


FORM OF ORDER SHEET

Court of _____

Appeal No. 2263/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	30/10/2024	<p>The appeal presented today by Mr. Muhammad Muazzam Butt Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 06.11.2024. Parcha Peshi given to counsel for the appellant.</p> <p>By order of the Chairman</p> <p> REGISTRAR</p>

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA


A - NO - 2263/24
Arshid Mehmood

V/S

Government of KP & others

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ADVOCATE

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

In Ref to

Service Appeal No 2263 /2024

Arshid Mehmood Son of Muhammad.Alam Resident of Tehsil & District Manshera

Designation: Primary School Head Teacher at GPS.Phogal

.....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 effects the interests of the employees or causes disadvantage to the employee is not tenable in the eyes of law. The notification/guidance dated 06/08/2020 06/06/2023 are liable to be set-aside.
- b. That there are no terms and conditions of service mentioned in the appointment order of the appellant wherein, availing of promotion is mandatory. It is further submitted that employees in the past, have foregone their promotion along with their posting. It is submitted that when domestic and other personal issues do not permit the employees/appellant to avail the promotion order and in that case, the employees who foregone their promotion were allowed not to avail the promotion for a period of 04 years and on second refusal the employees were permanently debarred from availing the facility of promotion during their entire service. Hence the employees himself/herself forebear agonies of foregoing their promotions. As a result, junior to the appellant according to the order of seniority cum fitness are granted promotion to next rank.
- c. That as per Civil Servant laws, promotion is a kind of appointment which is always optional to get promotion or not, hence the impugned notification is void, illegal and against the law and the same to the extent of the appellant is liable to be set-aside.
- d. That it is further submitted that on account of grant of promotion, some employees who are suffering from severe medical ailment or facing acute domestic issues cannot avail promotion with transfer in other areas, therefore, no employee can be compelled to accept the promotion compulsorily which is not beneficial to the employee but if an employee does not avail and get benefit of her promotion it must be optional for the employees as to whether to avail or forego the benefits. Any promotion without willingness of employee is illegal and liable to be setaside.

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

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

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

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

AFFIDAVIT:

I Arshid Mehmood Son of Muhammad Alam 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

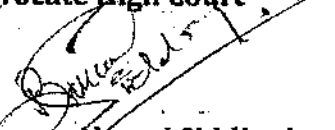

Deponent


Appellant

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, KHAYBER PAKHTUNKHWA

CM No. _____ - P of 2024

In Ref to

Service Appeal No. _____ /2024

ARSHAD MEHMUD

VERSUS

Secretary to Government of Khayber Pakhtunkhwa, & others

APPLICATION FOR SUSPENSION OF IMPUGNED NOTIFICATION BEARING NO. 50 (POLICY) E&D/3/2020 DATED 06/08/2020, COMMUNICATED TO RESPONDENT NO.2 BY RESPONDENT NO.1, VIDE LETTER DATED 06/08/2023 TILL THE FINAL DISPOSAL OF CASE IN HAND.

Respectfully Submitted-

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

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

3. That there is likelihood success of the appellant in the I/s. And if the notification bearing No. 50 (Policy) E&D/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. 50 (Policy) E&D/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 Musazzam 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 this Honorable Court
Deponent

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Personal Information of Mr ARSHAD MAHMOOD d/w/s of MUHAMMAD ALAM

Personnel Number: 00224866 CNIC: 12392016430 NTN:
Date of Birth: 01.02.1974 Entry into Govt. Service: 14.11.1994 Length of Service: 27 Years 06 Months 019 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: 09
GPF A/C No: EDUMA010485 Interest Applied: Yes GPF Balance: 776,719.00

Vendor Number: -
Pay and Allowances: Pay scale: BPS For - 2017 Pay Scale Type: Civil BPS: 15 Pay Stage: 21

Wage type		Amount	Wage type		Amount
0001	Basic Pay	44,050.00	1001	House Rent Allowance 45%	3,524.00
1210	Convey Allowance 2005	2,856.00	1300	Medical Allowance	1,500.00
2148	15% Adhoc Relief All-2013	857.00	2199	Adhoc Relief Allow @10%	614.00
2211	Adhoc Relief All-2016 10%	3,143.00	2224	Adhoc Relief All 2017 10%	4,405.00
2247	Adhoc Relief All 2018 10%	4,405.00	2264	Adhoc Relief All 2019 10%	4,405.00
2309	Adhoc Relief All 2021 10%	4,405.00	2316	Teaching Allowance 2021	3,224.00
2341	Dispr. Red All 15% 2022KP	6,607.00			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	-1,371.00	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: 17,508.68 Recovered till May-2022: 11,761.00 Exempted: 4376.88 Recoverable: 1,370.80

Gross Pay (Rs.): 83,995.00 Deductions: (Rs.): -6,186.00 Net Pay: (Rs.): 77,809.00

Payee Name: ARSHAD MAHMOOD
Account Number: PLS 6080-7
Bank Details: HABIB BANK LIMITED, 220613 BALAKOT BALAKOT, MANSEHRA

Leaves: Opening Balance: Aailed: Earned: Balance:

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

ATTESTED

(456510/26.05.2022/13:34:05) 2) All amounts are in Pak Rupees 3) Errors & omissions excepted.

OFFICE OF THE DISTRICT EDUCATION OFFICER (M) DISTRICT MANSEHRA

PSHT. - B-15

NOTIFICATION.

In pursuance of Government of Khyber Pakhtunkhwa Peshawar Notification No SO(B&A)/1-18/E&SE/2012 and Finance Department Notification No SO(FR)/FD/10-22(E)/2010 Dated 18/07/2012, and subsequently Notification Issued by the District Education Officer (Male) Mansehra Endst: No 3000-125 Notification PSHT Dated 27/02/2015 the following Primary School Head Teachers B15 are adjusted against vacant post of PSHT (B-15) with the following terms & conditions given below with effect from their taking over the charge.

S.#	S.L.N	Name of Teacher	Present School	Union Council	Adjusted School	Union Council
1	997 B	Aurangzob	GPS Shah Kot	Behali	GPS Charach	Battal
2	1429	Saeed Inahog	GPS Mohar Khurd	Sawan Mera	GPS Kangar Doga	Sawan Mera
3	1430	Muhammad Nawaz	GPS Chakli Ilyas	Lassan Nawab	GPS Chakli Ilyas	Lassan Nawab
4	1431	Muhammad Shoukat	GPS Kalth Sarash	Saltani	GPS Bela Sacha	Hangrai
5	1432	Zakar Hussain	GPS Rah	G.H. Ullah	GPS Bakran	Battal
6	1433	Muhammad Aslam	GPS Kaghan	Kaghan	GPS Seri Rajwal	Kaghan
	1434	Muhammad Nazeeq	GPS Ghanool	Ghanool	GPS Peprang	Ghanool
7	1436	Aurangzob	GPS Makhan Gali	Korori	GPS Makhan Gali	Korori
8	1437	Shahid Ur Rahman	GPS Tarnah	Dhodtal	GPS Nindhar	Bhogarmang
9	1444	Muhammad Nasim	GPS Dhama	Ogdi	GPS Jabri Bazargay	Ogdi
10	1445	Muhammad Riaz	GPS Trade	Milkot	GPS Terhadda	Milkot
11	1446	Muhammad Shaikwa	GPS Bandi Gula No 2	Sawan Mera	GPS Bandi Gula No 2	Sawan Mera
12	1447	Chau Ali Shah	GPS Kothi Bala	Ichrian	GPS Lammi	Ichrian
13	1447 B	Jam Muhammad	GPS Mori Dhamala	Phulra	GPS Mori Dhamala	Phulra
14	1449	Faha Mahmud	GPS Sun	Sun	GPS Banda Sachan	Sachan
15	1450	Umar Zaman	GPS Khorian	Phulra	GPS Ghazikot	Phulra
16	1451	Muhammad Iqbal	GPS Jabba Yaqub	Lassan Nawab	GPS Iqba Yaqub	Lassan Nawab
17	1451	Muhammad Iqbal	GPS Jabba Yaqub	Lassan Nawab	GPS Khudlan	Lassan Nawab
18	1459	Imdad Hussain	GPS Khudlan	Lassan Nawab	GPS Chukana	Hungrai
19	1461	Ishtiaq Ahmad	GPS Syar	Hungrai	GPS Banda Sydian	Kothai
20	1463	Muhammad Khan	GPS Chay Gali	Kothai	GPS Sikandro	Malik Pir
21	1465	Akhtar Nawaz Khan	GPS Bherkund	Bherkund	GPS Galsori	Talialta
22	1467	Muhammad Asif	GPS Hassan	Tahata	GPS Nawan Sher	Dandi Shungli
23	1468	Muhammad Hanayun	GPS Nawan Sher	Dandi Shungli	GPS Kund	Hungrai
24	1469	Muhammad Umaras	GPS Bain Paris	Hungrai	GPS Nool Batta Palm	B/Shungli
25	1473	Zahid Khan	GPS M. Zoroon Shaheed	Sanddar	GPS Kangar Khola	Parlan
26	1476	Muhammad Tariq	GPS Kungar Khola	Parlan	GPS Pallan	Mohandri
27	1477	Saim Muhtaj	GPS Kumar Dang	Mohandri	GPS Karori	Korori
28	1478	Anjad Ali	GPS Gurkwal	Aitorahsha	GPS Bandi Kanth	Pherina
29	1479	Muhammad Saleem	GPS Riaz Abad	Pherina	GPS Dadi Dil Bari	Bhogarmang
30	1480	Umar Farooq	GPS Dulla Mako	Dhodtal	GPS Lamma Chkar	Kathai
31	1481	Udawal Khan	GPS Changrai	Kathai	GPS Sochi	Kaghan
32	1484	Saf Khan	GPS Saroh	Kaghan	GPS Basol	Bhogarmang
33	1486	Zulfiqar Khan	GPS Dulla Maira	Dhodtal	GPS Lundi Tari	Shergarh
34	1487	Alam Zeb	GPS Ogtha	Behali	GPS Karmang Bala	Battal
35	1488	Niaz Muhammad	GPS Ichrian	Ichrian	GPS Kandla	Battal
36	1489	Muhammad Iqbal	GPS Inayat Abad	Inayat Abad	GPS Murod Abari	Jaloo
37	1491	Saeed Ur Rehman	GPS Jaloo	Jaloo	GPS Chakri Bala	B/Shungli
38	1492	Ghazi Khan	GPS M.M.Poto	Sanddar	GPS Khumran	Shergarh
39	1502	Aftab Iqbal Khan	GPS Lassan Thakral	Lassan Thakral	GPS Chifri Palm	Balian
40	1503	Azmat Ali	GPS Chifri Bala	Balian	GPS Chinyari	Jabari
41	1505	Nisar Ahmad	GPS Bawlan	Dhodtal	GPS Naka Jarod	Mohandri
42	1506	Rashid Khan	GPS Khar Dana	Mohandri	GPS Chappri	B/Shungli
43	1507	Anjad Khurshid	GPS Manshra No 1	City No 1	GPS Koj Dalbani	Sun
44	1510	Muhammad Khan	GPS Pakha Timbari	Sun	GPS Chamb	Nakka Pani
45	1512	Ali Gohar	GPS Bawlan	Nakka Pani	GPS Rajwal	Kaghan
46	1513	Abdul Dayyem	GPS Anwar Phulra	Kaghan	GPS Sundhi	Jabari
47	1514	Shabbir Ahmad	GPS Shady No 2	Dhodtal	GPS Dalbar Katha	Jabari
48	1516	Mohid Hussain	GPS Naki Mohri	Dhodtal		

ATTESTED

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1510	Zahir Khan	GPS Malokra	Shamdhra	GPS Lundi Tahi	Shamdhra
1511	Muhammad Arif	GPS Jinkel	Rihari	GPS Dewarwar	Qilari
1512	Abdul Shakoor	GPS Bhatlan	Ghanool	GPS Kohali	Kawal
1513	Muhammad Rafique	GPS Chapra Ghosial	Hungrai	GPS Tinlian	Kawal
1514	Ashfaq Ahmed	GPS Kulhary	Balla	GPS Balkali	Dattal
1515	Mancha Khan	GPS Badal Gran	Mohandil	GPS Badal Gran	Mohandil
1516	Khurshid Anwar	GPS Ghoor Bandi	Ghanool	GPS Palli Jarood	Mohandil
1517	Muhammad Maskeen	GPS Jabul Kalisi	Shohal Mazulahi	GPS Phogara	D/Shungli
1518	Arif Hussain Shah	GPS Jia Mara	Hamsolrajan	GPS Hamsolrajan	Hamsolrajan
1519	Inyat Ur Rehman	GPS Khola	Ghanool	GPS Pallan Dheri	Kawal
1520	Nisar Khan	GPS Nawar Sher	Bandi Shungli	GPS Nawar Sher	Bandi Shungli
1521	Ghulam Hussain	GPS Jamal Marf	Kaghan	GPS Jamal Marf	Kaghan
1522	Allal Hussain	GPS Oghi No. 1	Oghi	GPS Chankol	Oghi
1523	Imtiaz Ahmad	GPS Balla Kund	Kaghan	GPS Guldari	Kaghan
1524	Hafeez Ur Rehman	GPS Chatta Balla	Sandhar	GPS Dambri	C/Plain
1525	Muhammad Saddique	GPS Nor Sun	Shohal Mazulahi	GPS Sunj	D/Shungli
1526	Sardar Bahadar	GPS Kalyal	Phulra	GPS Milana Gali	Phulra
1527	Muhammad Sabar	GPS Kalla	Shanaya	GPS Kalla	Shanaya
1528	Jan Muhammad	GPS Kalyal	Phulra	GPS Kaur Marf	Phulra
1529	Muhammad Salim	GPS Riaz Abad	Pherhina	GPS Hinkul	Shergarh
1530	Mian Muhammad Yousof	GPS Chakka	Hungrai	GPS Naggar	Hungrai
1531	Sagheer Ahmad	GPS Palla	Baliali	GPS Jygi Payon	D/Shungli
1532	Khan Bahadar	GPS Badar	Nakka Panti	GPS Ghuzikol	Nakka Panti
1533	Masdar Ahmad	GPS Oghi No. 1	Oghi	GPS Husain Danda	Oghi
1534	Imtiaz Khan	GPS Phulra	Phulra	GPS D. Khan Khel	Phulra
1535	M. I. Arsoo	GPS Jangoon	Saibani	GPS Danda Manoor	Hungrai
1536	Qul Shadi	GPS Shamian Sorf	Darband	GPS Phuldar	Nakka Panti
1537	Kala Khan	GPS Madanlan	Phulra	GPS Jhokar	Lashan Nawab
1538	Akhtar Zaman	GPS Darband	Darband	GPS Marhan	Darband
1539	Muhammad Akram	GPS Sinjee	Sawan Marf	GPS Shyloo	Sawan Marf
1540	Mian Abdul Hakeem	GPS Dhan Dhanoo	Mohandil	GPS Dheri Kamal Ban	Kaghan
1541	Shahid Ur Rehman	GPS Nakka Panti	Nakka Panti	GPS Nakka Panti	Nakka Panti
1542	Datta Khan	GPS Nazim Khand	Shanaya	GPS Dera	Shanaya
1543	Muhammad Arif	GPS Khyra	Darband	GPS Dheri Marf	Shergarh
1544	Muhammad Anwar	GPS Panjvala	Hungrai	GPS Khandi Harf Wala	Hungrai
1545	Badi Zaman	GPS Dhan	Baliali	GPS Sulfida Panti	Oghi
1546	Muhammad Arif	GPS Khala	Bharkund	GPS Makhyala	Karori
1547	Dilbar Muhammad	GPS New Darband	Darband	GPS Dandi Kot	Shanaya
1548	Ghulam Nabi	GPS Marli	Saibani	GPS Dongi Sorf	Kaghan
1549	Munir Hussain	GPS Satham	Saibani	GPS Lohar Banda	Kaghan
1550	Muhammad Ajeel	GPS Milana Gali	Phulra	GPS Tannang	Phulra
1551	Mehnoob Khan	GPS Brother	Nakka Panti	GPS Dekal Ghazikol	Nakka Panti
1552	Muhammad Akhtar	GPS Brother	Nakka Panti	GPS Angar Baln	Nakka Panti
1553	Ali Rehman	GPS Galkan	Pherhina	GPS Chana Ghazikol	Phulra
1554	Wajid Raza	GPS Syawal	Baliali	GPS Shabkol	Darband
1555	Muhammad Imtiaz	GPS Bisra	Karori	GPS Dhi Dha	D/Shungli
1556	Ashad Hassan	GPS Kalghau	Lambkot	GPS Taleer Lam Naka	Lambkot
1557	Muhammad Foyyaz Khan	GPS Chera Kalan	Dilbari	GPS Ghonian	Dilbari
1558	Habib Ur Rehman	GPS Tanda	Tanda	GPS Dasum	Dattal
1559	Mazhar Hussain	GPS Sumbhara	Shamdhra	GPS Charangada	Kalhai
1560	Gul Faraz	GPS Afzal Abad	Shakal Abad	GPS Barjan	Karori
1561	Qazi Muhammad Nawaz	GPS Gali Badmi	Shergarh	GPS Norool	Shergarh
1562	Sufian Ur Arfeen	GPS Jhagan	Bharkund	GPS Rankol	Shergarh
1563	Waqar Ur Rehman	GPS Sahkol	Kalhai	GPS Randra	Kalhai
1564	Latif Ur Rehman	GPS Bharkund	Bharkund	GPS Kharyala	Karori
1565	Sardar Bahadar	GPS Trada Panjval	Sachan	GPS Dowl	Dowl Jabar
1566	Muhammad Salim	GPS Bajna Mara	Tanda	GPS Joro Balla	D/Shungli
1567	Nasir Mahmood	GPS Keri Hayaz Abad	Dowl Jabar	GPS Halkal	Sachan
1568	M. Farooq	GPS Banda	Saibani	GPS Bagan Phagal	Kaghan
1569	Noor Ur Islam	GPS Koray	Ichrian	GPS Sorf Bela	C/Plain
1570	Muhammad Sharif	GPS Darro Balakol	Balakot	GPS Losa Darband	Kawal
1571	Muhammad Younas	GPS Chairan	Karori	GPS Haryala Shergarh	Karori
1572	Muhammad Rashid	GPS Ghazikol	Datta	GPS Haryala Manse	Datta
1573	Dil Muhammad	GPS Hassa	Gulal	GPS Sri Kaghan	Kaghan
1574	Shoukat Ali Khan	GPS Kotley Panti	Ichrian	GPS Charian	Ichrian
1575	Muhammad Naheem	GPS Zallar Madan	City Harf	GPS Sri Cora	Shergarh

[Signature]
ATTESTED

106	1635	Ashad Mahmood	GPS Dabitan	Ghanool	GPS Phagal	Kaghan
117	1636	Mohammad Fayaz	GPS Mathil	Jaberi	GPS Kanchajri	Nawzabnd
110	1639	Aliq Ur Rehman	GPS Sori Mehar Gul	Karori	GPS Sori Mehar Gul	Karori
119	1639	Muhammed Shakteel	GPS Qaziabad	Ichian	GPS Chapra Bala	Baltal
120	1640	Syed Malang Shah	GPS Ballian	Ballian	GPS Barchar	Ballian
		Munir Ahmad	GPS Zameeri	Talhala	GPS Paltian	B/Shungli

TERMS AND CONDITIONS:-

1. They would be on probation for a period of one year extendable for another one year.
2. They will be governed by such rules and regulations as may be issued from time to time by the Government.
3. Their services can be terminated at any time, in case their performance is found unsatisfactory during probationary period. In case of misconduct, he shall be proceeded under the E&D Rule 2011, framed from time to time.
4. Charge report should be submitted to all concerned.
5. Their inter se Seniority on lower post will remain intact.
6. No TA/DA is allowed for joining his duty.
7. They will give an under taking to this effect to be recorded in their service Book.

Sd/-
DISTRICT EDUCATION OFFICER
(MALE) MANSEHRA

Endst: No.3961-4081 Notification PSHT Dated 14/03/2015.

- Copy forwarded for information and necessary action to the:-
1. The Director E&SE Khyber Pakhtunkhwa, Peshawar.
 2. The Deputy Commissioner Mansehra
 3. The District Monitoring Officer (MU) Mansehra
 4. District Accounts Officer Mansehra.
 5. Deputy District Education Officer (Male) Mansehra.
 6. Sub Divisional Education Officer (Male) Mansehra.
 7. All ASDEO (M) Concerned
 8. Office order file.

14/3/15
DY: DISTRICT EDUCATION OFFICER
(MALE) MANSEHRA

ATTESTED

10

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

Encl No: 2201-2301
13-11-1994

OFFICE ORDER NO. 83 /
DATED 13-11- /1994.

APPOINTMENT.

Consequent upon their selection on merit, the following PTC Trained candidates are hereby appointed in BPS No.7 @ Rs.1480-81-2695 plus usual allowances as admissible under the Rules w.e.f the date of their taking over charge against the newly created/vacant posts in the schools given ~~in~~ against their names in the interest of Public Service.

S.NO	NAME & FATHER'S NAME	RESIDENCE	PLACE OF POSTING	REMARKS.
1.	S.Malang Shah S/O S.Akbar Shah Tilli (Kund)	GPS Garhi A/Zai	A:V/post.	
2.	Umar Zareen S/O Muhammed Zar Dour Mera	GPS Manja Kote	---do---	
3.	Gul Sharir Said S/O S.Haroon Shah Zunglay (A.2)	GPS Bimbal	---do---	
4.	Sher Haider S/O Aurangzeb Japeet	Kand Bala	---do---	
5.	Hussain Ahmad S/O Azizur Rehman Choond M.K	GPS Bartooni	---do---	
6.	Muhammad Naeem S/O Muhammad Younis Khan Sarori	GPS Kotkay	---do---	
7.	Muhammad Shohaib S/O Azizur Rehman Choond MK	GPS Choond M.K	---do---	
8.	Sahib Zada S/O Muhammad Sadiq Gawandla	GPS Nagray	---do---	
9.	Sardar Behader Shah S/O Noor Ahmad Shah Zunglay AZ	GPS Bateela	---do---	
10.	Afsar Muhammad S/O Taj Muhammad Khan Kamsisar	GPS Dore Mera	---do---	
11.	Ihsanullah S/O Wahidullah Zunglay	GPS Chira Kote	---do---	
12.	Muhammad Saleem S/O Baz Muhammad Kamsisar	GPS Sulemani	---do---	
13.	Tanweer Ahmad S/O Muhammad Khan Karlai (Behali)	GPS Kunhar	---do---	
14.	Muhammad Saeed Ahmad S/O Azizur Rehman Dera	GPS Kender Tawara	---do---	
15.	Azher Bilal S/O Ghulam Mustafa Nogaizi	GPS Zungia K.D	---do---	
16.	Muhammad Tufail S/O Abdul Ghani Potha	GPS Chamb Kilagay	---do---	
17.	Saifur Rehman S/O Shafiqur Rehman Karer	GPS Doba KD	---do---	
18.	Arshid Naseem S/O Muhammad Naseem Bela L.Kote	GPS Balyani	---do---	
19.	Mazharul Haq S/O Afzal Haq Banda Balola	GPS Daroani	---do---	
20.	Muhammad Rashid S/O Ghulam Sarwar Chakia	GPS Darbeni	---do---	
21.	Muhammad Intiaz S/O Fazalur Rehman Bission	GPS Sechka	---do---	
22.	Qaiser Naeem S/O Ghulam Jan Chakia	GPS Lashora	---do---	
23.	Naeem Ejaz S/O Muhammad Iqbal Chanandi	GPS Zeeza Rai	---do---	
24.	Muhammad Ejaz S/O Abdur Rashid Banda Baloba	GPS Zeeza Rai	---do---	
25.	Iftikhar Hussain Shah S/O S.Magbool Sh: Nakote	GPS Barore	---do---	
26.	Latifur Rehman S/O Muhammad Yousuf Hari Mera	GPS Phag Ben	---do---	
27.	Sultanal Harifeen S/O M.Mazafar Iqbal Hari Mera	GPS Phag Ben	---do---	
28.	Ibadur Rehman S/O Gul Faraz Kotli Payeen	GPS Mohri Bala	---do---	
29.	Muhammad Saleem S/O Mazafar Khan Baffa	GPS Seri Kandow	---do---	
30.	Mazhar Hussain S/O Muhammad Maroof Tarangri Bala	GPS Kassay Shatal	---do---	
31.	Iftikhar Ahmad S/O Muhammad Fareed Dhodial	GPS Banis Dada	---do---	
32.	Iftikhar Ahmed S/O Muhammad Irfan Shinkari	GPS Suray Asharay	---do---	
33.	Akhtar Saeed S/O Muhammad Saeed Nakote	GPS Shalon	---do---	
34.	Akhtar Zeb S/O Abdul Qayum Kotli Bala	GPS Karna	---do---	
35.	Shakirullah S/O Shafi Ullah Baffa	GPS Soorban	---do---	

Contd: Page No.2.....

ATTESTED

- | | | | | |
|-----|--|-----------------|---------------------|------------|
| 36. | Tajwar Sultan S/O Ghulam Nabi | Tarangri Bala | GPS Mera K.K | Ag:V/post: |
| 37. | Muhammad Naseem S/O Muhammad Farid Shanai | Bala | GPS Shingal Dhar | ---do--- |
| 38. | Fazal Rabi S/O Ghulam Samedani | Baffa | GPS Daddam | ---do--- |
| 39. | Muhammad Shafiqat S/O Muhammad Miskin | Dhodial | GPS Dharoo | ---do--- |
| 40. | Muhammad Shakil S/O Ghulam Farid | Dhodial | Mosq:Kaleesh KD | ---do--- |
| 41. | Chan Zeb S/O Khan Wali | Khan Dheri | Msq:Abu Shanaye | ---do--- |
| 42. | Habibur Rehman S/O Khelilur Rehman | Tanda | Mosq:Nambal | ---do--- |
| 43. | Bashir Ahmad S/O Ghulam Hessen | Hafiz Bendi | Mosq:Abu M.Khel | ---do--- |
| 44. | Muhammad Akber S/O Muhammad Sabir | Batang | Mosq:Jiggai | ---do--- |
| 45. | Gul Paraz S/O Sarfaraz | Khawajgan | Mosq:Saibay H.Z | ---do--- |
| 46. | Noorul Islam S/O M.Shabir Ahmad | Koray | Mosq:Geetay KD | ---do--- |
| 47. | Shaukat Ali S/O Abbas Khan | Kotli Payeen | Mosq:Mera A/Zai | ---do--- |
| 48. | Anjam Jaeed S/O Saeedur Rehman | Nokote | Mosq:Surnal | ---do--- |
| 49. | Niaz Ali Shah S/O Ali Akbar Shah | Dadar | Mosq:Ohawang | ---do--- |
| 50. | Muhammad Farooq S/O Ghulam Rabbani | Balskote | Msq: Seri Tote | ---do--- |
| 51. | Naseer Ahmad S/O Basheer Ahmad | Kashtara | GPS:Gali Ghanool | ---do--- |
| 52. | Muhammad Naseem S/O Muhammad Yusuf | Patlang | Msq:Kotkay Manoor | ---do--- |
| 53. | Sabir Hussain S/O Baz Gul | Sangar | GPS:GPS Lohar Banda | ---do--- |
| 54. | Muhammad Rafique S/O Ghulam Nabi | Ghenool | GPS Andraai | ---do--- |
| 55. | Muhammad Arshid Farooq S/O Ali Asghar Khan | Jabbi | GPS Shakiran | ---do--- |
| 56. | Imdad Hussain S/O Yar Ali | Sangar | GPS Mehandri Vill | ---do--- |
| 57. | S.Ishfaq Hussain Shah S/O Ali Asghar Shah | Talhatta | GPS Badalgran | ---do--- |
| 58. | Muhammad Irfan S/O Mir Zaman | Kanshian | GPS Seri Manoor | ---do--- |
| 59. | Mushtaq Ahmad S/O Abdullah | Sangar | GPS Bela Manoor | ---do--- |
| 60. | S.Ibadat Shah S/O S.Umer Shah | Kanshian | GPS Buttian Manoor | ---do--- |
| 61. | Liaqat Hussain Shah S/O Ghazi Shah | Kanooch | GPS Nake Jared | ---do--- |
| 62. | Arshid Mehmood S/O Muhammad Alam | Garlat | GPS Dhanoo | ---do--- |
| 63. | Muhammad Sharif S/O Muhammad Daud | Sawer | GPS Choehal | ---do--- |
| 64. | Sansur Rehman S/O Habibur Rehman | Shohal Mazullah | GPS Bhattian | ---do--- |
| 65. | Zahid Jamil S/O Masoodur Rehman | Petseri | GPS Kunda | ---do--- |
| 66. | Muhammad Mushtaq S/O Ghulam Sarwar | Bhoonja | GPS Harva | ---do--- |
| 67. | Khurshid Anwar S/O Ghulam Din | Arban | GPS Buddi Da Nake | ---do--- |
| 68. | Dil Muhammad S/O Sharab Khan | Seri Garlat | GPS Budi Da Nake | ---do--- |
| 69. | Munir Ahmad S/O Abdur Rashid | Shohal Mazullah | GPS Gali Dhanoo | ---do--- |
| 70. | Hakim Khan S/O Shah Zullah | Chejar Payeen | GPS Chijri Payeen | ---do--- |
| 71. | Muhammad Fiaz S/O Aftar Khan | Ghanian | Msq: Jilal Abed | ---do--- |
| 72. | Sardar Behadar S/O Haroon Khan | Sachen Kelan | GPS Surbanj | ---do--- |
| 73. | S.Nadim Hussain Shah S/O Zafar Ali K Shah | Bai Bala | GPS Dana Sharkool | ---do--- |
| 74. | Nasir Mehmood S/O Abdul Wadood Khan | Keri | GPS Jabbar | ---do--- |
| 75. | Nasir Mehmood S/O Muhammad Ismail | Kanog | GPS Kayan | ---do--- |
| 76. | Shah Nawaz S/O Dolet Khan | Shehdore | GPS Malookra | ---do--- |
| 77. | Wazizur Rehman S/O Muhammad Shafee | Kunder | GPS Mohri | ---do--- |
| 78. | Muhammad Fiaz S/O Muhammad Nawaz | Buzbails | GPS Mohri | ---do--- |

ATTESTED

			A.V/Post.
79.	Muhammad Naseer S/O Muhammad Aslam Khan Banda	Gisach	GPS Sundi ---do---
80.	Muhammad Imren S/O Abdullah Jan	Bankota	GPS Bhendar ---do---
81.	Mazhar Hussain S/O Iftikhar Hussain Shamdera		GPS Bhandar ---do---
82.	Wajid Reza S/O Muhammad Reza	Malige	GPS Chungeri ---do---
83.	Muhammad Shakeel S/O Muhammad Sulemai Tarkher		GPS Chungeri ---do---
84.	Muhammad Nawaz S/O Muhammad Jamshed Gali Badral	Msq Doga Miangan	---do---
85.	Niaz Muhammad S/O Behram	Battlay	Msq Kali Batti ---do---
86.	Abdur Rashid S/O Rehmat Ullah	Sher garh	Msq Kharee Ahmad Abad ---do---
87.	Gul Faraz S/O Muhammad Yunis	Shergarh	Msq Chitta Batta (Shergarh) ---do---
88.	Muhammad Khurshid S/O Shah Zaman	Gul Dheri	Msq Badral ---do---
89.	Shahid Shujauz Zaman S/O Sher Muhammad Kotehra	GPS Mere Khairco	---do---
90.	Muhammad Riaz S/O Ghulam Jan	Ram Kotla	Msq Shamal Bandi ---do---
91.	Muhammad Riaz S/O Abdur Razaq	Bhato Bandi	Msq Abbi Behn ---do---
92.	Muhammad Yunis S/O Khalilur Rehman Seri Jhand		Msq Salaya Shungli ---do---
93.	S.Amin Shah S/O Rehmat Shah	New Dargand	Msq Jheel Batta Bala ---do---
94.	Muhammad Irfan S/O Ali Akbar	Kala Mand	Msq Kangooran ---do---
95.	Attiqur Rehman S/O Magboolur Rehman Naobal		Msq Milkwanah ---do---
96.	Muhammad Safer S/O Taj Muhammad Khajember		Msq Khajember ---do---

TERMS AND CONDITIONS

1. They should submit their charge reports to all concerned.
2. Their appointment is purely on temporary basis and liable for termination at any stage without assigning any reason.
3. Their appointment is subject to the verification of their original Academic and Professional certificates/documents. Their original Academic & Professional certificates should be checked thoroughly before handing over the charge and should not be handed over the charge if their original certificates are not found correct.
4. No one should be handed over charge if he is below 18 years and above 30 years in case of the candidates relating to Zone III and 27 years of others.
5. Their pay will not be drawn until they produce age & sex Health certificate from Medical Superintendent D.H.O Hospital Manshra.
6. They will be governed under prescribed service rules framed by the Govt: of N.W.F.P.

(MURSHAD SHAH)
 I/O DISTRICT EDUCATION OFFICER,
 (MALE) PRIMARY MANSHEHRA.

Endst: No. 2201-2301/GB(G/I) V Dated Manshra the 13/11/1994.
 III/94.

Copy forwarded to the:-

1. Secretary to Govt: of NWFP Education Department Peshawar.
2. Director Primary Education NWFP (Islamabad) Peshawar.
3. District Accounts Officer Manshra.
4. Sub Divisional Education Officer (Male) Manshra.
- 5-100. All the candidates concerned.
101. Superintendent local office.

ATTESTED

I/O DISTRICT EDUCATION OFFICER,
 (M.L.E) PRIMARY MANSHEHRA.

13/11

-14-

GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(REGULATION WING)

NOTIFICATION

Dated Peshawar the, 06/08/2020

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

AMENDMENT

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

CHIEF SECRETARY
GOVERNMENT OF THE KHYBER PAKHTUNKHWA

(ANDS): & EVEN DATE

Copy is forwarded to :-

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

(WARDAH LATIF)
DEPUTY SECRETARY (POLICY)

ATTESTED

-15-

Annexure - C



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
No. SO(Policy)18&AD/1-3/2023
Dated Peshawar the June 06, 2023

62

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

Subject: GUIDANCE REGARDING DEJECTION 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(Policy-M)/18&AD/1-3/2-
2/Appointment/2023 dated 18.04.2023 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,

(Ijaz Mulyar) (Chen)
Section Officer (Policy)

ASE
7/6

Kindly. 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.

2023
7.6.23

Section Officer (Policy)

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.

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

[Handwritten Signature]
26/6/23

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

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

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

Encl: AA

[Handwritten initials]

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

Copy forwarded to the:

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

[Handwritten initials]

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

ATTESTED

17-
B/c
No 50 (Primary-M)/E&SED/2-6/2023
Dated Peshawar the June 25th 2023

To

The Director
Elementary & Secondary Education Department
Khyber Pakhtunkhwa, Peshawar

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

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

I am directed to refer to the subject noted above and to enclose 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 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&SB Department Khyber Pakhtunkhwa.

SECTION OFFICER (PRIMARY MALE)

~~ATTESTED~~

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

Annexure
D


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


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

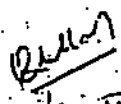
2. The meeting started with recitation from the Holy Quran. The chair welcomed the participants. The Deputy Director (Establishment) of Directorate of Elementary & Secondary Education briefed the forum regarding agenda item in detail.


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

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


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


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


(Mr. Razaqal Ullah)
General Secretary APTA
Peshawar


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

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


ATTESTED

-19-

-B/C-

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

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

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

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

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

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

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

Provincial President
All Primary Teachers Association
Khyber Pakhtunkhwa

(Mr. Razaqat Ullah)
General Secretary APTA
Peshawar

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

(Abdullah)

Additional Secretary (Establishment)

ATTESTED

ATTESTED

WP 1442-2023 AZZULAH VS GOVT CP P043

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

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

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

Assistant Director (Ex-Part-1)
Elementary & Secondary Education
Khyber Pakhtunkhwa
10/07/2023

The case is submitted for perusal and necessary actions please.

Departmental Promotion Committee.
provided they submit their written request prior to conclusion of the meeting of
Teachers' Union. It may be explained as follows: The rule 16 of the rules (old
(75) have affected negatively a huge number of Female Teachers. Thus it is proposed that
in view of the above, this office is of considered opinion that the deletion of rules
has been asked for submission of consolidated case.
Chairman of the Hon. Provincial Secretary Establishment at his office this office has
That, in the light of the minutes of meeting dated 6-07-2023 held under the
(Primary-40) EASSED/2-Appointment/2023 dated 12-06-2023.
The same was received by this office from your good office with letter No.50
civil servant to accept promotion under every condition.
that there exists no provision to decline or stop promotion. It is obligatory upon every
When vide letter No.50 (Policy) EASD/1-1720 dated 6-06-2023 conjointly issued
That the Government of Khyber Pakhtunkhwa Establishment Department (Regulation
No.50 (Primary-40) EASSED/2-Appointment/2023 for necessary guidance.
That your good office forwarded the same to the quarter concerned vide letter
promotion.
(ii) It is the obligation of the civil servant to either accept or turn down the offer of
(i) Now it is obligatory upon the civil servant to accept promotion in every condition
No.4887 dated 10-02-2023.
That this office has issued guidelines from your good office in the following words vide letter
vide notification No. 50A-VI (EAD/VI-1720 dated 06-08-2020
dated Rule 7C) under Civil Servants (Appointment, Promotion & Transfer Rules 1989)
That Government of Khyber Pakhtunkhwa Establishment Department (Regulation (Wing)
The Government of Khyber Pakhtunkhwa Establishment Department (Regulation (Wing)
dated Rule 7C) under Civil Servants (Appointment, Promotion & Transfer Rules 1989)
vide notification No. 50A-VI (EAD/VI-1720 dated 06-08-2020
That this office has issued guidelines from your good office in the following words vide letter
No.4887 dated 10-02-2023.
(i) Now it is obligatory upon the civil servant to accept promotion in every condition
(ii) It is the obligation 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.50 (Primary-40) EASSED/2-Appointment/2023 for necessary guidance.
That the Government of Khyber Pakhtunkhwa Establishment Department (Regulation
No.50 (Policy) EASD/1-1720 dated 6-06-2023 conjointly issued
When vide letter No.50 (Policy) EASD/1-1720 dated 6-06-2023 conjointly issued
that there exists no provision to decline or stop 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 with letter No.50
(Primary-40) EASSED/2-Appointment/2023 dated 12-06-2023.
That, in the light of the minutes of meeting dated 6-07-2023 held under the
Chairman of the Hon. Provincial 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
(75) have affected negatively a huge number of Female Teachers. Thus it is proposed that
Teachers' Union. It may be explained as follows: The rule 16 of the rules (old
provided they submit their written request prior to conclusion of the meeting of
Departmental Promotion Committee.

The Section Officer (Primary-School),
Elementary & Secondary Education Department,
Khyber Pakhtunkhwa Province.

Subject: -
Dear Sir,

I am directed to refer to the letter No.50(Primary-40)EASSED/1-17
C.Misc/Miscellaneous of the Ministry/PS/172023 dated 10-07-2023 on the subject cited above and in
present brief history about the background of the case as under:

MINUTES OF THE MEETING

No. 8145
Khyber Pakhtunkhwa, Peshawar
Date: 10/07/2023
Phone: 09132144
Email: ead@khyber.gov.pk



-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/GM/11/Minister 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(S) in Civil Servants (Appointment, promotion, Transfer Rule 1981) 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 06-08-2023
 - (i) Now it is obligatory upon civil servant to accept promotion.
 - (ii) It is prerogative of civil servant to either accept/turn down the offer of promotion.
- That your good office forwarded the same to quarters 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 /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 actions 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.091-8223587)

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

Annexure
E

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

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

Dear Sir,

I am directed to refer to your letter No. SO(Policy)/E&AD/ 1-3/2020 dated
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 inconvenience while they have to
perform duties in the remotest station with no residential or transport facility. Most of
them are married with kids and elder father or mother-in-law who need care. In such
cases, there are negative effects on service delivery.

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

(MUHAMMAD ISHAQ)
SECTION OFFICER (PRIMARY MALE)

Copy forwarded to the:

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

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

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WP4442-2023 AZIZULLAH VS GOVT CF PG43

ATTESTED

-B/c-

No. So (Primary - M) E&SE D/8-a/
Appointment - Rule/2023
Peshawar Dated 23rd August, 2023.

To

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

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

Dear Sir,

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

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

Copy forwarded to;

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

(Muhammad Ishaq)
Section Officer (Primary
Male)

ATTESTED

Annexure - F



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

247

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.

ATTESTED

VP/1-42-2023 AZIZULLAH VS GOVT OF PK

-25-

- 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)

Encl: Of even No & date

Copy forwarded to the:-

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

Section Officer (Policy)

ATTESTED

-26-

To,

Dated: 22-01-2024

- 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.

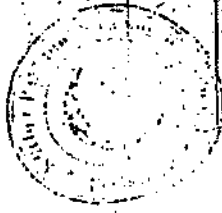
It is, therefore, humbly prayed that on the acceptance of the instant representation; the Notification bearing No. SO (POLICY) E&D/1-3 1-2020 DATED 06/08/2020, communicated to vide letter dated 06/06/2023, may please be declared and ordered to be struck down being Void, Ultra vires to the Constitution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

Best Regards



Arshid Mahmood Son of
Muhammad Alam Resident of
Tehsil & District Manshera

07.05.2024



1. Learned counsel for the appellant present.

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

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

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

[Handwritten signature]
13/5/24

Date of Presentation of Application 12-5-24
 Number of 57
 Copies 57
 Urgent 57
 Total 57
 Name of 13-5-24
 Date of 12-5-24
 Date of delivery of copy 12-5-24

ATTESTED

VAKALAT NAMA

BEFORE THE SERVICE TRIBUNAL PESHAWAR

ARSHAD MEHMOOD

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.

Arshad Mahmood

APPELLANT

ACCEPTED

Muhammad Muazzam Butt
MUHAMMAD MUAZZAM BUTT
Advocate Supreme Court

Muhammad Adeel Butt
MUHAMMAD ADEEL BUTT
Advocate High Court

Bassam Ahmad Siddiqui
BASSAM AHMAD SIDDIQUI
Advocate High Court