


FORM OF ORDER SHEET

Court of _____

Appeal No. 2333 /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 2333 2024

Abdul Qayyum Khan

VERSUS

Secretary to Government of Khyber Pakhtunkhwa, & others

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ADVOCATE

M. Muazzam Butt

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

In Ref to

Service Appeal No 2333 /2024

Abdul Qayyum Son of Muhammad Azim Khan, PSHT

GPS Doulat Azam Zai Tehsil & District Lakki Marwat

.....Appellant

V E R S U S

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

.....Respondents

SERVICE APPEAL UNDER SECTION 4 OF KPK SERVICE TRIBUNAL ACT 1974, AGAINST THE IMPUGNED NOTIFICATION BEARING NO.SO(POLICY)E&AD/1-3/2020, DATED 06/08/2020, COMMUNICATED TO RESPONDENT NO. 2 VIDE LETTER DATED 06/06/2023, WHEREIN IT WAS STATED THAT SUB RULE 5 OF RULE 7 OF KHYBER PAKHTUNKHWA CIVIL SERVANTS (APPOINTMENT, PROMOTION AND TRANSFER) RULES, 1989 STANDS DELETED

PRAYER:

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

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

RESPECTFULLY SHEWETH:

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

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

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

5. That as per notification No. SD (Policy) /E/DAD/1- 3/2020 dated 06/08/2020, the right of foregoing of promotion was withdrawn and the Government of Khyber Pakhtunkhwa Establishment Department (Regulation Wing) deleted Rule 7(5) in the Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 vide notification no SOR-VI (E & AD)/1-2/2020 dated 06-08-2020. Copy of Impugned notification No. 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 E
10. That the petitioner feeling aggrieved, filed Representation to the respondents in person, and also approached to respondents through APTA President but the grievances of the appellant have not so far been redressed. Copy of Representation against the said notification is annexed as Annexure G & H
11. That feeling aggrieved from the letters dated 06-06-2023 and 07-09-2023 and the deletion of Rule 7(5) in the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989; the petitioners filed this 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 affects the interests of the employees or causes disadvantage to the employee is not tenable in the eyes of law. The notification/guidance dated 06/08/2020 06/06/2023 are liable to be set-aside.
- b. That there are no terms and conditions of service mentioned in the appointment order of the appellant wherein, availing of promotion is mandatory. It is further submitted that employees in the past, have foregone their promotion along with their posting. It is submitted that when domestic and other personal issues do not permit the employees/appellant to avail the promotion order and in that case, the employees who foregone their promotion were allowed not to avail the promotion for a period of 04 years and on second refusal the employees were permanently debarred from availing the facility of promotion during their entire service. Hence the employees himself/herself forebear agonies of foregoing their promotions. As a result, junior to the appellant according to the order of seniority cum fitness are granted promotion to next rank.
- c. That as per Civil Servant laws, promotion is a kind of appointment which is always optional to get promotion or not, hence the impugned notification is void, illegal and against the law and the same to the extent of the appellant is liable to be set-aside.
- d. That it is further submitted that on account of grant of promotion, some employees who are suffering from severe medical ailment or facing acute domestic issues cannot avail promotion with transfer in other areas, therefore, no employee can be compelled to accept the promotion compulsorily which is not beneficial to the employee but if an employee does not avail and get benefit of her promotion it must be optional for the employees as to whether to avail or forego the benefits. Any promotion without willingness of employee is illegal and liable to be setaside.

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

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

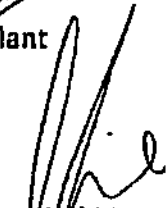
It is further prayed that no penal action as proposed and envisaged in letter dated 06/06/2023 may be declared as unlawful, illegal and without having any legal effect.

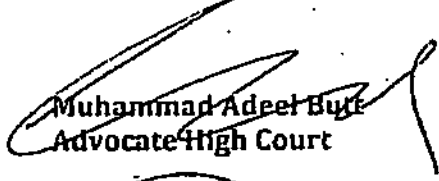
Any other relief, which this honorable Tribunal deems fit and proper in the circumstances of the case, may also be granted to the appellant.

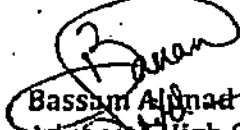
AFFIDAVIT:
 I, (the appellant) solemnly declare that the contents of foregoing application are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Court.
 Deponent


 Appellant

Through


 Muhammad Muazzam Butt
 Advocate Supreme Court


 Muhammad Adeel Butt
 Advocate High Court


 Bassam Afnan 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

Abdul Qayyum 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

Through


Appellant


Muhammad Muazzam Butt
Advocate Supreme Court


Muhammad Adeel Butt
Advocate High Court

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

-6-

Annexure

A



25

Personal Information of Mr ABDUL QAYYUM d/w/s of MUHAMMAD AZIM KHAN

Personnel Number: 00307533 CNIC: 1120103884323 NTN:
Date of Birth: 20.09.1971 Entry into Govt. Service: 01.09.1994 Length of Service: 29 Years 05 Months 001 Days

Employment Category: Active Permanent

Designation: PRIMARY SCHOOL HEAD TEACH 80003025-DISTRICT GOVERNMENT KHYBE

DDO Code: LK6004-

Payroll Section: 001

GPF Section: 001

Cash Center: 06

GPF A/C No:

GPF Interest applied

GPF Balance:

251,816.00 (provisional)

Vendor Number: -

Pay and Allowances:

Pay scale: BPS For - 2022

Pay Scale Type: Civil BPS: 15

Pay Stage: 24

Wage type		Amount	Wage type		Amount
0001	Basic Pay	71,440.00	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	915.00
2199	Adhoc Relief Allow @10%	614.00	2316	Teaching Allowance 2021	3,224.00
2341	Dispr. Red All 15% 2022KP	6,807.00	2347	Adhoc Rel Al 15% 22(PS17)	6,807.00
2378	Adhoc Relief All 2023 35%	24,311.00			0.00

Deductions - General

Wage type		Amount	Wage type		Amount
3015	GPF Subscription	-4,290.00	3501	Benevolent Fund	-1,200.00
3609	Income Tax	-3,004.00	4004	R. Benefits & Death Comp:	-600.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance

Deductions - Income Tax

Payable: 46,819.38 Recovered till JAN-2024: 20,098.00 Exempted: 11704.18 Recoverable: 15,017.20

Gross Pay (Rs.): 122,038.00 Deductions: (Rs.): -9,094.00 Net Pay: (Rs.): 112,944.00

Payee Name: ABDUL QAYYUM

Account Number: 1580-1

Bank Details: HABIB BANK LIMITED, 220328 TAJAZAI, BANNU TAJAZAI, BANNU, BANNU

Leaves: Opening Balance: Aailed: Earned: Balance:

Permanent Address:

City: LAKKI

Temp. Address:

City:

Domicile: NW - Khyber Pakhtunkhwa

Housing Status: No Official

Email: qayyum.hasn@gmail.com

Handwritten signature and stamp

System generated document in accordance with APPM 4.6.12.9(818037/26.01.2024/v3.0)

All amounts are in Pak Rupees

Errors & omissions excepted (SERVICES/02.02.2024/20:13:13)

DISTRICT EDUCATION OFFICER (N) PRIMARY BARRU

APPOINTMENT OF P.S.O, ON MERIT BASIS

CONSTITUENCY NO...62

① -6-A-

The following PTO passed candidates are hereby appointed against vacant PTO posts in BPS:-7 plus usual allowances as admissible under the existing rules & policy issued by the Govt of NWFP, Education Department Notification No.S.O.-(P.E)-6-1/94, dated 28.1.1992 in the interest public service with effect from 1.9.1994/ of their taking over charge, the appointment made against NCP/Vacant/Leave vacancy PTO post.

Sr. No	Contd. Name with Father Name	PTO marks	Percen- tage	School of posting	Remarks
1	1. Mosam Khan s/o Muzaffar Khan B B+X+ R/O Bachken Ahmadzai (Lakki) Ex-Service mad	808	68.5%	GPS: Adanzai Hyderan.	N.O.P. against
2	2. Misal Khan s/o Faizullah R/O Ghazni khel. D/B 15.7.1970	778	67.3%	GPS: Basit khel kundi (Naurang)	N.O.P.
2.3.	Mirwali s/o Ajab Khan R/O Behram Khan D/B 20.8.74	778	64.5%	GPS: Basit khel Mira Bat Batani	N.O.P.
4.4.	Inamullah s/o Abdul Ghafoor R/O Gambila. Date of birth 6.3.1974.	765	63.7%	GPS: Basit khel (Shar khel)	N.O.P.
5.5.	Kiramattullah s/o Zahaur-U-Din R/O Hayat khel, Date of birth 9.9.1972.	762	63.5%	GPS: Naimatullah Terri khel.	N.O.P.
6.6.	Abdul Qayun s/o Badi-u-Zaman R/O Nasir khel, date of birth 15.12.71.	749	62.4%	GPS: Nasir khel	Vacant post.
7.7.	7. Hidayatullah s/o Badullah Khan R/O Harma Tala, date of birth 8.4.1972.	739	61.5%	GPS: Basit khel	Vacant post.
8.8.	8. Abdul Hameed s/o Sattar Khan R/O Kotka Giddar, date of birth 14.6.1974.	735	61.2%	GPS: Kotka Mohm-ood (Basit khel)	N.O.P.
9.9.	9. Samiullah s/o Samad Khan R/O Behram khel. Date of birth 3.2.1970	733	61%	K-Datu Khan Behram	N.O.P.
10.10.	10. Khalid Malook s/o Said Pinda Khan, R/O G. Shah Hussain date of birth 8.4.1972	739	61.5%	GPS: Kotka Datu Khan Behram khel	N.O.P.
11.11.	11. Hati Khan s/o Shraz Khan R/O Sheri khel, date of birth 10.1.1966.	731	60.9%	GPS: Tabi Murad Terri.	N.O.P.
12.12.	12. Gulzar Ali Shah s/o Dar Ali Shah R/O Mama khel Marwat, date of birth: 24.5.1970.	731	60.9%	GPS: Kotka shorbat Basit khel.	Vacant post
13.13.	13. Mohammad Anwar s/o Saif Din R/O Shahabaz khel, date of birth: 1.10.1973.	731	60.9%	GPS: Mohabat Adam-zai.	Vacant post.
14.14.	14. Habibullah s/o Khabibullah R/O Mela khel, date of birth 6.9.60 (Afghan Service)	729	60.7%	GPS: Tabi Murad Terri.	N.O.P. post
15.15.	15. Saraj-u-Din s/o Habib Khan R/O Kot Kashmir, date of birth 4.6.1972.	729	60.5%	GPS: Farida Kot Kashmir	Vacant post
16.16.	16. Javid Iqbal s/o Sheikh Hamid R/O: Gambila, date of birth 15.10.66	724	60.3%	MPS: Sheikh Quli Khan	N.O.P. post.
17.17.	17. Salah-U-Din s/o Nasrullah R/O Langer khel pacca, date of birth: 3.3.1969.	721	60%	GPS: Naimatullah Terri khel.	N.O.P. post.
18.18.	18. Mutaber Khan s/o Mir Qalam R/O Gandi Khan khel date of birth 5.9.1969.	715	59.5%	GPS: No.2 Takhti khel.	N.O.P.

Handwritten signatures and initials

② 6-B

Merit list No.	Name of candidate with Father Name/Residence	PTO Marks	P/stage	School of posting.	Remarks
19. 19	Saibzali s/o Gul khan R/O Gandhi khan khel, date of birth 21.4.1969.	712	59.3%	GPS: No.2 Takhti-khel.	against-NOP post
20. 20	Aslam khan S/O Sharif khan R/O Behram khan, date of birth Mx 5.10.1971.	711	59.2%	GPS: Mira Bat Dattani.	-do-
21. 21	Abdul Ghaffar s/o Umer Jan R/O Nar Khuda-khah D/05.11.72	704	58.6%	MPS: Khan Afzal Takhti khel.	-D-
22. 22	Shafiullah S/O Faizullah khan R/O Kot kashmir D/07.5.72	703	58.5%	GPS: No.2 kot-kashmir.	-do-
23. 23	Hidayatullah s/o Muzaffar khan R/O Gidder killa D/021.3.73	703	58.5%	GPS: Fatha khan khel.	-do-
24. 24	Zaidullah s/o Daidullah khan R/O: Shabd Adamazai (Tajori) D/O 1.7.69.	699	58.2%	GPS: Adamazai Hideran.	-Do-
25. 25	Saifullah S/O Abdul Harim R/O K-Mohammad Hayat Takhti khel D/O: 14.8.1970.	699	58.2%	MPS: Sultan (Aziz) khan.	-do-
26. 26	Kharu-ullah S/O Ghazimarjan R/O: Bakhal Ahmadzai D/O 5.3.1971.	697	58%	MPS: Ahmad Ian (Tajuri)	-D-
27. 27	Abdul Qayyum s/o Azimkhan R/O: D/O: 20.9.1971	697	58%	GPS: Dattani Pyoast (Amir Nawaz)	-do-
28. 28	Hikmatullah s/o Ali Mohammad R/O Ohandu khel D/020.10.73	697	58%	GPS: Amir Nawaz Bathai Pyoast. (Paridia)	-do-NOP
29. 29	Hafizullah S/O Saddullah R/O Tajori D/O 5.1.1969.	695	57.9%	GPS: Amir Nawaz Bathai Pyoast.	Vacant
30. 30	Mohammad Farooq S/O Galu khan R/O Tajori D/019.3.1971.	693	57.7%	GPS: Sargara-Mohammad khan.	Against-NOP: Post.
31. 31	Kiyafatullah S/O Mohibullah R/O Gandhi khan khel. D/01.4.75	693	57.7%	GPS: Madati Nika	Vacant post
32. 32	Mohammad Yaqub S/O Sardar Ali R/O: D/O: 2.11.66 Mama khel Marwat.	691	57.5%	GPS: Sargara - Mohammad khan	N.O.P.
33. 33	Amir Jan S/O Mir Azam R/O Gambila D/O 28.4.69 (Disable 1% Trahd PTO)	686	57.1%	Sher khel Jasit-khel.	N.C.P.
34. 34	Nawak khan s/o Muzaffar khan R/O Gidder killa D/O 15.3.1964	-	57.00%	GPS: No.1 Gandhi khel	Leave vacancy

NOTES:-

1. Charge reports should be submitted to S.D.E.O's as well as this Office.
2. No. TA/DA is allowed to any one.
3. The candidates should produce their age and Health Certificate from M.S District Headquarter Hospital Barnu.
4. The appointment is purely on temp basis and liable to termination at any time without assigning notice. Or reason.
5. The Head of the Office are required to check their Original certificates before handing over charge.

Notes:-

6. The candidates did not take over charge within 15 days from the issue of this ORDER, their appointment order would stand automatically cancelled.

7. The Said appointments have been made on merit basis.

8. If the age exceed from the prescribed limit i.e. 27 years and below 18 years should not be handed over charge before sanction of the age relaxation by the competent authority.

9. The candidates should produce their clearance certificate from POLICE DEPARTMENT.

The candidate at Sr.No.34 may be adjusted against any other Vacant/regular post after the arrival of perm. in vacant/regular return from leave.

(MR: IHSANULLAH KHAN)
DISTRICT EDUCATION OFFICER(M) PRIMARY BANNU

Encl: No. 6232-6272 F.No/A-1/RE-1/Vol;4/ Dated Bannu 25/8/1994

Copy for information & necessary action to the:-

1. Director of Primary Education NWFP: (Hayatabad) Peshawar.

2. P.A. to Director of Education Primary NWFP (Hayatabad) Peshawar

3. District Accounts Officer Larki Marwat.

4. S.D.E.O. (M) Larki Marwat.

5-39 All P.T.O candidates personally by name.

40. F.No/A-1/PTO: Adpts: for Office record.

(MR: IHSANULLAH KHAN)
DISTRICT EDUCATION OFFICER(M)
PRIMARY BANNU.

Ihsanullah Khan

Ihsan
Ihsan
SHAB DAZAL KHAN
Asstt. Prof. of ...
Govt College ...

ATTESTED



DEPUTY SECRETARY (POLICY)
(WAZIRIYAH IJTIMAIYAH)

[Signature]

The Director, Administration Department.
The Section Officer (Admn), Administration Department.
The Deputy Director (IT), E&A Department.
The Registrar, Khyber Pakhtunkhwa Public Service Commission, Peshawar.
The Registrar, Khyber Pakhtunkhwa Service Tribunal, Peshawar.
All Deputy Commissioners in Khyber Pakhtunkhwa.
All Autonomous/Semi Autonomous Bodies in Khyber Pakhtunkhwa.
All Heads of Attached Departments in Khyber Pakhtunkhwa.
The Principal Commissioners in Khyber Pakhtunkhwa.
The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
The Principal Secretary to Governor, Khyber Pakhtunkhwa.
The Administrative Secretaries to Govt. of Khyber Pakhtunkhwa.
The Senior Member Board of Revenue, Khyber Pakhtunkhwa.
Development Department, Khyber Pakhtunkhwa.
Additional Chief Secretary, Govt. of Khyber Pakhtunkhwa, Planning &

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LIST NO & EXPIRE 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
Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of
1973) the Chief Minister of Khyber Pakhtunkhwa is pleased to direct that in the Khyber
Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the
amendment further amendment shall be made, namely:

Dated Peshawar the 06/08/2020

NOTIFICATION

GOVERNMENT OF
KHAYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(REGISTRATION WING)

Annexure - B

B/C -8-

GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(REGULATION WING)

NOTIFICATION

Dated Peshawar the, 05/08/2020

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

AMENDMENT

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

CHIEF SECRETARY
GOVERNMENT OF THE KHYBER PAKHTUNKHWA

(ANDS): & EVEN DATE

Copy is forwarded to :-

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

(WARDAH LATIF)
DEPUTY SECRETARY (POLICY)



[Handwritten signature]

WPA4407-2023 AZIZIYAH VS GOVT CP PG43

g-1-104, Officer (Policy)

(120 Rukhsar) (Policy)

Yours faithfully,

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

Copy forwarded to the:
Serial, Of even No & Date

[Handwritten initials]
3/16

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

2. Furthermore, those officers/officials who do not comply with promotion order will serve to accept promotion in every condition.

3. To tackle higher responsibilities in case of promotion. Therefore, it is obligatory upon every person who lead to large promotion to evade post-employment or allow lack of capacity will be held responsible for their part by seeking to a single alternative position or to The basic rationale behind the said rule is aimed at preventing a provision exists to decline or forgo promotion.

4. The Government of Khyber Pakhtunkhwa (Civil Service) (Efficiency and Transfer) Rules, 1989 stands deleted with its reciprocal certification dated 08.08.2020 thus, no provision dated 18.01.2023 in the subject noted above and to state that Sub-Rule 2A of Rule 7 of Khyber Pakhtunkhwa (Civil Service) (Efficiency and Transfer) Rules, 1989 stands deleted in letter to your letter No. SO(Primary-M)230123 dated 18.01.2023 in the subject noted above and to state that Sub-Rule 2A of Rule 7 of Khyber Pakhtunkhwa (Civil Service) (Efficiency and Transfer) Rules, 1989 stands deleted with its reciprocal certification dated 08.08.2020 thus, no provision exists to decline or forgo promotion.

Subject: - ESTABLISHMENT DEPARTMENT, DIVISION OF PUBLIC WORKS IN THE MINISTRY OF INDUSTRIES, CIVIL SUPPLY AND TRANSPORT

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

GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
No. SO(Policy)230123020
Dated: Islamabad the date 06.06.2023



Annexure - C

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

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

To

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

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

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 (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)
26/6/23



B/c -11-

No SO (Primary-M)/E&SED/2-6/2023
Dated Peshawar the June 25th 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)



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

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

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

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

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

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

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

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

(Mr. Razaqat Ullah)
General Secretary APTA
Peshawar

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

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

-13-
-B/C-

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

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

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

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

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

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

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

Provincial President
All Primary Teachers Association
Khyber Pakhtunkhwa

(Mr. Razaqat Ullah)
General Secretary APTA
Peshawar

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

(Abdullah)

Additional Secretary (Establishment)

[Handwritten signature]

W/1442-2023 AZZULAH VS GOVT CP PG43

Azharim Director (Exhibit-1)
Ministry of Secondary Education
Khyber Pakhtunkhwa

Azharim Director (Exhibit-1)
Ministry of Secondary Education
Khyber Pakhtunkhwa
20/07/2023

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

Copy of the above is to:-

The case is submitted for period and necessary actions please.

Department of Promotion Generalist.

provided they submit their written refusal prior to conclusion of the meeting of Teachers below. It may be accepted if implications of the amendment in the rules filed 7(5) have affected negatively a large number of Female Teachers. This is prepared in the way of the above, this office is of considered opinion that the deletion of Rules been asked for submission of consolidated case.

Chairman of Khyber Pakhtunkhwa Educational Institutions at his office, has

That, in the light of the minutes of meeting dated 6-07-2023, held under the (Primary-4) B&A/D/1-1/2023 dated 12-06-2023.

The same was received by this office from your good office vide letter No.50/2023 (Primary-4) B&A/D/1-1/2023 dated 12-06-2023.

That you have accepted promotion under every condition that there will be no provision to decline or forgo promotion. It is obligatory upon every (Wing) vide letter No.50 (Policy) B&A/D/1-1/2023 dated 6-06-2023 categorically stated that the Government of Khyber Pakhtunkhwa Educational Institutions (Regulation No.50 (Primary-4) B&A/D/1-1/2023) for necessary guidance.

That you have forwarded the same to the quarter concerned vide letter (i) Have it obligatory upon the civil servant to accept promotion in every condition (ii) It is the prerogative of the civil servant to either accept or turn down the offer of promotion.

No.687 dated 06-07-2023.

That this office is in guidance from your good office in the following words vide letter vide notification No. No. 50-R-VI (E&A/D/1-1/2023) dated 06-08-2023.

dated Rule 7(5) in the Civil Servants (Appointment, Promotion & Transfer Rules 1989) That Government of Khyber Pakhtunkhwa Educational Institutions (Regulation (Wing) present brief history about the background of the case as under:

MINUTES OF THE MEETING

The Section Officer (Primary-4) (Wing), Ministry of Secondary Education, Khyber Pakhtunkhwa

Dear Sir,

Khyber Pakhtunkhwa, Peshawar
Phone: 09-9221111
Email: education@kpk.gov.pk



[Handwritten signature]

2. Master Copy
1. PA to Director Local Directorate
Copy of the above to:
Richard Director
Elementary & Secondary Education
Hyder Abdomkhin

Please
The case is submitted for period and necessary action
In view of the above, this office is of considered opinion
members of Female teachers.

That in light of the minutes of the meeting dated 6-07-2023
held under the Chairmanship of Hon. Additional Secretary
-ment at his office. This office has been asked for submission of
consolidated case.

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

That your good office forwarded the same to quarters concerned
vide letter No. SO (Promotion) EGSED/1-2/11/2023 for necessary
guidance.

I am directed to refer to letter No. (SO. Promog-1) EGSED/1-1/6/2023/
Minutes of meeting/PT/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)
dated rule 7(S) in Civil Servant (Appointment, Promotions, Transfer & 1987)
vide notification No. No. SOP-VI(EGAD)-1-3/2020 dated 06-08-2020.
That this office sought guidance from your good office in the following
words vide letter No. 6983 dated 06-08-2023
(i) Now it is obligatory upon civil servant to accept promotion.
(ii) It is prerogative of civil servant to either accept / forward the
offer of promotion.

Dear Sir, I am directed to refer to letter No. (SO. Promog-1) EGSED/1-1/6/2023/
Minutes of meeting/PT/2023 dated 10-7-2023 on subject cited above and to
present brief history, about background of case as under:

Subject: Minutes of Meeting
KPK, Peshawar.
Elementary & Secondary Education Department
Section Officer (Primary-Male)
To:
DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION, KPK
PESHAWAR
(21-7-2023)

-B/C-



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

No. SO(Primary-M)EBSED/2-2/Appointment-Rule /2023
Peshawar Dated 23rd August, 2023

Annexure
E

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

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

Dear Sir,

I am directed to refer to your letter No. SO(Policy)/ EBAD/ 1-3/2020 dated 05th 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 EBSE Khyber Pakhtunkhwa.
2. PS to Secretary, EBSE Department Khyber Pakhtunkhwa.

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

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- B/c -

- 17 -

No. So (Primary - M) E&SE D/8-2/
Appointment - Rule/2023

Peshawar Dated 23rd August, 2023.

To

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

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

Dear Sir,

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

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

Copy forwarded to;

1. Director E & SE Khyber Pakhtunkhwa.

2. PS to Secretary, E & SE Department Khyber Pakhtunkhwa
WP 1112-2023

(Muhammad Ishaq)
Section Officer (Primary
Male)

Annexure - F



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

To

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

Subject: -

GUIDANCE REGARDING DELETION OF RULE 7(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 23.05.2023 on the subject noted above and to state that
necessary guidance has already been tendered to your good office vide this department letter of
even No. dated 06.06.2023 (copy enclosed).

Yours faithfully,

Section Officer (Policy)

Encl. Of even No & date

Copy forwarded to the:-

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

-19-

- B/C -

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

To

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

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

Dear Sir,

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

Yours faithfully,

Section Officer (Policy)

Endst. Of even No & date

Copy forwarded to the:-

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

Section Officer (Policy)

Annexure - G

To,

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

Subject: REPRESENTATION AGAINST THE IMPUGNED NOTIFICATION BEARING NO.SO(POLICY)E&AD/1-3/2020, 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 26/03/2024




ABDUL QUYYUM
SIDDIQ MUHAMMAD AZIM
KHAN
PSHT

Khyber Pakhtunkhwa

Azizullah Khan
President
0333-0114648
azizullah1977@gmail.com
61 nainah



APTA House
Govt. Primary School No.4,
Gulbahaar Peshawar City.

آل پرائمری ٹیچرز ایسوسی ایشن (اپتا) خیبر پختونخوا

Annexure - H

مقام: ٹیکر لوی پرائمری اسکول، ٹیکر لوی ایجنسی، خیبر پختونخوا
مقام: آل پرائمری ٹیچرز ایسوسی ایشن، خیبر پختونخوا
تاریخ: 20/07/2023

گزارش ہے کہ پروموشن پر امانت سے ملے ہیں اور کہ سرکاری ملازم کی فرائض ادا ہے پروموشن کا ایک تالون ادا کرنا تھا کہ جو غلام ایک اگر کسی
بجائے وقت ایک اور پروموشن میں تو وہ پھر آج پانچ سال تک پروموشن نہیں لے سکتے تھے مطلب پانچ سال تک پھر اس کی پروموشن نہیں اور اس کی
پھر اس تالون میں سرکاری رعایت کی گئی پانچ سال والی بات ختم کر دی گئی کہ اگر ایک ملازم ایک سال پروموشن نہ لیں تو وہ دوسرے سال لے سکتا ہے
لیکن اب ایک وقت پہلے ایک اور فریڈیشن آ رہا ہے
اس کے مطابق اب ہر ملازم پروموشن ضرور لیں گے اگر نہیں لیں گے تو اس کے خلاف ایس ڈی اے کے مطابق کارروائی کرنے کا کہا گیا ہے
دراصل یہ آئی ٹی فریڈیشن بنیادی انسانی حقوق کی کئی خلاف ورزی ہے جس کے دور رسالہ اور پہلی ملازمتوں میں خاص کر خواتین امانتہ کی اجازت مفادات کا
مناظر کرنا چاہئے
جبکہ عام حالات میں بھی زبردستی پروموشن اور رسالہ بھیجنا بنیادی انسانی حقوق کی خلاف ورزی ہے کیونکہ فیروز پختونخوا میں بد قسمتی سے فلاحی و تعلیمی
مقام ہوتا ہے ایسے حالات میں یہ قانون فریڈیشن جو GSSB کی پالیسیوں کے تحت ہے اس کے خلاف ہے اور بدقسمتی اور بنیادی انسانی حقوق کی خلاف ورزی
ہم اس کے خلاف تالون چاہتے ہیں کہ اس کے خلاف فریڈیشن لے سکتے ہیں
لہذا ہم آپ سے درخواست کرتے ہیں کہ اس کے خلاف فریڈیشن لے کر اس کی پروموشن لیا جائے یا اس کی فریڈیشن لے کر اس کی پروموشن لیا جائے اور اس کے
زبردستی پروموشن لینے کی بجائے اس کو مرخصی سے لینے دیا جائے
اور پروموشن نہ لینے کی صورت میں رسالہ ادا کیا جائے لیکن یہ زبردستی نہ کی جائے
اس مسئلے میں آپ جلد از جلد کام (DRO) لیا جائے اور کہ ایک قسم سے مرخصی جاری کیا جائے تاکہ امانت میں یہ سب سہولتیں پرائمری امانتہ کی ذمہ
البتہ اور تالون تک سے لیا جائے
کیونکہ فریڈیشن ہلکی ہوتی ہے پرائمری امانتہ کی ذمہ خود پر توجہ کرنے کا سلسلہ شروع ہو چکا ہے
لہذا ہم یہ توقع رکھتے ہیں کہ آپ صاحبان کوئی ایجنسی لیکر سبب ہر کے پرائمری امانتہ، خیر ما سہولتیں پرائمری امانتہ، کہ اس ذمہ البتہ سے نجات دلائیں گے

شکر ہے

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

WAKALAT NAMA

BEFORE THE SERVICE TRIBUNAL PESHAWAR

ABDUL QUYYUM
Versus

Appellant

Government of KP & others

Respondents

I (the Appellant)

do hereby appoint and retain

MUHAMMAD MUAZZAM BUTT ASC, MUHAMMAD ADEEL BUTT AHC

BASSAM AHMAD SIDDIQUI AHC

&

ASSOCIATES OF MUAZZAM LAW FIRM

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

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



APPELLANT

ACCEPTED

MUHAMMAD MUAZZAM BUTT
Advocate Supreme Court

MUHAMMAD ADEEL BUTT
Advocate High Court

BASSAM AHMAD SIDDIQUI
Advocate High Court