


FORM OF ORDER SHEET

Court of _____

Appeal No. 22/0 /2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
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. 2210

YASMEEN BEGUM
V/S

Government of KP & others

INDEX

S#	DESCRIPTION OF THE DOCUMENTS	ANNEX	PAGES
1.	Appeal and Verification	*	1-4
2.	Application for suspension	*	5
3.	Copy of Monthly Salary account	A.	6 - 15
4.	Copy of notification No. SD (Policy) EV AD/1-3/2020 dated 06/08/2020	B.	16 - 17
5.	Copy of Impugned Letter dated June 06th, 2023	C.	18 - 20
6.	Copy of Minutes of Meeting dated 06-07-2023	D.	21 - 24
7.	Copy of Letter dated 23-08-2023	E.	25 - 26
8.	Copy of Impugned letter dated 07-09-2023	F.	27 - 28
9.	Copy of Representation against the said notification and representation made by APTA President	G & H	29 30 - 31
10.	Wakalat Nama		32

ADVOCATE
M. Muazzam Butt

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

In Ref to

Service Appeal No 2210 /2024

Yasmeen Begum Wife of Muhammad Gulzar, SPST
GGPS Patwar Bala, Tehsil & District Peshawar

.....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 Senior Primary School 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.

- 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.
- 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.

jab Beg
Deponent

jab Beg
Appellant

Through

Muhammad Muazzam Butt
Advocate Supreme Court

Muhammad Adeel Butt
Advocate High Court

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

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

CM No _____ -P of 2024

In Ref to

Service Appeal No _____ /2024

**YASMEEN BEGUM
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 Ila. 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 stated on oath that the contents of foregoing application are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Court

Yas Begum
Deponent

Through

Appellant *Yas Begum*

Muhammad Muazzam Butt
Muhammad Muazzam Butt
Advocate Supreme Court

Muhammad Adnan Butt
Muhammad Adnan Butt
Advocate High Court

Dist. Govt. KP-Provincial
District Accounts Office Peshawar Dist.
Monthly Salary Statement (May-2024)



Personal Information of Miss **YASMIN BEGUM** d/w/s of **MUHAMMAD SADIQUE**

Personnel Number: 00046873

CNIC: 1730112442582

NTN: 0

Date of Birth: 26.06.1971

Entry into Govt. Service: 06.11.1996

Length of Service: 27 Years 06 Months 027 Days

Employment Category: Vocational Temporary

Designation: SENIOR PRIMARY SCHOOL TEA

80678603-DISTRICT GOVERNMENT KHYBE

DDO Code: PW6572-District Peshawar

Payroll Section: 002

GPF Section: 001

Cash Center: 77

GPF A/C No: EDU 044521

GPF Interest applied

GPF Balance:

626,662.00 (provisional)

Vendor Number: -

Pay and Allowances:

Pay scale: BPS For - 2022

Pay Scale Type: Civil

BPS: 14

Pay Stage: 21

Wage type	Amount	Wage type	Amount
0001 Basic Pay	59,070.00	1004 House Rent Allow 45% KP21	8,640.00
1210 Convey Allowance 2005	2,856.00	1300 Medical Allowance	1,500.00
2148 15% Adhoc Relief All-2013	766.00	2199 Adhoc Relief Allow @10%	515.00
2316 Teaching Allowance 2021	3,036.00	2341 Dispr. Red All 15% 2022KP	5,611.00
2347 Adhoc Rel AI 15% 22(PS17)	5,611.00	2378 Adhoc Relief All 2023 35%	20,065.00

Deductions - General

Wage type	Amount	Wage type	Amount
3014 GPF Subscription	-3,900.00	3501 Benevolent Fund	-1,200.00
3543 Professional Tax	-1,200.00	3609 Income Tax	-1,656.00
3990 Emp.Edu. Fund KPK	-135.00	4004 R. Benefits & Death Comp.	-600.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance

Deductions - Income Tax

Payable: 25,417.38 Recovered till MAY-2024: 17,408.00 Exempted: 6353.84 Recoverable: 1,655.54

Gross Pay (Rs.): 107,670.00 Deductions: (Rs.): -8,691.00 Net Pay: (Rs.): 98,979.00

Payee Name: YASMIN BEGUM

Account Number: 0004637901104103

Bank Details: HABIB BANK LIMITED, 220463 NAUTHIA, PESHAWAR. NAUTHIA, PESHAWAR, PESHAWAR

Leaves: Opening Balance: Aailed: Earned: Balance:

Permanent Address: PESH

City: Peshawar

Domicile: NW - Khyber Pakhtunkhwa

Housing Status: No Official

Temp. Address:

City:

Email: yasminbegum2606@gmail.com

ATTENDED

System generated document in accordance with APPM 4.6.12.9(87333/24.05.2024/v3.0)

* All amounts are in Pak Rupees

* Errors & omissions excepted (SERVICES/03.06.2024/22-03:42)

- 13. Shabbana Wasir D/O Wasir Mohammad
Pa/PIC 1934-95 (574/120) O/O Jan
Hamayun No. 3 Sheikh Abad NO. 3
Reshwar City. GGPS Faqir Abad NO. 2 Against
newly creat
PTC Posts.
- 14. Shakila D/O Ghulam Abbas
Pa/PIC 194-95 (67/120)
M.A. No. 10 Saktari
Colony Reshwar City. GGPS Ghari Abdul Manan -do-
instead of Ghari Mustajab
- 15. Irum Iqbal D/O Ishtiaq Ahmed
Matric/PTC 194-95 (5/120)
House No. 10 Habbalah Artia Maktisaban
Village Reshwar City. GGPS Ghari Abdul Manan
instead of Ghari Mustajab -do-
- 16. Noorah Begum D/O Khawaja Ahmad
Matric/PTC 194-95 (4/120)
Ahmed No. 10 Sukhra No. 4 Ankshol
Colony Reshwar City. GGPS Ghari Chandon -do-
(Daud Jal)

PR-3

- 17. Saeeda Begum D/O M. Tahir Hussain
D.Com/PTC 1992-93 (75/1200) O/O
M. Tahir Hussain Directorate of
Information Govt. Of W.P.F. GGPS Rahat Abad
Shifted to Falosi Talarzai -do-
- 18. Saira Bibi D/O Mohammad Asad
Matric/PTC 1994-95 (325/120)
M.A. No. 10 Saktari NO. 9 Pakistan
Forest Institute Campus Reshwar. GGPS Rahat Abad
Shifted to Falosi Talarzai -do-
- 19. Safia Begum D/O Saad Ahmed
Pa/PIC 194-95 (550/90) IOU
Village Sidi Ghori Habbalah
Khanji University Reshwar. GGPS Sadi Korona -do-
- 20. Hasreena Begum D/O Abdul Hussain
Matric/PTC 1994-95 (451/90) IOU
O/O Saktari Lecturer Public
School/Village Parsak Road Reshwar. GGPS Sadi Korona -do-

PR-4

- 21. Sukheena Begum D/O Kamal Yusaf
Matric/PTC 1953-54 (632/1150) T.V
Colony Gulzig NO. 4 Swati Gate Reshwar. GGPS Sheikhhan -do-
- 22. Gul Afshan D/O Musarat Iqbal
Matric/PTC 1959-9 (73/120)
Mission Hospital Baheri Reshwar. GGPS Abdara NO. 2 Against Vacant
PTC Post.
- 23. Mahjabeen D/O Mehboob Alam
Pa/PTC 195-54 (775/120)
Cantonment Road Middle School. GGPS Sheikh Mohammadi Against
Shifted to Mian Ghari newly
Sanction
PTC Post
- 24. Shafiqat Begum D/O Shafiq Hussain
Pa/PTC 1952-53 (612/1200) O/O Dur
Hussain School Block No. 225 New
Railway Colony Reshwar Cantt. GGPS Hers Masho Guggar -do-
- 25. Maryum Bibi D/O Mohammed Nisar
Pa/PTC 195-54 (676/120)
English School Stadium Hussain
Road Sheehan Station Town Reshwar. GGPS Sheikhhan -do-
- 26. Farida D/O Ghulam Aziz
Matric/PTC 195-54 (833/120)
Shahar Colony Street NO. 3. GGPS Landi Ardab
Shifted to Achar NO. 1

ATTENDED

27.	Nazia Gul D/O Awas Khan Matric/PTC 1994-95(861/1200) Landi Arbab Peshawar.	GGPS Sara Khwara	Against Vacant PTC Post
28.	Nazia Nigar D/O Hudas Khan FA/PTC 1994-95(858/1200) S/O Gali Akhoun Papu Sultan Head Aila Bari Peshawar.	GGPS Landi Arbab shifted to Achar NO.2	Against newly created PTC Post.
FF-5			
29.	Ruqiyah Begum D/O Qazi Nurhanud Din Matric/PTC 1994-95(857/1200) Village: P.O. Sheikh Killi Pesh.	GGPS Sheikh Killi	Against Vacant PTC Post.
30.	Khalida Begum D/O Bilal Khan FA/P. 1994-95 (1341/1200) Assistant of Chargehand	GGPS Haryan Garah	-do- -do-
31.	Sohail Sultan D/O Mustaz Ali Matric/PTC 1994-95(859/1200) C/O Chahel Gramad Khail P.O. N. haqi Peshawar.	GGPS Malo gan	-do- -do-
32.	Shahzad Hashmat D/O Hashmat Ali Matric/PTC 1994-95(847/1200) -Village Bela Gramad Khail P.O. Chahqi Peshawar.	GGPS Shagi Payan	-do- -do-
33.	Shahzara Ilyas D/O Mohammad Ilyas Matric/PTC 1994-95(752/1200) Village Charparisa Peshawar.	GGPS Gul Abad/Sherabad	-do- -do-
34.	Intia Begum D/O Mohammad Manif. Matric/PTC 1994-95(706/1200) Village Farri Korooni Ghaili Ander: Khail Peshawar.	GGPS Khatt Kalli	-do- -do-
35.	Selma Mustaz D/O Mustaz M. I. Q. Matric/PTC 1994-95(477/900) AIOU Faqih Ghari Masal P.O. Terai Pagar Peshawar.	GGPS Ghari Bobet Khan	Against newly created PTC Post
FF-6			
36.	Shabanah Ahsed D/O Syed Ahsan Shah Matric/PTC 1994-95 (1866/1200) Village Fakir Ghulam Peshawar.	GGPS Mashai	-do-
37.	Hashida Begum D/O Ahsan Ullah Khan Matric/PTC 1994-95(867/1200) Village Nawra Chahqi Peshawar.	GGPS Nawra	Against Vacant PTC Post.
38.	Shahista Toheed D/O Abdur Rashid Matric/PTC 1994-95(828/1200) B.NO.4-12 Block (A) St: NO.3 Afghan Colony Peshawar.	GGPS Rankission (Munlim Abad)	Against newly created PTC Post.
39.	Fareana D/O Nawal Khan FA/PTC 1994-95 (742/1200) B.NO. Ghazib Abad NO.2 ST: NO.6 Near Army Supply Depu Peshawar.	GGPS Mashai	-do- -do-
40.	Nusrat Bibi D/O Shammud Roz Khan FA/PTC 1994-95(854/1200) Bardar Ahmed Jan Colony Street NO.7 Peshawar City,	GGPS Landi Daud Zai NO.1	-do-
41.	Razia Afsar D/O Rehat Gul FA/PTC 1994-95(830/1200) St: NO.4 Mirghus Street B.NO.1 Afghan Colony Peshawar.	GGPS Landi Daud Zai NO.1	-do-

Continued on next Page NO.2

RESTRICTED

- 43. Night Rashid D/O Abdur Rashid. BA/PTC 1974-75 (827/1200) O/O. Mohammad Iqbal Manager Allied Bank Of Pakistan Zahid Ahmad Bhandari Reswar. GGPS Ram Kission (Muslimabad) Against newly creat PTC Posts.
- 44. Neelam Akhtar D/O Abdul Qadoos Matr: PTC 1974-75 (822/1200) Reswar of Okara. GGPS Landi Daud Sai NO-2 -do-
- PR-2
- 45. Amir Gul D/O Gulzar Gul Matr: PTC 1974-75 (855/1200) Village P.O.Chankani Reswar. GGPS Chuha Guggar -do-
- 46. Juma Begum D/O Wazir Khan FA/PTC 1974-75 (855/1200) Mohallah Gharin ad Chankani Reswar. GGPS Chuha Guggar -do-
- 47. Asim D/O Shamsher Khan Matr: PTC 1974-75 (846/1200) Mohallah Kohitan Chankani GGPS Budri NO.2 -do-
- 48. Nafisa Jan D/O Abdul Ghafoor FA/PTC 1974-75 (818/1200) Village Masma Reswar. GGPS Masma Against Vacant PTC Post
- 49. Ghazala Yasmeen D/O Maaz Khan FA/PTC 1974-75 (873/1200) Village & P.O.Bad Hair Pesh Maryuzai GGPS Maryuzai Against Newly created PTC Post
- 50. Bahir Amin D/O Mohammad Amin FA/PTC 1974-75 (787/1200) Mohallah Qadir Khail Chankani GGPS Urmar Payan -do-
- 51. Shahna D/O Jan Mohammad Matr: PTC 1974-75 (749/1200) Village & P.O.Chankani GGPS Urmar Payan -do-
- 52. Farmer D/O Rustom Khan FA/PTC 1974-75 (745/1200) Mohallah Qadir Khail Chankani GGPS Maryuzai -do-

- PR-3
- 52. Zurida Begum D/O Basheer Khan Matr: PTC 1974-75 (745/1200) Village Masmo Khail Reswar. GGPS Masmo Khail Against Vacant PTC Post

GENERAL MERIT.

- 53. Sadia Bilal D/O Muzafar Ahmed Shah FA/PTC 1974-75 (838/1200) S.NO. 14-5 Village Sakatoot Reswar. GGPS Parri Payan Against newly created PTC
- 54. Romana Iftikhar D/O Iftikhar Ahmed Matr: PTC 1974-75 (338/1200) S.NO. 2323 Mohallah Gazi Khailan Bazar Solan Reswar City. GGPS Parri Payan -do-
- 55. Farzana Bilal D/O Tila Mohammad FA/PTC 1974-75 (831/1200) Mohallah Idris Adullajj Shah Mubgari Reswar. GGPS Sher Killi -do-
- 56. Rukhsana Jalal D/O Mahboob Alam Matr: PTC 1974-75 (827/1200) C/O Mushtaq Ahmed Mubgari Reswar City. GGPS Sher Killi -do-

Continues on next page.NO.5

ATTACHED

57.	Yasmeen D/O Mohammed Hanif Matric/PTC 1974-95 (827/1200) H.NO.327 Hushbanagry Colony Outside Gunj Feshawar.	GGPS Daud Ghari	Against newly created PTC post.
58.	Nishat Inara D/O Imran ud Din Matric/PTC 1974-95 (816/1200) H.NO.222 Bakindar Pura Feshawar.	GGPS Daud Ghari	-do-
59.	Shahnaz Parveen D/O Mohd:Iqbal BA/PTC 1974-95 (813/1200)H.NO. 2221 Mohallah Quzi KheCan Bazar Aalan Feshawar City.	GGPS Nilavi	-do-
60.	Baqi Bili D/O Abdul Azaq Matric/PTC 1974-95 (813/1200) Mohallah Sheikh ul Islam H.NO. 2149 Illaqa Gunj Feshawar City.	GGPS Nilavi	-do-
61.	Bumir Yasmeen D/O Mohammed Aslam BA/PTC 1994-95 (812/1200)H.NO. 32-K Khan Mall Hushbanagry Fesh:	GGPS Musazai NO.2	-do-
62.	Nahid Zahid D/O Abdul Razaq Matric/PTC 1974-95 (812/1200) C/O Abdul Rafiq Stone Clerk Train Lighting Railway Colony Feshawar Cantt:	GGPS Musazai NO.1	Against Vacant PTC Post.
63.	Nazir Wasir D/O Wasir Mohammad. Matric/PTC 1974-95 (812/1200) H.NO.22 Nishat Pura New Gate Feshawar City.	GGPS Musazai NO.1	Against newly created PTC Post.
64.	Nagina Iqbal D/O Wahid ullah BA/PTC 1974-95 (808/1200) Gharib Road NO.2 Malazak Road Feshawar City.	GGPS Bela Niko Khan	-do-
65.	Imam Nazir D/O M.Usmanayum BA/PTC 1974-95 (808/1200) C/O Dr. Hameed Khan Sardoha Gate Feshawar City.	GGPS Art Baba	-do-
66.	Shahnaz Begum D/O Miraz Ahmad BA/PTC 1974-95 (808/1200) bardar Ahmed Jan Colony St:NO.7 Feshawar City.	GGPS Shah Alam	-do-
67.	Tanzila Begum D/O Abdul Majid Matric/PTC 1974-95 (807/1200) H.NO.222 Illaqa Gunj Gate Feshawar City.	GGPS Ghari Chandan (Daud Zai)	-do-
68.	Imam Nazir D/O Asghool Ahmed BA/PTC 1974-95 (807/1200) C/O Abdul Wahman Anwar Colony Gul Bahar Feshawar City.	GGPS Hamid Abad (Michini Ghari)	-do-
69.	Robina Sulteen D/O Tila Mohd. Matric/PTC 1994-95 (804/1200) H.NO.434 Mohallah Mula Baroo Illaqa Gunj Feshawar City.	GGPS Hamid Abad (Michini Ghari)	-do-
70.	Shagufta Wasir D/O Nasir Ahmed BA/PTC 1974-95 (803/1200) Mohallah Bakindar Town Faisal Market Opp: G.T.S Work; Shop	GGPS Bela Niko Khan	-do-
71.	Afshin naz D/O Mohammad Hussain BA/PTC 1974-95 (802/1200)Mohallah Kangi Kable Gate Feshawar, City.	GGPS Esa Khan	-do-

ATTESTED

- 73. Yusman Begum D/O Mohammad Sadiq
FA/PTO 1944-5 (742/120) B.NO. 1423
Village Gola Achra Goleen Peshawar. ✓
GGPS Patwar Bala
Against Vacant PTC Post.
- 74. Saifullah D/O M. A. Saad Saad
Matric/1944-5 (742/120)
Village Gola Achra Goleen Peshawar.
GGPS Saifid Sang -do-
- 75. Saifullah D/O Mohammad Ayub
Matric/1944-5 (742/120) B.N.O.
Village Gola Achra Goleen Peshawar.
GGPS Khatt Killi -do-
- 76. Saifullah D/O Gul Goyum
Matric/1944-5 (742/120)
Village Gola Achra Goleen Peshawar NO.2
GGPS Mashe Guggar (Masim Block) -do-
- 77. Saifullah D/O Saifullah
Matric/1944-5 (777/120)
B.N.O. 1399 Mohallah Afridi Khan
Village Goleen Gate Peshawar
GGPS Mashe Ghail
Against newly created PTC Post.
- 78. Rifaqat D/O Mohammad Ali
Matric/FAO 1944-5 (774/120)
B.N.O. 531 Village Goleen Gate Peshawar.
GGPS Sarkhana
Against Vacant PTC Post.
- 79. Samiullah D/O Gul Khan
FA/PTO 1944-5 (774/120)
Village Goleen Gate Peshawar NO.3
GGPS Adizai NO.1 -do-
- 80. Jazir Begum D/O M. Dullah
FA/PTO 1944-5 (766/120)
Village Goleen Gate Peshawar.
GGPS Turkey Barasung
Against newly created PTC Post.
- 81. Euna Begum D/O Ali Ahmad Hussein
FA/PTO 1944-5 (742/120) Mohallah
Sheikhs Village Goleen Gate Peshawar.
GGPS Surizai Pawan -do-
- 82. Samiullah D/O Javid Ahmad
Matric/1944-5 (772/120)
B.N.O. 1399 Mohallah Ghulam Saeed
Village Goleen Gate Peshawar City.
GGPS Turkey Barasung -do-
- 83. Nazia Begum D/O Mohammad Saad
FA/PTO 1944-5 (742/120)
Village Goleen Gate Peshawar.
GGPS Landi Daudzai NO.2 -do-
- 84. Bishra Begum D/O Isa Khan
Matric/1944-5 (756/120)
Village Goleen Gate Peshawar
inside Goleen Gate.
GGPS Saifid Mashe
instead of Mashe Ghari -do-
- 85. Asma Begum D/O Abdur Rashid
Matric/1944-5 (744/120)
B.N.O. 577 PT First Shah Cabool
outside Goleen Gate Peshawar City.
GGPS Saifid Mashe
instead of Mashe Ghari -do-
- 86. Shukaric Begum D/O Samiullah
FA/PTO 1944-5 (742/120)
Village Goleen Gate Peshawar
Village Goleen Gate Peshawar.
GGPS Chaghar Matti
Against vacant PTC Post.
- 87. Shabbana Begum D/O Saifullah
Matric/1944-5 (742/120)
Street Goleen Gate Peshawar
Village Goleen Gate Peshawar
GGPS Ghari Saifid Jalal
Against newly created PTC Post.
- 88. Noor Begum D/O Asmatullah
Matric/1944-5 (742/120)
Village Goleen Gate Peshawar
GGPS Saifid Mashe
-do-

REJECTED

GENERAL MERITS.

99.	Razia Begum D/O Noor Mohammad BA/PTC 1994-95 (727/120) Anwar Road Colony Gulshan NO.2	GGPS Barna Bung	Against Vacant PTC Post.
100.	Khalid Hussain L/O Mursaleen Matric/PTC 1994-95 (775/120) Village Chankani Feshawar.	GGPS Surizai Payan	Against newly created PTC Post.
91.	Muhammad Akhtar L/O Moshir Ahmad Matric/PTC 1994-95 (127/20) A.I.O.U. Shahen Posh Karim Feshawar.	GGPS Ghari Chandon (Daud zai)	-do-
92.	Farooq Zabi D/O Ashiq Ali Matric/PTC 1994-95 (483/90) A.I.O.U. Shahen Posh Feshawar Cantt.	GGPS Asa Khalil Mattani NO.2	Against vacant PTC Post
93.	Fahad Aziz D/O Aziz ur Rehman Matric/PTC 1995-94 (402/30) B.NO.2 block (2) Cantonment Board Feshawar Cantt.	GGPS Arat Baba	Against newly created PTC Post.
94.	Kashida Bano D/O Mohammad Hanif Matric/PTC 1994-95 (530/900) AIOU B.NO.327 Hashtnagary Colony Fesh.	GGPS Yousaf Abad Shifted to Ghari Wajid Mera Surizai	-do-
95.	Ashra Hussain D/O Hassen Din BA/PTC 1994-95 (523/900) AIOU Sheik Abad Feshawar City.	GGPS Yousaf Abad Shifted to Ghari Wajid Mera Surizai	-do-
96.	Azmat Parveen D/O Imdad FA/PTC 1995-95 (514/900) AIOU B.NO.434 Mohallah Mula Baroo Illaqe Gurj Feshawar City.	GGPS Kosa Khari (Tela Band)	-do-
97.	Nisbat Begum D/O Asimullah Matric/PTC 1994-95 (512/900) B.NO.377 inside Lahori Gate Feshawar City.	GGPS Kosa Khari (Tela Band)	-do-
98.	Asia Kiran D/O Aziz Gul Matric/PTC 1994-95 (505/900) AIOU Gulshan Colony Feshawar.	G.Girls Community Model School Wazir Killi Feshawar.	Against vacant PTC Posts.
99.	Somina Begum D/O Muntaz Khan FA/PTC 1994-95 (493/900) AIOU Mohallah Karim Abad Chankani Feshawar.	GGPS Urmar Mianh (Ghari Faiz Ullah)	Against newly created PTC Post.
100.	Shamin Akhtar D/O Saeed Mohammad FA/PTC 1994-95 (492/900) AIOU B.NO.7 Hothia Jafed Laywana Baba Bamba Road Feshawar Cantt.	GGPS Haji Faiz (Tela Band)	-do-
101.	Sabiha L/O Saeed Mohammad Matric/PTC 1994-95 (490/900) AIOU B.NO.7 Hothia Jafed Laywana Baba Bamba Road Feshawar.	GGPS Haji Faiz (Tela Band)	-do-
102.	Zakir un Nisa D/O Sher Khan FA/PTC 1994-95 (796/1200) Gulshan Road Kohat Road Fesh.	GGPS Ghaliib Khalil (Tela Band)	Against Vacant PTC Post.
103.	Kashida Begum D/O Qazi Shakirullah Matric/PTC 1994-95 (452/900) AIOU Eudai Feshawar.	GGPS Urmar Miana (Ghari Faiz Ullah)	Against newly created PTC Post

RECEIVED

GENERAL MERIT.

- 104. Matric/PTC 1995-96 (574/95) AIOU
Postal Colony Kohat Road Peshawar.
GGPS Gul Fom Killi Against Vacant PTC Post.
- 105. Matric/PTC 1995-96 (543 Marks)
21 Mullaish Bush inside
Gate Peshawar City.
Talam Khan Killi Against newly creat PTC Post.
- 106. Matric/PTC 1995-96 (574 Marks)
21 Mullaish Bush inside
Gate Peshawar City.
Talam Khan Killi -do-
- 107. Matric/PTC 1995-96 (514/95) AIOU
Civil Quarters Kohat
Road Peshawar Cantt.
GGPS Gara Tajik -do-
- 108. Matric/PTC 1995-96 (531/90) AIOU
Mullaish Mula Faish Iqbal Babgari
H.No 3733 Peshawar City.
GGPS Ghari Seid Jalal -do-
- 109. Matric/PTC 1995-96 (435/95) AIOU
Fida Abad Colony Kohati Gate
Wazir Bagh Peshawar City.
GGPS Ghari Bdwar (Sherkeria) Against Vacant PTC Post.
- 110. Matric/PTC 1995-96 (416/90) AIOU
Din Bahar Colony Peshawar.
GGPS Nazim Abad Against newly created PTC Post
- 111. Matric/PTC 1995-96 (595/90) AIOU
Fazil Purig Senior Clerk GGSS MSB
GGPS Buzdar -do-
- 112. Matric/PTC 1995-96 (447/90) AIOU
Mian G. Jar Peshawar.
GGPS Lalzad Koroonia (Mera Masho Guggar) Against Vacant PTC Post
- 113. Matric/PTC 1995-96 (627/12) C/O Anwar ul Hassan Advocate
Gul Bahar Colony No.1 Peshawar.
GGPS Noor Garkh -do-
- 114. Matric/PTC 1994-95 (694/12) Q.No.V-27(A) Civil Colony Kohat
Road Peshawar.
GGPS Ghari Charagh Shah -do-

Not a point of entry issued from S.No. 61 to 6.No. 114

(MRS RASHIDA AKHTAR)
DISTRICT EDUCATION OFFICER
(FEMALE) PRIMARY PESHAWAR.

ATTESTED

TERMS AND CONDITIONS.

1. Their appointment is purely Temporary and liable to termination any time without assigning reasons or notice.
2. In case of resignation They/She will have to submit one month prior notice to the Department or forfeit one month's pay in lieu thereof to the Govt.
3. They/She are required to produce Health & Age certificate from the Medical Authorities concerned (Civil Surgeon) before taking Over charge. If they are not in Govt. service.
4. They/She should not be allowed to take over charge if her/his/their Age is less than "3" Years or above "4" Years.
5. They/Her/Their appointment is/are subject to further condition that he/She/they are DOMICILES of PESHAWAR
6. All Educational Character and domicile certificate should be verified, checked before handing over charge if necessary it should be verified from the Institution concerned.
7. If they/she fails to take over charge of the post within a "15" of the receipt of these orders the offer of appointment shall stand cancelled.
8. If her certificates found bogus she will be handed over to the POLICE.
9. She should not claim transfer with three years i.e. completion of tenure.
10. N.C.TA/DA etc is allowed being first appointment.
11. Charge reports should be submitted to all concerned.

(MRS RASHIDA AKHTAR)
 DISTRICT EDUCATION OFFICER
 (FEMALE) PRIMARY PESHAWAR.

Enclst: NO. 2245-2740 / P.NO.1/Apptt./SPO/DEO(F)II-AB Dated 20-10 /1996.

Copy of the above is forwarded to the:-

1. Director Of Primary Education N.W.F.F. Peshawar.
2. P.S to Minister for Primary Education N.W.F.F.
3. P.S to Secretary Education Govt. Of N.W.F.F. Education Department.
4. Accountant General N.W.F.F. Peshawar.
5. Divisional Education Officer (Female) Peshawar.
6. H.F.A. Concerned.
7. Candidate Concerned.
8. P/Fil. etc.

[Signature]
 DISTRICT EDUCATION OFFICER
 (FEMALE) PRIMARY PESHAWAR.

ATTACHED

Annexure - B-

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

NOTIFICATION

Dated Peshawar the 06/8/2020

In exercise of the powers conferred by section 26 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, Stationing and Transfer) Rules, 1989, the following further amendment shall be made, namely:

AMENDMENT

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

**CHIEF SECRETARY
GOVERNMENT OF THE KHYBER PAKHTUNKHWA**

OFFICE NO & EVEN DATE

Copies forwarded to:

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

267
04/08/2020

Wardah Latif
**(WARDAH LATIF)
DEPUTY SECRETARY (POLICY)**

ATTESTED

Attested
ATTESTED

GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(REGULATION WING)

NOTIFICATION

Dated Peshawar the, 06/08/2020

In exercise of the powers conferred by section 26 of the Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No XVIII) 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~~

Annexure - C



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
No. SO/Policy/HR&AD/32020
Dated Peshawar, the June 04, 2023

62

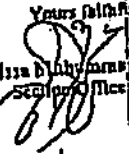
To: The Government of Khyber Pakhtunkhwa,
Elementary & Secondary Education Department.

Subject: GUIDANCE REGARDING DIRECTION OF RULE 7(E) IN THE
KHYBER PAKHTUNKHWA CIVIL SERVICES (APPOINTMENT,
PROMOTION AND TRANSFER) RULES-1989.

Dear Sir,
I am directed to refer to your letter No. SO(Primary-M)/MS/SDM-
2/Appointment/2023 dated 18.04.2023 on the subject noted above and to state that Sub-Rule
(3) of Rule-7 of Khyber Pakhtunkhwa Civil Services (Appointment, Promotion and Transfer)
Rules, 1989 stands deleted vide this departmental notification dated 06.02.2023; thus, no
provision exists to decline or forgo promotion.

2. The basic rationale behind the deletion of the (b)il rule is aimed at preventing a
civil servant from temptation for (b)il gain by sticking to a single lucrative post/position or to
prevent those who tend to forgo promotion to evade post/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 Services (Efficiency & Discipline) Rules,
2011, please.

Yours faithfully,

(Isha D. Khan) (Chn)
Section Officer (Policy)

ASE
7/6

Encl: If even No & Date
Copy forwarded to:-

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

8/7/23

Encl: (if any)
1000
vs 21.6.23

Section Officer (Policy)

ATTESTED

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

No. SO (Primary) E&SED/2-5/2023
Dated Peshawar (ho. June 25th 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(5) IN THE (KHYBER
PAKHTUNKHWA CIVIL SERVANTS (APPOINTMENT, PROMOTION
AND TRANSFER) RULES, 1988.

I am directed to refer to the subject noted above and to enclose here with
a letter of Establishment Department letter No. 50 (Policy) E&AD/1-3/2020 dated
06 June, 2023 and to state that the subject meeting is to be held on 06 July, 2023 at
11:00 AM in this department under the Chairmanship of Additional Secretary (Estab)
E&SE Department in his office.

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

Encl: AA

(MUHAMMAD ISHAQ)
SECTION OFFICER (PRIMARY MALE)

Copy forwarded to the:

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

SECTION OFFICER (PRIMARY MALE)

~~ATTESTED~~

20
B/c
No SD (Primary-M)/E&SED/2-6/2023
Dated Peshawar the June 25th 2023

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

Azh 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, 1969.

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

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

Encl: AA

(MUHAMMAD ISHAQ)
SECTION OFFICER (PRIMARY MALE)

Copy forwarded to the

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

SECTION OFFICER (PRIMARY MALE)

ATTACHED

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

Annexure
0


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

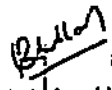
2. The meeting started with recitation from The Holy Quran. The chair welcomed the participants. The Deputy Director (Establishment) of Directorate of Elementary & Secondary Education briefed the forum regarding agenda item in detail.

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. Faraz Wahid)
Deputy Director-1
E&SE Department


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


(Mr. Rafiqul Ullah)
General Secretary APTA
Peshawar


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

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

ATTESTED

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

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

3. After 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-1
E&SE Department

Provincial President
All Primary Teachers Association
Khyber Pakhtunkhwa

(Mr. Razaqat Ullah)
General Secretary APTA
Peshawar

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

(Abdullah)
Additional Secretary (Establishment)

ATTESTED



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

Subject: - MINUTES OF THE MEETING

Dear Sir,
I am directed to refer to the letter No.SO(Primary-M)EASED23-17/G.Aduc/Minutes of the meeting/PST/2023 dated 10-07-2023 on the subject cited above and to present brief history about the background of the case as under:

- That Government of Khyber Pakhtunkhwa Establishment Department (Regulation Wing) deleted Rule 7(3) in the Civil Servants (Appointment, promotion & Transfer Rules 1985) vide notification No. No. SOR-VI (E&AD)/1-3/2020 dated 06-08-2020.
 - That this office sought guidance from your good office in the following words vide letter No.6887 dated 06-02-2023.
 - (i) How it is obligatory upon the civil servant to accept Promotion in every condition.
 - (ii) It is the prerogative of the civil servant to either accept or turn down the offer of promotion.
 - That your good office forwarded the same to the quarter concerned vide letter No.SO (Primary-M) E&SED/2-3/Appointments/2023 for necessary guidance.
 - That the Government of Khyber Pakhtunkhwa Establishment Department (Regulation Wing) vide letter No.SO (Policy) E&AD/1-3/2020 dated 6-08-2023 categorically stated that there exists no provision to decline or forgo promotion. It is obligatory upon every civil servant to accept promotion under every condition.
 - The same was received by this office from your good office vide letter No.SO (Primary-M) E&SED/2-2/Appointments/2023 dated 12-06-2023.
 - That, in the light of the minutes of 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(3) have affected negatively a huge numbers of Female Teachers. Thus it is proposed that Teachers below DPs-16 may be exempted of implications of the amendment in the rules held provided they submit their written refusal prior to conduction of the meeting of Departmental Promotion Committee.

The case is submitted for perusal and necessary actions please.

[Signature]
Assistant Director (E&AD M-1)
Elementary & Secondary Education
Khyber Pakhtunkhwa

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

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

Assistant Director (Establishment)
Elementary & Secondary Education
Khyber Pakhtunkhwa

~~ATTESTED~~

-B/c-

DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION, KPK

PESHAWAR
(21-7-2023)

To:

Section Officer (Primary Male)
Elementary & Secondary Education Department
KPK, Peshawar.Subject: Minutes of Meeting

Dear Sir, I am directed to refer to letter No. (SO Primary-M) E&SED/S-1/6472/ Minutes of meeting/ST/2023 dated 10-7-2023 on subject cited above and to present brief history, about background of case as under:

- That Government of KP Establishment department (Regulation Wing) deleted rule 7(S) in Civil Servants (Appointment, Promotion, Transfer Rule 1997) vide notification No. No. SOP-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 quanta 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

Asst. Director
Elementary & Secondary Education
Khyber Pakhtunkhwa.

~~RECEIVED~~



ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT
CIVIL SECRETARIAT PESHAWAR
(Phone No.091-8223587)

No. SO(Primary-M)ESED/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)/ 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 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.

SECTION OFFICER (PRIMARY MALE)

Copy forwarded to the:

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

SECTION OFFICER (PRIMARY MALE)
28/8/23

Scanned with CamScanner

WP4443-2023 AZIZULLAH VS GOVT OF PK

~~ATTESTED~~

- B/c -

- 12 -

No. 50 (Primary - M) E & SE D / 3-8 /
 Appointment - Rule / 2023
 Peshawar Dated 23rd August, 2023.

To

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

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

Dear Sir,

I am directed to refer to your letter No. 50 (Primary) / E & 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 2011.

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 fathers of
 Mother-in-law who need care. In such cases there are negative
 effects on service delivery.
 In view of above, the said amendment may be reconsidered to
 the extend of lady teacher in primary schools.

Copy forwarded to;

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

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

ATTESTED

Annexure - F



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

ATTENDED

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-MO/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.

WWW.PAKISTANEMBASSY.COM

27

- B/C -

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

To

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

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

Dear Sir,

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

Yours faithfully,

Section Officer (Policy)

Encl. Of even No & date

Copy forwarded to the:-

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

Section Officer (Policy)

ATTESTED

29

Annexure - G

To,

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

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


Sir/ Madam:-

Your Honorable authority promulgated Notification No. SO (Policy) E&AD/1 3/2020, dated 06/08/2020, communicated to Elementary & Secondary Education vide letter dated 06/06/23 wherein it has been made mandatory to the employees to avail the promotion, otherwise, disciplinary action shall be taken against the employees. That, as per notification No. SI) (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 9/03/2024




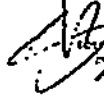

YASMEEN BEGUM
WIFE OF
MUHAMMAD GULZAR

07.05.2024



- 31
1. Learned counsel for the appellant present.
 2. Let a pre-admission notice be issued to the respondents through TCS for submission of reply/comments. Appellant is directed to deposit TCS expenses within three days. To come up for reply/comments as well as preliminary hearing on 10.06.2024 before S.D. 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:)


 Director General
 Punjab Public Service Commission
 Lahore

Date of Presentation of Application 10-F-23
 Number of 1
 Copies 5
 Original 1
 Total 5
 Name of ---
 Date of 13-6-23
 Date of 13-6-23


ATTESTED

VAKALAT NAMA

BEFORE THE SERVICE TRIBUNAL PESHAWAR

YASMEEN BEGUM
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.

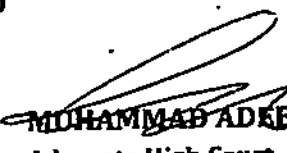
I agree to ratify all acts done by the aforesaid Advocate in pursuance of this Authority.

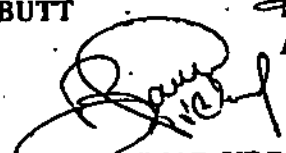


APPELLANT

ACCEPTED


MUHAMMAD MUAZZAM BUTT
Advocate Supreme Court


MUHAMMAD ADEEL BUTT
Advocate High Court


BASSAM AHMAD SIDDIQUI
Advocate High Court