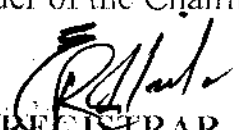


# FORM OF ORDER SHEET

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

Appeal No. 2267 /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><br/>REGISTRAR</p> |

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

A. No. 2267/2024

SULTAN MUHAMMAD

V/S

Government of KP & others

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| 3.  | Copy of Monthly Salary account   | A.     | 6-11         |
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ADVOCATE

M. Muazzam Butt

**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA**

In Ref to

Service Appeal No 2267 /2024

Sultan Muhammad Son of Rasool Muhammad, PSHT  
GPS Wahid Abad, Tehsil & District Buner

.....Appellant

**VERSUS**

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

.....Respondents

**SERVICE APPEAL UNDER SECTION 4 OF KPK SERVICE TRIBUNAL ACT 1974. AGAINST THE IMPUGNED NOTIFICATION BEARING NO.SO(POLICY)E&AD/1-3/2020. DATED 06/08/2020. COMMUNICATED TO RESPONDENT NO. 2 VIDE LETTER DATED 06/06/2023. WHEREIN IT WAS STATED THAT SUB RULE 5 OF RULE 7 OF KHYBER PAKHTUNKHWA CIVIL SERVANTS (APPOINTMENT, PROMOTION AND TRANSFER) RULES, 1989 STANDS DELETED**

**PRAYER:**

**ON ACCEPTANCE OF INSTANT SERVICE APPEAL, THE IMPUGNED NOTIFICATION BEARING NO: SO (POLICY) E&AD/1-3/2020, DATED 06/08/2020, COMMUNICATED TO RESPONDENT NO. 2 VIDE LETTER DATED 06/06/2023, MAY BE DECLARED AND ORDERED TO BE STRUCK DOWN BEING VOID AND ULTRA VIRES TO THE CONSTITUTION OF PAKISTAN AND FUNDAMENTAL PRINCIPLES OF NATURAL JUSTICE AND AGAINST THE RIGHTS OF APPELLANT.**

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

**RESPECTFULLY SHEWETH:**

1. That the Respondents Department appointed the Appellant as Primary School Head Teacher.  
Copy of Appointment letter is annexed as Annexure A

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

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

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

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

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

**GROUND:-**

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

e. That non-availing of promotion and foregoing thereof does not cause loss to the government exchequer and in consequence of foregoing promotion, pave way to the next employee in seniority, aspiring for promotion could be promoted.

f. That the impugned promotion Notification dated 06/08/2020 communicated on 06/06/2023 is perverse, discriminatory, against the law, pungent and is a blunt blow of hammer on the rights of the appellant. It is not out of place to mention here that the appellant are teachers and have to look after their children as well as ailing dependent family members and in these circumstances in the presence of impugned Notification dated 06/08/2023 communicated on 06/06/23 would not be able to serve in the department and which shall amount to the snatching of bread and butter of the poor employees

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

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


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

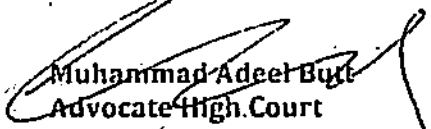
AFFIDAVIT:  
I, (the appellant) solemnly declare that the contents of foregoing application are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honorable Court


  
Deponent

  
Appellant

Through

  
Muhammad Muazzam Butt  
Advocate Supreme Court

  
Muhammad Adeel Butt  
Advocate High Court

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

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA

CM No. \_\_\_\_\_ P-01/2024

In Ref to

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

SULTAN MUHAMMAD

VERSUS

Secretary to Government of Khyber Pakhtunkhwa & others

APPLICATION FOR SUSPENSION OF IMPUGNED NOTIFICATION BEARING NO. SO (POLICY) EAD/1-3/2020 DATED 06/08/2020, COMMUNICATED TO RESPONDENT NO.2 BY 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 US. And if the notification bearing No. So (Policy) EAD/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) EAD/1-3/2020 dated 06/08/2020, communicated to Respondent No.2 by Respondent No.1, Vide Letter Dated 06/06/2023 may kindly be suspended till the final disposal of the main appeal in hand.

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

*[Signature]*  
Deponent


Through

Appellant

*[Signature]*  
Muhammad Hussain Butt  
Advocate Supreme Court

*[Signature]*  
Muhammad Adnan Butt  
Advocate High Court

6



**Dist. Govt. NWFP-Provincial**  
**District Accounts Office Buner at Dages**  
**Monthly Salary Statement (April-2024)**

Personal Information of Mr **SULTAN MUHAMMAD** dw/o of **RASOOL MUHAMMAD**  
 Personnel Number: 00274162 CNIC: 1510104086693 NTN: 0  
 Date of Birth: 10.01.1969 Entry into Govt. Service: 25.03.1992 Length of Service: 32 Years 01 Months 007 Days

Employment Category: Active Permanent  
 Designation: PRIMARY SCHOOL HEAD TEACH 50642790-DISTRICT GOVERNMENT KHYBE  
 DDN Code: UD6233-District Buner  
 Payroll Section: 001 GPF Section: 001 Cash Center: 07  
 GPF A/C No. EDUUR000277 Interest Applied: Yes GPF Balance: 835,456.00  
 Vendor Number: -  
 Pay and Allowances: Pay scale: BPS For - 2022 Pay Scale Type: Civil BPS: 15 Pay Stage: 23

| Wage type |                           | Amount    | Wage type |                           | Amount   |
|-----------|---------------------------|-----------|-----------|---------------------------|----------|
| 0001      | Basic Pay                 | 69,460.00 | 1001      | House Rent Allowance 45%  | 3,524.00 |
| 1210      | Convey Allowance 2005     | 2,556.00  | 1300      | Medical Allowance         | 1,500.00 |
| 1505      | Charge Allowance          | 40.00     | 1551      | Spl Conveyance to Disable | 6,000.00 |
| 1911      | Compen Allow 20% (1-15)   | 1,000.00  | 2145      | 15% Adhoc Relief All-2013 | 915.00   |
| 2199      | Adhoc Relief Allow @ 10%  | 614.00    | 2316      | Teaching Allowance 2021   | 3,224.00 |
| 2341      | Dispr. Rel All 15% 2022KP | 6,608.00  | 2347      | Adhoc Rel At 15% 22(PS17) | 6,608.00 |
| 2378      | Adhoc Relief All 2021 35% | 23,618.00 |           |                           | 0.00     |

**Deductions - General**

| Wage type |                          | Amount    | Wage type |                   | Amount    |
|-----------|--------------------------|-----------|-----------|-------------------|-----------|
| 3015      | GPF Subscription         | -1,290.00 | 1301      | Benevolent Fund   | -1,200.00 |
| 3609      | Income Tax               | -3,371.00 | 1990      | Emp Edu. Fund KPK | -135.00   |
| 4004      | R. Benefits & Death Comp | -600.00   |           |                   | 0.00      |

**Deductions - Loans and Advances**

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

**Deductions - Income Tax**

Payable: 52,712.58 Recovered till April-2024: 32,793.00 Exempted 13178.06 Recoverable: 6,741.82

Gross Pay (Rs.): 125,967.00 Deductions: (Rs.): -9,596.00 Net Pay: (Rs.): 116,371.00

Payee Name: SULTAN MUHAMMAD  
 Account Number: 7900782303  
 Bank Details: HABIB BANK LIMITED, 221141 NAWAGAL, BUNER, NAWAGAL, BUNER., BUNER

Leaves: Opening Balance: Awaikd: Earned: Balance:

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



**OFFICE OF THE DISTRICT EDUCATION OFFICER (DALE) DUNDELA**

**NOTIFICATION:**

Consequent upon the recommendation of the Departmental Promotion Committee held on 29/01/2013 as contained in the minutes of the meeting issued vide this office No. 12156-59 dated 06/02/2013 and in the pursuance of Govt. of Khyber Pakhtunkhwa Elementary & Secondary Education Department Notification No. SO((PE)4-7/SSRC/Meeting/2012/Teaching Cadre Peshawar dated the November 13, 2012, the following Senior Primary School Teachers (SPST) BPS-14 are hereby promoted to the post of Primary School Head Teacher (PSHT) BPS-15 (8500-200-29500) plus usual allowances as admissible under the rules on regular basis under the existing policy of the Provincial Government, in Teaching Cadre on the terms and conditions given below with immediate effect and further posted in the schools noted against each

BPS 15  
183

| S.No | Name              | Father Name    | Present School        | Place of Posting    | Remarks |
|------|-------------------|----------------|-----------------------|---------------------|---------|
| 1    | Muneer Khan       | Zareef Khan    | GPS Kawsar Abad       | GPS Kawsar Abad     |         |
| 2    | Zahir Shah        | Said Hasan     | GPS Ghazi Kot         | GPS Ghazi Kot       |         |
| 3    | Hamid Karim       | Abdul Qadir    | GPS Kankwi            | GPS Kankwi          |         |
| 4    | Farooq Khan       | Hazratullah    | GPS Kawga NO 1        | GPS Kawga NO 1      |         |
| 5    | Hameed Allah      | Ahmed Rahman   | GPS Manjaray          | GPS Manjaray        |         |
| 6    | Fazal Hadi        | Fazal Rahim    | GPS Shalbandi         | GPS Shalbandi       |         |
| 7    | Aurangzib         | Mahd Khan      | GPS Tangora           | GPS Tangora         |         |
| 8    | Shah Pasand       | Gujar          | GPS Karapa            | GPS Dandiar Dara    |         |
| 9    | Muntazir Shah     | Mataf Shah     | GPS Kund Shalbandi    | GPS Kaljanai Daggar |         |
| 10   | Zamrud Shah       | Iqbal Shah     | GPS Annawar No.2      | GPS Annawar No.2    |         |
| 11   | Ashtar Gul        | Hameed Gul     | GPS Barkaly           | GPS Karazav         |         |
| 12   | Hamid Raziq       | Abdul Qadir    | GPS Kund Shalbandi    | GPS Bahlalai        |         |
| 13   | Mohd Ayub Khan    | Muntazir Khan  | GPS Sura No1          | GPS Sura No1        |         |
| 14   | Ilakht Hawan      | Muhammad Amin  | GPS Inzer Maira 2     | GPS Inzer Maira 2   |         |
| 15   | Ahmad Jan         | Hussan wali    | GPS Jali dand         | GPS Jali dand       |         |
| 16   | Hazarat walib     | Syed Sajid     | GPS Kiraramal         | GPS Kiraramal       |         |
| 17   | Inuz Khan         | Hazrat Hiral   | GPS Inzarmaira No1    | GPS Inzarmaira No1  |         |
| 18   | Sher Zaman        | Malakay        | GPS Marghai Jala      | GPS Topai           |         |
| 19   | Shah Zada         | Sher Dad       | GPS Kohay             | GPS Kohay           |         |
| 20   | Najmul Hadi       | Mohd Ismail    | GPS Sro               | GPS Sro             |         |
| 21   | Barakat Shah      | Mirza Shah     | GPS Ambela            | GPS Ambela dara     |         |
| 22   | Habibullah        | Gul Bad Shah   | GPS Elum              | GPS Elum            |         |
| 23   | Sher Bahadar Khan | Abdur Rahman   | GPS Makhranai         | GPS Makhranai       |         |
| 24   | Gul Zamin Shah    | Ibn Amin Shah  | GPS Miana Chamba      | GPS Miana Chamba    |         |
| 25   | Hajharas Khan     | Nadar Shah     | GPS Mughlara          | GPS Mughlara        |         |
| 26   | Sallat javid      | Said Farooq    | GPS Totatal No 2      | GPS Totatal No 2    |         |
| 27   | Zafar Ali Shah    | Melunad Shah   | GPS Wakrol Akad       | GPS Hangeray        |         |
| 28   | Azizur-Rahman     | Sohal Khan     | GPS Koz teraj sur     | GPS Koz teraj sur   |         |
| 29   | Zahir Shah        | Sahib zar Khan | GPS Malak pur         | GPS Malak pur       |         |
| 30   | Akbar Hassan      | Saibhar Khan   | GPS Ghurgushin        | GPS Jahai panjar    |         |
| 31   | Din Mohammad      | Fazal Shah     | GPS Qudratullah Garai | GPS Charnai         |         |

[Signature]  
- 2/11/13

8

| S.No. | Name             | Father Name     | Present School      | Place of Posting    | Remarks |
|-------|------------------|-----------------|---------------------|---------------------|---------|
| 149   | Bakhtyar         | Sher dad        | GPS Legani          | GPS Legani          |         |
| 150   | Rahmat Shah      | Hasan Shah      | GPS Nawagai         | GPS Shalazara       |         |
| 151   | Said Qayum shah  | Nasir           | GPS Chinar No       | GPS Dehrai          |         |
| 152   | Bakht Gul        | Rahim Gul       | GMPS Hiaz Abad      | GPS Poladai         |         |
| 153   | Alaukoti ali     | Gul Rahim Khan  | GPS Shalbandi       | GPS Dara Shalbandai |         |
| 154   | Mohd Asghar Khan | Mohd zahir Shah | GPS Jowar No3       | GPS Salarzaimaira   |         |
| 155   | Said Quraish     | Mian Gul        | GPS Mugbulara       | GPS Tuha            |         |
| 156   | Amir Chamand     | Mohd Qamar Khan | GPS Nawakalay       | GPS Mugbulara       |         |
| 157   | Taj Jehan        | Yaras           | GPS Kozgokand       | GPS Manyari         |         |
| 158   | Ajmal Khan       | Yaqub Khan      | GPS Cheena          | GPS Cheena          |         |
| 159   | Mian Sher Husain | Amir Jafar Shah | GPS Sur Kamar       | GPS Manjar Bajkala  |         |
| 160   | Sarwar Shah      | Abdullah shah   | GPS Torwarak No.1   | GPS Torwarak No.1   |         |
| 161   | said ul haq      | Mul haq         | GPS Batara          | GPS Batara          |         |
| 162   | Muhammad Zahir   | Shahar Khan     | GPS Poladai         | GPS Poladai         |         |
| 163   | Sher Bahadar     | Mohd Shah       | GPS Khaista kaba    | GPS Sroyokjaba      |         |
| 164   | Nour rashid      | Amir shah       | GPS Buzargai        | GPS Buzargai        |         |
| 165   | Sher dad Khan    | Zar dad Khan    | GPS Kathala         | GPS Shuprang        |         |
| 166   | Rashid Iqbal     | sahib Khan      | GPS Khaly kalay     | GPS Trunk           |         |
| 167   | Fazal Rahmani    | Shamsul Arifin  | GPS Jatta Chinar    | GPS Molabanda       |         |
| 168   | Muhammad Naeem   | Mohd Younas     | GPS Sowarai         | GPS Ghundakay       |         |
| 169   | Yaman Khan       | Unara Khan      | GPS Gishar          | GPS Gheshar         |         |
| 170   | Zahid dad        | Pir Dad         | GPS Barkalay        | GPS Shyond          |         |
| 171   | Rashid amin      | Fazal Rahim     | GPS Landai Bazarkot | GPS Bazarkot        |         |
| 172   | Mohd Naeem       | Mohd Naeem      | GPS Nawagai No2     | GPS Daudar Amazai   |         |
| 173   | Bahman Said      | Faizir Said     | GPS Sunigram        | GPS Sunigram        |         |
| 174   | Sharif ullah     | Mohd rasan      | GPS Gokand          | GPS Bargokand       |         |
| 175   | Sami ullah       | Shakir ullah    | GPS Daggar No 1     | GPS Rahim abad      |         |
| 176   | Shamsul Akhar    | Fazal Raziq     | GPS Nawagai No3     | GPS Maniznikowga    |         |
| 177   | Saif ul malook   | Tajhar Khan     | GPS Markanday       | GPS Markanday       |         |
| 178   | Osai Mohd Khan   | Zarin Khan      | GPS lagani          | GPS Karakar Jaha    |         |
| 179   | Aurangzeb        | Sher afzal Khan | GPS Kothay          | GPS Kothay          |         |
| 180   | Fazal Subhan     | Abdul Muqtadir  | GPS Ghazkoti        | GPS Tangom          |         |
| 181   | Zahid Shah       | Hamish Gul      | GPS Buragat No2     | GPS Buragat No2     |         |
| 182   | Islam Shah       | Dawlat Shah     | GPS Qasim Khail     | GPS Qasim Khail     |         |
| 183   | Sultan Mohammad  | Rasul Mohammad  | GPS Ladwan          | GPS Wahid Abad      |         |
| 184   | Yousaf Khan      | Hameed          | GPS Sher ali        | GPS Sher ali        |         |
| 185   | Bakht amin       | Khasta mir      | GPS Kitawar         | GPS Tori palay      |         |
| 186   | Bahman sufad     | Said malook     | GPS Tom hanr        | GPS Pakhtann Maira  |         |
| 187   | Mushfaq Hussain  | Abdul Wahab     | GPS Narhatwal       | GPS Laphara         |         |

| S.No. | Name            | Father Name   | Present School   | Place of Posting      | Remarks |
|-------|-----------------|---------------|------------------|-----------------------|---------|
| 383   | Muhammad Sarwar | Sher Umar     | GPS Dagan No     | GPS Marogal           |         |
| 384   | Haidat Khatt    | Zaiwar Jhali  | GPS Ghalib Khali | GPS Nawakalay Charoml |         |
| 385   | Birar Husain    | Gulzar Husain | GPS Manjar       | GPS Kaulaf Amrozai    |         |

**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 Govt.
3. Their services can be terminated at any time, in case their performance is found unsatisfactory during probationary period. In case of misconduct, they shall be proceeded under the rules framed 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 their duty.
7. They will give an undertaking to this effect to be recorded in their service books accordingly.

**RAJ MUHAMMAD KHAN**  
 DISTRICT EDUCATION OFFICER (M)  
 BUNER

Encls: No. 12502-07

Dated: 21/07/2013

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

- 1 Director Elementary & Secondary Education (Hyber Pakhtunkhwa Peshawar)
- 2 District Accounts Officer Buner
- 3 Dy.D.E.O(M) local office
- 4 S.D.E.O(M) Buner
- 5 Officials concerned.
- 6 PA to D.E.O (M) Local Office.

*[Handwritten Signature]*  
 DISTRICT EDUCATION OFFICER (M)  
 BUNER  
 21/07/13

OFFICE OF THE DISTRICT OFFICER SOCIAL WELFARE & WOMEN DEVELOPMENT DEPARTMENT  
DISTRICT GOVERNMENT BUNER

Reg. No. 01143 / 40/PCRDP/NWFP/BE

Dated: 23/01/2020.

DISABILITY CERTIFICATE

ASSESSMENT BOARD FOR THE DISABLED PERSON

1. Name: Sultam Muhammad 2. Father's Name: Rasool Muhammad  
3. Marital Status: Married 4. Spouse: \_\_\_\_\_  
5. Date of Birth: 1969 6. N.I.C No. 15101-0408669-3  
7. Qualification: B.A 8. Nature of Disability: Physically  
9. Present Address: Village; Saida Kalay Nawagai, P/O Nawagai; Teh; D. Jaji. Dist Buner  
10. Permanent Address: AS above  
11. Recommendation of the Board: Disabled Certificate Special NIC

*Handwritten signature and notes in Urdu script.*

**DISTRICT OFFICER**  
**Social Welfare Department**  
**BUNER**  
District Officer/Secretary,  
District Assessment Board,  
Buner.

OFFICE OF THE MEDICAL SUPERINTENDENT-DHQ: HOSPITAL DAGGAR.

DIS-ABLE-CERTIFICATE.

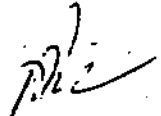
Certified that I examined Mr.Sultan Mohammad S:O Rasool Mohammad r.o village Nawagai (Syedu) Tehsil Chamla District Buner to day on 18-11-2003.

He is hereby Considered Disabled due to Amputation of right leg .

  
MEDICAL SUPERINTENDENT,  
DHQ: HOSPITAL DAGGAR,  
BUNER.

His attested signature below

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

  
MEDICAL SUPERINTENDENT  
DHQ: HOSPITAL DAGGAR,  
BUNER.

Annexure - B

GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT  
(REGULATION-WING)

**NOTIFICATION**

Dated Peshawar, the 06/8/2020

In exercise of the powers conferred by section 25 of the  
Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of  
1973) the Chief Minister of Khyber Pakhtunkhwa is pleased to direct that in the Khyber  
Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the  
following further amendment shall be made, namely:

**AMENDMENT**

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

CHIEF SECRETARY  
GOVERNMENT OF THE KHYBER PAKHTUNKHWA

AMOUNT NO & EVEN DATE

Copy forwarded to:

1. Additional Chief Secretary, Govt. of Khyber Pakhtunkhwa, Planning & Development Department, Khyber Pakhtunkhwa.
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. The Principal Commissioners in Khyber Pakhtunkhwa.
7. All Divisions of Attached Departments in Khyber Pakhtunkhwa.
8. All Autonomous Bodies in Khyber Pakhtunkhwa.
9. All Autonomous/Semi Autonomous Bodies in Khyber Pakhtunkhwa.
10. All Deputy Commissioners in Khyber Pakhtunkhwa.
11. The Registrar, Peshawar High Court, Peshawar.
12. The Registrar, Khyber Pakhtunkhwa Public Service Commission, Peshawar.
13. The Secretary, Khyber Pakhtunkhwa E&A Department.
14. The Deputy Director (IT), E&A Department.
15. All Section Officers in Establishment & Administration Department with the request to arrange 20 Gazette copies.
16. The Section Officer (Admin), Administration Department.
17. The Director, Gazette Copies.

DEPUTY SECRETARY (POLICY)  
(VALUATION & TAXATION)

*[Signature]*

ATTESTED



13

GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT  
(REGULATION WING)

NOTIFICATION

Dated Peshawar the, 06/08/2020.

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

AMENDMENT

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

CHIEF SECRETARY  
GOVERNMENT OF THE KHYBER PAKHTUNKHWA

(ANDS): & EVEN DATE

Copy is forwarded to :-

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

(WARDAH LATIF  
DEPUTY SECRETARY (POLICY)



*[Handwritten signature]*

21.6.23  
2023  
21.6.23

- 1. Copy forwarded to Hon. Secy to Additional Secy (Reg), Establishment Department.
- 2. SA to Additional Secy (Reg), Establishment Department.
- 3. SA to Deputy Secy (Policy), Establishment Department.

Regd. Of even No & date

7/6  
7/6

Section Officer (Policy)

Section Officer (Policy)

Yours faithfully,

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

1. Furthermore, those officers/officials who do not comply with promotion order civil servant to accept promotion in every condition. The basic rationale behind the said rule is aimed at preventing a civil servant from temptation for which will be sticking to a single liberal postposition or to prevent those who tend to forge promotion to evade postposition or show lack of capacity to take higher responsibilities in case of promotion. Therefore, it is obligatory upon every

2. The Government of India has decided to issue a notification dated 06.08.2020, (1989) stands deleted vide this departmental notification dated 06.08.2020, (1989) (3) of Rule 7 of Khayab Pukhkhayab Civil Servants (Appointment, Promotion and Transfer) 2011, dated 18.04.2023 in the subject noted above and to state that Sub-Rule 2A

Subject: GUIDANCE REGARDING OPERATION OF RULE 7(S) IN THE KHAYAB PUKHKHAYAB CIVIL SERVANTS (APPOINTMENT AND TRANSFER) RULES, 1989



GOVERNMENT OF KHAYAB PUKHKHAYAB  
No. SO(100) (100) 100  
Dated: 10 June 2023

Amesure - C



15

GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT  
CIVIL SECRETARIAT PESHAWAR  
(Phone No.091-9223507)

No.50 (Primary-M)/E&SED/2-5/2023  
Dated Peshawar the June 26<sup>th</sup> 2023

To

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

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

*[Handwritten signature]*  
26/6/23

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

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

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

Encl: AA

*[Handwritten 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

*[Handwritten signature]*

16

B/c

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

To

The Director  
Elementary & Secondary Education Department  
Khyber Pakhtunkhwa, Peshawar

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

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

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

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

Encl: AA

(MUHAMMAD ISHAQ)  
SECTION OFFICER (PRIMARY MALE)

Copy forwarded to the:

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

SECTION OFFICER (PRIMARY MALE)

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

Annexure  
1


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


| 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. Rifaqat Ullah | General Secretary APTA Peshawar  |
| 4  | Muhammad Ishaq    | Section Officer (Primary) E&SE Department Civil Secretariat Khyber Pakhtunkhwa Peshawar  |

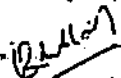
2. The meeting started with recitation from the Holy Quran. The chair welcomed the participants. The Deputy Director (Establishment) of Directorate of Elementary & Secondary Education briefed the forum regarding agenda item in detail.


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

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

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

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

  
(Mr. Rifaqat Ullah)  
General Secretary APTA  
Peshawar

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

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



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

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

| S/1 | 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)

*[Handwritten signature]*

WP442-2023 AZIZULAH VS GOVT CF P043

Assistants Director (Exhibit-1)  
Ministry of Secondary Education  
Khyber Pakhtunkhwa

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

Copy of the above is to:-

Assistants Director (Exhibit-1)  
Ministry of Secondary Education  
Khyber Pakhtunkhwa  
Date: 21/7/2023

The case is submitted for perusal and necessary actions please.

Departmental Promotion Committee.  
provided they submit their written refusal prior to conclusion of the meeting of  
Teacher's Union. It may be recalled of implications of the amendment in the rules laid  
75) have affected negatively a huge number of Female Teachers. Thus it is proposed that  
in view of the above, the office is of considered opinion that the decision of Rules  
has been cancelled. Submission of consolidated case.  
Chairman of Union, Additional Secretary Establishment of the office, has  
That, in the light of the minutes of meeting dated 6-07-2023, held under the  
(Primary-4) E&SED/2-2/Applm/2023 dated 12-06-2023.  
The same was received by the office from your good office with letter No.50  
civil servant to accept promotion under every condition.  
that there shall be no provision in decline or forgo promotion. It is obligatory upon every  
Wing) vide letter No.50 (Policy) E&AD/1-3/2020 dated 6-06-2023 categorically stated  
That the Government of Khyber Pakhtunkhwa Establishment Department (Regulation  
No.50 (Primary-4) E&SED/2-2/Applm/2023 for necessary guidance.  
That you are requested to forward the same to the quarter concerned vide letter  
promotion.  
(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  
No.6987 dated 06-02-2023.  
That this office sought guidance from your good office in the following words vide letter  
vide notification No. SOR-VI (E&AD)/1-3/2020 dated 06-08-2020.  
That Government of Khyber Pakhtunkhwa Establishment Department (Regulation Wing)  
dated Rule 75) in the Civil Servants (Appointment, Promotion & Transfer Rules 1989)

I am directed to refer to the letter No.50 (Primary-4) E&SED/2-2/Applm/2023 dated 10-07-2023 on the subject cited above and to  
presently brief history about the background of the case as under:

Subject: - **MINUTES OF THE MEETING**

The Social Officer (Primary-4),  
Ministry of Secondary Education,  
Khyber Pakhtunkhwa



No. 8145  
Khyber Pakhtunkhwa, Peshawar  
Phone: 091-9222344  
Email: establishment1@gmail.com  
Date: 21-7-2023

- 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) EQ SED/S-1/G.M.H. / Minutes of meeting/PST/2023 dated 30-7-2023 on subject cited above and to present brief history about background of case as under:

- That Government of KP Establishment department (Regulation Wing) deleted rule 7(S) in Civil Servants (Appointment, Promotions, Transfer Rule 1989) vide notification No. No. SDR-VI (EQAD) 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/tumdown the offer of promotion.
- That your good office forwarded the same to quarters concerned vide letter No. SO (Primary-M) EQ SED/2-2/Appointment-2023 for necessary guidance.
- That the government of KP-ED (Regulation Wing) vide letter No. SO (Policy) EQAD/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(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.



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 23<sup>rd</sup> August, 2023

Annexure  
E

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

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

Dear Sir,

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

2. In this connection it is submitted that in some cases lady teacher of primary level who avail such promotions have to face serious inconvenience while they have to perform duties in the remotest station with no residential or transport facility. Most of them are married with kids and elder father 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 EB&SE Khyber Pakhtunkhwa,
2. PS to Secretary, EB&SE Department Khyber Pakhtunkhwa.

  
SECTION OFFICER (PRIMARY MALE)  
20/8/23

Scanned with CamScanner



*[Handwritten signature]*

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

(Muhammad Ishaq)  
Section Officer (Primary)  
(Mails)

In this connection it is submitted that in some cases lady teacher of primary level who avoid 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 fathers of Mother-in-law who need care. In such cases there are negative effects on service delivery. In view of above, the said amendment may be reconsidered to the extent of lady teacher in primary schools.

Dear Sir,  
I am directed to refer to your letter No. S/primary (Policy) E&AD /1-3/2020 dated 04 June 2020 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 2012.

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

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

No. S (Primary-M) E&SE/D/18-1/  
Appointment-Rule/2023  
Peshawar Dated 23rd August 2023.

- b/c -  
- 2 -

*[Handwritten initials]*



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/Appointment-Rule/2023 dated 23.08.2023 on the subject noted above and to state that  
necessary guidance has already been rendered 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.

24

- 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)

25

Annexure - G

To,

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

**Subject: REPRESENTATION AGAINST THE IMPUGNED NOTIFICATION BEARING NO.SO(POLICY)E&AD/1-3/2020, DATED 06/08/2020, COMMUNICATED TO SECRETARY TO GOVERNMENT OF KHYBER PAKHTUNKHWA, ELEMENTARY & SECONDARY EDUCATION DEPARTMENT VIDE LETTER D06/06/2023, WHEREIN IT WAS STATED THAT SUB RULE 5 OF RULE 7 OF KHYBER PAKHTUNKHWA CIVIL SERVANTS (APPOINTMENT, PROMOTION AND TRANSFER) RULES, 1989 STANDS DELETED**


Sir/ Madam:-

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

It is, therefore, humbly prayed that on the acceptance of the instant representation; the Notification bearing No. SO (POLICY) E&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 and against the fundamental principles of natural justice.

Dated 16/08/2024.



  
SULTAN. MUHAMMAD  
S/O RASOOL MUHAMMAD  
PS HT

*[Handwritten signature]*

WP442-2023 AZIZULHAQ VS GOVT OF PG43

08/11/23  
*[Handwritten signature]*

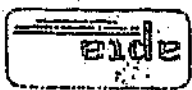
Handwritten text in Urdu script, appearing to be a legal notice or court order. The text is dense and covers several lines of the page.

Handwritten text in Urdu script, possibly a signature or a specific instruction.

Annexure - H

Handwritten text in Urdu script, likely a title or reference for the annexure.

APTA House, Govt. Primary School No. 1, Gulbarga, Ferozpur Cantt.



Rubber-Pakistankhwa

APTA House, Govt. Primary School No. 1, Gulbarga, Ferozpur Cantt.

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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 (V)

*[Handwritten signature]*  
13/5/24

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

*[Handwritten signature]*

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# WAKALAT NAMA

## BEFORE THE SERVICE TRIBUNAL PESHAWAR

SULTAN MUHAMMAD

Appellant

Versus

Government of KP & others

Respondents

I (the Appellant)

do hereby appoint and retain

MUHAMMAD MUAZZAM BUTT ASC. MUHAMMAD ADEEL BUTT AHC

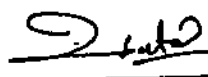
BASSAM AHMAD SIDDIQUI AHC

&

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