTY SECRETARY (POLICY)

ATTESTED

ATTESTED

- 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 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

-12-

Annexure - C



GOVERNMENT OF PUNJAB, PAKISTAN
ESTABLISHMENT DEPARTMENT
No. SP/Policy/HR/AD/1/3/2020
Dated: Pakistan Day June 06, 2023

62

To: The Government of Punjab, Islamabad,
Ministry & Secondary Education Department.

Subject: CHALLENGE REGARDING REJECTION OF APPL. TEL IN THE
CIVIL SERVICE EXAMINATION - JUNE 2020
PROVINCIAL AND TERRITORIALS FILE

Dear Sir,
I am directed to refer to your letter No. SP/Ministry-MY/MS/1017/2020 dated 16.04.2023 on the subject noted above and to state that Sub-Rule (3) of Rule-7 of Khyber Pakhtunkhwa Civil Services (Appointments, Promotions and Transfers) Rules, 1989 stands deleted vide this Government notification dated 04.08.2020; thus, no provision exists to decline or forgo promotion.
The basic rationale behind the deletion of the said rule is aimed at preventing a stall scenario for applicants by sticking to a single alternative postposition or to prevent those who lead to forgo promotion to evade post-employment or above lack of capacity to handle higher responsibilities in case of promotion. Therefore, it is obligatory upon every civil servant to accept promotion in every condition.

Furthermore, those officers/fields 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 Services (Attendance & Discipline) Rules, 2011, etc.

Yours faithfully,

Isha Bhatnagar Khan
Secretary (Policy)

Res. Of Law No. 6/2023

Copy forwarded to:-

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

RECEIVED
2023 JUN 06 11:53 AM
MS 2161 F3

Asst. Officer (Policy)

~~ATTESTED~~

MS-445-2023 AS2161LH VS GOVT OF PG-3

-13-

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

No.50 (Primary-MVE&SED)-8/2023
Lahad Peshawar the June 26th 2023

To

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

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

26/6/23

Subject: GUIDANCE REGARDING DELETION OF RULE 715 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 herewith 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 deputise 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

14
B/c

No SO (Primary-M)/E&SE/2-6/2023
Dated Peshawar the June 25th 2023

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

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

Subject: GUIDANCE REGARDING DELETION OF RULE 7(S) IN THE KHYBER
PAKHTUNKHWA CIVIL SERVANTS (APPOINTMENT, PROMOTION
AND TRANSFER) RULES, 1909.

I am directed to refer to the subject noted above and to enclose herewith a letter of Establishment Department Letter No. SO (Policy)E&AD/1-3/2020 dated 05 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 MALI)

Copy forwarded to the

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

SECTION OFFICER (PRIMARY MALI)

~~ATTESTED~~

ATTESTED

W4443-2022 AZIZULAH VS GOVT OF POKH

(Abubakar)
Additional Secretary (Establishment)
EASE Department

(Mohammad Usaid)
Section Officer (Primary-Male)
EASE Department

(Mr. Rajat Ullah)
General Secretary APTA
Fellow

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

(Mr. Fozal Wahid)
Deputy Director
EASE Department

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

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 the recited discussion it was decided that Director 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.

| Sl | NAME | DESIGNATION |
|----|-----------------|--|
| 1 | Mr. Fozal Wahid | Deputy Director Establishment of Directorate Elementary & Secondary Education Department |
| 2 | Mr. Aziz Ullah | Provincial President All Primary Teachers Association Khyber Pakhtunkhwa |
| 3 | Mr. Rajat Ullah | General Secretary APTA Fellow |
| 4 | Muhammad Usaid | Section Officer (Primary) EASE Department Civil Section Officer (Primary-Male) Fellow |

A meeting regarding the subject matter was held on 06-07-2022 at 11:00 AM under the Chairmanship of Additional Secretary Establishment in his office. The following attended the meeting.

Annexure

MINUTES OF THE MEETING REGARDING APPLICATION SUBMITTED BY MR. AZIZ ULLAH PROVICIAL RESIDENT ALL PRIMARY TEACHERS ASSOCIATION, KHYBER, PAKHTUNKHWA REGARDING DEPRIVATION OF APTA FELLOW STATUS IN THE CIVIL SERVANT APPOINTMENT PROMOTION TRANSFER RULES 1981.

-16-
-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 715 IN THE CIVIL SERVANT (APPOINTMENT, PROMOTION
& TRANSFER RULES 1969).

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) EBSE 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&S Department

Provincial President
All Primary Teachers Association
Khyber Pakhtunkhwa

(Mr. Razaqat Ullah)
General Secretary APTA
Peshawar

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

(Abdullah)

Additional Secretary (Establishment)

ATTESTED



No. 8145

Khyber Pakhtunkhwa, Peshawar
JP No. 345ST/UG/General Cases
Phone: 071-9173344

Date: 27/7/2023
Email: estab@kpk.gov.pk


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(Primary-M)E&SED/11/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 1982) vide notification No. No. SOB-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.6947 dated 16-07-2023.
 - (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 Rule 7(3) have affected negatively a huge numbers of Female Teachers. Thus it is proposed that Teachers below DP-16 may be exempted of implications of the amendments in the rules laid provided they submit their written refusal prior to conclusion of the meeting of Departmental Promotion Committee.

The case is submitted for perusal and necessary actions please.


Assistant Director (E&AD A-1)
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-I)
Elementary & Secondary Education
Khyber Pakhtunkhwa

ATTESTED

-18-

-B/C-

DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION, KPK
RASHIDUDDIN
(21-7-2023)

To:
Section Officer (Primary-MLE),
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/5-1/6404/ Minutes of meeting 13/7/2023 dated 30-7-2023 on subject cited above and to present brief history about background of case as under.

- That Government of KP, Establishment department (Regulation Wing) issued rule 7(S) in Civil Servants (Appointment-promotions, Transfer etc 1997) vide notification No. No. SOP-VI(E&ED)-1-3/1020 dated 08-08-2020.
- That this office sought guidance from your good office in the following words vide letter No. 6987 dated 08-08-2023.
 - (i) Now it is obligatory upon civil servant to accept promotion.
 - (ii) If it is obligatory upon civil servant to accept promotion, (iii) If it is obligatory upon civil servant to accept promotion, the office of promotion.
- That your good office forwarded the same to quanta concerned vide letter No. SO (Primary-M) E&SED/7-2/Appointment/1023 for necessary guidance.
- That the government of KP-ED (Regulation Wing) vide letter No. SO (Policy) E&ED/1-3/2020 dated 6-08-2023 categorically stated that there exists no provision to decline/forfe promotion. It is obligatory upon every civil servant to accept promotion under every condition.

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

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

The case is submitted for perusal and necessary action please.

Copy of the above to;
1. Pp to Director Local Directorate
2. Master Copy
Additional Director
Elementary & Secondary Education
Khyber Pakhtunkhwa.

ATTESTED

ATTESTED

WP443-2023 AZIZULAH VS GOVT OF POKH

Scanned with CamScanner

SECTION OFFICER (PRIMARY MALE)
20/08/23

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

Copy forwarded to the:

SECTION OFFICER (PRIMARY MALE)
[Signature]

In view of the above, the said amendment may be considered to the extent of say teacher in primary schools.

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

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

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

1. am directed to refer to your letter No. SO(Policy) E&AD/ 1-3/2020 dated 06 June 2023 and to state that after deletion of rule 7(5) Khyber Pakhtunkhwa Civil Servant (Appointment, Promotion & Transfer Rules 1989) it has been indicated that those officers/ officials who do not comply with promotion order of the competent authority or of to evade promotion through different means shall be proceed under Khyber Pakhtunkhwa Civil Servant (Efficiency & Discipline) Rules, 2011.

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

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

Annexure E

No. SO(Policy-M)E&SE/2-1/Appointment-Rule /2023
Peshawar Dated 23rd August, 2023

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

-19-

ATTESTED

(Muzammad Tahaq)
Section Officer (Army)
(Muzammad Tahaq)

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

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

Dear Sir,
I am directed to refer to your letter No. 50 (Army) (Policy) / E & AD / 1-3/2000 dated 6th June 2023 and to state that after deletion of Rule 7(5) (Khyber Pakhtunkhwa Civil Servant (Appointment, Promotion and Transfer Rules 1989) it has been intimated that those officers/officials who don't comply with promotion order of the competent authority or try to evade promotion through different means shall be proceed under Khyber Pakhtunkhwa Civil Servant (Efficiency and Discipline) Rule 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.

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

The Secretary to Government of Khyber Pakhtunkhwa, Establishment and Administration Department, Peshawar.
To
No. 50 (Army-M) E&SEAD / 1-3/2000
Appointments Rule / 2023
Peshawar Dated 23rd August, 2023.

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(Policy-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)

Encls. 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.

ATTESTED

MP412-2023 AZHILLAH VS GOVT OF PK

-21-

-22-

- B/c -

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

To

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

Subject:

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

Dear Sir,

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

Yours faithfully,

Section Officer (Policy)

Ends Of even No & date

Copy forwarded to the:-

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

Section Officer (Policy)

WP442-2023 AZIZULLAH VS GOVT CP PG43

ATTESTED

To,

Dated: 28-01-2024

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


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


Jehan Zeb Son of Akmal Khan
Resident of Tehsil & District
Manshera

~~ATTESTED~~

WFLA-TV 2013 AZIZULHAQ VS COURT OF PCSI

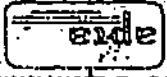
8/17/83
[Signature]

Handwritten text in Arabic script, appearing to be a list of items or a detailed report.

Handwritten text in Arabic script, possibly a signature or a note.

Answer - H

APTA Mutual
Govt. Primary School No. 1
Dushanbe, Feshawar City



Kölnber Papiermanufaktur

President
0 0222 02 1628
0 0222 02 1770
www.apta.af

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.J. P.P given to learned counsel for the appellant.

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

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

[Handwritten signature]

Date of Presentation of Application 10-6-24
 Number of 1
 Copies 1
 Report 1
 Total 1
 Name of S.J.P.
 Date of 13-6-24
 Date of Delivery of 12-6-24

ATTESTED

VAKALAT NAMA

BEFORE THE SERVICE TRIBUNAL PESHAWAR

JEHAN ZEB

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