


# FORM OF ORDER SHEET

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

**Appeal No.** 2336 /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


A - No. 2335/2024  
Rahat Muhammad

V/S

Government of KP & others

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ADVOCATE

**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA**

In Ref to

Service Appeal No 2336 /2024

Rahat Muhammad Khan Son of Bahader Khan Resident of Tehsil & District Mardan  
Designation: Primary School Head Teacher at GMPS Pirano 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 Rahat Muhammad Khan Son of Bahader Khan 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

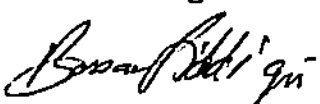
  
Deponent

  
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 KHYBER PAKHTUNKHWA**

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

In Ref to

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

Rahat Muhammad Khan

**VERSUS**

Secretary to Government of Khyber Pakhtunkhwa, & others

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

Respectfully Submitted:-

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

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

**AFFIDAVIT**


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

  
Deponent

  
Appellant

Through

  
Muhammad Muazzam Butt  
Advocate Supreme Court

  
Muhammad Adeel Butt  
Advocate High Court

Dist. Govt. KP-Provincial  
District Accounts Office Mardan  
Monthly Salary Statement (December-2023)

6-PSHT 13/12/23

0346-931225



Personal Information of Mr RAHAT MUHAMMAD KHAN d/w/s of BAIADER KHAN

Personnel Number: 00125552 CNIC: 1610111410909 NTN: 0  
Date of Birth: 13.02.1968 Entry into Govt. Service: 18.03.1993 Length of Service: 30 Years 09 Months 015 Days

Employment Category: Vocational Temporary

Designation: PRIMARY SCHOOL HEAD TEACH 80663756-DISTRICT GOVERNMENT KHYBE

DDO Code: MR6435-District MARDAN

Payroll Section: 003 GPF Section: 001 Cash Center: 18

GPF A/C No: EDUMR009280 GPF Interest applied GPF Balance: 647,812.00 (provisional)

Vendor Number: -

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

Wage type		Amount	Wage type		Amount
0001	Basic Pay	73,420.00	1001	House Rent Allowance 45%	3,524.00
1210	Convey Allowance 2005	2,856.00	1300	Medical Allowance	1,500.00
2148	15% Adhoc Relief All-2013	918.00	2199	Adhoc Relief Allow @10%	614.00
2316	Teaching Allowance 2021	3,224.00	2341	Dispr. Red All 15% 2022KP	7,006.00
2347	Adhoc Rel Al 15% 22(PS17)	7,006.00	2378	Adhoc Relief All 2023 35%	25,804.00

Deductions - General

Wage type		Amount	Wage type		Amount
3015	GPF Subscription	-4,290.00	3501	Benevolent Fund	-1,200.00
3609	Income Tax	-3,288.00	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	500,000.00	-20,000.00	400,000.00

Deductions - Income Tax

Payable: 51,371.13 Recovered till DEC-2023: 18,803.00 Exempted: 12842.35 Recoverable: 19,725.78

Gross Pay (Rs.): 125,072.00 Deductions: (Rs.): -29,513.00 Net Pay: (Rs.): 95,559.00

Payee Name: RAHAT MUHAMMAD KHAN

Account Number: 1697-1

Bank Details: NATIONAL BANK OF PAKISTAN, 230884 KATLONG, MARDAN KATLONG, MARDAN, MARDAN

Leaves: Opening Balance: Aailed: Earned: Balance:

Permanent Address: KATLANG MARDAN

City: MARDAN

Domicile: NW - Khyber Pakhtunkhwa

Housing Status: No Official

Temp. Address:

City:

Email: rahatmuhammadkhan@gmail.com

NET 115559/-  
2024  
ATTESTED

System generated document in accordance with APPAT 4.6.12.9(130696/22.12.2023/v3.0)

\* All amounts are in Pak Rupees

\* Errors & omissions excepted (SERVICES/31.12.2023/17:12:01)



APPOINTMENT.

OFFICE ORDER.

Consequent upon the advertisement published in the Daily Mashriq Peshawar dated 13/12/92, interview held on 27/12/92 by the Departmental selection committee Mardan Distt: and merit list prepared according to Govt: rules, the following PTC trained candidates are hereby appointed as PTC trained teachers in BPS-7(1095-60-1995) plus usual allowances as admissible under the rules, w.e.f the date of their taking over charge in the school noted against each in the interest of public service on the following term and condition:-

S.No.	Name of Candidate/Home address.	Qualification Marks of PTC:	School where Posted.	Remarks.
<u>P.F-18 Mardan-1.</u>				
1.	Mr. Noor Rehman S/O Habibur Rehman R/O Baricham (Mardan).	SSC -PTC-736	GMPS, Yadgar Aganist Cantt:	Aganist N.O Post.
2.	Mr. Akber Ali Khan S/O Rohul Qadoos R/O Baricham.	SSC-PTC--703	GMPS, Tauheed Coly: Mdn:	-do-
3.	Mr. Tahir Shah S/O Gulal Shah R/O Garhi Ayub Khan.	FA- PTC- 696	GMPS, Ayub Khan Garhi.	-do-
4.	Mr. Ihsan Ullah S/O Ziarat Gul R/O Kass Kuroona.	FA-PTC - 652	GMSp: Kinal Road Bijli Garh.	-do-
5.	Mr. Muhammad Sajid S/O Abdul Qadoos R/O Bijli Garh.	FA-PTC 627	GMPS, Jan Abad	-do-
<u>P.F-21-Mardan-4.</u>				
1.	Mr. Tilawat Sheh S/O Hasan Shah R/O Alo Mardan.	SSC-PTC 759	GMPS, Mora Banda	-do-
2.	Mr. Bakhtiar Ali S/O Ali Guhar R/O Jamal Garhi.	B.Sc-PTC-752	GMPS, Farsh Kuroona.	-do-
3.	Mr. Abdul Badshah S/O Sahib Shah R/O Babuzai.	SSC-PTC- 748	GMPS, Pula Jumat Babuzai.	-do-
4.	Mr. Qadar Khan S/O Behadar Khan R/O Jamal Garhi.	BA-PTC 744.	GMPS, Paiti Killi Shakar Tangi.	-do-
5.	Mr. Rahat Mohammad S/O Behadar Khan R/O Shero Kunj.	FA-PTC 743	GMPS, Pireno Banda.	-do-
6.	Mr. Zulfiqar Ali S/O Awal Dadz Khan R/O Katlang.	BA-PTC 732	GMPS, Ianyat Khan Banda.	-do-
7.	Mr. Didar Gul S/O Rehmani Gul R, O Baba Killi. Gaddar.	FA-PTC 731	GMPS, Bunero Killi. Pir Abad Road.	-do-
8.	Mr. Wahid Ali S/O Noor Ali R/O Baizo Kharki.	BA-PTC 725	GMPS, Sreekh Banda	-do-
9.	Mr. Musharaf Gul S/O Ahmed Gul R/O Koi Barmol.	FA-PTC 718	GMPS, Khan Kandi	-do-
10.	Mr. Shahzada S/O Lajbar Khan R/O Babuzai.	SSC PTC 695	GMPS, Khatako Kandi.	-do-
11.	Mr. Sadqat Ali S/O Khushal Khan R/O Katlang.	FA-PTC 651	GMPS, Waro Kunj.	-do-
12.	Safdar Ali S/O Umerdali, R/O Matha Katlang.	FA-PTC 629	GMPS, Abdul Mohd: Banda.	-do-
13.	Muhammad Youhas S/O Mohd: Yousaf R/O Katlang.	FA-PTC 623	GMPS, Spin Jumat	-do-
14.	Mr. Azmat Hayat S/O Khan Akber R/O Katti Garhi.	BEO-PTC- 599	GMPS, Fazli Abad	-do-

Next Page No.2.

14/12/92  
ATTESTED

- (15)
1. Mr. Muhammad Farooq S/O Kishwar Khan R/O Khazana Dheri. FA-PTC-740. GMPS, Qadarc Killi.-d.
  2. Mr. Saleem Khan S/O Pir Zada R/O Seri Behlol. SSC-PTC-734. GMPS, ziarat A.N.C P. Jumat(S.B).
  3. Mr. Muntaz Khan S/O Gula Khan R/O Kamran T.Bhai. FA-PTC-722. GMPS, Habibur Rehman Killi.(S/B).
  4. Mr. Ghulam Farooq S/O Ghulam Mohd: R/O Mirza Pur T.Bhai. SSC-PTC-721. GMPS, Qurat Abad -do-
  5. Mr. Alam Zeb S/O Abdul Jabar R/O Baido Killi. SSC-PTC-712. GMPS, Farooq Abad pdop Kot.
  6. Mr. Qaiser Khan S/O, Rehmandu Din R/O Gujor Garhi, SSC-PTC-711. GMPS, Hashtnagro Killi-
  7. Mr. Ilayas Khan S/O Pir Muhd: R/O Gujer Garhi. SSC-PTC-709. ,, Shahjehan Killi.-do
  8. Mr. Attaullah S/O Khan Afzal Sjoikh. R/O Yousaf Kiili. T.Bhaa. SSC-PTC-706. ,, Khadim Shah Killi.-d
  9. Mr. Ifthikhar Ali S/O Zirat Khan R/O Khan Garhi. SSC-PTC-694. ,, Said Abad(P.Abab)-d.
  10. Mr. Muhammad Idrees S/O Abdul Malik R/O Pir Abed. SSC-PTC-683. ,, Afzal Abad(B.A)-do-
  11. Ahmed Zada S/O H.Gula Zada R/O Takht Bhai. D/Com:PTC-681. ,, Charge Killi -do- (Jandai).
  12. Mr. Shoukat Ali S/O Mohamad Afzal R/O Kalpani. SSC-PTC-678. ,, M.A. Maqni Killi.-do-
  13. Mr. Ayub Khan S/O Abbass Khan R/O Sero Shah. FA-PTC-666. ,, Sher Bahadar Killi.-do-
  14. Mr. Perwaiz S/O Dilawar R/O Gunjai. FA PTC-664. ,, Mashood, Jumat -do- Mazdoor Abad.

P-F-23 Marden-6.

1. Mr. Nasruallah S/O Fazli Subhan R/O Dagai L.Khwar. SSC-PTC-757. ,, Faqir Mohd: -do- kuroona.
2. Mr. Shahid Ali S/O Biradar Khan R/O Lund Khwar. SSC-PTC-755. ,, Ahmed Gul Banda.-do-
3. Mr. Amjed Ali S/O Sanab Gul R/O Pati Khurd. F.Sc-PTC-753. ,, Gul Abad. -do-
4. Mr. Mohammed Hussain S/O Khalilur-Rehman. R/O Abdul Manan Kall. BA-PTC-751. ,, Sher Gul -do- Killi.
5. Mr. Akber Ali S/O Sber Ali R/O Pati Khurd. FA-PTC-747. ,, Johangir Abad.-do-
6. Mr. Zafar Iqbal S/O Zarghun R/O Mian Isa. F.Sc-PTC.737. ,, Shamilat. -do- Jenga.
7. Mr. Ifthikhar Ali S/O Hazret Yousaf R/O Nawab Dheri. FA-PTC-731. ,, Kamalud Din -do- Banda.
8. Mr. Amir Nawab S/O Akhtar Munir R/O Hathian. BA-PTC-721. ,, GMPS, Amirul Mulk Killi. -do-
9. Mr. Mushtaq Nabu S/O Wahab Gul R/O Sher Garh. SSC-PTC-717. ,, H.Dilraz Killi.-do-
10. Mr. Naveed Ahmed S/O Shamsur Rehman R/O Jalala. F.SC-PTC-715. ,, Momin Khan -do- Killi.
11. Mr. Fazli Subhan S/O Latif Khan R/O Sher Garh. SSC-PTC-697. ,, Amir Badshah -do- Banda,
12. Mr. Dilbaz S/O Sargand Khan R/O Kaudari. FA-PTC-678. ,, Jarai(Hathian)-do-
13. Mr. Muhammad Naeem S/O Muhd:Ikram R/O Dagai L.Khwar. FA-PTC-677. ,, Dilawar Khan -do- Killi.
14. Mr. Allaud Din S/O Kashmiri Gul R/O Garo Shah. SSC-PTC-635. ,, Sharif Khan Killi. -do-

GENERAL MERIT DISTRICT LEVEL.

1. Mr. Janas Khan S/O Nawaz Khan R/O Takht Bhai. BA-PTC-639. ,, Muqhare Jumat, -do-
2. Mr. Muhammad Ikram S/O Abdur Rehman R/O Ghano Dheri. SSC-PTC-634. ,, Moh: Pir Shah -do- Said.
3. Mr. Mohammad Junaid S/O Rehmanullah R/O Jewar. SSC:PTC-630. ,, Akhoon Baba -do- Tana Masjid. (2)

**ATTESTED**

9

14

4. Mr. Muhammad Saleem S/O Abdul Jalil R/O Jalandar Killi.	FA-PTC-601	GMPS, Kandi A.N.C.P. Amo Khel.
5. Mr. Muhammad Zubair S/O Khalil-ur Rehman R/O Landi Shah.	FA-PTC-557	GMPS, Duran Abad.-do-
6. Mr. Khair Mohammad S/O Pesham Gul R/O	BSSC-PTC-555	,, Janaza Jumat.-do-
7. Mr. Mohammad Aziz S/O Dawa Khan R/O Salo Banda.	BSSC-PTC-553	,, Inam New Adda.-do-

TERM & CONDITIONS.

1. Their appointments are made purely on Temp: basis and liable to termination at any time with out assigning any reason or notice.
2. In case of resignation they will have to submit one month's prior notice to the Deptt: or forthfeith one months pay in lieu thereof to the Govt:
3. They are required to produce Health and age certificate from the Medical Supdt: DHQ Hospital Mardan before taking over charge.
4. Their original Edu: Certificate should be checked before handing Over charge.
5. They shall be governed by such services, discipline and conduct rules have been or may be proscribed thereafter by the Govt: of NWFP/
6. They should not be allowed to take over charge in case their age is less than 18 years and above 25 years.
7. If they failed to take over charge of the post with-in 15 days on the issue of this order, their/his order of appointment will be cancelled.
8. NO.TA.TA etc is allowed being let appointment.
9. They will performed their duties at the same station for at least 2 years and will not try for their transfer.

(MUHAMMAD YAQOOB KHAN)  
DISTRICT EDU: OFFICER, (MALE)  
PRIMARY M A R D A N.

Endst: No. 1061-1122/F.No-25/ Apptt: PTC/I-AE Dated: Mdn: the 18/03/93.

Copy to the:-

1. Director Primary Education, NWFP Hayat Abad Peshawar.
2. P/S to Minister for Education, NWFP Peshawar.
- 3-4. SDEO(M) Mardan/Takht Bhai.
- 5-59. Candidates concerned.
60. Supdt: Local Office.
61. ADEO(Insp:) Local Office.

Ihsan Ullah S/C  
Zubair Khan J/L

18031993.

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

ATTESTED

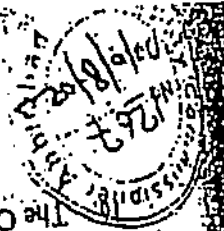
**ATTESTED**

Handwritten signature/initials

DEPUTY SECRETARY (POLICY)  
(WAZIRI KHAN)

Handwritten signature

**ATTESTED**



- 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. The Principal Secretary to Government, Khyber Pakhtunkhwa.
- 7. All Divisional Commissioners in Khyber Pakhtunkhwa.
- 8. All Heads of Attached Departments in Khyber Pakhtunkhwa.
- 9. All Autonomous/Semi Autonomous Bodies in Khyber Pakhtunkhwa.
- 10. All Deputy Commissioners in Khyber Pakhtunkhwa.
- 11. The Registrar, Khyber Pakhtunkhwa Public Service Commission, Peshawar.
- 12. The Secretary, Khyber Pakhtunkhwa Public Service Commission, Peshawar.
- 13. The Deputy Director (T), E&A Department.
- 14. All Section Officers in Establishment & Administration Department.
- 15. The Section Officer (Admn), Administration Department.
- 16. The Section Officer (Admn), Administration Department.
- 17. The Section Officer (Admn), Administration Department.
- 18. The Section Officer (Admn), Administration Department.
- 19. The Section Officer (Admn), Administration Department.
- 20. The Section Officer (Admn), Administration Department.

ENSTE NO & EVEN DATE

CHIEF SECRETARY  
GOVERNMENT OF THE KHAYBER PAKHTUNKHWA

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

**AMENDMENT**

in exercise of the powers conferred by section 26 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the Government 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:

Dated Peshawar, the 06/11/2020

**NOTIFICATION**

GOVERNMENT OF  
KHAYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT  
(REGULATION-WING)

Annexure B

11 -

**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**



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT  
No. SO(Policy)II&AD/1-3/2023  
Dated Peshawar the June 06, 2023

62

To: The 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(Policy-MYI&SU/D2-  
2/Appointment/2023 dated 18.04.2023 in 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,  
  
(Issa Mubayyid Khan)  
Secretary (Policy)

ASE  
M-  
7/6

7/6

Encl. Of even No & date

Copy forwarded to:-

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.

Secretary (Policy)

RECEIVED  
ESTABLISHMENT DEPARTMENT  
NO. 2633  
DATE 21/6/23

ATTESTED



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT  
CIVIL SECRETARIAT PESHAWAR  
(Phone No.091-9223507)

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

To

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

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

*[Handwritten Signature]*  
26/6/23

Subject: GUIDANCE REGARDING DELETION OF RULE 7(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) 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**

-14-

B/c

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(S) 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)

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.

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

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

3. After 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

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

(Mr. Razaqat Ullah)  
General Secretary APTA  
Peshawar

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

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

**ATTESTED**

-16-

-B/C-

**MINUTES OF THE MEETING REGARDING APPLICATION SUBMITTED BY MR AZIZ ULLAH PROVINCIAL PRESIDENT ALL PRIMARY TEACHERS ASSOCIATION KHYBER PAKHTUNKHWA REGARDING OF 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#	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

W/P4442-2023 AZIZULLAH VS GOVT CP PG43

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

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

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

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

21/7/2023

The case is submitted for perusal and necessary actions please.

- That, in the light of the minutes of meeting dated 6-07-2023, held under the Chairmanship of Hon. Additional Secretary Establishment at his office this office has been asked for submission of consolidated case.
- In view of the above, this office is of considered opinion that the decision of Ruler 7(5) have effected negatively a huge numbers of Female Teachers. Thus it is proposed that Teachers below D/S-16 may be exempted of implications of the amendment in the rules bid provided they submit their written refusal prior to conclusion of the meeting of Departmental Promotion Committee.
- The same was received by this office from your good office vide letter No.50 (Primary-h) E&SED/2-2/19/2023 dated 12-06-2023.
- That, in the light of the minutes of meeting dated 6-07-2023, held under the Chairmanship of Hon. Additional Secretary Establishment at his office this office has been asked for submission of consolidated case.
- That you have forwarded the same to the quarter concerned vide letter No.50 (Primary-h) E&SED/2-2/19/2023 for necessary guidance.
- That the Government of Khyber Pakhtunkhwa Establishment Department (Regulation Wing) vide letter No.50 (Policy) E&AD/1-1/2020 dated 6-06-2023 categorically stated that there exists no provision to decline or forego promotion. It is obligatory upon every civil servant to accept promotion under every condition.
- (1) Now it is obligatory upon the civil servant to accept promotion in every condition. (2) It is the prerogative of the civil servant to either accept or turn down the offer of promotion.
- That Government of Khyber Pakhtunkhwa Establishment Department (Regulation Wing) vide notification No. No. SOR-VI (E&AD)/1-1/2020 dated 06-08-2020.
- No.6987 dated 06-02-2023.
- That this office sought guidance from your good office in the following words vide letter dated Rule 7(5) in the Civil Servant (Appointment, promotion & Transfer Rules 1989)

I am directed to refer to the letter No.50 (Primary-h) E&SED/2-2/19/2023 dated 10-07-2023 on the subject cited above and to present brief history about the background of the case as under:

Subject: - MINUTES OF THE MEETING  
Khyber Pakhtunkhwa Peshawar.  
Elementary & Secondary Education Department,  
The Section Officer (Primary-Male).

No. 8145 / P.No. 34/SST/UG General Cases  
Khyber Pakhtunkhwa, Peshawar  
Date 21-7-2023  
Phone: 091-9223344  
Email: estab@khyberpaktunkhwa.gov.pk



-18-

-B/C-

DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION, KPK

To:

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

PESHAWAR.  
(21-7-2023)

Subject: Minutes of Meeting

Dear Sir;

I am directed to refer to letter No. (SO Primary-M) E&SED/S-1/G/M/124/ 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 Rules 1997) 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

Assistant Director  
Elementary & Secondary Education,  
Khyber Pakhtunkhwa.

~~ATTESTED~~



-19-

Annexure   

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

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

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

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

Dear Sir,

I am directed to refer to your letter No. SO(Policy)/ EBAD/ 1-3/2020 dated 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 or mother-in-law who need care. In such cases, there are negative effects on service delivery.

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

  
(MUHAMMAD ISMAIL)  
SECTION OFFICER (PRIMARY MALE)

Copy forwarded to the:

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

  
SECTION OFFICER (PRIMARY MALE)  
28/8/23

Scanned with CamScanner

**ATTESTED**

~~ARRESTED~~

2. PS to Secretary, E & SE Department, Khyber Pakhtunkhwa  
1. Division E & SE Khyber Pakhtunkhwa  
Copy forwarded to;

(Muhammad Ishaq)  
Section Officer (Primary  
Mater)

In this connection it is submitted that in some cases lady teachers of primary level who avail such promotion have to face serious inconvenience while they have to perform duties in the remotest stations with no residential/transport facilities. Most of them are married with kids and elder 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.

Civil servant (Efficiency and Discipline) Rule 2012.  
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.  
those officers/officials who do not comply with promotion order Promotion and Transfer Rules 1989) or has been intimated that deletion of Rule 7(5) Khyber Pakhtunkhwa Civil servant (Appointment, 1-3/2020 dated 6th June 2023 and to state that after I am directed to refer to your letter No. So (Primary Policy) /E & AD

Dear Sir,  
SUBJECT: Guidance regarding deletion of Rule 7(5) in the Civil servant (Appointment, Promotion & Transfer Rules 1989).

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

To  
No. So (Primary-M) E&SE D / 8-21 /  
Appointment - Rule / 2023  
Peshawar Dated 23rd August, 2023.

- 20 -  
- B/C -  
- 200 -

Annexure F



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

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

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


Dear Sir,  
I am directed to refer to your letter No. SO(Primary-M)/E&SED/2-  
2/Appointment-Rule/2023 dated 23.08.2023 on the subject noted above and to state that  
necessary guidance has already been tendered to your good office vide this department letter of  
even No. dated 05.06.2023 (copy enclosed).

Yours faithfully,

  
Section Officer (Policy)

Encl. Of even No & date

Copy forwarded to the:-

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

WP/447-2023 AZIZULLAH VS GOVT OF PK

~~ATTESTED~~

- 22 -  
- B/C -

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

To

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

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

Dear Sir,

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

Yours faithfully,

Section Officer (Policy)

Endst. Of even No & date

Copy forwarded to the:-

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

Section Officer (Policy)

ATTESTED



23-

Annexure 6

To,

Dated: 22-01-2024

- 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

*Rahat*

Rahat Muhammad Khan Son of Bahader Khan  
Resident of Tehsil & District Mardan

**ATTESTED**

Khyber Pakhtunkhwa



Aziz Ullah Khan  
President  
03331-0412648  
azizullah1973@gmail.com  
apink@pk

APTA House  
Govt. Primary School No.4,  
Durbaher Pashawar City.

آل پرائمری ٹیچرز ایسوسی ایشن (اپٹا) خیبر پختونخوا

مقام: سیکرٹری ایسوسی ایشن خیبر پختونخوا  
مقام: آل پرائمری ٹیچرز ایسوسی ایشن خیبر پختونخوا  
تاریخ: 08/11/23

گزارش ہے کہ پروسٹروٹ اور ایسے ہی ہوتے ہیں اور سرکاری ملازم کی خواہش ہوتی ہے پروسٹروٹ ایک ہالوں اور کھانا کھانے کے ملازم ایک اگر کسی  
بجائے وقت ایک دن پروسٹروٹ نہیں تو وہ پھر آج پانچ سال تک پروسٹروٹ نہیں لے سکتے تھے مطلب پانچ سال تک پھر اس کی پروسٹروٹ نہیں اور کئی دفع  
پھر اس ہالوں میں تعیناتی رعایت دیا گیا پانچ سال تک بات علم کر دی گئی کہ اگر ایک ملازم ایک سال پروسٹروٹ نہ لیں تو وہ دوسرے سال لے سکتے ہیں  
لیکن اب ایک ہفتے پہلے ایک اور نوٹیفکیشن آیا ہے  
جس کے مطابق اب ہر ملازم پروسٹروٹ خرید لیں گے اگر نہیں لیں گے تو ان کے خلاف ایس او ایف کے مطابق کارروائی کرنے کا کہا گیا ہے  
ملاحظہ ہو کہ اس نوٹیفکیشن جاری انسانی حقوق کی کمیٹی کے خلاف دہائی ہے جس کے دوران ہر ملازم اور ہر ملازم میں قاسم کے لئے نئے امتداد کو اجازت دینا  
ملاحظہ ہو کہ عام حالات میں کسی زبردستی پروسٹروٹ اور دوسرا بھی جاری انسانی حقوق کی خلاف ورزی ہے کہ ایک ٹیچر پختونخوا میں پروسٹروٹ سے ناراضی اور شہریوں  
میں ہوتی ہے ایسے حالات میں یہ نوٹیفکیشن جو EASE کی کمیٹی نے لیکر کرنا ہے اس کے خلاف اور جاری انسانی حقوق کی خلاف ورزی  
ہم ان کے خلاف کارروائی ہونے کا حق نہیں رکھتے ہیں  
لہذا ہم آپ سے درخواست کرتے ہیں کہ نوٹیفکیشن کو واپس لیا جائے یا اس میں ترمیم کر کے پرائمری امتداد (Relaxation) دیا جائے اور ان کو  
زبردستی پروسٹروٹ لینے کی بجائے ان کو سروس سے لے لیا جائے  
اور پروسٹروٹ لینے کی صورت میں ہاتھ پٹا لیا جائے لیکن یہ زبردستی نہ کی جائے  
اس سلسلے میں آپ جلد از حد ہم (DEOs) کو آئی اور ایک فیسر سروس فراہم کیا جائے تاکہ اطلاع میں آپ سیکل / لیٹیل پرائمری امتداد کو دہائی  
البت اور ہر جگہ سے بنایا جائے  
یہ کہ نوٹیفکیشن جاری ہوتے ہی پرائمری امتداد کو دہائی طور پر ہر جگہ سے اس سلسلے شروع ہو چکا ہے  
لہذا ہم یہ توقع رکھتے ہیں کہ آپ صاحبان کو آئی ایم جی کے پرائمری امتداد، فیسر سیکل / لیٹیل پرائمری امتداد، کو آئی دہائی البت سے بہت دلائل کے

شکریہ


عزیز اللہ خان سرہانی سردار  
آل پرائمری ٹیچرز ایسوسی ایشن خیبر پختونخوا  
08/11/23




07.05.2024



1. Learned counsel for the appellant present.
2. Let a pre-admission notice be issued to the respondents through TCS for submission of reply/comments. Appellant is directed to deposit TCS expenses within three days. To come up for reply/comments as well as preliminary hearing on 10.06.2024 before S.B. P.P given to learned counsel for the appellant.
03. Alongwith the service appeal there is an application for suspension of Notification dated 06.06.2023 and letter dated 23.08.2023 till the final disposal of main service appeal. In the meanwhile, no adverse action shall be taken against the appellant till next date of hearing.

  
 Certified to be true copy (Muhammad Akbar Khan)  
 Member (I)

  
 MEMBER  
 Government of Punjab  
 Civil Service  
 13/5/24

Date of Presentation of Application 10-5-24  
 Number of 1-1  
 Copies of 1-1  
 Original 1-1  
 Total 5/1  
 Name of ---  
 Date of 13-5-24  
 Date of delivery of copy 13-5-24

~~ATTESTED~~

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# VAKALAT NAMA

## BEFORE THE SERVICE TRIBUNAL PESHAWAR

RAHAT MUHAMMAD  
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**

**A C C E P T E D**

**MUHAMMAD MUAZZAM BUTT**  
Advocate Supreme Court

**MUHAMMAD ADEEL BUTT**  
Advocate High Court

**BASSAM AHMAD SIDDIQUI**  
Advocate High Court