


# FORM OF ORDER SHEET

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

Appeal No. 2369 /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 style="text-align: right;">By order of the Chairman</p> <p style="text-align: right;"> REGISTRAR</p>

**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA**

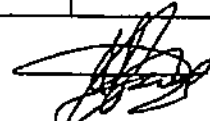
Zakir Hussain

V/S

Government of KP & others

**INDEX**

S#	DESCRIPTION OF THE DOCUMENTS	ANNEX	PAGES
1.	Appeal and Verification	*	1-4
2.	Application for suspension	*	5
3.	Copy of Monthly Salary account	A.	6-6c
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 06th, 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 07-09-202	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

**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA**

In Ref to

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

Zakir Hussain Son of Muhammad Hassan Resident of Tehsil & District Mardan

Designation: Primary School Head Teacher at GPS Nadar Khan Banda

.....Appellant

**VERSUS**

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

.....Respondents

**SERVICE APPEAL UNDER SECTION 4 OF KPK SERVICE TRIBUNAL ACT 1974, AGAINST THE IMPUGNED NOTIFICATION BEARING NO.SO(POLICY)E&AD/1-312020, 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/1-312020, 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 Monthly Salary account is annexed as Annexure A

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

**"Furthermore, those officers/officials who do not comply with promotion order of the competent authority or try to evade promotion through different means shall be proceeded against under Khyber Pakhtunkhwa Civil Servants (Efficiency Discipline) Rules, 2011, please".**
5. That as per notification No. SD (Policy) /EDAD/1- 3/2020 dated 06/08/2020, the right of foregoing of promotion was withdrawn and the Government of Khyber Pakhtunkhwa Establishment Department (Regulation Wing) deleted Rule 7(5) in the Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 vide notification no SOR-VI (E & AD)/1-2/2020 dated 06-08-2020. Copy of notification No. SD (Policy) EV AD/1- 3/2020 dated 06/08/2020 is attached as Annexure B
6. That the Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar asked for guidance regarding deletion of Rule 7(5) in Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 in respect of which the respondent No. 1 vide its letter No. SO(Policy) E&AD/1-3/2020 dated Peshawar the June 06th, 2023 directed the respondent No 3 (Directorate of Elementary & Secondary Education) that Rule 7(5) in the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 has been deleted vide notification dated 06-08-2020 and ,therefore, no provision exists to decline or forgo promotion and it is obligatory upon every civil servant to accept promotion under every condition. Copy of Impugned Letter dated June 06th, 2023 is attached as Annexure C
7. That thereafter the meeting was also held in the office of Additional Secretary Establishment on 06-07-2023 in which it was decided to examine the case properly and submit a self-contained/ consolidated case for onward submission to the Establishment Department for further necessary action. Copy of Minutes of Meeting dated 06-07-2023 is attached as Annexure D
8. That the Respondent No.3 i-e. Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa also wrote a letter to the office of Establishment & Administrative Department vide No SO(Primary-M) E&SED/2-2/Appointment Rule/2023 dated 23-08-2023 to reconsider the amendment made in Khyber

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

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

**GROUND:-**

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


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

**It is, therefore, humbly prayed that on the acceptance of the instant Service Appeal; the impugned Notification bearing No. SO (POLICY) E&D/1-3 1-2020 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 Zakir Hussain Son of Muhammad Hassan Resident of Tehsil & District Mardan 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

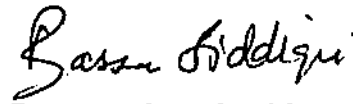
  
Deponent

  
Appellant

Through

  
Muhammad Muazzam Butt  
Advocate Supreme Court

  
Muhammad Adeel Butt  
Advocate High Court

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

BEFORE THE SERVICE TRIBUNAL REVERE PARISH, LOUISIANA

CA No. \_\_\_\_\_ P-01-2024

In Ref to

Service Appeal No. \_\_\_\_\_ /2024

Zaki Hussain  
VERSUS

Secretary to Government for Higher Education & others

APPLICATION FOR SUSPENSION OF APPEAL NOTIFICATION BEARING NO. 59 (POLICY) E&D/1-3/2020 DATED 06/08/2020, COMMUNICATED TO RESPONDENT NO. 2 BY VIDE LETTER DATED 06/08/2022 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 light of the notification bearing No. 59 (Policy) E&D/1-3/2020 dated 06/08/2020, communicated to respondent No. 2 by Respondent No. 1, vide letter dated 06/06/2022, 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 justly requested that the notification bearing No. 59 (Policy) E&D/1-3/2020 dated 06/08/2020, communicated to respondent No. 2 by Respondent No. 1, vide letter dated 06/06/2022, may kindly be suspended till the final disposal of the main appeal in hand.

Appellant  
*[Signature]*

Through

Attorney at Law  
*[Signature]*

ATTESTED  
*[Signature]*

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 therefrom from this Honorable Court.  
*[Signature]*  
Deponent

-6- Annexure "A"

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) PRIMARY MARDAN.

APPOINTMENT.

Consequent upon the advertisement published in the Daily Masudiq Fashavar dated 25/09/1994 interview held on 11, 12, 13/10/1994 by the Departmental selection committee Mardan District and Merit list prepared according to Govt. rules the following PTC trained candidates (AIOU Inham Abad) are hereby appointed as PTC trained Teacher in BPS(O7) (1480-81-2695) plus usual allowances as admissible under the rules w.e.f. the date of taking over charge in the school noted against each in the interest of public service on the following terms and conditions:-

S.No.	Name of Candidate/Home Address/ Qualification.	PTO Marks.	School where posted.	Remarks.
<u>PF-18 Mardan-1.</u>				
1.	Risheer Zada S/O Amir Zada R/O Fsh Colony Mardan.	64 %	GMFS, Mayee Kbel.	AY. Post.
2.	Si Khalid Shah S/O Rahman Gul R/O Bacha Garhi (Mardan).	63 %	GMFS, Nana Khei G/Garhi.	-do-
<u>PF-19 Mardan-2.</u>				
3.	Abdul Wudood S/O Abdul Halim R/O Mohib Banda.	67 %	GMFS, Siraj	-do-
4.	Waliullah S/O Bher Ullah R/O G.D. Zai	60 %	GMFS, Hakhtar Banda	-do-
5.	Mohammed Sajjid S/O Fida Mohd R/O Toru.	59 %	GFS, Subhat Abad	-do-
6.	Rashidur Rahman S/O Abdur Rahman R/O Zando Dheri.	58 %	GMPS, Durani Kaka	-do-
7.	S; Ahmad Hussain Shah S/O S; Qasim R/O Mohib Banda.	55 %	GFS, Dhakki	-do-
8.	Mohammad Fayaz S/O Basbir Ahmad R/O Toru.	50 %	GFS, Qasim(T)	-do-
<u>PF-20 Mardan-3.</u>				
9.	Mir Nawaz S/O Haya Khan R/O Gujarat.	69 %	GFS, Aman Kot	-do-
10.	Mohammad Ishaq S/O Mir. Dad Khan R/O Gul Bahar Gujarat.	62 %	GFS, Shah Tari	-do-
11.	Zulfiqar Ali S/O Mohd: Baz R/O Char Dheri.	61 %	GFS, No. 2 Jalil.	-do-
12.	Said Jamal S/O Abdul Jamal R/O Jaifer Abad.	60 %	GMFS, Bagi Banda.	-do-
13.	Mohammed Tahir S/O Sarfaraz R/O Char Guli.	59 %	GMPS, Tanzo.	-do-
14.	Ghulam Azim S/O Ghulam Rahman R/O Gujarat.	59 %	GFS, Shin Khal (SAP)	-do-
15.	Masir Ahmed S/O Mohammad Rafiq R/O Gujarat.	56 %	GMFS, Akhun Bahia.	-do-
16.	Bacha Said S/O Saeed Ullah R/O Guryalo.	55 %	GFS, Surki Dheri.	-do-
17.	Mohammad Khalid S/O Wali Said R/O Sher Abad.	52 %	GMFS, Tahr Abad.	-do-
18.	Gul Wahab S/O Niaz Mohammad R/O Landni.	52 %	GMPS, Shameedan.	-do-

Page, ... 2)

ATTESTED



1955  
 1956  
 1957  
 1958  
 1959  
 1960  
 1961  
 1962  
 1963  
 1964  
 1965  
 1966  
 1967  
 1968  
 1969  
 1970  
 1971  
 1972  
 1973  
 1974  
 1975  
 1976  
 1977  
 1978  
 1979  
 1980  
 1981  
 1982  
 1983  
 1984  
 1985  
 1986  
 1987  
 1988  
 1989  
 1990  
 1991  
 1992  
 1993  
 1994  
 1995  
 1996  
 1997  
 1998  
 1999  
 2000  
 2001  
 2002  
 2003  
 2004  
 2005  
 2006  
 2007  
 2008  
 2009  
 2010  
 2011  
 2012  
 2013  
 2014  
 2015  
 2016  
 2017  
 2018  
 2019  
 2020  
 2021  
 2022  
 2023  
 2024  
 2025

19. <u>FP-21 Mardan-4.</u> Nigzar Ahmad S/O Iman Khan R/O Dheri Lak Fani.	62 %	GMS, Tori
20. <u>FP-22 Mardan-5.</u> Finoor Khan S/O Buz Gul R/O Sheikh Younsaf.	58 %	GMS, Kili
21. Abdul Shokoor S/O Niaz Gul R/O Jandai.	56 %	GMS, Sari
22. Faqir Taj S/O Khair Gul R/O Said Abad.	55 %	GMS, Mir Hassan Kili.
23. <u>FP-25 Mardan-6.</u> Furhad Ali S/O Anwar Shah R/O Hussai.	65 %	GMS, Momin Khan Kili
24. Mohammed Azam S/O Kartaza Khan R/O Ohiragh Din Kili.	68 %	GMS, Dilroz Khan Kili.
25. Zaman Khan S/O Khalid Khan R/O Pati Kalan.	58 %	GMS, Bakhtair Kili.
26. Pervaiz Khan S/O Shah Zad Gul R/O Zarghar Korona.	54 %	GMS, Dilawar Khan-do- Kili.
<b>GENERAL MERIT LIST.</b>		
27. Mohd: Iftikhar Hussain S/O Noor Hassan R/O Noor Mankhel.	63 %	GFS, Far Hoti (MDV)-do-
28. Hayatullah S/O Ajab Khan R/O Moh: Allah Dad Khel.	62 %	GFS, Mirza Kai (R) -do-
29. Iman Ali S/O Farman Ali R/O Muqim Abad Mardan.	62 %	GMS, Jamdad -do-
30. Iqbal Akbar S/O Mohammed Akbar R/O Noor Man Khel	60 %	GMS, Mura Banda. -do-
31. Mohammed Islam S/O Zardad Khan R/O Now. Mavelin Abad.	60 %	GMS, Pinedeh (R) -do-
32. Zavar-Mohammed S/O Ghulam Nabi R/O Landakai Hoti Mardan.	60 %	GFS, Bahader Shah -do- Banda.
33. Zakir Hussain S/O Mohammed Hussain R/O Beal Colony.	60 %	GFS, Nodar Khan Banda (BAF) -do-
34. Khan Buz S/O Wali Bad R/O Qaoni.	59 %	GMS, Anwar Khan Kili. -do-
35. Ajaal Shah S/O Afzal Shah R/O Haji Korona.	59 %	GMS, Akbar Abad. -do-
36. Khalid S/O Mohammed Akbar R/O Noor Man Khel Hoti Mardan.	58 %	GMS, Umer Khan Kili. -do-
37. Aurang Zeb S/O Zobia ud Din R/O Fohan Colony Mardan.	58 %	GMS, Amir Abad Rustam -do-
38. Hanbool Ahmad S/O Ali Akbar R/O Mucya Qateem	57 %	GFS, Kass Kili -do-
39. Abdul Hakim S/O Abdul Manan R/O Buket Gunj	56 %	GMS, Farman Banda. -do-
40. Fazal Del Shah S/O Rahim Dad Shah R/O Umer Khan Khel.	55 %	GMS, Afzal Abad -do-
41. Islam Gul S/O Hameed Gul R/O Katlang.	55 %	GMS, Chimber. -do-
42. Zeinul Aabideen S/O Noor Alohi Qureshi R/O Barichian.	53 %	GFS, Surkh Dheri. -do-
43. Mohammad Asif S/O Abdullah R/O Kass Korona.	52 %	GMS, Bagh Korona -do-
44. Mohammad Nazir S/O Shamroz R/O Dagi.	52 %	GFS, Jungara. -do-
45. Ijaz Hussain S/O Noor Hassan R/O Noor Man Khel.	52 %	GMS, Nawar -do-

ATTESTED

6-b

46.	Muham Khan S/O Said Karim R/O Ghail Mardan.	50 %	GMPS, Ghail Mardan Takhit Bhai.	-do-
47.	Nisar Mohammad S/O Farid Mardani R/O Sarfaraz Gunj.	49 %	GMPS, Pirano Kili Takhit Bhai.	-do-
48.	Liaqat Ali S/O Safoor R/O Moh: Mohammad Ali Khan Hoti.	46 %	GIS, Maha Haray Takhit Bhai.	-do-
49.	Mohammad Ghawes S/O Amir Ghawes R/O Guli Bagh S: Dher	45 %	GMPS, Umer Khan Kili.	-do-

TERMS AND CONDITION.

- 1). Their appointment are made purely on Temp: basis in liable to termination at any time according any reason or notice.
- 2). In case of resignation they will have to submit one month prior notice to the Deptt: or forfeit one months pay in lieu thereof to the Govt;
- 3). They are required to produce Health and age certificate from the M/S D.H. Hospital Mardan before taking over charge.
- 4). Their original certificate should be checked before handing over charge.
- 5). They shall governed by such services discipline and conduct rules which may be prescribed thereafter by the Govt; NWFP.
- 6). They should not be allowed to take over charge in case their age is less than 18 years and above then 30 years.
- 7). If they fail to take over charge of the post within 15 days on the issued of this order their appointment order will be cancelled.
- 8). No TA/DA etc is allowed to any one.

N O T E:-

Mr. Khaleefatul Muslamoon S/O Amir Ayaz R/O Takker PB-23, will be appointed on receipt obtaining sanction of upper age limit from the authority concerned as he is over age.

(MR. KARIM ULLAH KHAN)  
DISTRICT EDUCATION OFFICER,  
(MALE) PRIMARY M A R D A N

Encl: No. 869-922 / P.No. 25 / Appt: PTO / Vol: III / I-AE / dt: 12-03-95.

Copy to the:-

1. The Director Primary Education NWFP, Hayat Abad Peshawar.
2. The Sub-Div: Education Officer (Male) Mardan / Takht Bhai.
3. The Registrar Peshawar High Court for information please.
4. The District Accounts Officer Mardan.
- 5-52. Candidates concerned.
53. Manager Employment Exchange Mardan for information please.

ATTESTED

DISTRICT EDUCATION OFFICER  
(MALE) PRIMARY M A R D A N

Ihsan Ullah

6-2

**Dist. Govt. KP-Provincial**  
**District Accounts Office Mardan**  
**Monthly Salary Statement (January-2024)**



Personal Information of Mr ZAKIR HUSSAIN d/w/s of MUHAMMAD HASSAN

Personnel Number: 00118238 CNIC: 1610111169863 NTN: 0  
 Date of Birth: 16.05.1971 Entry into Govt. Service: 12.03.1995 Length of Service: 28 Years 10 Months 021 Days

Employment Category: Vocational Temporary

Designation: PRIMARY SCHOOL HEAD TEACH 80003432-DISTRICT GOVERNMENT KHYBE

DDO Code: MR6156-DY.DISTRICT EDUCATION OFFICER (M) M

Payroll Section: 003 GPF Section: 001 Cash Center: 2

GPF A/C No: EDUMR010101 GPF Interest applied GPF Balance: 174,442.00 (provisional)

Vendor Number: -

Pay and Allowances: Pay scale: BPS For - 2022 Pay Scale Type: Civil BPS: 15 Pay Stage: 21

Wage type		Amount	Wage type		Amount
0001	Basic Pay	65,500.00	1001	House Rent Allowance 45%	3,524.00
1210	Convey Allowance 2005	2,856.00	1300	Medical Allowance	1,500.00
1505	Charge Allowance	40.00	2148	15% Adhoc Relief All-2013	796.00
2199	Adhoc Relief Allow @10%	535.00	2316	Teaching Allowance 2021	3,224.00
2341	Dispr. Red All 15% 2022KP	6,208.00	2347	Adhoc Rel Al 15% 22(PS17)	6,208.00
2378	Adhoc Relief All 2023 35%	22,332.00			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	-2,110.00	3990	Emp.Edu. Fund KPK	-135.00
4004	R. Benefits & Death Comp:	-600.00			0.00

**Deductions - Loans and Advances**

Loan	Description	Principal amount	Deduction	Balance
6505	GPF Loan Principal Instal	150,000.00	-5,000.00	145,000.00

**Deductions - Income Tax**

Payable: 33,122.50 Recovered till JAN-2024: 14,292.00 Exempted: 8280.55 Recoverable: 10,549.95

Gross Pay (Rs.): 112,623.00 Deductions: (Rs.): -13,335.00 Net Pay: (Rs.): 99,288.00

Payee Name: ZAKIR HUSSAIN

Account Number: 4050523769

Bank Details: NATIONAL BANK OF PAKISTAN, 230365 MARDAN MAIN BRCH MARDAN MAIN BRCH, MARDAN

Leaves: Opening Balance: Aailed: Earned: Balance:

Permanent Address: MUH YAQOOB KHAN PO PAR HOTI MARDAN

City: MARDAN

Domicile: NW - Khyber Pakhtunkhwa

Housing Status: No Official

Temp. Address:

City:

Email: zakirhusainps@gmail.com

  
**ATTESTED**

System generated document in accordance with APPM 4.6 12.9(25859/24.01.2024/3.0)

\* All amounts are in Pak Rupees

\* Errors & omissions excepted (SERVICES/02\_2024/19.09.54)

ATTESTED

ATTESTED



DEPUTY SECRETARY (POLICY)  
(M.A. JALALI)

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

CHIEF SECRETARY  
GOVERNMENT OF THE KHAYBER PAKHTUNKHWA

NO & EVEN DATE

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

Supplies & ADI-312020  
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:

in clause of the powers conferred by section 26 of the  
Dated Peshawar the 06/8/2020

NOTIFICATION

GOVERNMENT OF  
KHAYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT  
(ACQUISITION-WING)

Annexure - B

B/c

08

GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT  
(REGULATION WING)

NOTIFICATION

Dated Peshawar the, 06/08/2020

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

AMENDMENT

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

CHIEF SECRETARY  
GOVERNMENT OF THE KHYBER PAKHTUNKHWA

(ANDS): & EVEN DATE

Copy is forwarded to :-

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

(WARDAH LATIF)  
DEPUTY SECRETARY (POLICY)

ATTESTED

TESTATED

WFO443-2023 AZIZULHAH VS GOVT CP PG43

21.6.23  
2023  
2023

Section Officer (Policy)

Copy forwarded to:-  
1. Dy to Special Secretary (Leg), Establishment Department  
2. Dy to Additional Secretary (Leg-II), Establishment Department  
3. Dy to Deputy Secretary (Policy), Establishment Department

Section Officer (Policy)

Yours faithfully,

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

to tackle higher responsibilities in case of promotion. Therefore, it is obligatory upon every prevent those who tend to forge promotion to evade posting/transfer or show lack of capacity. All relevant merit application for filling up by seeking to a single lucrative position or to

The basic rationale behind the deletion of the rule was to prevent any provision exists to declare or forge promotion.

1887 stands deleted vide the departmental notification dated 04.08.2020. The subject is referred to the subject noted above and to state that Sub-rule 27 of rule-7 of Khyber Pakhtunkhwa Civil Services (Appointment, Promotion and Transfer) Rules, 1987 stands deleted vide the departmental notification dated 04.08.2020. The subject is referred to the subject noted above and to state that Sub-rule 27 of rule-7 of Khyber Pakhtunkhwa Civil Services (Appointment, Promotion and Transfer) Rules, 1987 stands deleted vide the departmental notification dated 04.08.2020.

I am directed to refer to your letter No. HO/10000-My/2022-23 dated 18.04.2023 on the subject noted above and to state that Sub-rule 27 of rule-7 of Khyber Pakhtunkhwa Civil Services (Appointment, Promotion and Transfer) Rules, 1987 stands deleted vide the departmental notification dated 04.08.2020.

Subject: 1. GUIDANCE REGARDING DELETION OF RULE 27 IN THE CIVIL SERVICES (APPOINTMENT, PROMOTION AND TRANSFER) RULES, 1987.

To: The Government of Khyber Pakhtunkhwa, Secretariat, Peshawar.

67  
GOVERNMENT OF KHYBER PAKHTUNKHWA  
SECRETARIAT (KAD), PESHWAR  
Dated Peshawar the 20th June 2023



Amexuke - C  
- - - 9 - - -



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT  
CIVIL SECRETARIAT PESHAWAR  
(Phone No.091-8223507)

No.50 (Primary-MYE&SED/2-8/2023  
Dated Peshawar (tho. June 25<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  
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 mark]*

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

Copy forwarded to the:

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

*[Handwritten mark]*

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

*[Handwritten Signature]*  
ATTESTED

B/c -11-

No SO (Primary-M)/E&SED/2-6/2023  
Dated Peshawar the June 25<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, 1969.

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)

ATTESTED



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

A meeting regarding the subject matter was held on 03-07-2023 at 11:00 AM under the Chairmanship of Additional Secretary Establishment in his office. The following attended the meeting.


Annexure  
0


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

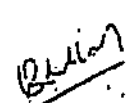
2. The meeting started with recitation from the Holy Quran. The chair welcomed the participants. The Deputy Director (Establishment) of Directorate of Elementary & Secondary Education briefed the forum regarding agenda item in detail.

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

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

  
(Mr. Fozal Wahid)  
Deputy Director-1  
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

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

  
ATTESTED

-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 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)

ATTESTED





No. 8145

Khyber Pakhtunkhwa, Peshawar

WP No. 31/SST/W/Gabral/Cat

Date: 22/7/2023

Phone: 091-9221344

Email: establishment@kpk.gov.pk

To

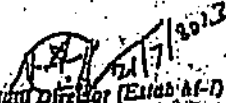
The Section Officer (Primary-Male),  
Elementary & Secondary Education Department,  
Khyber Pakhtunkhwa Peshawar.

Subject: MINUTES OF THE MEETING  
Dear Sir,

I am directed to refer to the letter No.SO(Primary-M)E&SED/3-1/G.Misc/Minist of the Meeting/PS72023 dated 10-07-2023 on the subject cited above and to present brief history about the background of the case as under:

- That Government of Khyber Pakhtunkhwa Establishment Department (Regulation Wing) deleted Rule 7(5) in the Civil Servants (Appointment, Promotion & Transfer) Rules 1980 vide notification No. No. SOR-VI (E&AD)/1-3/2020 dated 06-08-2020.
  - That this office sought guidance from your good office in the following words vide letter No.6987 dated 06-07-2023.
    - (i) How is it obligatory upon the civil servant to accept Promotion in every condition
    - (ii) It is the prerogative of the civil servant to either accept or turn down the offer of promotion.
  - That your good office forwarded the same to the quarter concerned vide letter No.SO (Primary-M) E&SED/3-1/Appointment/2023 for necessary guidance.
  - That the Government of Khyber Pakhtunkhwa Establishment Department (Regulation Wing) vide letter No.SO (Policy) E&AD/1-3/2020 dated 6-04-2020 categorically stated that there exists no provision to decline or forgo promotion. It is obligatory upon every civil servant to accept promotion under every condition.
  - The same was received by this office from your good office vide letter No.SO (Primary-M) E&SED/3-1/Appointment/2023 dated 12-06-2023.
  - That, in the light of the minutes of meeting dated 6-07-2021 held under the Chairmanship of Hon. Additional Secretary Establishment at his office this office has been asked for submission of consolidated case.
- In view of the above, this office is of considered opinion that the deletion of Rules 7(5) have effected negatively a huge numbers of Female Teachers. Thus it is proposed that Teachers below 15-16 may be exempted of implications of the amendment in the rules ibid provided they submit their written refusal prior to conduction of the meeting of Departmental Promotion Committee.

The case is submitted for perusal and necessary actions please.

  
Assistant Director (Estab-1)  
Elementary & Secondary Education  
Khyber Pakhtunkhwa

Encls: No. Copy of the above is in:-

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

Assistant Director (Estab-1)  
Elementary & Secondary Education  
Khyber Pakhtunkhwa

ATTESTED

-B/c-

DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION, KPK

PESHAWAR  
(21-7-2023)

To:

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

Subject: Minutes of Meeting

Dear Sir, I am directed to refer to letter No. (SO Primary-M) E&SED/5-1/G/122/  
Minutes of meeting/PST/2023 dated 10-7-2023 on subject cited above and to  
present brief history about background of case as under:

- That Government of KP Establishment department (Regulation Wing) deleted rule 7(5) in Civil Servants (Appointment, Promotions, Transfer, Rule 199) vide notification No. No. SDR-VI (E&AD) 1-3/2020 dated 06-08-2020.
- That this office sought guidance from your good office in the following words vide letter No. 6987 dated 06-07-2023.
  - (i) Now it is obligatory upon civil servant to accept promotion.
  - (ii) It is prerogative of civil servant to either accept/decline the offer of promotion.
- That your good office forwarded the same to quarters concerned vide letter No. SO (Primary-M) E&SED/2-2/Appointment/2023 for necessary guidance.
- That the government of KP-ED (Regulation Wing) vide letter No. SO (Policy) E&AD/1-3/2020 dated 6-06-2020 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(5) have affected negatively a huge members of Female teachers.

The case is submitted for perusal and necessary action please.

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

Asstt. Director  
Elementary & Secondary Education  
Khyber Pakhtunkhwa

  
ATTESTED



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 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. SO(Policy)/E&AD/1-3/2020 dated 05<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 of mother-in-law who head 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 E&SE Khyber Pakhtunkhwa.
2. PS to Secretary, E&SE Department Khyber Pakhtunkhwa.

  
SECTION OFFICER (PRIMARY MALE)  
28/8/23

Scanned with CamScanner

  
ATTESTED  


- B/c -

- 17 -

No. 5 (Primary - M) E & SE / 19-81 /  
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. 5 (Primary) / E & AD /  
1-3/2023 dated 6th June 2023 and to state that after  
deletion of Rule 7(S) Khyber Pakhtunkhwa Civil Servant (Appointment,  
Promotion and Transfer Rules 1989) it has been intimated that  
those officers/officials who do not comply with promotion order  
of the competent authority or try to evade promotion through  
different means shall be proceed under Khyber Pakhtunkhwa  
Civil Servant (Efficiency and Discipline) Rule 2011.

In this connection it is submitted that in some cases lady  
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

(Muhammad Ishaq)  
Section Officer (Primary  
Male)

ATTESTED

Annexure - F



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

RESTED

-18-

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 rendered 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.

WP442-2023 AZIZULLAH VS GOVT OF PK

-20- Annexure "G"

Dated: 22-01-2024

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

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

Sir/ Madam:-

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

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

Best Regards



Zakir Hussain Son of Muhammad Hassan  
Resident of Tehsil & District Mardan

  
ATTESTED



Khyber Pakhtunkhwa

Aziz Ullah Khan  
President  
0333-0412618  
azizullah1573@gmail.com  
nplakph



APTA Mawani  
Govt. Primary School No.4,  
Dubbahar Peshawar City

آل پرائمری ٹیچرز ایسوسی ایشن (اپٹا) خیبر پختونخوا

Annexure - H

ہیب: نیکر لی بلٹری ۵۰ سیکڑی ایک کٹن ٹیچر پختونخوا  
ہیب: آل پرائمری ٹیچرز ایسوسی ایشن خیبر پختونخوا  
جناب مال

گزارش ہے کہ ہر مہینہ ہر ماہ نامی ہوتے ہیں اور سرکاری ادارہ کی خواہش ہوتی ہے ہر مہینہ ایک سال ہوا کرتا ہے کہ ہر ماہ ایک ایک کرنسی  
بجٹ کے تحت ایک دن ہر مہینہ میں 700 روپے ہر ماہ ایک ہر ماہ ایک ہر مہینہ میں لے سکتے تھے مطلب ہر ماہ ایک ہر ماہ ایک ہر ماہ ایک ہر مہینہ میں لے سکتے تھے  
پھر ان سالوں میں سرکاری معائنہ کی گئی ہر ماہ ایک ہر ماہ ایک ہر ماہ ایک ہر مہینہ میں لے سکتے تھے اور دوسرے سال لے سکتے تھے  
تین اب ایک ہر ماہ ایک ہر مہینہ میں لے سکتے تھے اور دوسرے سال لے سکتے تھے

اس کے علاوہ اب ہر ماہ ہر مہینہ میں لے سکتے تھے اور دوسرے سال لے سکتے تھے اور دوسرے سال لے سکتے تھے اور دوسرے سال لے سکتے تھے  
اور اس کے علاوہ اب ہر ماہ ہر مہینہ میں لے سکتے تھے اور دوسرے سال لے سکتے تھے اور دوسرے سال لے سکتے تھے اور دوسرے سال لے سکتے تھے  
مہینہ ہر ماہ ایک ہر مہینہ میں لے سکتے تھے اور دوسرے سال لے سکتے تھے اور دوسرے سال لے سکتے تھے اور دوسرے سال لے سکتے تھے

ہر ماہ ہر مہینہ میں لے سکتے تھے اور دوسرے سال لے سکتے تھے اور دوسرے سال لے سکتے تھے اور دوسرے سال لے سکتے تھے  
اور اس کے علاوہ اب ہر ماہ ہر مہینہ میں لے سکتے تھے اور دوسرے سال لے سکتے تھے اور دوسرے سال لے سکتے تھے اور دوسرے سال لے سکتے تھے  
مہینہ ہر ماہ ایک ہر مہینہ میں لے سکتے تھے اور دوسرے سال لے سکتے تھے اور دوسرے سال لے سکتے تھے اور دوسرے سال لے سکتے تھے

ہر ماہ ہر مہینہ میں لے سکتے تھے اور دوسرے سال لے سکتے تھے اور دوسرے سال لے سکتے تھے اور دوسرے سال لے سکتے تھے  
اور اس کے علاوہ اب ہر ماہ ہر مہینہ میں لے سکتے تھے اور دوسرے سال لے سکتے تھے اور دوسرے سال لے سکتے تھے اور دوسرے سال لے سکتے تھے  
مہینہ ہر ماہ ایک ہر مہینہ میں لے سکتے تھے اور دوسرے سال لے سکتے تھے اور دوسرے سال لے سکتے تھے اور دوسرے سال لے سکتے تھے

ہر ماہ ہر مہینہ میں لے سکتے تھے اور دوسرے سال لے سکتے تھے اور دوسرے سال لے سکتے تھے اور دوسرے سال لے سکتے تھے  
اور اس کے علاوہ اب ہر ماہ ہر مہینہ میں لے سکتے تھے اور دوسرے سال لے سکتے تھے اور دوسرے سال لے سکتے تھے اور دوسرے سال لے سکتے تھے  
مہینہ ہر ماہ ایک ہر مہینہ میں لے سکتے تھے اور دوسرے سال لے سکتے تھے اور دوسرے سال لے سکتے تھے اور دوسرے سال لے سکتے تھے

ہر ماہ ہر مہینہ میں لے سکتے تھے اور دوسرے سال لے سکتے تھے اور دوسرے سال لے سکتے تھے اور دوسرے سال لے سکتے تھے  
اور اس کے علاوہ اب ہر ماہ ہر مہینہ میں لے سکتے تھے اور دوسرے سال لے سکتے تھے اور دوسرے سال لے سکتے تھے اور دوسرے سال لے سکتے تھے  
مہینہ ہر ماہ ایک ہر مہینہ میں لے سکتے تھے اور دوسرے سال لے سکتے تھے اور دوسرے سال لے سکتے تھے اور دوسرے سال لے سکتے تھے

شکر ہے

Handwritten signature and date 08/11/2023

عزیز اللہ خان سہیل صدر  
آل پرائمری ٹیچرز ایسوسی ایشن خیبر پختونخوا

WP4442-2023 AZIZULLAH VS GOVT OF PG43

ATTESTED

# VAKALAT NAMA

## BEFORE THE SERVICE TRIBUNAL PESHAWAR

ZAKIR HUSSAIN  
Versus

Appellant

Government of KP & others

Respondents

I (the Appellant)

do hereby appoint and retain

MUHAMMAD MUAZZAM BUTT ASC. MUHAMMAD ADEEL BUTT AHC

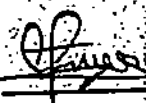
BASSAM AHMAD SIDDIQUI AHC

&

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