


FORM OF ORDER SHEET

Court of _____

Appeal No. 2366 /2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	06/11/2024	<p>The appeal presented today by Mr. Muhammad Muazzam Butt Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 14/11.2024. 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

C.M No _____-P of 2024

In Ref to

Service Appeal No 2366 2024


Asghar Khan

V E R S U S

Secretary to Government of Khyber Pakhtunkhwa, & others

INDEX

S#	DESCRIPTION OF DOCUMENTS	ANNEX	PAGES
1.	Appeal and Verification	*	1 - 4
2.	Application for suspension	*	5
3.	Copy of Monthly Salary Account	A	6 - 6-B
4.	Copy of notification No: SD (Policy) EV AD/1-3/2020 dated 06/08/2020	B	7 - 8
5.	Copy of impugned Letter dated June 6 th , 2023	C	9 - 11
6.	Copy of Minutes of meeting dated 06-07-2023	D	12 - 15
7.	Copy of Letter dated 23-08-2023	E	16 - 17
8.	Copy of Impugned letter dated 07.09-2023	F	18 - 19
9.	Copy of Representation against the said notification and representation made by APTA President	G & H	20 - 21
10.	Wakalat Nama		22


ADVOCATE

M. Muazzam Butt

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

In Ref to

Service Appeal No. 2366 /2024

Asghar Khan Son of Abdul Kareem Khan, PSHT

GPS Shahbaz Khel, Circular No 5, 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, 1989 STANDS DELETED

PRAYER:

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

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

RESPECTFULLY SHEWETH:

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

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

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

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

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

9. That the respondent vide its letter dated 07th of September 2023 directed the Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa that necessary guidance has already been provided to the department and therefore no provision exists to decline or forgo promotion and those teachers who do not comply with the promotion order of the competent authority or try to evade promotion through different means shall be proceeded under the Khyber Pakhtunkhwa Civil Servant (Efficiency & Discipline) Rules, 2011. Copy of Impugned letter dated 07-09-2023 is attached as Annexure E.
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 Henco, 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 set-aside.

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

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

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

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

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

Through

Appellant
 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

C.M No _____-P of 2024

In Ref to

Service Appeal No _____ 2024

Asghar Khan

VERSUS

Secretary to Government of Khyber Pakhtunkhwa, & others

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

Respectfully Submitted:-

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

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

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.

Asghar Khan
Deponent

Through

Asghar Khan
Appellant

Muhammad Muazzam Butt
Muhammad Muazzam Butt
Advocate Supreme Court

Muhammad Adeel Butt
Muhammad Adeel Butt
Advocate High Court

APPOINTMENT OF PTC TRD
CANDIDATES.

-6- Annexure A

The following PTC Trd: Vacant Candidates are hereby appointed

ON HERE: 1. 1) against vacant PTC posts in BPS-7 plus usual allowances as
admission 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 in PTC Exmt.	Name of school where posted.	Remarks.
1.	Nisar Khan S/O Gul Wali Khan of vill: H.S.S. Nawas Karkli 758/1200	GPS, Karki Landidok.	Against vacant post.
2.	Mohd Zameer S/O --- 748/1200. Roll No. 5535.	GPS, Ayub Khan Killa.	-do-
3.	Mohd Saleem Haqir S/O Mohd Ayaz of vill: Sardali Dori Killa S/Narang 722/1200.	GPS, Sher Ali Khan Bizon Khel.	-do-
4.	Mohd Haqir S/O --- 5205 Marks 726/1	GPS, Wali Zar Killa.	-do-
5.	Abdullah Shah S/O Mir Atlas of vill: Karki S. Marks 722/1200.	GPS, Hassanli Kalla. Purdli Khel. Bannu.	-do- NCP.
6.	Zafar S/O S/O Bahar Munir H.N.J. 368/C Bannu City Marks 719/1200.	MPS, /	-do-
7.	Mohd Malook S/O Ghazi Marjan of vill: Shawara Kichan Killa. Tehl Larki 718/1200.	GPS, Tarkhan Jani Khel.	-do-
8.	Mohd Nisar S/O --- Roll 842 Marks. 717/1200 of Mama Khel Marwat S/Narang.	GPS, Sher Ali Khan Bizon Khel.	-do-
9.	Mohd Yasir S/O --- Mohd Ashraf of vill: Abba Khel Marks 727/1200.	GPS, Akbar Zaman Sardi Khel.	-do-
10.	Gul Nisar Khan S/O Janan of vill: Amin Mughal Khel Marks 705/1200.	GPS, Mala Khel Killa.	-do-
11.	Mazhar Hussain Shah ROLL No. 3328 Marks 724/1200 (704/1200)	MPS, Water-of Mula.	-do-
12.	Habib-ur-Rahman ROLL No. 3325 (5275). Marks 707/1200.	MPS, Noor Salf Dowl. Rais Khan Baka Khel. Bannu.	-do- -do-
13.	Zafar Iqbal S/O Bahdar Khan of Mina Khel Larki. Marks 699/1200.	GPS, /	-do-
14.	Abdul --- S/O 666 ROLL No. 3321 Marks ---	MPS, Akbar Ali Khan Sardi Khel. Dmol. (Vice Abdul Bahin.	-do-
15.	Mohd Ajmal S/O Mir Kaleem of G. Khel. Khel Marks 670/1200.	GPS, /	-do-
16.	Asadullah S/O Sardar Ali of vill Khan Mughal Khel Marks 687/1200.	Bhangi --- MPS, Sher Daran Mandav.	NCP Post. V/Post.
17.	Ayub Khan S/O Abdul Hassan of vill: Rah Sarwar Gariwala Marks 686/1200.	GPS, Bhangi Khel Surani.	NCP Post.
18.	Hazar Nawas S/O Rah Nawas of vill. Noor Tehl Larki Khel. 685/1200.	GPS, Khorgai. Bannu.	Vacant post
19.	Mohd --- S/O Said Bad Shah S/O --- Marks ---/1200.	GPS, Chaghari Manach Khel	N.C. Post.
20.	Mohd --- S/O --- Khan of Khairat S/O --- Marks ---/1200.	Rohdar Sikandar Khel Bala. GPS, /	Vice Kifayat Vacant post

1.	2.	3.	4.
21.	Mirza A/A Muin Khan of vill: Hillur Khalid Marks:- 650/1200.	GPS, Top Takhti Khol Lakki.	Agnt. V/Posti
22.	Kifayatullah S/O Mulla Abdul Razaq of vill: S/Maurang. Marks. 679/1200.	GPS, NPS, Zildar Badin Khol.	-do- NCP Post.
23.	Mohd Ayub Jan S/O Nawaz Khan of vill: Manjal Noor Dm Marks 675/1200.	GPS, GPS, Sheghal Hamzah Khol	Vacant post.
24.	Mohd Riaz S/O Saleh Khan of vill: Kakki Marks:- 679/1200.	GPS, Daman Khol.	-do-
25.	Ahmed Iqbal S/O Mulla Ali Khan of Khalid Khol Lakki. H.675/1200.	GPS, Mulla Zor Killa Bannu.	-do-
26.	Faridullah S/O Mulla Saad Jan of vill: Kot Kashmir. 674/1200	GPS, Abusamand Khaisoor.	-do-
27.	Khan Sherin S/O M. Wali Khan of Jabe Khol Lakki. 675/1200.	GPS, Daman Bannu.	-do-
28.	Daman Khan S/O Khan Afzal of vill: Top Takhti Khol Lakki, 674/1200.	GPS, Gadi Top Bannu.	-do-
29.	Taj War Ali Khan S/O Gula Jan of vill: Israil Khol Bannu. 673/1200.	GPS, Akbar Khan Barak Zai Bannu.	-do-
30.	Raqib Khan S/O Khan Sher Khan of vill: Hathi Khol Banochi . 673/1200.	GPS, Gul Badin Landidak.	-do-
31.	Kalimallah S/O Kamidullah of vill: H.No.262/B Marks 671/1200 (Bannu).	GPS, Jahangir Lolo Zai Bannu.	NCP.
32.	Mir Shadad S/O Gul Zaman of vill: Mushar Daud Shah 670/1200	NPS, Nusrat Shah Khol Daud Shah.	V/Post.
33.	Shamsher Ali S/O Zardad Khan of vill: Pak Israil Khol Bannu 688/1200.	GPS, Jahangir Lolo Zai Bannu.	NCP.
34.	Murang Saeb Khan S/O Jangi Khan M. H. Colony S/Murang. 668/1200	GPS, Purdil Khol Bannu.	NCP.
35.	Gul Bahran S/O Gul Bahran of vill: Faqir Landiwah. Marks 667/1200.	NPS, Post Wndri. Bannu.	V/Post.
36.	Qadar Daud Khan S/O Naqad Khan f Salim Mandan Bannu. Marks:- 666/1200.	GPS, Mirza Amir Khan Bharat.	NCP Vacant.
37.	Lugman Ali Zaman S/O Amir Daud of vill: KT: Gul Ahmad Shah Marks. 665/1200.	NPS, Hassani.	V/Post.
38.	Israr Ali S/O Umar Khan of vill: Khojari Marks:- 662/1200.	GPS, Garora Babar Bannu.	NCP.
39.	Muhammad S/O Muhebullah of vill: Shah Salim KT: Gider Lakki. 662/1200.	GPS, Mir Alam Chashmai, Bannu.	V/Post.
39.	Khalil-ur-Rohman S/O ---R.No.3327 Marks 661/1200.	GPS, Khadri Mamand Khol.	V/Post.
41.	Ikramullah S/O Mir Khan of vill: Fahar Khol Lakki. 661/1200.	GPS, Jalandar Shah, Bannu.	V/Post.
42.	Saeed Mulla Zakir Shah S/O Saeed Mulla Jawal Shah of H.R.O.511/B, Bannu 660/1200.	GPS, Akbar Khan Barak Zai.	V/Post.
43.	Gul Hatim Khan S/O Gul Khudat Khan of Marks:- 655/1200.	GPS, Kotkajet Adam Zai.	V/Post.
44.	Muhammad S/O ---R.No. 3332 Marks. 657/1200.	GPS, Rab Zaman Sardi Khol.	V/Post.
45.	Muhammad Bharat S/O ---R.No. 5540 Marks. 657/1200.	NPS, Azim Dandi, Bannu.	V/Post.
46.	Murad Ali S/O Mulla Saad Khan vill: Fahar Khan S/O Zai Marks. 657/1200.	GPS, Dama. Bannu.	V/Post.
47.	Mohd Tariq S/O Mulla Saad Khan of vill: Mulla Saad. Marks. 654/1200.	GPS, Shah Najeed Landidak.	V/Post.
48.	Muhammad S/O Mulla Saad Khan of vill: Mulla Saad. Marks. 654/1200.	GPS, Mir Yaqub Bannu.	V/Post.
49.			

Mohd Ali Shah S/O ... 657/1200 ... Sunzar Khel Murghali V/Post.

- 51. Abdullah Jan S/O Mohd Jan of vill: Jangi Khel Marks:- 647/1200. G/S, Jonai Baka Khel. V/Post.
- 52. Umar Ali Khan S/O Amir Ali Khan of Chak Karim Cheriwala Marks. 646/1200. G/S, Landi Killa Banmu. V/Post.
- 53. Mohd Jahanbakhsh S/O AHMAD Jan of vill: Shah Saleem Gidar Killa Marks. 642/1200. G/S, Baik Khan Zardad Demol. V/Post.
- 54. Sher Ghulam S/O Mir Ghulam of Michan Khel Lakki Marks. 641/1200. G/S, Akbar Zaman Sar-i Khel. V/Post.
- ~~55. ...~~
- 56. Shafiullah S/O Amir Sahib of Bakhtal Ahmad Zai, Marks. 639/1200. G/S, No. 3, Tajori. V/Post.
- 57. Shahadullah S/O Mir Nazif Khan of vill: Koti Mehtar Marks. 639/1200. G/S, Shangi Khel Surari. V/Post.
- 58. Mohd Ismail Shah S/O ---Marks. 638/1200 G/S Kankal Ghora Baka Khel. NCP.
- 59. Hidayatullah S/O Hashim Khan of vill: Khaidad Khel Lakki Marks. 637/1200. G/S, Kangai Ghora Baka Khel. NCP.
- 60. ... Shah Hassan Khel Marks. 636/1200. G/S, Wala Khel SUPARI. V/Post.
- 61. Khalid Usman S/O Mohd Saiddin of vill: Koti Sadat Marks. 632/1200. G/S, Boza Khel. Vice Noor Ajam. transferred.
- 62. Allauddin S/O Mohd Amin of vill: Shah Gali Khan Marks. 631/1200. G/S, Torka Mohd Ali Khan. NCP.
- 63. Mohd Nazif S/O Sur Gul of vill: Shadev Marks. 629/1200. G/S, ... V/Post.
- 64. Mohd Ghoin S/O Mohd Khan of vill: Mira Khel . Marks- 627/1200. G/S, Torka Mohd Alam, Khan Banmu. NCP.
- 65. Hamidullah S/O Mohd Juelani of vill: Shamsi Khel Marks. 627/1200. G/S, Sada Khel Wazir. V/Post.
- 66. Mustaf Khan S/O Salah Khan of vill: Pahar Khel Tall. Marks.-627/1200. G/S, Nawaz Demol. V/Post.
- 67. Azharullah S/O Bahadar Ali of vil : Kala Khel Masti Khan, Marks. 626/1200. G/S, Piran Malook Shah. NCP.
- 68. Hanifullah S/O Rasam Khan of titor Khel Marks. 626/1200. G/S, Rayat Suleman Khel Lakki. V/Post.
- 69. Saifullah Khan S/O Mohd Khan of vill: Pahar Khel Tall Lakki Marks. 626/1200. G/S, Piran Malook Shah. NCP.
- 70. Mohd Ali Shah S/O Gula Khan of vill: Zelim Sandan Marks. 625/1200. G/S, Amir Khan Bharat. V/Post.
- 71. Mushtaq Ahmed Khan S/O Hawari Jan of Toor Kukki Marks. 625/1200. G/S, Wala Khel. V/Post.
- 72. Fozal Karim S/O Sher Ajab of Taji Dal. Marks. 625/1200. G/S, No. 3, Tajori. V/Post.
- 73. Kiramutullah S/O Bahadur Khan of vill: Gidar Killa Lakki Mark . 624/1200. G/S, Masti Khel Fatal Khel. V/Post.
- 74. Farmanullah S/O Mohd Khan of ... G/S, R.R. Bala. V/Post.
- 75. ... (Abdul Raziq S/O Mohd Karim) ... G/S, Baik Khan Zardad Khel Demol. NCP.

6-B

- 77. Shal Mohl 5/0 - .80. 5470 . 625/1211. G.S, Azad Bardi Bannu. V/Insta
- 78. GTS, Nurur Khan Vice Syab Khan. transferred

NOTES:-

1. Charge report should be submitted to all concerned.
2. No. T.M/V is allowed to any one.
3. The appointment is made on terms BASIS AND liable to termination at any time without any reason or notice.
4. The candidates should produce their age and health certificates from M.S.D.H.Q. Hospital, Bannu.
5. The candidates should take over charge within 15 days from the issue of this order other-wise it should be stand automatically cancelled.
6. The Head of the Office/Institutions are required to check their original certificates before handing over charge.
7. The age of the candidates should not exceeds 25 years or less than 18 years.
8. The appointments have been made purely on merit basis from the merit list.
9. The remaining TMC Passed candidates will be appointed on merit basis as and when the vacancies arise.

ALHAJ HAQ NAWAZ KHAN
 DISTRICT EDUCATION OFFICER(MALE)
 BANNU.

PNST: NO. 17967-18067 /AE-III/TTC Apett: File, dated Bannu, the 5.12.1990

Copy for information and nec action to the:-

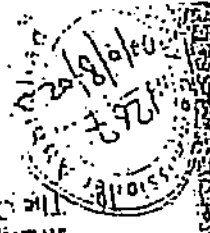
1. Director of Education (Sch:) NWFT, Peshawar pl:.
2. Divisional Director of Edu: (Sch:) D.I.Khan Div: D.I.Khan pl:.
- 3-4 SDEO(M), Bannu/ Iski pl:.
5. Dy: Distt: Edu: Officer(H), Bannu pl:.
6. Superintendent of Local Office pl:.
7. ADEO(A), Local Office pl:.
- 8-96. Candidates concerned.
87. Office file .

5712
 DISTRICT EDUCATION OFFICER(MALE),
 Bannu.

ATTESTED

DEPUTY SECRETARY (POLICY)

[Signature]



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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20

CHIEF SECRETARY
GOVERNMENT OF THE KHYBER PAKHTUNKHWA

EXISTENCE NO & EVEN DATE

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

In exercise of the powers conferred by section 25 of the
Khyber Pakhtunkhwa Civil Servants Act No. XVIII of
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
amendment shall be made, namely:

NOTIFICATION

GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(REGISTRATION)

Annexure - B -

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

[Handwritten initials]

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

Copy forwarded to Director, Government of Punjab

[Handwritten initials]

Section Officer (Policy)

Section Officer (Policy)

Yours faithfully,

Further, these officers/agents 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 Service (Efficiency & Discipline) Rules, 2011, please.

The basic rationale behind the deferral of the bill rule is aimed at preventing a provision exists to defile or forge promotion.

Rule 1989 stands deleted vide the departmental notification dated 08.08.2020. The appointment dated 18.04.2023 on the subject is also in violation of sub-rule (5) of rule 7 of Khyber Pakhtunkhwa Civil Service (Appointment, Promotion and Transfer) Rules, 1989.

Subject: GUIDANCE REGARDING DEFERRAL OF BILL RULE IN THE ESTABLISHMENT DEPARTMENT, GOVERNMENT OF PUNJAB.

The Government of Punjab (Establishment Department) & Secondary Education Department.



GOVERNMENT OF PUNJAB
ESTABLISHMENT DEPARTMENT
No. SO/Policy/Estab/11/2020
Dated: 11.06.2023

62

Amexke - C

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

No.50 (Primary)MVE&SED/2-6/2023
Dated Peshawar 19th June 2023

To

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

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

[Handwritten Signature]
26/6/23

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

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

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

Encl: AA

[Handwritten Initials]

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

Copy forwarded to the:

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

[Handwritten Initials]

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

[Large Handwritten Signature]

B/c -11-

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

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

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

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

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

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

Encl: AA

(MUHAMMAD Ishaq)
SECTION OFFICER (PRIMARY MALE)

Copy forwarded to the:

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

SECTION OFFICER (PRIMARY MALE)



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

Annexure
①


A MEETING REGARDING THE ABOVE MENTIONED MATTER WAS HELD ON 06/07/2023 AT 11:00 AM under the Chairmanship of Additional Secretary Establishment in his office. The following attended the meeting.


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

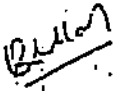
1. THE MEETING BEING WITH PRESENCE FROM THE HOLY QURAN, THE CHAIR WELCOMED THE PARTICIPANTS. THE DEPUTY DIRECTOR (ESTABLISHMENT) OF DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION BAIATED THE FORUM REGARDING AGENDA ITEM IN DETAIL.

2. AFTER THROUGH DISCUSSION IT WAS DECIDED THAT DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION DEPARTMENT MAY EXAMINE THE CASE PROPERLY AND SUBMIT A SELF-CONTAINED/CONSOLIDATED CASE FOR ONWARD SUBMISSION TO ESTABLISHMENT DEPARTMENT FOR FURTHER NECESSARY ACTION.

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

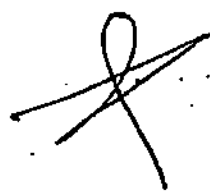

(Mr. Fazal Wahid)
Deputy Director-I
E&SE Department


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


(Mr. Razaqat Ullah)
General Secretary APTA
Peshawar


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

(Abdullah)
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(S) IN THE CIVIL SERVANT (APPOINTMENT, PROMOTION
& TRANSFER RULES 1989).

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

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

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

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

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

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

Provincial President
All Primary Teachers Association
Khyber Pakhtunkhwa

(Mr. Razaqat Ullah)
General Secretary APTA
Peshawar

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

(Abdullah)

Additional Secretary (Establishment)



[Handwritten signature]

WFP442-2023 AZIZULHAH VS GOVT OF PK43

Assistant Director (Exhibits-I)
Elementary & Secondary Education
Khyber Pakhtunkhwa

1. PA in Direction Local Directorate,
2. Master Copy.

Copy of the above is as:-

Assistant Director (Exhibits I-I)
Elementary & Secondary Education
Khyber Pakhtunkhwa
21/7/2023

The case is submitted for personal and necessary actions please.

Departmental Promotion Committee.
provided they submit their written request prior to conclusion of the meeting of
Teachers' Union. It may be requested of implications of the amendment in the rules that
7(2) have affected negatively a large number of Female Teachers. Thus it is proposed that
in view of the above, this office is of considered opinion that the deletion of Rules
has been asked for submission of consolidated case.
Chairman of the Provincial Secretariat Establishment at his office this office has
That in the light of the minutes of meeting dated 6-07-2023 held under the
(Primary-4) E&SED/2-1/Appointment/2023 dated 13-06-2023.
The same was received by this office from your good office with letter No.50
civil servant to accept promotion under every condition.
that there shall be provision in decline or forgo promotion. It is obligatory upon every
Wings) vide letter No.50 (Policy) E&AD/1-1/2020 dated 6-06-2023 corrigendum issued
That the Government of Khyber Pakhtunkhwa Establishment Department (Regulation
No.50 (Primary-4) E&SED/2-1/Appointment/2023 for necessary guidance.
That your good office forwarded the same to the quarter concerned vide letter
promotion.
(ii) It is the policy of the civil servant to either accept or turn down the offer of
No.6987 dated 06-01-2023.
That this office should publish your good office in the following words vide letter
vide notification No. 508-VI (S&AD)/1-2/2020 dated 06-08-2020.
dated Rule 7(2) in the Civil Servants (Appointment, Promotion & Transfer Rules 1989)
That Government of Khyber Pakhtunkhwa Establishment Department (Regulation Wings)
present brief history about the background of the case as under:

Subject: **MINUTES OF THE MEETING**

The Section Officer (Primary-4/State),
Elementary & Secondary Education Department,
Khyber Pakhtunkhwa Province.

To

Phone: 0917221111 Email: crk@khyberpakhtunkhwa.gov.pk



No. 8145

Khyber Pakhtunkhwa, Peshawar
Date: 21/7/2023

Copy of the above to:
1. PA to Director Local Directorate
2. Master Copy
Asst. Director
Elementary & Secondary Education
Khyber Pakhtunkhwa

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

The case is submitted for perusal and necessary action please.
That in light of the minutes of the meeting dated 6-07-2023 held under the Chairmanship of Hon. Additional Secretary Education at his office. This office has been asked for submission of consolidated case.

That the government of KP-ED (Regulation Wing) vide letter No. SO (Policy) EQAD/1-3/2020 dated 6-06-2023 comparatively stated that there exists no provision to declare/forge promotion. It is obligatory upon every civil servant to accept promotion under every condition.

That your good office forwarded the same to quater concerned vide letter No. SO (Primary-Male) EQSEP/2-2/Appointment/2023 for necessary guidance.

That this office sought guidance from your good office in the following words vide letter No. 6983 dated 06-07-2023.

That Government of KP Establishment department (Regulation Wing) decided rule 7(S) in Civil Servants (Appointment Promotion Transfer Rule 1999) vide notification No. No. SDR-VI(EQAD)1-3/2020 dated 06-08-2020.

Present brief history, along background of case as under:
Minutes of meeting/PT/2023 dated 30-7-2023 on subject cited above and to
I am directed to refer to letter No. (SO Primary-Male) EQSEP/5-1/6/2023
Subject: Minutes of Meeting
KPK, Peshawar
Elementary & Secondary Education Department
Section Officer (Primary-Male)
Peshawar
(21-7-2023)

DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION, KPK

- B/C -

-15-



-16-

ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT
CIVIL SECRETARIAT PESHAWAR
(Phone No.091-8221587)

No. SO(Policy-M)E&SED/2-2/Appointment-Rule /2023
Peshawar Dated 23rd August, 2023

Annexure
E

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

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

Dear Sir,

I am directed to refer to your letter No. SO(Policy)/ 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.


(MUHAMMAD ISMAIL)
SECTION OFFICER (PRIMARY MALE)

Copy forwarded to the:

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


SECTION OFFICER (PRIMARY MALE)
28/8/23

Scanned with CamScanner



[Handwritten signature]

1. Director E & SE Khyber Pakhtunkhwa
2. PS & Secretary, E & SE Department (Public Administration)
Copy forwarded to:
(Muhammad Ishaq)
Section Officer (Army)
(Male)

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.

9 am directed to refer to your letter No. SO (Army) (Policy) / E & AD / 1-3/2020 dated 6th June 2022 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 these 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) Rules 2012.

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

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

To
The Secretary to Government of Khyber Pakhtunkhwa, Establishment and Administration Department, Peshawar Dated 23rd August 2022.
No. SO (Army-M) E & SE / 1-3/2020
Appointment - Rule / 2022

- B/c -
- 17 -

Annexure - F



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

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

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

Dear Sir,

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

Yours faithfully,

Section Officer (Policy)

Encls. 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 PAKHTUNIKHWA
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 PAKHTUNIKHWA CIVIL SERVANTS (APPOINTMENT,
PROMOTION AND TRANSFER) RULES, 1989.

Dear Sir,

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

Yours faithfully,

Section Officer (Policy)

Endst. Of even No & date

Copy forwarded to the:-

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

Section Officer (Policy)

Annexure - G

To,

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

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

Sir/ Madam:-

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

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

Dated 28/10/2024

Asghar Khan



ASGHAR KHAN
S/O ABDUL KAREEM KHAN
PSHT

WAKALAT NAMA

BEFORE THE SERVICE TRIBUNAL PESHAWAR

ASGHAR KHAN

Appellant

Versus

Government of KP & others

Respondents

I (the Appellant)

do hereby appoint and retain

MUHAMMAD MUAZZAM BUTT ASC. MUHAMMAD ADEEL BUTT AHC

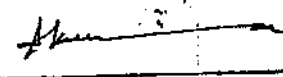
BASSAM AHMAD SIDDIQUI AHC

&

ASSOCIATES OF MUAZZAM LAW FIRM

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

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



APPELLANT

ACCEPTED

MUHAMMAD MUAZZAM BUTT
Advocate Supreme Court

MUHAMMAD ADEEL BUTT
Advocate High Court

BASSAM AHMAD SIDDIQUI
Advocate High Court