


FORM OF ORDER SHEET

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

**Appeal No.** 2292/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1- /	05/11/2024	<p>The appeal presented today by Mr. Muhammad Muazzam Butt Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 12.11.2024. Parcha Peshi given to counsel for the appellant.</p> <p>By order of the Chairman  <b>REGISTRAR</b></p>

**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA**

C.M No \_\_\_\_\_-P of 2024

In Ref to

Service Appeal No 22922024

Ali Shan

**VERSUS**

Secretary to Government of Khyber Pakhtunkhwa, & others

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ADVOCATE

M. Muazzam Butt

**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA**

In Ref to

- Service Appeal No. 2292 /2024

Ali Shan Son of Rehmat Ullah Khan, PSHT

GPS Narkali Khan, Tehsil & District Lakki Marwat

.....Appellant

**V E R S U S**

- 1) Secretary to Government of Khyber Pakhtunkhwa, Establishment Department, Civil Secretariat, Peshawar
- 2) Secretary to Government of Khyber Pakhtunkhwa, Elementary and Secondary Education Department, Civil Secretariat, Peshawar
- 3) Director Elementary and Secondary Education Department, 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, 1988 STANDS DELETED**

**PRAYER:**

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

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

**RESPECTFULLY SHEWETH:**

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

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

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

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

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

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

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

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

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

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

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

**AFFIDAVIT:**

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

*[Signature]*  
Deponent

*[Signature]*  
Appellant

Through

*[Signature]*  
Muhammad Muazzam Butt  
Advocate Supreme Court

*[Signature]*  
Muhammad Adeel Butt  
Advocate High Court

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

**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA**

C.M No \_\_\_\_\_-P of 2024

In Ref to

Service Appeal No \_\_\_\_\_ 2024

Ali Shan

**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**

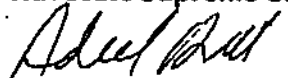
I (the appellant) do hereby solemnly stated on oath that the contents of foregoing application are true and correct to the best of my knowledge and belief and nothing has been concealed therein this Honorable Court.

  
Deponent

  
Appellant

Through

  
Muhammad Muazzam Butt  
Advocate Supreme Court

  
Muhammad Adeel Butt  
Advocate High Court

Distt Govt Khyber Pakhtunkhwa  
District Accounts Office Lakki  
Monthly Salary Statement (January-2024)

Annexure A



Personal Information of Mr ALI SIHAN d/w/s of REHMAT ULLAH KHAN

Personnel Number: 00293331 CNIC: 1120103158859 NTN:  
Date of Birth: 01.02.1971 Entry into Govt. Service: 08.03.1990 Length of Service: 33 Years 10 Months 025 Days

Employment Category: Active Temporary

Designation: PRIMARY SCHOOL HEAD TEACH 80673590-DISTRICT GOVERNMENT KHYBE

DDO Code: LK6682-Serai Naurang District Lakki Marwat

Payroll Section: 001 GPF Section: 001 Cash Center: 16

GPF A/C No: GPF Interest applied GPF Balance: 469,267.00 (provisional)

Vendor Number: -

Pay and Allowances: Pay scale: BPS For - 2022 Pay Scale Type: Civil BPS: 15 Pay Stage: 25

Wage type		Amount	Wage type		Amount
0001	Basic Pay	73,420.00	1001	House Rent Allowance 45%	3,524.00
1210	Convey Allowance 2005	2,856.00	1300	Medical Allowance	1,500.00
1505	Change Allowance	40.00	2148	15% Adhoc Relief All-2013	985.00
2199	Adhoc Relief Allow @10%	659.00	2316	Teaching Allowance 2021	3,224.00
2341	Dispr. Red All 15% 2022KP	7,006.00	2347	Adhoc Rel Al 15% 22(PS17)	7,006.00
2378	Adhoc Relief All 2023 35%	25,004.00			0.00

Deductions - General

Wage type		Amount	Wage type		Amount
3015	GPF Subscription	-4,290.00	3501	Benevolent Fund	-1,200.00
3609	Income Tax	-3,302.00	4004	R. Benefits & Death Compr.	-600.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance

Deductions - Income Tax

Payable: 51,598.38 Recovered till JAN-2024: 22,189.00 Exempted: 12899.53 Recoverable: 16,509.85

Gross Pay (Rs.): 125,224.00 Deductions: (Rs.): -9,392.00 Net Pay: (Rs.): 115,832.00

Payee Name: ALI SIHAN

Account Number: 2687-5

Bank Details: NATIONAL BANK OF PAKISTAN, 230964 NBP SERAI NAURANG NBP SERAI NAURANG, LAKKI MARWAT

Leaves: Opening Balance: Aailed: Earned: Balance:

Permanent Address: LAKKI

City: LAKKI

Domicile: NW - Khyber Pakhtunkhwa

Housing Status: No Official

Temp. Address:

City:

Email: alishanpsht@gmail.com



*Handwritten signatures and notes in Urdu and English, including 'A-9' and 'Lakki Marwat'.*



**DIST. GOVT. KP PROVINCE**  
**District Accounts Office Lakki**  
**Monthly Salary Statement (January-2024)**

Annexure A



**Personal Information of Mr ALI SILAN d/w/a of REHMAT ULLAH KHAN**

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Payroll Section: 001

GPF Section: 001

Cash Center: 16

GPF A/C No:

GPF Interest applied

GPF Balance:

469,267.00 (provisional)

Vendor Number: -

**Pay and Allowances:**

Pay scale: BPS For - 2022

Pay Scale Type: Civil BPS: 15

Pay Stage: 25

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Loan	Description	Principal amount	Deduction	Balance

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Payee Name: ALI SILAN

Account Number: 2687-5

Bank Details: NATIONAL BANK OF PAKISTAN, 230964 NBP SERAI NAURANG NBP SERAI NAURANG, LAKKI MARWAT

Leaves: Opening Balance: Aailed: Earned: Balance:

Permanent Address: LAKKI

City: LAKKI

Domicile: NW - Khyber Pakhtunkhwa

Housing Status: No Official

Temp Address:

City:

Email: alishanpsht@gmail.com



*Handwritten signatures and notes in Urdu and English, including 'Alishanpsht' and 'Agreement'.*

## APPOINTMENT.

The following ITC Trained Candidates are hereby appointed against vacant/ Newly created ITC posts in ETS-7 plus usual allowances as admissible under the existing rules, in the interest of public service with effect from their taking over charge.

S.No.	Name of Candidate with father's name/ Address and Marks.	Name of school where posted.	Remarks.
1.	Shafiullah Khan S/O Nazir Ahmad of Gul Baz (Shamoni Khattak Marks. 642/1200.	G.S, KT: Ayub Khan Killa.	Vacant post (Vice Muhammad transferred)
2.	Saeed Alam S/O Amanullah of Zangi Khel. Marks:- 640/1200.	G.S, Fateh Khan Khel	Vice Saadullah transferred.
3.	Mohd Ismail S/O Sardar Ali Khan of Lowan Dardariz. Marks.636/1200.	G.S, Ghosnavi Barak Zai.	Vice Perwan Ali Shah transferred
4.	Gul Marjan S/O Sadullah Khan of Jhang Khel Marks 635/1200.	G.S, Jhang Khel. (Liaqat Ali)	NG.
5.	Mohd Rehman S/O Mir Salah Din of Amin Mughal Khel Marks-635/1200.	G.S, Akhondar Seru Bada Khel (Sannullah).	NG.
6.	Abdul Rauf S/O Mir Baz Khan of Wana Khel Marwat Marks:- 634/1200.	G.S, Haidar Shah Isaki Shaikhani	NG.
7.	Mohd Nazir S/O Sakhi Jan of Saist Khel Marks:- 628/1200.	G.S, Khar Gai.	(Vice Muhammad transferred.
8.	Rafiullah S/O Ahmad Khan of Mira Khel Marks:-627/1200.	G.S, Mansori Jatoi Shah.	NG.
9.	Amir Hawaz S/O Muhammad Khan of Wanda Shajah Marks:- 624/1200.	G.S, Shagi Marwat.	NG.
10.	Amir Sahib Khan S/O Haqdad Khan of Sarkati Michan Khel Marks:- 622/1200.	G.S, Lakki Qamar Din.	(Vice Mohd Sharif transferred).
11.	Ibrahim S/O Gul Zaman of Umar Titter Khel Marks:- 621/1200.	G.S, Malik Shaki Jari Khel.	(Vice Aslam Khan transferred).
12.	Azhar Ali Shah S/O Mir Zar Ali Shah of Mansoor Shah Marks:- 616/1200.	G.S, Rahman Khaidri- Wana Khel.	(Vice Iftihar transferred).
13.	Azizullah Khan S/O Muhammad Khan of Landiwah. Marks: 615/1200.	G.S, Sher Ali Khan Sardi Khel.	(Vice Muntaz transferred). (Abdullah Khan transferred).
14.	<del>Mohd Zahoor S/O Muhammad Khan of Landiwah. Marks:- 614/1200.</del>	<del>G.S, Sher Ali Khan Sardi Khel.</del>	<del>(Vice Muntaz transferred).</del>
15.	Faridullah Shah S/O Akhtar Munir Shah Marks: 614/1200.	G.S, J. Ullah Ullah Abadi. (W/Tezu (Darul Uloom Jaded Abadi Wana Tezu)	Against vacant post. (NG.)
16.	Samiullah Khan S/O Hiran Shah of Adam Zai Marks:- 613/1200.	G.S, Mohd Ali Dakhli Landi Jalandar.	NG.
17.	Khan Sherin S/O Mohd Hawaz of Ghazni Khel Marks:- 612/1200.	G.S, Kot: Mohd Khan Dakhli Dandi.	NG.
18.	Abdul Satar S/O ( Application not received Roll No. 833 Marks: 6-4/1200.	M.P.E, Motaki Sizan Khel (Malik Bai Khan)	NG.
19.	Mohd Iqbal S/O Ahmad Khan of Tajori Marks:- 604/1200.	G.S, Kachkot Mohd Khan (Saifullah)	NG.
20.	Mohd Zahoor S/O Abdul Ghafar of Landiwah Marks:- 603/1200	G.S, Bharal Khel Landiwah (Khan Abad)	NG.
21.	Gul Rais S/O Muntaz Khan of Habak Wana Jonai. Marks:- 603/1200.	G.S, Wala Khel & Surani).	NG.
22.	Gul Qadar S/O Izad Khan of Dardariz. Marks:-601/1200.	G.S, Chota Kharri Wana Khel.	NG.
23.	Mohd Rafiq S/O Ghulam Sadiq of Khairabad Khel Lakki ( Marks= 600/1200	G.S, Haji Galan Daud Shah.	NG.

24. Hafizullah S/O Gul Raib Khan of MS, Ar Khel Kokki ( Dr.Safdar Ali) NCI.  
Sabu Khel Khattak. Marks:- 599/1200.
25. Abdul Rahim S/O Mir Ratin Khan of MS, Razida Kokki Khel. NCI.  
Masha Mansoor Marks:- 590/1200.
26. Mohd Idress Khan S/O Mohd Sabiq of MS, Baist Khel NCI.  
Nar. Faqir. Mohd Mansoom Marks :-596/1200.
27. Mohd Jahangir S/O Application not MS, Usandi Hanif. NCI.  
received sofar .Marks:- 591/1200.R.NO.360.
28. Khalid Mohd S/O ( Application not MS, Hassani. NCI.  
received sofar R.NO.867, Marks: 590/1200.
29. ASHRAF KHAN S/O Nazeer Ahmad of Shah MS, Akhandan Itana Khel. NCI.  
Kasgan Khel I.O.Isak Khel Marks:-590/1200.
30. Zeibib-ur-Rohman Shah S/O Abdul Rehan MS, Haji Khel Anwar Shah. NCI.  
Shah of Abdul Qadir Shah Kandan  
Marks:- 586/1200.
31. Farman Ali Khan S/O Ghulam Sandani of MS, Zekar Khel. NCI.  
Ismail Khel.Marks:- 583/1200.
32. Noekam Khan S/O Mohd. Nawaz Khan of MS, Dharma Khel. NCI.  
KT: Shamadi Killa. Marks: 583/1200
33. Dil Nawaz S/O Mohd. Ali Khan of Langer MS, Paraz-Killa Yar Mohd Khan. NCI.  
Khel Pacca Marks:- 576/1200.
34. Shahedullah S/O H.Mir Daraz of MS, Shah Zaman Killa Surani. NCI.  
Lalo Zai Marks: 576/1200
35. Mohd Ayaz S/O Ghulam Habib of Bannu MS, Usandi Gul Hassan Ayub. NCI.  
City Marks:- 570/1200
36. Abdulla Hameed S/O Nawab Khan of Wanda MS, Baji Khel (Surani). NCI.  
Karim Khan Marks:- 565/1200.
37. Sanaullah Khan S/O Application not MS, Bahadar Kotka Khel.(Surani) NCI.  
received sofar. Marke /1200  
Roll No.334.
38. M. Kiramatullah S/O Sh: Nabi of MS, Kasar Din Shordil(Surani). NCI.  
Tahar Khel Marks: 545/1200.  
(Bahadar Khel).
39. Misal Khan S/O Application not received MS, Amir Shahzad Khan Dakhli NCI.  
sofar R.NO.860 Marks:-531/1200.  
Fazal Haq Malwana. (Surani).
40. Asmatullah Khan S/O Daré Khan of MS, Sh: Landak (Lakki S/Div) Vice No.48  
Langer Khel Pacca Marks: 522/1200.
41. Mohd Zaman S/O Ayaz Khan of Tari Khel MS, KT: Zabta Khan Near F.C Lain). Vice No  
Marks:- 519/1200. (Mohd Iyaz Transferred)
42. Bashir Ahmad S/O Application not MS, Mehrab Khan Srugi NCI.  
received sofar R.NO. 937 Marks:-507/1200  
(Lakki S/Div:C.
43. Mohd Iyaz Khan ITC. MS, KT; Zabta Khan. MS, Kala Khel (Khandan). NCI.
44. Tehsil Khan S/O Ismail Khan of Mama Khel MS, Wanda Bad Shah Khan. NCI.  
EX Serviceman ITC Trd:.
45. Gul Raihan ITC. MS, Shamshi Khel. MS, Safat Hassani ( Vice Ahmad Saeed  
Against L/vacancy.
46. Farzand Ali ITC: MS, Khan Tir Panak- MS, Shamshi Khel. Vice No.45 against  
Zai. leave vacancy.
47. Azad Gul, ITC. MS, Kot Adil. MS, No.3, Bannu City. Vacant Post
48. Mohd Aslam Khan ITC. MS, Sh: Landak. MS, Shah Sahib Samandar NCI.  
Pittor Khel.

6-B

Page No. 3.

Instructions

1. Charge report should be submitted to all concerned.
2. NO TA/DA is allowed to any one.
3. The candidate should produce their age certificate from H.S. D.H.Q. Hospital, Bannu.
4. The age of the candidates is not exceeds 25 years or less than 18 years.
5. The appointment is purely on temp: basis and liable to termination any time without any reason or notice.
6. If the candidates failed to take over charge within 15 days after issue of this order, it should stand automatically cancelled.
7. In case of leave the candidates/teachers will be rejected against any other vacancy from the return of leave of berth incumbent.
8. The Head of the Office are required to checked their original certificates before handing over charge.

(Haji Mohammad Islam Khan)  
District S.D.O. Officer (II), Bannu.

En'st: No. 3942-92 /12-III/73 Cr's Apptt: File, dated 7.2.1990.

Copy for information and necessary action to those:-

1. Chairman, DDAC, Bannu please.
2. Dy: DEO(H), Bannu local Office pl:.
3. ADEO(H), Local Office pl:.
4. Supdt: Local Office please.
5. Candidates/Teachers concerned.
6. Office file.

Office of District Officer (II), Bannu.  
13/11

Encl. No 1934-36 dt Bannu - 13/90.  
Copy to file

- ① A.P.O. (M) Bannu
- ② Acell: Local Office
- ③ P. Centre in charge
- ④ H.T. S.P. Sach. Top. Bannu

S.D.O. (M) Bannu

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Annexure - B -

GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT  
(REGULATION WING)

NOTIFICATION

Dated Peshawar, the 06/8/2020

Subject: (E&A) D/1-3/2020: 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, Promotion and Transfer) Rules, 1989, the following further amendment shall be made, namely:

AMENDMENT

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

CHIEF SECRETARY  
GOVERNMENT OF THE KHYBER PAKHTUNKHWA

NOTE NO & 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.
- The Deputy Director (IT), E&A Department  
All Section Officers in Establishment & Administration Department.  
The Section Officer (Admn), Administration Department with the request to arrange 20 gazette copies.  
The Caretaker, Administration Department.

*(Signature)*  
(WAJDAH LATIF)  
DEPUTY SECRETARY (POLICY)

ATTESTED

1267  
06/08/2020

*(Signature)*

B/c -8-

GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT  
(REGULATION WING)

NOTIFICATION

Dated Peshawar the, 06/08/2020

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

AMENDMENT

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

CHIEF SECRETARY  
GOVERNMENT OF THE KHYBER PAKHTUNKHWA

(ANDS): & EVEN DATE

Copy is forwarded to :-

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

(WARDAH LATIF)  
DEPUTY SECRETARY (POLICY)



*[Handwritten signature]*

21.6.23  
2023  
2023

1. To Special Secretary (Legal) Establishment Department  
2. To Additional Secretary (Legal-III), Establishment Department  
3. To Deputy Secretary (Policy), Establishment Department  
Copy forwarded to the:-  
Minister, Establishment Department

*[Handwritten signature]*  
Special Officer (Policy)

*[Handwritten signature]*  
Special Officer (Policy)

4/6  
4/6  
4/6

Yours faithfully,  
Further, 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 Ministry-Pakistan Civil Servants (Efficiency & Discipline) Rules, 2011, please.

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 Ministry-Pakistan Civil Servants (Efficiency & Discipline) Rules, 2011, please.

2. The basic rationale behind the deletion of the said rule is aimed at preventing a prevalent弊习 from completion for which it is by seeking to a single incremental position or to prevent those who lead to forge promotion to evade posting/transfer or show lack of capability to handle higher responsibilities in case of promotion. Therefore, it is obligatory upon every civil servant to accept promotion in every condition.

1. I am directed to let you per letter No. SO (Personnel-Management)-22-2/A/1023 dated 10.01.2023 on the subject cited above and to state that Sub-Rule (17) of Rule-7 of Ministry-Pakistan Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 stands deleted vide the Government notification dated 06.08.2020; thus, no provision exists to delete or revise the said rule.

Subject: - PROMOTION, DISAPPOINTMENT OR TRANSFER OF CIVIL SERVANTS IN THE ESTABLISHMENT OF THE GOVERNMENT OF PAKISTAN  
Dear Sir,

The Government of Punjab, Pakistan



GOVERNMENT OF PUNJAB, PAKISTAN  
ESTABLISHMENT DEPARTMENT  
No. SO (Policy)/EAD/2020  
Dated: 10th June 2023

62

Annexure - C



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

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

To

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

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

*[Handwritten Signature]*  
26/6/23

Subject: GUIDANCE REGARDING DELETION OF RULE 7(B) 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  
08 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 (Balab)  
E&SE Department in h/s office.

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

Encl: AA

*[Handwritten Signature]*

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

Copy forwarded to the:

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

*[Handwritten Signature]*

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

*[Handwritten Signature]*



B/c -11-

No 50 (Primary-M)/E&SED/2-6/2023  
Dated Peshawar the June 28<sup>th</sup> 2023

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

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

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

I am directed to refer to the subject noted above and to enclose here with a letter of  
ANNOUNCEMENT DATED NO. 50 (Primary-M)/E&SED/2-6/2023 dated 28 June 2023 and to state  
that the subject meeting is to be held on 06 July, 2023 at 11:00 AM in this department under the  
Chairmanship of Additional Secretary (Estab) E&SE Department in his office.

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

Encl AA

(MUHAMMAD ISHAQ)  
SECTION OFFICER (PRIMARY MALE)

Copy forwarded to the:

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

SECTION OFFICER (PRIMARY MALE)

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

Annexure  
①

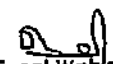
A meeting regarding the subject matter was held on 06-07-2023 at 11:00 AM under the Chairmanship of Additional Secretary Establishment in his office. The following attended the meeting.


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

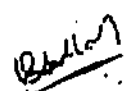
2. The meeting started with recitation from The Holy Quran. The chair welcomed the participants. The Deputy Director (Establishment) of Directorate of Elementary & Secondary Education briefed the forum regarding agenda item in detail.

3. After 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.

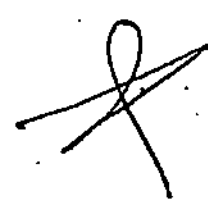
  
(Mr. Fazal Wahid)  
Deputy Director-1  
E&SE Department

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

  
(Mr. Balaqat Ullah)  
General Secretary APTA  
Peshawar

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

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



-13-  
-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

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

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

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

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

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

Provincial President  
All Primary Teachers Association  
Khyber Pakhtunkhwa

(Mr. Razaqat Ullah)  
General Secretary APTA  
Peshawar

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

(Abdullah)

Additional Secretary (Establishment)



*[Handwritten signature]*

WP 4442-2023 AZIZULHAH VS GOVT OF PAK

Asst. Director (Exhibits-1)  
Elementary & Secondary Education  
Khyber Pakhtunkhwa

1. PA to Director Local Directorate  
2. Master Copy

Copy of the above is as:

Asst. Director (Exhibits 4-7)  
Elementary & Secondary Education  
Khyber Pakhtunkhwa  
17/05/23

The case is submitted for renewal and necessary actions please.

Departmental Promotion Committee.  
Teachers hold 75-16 may be exempted of implications of the amendments in the rules (bid) have affected negatively a huge numbers of female teachers. Thus it is proposed that in view of the above, this office to of considered opinion that the deletion of rules been asked for submission of consolidated case.  
Chairman, National Secretariat, Islamabad at his office this office has  
That, in the light of the minutes of meeting dated 6-07-2021 held under the (Primary-4) E&SED/2-1/4/2021 dated 12-06-2021.  
The same was received by this office from your good office vide letter No.577 civil servant to accept promotion under every condition.  
That there exists no provision to decline or forgo promotion. It is obligatory upon every (Wing) vide letter No.50 (Policy) E&AD/1-1/2020 dated 6-06-2023 collectively stated that the Government of Khyber Pakhtunkhwa Establishment Department (Regulation No.50 (Primary-4) E&SED/2-1/4/2021 for necessary publication.  
That the Government of Khyber Pakhtunkhwa Establishment Department (Regulation No.50 (Primary-4) E&SED/2-1/4/2021 for necessary publication vide letter No.50 (Primary-4) E&SED/2-1/4/2021 dated 12-06-2021.  
(ii) If the civil servant to accept or turn down the offer of promotion.  
(iii) Now it is obligatory upon the civil servant to accept promotion in every condition. No.687 dated 06-02-2023.  
That this office has in guidance from your good office in the following words vide letter No.687 dated 06-02-2023.  
vide letter No. SOR-VI (E&AD/1-1/2020 dated 06-08-2020.  
deleted Rule 7(5) in the Civil Servants (Appointment, Promotion & Transfer Rules 1989) That Government of Khyber Pakhtunkhwa Establishment Department (Regulation (Wing) No.50 (Primary-4) E&SED/2-1/4/2021 for necessary publication.  
I am directed to refer to the letter No.50 (Primary-4) E&SED/2-1/4/2021 dated 12-06-2021 on the subject cited above and in G.M/S/Ministry of the following/MS/2023 dated 19-07-2023 on the subject cited above and in present brief history about the background of the case as under

MINUTES OF THE MEETING

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

Subject: Door No. 8145

Phone No. 9922344  
Email: chief@khyberpakhtunkhwa.gov.pk

No. 8145  
Khyber Pakhtunkhwa Government  
Date: 22/05/2023



-15-  
-B/C-

DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION, KPK

To:

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

PESHAWAR  
(21-7-2023)

Subject: Minutes of Meeting

I am directed to refer to letter No. (SO Primary-IV) E&SED/15-1/60/22/  
Minutes of meeting/PST/2023 dated 30-7-2023 on subject cited above and to  
present brief history, about background of case as under:

- That Government of KP Establishment department (Regulation Wing) deleted rule 7(S) in Civil Servants (Appointment, 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. 6987 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 competent authorities vide letter No. SO (Primary-I) E&SED/2-2/Appointment-2023 for necessary guidance.
- That the government of KP-ED (Regulation Wing) vide letter No. SO (Policy) E&AD/1-3/2020 dated 6-06-2023 categorically stated that there exists no provision to decline /forgo promotion. It is obligatory upon every civil servant to accept promotion under every condition.
- That in light of the minutes of the meeting dated 6-07-2023 held under the Chairmanship of Hon. Additional Secretary Establishment at his office. This office has been asked for submission of consolidated case.

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

The case is submitted for perusal and necessary actions please.

Copy of the above to;

1. PA to Director Local Directorate
2. Master Copy

Assistant Director  
Elementary & Secondary Education  
Khyber Pakhtunkhwa.

-16-



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

No. SJ(Pri-M)E&SED/2-2/Appointment-Rule /2023  
Peshawar Dated 23<sup>rd</sup> August, 2023

Annexure  
E

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

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

Dear Sir,

I am directed to refer to your letter No: 60(Policy)/ EBAD/ 1-3/2020 dated 06<sup>th</sup> June 2023 and to state that after deletion of rule 7(5) Khyber Pakhtunkhwa Civil Servant (Appointment, Promotion & Transfer Rules 1989) it has been intimated that those officers/ officials who do not comply with promotion order of the competent authority or try to evade promotion through different means shall be proceed under Khyber Pakhtunkhwa Civil Servant (Efficiency & Discipline) Rules, 2011.

2. In this connection it is submitted that in some cases lady teacher of primary level who avail such promotions have to face serious inconvenience while they have to perform duties in the remotest station with no residential or transport facility. Most of them are married with kids and elder father or mother-in-law who need care. In such cases, there are negative effects on service delivery.

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

(MUHAMMAD ISHAC)  
SECTION OFFICER (PRIMARY MALE)

Copy forwarded to the:

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

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

Scanned with CamScanner

- B/c -

- 17 -

No. 50 (Primary - M) E&SE/8-2/  
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) (Policy) / E&AD  
14-9/2023 dated 07th June 2023 and to state that after  
deletion of Rule 7(S) Khyber Pakhtunkhwa Civil Servant (Appointment,  
Promotion and Transfer Rules 1989) it has been intimated that  
those officers/officials who do not comply with promotion order  
of the competent authority or try to evade promotion through  
different means shall be proceed under Khyber Pakhtunkhwa  
Civil Servant (Efficiency and Discipline) Rule 2011.

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

Copy forwarded to;

1. Director E & SE Khyber Pakhtunkhwa.

2. PS to Secretary, E & SE Department Khyber Pakhtunkhwa  
WPA 442-2023

(Muhammad Ishaq)  
Section Officer (Primary  
Male)

Annexure - F



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

To

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

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

Dear Sir,

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

Yours faithfully,

Section Officer (Policy)

Enclst. 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.



-19-

- 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)

Annexure - G

To,

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

**Subject: REPRESENTATION AGAINST THE IMPUGNED NOTIFICATION BEARING NO.SO(POLICY)E&AD/1-312020, DATED 06/08/2020, COMMUNICATED TO SECRETARY TO GOVERNMENT OF KHYBER PAKHTUNKHWA, ELEMENTARY & SECONDARY EDUCATION DEPARTMENT VIDE LETTER D06/06/2023, WHEREIN IT WAS STATED THAT SUB RULE 5 OF RULE 7 OF KHYBER PAKHTUNKHWA CIVIL SERVANTS (APPOINTMENT, PROMOTION AND TRANSFER) RULES, 1989 STANDS DELETED**

Sir/ Madam:-

Your Honorable authority promulgated Notification No. SO (Policy) E&AD/1-3/2020, dated 06/08/2020, communicated to Elementary & Secondary Education vide letter dated 06/06/23 wherein it has been made mandatory to the employees to avail the promotion, otherwise, disciplinary action shall be taken against the employees. That, as per notification No. SO (Policy) /E&AD/1-3/2020 dated 06/08/2020, the right of foregoing of promotion was withdrawn and the Government of Khyber Pakhtunkhwa Establishment Department (Regulation Wing) deleted Rule 7(B) 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 28/01/2024

*Ali Khan*

ALI KHAN  
S/O REHMA UL LAH KHAN  
PSHT





# VAKALAT NAMA

## BEFORE THE SERVICE TRIBUNAL PESHAWAR

**AALI KHAN**  
Versus

Appellant

Government of KP & others

Respondents

**I (the Appellant)**

do hereby appoint and retain

MUHAMMAD MUAZZAM BUTT ASC. MUHAMMAD ADEEL BUTT AHC

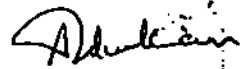
BASSAM AHMAD SIDDIQUI AHC

&

ASSOCIATES OF MUAZZAM LAW FIRM


to act and appear for me in the above Suit and on my behalf to conduct and prosecute (or defend) the same and all proceedings that may be taken in respect of any petition connected with the same or any decree or order passed therein and Applications for review to file and obtain return of documents, and to represent me/us and to take all necessary steps on my/our behalf in the above matter.

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



**APPELLANT**

**ACCEPTED**



**MUHAMMAD MUAZZAM BUTT**  
Advocate Supreme Court



**MUHAMMAD ADEEL BUTT**  
Advocate High Court



**BASSAM AHMAD SIDDIQUI**  
Advocate High Court