

FORM OF ORDER SHEET

Court of _____

Appeal No.

2266 /2024

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

By order of the Chairman


REGISTRAR

BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA

A NO 2266P/4
MUKHTIAR UD DIN
V/S

Government of KP & others

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ADVOCATE
M. Muazzam Butt

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA

In Ref to:

Service Appeal No. 2266 /2024

Mukhtiar ud Din son of Qayam ud Dun, PSHT (BPS-15)

Sher Khana, PO Pakai, Tehsil Batkhela, District Malakand

.....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.

P R A Y E R:

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.

R E S P E C T F U L L Y S H E W E T H :

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

- 2
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. SD (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) ED 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. SD(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 SD(Primary-M) E&SED/2-2/Appointment Rule/2023 dated 23-08-2023 to reconsider the amendment made in Khyber

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

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

GROUND:-

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

- c. 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.
- d. 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 appellants 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.

Muazzam Butt
Deponent

Through

Muazzam Butt
Appellant
Muhammad Muazzam Butt
Advocate Supreme Court

Muhammad Adeel Butt
Advocate High Court

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

-5-

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA

C.M No _____ -P of 2024

In Ref to

Service Appeal No _____ 2024

Mukhtiar ud Din

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.

AFFIDAVIT

I (the appellant) do hereby solemnly state 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.

Muazzam Butt
Deponent

Muazzam Butt
Appellant

Through

Muazzam Butt
Muhammad Muazzam Butt
Advocate Supreme Court

Adeel Butt
Muhammad Adeel Butt
Advocate High Court

-6-

Dist. Govt. KP-Provincial
District Accounts Office Malakand
Monthly Salary Statement (July-2024)



Personal Information of Mr MUKHTIARUD DIN d/w/s of QIAMUD DIN

Personnel Number: 00336720 CNIC: 1540255525143

Date of Birth: 23.04.1986

Entry into Govt. Service: 01.08.2006

NTN:

Length of Service: 18 Years 00 Months 001 Days

Employment Category: Active Permanent

Designation: PRIMARY SCHOOL HEAD TEACH

80002420-DISTRICT GOVERNMENT KHYBE

DDO Code: MD6080-DY: D.O (M PRY) BATKHELA.

Payroll Section: 002

GPF Section: 001

Cash Center: 02

GPF A/C No: 336720

GPF Interest applied

GPF Balance:

494,587.00 (provisional)

Vendor Number: -

Pay and Allowances:

Pay scale: BPS For - 2022

Pay Scale Type: Civil BPS: 15

Pay Stage: 13

| Wage type | | Amount | Wage type | | Amount |
|-----------|---------------------------|-----------|-----------|---------------------------|-----------|
| 0001 | Basic Pay | 47,680.00 | 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 | 1911 | Compen Allow 20% (1-15) | 1,000.00 |
| 2148 | 15% Adhoc Relief All-2013 | 500.00 | 2199 | Adhoc Relief Allow @10% | 340.00 |
| 2316 | Teaching Allowance 2021 | 3,224.00 | 2341 | Dispr. Red All 15% 2022KP | 4,208.00 |
| 2347 | Adhoc Rel Al 15% 22(PS17) | 4,413.00 | 2378 | Adhoc Relief All 2023 35% | 15,995.00 |
| 2393 | Adhoc Relief All 2024 25% | 11,920.00 | | | 0.00 |

Deductions - General

| Wage type | | Amount | Wage type | | Amount |
|-----------|---------------------------|-----------|-----------|-------------------|-----------|
| 3015 | GPF Subscription | -4,290.00 | 3501 | Benefvolent Fund | -1,200.00 |
| 3609 | Income Tax | -1,770.00 | 3990 | Emp.Edu. Fund KPK | -135.00 |
| 4004 | R. Benefits & Death Comp. | -600.00 | | | 0.00 |

Deductions - Loans and Advances

| Loan | Description | Principal amount | Deduction | Balance |
|------|---------------------------|------------------|------------|------------|
| 6505 | GPF Loan Principal Instal | 350,000.00 | -14,000.00 | 126,000.00 |

Deductions - Income Tax

Payable: 28,319.95 Recovered till JUL-2024: 1,770.00 Exempted: 7079.95 Recoverable: 19,470.00

Gross Pay (Rs.): 97,200.00 Deductions: (Rs.): -21,995.00 Net Pay: (Rs.): 75,205.00

Payee Name: MUKHTIARUD DIN

Account Number: PLS 1923-8

Bank Details: HABIB BANK LIMITED, 221959 PALAI DARRA PALAI DARRA,

Leaves: Opening Balance: Availed: Earned: Balance:

Permanent Address:

City: PALAI

Domicile: NW - Khyber Pakhtunkhwa

Housing Status: No Official

Temp. Address:

City:

Email: mmukhtiar214@gmail.com

ATTTESTED

System generated document in accordance with APPM 4.6.12.9(288590/26.07.2024/v3.0)
 *All amounts are in Pak Rupees
 *Errors & omissions excepted (SERVICES/01.08.2024/21:33:11)

OFFICE OF THE EXECUTIVE DISTRICT OFFICER (S&L) MALAKAND

APPOINTMENT:

Consequent upon the recommendation of the Selection Committee Malakand in its meeting held on 31-07-2006, the undersigned is pleased to approve and appoint the following PST candidates (Male) District Malakand in BPS-07 (Rs.2555-140-6755) plus usual allowances as admissible to them under the rules against the vacant PST posts at the schools noted against each with effect from the date of their taking-over charge in the interest of public services subject to the following terms and conditions:

2 % DISABLE QUOTA

| S.NO. | NAME OF CANDIDATE/FATHER'S NAME | ADDRESS | U/COUNCIL | SCORE | PLACE OF POSTING |
|-------|---------------------------------|-------------|-----------|-------|------------------|
| 1 | Rahman Sadiq S/O Lal Baz | VPO Mehirdi | Mehirdi | 47.99 | GPS-Sharif Abad |

25 % Open Merit

| S.NO | NAME OF CANDIDATE/FATHER'S NAME | ADDRESS | U/COUNCIL | SCORE | PLACE OF POSTING |
|------|--|----------------|------------------|-------|--------------------------|
| 1 | Ziaur Gul S/O Sardar Khan | R/O Sultankhat | Mehirdi | 68.31 | GPS-Dobandi Banda |
| 2 | Gul Zainab S/O Sultan Sharif | R/O Dri Sarai | Dohri | 63.9 | GPS-Patal Banda |
| 3 | Mian Hussain Shah S/O Mir Hassan Shah | R/O Alidadan | Alidadan | 63.36 | GPS-No:3 Battkela |
| 4 | Nabiur Rahman S/O Mast Ali | R/O Koper | Koper | 62.23 | GPS-Zari Shah Baba |
| 5 | Dastar Khan S/O Bakht Zamir | R/O Watair | Watair | 62.06 | GPS-No:1 Dobandi |
| 6 | Mohammed Islam S/O Wali Mohammad | R/O II/Kot | Hiroshah | 61.63 | GPS-Huzrat Manan Karooma |
| 7 | MOHAMMAD S/O Sher Zamir Khan | R/O Bedragga | Bedragga | 61.6 | GPS-Hassan Abad |
| 8 | Mohammad Ishaq S/O Atish Mair | R/O Kot | Kot | 61.12 | GPS-Fairyal |
| 9 | Mohammad Fayaz ul Karim S/O Khapzad | R/O Thalpa | Thana Khass | 61.06 | GPS-Bazzara (P) |
| 10 | Ziaur Ichman S/O Noor Ichman | R/O Kot | Kot | 60.86 | GPS-Dara Malha |
| 11 | Mohammad Zahid Hussain S/O Sultan Khan | R/O Agra | Agra | 60.42 | GPS-Babagano Sar |
| 12 | Naveed Alam S/O Muhammad Sheraf Bacha | R/O Alidadan | Alidadan | 60.36 | GPS-No:1 Mekhband |
| 13 | Habib Amin S/O Jamroz Khan | R/O Alidadan | Alidadan | 60.15 | GPS-No:2 Kher |
| 14 | Dasta Hussain S/O Shah Jeljan | R/O Agra | Agra | 59.58 | GPS-Maina Khinori |
| 15 | Mohammad Alami S/O Abdul Akbar | R/O Prangal | Sakhakot Jagdeed | 59.26 | GPS-Gardai |
| 16 | Sadiq Malik S/O Ooi Malik | R/O Nur Tangi | Pirkhel | 59.2 | GPS-Kandow (Meikhbandi) |

75 % Union Council

| S.NO | NAME OF CANDIDATE/FATHER'S NAME | ADDRESS | U/COUNCIL | SCORE | PLACE OF POSTING |
|------|--|-------------------|-----------|-------|------------------|
| 1 | Abdul Latif S/O Mian Saeed Gul | R/O Babagano Sar | Agra | 56.5 | GPS-Inzergi |
| 2 | Mohammad Idris S/O Mohammad Saeed Khan | R/O Agra | Agra | 55.08 | GPS-Inzergi |
| 3 | Shahid Hussain S/O Perhergar | R/O Alidadan | Alidadan | 57.95 | GPS-Hadi Khass |
| 4 | Mohammad Hussain S/O Alam Zeb | R/O Bedragga | Bedragga | 53.7 | GPS-Kushal Garh |
| 5 | Farid Khan S/O Adam Khan | R/O Ajial Kili | Bedragga | 51.39 | GPS-Kushal Garh |
| 6 | Mukhtar Ahmed S/O Mohammad Saeed | R/O Ijazdar Kili | Bedragga | 51.37 | GPS-Kachi Koper |
| 7 | Mohammed Afshar S/O Alam Zeb | R/O Khatakoo Shah | Dargai | 56.51 | GPS-Sherif Abad |

 ATTESTED

| S.NO | NAME OF CANDIDATE/FATHER'S NAME | ADDRESS | U/COUNCIL | SCORE | PLACE OF POSTING |
|------|-------------------------------------|------------------|----------------|-------|-------------------------|
| 8 | Niamatullah S/O Ajmal Khan | R/O GU Khel | GU Khel | 55.38 | GPS-No:1 GU Khel |
| 9 | Khurshid Khan S/O Jumra Raz Khan | R/o GU Khel | GU Khel | 55.06 | GPS-No:2 GU Khel |
| 10 | Salim Khan S/O Shah Wazir Khan | I/O Khatlak Abad | GU Khel | 49.66 | GPS-No:2 GU Khel |
| 11 | Mohammad Ibrar S/O Gul Muhammad | R/O Gul Dohri | Heroshah | 56.29 | GPS-Jamani Abad |
| 12 | Zard Ali Khan S/O Danial Khan | I/O Haryan Kot | Heroshah | 54.78 | GPS-Kandow (Haryan Kot) |
| 13 | Uhsufullah S/O Chaman Qadir | R/O Zohramandi | Heroshah | 54.14 | GPS-Nasimullah Kill |
| 14 | Niaz Ali Khan S/O Muhammad Gul | I/O Khar | Khar | 53.33 | GPS-No:2 Khar |
| 15 | Fazli Wahab S/O Abdul Wahab | R/O Dehl | Dera Jilangram | 53.59 | GPS-Khar Banda |
| 16 | Abdus Samad S/O Misal Khan | R/O Qaldara | Kharki | 53.55 | GPS-Zarghoon Gul Banda |
| 17 | Alamgir Khan S/O Sultan Mohammad | R/O Lehma | Koper | 59.06 | GPS-Changoo Kill |
| 18 | Amir Zada S/O Gul Zada | R/O Melna | Kot | 59.12 | GPS-Daghara |
| 19 | Noorul Wahab S/O Fazil Wahab | R/O Kot | Kot | 58.86 | GPS-Mongai |
| 20 | Rahim Dad S/O Fazil Iman | R/O kot | Kot | 56.03 | GPS-H.C.Kot |
| 21 | Amin Said S/O Miaz Mohammad | R/O Kot | Kot | 54.48 | GPS-Faizgal |
| 22 | Huzan Mohammad S/O Wali Mohammad | R/O Kot | Kot | 50.79 | GPS-Faizgal |
| 23 | Zameen Khan S/O Hayat Gul | R/O Kot | Kot | 50.75 | GPS-Faizgal |
| 24 | Sarfraz Khan S/O Noor Mohammad | R/O Balkhela | Lower Balkhela | 43.6 | GPS-No:3 Balkhela |
| 25 | Mohammed Ibrar S/O Khawaja Rehman | R/O Malakand | Malakend | 51.37 | GPS-Banjo |
| 26 | Mohammed Arshad S/O Mohammad Yousaf | R/O Malakand | Malakend | 51.16 | GPS-Kandzko |
| 27 | Mohammed Irfan S/O Abdul Malik | R/O Piran | Malakand | 51.1 | GPS-Chepal |
| 28 | Habib Ullah S/O Gul Khan | R/O Makhnawala | Mehirdi | 55.24 | GPS-Miaq Kill |
| 29 | Shahabuddin S/O Qayamuddin | R/O Sherkhana | Palai | 56.56 | GPS-No:1 Palai |
| 30 | Mukhtar Uddin S/O Qayamuddin | R/O Sherkhana | Palai | 52.6 | GPS-Zangai Pallay |
| 31 | Niamat Ghani S/O Abdul Jalil | R/O Sherkhana | Palai | 49.86 | GPS-Bazzara (Payzen) |
| 32 | Zainul Abdin S/O Nawsher Din | R/O Sherkhana | Palai | 48.3 | GPS-Palai Banda |
| 33 | Mohamed Afzal S/O Mohibullah | R/O Nari Tangi | Pirkhel | 58.37 | GPS-No:1 Mekhband |
| 34 | Dehzor Khan S/O Aziz Khan | R/O Makhdand | Pirkhel | 54.62 | GPS-Shivalval |
| 35 | Ajmal Khan S/O Sultan Mohammad | R/O Baghicha | Sakhatot Javed | 57.46 | GPS-No:2 Prangi |
| 36 | Said Zaman S/O Mir Hassan | I/O Total | Sela Patay | 59.07 | GPS-Total |
| 37 | Mohammad Niaz S/O Hazrat Faqir | I/O Total | Sela Patay | 57.43 | GPS-Koragh |
| 38 | Bakhtiar Alam S/O Gul Badshah | I/O Total | Sela Patay | 57.31 | GPS-Koragh |
| 39 | Miftahud Din S/O Sarfraz Khan | I/O Total | Sela Patay | 56.53 | GPS-Showtoop |
| 40 | Abdul Mustafa S/O Khurshid Roshan | R/O Thanna | Thana Khass | 57.84 | GPS-Danda |
| 41 | Ghulam Rashid S/O Ghulam Yahya | R/O Balkhela | Upper Balkhela | 53.14 | GPS-No:2 Balkhela |
| 42 | Mohammad Iqbal S/O Amir Khan | R/O Balkhela | Upper Balkhela | 42.33 | GPS-Chash Abad |
| 43 | Imdad Hussain S/O Abdul Ghaffar | I/O Qadri Khan | Wartair | 57.15 | GPS-Matta |
| 44 | Dawood Khan S/O Saleh Mehmood | I/O Somra | Wartair | 53.86 | GPS-Umdana |
| 45 | Sultan Mehmood S/O Saleh Mehmood | I/O Somra | Wartair | 54.84 | GPS-Garang Dara |
| 46 | Ahmed Nasim Khan S/O Shah Jahan | R/O Wartair | Wartair | 50.18 | GPS-Dobandi Banda |
| 47 | Fazli Shukoor S/O Fazli Gharifur | I/O Qadri Khan | Wartair | 46.6 | GPS-Garang Dara |

Nasir!!!!!!

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ATTESTED

| S.NO | NAME OF CANDIDATE/FATHER'S NAME | ADDRESS | W/COUNCIL | SCORE | PLACE OF POSTING |
|------|-------------------------------------|------------------|-----------------|-------|-------------------------|
| 8 | Niamatullah S/O Ajmal Khan. | R/O GU Khel | GU Khel | 55.38 | GPS-No:1 GU Khel |
| 9 | Khurshid Khan S/O Junia Raz Khan | R/o GU Khel | GU Khel | 55.06 | GPS-No:2 GU Khel |
| 10 | Salim Khan S/O Shah Wazir Khan | I/O Khalidk Abad | GU Khel | 49.66 | GPS-No:2 GU Khel |
| 11 | Mohammed Ibrar S/O Qazi Muhammad | R/O Gul Dehr | Heroshah | 56.29 | GPS-Janna Abad |
| 12 | Zard Ali Khan S/O Dastul Khan | R/O Ilyas Kot | Heroshah | 54.78 | GPS-Kendow (Haryan Kot) |
| 13 | AlihuDanullah S/O Ghulam Qadir | R/O Zormandi | Heroshah | 54.14 | GPS-Nasimullah Kili |
| 14 | Niaz Ali Khan S/O Mohammad Gul | I/Q Khar | Khar | 53.33 | GPS-No:2 Khar |
| 15 | Fazli Wahab S/O Abdul Wahab | R/O Deri | Deri Julegram | 53.59 | GPS-Khar Banda |
| 16 | Abdus Samad S/O Misal Khan | R/O Qaldara | Khosti | 53.55 | GPS-Zarghoon Gul Banda |
| 17 | Atangir Khan S/O Sultan Mohammad | R/O Laima | Koper | 59.06 | GPS-Changoor Kili |
| 18 | Amir Zada S/O Gul Zada | R/O Melna | Kot | 59.12 | GPS-Baghdares |
| 19 | Noorul Wahab S/O Fazli Wahab | R/O Kot | Kot | 58.86 | GPS-Mongal |
| 20 | Rahim Dad S/O Fazli Nanan | R/O kot | Kot | 56.08 | GPS-II.C.Kiu |
| 21 | Amin Said S/O Niaz Mohammad | R/O Kot | Kot | 54.48 | GPS-Faizgai |
| 22 | Ihsan Mohammad S/O Wali Mohammad | R/O Kot | Kot | 50.79 | GPS-Faizgai |
| 23 | Zaman Khan S/O Hayat Gul | R/O Kot | Kot | 50.75 | GPS-Vaizgai |
| 24 | Sarfraz Khan S/O Noor Mohammad | R/O Balkhela | Lower Balkhela | 43.6 | GPS-No:3 Balkhela |
| 25 | Mohammad Ibram S/O Kausia Rehman | R/O Malakand | Malakand | 51.17 | GPS-Ganj |
| 26 | Mohammad Arshad S/O Mohammad Yousaf | R/O Malakand | Malakand | 51.16 | GPS-Kandako |
| 27 | Mohammad Irshad S/O Abdul Malik | R/O Piran | Malakand | 51.1 | GPS-Chappal |
| 28 | Habib Ullah S/O Gul Khan | R/O Mirkhawala | Mchirdi | 55.24 | GPS-Miq Kili |
| 29 | Shahab udin S/O Qayamud Din | R/O Sherkhana | Palai | 56.56 | GPS-No:1 Palai |
| 30 | Mukhtar Uddin S/O Qayamud Din | R/O Sherkhana | Palai | 52.6 | GPS-Zangal Paltay |
| 31 | Niamat Ghani S/O Abdul Jalil | R/O Sherkhana | Palai | 49.86 | GPS-Bazdara (Pyeen) |
| 32 | Zainul Abidin S/O Nowsher Din | R/O Sherkhana | Palai | 48.3 | GPS-Palai Banda |
| 33 | Mohamed Afzal S/O Muhibullah | R/O Nari Tangi | Pirkhel | 58.37 | GPS-No:1 Mekhband |
| 34 | Ghore Khan S/O Aziz Khan | R/O Mekhband | Pirkhel | 54.62 | GPS-Sholawai |
| 35 | Ajmal Khan S/O Sultan Mohammad | R/O Baghicha | Sakhatot Jadeed | 57.46 | GPS-No:2 Prangi |
| 36 | Seid Zaman S/O Mir Hassan | R/O Toli | Sehai Paltay | 59.07 | GPS-Total |
| 37 | Mohammad Niaz S/O Hazrat Faqir | R/O Total | Sehai Paltay | 57.43 | GPS-Korogh |
| 38 | Bakhtrier Alam S/O Gul Dadshah | R/O Total | Sehai Paltay | 57.31 | GPS-Korogh |
| 39 | Miftahud Din S/O Sarfraz Khan | R/O Thana | Sehai Paltay | 56.53 | GPS-Showtoop |
| 40 | Abdul Murisfa S/O Khurshid Roshan | R/O Balkhela | Thana Khass | 57.84 | GPS-Danba |
| 41 | Chulam Rashid S/O Chulam Yohya | R/O Balkhela | Upper Balkhela | 53.14 | GPS-No:2 Balkhela |
| 42 | Mohammad Iqbal S/O Amir Khan | R/O Balkhela | Upper Balkhela | 42.33 | GPS-Chash Abad |
| 43 | Imdad Hussain S/O Ahmad Ghaffar | R/O Qondam Khela | Watair | 57.15 | GPS-Matta |
| 44 | Dawood Khan S/O Said Mohammad | R/Q Sonam | Watair | 53.86 | GPS-Mandara |
| 45 | Sultan Mohammad S/O Said Mohammad | R/Q Sonam | Watair | 54.84 | GPS-Garang Dara |
| 46 | Ahmed Nasimi Khan S/O Shab Jahan | R/Q Watair | Watair | 50.18 | GPS-Dobandi Banda |
| 47 | Fayli Shattoor S/O Fazli Ghaffar | I/O Qondam Khela | Watair | 46.6 | GPS-Garang Dara |

Nasir!!!!!!

Page 2 of 3

ATTESTED

10
TERMS & CONDITIONS.

- Charge report should be submitted to all concerned.
- The appointments are temporary and liable to termination at any time without giving any reason.
- The candidates are required to produce health & age certificate from the Medical Superintendent Malakand.
- They should not hand over charge if their age exceeds 35 years or less than 18 years.
- Their original testimonial should be checked & verify from the concerned Board / University /Institution after the taking over charge & before payment of salary.
- In case they failed to resume charge within 15 days of issue of this order, the order shall stand automatically cancelled.
- The service of fresh candidate will be considered as regular, but in lieu of pension and gratuity, they will be entitled to receive such amount contributed by them towards the C.P. Fund alongwith the contribution made by the Govt to their account in the said fund in terms of section 19 of the NWFP civil servants Act, 1973 as amended by WFP civil servants amended act , 2005.
- The service of the In-service candidates will be considered regular on the confirmation of their service from their respective Department and in case their previous service in their respective department declared contract/fixed, they will be considered and placed as fresh PST candidate from the date of taking-over charge in terms of section 9 of the NWFP civil servant Act, 1973 as amended by NWFP Civil Servant amended act 2005.
- You will be replaced by a senior one PST of your Union Council working at other union council in the case of 75 % Union Council Wise merit

(GUL ZAMAN KHAN)
EXECUTIVE DISTRICT OFFICER-(S&L)
MALAKAND AT BATKHELA

Dated : 31-07-2006

Inst No: 13228-13361/Rccl/PST(N)dc/2006/EDO(S&L)AMhd

Copy of the above is forwarded to:

- (1) Director of Schools & Literacy NWFP Peshawar.
- (2) The District Nazim Malakand.
- (3) The District Coordination Officer Malakand.
- (4) The Dy:D.O (Male) Swat Rasilzai at Batkhela.
- (5) The Dy:D.O (Male) Sama Ranizai at Dargai.
- (6) The Agency Accounts Officer Malakand.
- 7-71 The Head Teachers GPS concerned.
- 72 The B&AO (Local Office)
- 73 All the Head of Departments / Institutions of In-Service candidates concerned.
- 74-133 The Candidates concerned.

EXECUTIVE DISTRICT OFFICER (S&L)
MALAKAND AT BATKHELA

Hasir!!!!!!

Page 3 of 3


ATTESTED

-12-

**GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(REGULATION WING)**

NOTIFICATION

Dated Peshawar, the, 06/08/2020

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

AMENDMENT

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

CHIEF SECRETARY
GOVERNMENT OF THE KHYBER PAKHTUNKHWA

(ANDS); & EVEN DATE

Copy is forwarded to :-

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

(WARDAH LATIF
DEPUTY SECRETARY (POLICY)

ATTESTED

14

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

No. 60 (Primary-M)/E&SED/2-6/2023
Dated Peshawar the, June 26th, 2023

To

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

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

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 herewith a letter of Establishment Department letter No. 60 (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.

Enc: AA

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

Copy forwarded to the:

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

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

ATTESTED

15
B/c

No. SO (Primary-M) / E&SED / 2-6 / 2023
Dated Peshawar the 1 June 25th 2023

To

The Director,
Elementary & Secondary Education Department
Khyber Pakhtunkhwa, Peshawar
Atta Ullah Khan President
President -
All Primary Teacher's Association, KP.

Subject:

GUIDANCE REGARDING DELETION OF RULE 7(3) 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&SB 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

(MURAMMAD ISHAQI)
SECTION OFFICER (PRIMARY MAIL)

Copy forwarded to them

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

SECTION OFFICER (PRIMARY MAIL)

WP4442-2023 AZIZULLAH VS GOVT OF PK 63

ATTESTED

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

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

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

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

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

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

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

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

(Mr. Rajaqal Ullah)
General Secretary APTA
Peshawar

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

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

ATTESTED

-17-

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

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

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

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

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

Provincial President
All Primary Teachers Association
Khyber Pakhtunkhwa

(Mr. Rafaqat Ullah)
General Secretary APTA
Peshawar

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

(Abdullah)
Additional Secretary (Establishment)

ATTESTED

-18-

-B/C-

DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION, KPK

To:

Section Officer (Primary Male)

PESHAWAR
(21-7-2023)

Elementary & Secondary Education Department
KPK, Peshawar.

Subject: Minutes of Meeting

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

- That Government of KP Establishment department (Regulation Wing) deleted rule 7(5) in Civil Servants (Appointment, promotion, Transfer Rules 1973) 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. 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/turndown the offer of promotion.
- That your good office forwarded the same to quarters concerned vide letter No. SD (Primary-M) E&SED/2-2/Appointment/2023 for necessary guidance.
- That the government of KP-ED (Regulation Wing) vide letter No. SD (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 ~~any~~ condition.
- That in light of the minutes of the meeting dated 6-07-2023 held under the Chairmanship of Hon. Additional Secretary Establishment at his office. This office has been asked for submission of consolidated case.

In view of the above this office is of considered opinion that the deletion of Rules 7(5) have affected negatively, a huge number of female teachers.

The case is submitted for perusal and necessary action
please.

- Copy of the above to;
- 1. PA to Director Local Directorate
- 2. Master Copy

Assistant Director
Elementary & Secondary Education,
Khyber Pakhtunkhwa.

WP4442-2023 AZIZULLAH VS GOVT OF PAK

ATTESTED



20

ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT
CIVIL SECRETARIAT PESHAWAR
(Phone No.091-9221587)

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

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

Annexure
E

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)/ EBAD/ 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 of mother-in-law who need care. In such cases, there are negative effects on service delivery.

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

(MUHAMMAD ISMAEL
SECTION OFFICER (PRIMARY MALE))

Copy forwarded to the:

1. Director EBSE Khyber Pakhtunkhwa,
2. PS to Secretary, EBSE Department Khyber Pakhtunkhwa.

SECTION OFFICER (PRIMARY MALE)

23/8/23

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ATTESTED

~~SECRET~~

PS of Secretary, E.S.C. Department
1. Director E.G.Z. Khyber Pakhtunkhwa
Copy forwarded to:
(Muhammad Ziaur)
the record of body teacher in primary school to
In view of above, the said amendment may be cascaded to
efforts on seeking delivery.
Mother-in-law who need care in such case there are no
most of them are married with her and elder brother of
in the remnant stations with no residential/transport facilities
of course serious inconvenience which they have to perform due to
teacher of primary level who could such promotion have to
In this connection it is submitted that in some cases body
C.M. Second (Efficiency and Discipline) Block 201
different teams shall be proceed under Khyber Pakhtunkhwa
of the concerned authority or try to evade promotion through
these officers/officers who do not comply with promotion orders
Promotion and Transfer Rules 1989) - It has been intimated that
deletion of Rule 7(S) Khyber Pakhtunkhwa C.M. Second (Appointments
H-3/2020 dated 27 June 2023 and to state that after
I am directed to refer to your letter No. S.O. 500
(Refd) E.A.D

Dear Sir,

C.M. Second (Appointments) Promotion of Transfer Rules
SUBJECT: Clarification regarding deletion of Rule 7(S) in the
P.S. Charsadda
Establishment and Administration Department
The Secretary to Government of Khyber Pakhtunkhwa
Peshawar Date 23rd August 2023
Refund Date 2023
No. 5 (Primary-M) E.S.C.D. F-1/21

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Annexure F



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

✓ To
22

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/Appointmgt-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,

[Signature]
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.

WPA442-2023 A222014 VS GOVT OF PKT

[Signature]
ARRESTED

23

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,
Primary & 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 via 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)

WP4447-2023 ARIZULLAH VS GOVT CFP643

ATTESTED

24-

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 whereip 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) /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 26/10/2024

mukhtar ud din
~~ATTESTED~~
MUKHTAR UD DIN
S/O QAYAM UD DIN
PSHT

ATTESTED

MP-2022-2022 AZIZURRAH V/S GOVT OF PAK

የኢትዮጵያ ቴክኖሎጂ
ኩል ማስተካከል

انجمن اسلامی (کوکا) کے اعلیٰ ادارے کی جانب سے ملکیت احمد احمد - H

Chubbsachar Pathindwari City,
Dowr Primary School Head.

Digitized by srujanika@gmail.com

ende

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W/C

07.04.2024



1. Learned counsel for the appellant present.
2. Let a pre-submission 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.D. D.P given to learned counsel for the appellant.
3. Alongwith the service appeal there is an application for suspension of Notification dated 06.06.2023 and letter dated 23.08.2023. till the final disposal of main service appeal. In the meanwhile, no adverse action shall be taken against the appellant till next date of hearing.

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

Date of Preparation of Application 10-04-24
Number of 13
Copy to 1
Urgent SI
Filing SI
Name of SI
Date of 10-04-24
Date of Dispatched 10-04-24

CS CamScanner

~~ATTESTED~~

27

VAKALAT NAMA

BEFORE THE SERVICE TRIBUNAL PESHAWAR

MOKHTIR UD DIN

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.

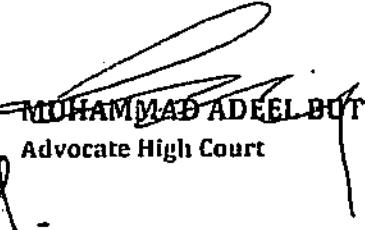
I agree to ratify all acts done by the aforesaid Advocate in pursuance of this Authority.

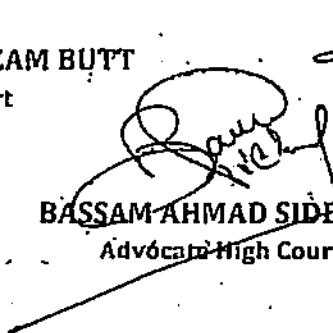
muktar

APPELLANT

ACCEPTED


MUHAMMAD MUAZZAM BUTT
Advocate Supreme Court


MOHAMMAD ADEEL BUTT
Advocate High Court


BASSAM AHMAD SIDDIQUI
Advocate High Court