FORM OF ORDER SHEET

Court of _____

Appeal No. _____ /2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	30/10/2024	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. By order of the Chairman REGISTRAR

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

A: No. 2277/2024

Amjad Imran

V/S

Government of KP & others

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ADVOCATE

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

In Ref to

Service Appeal No 2277 /2024

Amjad Imran Son of Niamat Ullah Resident of Tehsil & District Manshera

Designation: Primary School Head Teacher at GPS Shamori

.....Appellant

VERSUS

1) Secretary to Government of Khyber Pakhtunkhwa, Establishment Department, Civil Secretariat, Peshawar

2) Secretary to Government of Khyber Pakhtunkhwa, Elementary and Secondary Education Department, Civil Secretariat, Peshawar

3) Director Elementary and Secondary Education Department

.....Respondents

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

PRAYER:

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

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

RESPECTFULLY SHEWETH:

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

2. That as per Khyber Pakhtunkhwa (Appointment/ Promotion/ Transfer) Rules, 1989, as well as in other sister services of the other Provinces and Federation as well, availing of promotion by the employees is always optional and the employees as a matter of right may avail or forego their promotion and the next employee in seniority list is to be promoted.

3. That some employees specifically have foregone their promotion as they could not serve in the areas where there is no facility of accommodation and no houses of their elders are available to look after them in far-flung and solitary mountainous hard areas, and as per Section 25 of per KP Civil Servant Act, 1973, rules to the extent of terms and condition is framed by the Chief Minister and such promotion rules are not made applicable with retrospective effect. The rules framed are published in the Gazette notification and part and parcel of KP Civil Servant Appointment, Transfer and Promotion Rules 1989.

4. That Government of K.P without following the rules position mentioned in Para 6 above promulgated Notification No. SO (Policy) E&AD/1 3/2020, dated 06/08/2020, communicated to Respondent No.2 vide letter dated 06/06/23 wherein it has been made mandatory to the employees to avail the promotion, otherwise, disciplinary action shall be taken against the employees. The impugned Notification is reproduced as under:-

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

5. That as per notification No. SD (Policy) /EDAD/1- 3/2020 dated 06/08/2020, the right of foregoing of promotion was withdrawn and the Government of Khyber Pakhtunkhwa Establishment Department (Regulation Wing) deleted Rule 7(5) in the Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 vide notification no SOR-VI (E & AD)/1-2/2020 dated 06-08-2020.
Copy of notification No. SD (Policy) EV AD/1- 3/2020 dated 06/08/2020 is attached as **Annexure B**

6. That the Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar asked for guidance regarding deletion of Rule 7(5) in Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 in respect of which the respondent No. 1 vide its letter No. SO(Policy) E&AD/1-3/2020 dated Peshawar the June 06th, 2023 directed the respondent No 3 (Directorate of Elementary & Secondary Education) that Rule 7(5) in the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 has been deleted vide notification dated 06-08-2020 and ,therefore, no provision exists to decline or forgo promotion and it is obligatory upon every civil servant to accept promotion under every condition.
Copy of Impugned Letter dated June 06th, 2023 is attached as **Annexure C**

7. That thereafter the meeting was also held in the office of Additional Secretary Establishment on 06-07-2023 in which it was decided to examine the case properly and submit a self-contained/ consolidated case for onward submission to the Establishment Department for further necessary action.
Copy of Minutes of Meeting dated 06-07-2023 is attached as **Annexure D**

8. That the Respondent No.3 i-e. Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa also wrote a letter to the office of Establishment & Administrative Department vide No SO(Primary-M) E&SED/2-2/Appointment Rule/2023 dated 23-08-2023 to reconsider the amendment made in Khyber

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

9. That the respondent vide its letter dated 07th of September 2023 directed the Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa that necessary guidance has already been provided to the department and therefore no provision exists to decline or forgo promotion and those teachers who do not comply with the promotion order of the competent authority or try to evade promotion through different means shall be proceeded under the Khyber Pakhtunkhwa Civil Servant (Efficiency & Discipline) Rules, 2011.
Copy of Impugned letter dated 07-09-2023 is attached as **Annexure F**

10. That the petitioner feeling aggrieved, filed Representation to the respondents in person, and also approached to respondents through APTA President but the grievances of the appellant have not so far been redressed.
Copy of Representation against the said notification is annexed as **Annexure G & H**

11. That feeling aggrieved from the letters dated 06-06-2023 and 07-09-2023 and the deletion of Rule 7(5) in the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989; the petitioners filed this Hence, the instant service appeal is filed on the following grounds:-

GROUNDS:-

a. That as per various judgments it is established and settled principle that executive notifications cannot be given retrospective effect. A valid Notification which confers rights is always applicable with prospective effect, however, if an amendment notification that adversely effects the interests of the employees or causes disadvantage to the employee is not tenable in the eyes of law. The notification/ guidance dated 06/08/2020 06/06/2023 are liable to be set-aside.

b. That there are no terms and conditions of service mentioned in the appointment order of the appellant wherein, availing of promotion is mandatory. It is further submitted that employees in the past, have foregone their promotion along with their posting. It is submitted that when domestic and other personal issues do not permit the employees/appellant to avail the promotion order and in that case, the employees who foregone their promotion were allowed not to avail the promotion for a period or 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 alling 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 Amjad Imran Son of Niamat Ullah 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 Muazzzam 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 PAKHTUNKHUWA

CM No_____-P of 2024

In Ref to

Service Appeal No_____/2024

AMJAD IMRAN

VERSUS

Secretary to Government of Khyber Pakhtunkhwa, & others

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

Respectfully Submitted:-

1. That the instant application may be treated as part and parcel of service appeal of the appellant.

2. That the appellant has brought a good prima facie case and balance of convenience also lies in favor of the appellant.

3. That there is likelihood success of the appellant in the lis. And if the notification bearing No. So (Policy) E&D/1-3/2020 Dated 06/08/2020, communicated to Respondent No.2 by Respondent No.1, Vide Letter Dated 06/06/2023 is not suspended the appellant would suffer irreparable loss.

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

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

Appellant

Through

Muhammad Muazzam Butt
Advocate Supreme Court

Muhammad Adeel 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 this Honourable Court

Deponent

-6-

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

Personal Information of Mr AMJAD IMRAN d/w/s of NIAMATULLAH

Personnel Number: 00223539 CNIC: 1350112947457 NTN:
Date of Birth: 16.03.1969 Entry into Govt. Service: 24.09.1989 Length of Service: 34 Years 04 Months 009 Days

Employment Category: Active Temporary
Designation: PRIMARY SCHOOL HEAD TEACH 80627427-DISTRICT GOVERNMENT KHYBE
DDO Code: MA6337-District Mansehra
Payroll Section: 001 GPF Section: 001 Cash Center: 08
GPF A/C No: EDUMA007780 GPF Interest applied GPF Balance: 635,913.00 (provisional)
Vendor Number: -
Pay and Allowances: Pay scale: BPS For - 2022 Pay Scale Type: Civil BPS: 15 Pay Stage: 24

Wage type		Amount	Wage type		Amount
0001	Basic Pay	71,440.00	1001	House Rent Allowance 45%	3,524.00
1210	Convey Allowance 2005	2,856.00	1300	Medical Allowance	1,500.00
1505	Charge Allowance	40.00	2148	15% Adhoc Relief All-2013	950.00
2199	Adhoc Relief Allow @10%	637.00	2316	Teaching Allowance 2021	3,224.00
2341	Dispr. Red All 15% 2022KP	6,807.00	2347	Adhoc Rel Al 15% 22(PS17)	6,807.00
2378	Adhoc Relief All 2023 35%	24,311.00			0.00

Deductions - General

Wage type		Amount	Wage type		Amount
3015	GPF Subscription	-4,290.00	3501	Benevolent Fund	-1,200.00
3609	Income Tax	-3,009.00	3990	Emp.Edu. Fund KPK	-135.00
4004	R. Benefits & Death Comp:	-600.00			0.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance
6505	GPF Loan Principal Instal	500,000.00	-13,900.00	27,400.00

Deductions - Income Tax
Payable: 46,906.38 Recovered till JAN-2024: 20,138.00 Exempted: 11726.03 Recoverable: 15,042.35

Gross Pay (Rs.): 122,096.00 **Deductions: (Rs.):** -23,134.00 **Net Pay: (Rs.):** 98,962.00

Payee Name: AMJAD IMRAN
Account Number: PLS 7362-8
Bank Details: NATIONAL BANK OF PAKISTAN, 230665 GARHI HABIBULLAH GARHI HABIBULLAH, MANSEHRA

Leaves: Opening Balance: Availed: Earned: Balance:

Permanent Address: MANSEHRA
City: MANSEHRA Domicile: NW - Khyber Pakhtunkhwa Housing Status: No Official
Temp. Address:
City: Email: amjid1350112947457@gmail.com

ATTESTED

System generated document in accordance with APPM 4.6.12.9(50399005/25.01.2024/v3.0)
** All amounts are in Pak Rupees*
** Errors & omissions excepted (SERVICES/02.02.2024/19:43:01)*

PROMOTION ORDER PST/T (M) B-15

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) MANSEHRA.

NOTIFICATION

In pursuance of Government of Khyber Pakhtun Khawa Peshawar Notification No SO(B&A) /1-18/E&SE /2012 Dated 11/07/2012 and subsequently Notification issued by the District Education Officer (Male) Mansehra Endstt: No 1711-850 dated 25/02/2013.

The following Primary School Head Teacher B-15 are adjusted against newly upgraded Primary School Head Teacher Post with immediate effect.

S.No	O.L.#	NAME OF OFFICIAL	NAME OF PRESENT SCHOOL	Circle No	Adjust in Circle	Place of Posting	REMARKS
1	6	MUHAMMAD TAYYAB	GPS SOURIAN	1		GPS SOBRIAN	****do****
2	9	ABDUR RAUF	GMPS KAIDLA	1		GPS KANSHIAN	****do****
3	90	ABDUL MANAN	GPS BOU	[illegible]		GPS BOU	****do****
4	92	MUHAMMAD FARID	GPS KANGRAN	1		GPS KANGRAN	****do****
5	100	MUHAMMAD FARID	GMPS JABRA KUMI	1	2	GPS CHAMBER (SANGAR)	****do****
6	108	MUHAMMAD ILLYAS	GPS SUGDHAR	1		GPS SUGDHAR	****do****
7	106	SHAD MUHAMMAD	GPS SHUHAL NAJAF KHAN	1		GPS SHUHAL NAJAF KHAN	****do****
8	116	MUBARAK UR REHMAN	GPS BANPHORA	1		GPS BANPHORA	****do****
9	120	RAZA MUHAMMAD	GMPS QADAR ABAD	1	2	GPS THANGAR	****do****
10	127	SARAJ AHMED	GPS TARIN BATTORA	1		GPS TARIN BATTORA	****do****
11	157	MUHAMMAD SADIQ	GMPS KHARIAN	1	2	GPS BALA SACHA	****do****
12	158	MEHBOOB UR REHMAN	GPS KHANGARI	1		GPS KHANGARI	****do****
13	162	MUHAMMAD RIAZ	GPS BISSIAN	1		GPS BISSIAN	****do****
14	163	MUHAMMAD ZAHOOR	GPS SHOHAL MAZULLAH	1		GPS SHOHAL MAZULLAH	****do****
15	167	MUHAMMAD AKRAM	GPS DOGHA	1		GPS DOGHA	****do****
16	193	ABDUR RASHID	GPS KANDRILA	1		GPS NAKA PARIS	****do****
17	206	MUHAMMAD SHAFIQ	GPS GUL MAIRA	1		GPS GUL MAIRA	****do****
18	231	ABDUL WAHID	GPS JAGHEER	1		GPS JAGHEER	****do****
19	256	ABDUL HANIF	GPS BANPHORA	1		GPS THANDA KATHA	****do****
20	258	ABDUL JALIL	GPS GALI SHOHAL	1		GPS GALI SHOHAL	****do****
21	271	ABDUL BABOOKH	GPS BALAKOT	1		GPS BALAKOT	****do****
22	272	ABDUL QAYYUM	GPS BISSIAN	1	2	GPS KHOLA	****do****
23	297	ISHFAQ AHMED	GMPS CHAPRAN	1	2	GPS PHAGAL	****do****
24	309	SABIR HUSSAIN	GPS BURAJ	1		GPS BURAJ	****do****
25	319	MUHAMMAD QASIM	GMPS GARRA	1		GPS BAT SANGRA	****do****
26	324	IFTIKHAR BASHIR	GMPS LASMAIRA	1	2	GPS NIAKA KATHER	****do****
27	334	MUHAMMAD ASHRAF	GPS SINGAL DHERI	1		GPS SINGAL DHERI	****do****
28	341	AHMED NAWAZ KHAN	GPS KOT BAHALLAH	1		GPS KOT BAHALLAH	****do****
29	343	GUL FARASH	GPS BATTANG P/TSARY	1	2	GPS CHOWKANA	****do****
30	344	MUHAMMAD JAVED	GPS BATTANG	1		GPS BATTANG	****do****
31	357	SHAH NAWAZ KHAN	GPS DANNA JAGIR NO.1	1		DANNA JAGIR NO. 1	****do****

ATTESTED

(MALE)

32	360	ABDUL WAHEED KHAN	GPS KHARIAN	1		GPS KHARIAN	****do****
33	368	ABDUL MAJID	GMPS BELA GARLAT	1	2	GPS PRORE	****do****
34	375	MIAN BADER UD DIN	GPS SOBRIAN	1		GPS KHAIR ABAD	****do****
35	384	MUHAMMAD FARDOO	GPS KARNOL	1		GPS KARNOL	****do****
36	424	MIAN ASIF SHAH	GPS GARHI HABIB ULLAH	1		GPS GARI HABIB ULLAH	****do****
37	426	FIDA MUHAMMAD	GPS PAT SERI	1		GPS PAT SERI	****do****
38	428	LIAQAT ALI	GMPS TOTANKA MOHRI	1	2	GPS SHALI DADAR	****do****
39	429	GHULAM NABBI	GPS GARLAT	1	2	GPS DHERI KAMAL BAN	****do****
40	441	MUHAMMAD FARID	GPS MITTI KOT	1		GPS MITTI KOT	****do****
41	482	NIAZ MUHAMMAD	GMPS NARA HADDA	1	2	GPS CHAMBER NARAN	****do****
42	490	JEHANZEB KHAN	GPS DANNA JAGIR NO.1	1		GPS KASHTARA	****do****
43	495	MUHAMMAD ILYAS	GPS BISSIAN	1		GPS JABI BISSIAN	****do****
44	509	GHULAM NABI	GMPS PURANA GHORA	1		GPS BUTTA MANOOR	****do****
45	536	MUHAMMAD ZAMAN	GMPS KADAL SHOHAL	1	2	GPS GHANAILA	****do****
46	541	MUHAMMAD YAQOOB	GPS MURDUDA	1		GPS MURDUDA	****do****
47	542	ISHTIAQ AHMED	GPS HASSA	1		GPS HASSA	****do****
48	544	MUHAMMAD ARIF	GPS SOBRIAN	1	2	GPS BISIAN PHAGAL	****do****
49	548	KHURSHID ANWAR	GPS ROH	1		GPS ROH	****do****
50	560	MASOOD UR REHMAN	GPS CHAPRA LOHARA	1		GPS CHAPRA LOHARA	****do****
51	570 B	ARSHAD ALLAHI	GPS GARHI HABIB ULLAH	1		GPS LASPATTIAN	****do****
52	574	MUHAMMAD BABAR	GPA JAGEER	1	2	GPS RAWAL KOT NO 1	****do****
53	577	ABDUL KHALIQ	GMPS SINGLI POEEN	1	2	GPS ANDRA BALA	****do****
54	578	HAMID SULTAN	GMKS KAGUL	1	2	GPS SERI RAJWAL	****do****
55	581	SHAFIQUE UR REHMAN	GMPS JABI HAYDER SHAH	1		GPS ZAMMERI	****do****
56	594	MUHAMMAD TARIQ	GPS LOWER BHURAJ	1		GPS LOWER BHURAJ	****do****
57	598	ABDUL QAYYUM	GPS TRADA BANDI	1		GPS TRADA BANDI	****do****
58	616	S.MASOOD UL HAQ	GPS BANDA BALOLA	1		GPS-BANDA BALOLA	****do****
59	652	MUHAMMAD KHALID	GPS DANDA JAGIR NO.2	1		GPS DANDA JAGIR NO. 2	****do****
60	653	MUHAMMAD SADIQUE	GPS BATORA	1		GPS BATORA	****do****
61	655	PERVEZ	GPS TOOT NAKA	1		GPS TOOT NAKA	****do****
62	668	SABIR HUSSAIN	GPS GARLAT	1		GPS GARLAT	****do****
63	672	M.BASHIR	GPS JIBBI H SHAH	1		GPS JIBBI H SHAH	****do****
64	681	MUQADER ZAMAN	GPS BAGGAH	1		GPS BAGGAH	****do****
65	716	MUSHTAQ AHMED	GPS BHAGAI NO.1	1		GPS BHAGAI NO 1	****do****
66	723	M.RAFIQUE	GPS LUNDA	1		GPS LUNDA	****do****
67	732	MUHAMMAD RASHID	GMPS GUL DHARI	1		GPS JAB KASHTRA	****do****
68	740	SAJJAD AHMED KHAN	GPS KAGAL	1		GPS KAGAL	****do****
69	747	GHULAM MUSTAFA	GMPS LASKIARA	1	2	GPS KHANIAN	****do****
70	748 B	SAJJAD AHMED	GPS ROH	1		GPS PARIS	****do****
71	764	MUHAMMAD ASLAM	GPS NARRAH	1		GPS NARRAH	****do****

ATTESTED

SECRETARY (E)

PROMOTION ORDER PSHT (M) B-15

72	767	MUHAMMAD AFZAL	GPS BAGGAH	1	2	GPS NAKA JARED	****do****
73	773	ABDULLAH SHAH	GMPS CH.MAHMED	1	2	GPS SHDGRAN	****do****
74	774	MUHAMMAD YOUSAF	GPS ALLARI BALA	1		GPS ALLARI BALA	****do****
75	702	M.ISHFAQ	GPS PORE	1		GPS PORE	****do****
76	829	MUKHTIAR HUSSAIN	GPS DANDAR	1	2	GPS BUTA JARED	****do****
77	874	ABDUL WAHID	GMPS MANOO BAT SANGRA	1		GPS KANSHAIN BALA	****do****
78	877	MUHAMMAD TAHIR	GPS LUNDA	1		GPS CHAPRA CHOSHAIL	****do****
79	892	M.SABIR	GPS SERI KHAIR ABAD	1		GPS SERI KHAIR ABAD	****do****
80	903	FAKHAR-UL-IJAZ SHAH	GPS LASHAKIRA	1		GPS LASHAKIRA	****do****
81	917	MUHAMMAD JAVED	GPS KALISH	1		GPS KALISH	****do****
82	918	NIAZ MUHAMMAD	GPS NARRAH	1	2	GPS THAWAN	****do****
83	930	ABDUL MALIK	GMPS KATHA BISSIAN	1	2	GPS BALA MANOOR	****do****
84	940	ABDU WAHID	GMPS ZIARAT THANNA	1	2	GPS DAMDAMA	****do****
85	941	MUHAMMAD SALEEM	GMPS SHAHOTAR	1		GPS TANGRI	****do****
86	944	IJAZ AHMED	GPS SHAGAI NO.1	1	2	GPS LASSA MANDARI	****do****
87	946	MUHAMMAD AYAZ	GPS NOR SUM	1		GPS NOR SUM	****do****
88	948	MUHAMMAD JAVED	GMPS KATVI CHAR	1		GPS PATICAKA	****do****
89	949	IBRAR HUSSAIN	GPS SARWAI	1		GPS TALAHATA	****do****
90	952	GHULAM MUSTAFA	GPS MORI SHOHAL	1		GPS MORI SHOHAL	****do****
91	956	M.RAFIQUE	GPS BANNI KARNOL	1		GPS SIAAL	****do****
92	957	MUHAMMAD SALEEM	GPS NOKOT	1		GPS NOKOT	****do****
93	958	MUHAMMAD RAFIQUE	GPS DARRAH BALA KOT	1		GPS DARRAH BALA KOT	****do****
94	962	SHAMSUR REHMAN	GMKS MANGLI	1	2	GPS SANGARA	****do****
95	977	ABDUL GHANI	GPS BANNI KARNOL	1		GPS BANNI KARNOL	****do****
96	979	MOHIB HUSSAIN SHAH	GPS JAB KASHTRA	1		GPS PALAYANI	****do****
97	987	MUHAMMAD SAEED	GPS JAGIR	1	2	GPS DABRIAN	****do****
98	988	SAEED AHMAD	GPS HASSA PUL	1		GPS KANOCH	****do****
99	989	MUHAMMAD TAHIR	GPS BISSIAN	1		GPS BATORA	****do****
100	991	ISHTIAQ AHMED SHAH	GPS BAGAL CHAR BALA	1		GPS BAGAL CHAR BALA	****do****
101	993	MUHAMMAD ARIF	GPS JAGIR	1	2	GPS LOHARBANDA	****do****
102	1058	BASHIR AHMED	GPS KUMAI	[illegible]		GPS KUMAI	****do****
103	1071	M.ABDUL KARIM	GPS DANA M JAN	1		GPS DANA MUHAMMAD JAN	****do****
104	1075	GHULAM MUJTABA	GMPS HARI KHAN GIRI	1		GPS BATTANGI	****do****
105	1084	MUHAMMAD SHAFIQUE	GMPS HASSA	1	2	GPS BANDA MANOOR	****do****
106	1129	MUHAMMAD ISHAQ	GPS DAKKAN DIDAKI	1		GPS DAKKAN DIDAKI	****do****
107	1150	MUHAMMAD SAJID	GPS MORI SHOHAL	1	2	GPS CHOSHAL	****do****
108	1161	SHABIR HUSSAIN	GPS NAKA KAWARA	1		GPS NAKA KAWARA	****do****
109	1166	KHANI ZAMAN	GMPS KARMI DARRAH	1	2	GPS N. BADA	****do****
110	1177	MUHAMMAD ISRAR	GPS GARLAT	1	2	GPS NOORI	****do****
111	1187	AHMED NAWAZ	GPS DOGA	1	2	GPS SHANGRIAN	****do****

ATTESTED

PROMOTION ORDER PSHT (M) B-15

112	1189	ALTAF HUSSAIN	GPS BORAJ	1	2	GPS SHUKRAH	""do""
113	1196	WAQAR AHMED	GPS HUNDA DANA	1		GPS HUNDA DANA	""do""
114	1197	SAJID KHAN	GPS HASSARI	1		GPS HASSARI	""do""
115	1198	SADAQAT HUSSAIN	GPS TARANA	1		GPS TARANA	""do""
116	1200	MUHAMMAD RIAZ	GPS NOR SUM	1	2	GPS BALA JARED	""do""
117	1201	MUHAMMAD SHAFEE	GPS JABARI KALISH	1		GPS JABARI KALISH	""do""
118	1205	ABDUR RAUF	GPS DARRAH BALA KOT	1	2	GPS KAWAI	""do""
119	1207	MUHAMMAD FAROOQ	GPS JABBI NO.1	1		GPS JABBI NO 1	""do""
120	1213	LIAQAT HUSSAIN	GPS HASSA	1	2	GPS SHUNGA	""do""
121	1215	MUHAMMAD FIAZ	GPS GUL SARI			GPS GUL SARI	""do""
122	1219	SAJJAD AHMED	GPS KATHA DOBANDI	1		GPS KATHA DOBANDI	""do""
123	1223	SHAKIL AHMED	GPS DANA SHOHAL	1		GPS DANO SHOHAL	""do""
124	1225	MUHAMMAD RAFIQUE	GPS BOLI	1	2	GPS PATAN DES NO 2	""do""
125	1227	MUHAMMAD USMAN	GMPS M.BAJORI BALAKOT	[illegible]	2	GPS CHOAR BANDA	""do""
126	1231	MUHAMMAD MANZOOR	GPS DANA DOGA	1		GPS DANA DOGA	""do""
127	1238	MUHAMMAD RAFAQAT	GPS BAN	1		GPS SARWAI	""do""
128	1240	ABDUL WAHEED	GMPS JABRI BHOONJA	1	2	GPS BUTA BALA	""do""
129	1242	SARFRAZ	GPS PATTIAN JAREED	1	2	GPS BANJO	""do""
130	1244	SAJJAD AHMED	GMPS BATKARAR	1	2	GPS PATTAN DHERI	""do""
131	1247	MUHAMMAD SALIM	GMPS DANNA MOLANA	1	2	GPS PATTAN MESACH	""do""
132	1249	MUHAMMAD ZAMAN	GPS MORI SHOHAL	1	2	GPS GOAR BANDI	""do""
133	1250	M.YOUSUF	GPS BAGAH	1		GPS BAGAH	""do""
134	1253	IQRAR HUSSAIN	GMPS SHER KOTLY BATORA	1	2	GPS KUND	""do""
135	1255	M.TARIQ KHAN	GPS LOWER GUL MERA	1		GPS LOWER GUL MERA	""do""
136	1265	AMAN ULLAH	GMPS CHAJJA BISSIAN	1	2	GPS MANDARI	""do""
137	1276	HAFIZ UR REHMAN	GPS KHARIAN	1	2	GPS GARA DOLA	""do""
138	1278	ASHFAQ AHMED	GPS BASOOT	1		GPS BASOOT	""do""
139	1280	MANZOOR HUSSAIN	GPS MORE SHOHAL	1	2	GPS BARI MEDIAN	""do""
140	1289	MUHAMMAD SADIQUE	GPS KARNOL	1	2	GPS NARAN	""do""
141	1290	ALI AKBER	GPS MURDUDA	1	2	GPS BALA PARIS	""do""
142	1294	ABDUL SATTAR	DARA BALAKOT	1	2	GPS NAKA KAWAI	""do""
143	1297	MUHAMMAD HANIF	GPS GODEY PAYER	1		GPS GODEY PAYER	""do""
144	1348 A	AMJID IMRAN	GPS SHAMORI	1		GPS SHAMORI	""do""
145	1355	SAJID HUSSAIN	GPS NARRAH	1	2	GPS PULDRAN	""do""
146	1386	MUHAMMAD HAROON	GPS NAKA KAWARA	1		GPS RAWAL KOT NO 2	""do""
147	1392	ZUBAIR	GPS BAJMOHRI	1		GPS BAJMOHRI	""do""
148	1427	RIAZ AHMED	GPS PETEKA	1	2	GPS MANGAL	""do""
149	1428	MUHAMMAD ASHRAF	GPS BARAR KOT	1		GPS BARARKOT	""do""

Note:

ATTESTED

S.D.E.O (MALE)

PROMOTION ORDER PST/T (M) B-15

Their Promotion is considered form the date of Promotion i.e 25/02/2013.

TERMS & CONDITIONS.

1. They would be on probation for a period of one year extendable for another one year.
2. They will be governed by such rules and regulations as may be issued from time to time by the Government.
3. Their services can be terminated at any time, in case his performance is found unsatisfactory during probationary period. In case of misconduct, he shall be preceded under the rules framed from time to time.
4. Charge report should be submitted to all concerned.
5. Their Inter-seniority on lower post will remain intact.
6. They will give an under taking to be recorded in their service book to the effect that if any over payment is made to him in light of this order will be recovered and if he is wrongly promoted he will be reversed.
7. Checking & verification of all the documents shall be ensure by the DDO concerned.
8. Necessary entries to this effect should be recorded in their S/Book.
9. No TA/DA is allowed for joining their duty's.

Sd/-
(UMER KHAN KUNDI)
DISTRICT EDUCATION OFFICER
(MALE) MANSEHRA

Endst: No. 739-1707/Estt: (M) Promotion: Primary School Head Teacher (M)/Dated 21/3/2013.

Copy forwarded for information and necessary action to the:-

1. PS to Secretary to Government of Khyber Pakhtunkhwa E&SE Department Peshawar.
2. Director E&SE Department Khyber Pakhtunkhwa Peshawar.
3. ASDEO (M) Circle , 1 Balakot, 2 Kaghan, 3 Phulrah, 4 Oghi, 5 Shergar, 6 Mansehra, 7 Battal, 8 Baffa, 9 Dhodial.
4. District Accounts Officer Mansehra
5. Dy:District Officer Finance & Planning Mansehra
6. B&AO local office.
7. Officials concerned.

SUB DIVISIONAL EDUCATION OFFICER
(MALE) MANSEHRA

ATTESTED

OFFICE OF THE DISTRICT [illegible]

Dated: 12th

Dated: [illegible]

ARRANGEMENT.

[illegible]

School where [illegible]	Un[illegible]
[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]

ATTESTED

Page No...2.....

4. They should produce their age and health certificates from Medical Superintendent Hospital Mansehra.

5. The appointment is purely temporary and liable to be terminated at any time without any reasons.

6. Other terms and condition is laid down in the Service rules.

Sd/-
(KHURSHID AHMAD)
DISTRICT EDUCATION OFFICER
(MALE) MANSEHRA.

Endst:No. 11673-82/ST-III Dated Mansehra the 16-9-89.

Copy of the above is forwarded for information and necessary action to their-

1. Mr. Muhammad Afzal Khan Chairman D.C.A.C Mansehra.
2. Mr. Saber Hazir Khan Minister for Social Welfare & Population Welfare NWFP.
3. Sub Divisional Education Officer (M) Mansehra.
4. Headmaster GMS concerned.
5. Headteacher Govt:Primary/Vacant School concerned.
6. Candidate concerned.
7. O.O.File.

(KHURSHID AHMAD)
DISTRICT EDUCATION OFFICER
(MALE) MANSEHRA.

ATTESTED

Sub Divisional Edu: Officer
(Male) Circle 3. Habibullah.

Annexure-I -B-

GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(REGULATION WING)

NOTIFICATION

Dated Peshawar the, 06 / 8 /2020

No.PO(E&AD)1-3/2020: In exercise of the powers conferred by section 26 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No.XVIII of 2013) 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

EST: NO & EVEN DATE

Copy is forwarded to:-

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

(WAJIHAH LATIF)
DEPUTY SECRETARY (POLICY)

ATTESTED

ATTESTED

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

-16-

Annexure- C

GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
No. SO(Policy)II&AD/1-2/2020
Dated Peshawar the June 06, 2023

62

To

The 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&SE/2-7/Appointment/2023 dated 14.04.2023 on the subject noted above and to state that Sub-Rule (5) of Rule-7 of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 stands deleted vide this department notification dated 06.08.2020; thus, no provision exists to decline or forgo promotion.

2. The basic rationale behind the deletion of the said rule is aimed at preventing a civil servant from temptation for illicit gain by 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,

(Isaa Khan)
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 Officer (Policy)

WP4442-2023 AZIZULLAH VS GOVT OF PG43

ATTESTED

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

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

To,

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

26/6/23

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, 1989.

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

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

Encl: AA

(MUHAMMAD ISHAQ)
SECTION OFFICER (PRIMARY MALE)

Copy forwarded to the:

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

SECTION OFFICER (PRIMARY MALE)

WP4442-P(C) AZIZULLAH VS GOVT OF PGKP

ATTESTED

-18-

B/C

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

To

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

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

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

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

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

Encl: AA

(MUHAMMAD ISHAQ)
SECTION OFFICER (PRIMARY MALE)

Copy forwarded to the:

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

SECTION OFFICER (PRIMARY MALE)

WP4443-2023 AZIZULLAH VS GOVT CP PG43

ATTESTED

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

Annexure "I"

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

S#	NAME	DESIGNATION
1	Mr. Fazal Wahid	Deputy Director Establishment of Directorate Elementary & Secondary Education Department
2	Mr. Aziz Ullah	Provincial President All Primary Teachers Association Khyber Pakhtunkhwa
3	Mr. Ishaqat 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-I
E&SE Department

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

(Mr. Ishaqat Ullah)
General Secretary APTA
Peshawar

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

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

WP4443-2023 AZIZULLAH VS GOVT OF PG43

ATTESTED

20

-B/C-

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

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

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

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

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

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

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

Provincial President
All Primary Teachers Association
Khyber Pakhtunkhwa

(Mr. Rafaqat Ullah)
General Secretary APTA
Peshawar

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

(Abdullah)
Additional Secretary (Establishment)

ATTESTED

Khyber Pakhtunkhwa, Peshawar
No. 8145 / F.No. 1/SST(P)/General Cases Dated 2-8-2023
Phone: 091-9223344 Email: establishmentela1@gmail.com

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/3-1/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) deleted Rule 7(3) in the Civil Servants (Appointment, promotion & Transfer Rules 1989) vide notification No. No. SOR-VI (E&AD)/1-3/2020 dated 06-06-2020.
- That this office sought guidance from your good office in the following words vide letter No.6987 dated 06-02-2021.
  (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/3-2/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/3-2/Appointment/2023 dated 12-06-2023.
- That, in the light of the minutes of meeting dated 6-07-2023 held under the Chairmanship of Mr. 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 BPS-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 Al-I)
Elementary & Secondary Education
Khyber Pakhtunkhwa

Endst: 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

WP 4442-2023 AZIZULLAH VS GOVT OF PGKP.

ATTESTED

-B/C-

DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION, KPK.

PESHAWAR
(21-7-2023)

To:

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/Gulzar/Minutes of meeting/PST/2023 dated 10-7-2023 on subject cited above and to present brief history about background of case as under:

- That Government of KP Establishment department (Regulation Wing) deleted rule 7(5) in 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 06-07-2023
  (i) Now it is obligatory upon civil servant to accept promotion.
  (ii) It is prerogative of civil servant to either accept/turndown the offer of promotion.
- That your good office forwarded the same to q/wards concerned vide letter No. SO (Primary-M) E&SED/2-2/Appointment/2023 for necessary guidance.
- That the government of KP-ED (Regulation Wing) vide letter No. SO (Policy) E&AD/1-3/2020 dated 6-06-2023 categorically stated that there exists no provision to decline/forgo promotion. It is obligatory upon every civil servant to accept promotion under every condition.
- That in light of the minutes of the meeting dated 6-07-2023 held under the Chairmanship of Hon. Additional Secretary Establishment at his office. This office has been asked for submission of consolidated case.

In view of the above, this office is of considered opinion that the deletion of Rules 7(5) 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. PA to Director Local Directorate
2. Master Copy

Assistant Director
Elementary & Secondary Education
Khyber Pakhtunkhwa.

ATTESTED

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

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

Annexure E

To

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

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

Dear Sir,

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

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

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

(MUHAMMAD ISRAR)
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)
28/8/23

ATTESTED

-B/C-

No.So (Primary-M) E&SED/8-2/
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(5) in the Civil Servant (Appointment, Promotion & Transfer Rules 1989)

Dear Sir,

I am directed to refer to your letter No. So(Primary)(Policy)/E&AD/1-3/2020 dated 8th 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 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 ammendment may be reconsidered to the extend of lady teacher in primary schools.

(Muhammad Ishaq)
Section Officer (Primary Male)

Copy forwarded to;

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

ATTESTED

Annexure-F

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

To

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

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

Dear Sir,

I am directed to refer to your letter No. SO(Primary-M)/E&SED/2-2/Appointmegt-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.

ATTESTED

WP 1119-2023 AZIZULLAH VS GOVT OF PKD

-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 Officer (Policy)

ATTESTED

-27- Annexure "G"

To,

Dated: 28-01-2024

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

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

Sir/ Madam:-

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

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

Best Regards

Amjad Imran Son of Niamat Ullah
Resident of Tehsil & District Manshera

Khyber Pakhtunkhwa

Aziz Ullah Khan
President
0 0333-0412688
azizullah1073@gmail.com
21 notowpk

apta

APTA House:
Govt. Primary School No.4,
Gulbahar Peshawar City

آل پرائمری ٹیچرز ایسوسی ایشن (اپٹا) خیبر پختونخوا

Annexure - H

جناب: سیکرٹری ایلیمنٹری و سیکنڈری ایجوکیشن خیبر پختونخوا
جناب: آل پرائمری ٹیچرز ایسوسی ایشن خیبر پختونخوا
جناب عالی

گزارش ہے کہ پروموشن کے معاملے میں ہمیشہ یہ ہوا کہ سرکاری ملازم کی خدمات میں پروموشن کا ایک قانون بنایا گیا تھا کہ ہر ملازم ایک، اگر کسی
بھی وجہ سے ایک سال پروموشن نہیں ہوتی تو پھر آٹھ چار سال تک پروموشن نہیں لے سکتے تھے۔ مطلب چار سال تک پھر اس کی پروموشن نہیں ہو سکتی تھی
پھر اس قانون میں تھوڑی ریلیکسیشن دی گئی چار سال والی بات ختم کر دی گئی کہ اگر ایک ملازم ایک سال پروموشن نہیں لیتا تو دوسرے سال لے سکتا ہے
لیکن اب ایک بات پہلے ایک اور ریلیکسیشن ہوا ہے
اس کے مطابق اب ہر ملازم پروموشن ضرور لے گا چاہے لے یا نہ لے اگر نہیں لیتا ہے تو اس کے خلاف کوئی محکمانہ کارروائی کرنے کا کیا گیا ہے
حاصل یہ آخری ریلیکسیشن جو ہوئی اس میں حق کی کل خلاف ورزی ہے سب سے کی سب سے زیادہ پرائمری ٹیچرز میں ہوئی ہے کہ اس کو اپنی محکمانہ کارروائی کا سامنا کرنا پڑے گا
ایک عام حالات میں کسی کو زبردستی پروموشن دینا سمجھ میں آتا ہے لیکن یہ بنیادی انسانی حقوق کی خلاف ورزی ہے کیونکہ خیبر پختونخوا میں بدقسمتی سے ڈاکٹرز، انجینئرز
بھی ہوتے ہیں ایسے حالات میں یہ ریلیکسیشن جو BASR کی کمپلائنس لیٹر کی جواب میں کیا گیا ہے یہ بنیادی انسانی حقوق کی خلاف ہے
ہم اس کے جواب میں پورے عدالت کا رخ بھی اختیار کر سکتے ہیں
لہٰذا ہم آپ سے صدق دل سے کہتے ہیں کہ یہ ریلیکسیشن کو واپس لیا جائے یا اس میں ترمیم کر کے پرائمری اساتذہ کو (Relaxation) دیا جائے اور ان کو
زبردستی پروموشن لینے کی جبر سے ان کو مرضی سے لینے دیا جائے
اور پروموشن دینے کی صورت میں اضافہ بھی کیا جائے لیکن یہ زبردستی نہ کی جائے
اس سلسلے میں آپ جلد از جلد تمام (DEOs) کو ایک خصوصی مراسلہ جاری کیا جائے تاکہ اضلاع میں جو سیکل لیول پرائمری اساتذہ کو اس
اذیت اور تکلیف سے بچایا جائے
کیونکہ ریلیکسیشن جاری ہونے کی پرائمری اساتذہ کو اس قدر تکلیف کے سلسلہ فرما رہا ہے
لہٰذا ہم یہ توقع رکھتے ہیں کہ آپ صاحبان اولی ایکشن لیکر سب سے پہلے پرائمری اساتذہ خصوصاً لیول پرائمری اساتذہ کو اس اذیت سے نجات دلائیں گے

شکریہ

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

28/7/23

WP4442-2023 AZIZULLAH VS GOVT CR P043

ATTESTED

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 (E)

Date of Presentation of Application 10-5-24
Number of Words
Copying Fee
Urgent
Total
Name of Copyist
Date of Completion of Copy 13-5-24
Date of Delivery of Copy 13-5-24

ATTESTED

30

VAKALAT NAMA

BEFORE THE SERVICE TRIBUNAL PESHAWAR

AMJAD IMRAN — 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