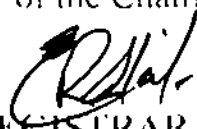


FORM OF ORDER SHEET

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

Appeal No. 2325 /2024

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

**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA**

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

In Ref to

Service Appeal No 2325 2024

Fazal Karim Khan

**VERSUS**

Secretary to Government of Khyber Pakhtunkhwa, & others

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4.	Copy of notification No. SD (Policy) EV AD/1-3/2020 dated 06/08/2020	B	7-8
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ADVOCATE

M. Muazzam Butt

**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA**

In Ref to

Service Appeal No 2325 /2024

Fazal Karim Khan Son of Sher Ajab Khan, PSHT

GPS Gulbaz Dheqan, Tehsil Ghazni Khel, 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 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 KP 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/1-3/2020 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.**

*Fazal Khan*  
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.

*Fazal Khan*  
Deponent

Through

*Muhammad Muazzam Butt*  
Muhammad Muazzam Butt  
Advocate Supreme Court

*Muhammad Adeel Butt*  
Muhammad Adeel Butt  
Advocate High Court

*Bassam Ahmad Siddiqui*  
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

Fazal Karim 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 appellants.
2. That the appellants has brought a good prima facie case and balance of convenience also lies in favor of the appellants.
3. That there is likelihood success of the appellants 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 appellants would suffer irreparable loss.
4. That valuable rights of the appellants 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 appellants] 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.

*Fazal Karim Khan*  
Deponent

Through

*Fazal Karim Khan*  
Appellant

*Muhammad Muazzam Butt*  
Muhammad Muazzam Butt  
Advocate Supreme Court

*Muhammad Adeel Butt*  
Muhammad Adeel Butt  
Advocate High Court

Lakki Annexure

A

-6-



Pers #: 00307652 Buckle:  
Name: FAZAL KARIM KHAN  
PRIMARY SCHOOL HEAD TEACH  
CNIC No. 1120103137413  
GPF Interest Free

P Sec: 001 Month: March 2024  
LK6004 - Government Primary School  
GOVERNMENT PRIMARY SCHOOL  
NTN:  
GPF #: 66600005223  
Old #:

15 Active Permanent	LK6004	-07
<b>PAYS AND ALLOWANCES:</b>		
0001-Basic Pay		77,380.00
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		1,055.00
2199-Adhoc Relief Allow @10%		705.00
2316-Teaching Allowance 2021		3,224.00
2341-Dispr. Red All 15% 2022KP		7,406.00
Gross Pay and Allowances		121,486.00
<b>DEDUCTIONS:</b>		
IT Payable 11,666.73	Deducted 34,077.00	TAX: (3609) 3,889.00
GPF Balance 398,735.00		Subrc: 4,290.00
3501-Benevolent Fund		1,200.00
4004-R. Benefits & Death Comp:		600.00

Total Deductions 9,979.00  
121,507.00

D.O.B 02.03.1969 LFP Quota: HABIB BANK LIMITED TAJAZAI, BANNU 1133-27  
33 Years 03 Months 027 Days

Lakki

S#: 2  
Pers #: 00307652 Buckle:  
Name: FAZAL KARIM KHAN  
PRIMARY SCHOOL HEAD TEACH  
CNIC No. 1120103137413  
GPF Interest Free

P Sec: 001 Month: March 2024  
LK6004 - Government Primary School  
GOVERNMENT PRIMARY SCHOOL  
NTN:  
GPF #: 66600005223  
Old #:

15 Active Permanent	LK6004	-07
<b>PAYS AND ALLOWANCES:</b>		
2347-Adhoc Rel Al 15% 22 (PS17)		7,406.00
2378-Adhoc Relief All 2023 35%		26,390.00
Gross Pay and Allowances		131,486.00
<b>DEDUCTIONS:</b>		
IT Payable 11,666.73	Deducted 34,077.00	
GPF Balance 398,735.00		Subrc:

*[Handwritten Signature]*  
Add: Distt Accounts Officer  
Lakki Marwat

*[Handwritten Signature in Urdu]*



OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) BANNU.

6-A

APPOINTMENT OF PTC TRD:  
CANDIDATES.

The following PTC Trd: Passed Candidates are hereby appointed ON MERIT BASIS) against vacant PTC posts in EPS-7 plus usual allowances as admissible under the existing rules in the interest of public service with effect from their taking over charge.

S.No.	Name of Candidate with father's name/ address, and Marks in PTC Exam.	Name of school where posted.	Remarks.
1.	2.	3.	4.
1.	Nisar Khan S/O Gul Wali Khan of vill: H. Shah Nawaz Kaski 538/1200.	GPS, Kaski Landidak.	Against vacant post.
2.	Majid Zaman S/O 748/1200.	GPS, Ayub Khan Killa.	-do-
3.	Mohd Sulaiman Nader S/O Mohd Ayaz of vill: Sardari Dar Killa S/Naurang 732/1200.	GPS, Sher Ali Khan Bizen Khel.	-do-
4.	Abdul Nawaz ROLL No. 3205 Marks 726/1200.	GPS, Wali Zar Killa.	-do-
5.	Abidullah Shak S/O Mir Atlas of vill: Kotli Sadat Marks 722/1200.	GPS, Hassani Kalla, Purdil Khel, Bannu.	NCP.
6.	Zafar Iqbal S/O Bahar Munir H.NO.368/C Bannu City Marks 719/1200.	GPS, /	vacant
7.	Khan Malook S/O Ghani Marjan of vill: Ehsanul Michan Khel. Tehl Lakki 718/1200.	GPS, Tarikana Jani Khel.	-do-
8.	Mohd Nasir S/O Roll 842 Marks 717/1200. S/Mama Khel Marwat S/Naurang.	GPS, Sher Ali Khan Bizen Khel.	-do-
9.	Mohd Yasin S/O Mohd Aslam of vill: Abba Khel Marks 717/1200.	GPS, Akbar Zama Sardi Khel.	-do-
10.	Gul Nazir Khan S/O Janan of vill: Amin Mughal Khel Marks 705/1200.	GPS, Mala Khan, Killa.	-do-
11.	Mashay Hussain Shah ROLL No.3328 Marks 702/1200 (704/1200)	MPS, Wazer - Mula.	-do-
12.	Habib-ur-Rehman ROLL No.3395 (3295) Marks 703/1200.	MPS, Noor Salf Dowal, Reis Khan Baka Khel, Bannu.	-do-
13.	Zafar Iqbal S/O Bahdar Khan of Mira Khel Lakki. Marks 699/1200.	GPS, /	-do-
14.	Abdul Qayum S/O 6666 ROLL No.3321 Marks 692/1200.	MPS, Akhar Ali Khan Sardi Khel, Dowal.	-do- (Vice Abdul Rahim.)
15.	Mohd Ajmal S/O Mir Kalan of G. Khan Khel Marwat 690/1200.	GPS, /	-do-
16.	Asmatullah S/O Sarkar Ali of vill: Bhangi Khan Mughal Khel Marks 687/1200.	MPS, Sher Daras Mandev.	NCPst. V/Post.
17.	Ayub Khan S/O Abdul Hassan of vill: Rak Sarkar Garriwala Marks 686/1200.	GPS, Bhangi Khel Surani.	NKPost.
18.	Hazar Nawaz S/O Rab Nawaz of vill: Noor Tal Takhti Khel. 685/1200.	GPS, Khorgai. Bannu.	Vacant post.
	Mohd Zarin Shah S/O Said Bad Shah 620/A Marks 684/1200.	GPS, Cheghari Mamash Khel Bahadar Sikandar Khel Bala.	N.C.Post. Vice Kiramatull
	Gul S/O Munir Khan of Khairul Jai Marwat Marks, 682/1200.	GPS, /	Vacant post.

**ATTESTED**

Cont: Part No.2.

21. Misal Khan S/O Gulo Khan of vill; Titter  
Khel Marks:- 680/1200..... GPS, Top Takhti Khel Lakki. Against V/Post.
22. Kifayatullah S/O Mol: Abdul Razaq of vill:  
S/Naurang. Marks. 679/1200. .... GPS, MPS, Zildar Bodin Khel. -do-
23. Mohd Ayub Jan S/O Nawaz Khan of  
vill: Hinjal Noor Baz Marks 678/1200. GPS, GPS, Cheghai Mamash Khel NCP Post.
24. Mohd Niaz S/O Salah Khan of vill:  
Kakki Marks: 675/1200. GPS, Risan Khel. Vacant post.
25. Ahmad Iqbal S/O Sher Ali Khan of  
Khaiddad Khel Lakki. M.675/1200. GMS, Wali Zar Killa Bannu. -do-
26. Faridullah S/O Hamidullah Jan of  
vill: Kot Kashmir. 674/1200 GPS, Abusamand Khaisoor. -do-
27. Khan Sherin S/O H.Wali Khan of  
Jabo Khel Lakki. 674/1200. GPS, Domanza Bannu; -do-
28. Damsaz Khan S/O Khan Afzal of vill:  
Top Takhti Khel. Lakki. 674/1200. GPS, Gadi Top Bannu. -do-
29. Taj War Ali Shah S/O Gula Jan of vill:.  
Issaki Shaikhhan Bannu. 673/1200. GPS, Akbar Khan Barak Zai Bannu. -do-
30. Raqibaz Khan S/O Khan Sher Khan of vill:.  
Hathi Khel Banochi. 673/1200. GPS, Gul Badin Landidak. -do-
31. Kalimullah S/O Hamidullah of vill:  
H.No.262/E Marks 671/1200 ( Bannu). GPS, Jahangir Lalo Zai Bannu. NCP.
32. Mir Behadar S/O Gul Zaman of vill:  
Mushar Daud Shah 670/1200 MPS, Musarat Shah Khel Daud Shah. V/Post.
33. Shamsher Ali S/O Zardad Khan of vill:.  
Pak Ismail Khel Surani 668/1200. GPS, Jahangir Lalo Zai Bannu. NCP.
34. Aurang Zeeb Khan S/O Jangi Khan M.  
H.Culbaz S/Naurang. 668/1200 GPS, Purdil Khel Bannu. NCP.
35. Gul Rehman S/O Gul Raihan of vill:.  
Faqiran Landiwah. Marks 667/1200. MPS, Peez Wanda. Bannu. V/Post.
36. Qadar Dad Khan S/O Haqdad Khan of  
Zalim Mandan Bannu. Marks: 666/1200. GPS, Amir Khan Bharat. NCP V/Post.
37. Luqman Ali Zaman S/O Amir Dad of vill:.  
KT: Gul Ahmad Shah Marks. 665/1200. MPS, Haseani. V/Post.
38. Ierar Ali S/O Umar Khan of vill:.  
Khojari Marks:- 662/1200. GPS, Garera Babar Bannu. NCP.
39. Moeenullah S/O Muhebulah of vill:  
Shah Salim KT: Qider Lakki. 662/1200. GPS, Mir Alam Chashmai. Bannu. V/Post.
40. Khalil-ur-Rehman S/O ---R.No.3327  
Marks 662/1200. GPS, Khadri Mamand Khel. V/Post.
41. Ikramullah S/O Pir Khan of vill:.  
Pahar Khel Lakki. 661/1200. GPS, Jalandar Shah. Bannu. V/Post.
42. Saeed Mohd Zahir Shah S/O Saeed Noor  
Jamel Shah of H.NO.511/B,Bannu 660/1200. GPS, Akbar Khan Barak Zai. V/Post.
43. ~~43. Hatig Khan S/O Gul Bahadur Khan of vill:.  
Marks:- 660/1200. GPS, Khatir Khel Bannu. V/Post.~~
44. Room S/O ---R.No.3332 Marks.657/1200. GPS, Bab Zaman Sardi Khel. V/Post.
45. Mum Hazrat S/O ---R.No.3540 Marks.652/1200. MPS, Asim Bendi. Bannu. V/Post.
46. Mir  
S/O Mohd. Rahman vill:  
Khan Khojari Marks.655/1200. GPS, Domal. Bannu. V/Post.
47. Mohd  
Bada S/O Mohd Maizuddin of  
Abbas. Marks. 654/1200. GPS, Shah Najeeb Landidak. V/Post.
48. Mohd Al  
of M/Shah Din S/O Mohd Salig Khan  
Khel Lakki.653/1200 MPS, Mir Yaqub Bannu. V/Post.
49. Mir S. Saeed Ghulam Akbar Shah  
652/1200 GPS, Pinda Khel. Bannu. V/Post.

ATTESTED

50. Mukaram Shah S/O --R.No.3331 Marks. 652/1200. GPS, Sunzar Khel Murghali V/Post.
51. Obsdullah Jan S/O Mohd Jan of vill: Jangi Khel Marks:- 647/1200. GPS, Jonai Baka Khel. V/Post.
52. Umar Ail Khan S/O Amir Ali Khan of Chak Karim Ghoriwala Marks. 646/1200. GPS, Landi Killa Banmu. V/Post.
53. Mohd Jahanzeab S/O Ahmad Jan of vill: Shah Saleem Gidar Killa Marks.642/1200. GPS, Baik Khan Zardad Domel. V/Post.
54. Shar Ghulam S/O Mir Ghulam of Michan Khel Lakki Marks. 641/1200. GPS, Akbar Zaman Sardi Khel. V/Post.
55. Azghar Khan S/O Abdul Karim of vill: Shahbaz Khel. Marks. 640/1200. GPS, Wazir Abad Banmu. V/Post.
56. Shafiullah S/O Amir Sahib of Bakhmal Ahmad Zai. Marks. 639/1200. GPS, No.3, Tajori. V/Post.
57. Shaheedullah S/O Mir Nazif Khan of vill: KP: Mehtar Marks. 639/1200. GPS, Bhangi Khel Surani. V/Post.
58. Mohd Ismail Shah S/O ----Marks. 638/1200 GPSKankai Ghora Baka Khel, NCP.
59. Hidayatullah S/O Hashim Khan of vill: Khaidad Khel Lakki Marks. 637/1200. GPS, Kankai Ghora Baka Khel. NCP.
60. Obidullah Jan S/O Mohd Akbar of vill: Shah Hassan Khel Marks. 636/1200. GPS, Wala Khel Surani. V/Post.
61. Khalid Usman S/O Mohd Zaidin of vill: Koti Sadat Marks. 632/1200. GPS, Boza Khel. Vice Noor Ajam. transfred.
62. Allaudin S/O Mohd Amin of vill: Shah Quli Khan Marks. 631/1200. GPS, Torka Mohd Ali Khan. NCP.
63. Mohd Nazif S/O Sar Gul of vill: Shadev Marks. 629/1200. GPS, Domel. V/Post.
64. Mohd Qasim S/O Mohd Khan of vill: Mira Khel . Marks- 627/1200. GPS, Torka Mohd Alam, KhanBanmu. NCP.
65. Hamidullah S/O Mohd Jeelani of vill: Shamshi Khel Marks. 627/1200. GPS, Sada Khel Wazir. V/Post.
66. Rustam Khan S/O Saleh Khan of vill: Pahar Khel Tall. Marks. 627/1200. GPS, Nawaz Domel. V/Post.
67. Azharullah S/O Bahadar Ali of vill: Kala Khel Masti Khan Marks. 626/1200. GPS, Piran Malook Shah. NCP.
68. Hanifullah S/O Rasan Khan of titter Khel Marks. 626/1200. GPS, Hayat Suleman Khel Lakki. V/Post.
69. Saifullah Khan S/O Mohd Khan of vill: Pahar Khel Tall Lakki Marks. 626/1200. GPS, Piran Malook Shah. NCP.
70. Mohd Ali Shah S/O Gula Khan of vill: Zelim Mandan Marks. 625/1200. GPS, Amir Khan Bharat. V/Post.
71. Mushtaq Ahmad Khan S/O Naswari Jan of Toor Kakki Marks. 625/1200. MTS, Wala Khel. V/Post.
72. Fazel Karim S/O Ghazal Ajab of Taja Zai. Marks. 625/1200. GPS, No.3, Tajori, NCP. V/Post.
73. Kiramatullah S/O Mubshullah of vill: Gidar Killa Lakki Marks. 624/1200. GPS, Masti Khel Patal Khel. V/Post.
74. Zermanullah S/O Mohd Khan of S.K.Bala. Marks. 624/1200. GPS, S.K.Bala. V/Post.
75. Abdul Razaq Khan S/O Mohd Zarif of ( Abdul Razaq S/O Mohd Zarif) Akhondan Ismail Khel. Marks. 624/1200. GPS, Baik Khan Zardad Khel Domel. NCP.
76. Razaullah S/O Abbas Khan of vill: Har Mohd Khan Ghazni Khel Marks.623/1200. GPS, Totan Mohd Khel. V/Post.

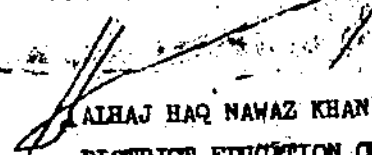
ATTESTED

6-D

- 77. Shal Khan S/O Abdul Wahid Marks: 623/1200 G.S., Azad Dandi Banna. V/Post.
- 78. Abdul Satar Khan S/O Abdul Hakim of Vill: Jalat Toghail, Khal Marks: 622/1200 G.S., Nurur Khan Vice Ayub Khan transferred.


NOTES:-

1. Charge report should be submitted to all concerned.
2. NO. TA/DA is allowed to any one.
3. The appointment is made on temp. 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, Banna.
5. The candidates should take over charge within 15 days from the issue of this order otherwise it should be stand automatically cancelled.
6. The Head of the Office/Institutions are required to check the original qualifications 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 on merit basis from the merit list.
9. The remaining TPC Passed candidates will be appointed on merit basis and when the vacancies arise.

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

REPLY NO. 17967-18067 /AB-III/TPC Apptt: File: dated Banna, the 5.12.1990  
 Copy for information and nec action to the:-

1. Director of Education (Sch:) NWFP, Peshawar pl:.
2. Divisional Director of Edu: (Sch:) D.I.Khan Div: D.I.Khan pl:.
- 3-4. SDEO(M), Banna/ Lakki pl:.
5. Dy: Distt: Edu: Officer(M), Banna pl:.
6. Superintendent of Local Office pl:.
7. ADEO(A), Local Office pl:.
- 8-86. Candidates concerned.
87. Office file .

  
 DISTRICT EDUCATION OFFICER(MALE),

ATTESTED

ATTESTED

ATTESTED

DEPUTY SECRETARY (POLICY)  
(KHYBER PAKHTUNKHWA)

*[Handwritten Signature]*



- The Caraker, Administration Department.  
 arrange 20 Gazette copies.  
 The Section Officer (Admn), Administration Department.  
 The Deputy Director (IT), E&A Department.  
 The Registrar, Khyber Pakhtunkhwa Public Service Commission, Peshawar.  
 The Registrar, Peshawar High Court, Peshawar.  
 All Deputy Commissioners in Khyber Pakhtunkhwa.  
 All Autonomous/Semi Autonomous Bodies in Khyber Pakhtunkhwa.  
 All Divisions of Attached Departments in Khyber Pakhtunkhwa.  
 The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.  
 The Principal Secretary to Govt. of Khyber Pakhtunkhwa.  
 The Senior Member Board of Revenue, Khyber Pakhtunkhwa.  
 Development Department.  
 Additional Chief Secretary, Govt. of Khyber Pakhtunkhwa, Planning &

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CHIEF SECRETARY  
GOVERNMENT OF THE KHYBER PAKHTUNKHWA

DATE NO & EVEN DATE

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

AMENDMENT

in exercise of the powers conferred by section 25 of the  
 Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of  
 1973) the Chief Minister of (Khyber Pakhtunkhwa) (Appointment, Promotion and Transfer) Rules, 1989, the  
 following further amendment shall be made, namely:

Dated Peshawar, the 06/08/2020

REGISTRATION

GOVERNMENT OF  
 KHYBER PAKHTUNKHWA  
 ESTABLISHMENT DEPARTMENT  
 (REGULATION-WING)

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)

Annexure - C



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT  
No. SO(Policy)II&ADJ-1/2020  
Dated Peshawar the June 06, 2023

62

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

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

Dear Sir,  
I am directed to refer to your letter No. SO(Policy-M)M&H/2022-2/Appointment/2023 dated 18.04.2023 on the subject noted above and to state that Sub-Rule (5) of Rule-7 of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 stands deleted vide this department notification dated 06.08.2020; thus, no provision exists to decline or forgo promotion.

2. The basic rationale behind the deletion of the said rule is aimed at preventing a civil servant from temptation for illicit gain by sticking to a single lucrative post/position or to prevent those who tend to forgo promotion to evade posting/transfer or show lack of capacity to tackle higher responsibilities in case of promotion. Therefore, it is obligatory upon every civil servant to accept promotion in every condition.

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

Yours faithfully,

(Sanjiv Kumar) (San)  
Section Officer (Policy)

ASE  
7/6

Encl. Of even No & date

- 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.

SE/...

2023  
7.6.23

Section Officer (Policy)

ATTESTED

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

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

To

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

Aziz Ullah Khan  
President  
All Primary Teachers' 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 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 (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 Signature]*

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

Copy forwarded to the:

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

*[Handwritten Signature]*

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

**ATTESTED**  
*[Handwritten Signature]*



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, 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)

WP4442-2023 AZRULLAH VS GOVT OF PG43

~~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 06-07-2023 at 11:00 AM under the Chairmanship of Additional Secretary Establishment in his office. The following attended the meeting.


Annexure  
①


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

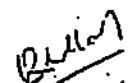
2. The meeting started with recitation from the Holy Quran. The chair welcomed the participants. The Deputy Director (Establishment) of Directorate of Elementary & Secondary Education briefed the forum regarding agenda item in detail.


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

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

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

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

  
(Mr. Balaqat Ullah)  
General Secretary APTA  
Peshawar

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

(Abdullah)  
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/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)

ATTESTED

**ATTESTED**

WF4442-2023 AZIZULLAH VS GOVT CP PG43

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

21/7/2023  
**Assistant Director (Ex-1)**  
Elementary & Secondary Education  
Khyber Pakhtunkhwa

Copy of the above is as:  
1. PA to Director, Local Director,  
2. Master Copy.

The case is submitted for perusal and necessary actions please.

Departmental Promotion Committee, provided they might their written request for to conduct of the meeting of Teachers before. It may be exempted of implications in the rules that (2) have affected negatively a huge number of Female Teachers. Thus it is proposed that in view of the above, this office is of considered opinion that the date of Rules been asked for. Consideration of consolidated cases.

Chairman, Khyber Pakhtunkhwa Establishment of his office has. That in the light of the minutes of meeting dated 6-07-2023, held under the (Primary-4) E&S/Promotion/2023 dated 13-06-2023.

The same was received by this office from your good office with letter No. 8147 dated 10-07-2023, in which you have requested for a meeting to discuss the matter. The Government of Khyber Pakhtunkhwa Establishment Department (Regulation Wing) vide letter No. 50 (Policy) E&A/D/1-1/2020 dated 6-06-2023 categorically stated that there shall be no promotion in decline or large promotion. It is obligatory upon every that the Government of Khyber Pakhtunkhwa Establishment Department (Regulation Wing) vide letter No. 50 (Policy) E&S/Promotion/2023 for necessary guidance.

The Government of Khyber Pakhtunkhwa Establishment Department (Regulation Wing) dated 7(2) in the Civil Service (Appointment, Promotion & Transfer Rules 1989) stated that this office should be guided from your good office in the following words wide letter No. 6087 dated 06-02-2023.

(i) Now it is obligatory upon the civil servant to accept promotion in every condition. (ii) It is the prerogative of the civil servant to either accept or turn down the offer of promotion.

I am directed to refer to the letter No. 50 (Policy) E&S/Promotion/2023 dated 10-07-2023 on the subject cited above and in person brief history about the background of the case as under.

**MINUTES OF THE MEETING**  
Khyber Pakhtunkhwa Establishment Department  
The Section Officer (Primary-4), Khyber Pakhtunkhwa Establishment Department.

DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION, KPK

To:

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

PESHAWAR.  
(21-7-2023)

Subject: Minutes of Meeting

Dear Sir, I am directed to refer to letter No. (SO Primary-M) E&SED/5-1/G/Min/ 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(S) in Civil Servants (Appointment, promotion, Transfer Rule 198) 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/turndown 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 6-06-2023 categorically stated that there exists no provision to decline/forgo promotion. It is obligatory upon every civil servant to accept promotion under every condition.
- That in light of the minutes of the meeting dated 6-07-2023 held under the Chairmanship of Hon. Additional Secretary Establishment at his office. This office has been asked for submission of consolidated case.

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

The case is submitted for perusal and necessary actions please.

Copy of the above to;

1. PA to Director Local Directorate
2. Master Copy

Attested Director  
Elementary & Secondary Education  
Khyber Pakhtunkhwa.

ATTESTED



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

No. SO/Primary-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).

Sir,

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

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

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

(MUHAMMAD ISHAQ)  
SECTION OFFICER (PRIMARY MALE)

Copy forwarded to the:

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

(MUHAMMAD ISHAQ)  
SECTION OFFICER (PRIMARY MALE)  
28/8/23

Scanned with CamScanner

ATTESTED

ATTESTED

Copy forwarded to:  
1. Director E & SE Khyber Pakhtunkhwa  
2. PS to Secretary, E & SE Department, Khyber Pakhtunkhwa  
(Muzammil Ishaq)  
Section Officer (Primary)  
(Male)

Dear Sir,  
I am directed to refer to your letter No. SO (Primary) / E&AD / 1-3/2020 dated 07 June 2023 and to state that after deletion of Rule 7(5) Khyber Pakhtunkhwa Civil Servant (Appointment, Promotion and Transfer Rules 1989) it has been intimated that those officers/officials who elect 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 2012.  
In this connection it is submitted that in some cases body 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 body teacher in primary schools.

SUBJECT: - Guidance regarding deletion of Rule 7(5) in the Civil Servant (Appointment, Promotion & Transfer Rules 1989)

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

No. SO (Primary-M) E&SE D / 1-3/2023  
Appointment - Rule / 2023  
Peshawar Dated 23rd August 2023.

- 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(S) IN THE  
KHYBER PAKHTUNKHWA CIVIL SERVANTS (APPOINTMENT,  
PROMOTION AND TRANSFER) RULES, 1989.

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

Yours faithfully,

Section Officer (Policy)

Enlst. 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.

ATTESTED

WP/12-2023 AZIZULLAH VS GOVT OF PK

-18-



-19-

- B/C -

GOVERNMENT OF KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT  
No. SO(Policy)E&AD/1-3/2020  
Bavd Peshawar Ha 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-  
R016/2023 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 avon  
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 nicer (Policy)

**ATTESTED**

Annexure - G

To,

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

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

Sir/ Madam:-

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

Fazal Karim

ATTESTED

FAZAL KARIM KHAN  
S/O AJAB KHAN  
PSHT

**ATTESTED**

MP1442-2023 AZIZULLAH VS GOVT OF PUNJ

Handwritten signature and date: 20/11/23

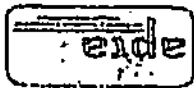
Handwritten text in Urdu script, likely a legal statement or affidavit.

Handwritten signature and name.

Annexure - H

Handwritten text in Urdu script.

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Attorneys' Practice Training Association

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Gudbhor, Ferozpur City.

# WAKALAT NAMA

## BEFORE THE SERVICE TRIBUNAL PESHAWAR

FAZAL KARIM KHAN

Appellant

Versus

Government of KP & others

Respondents

I (the Appellant)

do hereby appoint and retain

MUHAMMAD MUAZZAM BUTT ASG. 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.

*Fazal Karim*

APPELLANT

ACCEPTED

*[Signature]*  
MUHAMMAD MUAZZAM BUTT  
Advocate Supreme Court

*[Signature]*  
MUHAMMAD ADEEL BUTT  
Advocate High Court

*[Signature]*  
BASSAM AHMAD SIDDIQUI  
Advocate High Court