


FORM OF ORDER SHEET

Court of _____

Appeal No. 2222 /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

S.A No. 2222/24 DILAWAR KHAN
V/S

Government of KP & others

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ADVOCATE

M. Muazzam Butt

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

In Ref to

Service Appeal No 2222 /2024

Dilawar Khan Son of Sultan Muhammad, PSHT (BPS-15)

High Bohal, PO Lasan nawab, Tehsil and District Mansehra

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

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

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

GROUNDS:-

- a. That as per various judgments it is established and settled principle that executive notifications cannot be given retrospective effect. A valid Notification which confers rights is always applicable with prospective effect, however, if an amendment notification that adversely effects the interests of the employees or causes disadvantage to the employee is not tenable in the eyes of law. The notification/guidance dated 06/08/2020 06/06/2023 are liable to be set-aside.
- b. That there are no terms and conditions of service mentioned in the appointment order of the appellant wherein, availing of promotion is mandatory. It is further submitted that employees in the past, have foregone their promotion along with their posting. It is submitted that when domestic and other personal issues do not permit the employees/appellant to avail the promotion order and in that case, the employees who foregone their promotion were allowed not to avail the promotion for a period 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 Honourable Court.

[Signature]
 Deponent

Through

[Signature]
 Appellant

[Signature]
 Muhammad Muazzam Butt
 Advocate Supreme Court

[Signature]
 Muhammad Adeel Butt
 Advocate High Court

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

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

C.M No _____-P of 2024

In Ref to

Service Appeal No _____ 2024

Dilawar Khan

VERSUS

Secretary to Government of Khyber Pakhtunkhwa, & others

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

Respectfully Submitted:-

1. That the instant application may be treated as part and parcel of service appeal of the appellant.
2. That the appellant has brought a good prima facie case and balance of convenience also lies in favor of the appellant.
3. That there is likelihood success of the appellant in the lis. And if the notification bearing No. So (Policy) E&D/1-3/2020 Dated 06/08/2020, communicated to Respondent No.2 by Respondent No.1, Vide Letter Dated 06/06/2023 is not suspended the appellant would suffer irreparable loss.
4. That valuable rights of the appellant is involved in the case.

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

[Signature]
Appellant

Through

Muhammad Muazzam Butt
Advocate Supreme Court

[Signature]
Muhammad Adeel Butt
Advocate High Court

AFFIDAVIT

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

[Signature]
Deponent

6

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



Personal Information of Mr DILAWAR KHAN d/w/o of SULTAN MUIHAMMAD

Personnel Number: 00225512 CNIC: 1350306219549 NTN:
 Date of Birth: 15.05.1974 Entry into Govt. Service: 26.08.1995 Length of Service: 29 Years 00 Months 007 Days

Employment Category: Active Temporary

Designation: PRIMARY SCHOOL HEAD TEACH 80817863-DISTRICT GOVERNMENT KHYBE

DDO Code: MA6168-nd District Mansehra

Payroll Section: 001

GPF Section: 001

Cash Center: 06

GPF A/C No: EDUMA01124

GPF Interest applied

GPF Balance:

647,394.00 (provisional)

Vendor Number:

Pay and Allowances:

Pay scale: BPS For - 2022

Pay Scale Type: Civil BPS: 15

Pay Stage: 20

Wage type	Amount	Wage type	Amount
0001 Basic Pay	63,520.00	1001 House Rent Allowance 45%	3,524.00
1210 Convey Allowance 2005	2,856.00	1300 Medical Allowance	1,500.00
1505 Charge Allowance	40.00	1968 Incentive Allowance 20%	1,000.00
2148 15% Adhoc Relief All-2013	766.00	2199 Adhoc Relief Allow @10%	546.00
2316 Teaching Allowance 2021	3,224.00	2341 Dispr. Red All 15% 2022KP	6,009.00
2347 Adhoc Rel Al 15% 22(PS17)	6,009.00	2378 Adhoc Relief All 2023 35%	21,539.00
2393 Adhoc Relief All 2024 25%	15,880.00		0.00

Deductions - General

Wage type	Amount	Wage type	Amount
3015 GPF Subscription	-4,290.00	3501 Benevolent Fund	-1,200.00
3609 Income Tax	-4,847.00	3990 Emp. Edu. Fund KPK	-135.00
4004 R. Benefits & Death Comp:	-600.00		0.00

Deductions - Loans and Advances

Loss	Description	Principal amount	Deduction	Balance
6505	GPF Loan Principal Instal	540,000.00	-15,000.00	195,000.00

Deductions - Income Tax

Payable: 77,543.25 Recovered till AUG-2024: 9,694.00 Exempted: 19385.15 Recoverable: 48,464.10

Gross Pay (Rs.): 126,413.00 Deductions: (Rs.): -26,872.00 Net Pay: (Rs.): 100,341.00

Payee Name: DILAWAR KHAN

Account Number: PLS 6862-5

Bank Details: NATIONAL BANK OF PAKISTAN, 231358 LASAN NAWAB LASAN NAWAB, MANSEHRA

Leaves: Opening Balance: Aailed: Eamed: Balance:

Permanent Address: MANSEHRA

City: MANSEHRA

Temp. Address:

City:

Domicile: NW - Khyber Pakhtunkhwa

Email: dilawarkhanpsst@gmail.com

Housing Status: No Official



AnyScanner



Sl. No.	Name and Father's Name	Residence	Place of Posting	Remarks
1	MOOR HUSAIN SHAH NISBIT S/O S. ALI SHAH	SHAH	OPS BRITAL	
2	TAKTUS UR BEKAR S/O SAID ALI	BOZGAN	OPS BARTONI	
3	LINGOT ALI KHAN S/O ALI KHAN	BEHARI PATEL	OPS KANVA KOTE	
4	DELVAY KHAN S/O DELVAY KHAN	SHAI BOKAL	OPS KOTRAY	
5	MONTAL AHMAD S/O BEHAY KHAN	KANVA	OPS BARDEAY	
6	AKHTAR JES S/O ANWER BEKAR	KANI	OPS KATHELA	
7	SAID ALI S/O DELVAY GABIN	KANALI	OPS KATAY	
8	MONTAL AHMAD S/O GABIN	SHORAL N/SHAN	OPS KANDIA	
9	MONTAL AHMAD S/O GABIN	SHORAL N/SHAN	OPS KATAY	
10	MONTAL AHMAD S/O GABIN	SHORAL N/SHAN	OPS KATAY	
11	MONTAL AHMAD S/O GABIN	SHORAL N/SHAN	OPS KATAY	
12	MONTAL AHMAD S/O GABIN	SHORAL N/SHAN	OPS KATAY	
13	MONTAL AHMAD S/O GABIN	SHORAL N/SHAN	OPS KATAY	
14	MONTAL AHMAD S/O GABIN	SHORAL N/SHAN	OPS KATAY	
15	MONTAL AHMAD S/O GABIN	SHORAL N/SHAN	OPS KATAY	
16	MONTAL AHMAD S/O GABIN	SHORAL N/SHAN	OPS KATAY	
17	MONTAL AHMAD S/O GABIN	SHORAL N/SHAN	OPS KATAY	
18	MONTAL AHMAD S/O GABIN	SHORAL N/SHAN	OPS KATAY	
19	MONTAL AHMAD S/O GABIN	SHORAL N/SHAN	OPS KATAY	
20	MONTAL AHMAD S/O GABIN	SHORAL N/SHAN	OPS KATAY	
21	MONTAL AHMAD S/O GABIN	SHORAL N/SHAN	OPS KATAY	
22	MONTAL AHMAD S/O GABIN	SHORAL N/SHAN	OPS KATAY	
23	MONTAL AHMAD S/O GABIN	SHORAL N/SHAN	OPS KATAY	
24	MONTAL AHMAD S/O GABIN	SHORAL N/SHAN	OPS KATAY	
25	MONTAL AHMAD S/O GABIN	SHORAL N/SHAN	OPS KATAY	
26	MONTAL AHMAD S/O GABIN	SHORAL N/SHAN	OPS KATAY	
27	MONTAL AHMAD S/O GABIN	SHORAL N/SHAN	OPS KATAY	
28	MONTAL AHMAD S/O GABIN	SHORAL N/SHAN	OPS KATAY	
29	MONTAL AHMAD S/O GABIN	SHORAL N/SHAN	OPS KATAY	
30	MONTAL AHMAD S/O GABIN	SHORAL N/SHAN	OPS KATAY	
31	MONTAL AHMAD S/O GABIN	SHORAL N/SHAN	OPS KATAY	
32	MONTAL AHMAD S/O GABIN	SHORAL N/SHAN	OPS KATAY	
33	MONTAL AHMAD S/O GABIN	SHORAL N/SHAN	OPS KATAY	
34	MONTAL AHMAD S/O GABIN	SHORAL N/SHAN	OPS KATAY	
35	MONTAL AHMAD S/O GABIN	SHORAL N/SHAN	OPS KATAY	
36	MONTAL AHMAD S/O GABIN	SHORAL N/SHAN	OPS KATAY	
37	MONTAL AHMAD S/O GABIN	SHORAL N/SHAN	OPS KATAY	
38	MONTAL AHMAD S/O GABIN	SHORAL N/SHAN	OPS KATAY	
39	MONTAL AHMAD S/O GABIN	SHORAL N/SHAN	OPS KATAY	
40	MONTAL AHMAD S/O GABIN	SHORAL N/SHAN	OPS KATAY	

APPOINTMENT ORDER.

Consequent upon the decision made by the Honourable High Court Bench at Abbottabad, the following PTD trained candidates selected on merit are hereby appointed in OPS No. 77 of No. 1480 - 01 - 2899 plus usual allowances as admissible under the rule with effect from the date of their taking over charge against vacant posts in the schools given against their names in the interest of public service.

OFFICE OF THE DISTRICT EDUCATION OFFICER, (M.A.E.) PRIMARY MANSHERA.
 OFFICE ORDER NO. 66.....
 DATED MANSHERA THE AUGUST 24, 1995

41	FAZAL-E-NABI S/O H. ALADAD	ITARNGNI PABEN	GPS SERIAN	A/V: POST
42	MOHAMMAD ARSHID S/O FAZEEK MOHAMMAD	ICHUNHASI	GPS SARYATA	A/V: POST
43	ASAF S/O MOHAMMAD NISSEEN	SHENPUR	GPS NREL DATLA BALA	A/V: POST
44	ABDUL WAHEED S/O ABDUL JALIL	BERT NAHAL	GPS DOOD KOT	A/V: POST
45	MASOOD ABHTAR S/O NAJIB SAZIR	MAJOKRA	GPS SALABAT	A/V: POST
46	MUHAMMAD TURBAK S/O MR. ZAMAN	GHANOOI	GPS CHANG KALAGAY	A/V: POST
47	AMMAD NAWAZ S/O HAN. ZAMAN	SHAKPOH	MSO: ATTORIAH	A/V: POST
48	ABDUS SALAM S/O MUHAMMAD FAZAL HAQ	MURAD PUR	GPS CHATTA	A/V: POST

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 subjected to the verification of their original Academic and Professional certificates/documents. Their original Academic and 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.

No one should be handed over charge if he is below 18 years above 33 years in case of the candidates relating to zone "III" and 30 years of others.

5. Their pay will not be drawn until they produce age & health certificate from Medical Superintendent D.H.Q Hospital Mansehra.
6. They will be governed by the service rules framed by the Government of North West Frontier Province.

DISTRICT EDUCATION OFFICER
(MALE) PRIMARY MANSEHRA

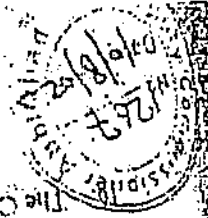
Encl: No 2145-98/U-I Vol -1/98 Dated Mansehra the August 24, 1995
Copy forwarded to:-

1. P.S to Secretary Government of N.W.F.P Education Department Peshawar.
2. Registrar High Court Dera Ishtadabad.
3. P.A Director Primary Education N.W.F.P Peshawar.
4. District Accounts Officer Mansehra.
5. Sub-Divisional Officer Mansehra.
- 6-53 Candidates concerned.
54. Superintendent Local Office.

DISTRICT EDUCATION OFFICER
(MALE) PRIMARY MANSEHRA

DEPUTY SECRETARY POLICY
(WAZIRIYA LAHIA)
M. J. Khan

ATTESTED



- 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 Chief Minister, Khyber Pakhtunkhwa.
- 5. The Principal Secretary to Governor, 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 Public Service Commission, Peshawar.
- 12. The Deputy Director (IT), E&A Department.
- 13. All Section Officers in Establishment & Administration Department with the request to the Section Officer (Admn), Administration Department.
- 14. The Caretaker, Administration Department.

NO. & EVEN DATE

CHIEF SECRETARY
GOVERNMENT OF THE KHYBER PAKHTUNKHWA

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

NOTIFICATION
Dated Peshawar the, 06/08/2020.
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

GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(RECRUITATION-WINGS)

M. J. Khan

Annexure - B -

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)



11
Annexure - C



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
No. SO(Polcy)II&AD/I-3/2020
Dated Peshawar the 06, 2023

62

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

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

Dear Sir,
I am directed to refer to your letter No. SO(Polcy-M)II&AD/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 seeking to a single lucrative post/position or to prevent those who tend to forgo promotion to evade posting/transfer or show lack of capacity to tackle higher responsibilities in case of promotion. Therefore, it is obligatory upon every civil servant to accept promotion in every condition.

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

Yours faithfully,

(Issa M. Khan)
Section Officer (Polcy)

ASE
7/6

7/6

Encl: Of even No & Date

Copy forwarded to the:-

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

Section Officer (Polcy)

SE/...

21.8.23

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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 lha. 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(B) IN THE KHYBER PAKHTUNKHWA CIVIL SERVANTS (APPOINTMENT, PROMOTION AND TRANSFER) RULES, 1988.

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

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

Encl: AA

[Handwritten Signature]

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

Copy forwarded to the:

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

[Handwritten Signature]

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

[Handwritten Signature]

13

B/c

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

To

The Director
Elementary & Secondary Education Department
Khyber Pakhtunkhwa, Peshawar

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

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

I am directed to refer to the subject noted above and to enclose here with a letter of Establishment Department letter No. SO (Policy)ER&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 77(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.


Annexure
0


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

- 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.
- 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
E&SE Department


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


(Mr. Razaqat Ullah)
General Secretary APTA
Peshawar


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

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



-B/C-

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

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

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

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

3. After 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)



No. 8145

Phone No. 9922344

Ministry of Education, Government of Punjab

Email: education@punjab.gov.pk

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

MINUTES OF THE MEETING

Dear Sir,

I am directed to refer to the letter No. SD(Pri-M) & SED-11-10-07-2023 on the subject cited above and in present brief history about the background of the case as under:

- That Government of Kyber Pakhtunkhwa Establishment Department (Regulation Wing) dated Rule 7(2) in the Civil Service (Appointment, Promotion & Transfer Rules 1980) vide notification No. SOR-VI (E&A/D)/1-3/2020 dated 06-08-2020.
- That this office sought guidance from your good office in the following words vide letter No. 6987 dated 06-07-2023.
- (i) Now the obligation upon the civil servant to accept promotion in every condition.
- (ii) It is the prerogative of the civil servant to either accept or turn down the offer of promotion.

- That your good office forwarded the same to the quarter concerned vide letter No. SD (Pri-M) & SED-11-10-07-2023 for necessary guidance.
- That the Government of Kyber Pakhtunkhwa Establishment Department (Regulation Wing) vide letter No. SO (Policy) E&A/D/1-3/2020 dated 06-06-2023 categorically stated that there shall be no provision in decline or forgo promotion. It is obligatory upon every civil servant to accept promotion under every condition.
- The same was received by this office from your good office vide letter No. SD (Pri-M) & SED-11-10-07-2023 dated 12-06-2023.

- That in the light of the minutes of meeting dated 06-07-2023 held under the Chairmanship of Hon. Additional Secretary, Establishment at his office, it has been asked for submission of consolidated copy.
- In view of the above, this office is of considered opinion that the deletion of Rules 7(5) have affected negatively a huge numbers of female Teachers. Thus it is proposed that Teachers below 15-16 may be exempted of implications of the amendment in the rules laid provided they submit their written request prior to conclusion of the meeting of Departmental Promotion Committee.

The case is submitted for perusal and necessary actions please.

Assistant Director (E&A) D-11
Elementary & Secondary Education
Kyber Pakhtunkhwa
12/07/2023

Evidt. No. _____
Copy of the above is to:-
1. PA to Director Local Directorate.
2. Master Copy.

Assistant Director (E&A) D-11
Elementary & Secondary Education
Kyber Pakhtunkhwa

- B/C -

DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION, KPK

To:

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

PESHAWAR,
(21-7-2023)

Subject: Minutes of Meeting

Dear Sir, I am directed to refer to letter No. (SO Primary-M) E&SED/S-1/G/M/Min/
Minutes of meeting/PST/2023 dated 10-7-2023 on subject cited above and to
present brief history, about background of case as under:

- That Government of KP Establishment department (Regulation Wing) deleted rule 7(S) in Civil Servants (Appointment, promotion, Transfer Rules 1989) vide notification No. No. SDR-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. 5987 dated 06-07-2023
 - (i) Now it is obligatory upon civil servant to accept promotion.
 - (ii) It is prerogative of civil servant to either accept/turn down the offer of promotion.
- That your good office forwarded the same to queries concerned vide letter No. SO (Primary-M) E&SED/2-2/Appointment/2023 for necessary guidance.
- That the government of KP-ED (Regulation Wing) vide letter No. SO (Policy) E&AD(1-3/2020 dated 6-06-2023 categorically stated that there exists no provision to decline/forgo promotion. It is obligatory upon every civil servant to accept promotion under every condition.
- That in light of the minutes of the meeting dated 6-07-2023 held under the Chairmanship of Hon. Additional Secretary Establishment at his office, This office has been asked for submission of consolidated case.

In view of the above, this office is of considered opinion that the deletion of Rules 7(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.091-9223587)

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.

(MUHAMMAD ISHAQ)
SECTION OFFICER (PRIMARY MALE)
20/8/23

Scanned with CamScanner

[Handwritten signature]

1. Section E 5 SE Khyber Pakhtunkhwa.
2. PS to Secretary, E 5 SE Department of Education, Khyber Pakhtunkhwa.

(Muhammad Ishaq)
Section Officer (Primary)
(Male)

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

Dear Sir,
I am directed to refer to your letter No. S (Primary) (Policy) / E 5 AD / 1-3/2020 dated 6th 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 2012.

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

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

To
No. S (Primary-M) E 5 SE D / 1-3 /
Appointment - Rule / 2023
Peshawar Dated 23rd August, 2023.

- b/c -

Annexure - F



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

To

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

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

Dear Sir,
I am directed to refer to your letter No. SO(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.

WP4442-2023 AZIZULLAH VS GOVT OF PK

20

- B/c -

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

To

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

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

Dear Sir.

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

Yours faithfully,

Section Officer (Policy)

Endst. Of even No & date.

Copy forwarded to the:-

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

Section Officer (Policy)

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/1-312020, 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:-

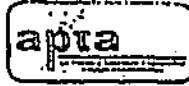
Your Honorable authority promulgated Notification No. SO (Policy) E&AD/1-3/2020, dated 06/08/2020, communicated to Elementary & Secondary Education vide letter dated 06/06/23 wherein it has been made mandatory to the employees to avail the promotion, otherwise, disciplinary action shall be taken against 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 and against the fundamental principles of natural justice.

Dated 19/02/2024

Dilawar Khan
DILAWAR KHAN
SON OF
SULTAN MOHAMMAD
PSHT

Aziz Ullah Khan
Practitioner
0333-0414648
azizullah1972@gmail.com
01 nptaxpk



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

آل پرائمری ٹیچرز ایسوسی ایشن (ایچا) خیبر پختونخوا

Annexure - A

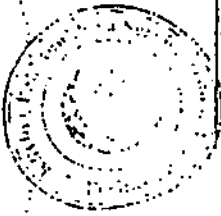
محاب: میگزین ویلز کی ایگزیکٹو کمیٹی
محاب: آل پرائمری ٹیچرز ایسوسی ایشن خیبر پختونخوا
محاب: مال

گزارش ہے کہ پروٹوکول ہر دفعہ سے ہی ہوتا ہے اور اس کی سرکاری نام کی خواہش ہوتی ہے پروٹوکول ایک تعلق ہونا کہ اس کے ہر نام ایک اگر کسی
پروٹوکول سے ایک اور پروٹوکول نہیں تو ہر سال ایک پروٹوکول نہیں بن سکتے تھے محاب ہر سال تک ہر اس کی پروٹوکول نہیں ہو سکتی تھی
پھر اس تعلق میں کوئی رعایت دیا گیا ہر سال تعلق ہوتے ہی عام ایک سال پروٹوکول نہ لینے تو دوسرے سال لے سکتے
ہیں اب ایک ہفتے پہلے ایک اور نوٹیفکیشن ہوتا ہے
اس کے مطابق اب ہر نام پروٹوکول نہیں لے کر نہیں لیں گے تو اس کے خلاف ایچا کی ہدایت کے مطابق کارروائی کر کے لیا گیا ہے
وصول ہے آئی نوٹیفکیشن جاری انسانی حقوق کی کمی خلاف ہدایت ہے سب سے گورنر اور پہلی قانونی کانس کر خواہیں اس کے ہتھیار کے مطابق
سازگار ہونے کا
یہ تمام حالات میں ہی زیر دہی پروٹوکول اور دستاویز بھیجا گیا جاری انسانی حقوق کی خلاف ورزی ہے کہ ٹیچرز ایسوسی ایشن پختونخوا میں بد قسمتی سے خاموشی اختیار
کیا ہوئی ہے ایسے حالات میں یہ یا نوٹیفکیشن جو B&SB کی کاغذی شکل کی جواب میں کیا گیا ہے جو بدلتا اور جاری انسانی حقوق کی خلاف ورزی
ہم اس کے خلاف کارروائی ہر وقت کی کوشش کرتے ہیں
یہ نام آپ سے ہرگز اٹلی کر کے لیا کہ نوٹیفکیشن کو رد کیا جائے اور اس میں ترمیم کر کے پرائمری اسکول (Relaxation) دیا جائے اور اس کے
لہذا ترمیم کے لیے کی ضرورت نہیں ہے اور اس کے لیے کیا جائے
اور پروٹوکول نہ لینے کی ضرورت نہیں ہے اور لیا جائے لیکن یہ (پر دستاویز) کیا جائے
اس سلسلے میں آپ ہدایت ہر نام (DEO) ای ای اور ایک قسم میں سروس جاری کیا جائے تاکہ اس میں پمیل ای میل پرائمری اسکول کو دہی
البتہ اور ہر وقت سے بنایا جائے
کہ نوٹیفکیشن ہدایت ہوتے ہی پرائمری اسکول کو اپنی طور پر ہر وقت کے مطابق شروع ہوتا ہے
یہ نام پر درج رکھنے ہی کہ آپ سامعین کوئی ایجنسی کے سب سے ہر وقت کے پرائمری اسکول، فیسر سائیکل پرائمری اسکول، اور اپنی ایجنسی سے ہات دلاؤ گے

شکر ہے۔

محمد علی خان صاحبی صدر
آل پرائمری ٹیچرز ایسوسی ایشن خیبر پختونخوا
88/77/83

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/commitments. Appellant is directed to deposit TCS expenses within three days. To come up for reply/commitments 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)

(Signature)
13/5/24

Date of Presentation of Application 10-5-24
 Number of 1
 Copying 5/-
 Urgent 5/-
 Total 5/-
 Name of ---
 Date of 13-5-24
 Date of delivery of copy 12-6-24

(Signature)

VAKALAT NAMA

BEFORE THE SERVICE TRIBUNAL PESHAWAR

DILAWAR KHAN
Versus

Appellant

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.

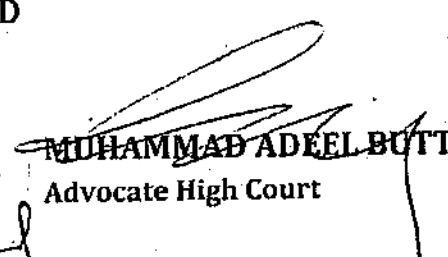


APPELLANT

ACCEPTED



MUHAMMAD MUAZZAM BUTT
Advocate Supreme Court



MUHAMMAD ADEEL BUTT
Advocate High Court



BASSAM AHMAD SIDDIQUI
Advocate High Court