


# FORM OF ORDER SHEET

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

Appeal No. 2332/2024

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 2332 2024

Bakht Afsar

**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 2332 /2024

Bakht Afsar Son of Khitab PSHT (BPS-15)

Shahi dara, kozpao, Tehsil Puran, District Shangala

.....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, 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, 1979, 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&AD/1- 3/2020 dated 06/08/2020, the right of foregoing of promotion was withdrawn and the Government of Khyber Pakhtunkhwa Establishment Department (Regulation Wing) deleted Rule 7(5) in the Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 vide notification no SOR-VI (E & AD)/1-2/2020 dated 06-08-2020. Copy of Impugned notification No. 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 affects the interests of the employees or causes disadvantage to the employee is not tenable in the eyes of law. The notification/guidance dated 06/08/2020 06/06/2023 are liable to be set-aside.
- b. That there are no terms and conditions of service mentioned in the appointment order of the appellant wherein, availing of promotion is mandatory. It is further submitted that employees in the past, have foregone their promotion along with their posting. It is submitted that when domestic and other personal issues do not permit the employees/appellant to avail the promotion order and in that case, the employees who foregone their promotion were allowed not to avail the promotion for a period of 04 years and on second refusal the employees were permanently debarred from availing the facility of promotion during their entire service. Hence the employees himself/herself forebear agonies of foregoing their promotions. As a result, junior to the appellant according to the order of seniority cum fitness are granted promotion to next rank.
- c. That as per Civil Servant laws, promotion is a kind of appointment which is always optional to get promotion or not, hence the impugned notification is void, illegal and against the law and the same to the extent of the appellant is liable to be set-aside.
- d. That it is further submitted that on account of grant of promotion, some employees who are suffering from severe medical ailment or facing acute domestic issues cannot avail promotion with transfer in other areas, therefore, no employee can be compelled to accept the promotion compulsorily which is not beneficial to the employee but if an employee does not avail and get benefit of her promotion it must be optional for the employees as to whether to avail or forego the benefits. Any promotion without willingness of employee is illegal and liable to be set-aside.

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

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

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

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

**AFFIDAVIT:**

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

*[Signature]*  
Deponent

*[Signature]*  
Appellant

Through

*[Signature]*  
Muhammad Muazzam Butt  
Advocate Supreme Court

*[Signature]*  
Muhammad Adeel Butt  
Advocate High Court

*[Signature]*  
Bassam Ahmad Siddiqui  
Advocate High Court  
LL.M- Human Rights

**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA**

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

In Ref to

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

Bakht Afsar

**V E R S U S**

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**

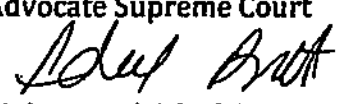
I [the appellant] do hereby solemnly stated on oath that the contents of foregoing application are true and correct to the best of my knowledge and belief and nothing has been concealed therein this Honorable Court.

  
Deponent

Through

  
Appellant

  
Muhammad Muazzam Butt  
Advocate Supreme Court

  
Muhammad Adeel Butt  
Advocate High Court

Dist. Govt. KP, Provincial  
District Accounts Office Shingla  
Monthly Salary Statement (September 2022)



Personal Information of Mr. BAKTI AFSAR D/O of KIJITAL  
Personel Number: 00157309 CNIC: 1330002267311 NIN:  
Date of Birth: 01/01/1979 Inlay into Dist. Service: 04.12.2004 Length of Service: 17 Years 09 Months 02 Days

Employment Category: Active Temporary  
Designation: PRIMARY SCHOOL HEAD TEACH NKS-100-DISTRICT GOVERNMENT KHYBE  
DDO Code: S/Int-47-District Shingla  
Payroll Section: 001 GPF Section: 001 Unit Center:  
GPF AC: Nil GPF Interest: applied GPF Balance: 387,903.00 (Invested)  
Vendor Number: -  
Pay and Allowance: Pay scale: BPS For - 2022 Pay Scale Type: Civil DIN: 15 Pay Stage: 15

Sl. No.	Wage type	Amount	Sl. No.	Wage type	Amount
0101	Basic Pay	53,620.00	1101	House Rent Allowance 45%	3,524.00
1201	Gratuity Allowance 2005	2,856.00	1301	Medical Allowance	1,500.00
1011	Condon Allow 2015 (1-15)	1,000.00	2405	15% Adhoc Relief All 2011	521.00
2101	Adhoc Relief Allow 0105	512.00	2501	Teaching Allowance 2021	7,251.00
2301	Dom. Rel. All 15% 2015 (1)	3,012.00	2302	Adhoc Rel. All 15% 2015 (1)	3,012.00
2303	Adhoc Relief All 2021 33%	18,072.00	2303	Adhoc Relief All 2021 33%	13,095.00

Deductions - General

Sl. No.	Wage type	Amount	Sl. No.	Wage type	Amount
5015	GPF Subscription	-2,300.00	1501	Beneficial Fund	-1,200.00
5021	Income Tax	-2,367.00	1010	Emp. Shk. Fund KPC	-1,151.00
2101	IR Benefits & Profit Comp.	-503.00			0.00

Deductions - Loans and Advances

Sl. No.	Description	Principal amount	Deduction	Balance
0505	GPF Loan Principal Intest	221,900.00	-7,100.00	22,500.00

Deductions - Income Tax  
Payable: 44,591.19 Recovered till SEP-2022: 8,161.00 Exempted: 11146.99 Recoverable: 25,091.20

Gross Pay (Rs.): 108,095.00 Deductions (Rs.): -16,512.00 Net Pay (Rs.): 91,583.00

Payee Name: BAKTI AFSAR  
Account Number: 0976810110601252  
Bank Name: NCB BANK LIMITED, 240/01 NCB ALLOCH SHANKLA NCB ALLOCH SHANKLA, SHANKLA

Leaves: Opening Balance: Available: Earned: Balance:

Permanent Address:  
City: SHANKLA Home No: NW - Khyber Pakhtunkhwa Homeing Status: No Official  
Temp Address:  
City: Email: chausgama7@gmail.com

Before preparing the statement, a check was made on the basis of the following information:  
\* Attendance register for the period  
\* Leave & contract register for the period 01/01/2022 to 30/09/2022

ATTESTED







G-A

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**OFFICE OF THE EXECUTIVE DISTRICT OFFICER SCHOOLS & LITERACY SHANGLA**

**OFFICE ORDER / APPOINTMENT.**

تحت افسر پست مہترانہ ایجوکیشن شنگلا

Consequent upon the recommendation/approval by the District Selection Committee (S&L)Shangla in its meeting held on 1.12.2006,the Executive District Officer(S&L)Shangla has been pleased to appoint the following PST Male on 25% Open merit,75% Union Council Wise,2% disable and one deceased govt;employee's children quota(In BPS 7 Rs.2220-120-5820 )against the vacant posts of PST's(M)noted against their names (as per amended contract policy and permanent in case of in service)with immediate effect in the interest of public service.

**OPEN MERIT.**

S.No.	Name	Father's Name	Residence	M.P	Schools Where Posted
1	Shamroz Khan	Bakht Zada	Pagorai	63.98	GPS Pir Abad
2	Sahibullah	Fanoos	Shikawtai	63.09	GPS Pishkand
3	Bakhtiyar Ali	Fazal Nabi	Lilownal	61.27	GPS Lilownal
4	Mujahid	Bahri Karam	Sandovi	60.91	GPS Sanam
5	Nazir Khan	Abdur Rashid	Falza	60.30	GPS Taloon Banda
6	Nasar Ali	Shamsul Wahab	Ganorai	60.30	GPS Sanam
7	Amir Hussain Khan	Muhd Husain	Kormong	59.29	GPM.K.Kormong
8	Khalid Khan	Fazal Amin	Basl	59.09	GPS Alpurai No
9	Shamshir Alam	Naimatul Mulik	Bar Kana	58.47	GPS Punyal
10.	Sabir Ahmad	Alam Gir	Damorai	58.35	GPS Sasobai
11.	Shakeel Ahmad	Zainul Abidin	Ganora I	58.28	GPS Braim
12	Hidayatullah	Nazar Band	Dehrai(L)	58.25	GPS Banr Sangral
13	Aftab Muhammad	Abdul Wadood	Baina	58.19	GPS Baina
14	Fayaz Ahmad	Fawaj Khan	Ahara Sar	57.83	GPS Pishlor
15	Haji Nawab	Sahib Zada	Shahpur	57.79	GPS Bobai
16	Murshid Alam	hamsur Rahman	Kormong	57.75	GPS Kuz Baikor
17	Zahidur Rahman	Tajud Din	Lilownal	57.54	GMPS Mian Kalay
18	Lalifur Rahman	Rafiq Din	Pagorai	57.33	GPS Toka Maira
19	Sherin Taj	Shah Zarin	Akrai	57.05	GPS Machkandai
20	Fazli Akbar	Ghaibana	Bengalai	57.01	GPS Taloon Banda
21	Fazal Ahsan	Bar Ganshal	Bar Ganshal	56.87	GPS Bar Baikor
22	Bakht Bashir	Abdullah	Pagorai	56.75	GPS Dehrai Maira
23	Shujat Ali	Jamshid Khan	Gharai	56.70	GPS Dandai
24	Tariq Ahmad	Ahmad Sher	Aloch	56.59	GPS Peyaz Maira
25	Hayatullah Khan	Khan Zada	Kotkay	56.31	GPS Cheer Danai

**UNION COUNCIL WISE**

**U/C/ALOCH**

26	Shoukat Ali	Muhd Farooq	Nimkalay	55.20	GPS Kulalai
27	Sher Bahadar	Toti Gul	Kikor	54.66	GPS Dara Serai

**U/C/ALPURAI**

28	Gul Afsar	Hamid Gul	Alpurai	54.72	GPS Alpurai No.1
29	Altal Hussain	Muhdammad Din	Alpurai	53.58	GPS Dara M.K
30	Sajjad Ali	Ahmad Ali	W/Kotkay	52.20	GPS Managa
31	Umer Hayat	Said Karim	Basl	51.73	GPS Tapla
32	Fazal Alam	Palinda Mand	Alpurai	51.44	GPS Alpurai No.2
33	Abdul Qadeer	Ali Hassan	Alpurai	50.82	GPS Shangla

**U/C BEHLOOL KHEL**

34	Jamin Khan	Said Zamin	Garaka	52.40	GPS Pishkand
35	Ijaz Ahmad	Azimullah	Titwaian	51.99	GPS Pishkand
36	Said Muhammad	Nawab Said	Doodbanai	50.55	GPS Pishlor
37	Sawar Khan	Ashmati Khan	Terawrai	47.61	GPS Tirawrai

**U/C BAR PURAN**

38	Fasihul Lissan	Mehru Lissan	Sandovi	55.66	GPS Babrai
39	Fida Hussain	Gul Muhammad	Sandovi	53.82	GPS Sanam
40	Farman Ali	Shamsul Wahab	Ganora	53.41	GPS Sanam
41	Muhammad Amin	Muhd Jalil	Ganora	53.41	GPS Towa

**U/C/BUTYAL**

42	Asim Khan	Fawaz Khan	Kerai	55.53	GPS Butyal
43	Dawood Ahmad	Gul Zahir	Kerai	53.93	GPS Butyal
44	Magsood Ahmad	Gul Zahir	Kerai	53.77	GPS GPS Bobai
45	Lalifur Rahman	Rasool Shah	Kail	52.51	GPS Butyal

**U/C BUNIRWAL**

46	Aliqur Rahman	Muhammad Said	Shawawo	51.49	GPS Langbar No.1
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**U/C CHAKISAR**

47	Niaz Ahmad	Mashriq	Chaldsar	55.74	GPS Mango
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**ATTESTED**

6-B

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①

<u>U/C Damorai</u>					
48	Hassan Iqbal	Hazrat Mulk	Damorai	56.04	GPS Faiz Dara
<u>U/C DANDAI</u>					
49	Taj Gulab	Arkaf	Chagam	50.31	GPS K.K.Dandai
50	Bakhtmin Zada	Gul Zarin	Seer	45.59	GPS B.K.Dandai
<u>U/C DEHRAI</u>					
51	Muhammad Zada	Feroz Khan	Zara	56.27	GPS Doloo
52	Fazal Muhammad	Muhd Haqiq	Chakal	56.27	GPS Doloo
53	Ihsan Ali	Feroz Khan	Dehrai	56.20	GPS Dehrai
54	Sardar Wali	Abdul Samad	Barr	53.40	GPS Juragh
<u>U/C ISMAIL KHEL</u>					
55	Afzal Khan	Sherin Khan	Kuz Paw	56.28	GPS Braim
56	Bakht Afsar	Khilab	Shahi Dara	55.78	GPS Machkandai
57	Saiful Islam	Abdus Salam	Machkandai	55.60	GPS Machkandai
58	Almal Khan	Amir	Kuz Paw	54.61	GPS Raja Mahraji
59	Taj Biland	Yaqoot	Ismail Khel	53.35	GPS Braim
60	All Rahman	Rozl Gul	Kuz Paw	51.69	GPS Machkandai
61	Israrullah	Saifullah Khan	Sargai	51.36	GPS Braim
62	Abdul Kabir	Issa Gul	Ismail Khel	49.42	GPS Machkandai
<u>U/C KORMONG</u>					
63	Sirajul Haq	Amir Rahman	Kormong	56.02	GPS Gandorai
64	Sher Ahmad	Muhammad Afzal	Kormong	61.86	GPS Gandorai
<u>U/C KUZ KANA</u>					
65	Shujat Ali	Muhabat Khan	Chelai	50.28	GPS Tolaik No.1
66	Azizur Rahman	Haq Nawaz	Kuz Kana	49.36	GPS Wach Lass
<u>U/C LILOWNAI</u>					
67	Umer Biland	Bakht Biland	Lilownai	53.68	GMPS Sorai Kass
68	M.Afzal Shah	Jehan Gir	Lilownai	52.95	GPS Chorbal
69	Shahin Shah	Fazal Hadi	Lilownai	52.42	GPS Chorbal
70	Niqab Ahmad	Abdul Aziz	Lilownai	52.37	GPS Kag Lilownai
<u>U/C M.K.KOTKAY</u>					
71	Said Muhammad	Sahib Zada	M.Kotkay	54.23	GPS M.K.Kotka
<u>U/C MAIRA</u>					
72	Zahir Zada	Muhammad Jan Maira	Maira	44.53	GPS Bar Batkor
73	Khan Bahadar	Mijan Zar Jan	Maira	41.26	GPS Maira
<u>U/C MARTUNG KHAS</u>					
74	Faizan Ali	Amanul Mulk	M.Kalay	49.34	GPS Kabal Gram
<u>U/C MUSA KHEL</u>					
75	Aminullah	Fanoos	Shikawlai	52.10	GPS Enawar
76	Mukhtar Ali	Jan Feroz	Shikawlai	51.78	GPS Enawar
<u>U/C IOPAL</u>					
77	Aminullah Khan	Muhd Roman	Darkalay	52.30	GPS Husain Abad
78	Dost Muhammad	Wazir Muhammad	Karora	49.67	GPS Punyal
79	Gul Zaman	Sultan	Karora	47.11	GPS Karora
<u>U/C PIR ABAD</u>					
80	Sarball Khan	Bakht Biland	Pagorai	54.69	GPS Kass Pagorai
81	Shamsul Haq	Said Ghafoor	P.Dehrai	53.15	GPS Amlook Banal
82	Muhammad Riaz	Muhammad Qavi	-do-	51.49	GPS Amlook Banal
83	Sarball Muhd	Ismail	Banjar	50.26	GPS B.K. Pagorai
84	Jan Sher	Fazal Rahman	Banjar	50.08	GPS Pir Abad
85	Muhd Sher	Fazal Rahman	P.Dehrai	49.61	GPS B.Kas.Pagorai
86	Fazal Wahid	Ambar Khan	Pagorai	46.62	GPS Pir Abad
<u>U/C PIR KHANA</u>					
87	Muhd Rafiullah	Abdul Haq	Kuz Ganshal	49.21	GPS Logal
<u>U/C IRANYAL</u>					
88	Sher Bahadar	Bakhtiyar	Ranyal	55.57	GPS Shahtoot
89	Amir Muhammad	Sherin Muhd	Sasobai	47.34	GPS Sasobai
90	Husnul Maab	Muhammad Sadiq	Sangrai	47.00	GPS Sangrai
91	Jehan Zamin	Rahman Said	Sangrai	46.43	GPS Shahtoot
<u>U/C SHAHPUR</u>					
92	Kifayatullah	Azizullah	Shahpur	56.15	GPS Bar Hall Sar
93	Sawar Ali	Muhd Saeed	Shahpur	52.06	GPS Kandaw B.Kana
<u>U/C SHANG</u>					
94	Shafiq Din	Sanobar Mian	Shang	53.52	GPS Kuz Batkor
95	Fazal Karam	Saifur Rahman	Shang	48.58	GPS Shang
96	Noorul Haq	Saidul Bashar	Shang	47.88	GPS Kuz Batkor
<u>U/C CHOWGA</u>					
97	Mehboobur Rahman	Adil Khan	Chowga	56.31	GPS Dunkach
98	Wali Said	Muhammad Ayub	Chjowga	53.71	GPS Akral
<u>U/C BENGELAI</u>					
99	Abid Ali	Sadullah Khan	Chagam	49.03	GPS Bara Awarai

ATTESTED

6-D

(Page 3 of 3)

DISABLE 2% Quota

100	Khairul Aman	Allaud, Din	Ulownai	51.10	GPS Matta Aghwan
101	Fazil Illahi	Husain Ali	Alpurai	47.70	GPS Dara M. Khel
<u>Disabled Govt. Employees of S&amp;L Deptt:</u>					
102	Gul Shad Khan	Al Ahmad	Aloch	33.86	GPS Machkandal.

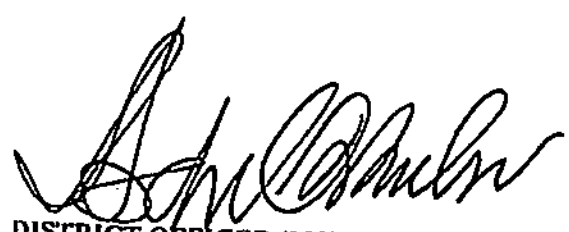
TERMS AND CONDITIONS

1. The appointment is purely on contract basis against BPS 7 plus usual allowances as admissible under the rules under the existant policy.
2. The probation period of appointment shall be two year.
3. The appointment of the above candidates as made as regular civil servants for all intents & Purpose of pension & gratuity. They shall be entitled to receive such amount contributed by him towards the contributory provident fund along with contribution made by the Govt; to their account in the said fund in the prescribed manner, in lieu of pension & gratuity .
4. The services of the above candidates will be liable to termination at any time without assigning any notice/reason(in probation period).In case of resignation without advance notice two months pay and allowances if any shall be forfeited to Govt; treasury.
5. The appointees should join their services within fifteen days from the issuance of this order otherwise their service will be cancelled automatically.
6. The fresh appointees will not be entitled for monthly salaries during the period of winter vacation for 2006-2007.
7. The fresh candidates will not hand over charge if their age exceeded 35 years or below 18 years.
8. The appointment is subject to the production of Health & age certificate from the medical Superintendent concerned.
9. The DDO(M) Primary Shangla should check their original certificates/documents with the photo copies already provided during the interview time before handing over charge, and after full satisfaction, should be verified from the concerned institutions.
10. No TA/DA is allowed.
11. The candidates will be governed by the terms & conditions of the service mentioned in agreement / enforced.
12. The DDO (M) Primary Shangla should obtain surety Bond as well as agreement as to obey the contract policy and will have no right to challenge the existant policy (Pension & gratuity) in the court of law.
13. The fresh appointees will liable to be transferred to the schools for whom aspirants for transfer exist as and when the ban is lifted.

(MUHAMMAD SAEED KHAN)  
EXECUTIVE DISTRICT OFFICER  
SCHOOLS & LITERACY SHANGLA.

Endst. No. 4575-14684 / IAE-I (Vol; II) Appnt; of PST (M)/EDO(S&L) Shangla  
Dated 21/12/2006.  
Copy to:-

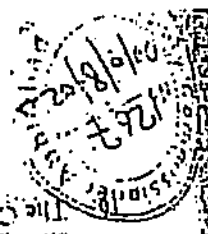
1. The Secretary to Govt; of NWFP(S&L) Peshawar.
2. The Director(S&L) NWFP Peshawar.
3. The District Accounts Officer Shangla.
4. The Dy. District Officer (M) Primary Shangla.
- 5-104. The Officials concerned for compliance accordingly.
- 105-226. P/F of the Officials concerned.

  
DISTRICT OFFICER (M/P)  
SCHOOLS & LITERACY SHANGLA

  
ATTESTED

**ATTESTED**

**ATTESTED**



DEPUTY SECRETARY (POLICY)  
MVA/ADVA/L&TR

*[Handwritten signature]*

- The Carriage, Administration Department.  
The Section Officer (Admn), 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 Public Service Commission, 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 Governor, Khyber Pakhtunkhwa.  
The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.  
All 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 &

Copies forwarded to:

NO. & EVEN DATE

CHIEF SECRETARY  
GOVERNMENT OF THE KHYBER 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 following amendments shall be made, namely:

**NOTIFICATION**

GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT  
REGISTRATION-WING

Annexure - B

B/C -8-

GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT  
(REGULATION WING)

NOTIFICATION

Dated Peshawar the, 06/08/2020

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

AMENDMENT

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

CHIEF SECRETARY  
GOVERNMENT OF THE KHYBER PAKHTUNKHWA

(ANDS): & EVEN DATE

Copy is forwarded to :-

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

(WARDAH LATIF  
DEPUTY SECRETARY (POLICY)

ATTESTED

Annexure - C



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT  
No. SO(Polcy)/E&AD/1/2/2020  
Dated Peshawar the June 06, 2023

62

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

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

Dear Sir,  
I am directed to refer to your letter No. SO(Primary-MY/MS/HD/1-  
2/Appointment/2023) dated 18.04.2023 on the subject noted above and to state that Sub-Rule  
(5) of Rule-7 of Khyber Pakhtunkhwa Civil Services (Appointment, Promotion and Transfer)  
Rules, 1989 stands deleted vide this department notification dated 04.08.2020; 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  
subtle divergent 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 Services (Efficiency & Discipline) Rules,  
2014, please.

Yours faithfully,

(Jasa Bilal Mahmood Khan)  
Secretary (Pecy)

ASE  
7/6

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 (Pecy), Establishment Department.

SE/1/1/1/1/1

623  
21.6.23

Section Officer (Pecy)

ATTESTED



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT  
CIVIL SECRETARIAT PESHAWAR  
(Phone No.001-0223507)

No.60 (Primary-M)/E&SED/2-6/2023  
Dated Peshawar the June 26<sup>th</sup> 2023

To

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

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

26/6/23

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

I am directed to refer to the subject noted above and to enclose here with a letter of Establishment Department letter No. 60 (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 h/s office.

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

Encl: AA


gc

  
(MUHAMMAD ISHAQ)  
SECTION OFFICER (PRIMARY MALE)

Copy forwarded to the:

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

gc

  
SECTION OFFICER (PRIMARY MALE)  
26/6/23

**ATTESTED**



B/c -11-

No 50 (Primary-M)/E&SED/2-6/2023  
Dated Peshawar the June 25<sup>th</sup> 2023

To

The Director  
Elementary & Secondary Education Department  
Khyber Pakhtunhwa, Peshawar

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

Subject: GUIDANCE REGARDING DELETION OF RULE 7(S) IN THE KHYBER  
PAKHTUNHWA 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. 50 (Policy)E&AD/1-3/2023 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 Pakhtunhwa).

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 7151 IN THE CIVIL SERVANT (APPOINTMENT, PROMOTION & TRANSFER RULES 1989).

Annexure  
①


A meeting regarding the subject matter was held on 06-07-2023 at 11:30 AM under the Chairmanship of Additional Secretary Establishment in his office. The following attended the meeting.


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

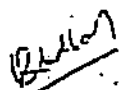
2. The meeting started with recitation from The Holy Quran. The chair welcomed the participants. The Deputy Director (Establishment) of Directorate of Elementary & Secondary Education bled the forum regarding agenda item in detail.


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

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

~~ATTESTED~~

-13-  
-B/C-

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

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

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

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

3. After 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. Fozal Wahid)  
Deputy Director-1  
E&SE Department

\_\_\_\_\_

Provincial President  
All Primary Teachers Association  
Khyber Pakhtunkhwa

\_\_\_\_\_

(Mr. Razaqat Ullah)  
General Secretary APTA  
Peshawar

\_\_\_\_\_

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

\_\_\_\_\_

(Abdullah)

Additional Secretary (Establishment)

**ATTESTED**



No. 8145 / P. No. 3/SSP/General Cases Dated 21/7/2023  
Phoner: 091-9223344 Email: establishment@kpk.gov.pk

**Khyber Pakhtunkhwa, Peshawar**

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

Subject: **MINUTES OF THE MEETING**

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

- That Government of Khyber Pakhtunkhwa Establishment Department (Regulation Wing) deleted Rule 7(5) in the Civil Servants (Appointment, Promotion & Transfer Rules 1980) vide notification No. No. SOR-VI (E&AD)/1-3/2020 dated 06-08-2020.
- That this office sought guidance from your good office in the following words vide letter No. 0987 dated 16-02-2023.
  - (i) Now it is obligatory upon the civil servant to accept Promotion in every condition.
  - (ii) It is the prerogative of the civil servant to either accept or turn down the offer of promotion.
- That your good office forwarded the same to the quarter concerned vide letter No. SO (Primary-M) E&SED/2-3/Appointment/2023 for necessary guidance.
- That the Government of Khyber Pakhtunkhwa Establishment Department (Regulation Wing) vide letter No. SO (Policy) E&AD/1-3/2020 dated 6-06-2023 categorically stated that there exists no provision in decline or forgo promotion. It is obligatory upon every civil servant to accept promotion under every condition.
- The same was received by this office from your good office vide letter No. SO (Primary-M) E&SED/1-3/Appointment/2023 dated 13-06-2023.
- That, in the light of the minutes of meeting dated 6-07-2023, held under the Chairmanship of Mr. Additional Secretary Establishment at his office this office has been asked for submission of consolidated case.

In view of the above, this office is of considered opinion that the deletion of Rules 7(5) have affected negatively a large numbers of Female Teachers. Thus it is proposed that Teachers below 16 may be exempted of implications of the amendment in the rules if provided they submit their written refusal prior to conduction of the meeting of Departmental Promotion Committee.

The case is submitted for perusal and necessary actions please.

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

Encls: No. \_\_\_\_\_ Copy of the above is for:-

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

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

ATTESIED

-B/C-

DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION, KPK

PESHAWAR  
(21-7-2023)

To:

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

Subject: Minutes of Meeting

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

- That Government of KP Establishment department (Regulation Wing) deleted rule 7(5) in Civil Servants (Appointment, promotion & Transfer Rule 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(5) 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

Asst. Director  
Elementary & Secondary Education  
Khyber Pakhtunkhwa.

ATTESTED  




-16-

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

No. SO(Policy-M)EBSED/2-2/Appointment-Rule /2023  
Peshawar Dated 23<sup>rd</sup> August, 2023

Annexure  
E

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

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

Dear Sir,

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

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

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

  
(MUHAMMAD ISMAIL)  
SECTION OFFICER (PRIMARY MALE)

Copy forwarded to the:

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

  
SECTION OFFICER (PRIMARY MALE)  
20/8/23

Scanned with CamScanner

WP4442-2023 AZIZULLAH VS GOVT CP PG43

**ATTESTED**  


ATTENDED

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

Copy forwarded to:  
In view of above, the said amendment may be reconsidered to the extent of body teacher in primary schools.  
Effects on service delivery  
Whether-in-law who need care. In such cases there are negative  
Most of them are married with kids and elder father of  
In the remotest stations with no residential/transport facilities  
face serious inconvenience while they have to perform duties  
teacher of primary level who avail such promotion have to  
In this connection it is submitted that in some cases body  
Civil servant (Efficiency and Discipline) Rule 2011.  
different means shall be proceed under Khyber Pakhtunkhwa  
of the competent authority or try to evade promotion through  
those officers/officials who do not comply with promotion order  
Promotion and Transfer Rules 1989) It has been intimated that  
deletion of Rule 7(5) Khyber Pakhtunkhwa Civil servant (Appointment,  
1-3/2020 dated 8th June 2020 and to state that after  
I am directed to refer to your letter No. S/P/2020  
(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.

No. 5 (Policy-M) E&SE/18-21  
Appointment - Rule/2020  
Peshawar Dated 23rd August, 2023.

- b/c -  
- 17 -

Annexure - F



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

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


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

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

Yours faithfully,  
  
Section Officer (Policy)

Encls. Of even No & date

Copy forwarded to the:-

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

**ATTESTED**

WP-42-2023 AZIZULAN VS GOVT OF PK



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

Dear Sir,

I am directed to refer to your letter No. SO(Primary-M)/E&SED/2- 2/Appointment-  
Rule/2023 dated 23.08.2023 on the subject noted above and to state that necessary  
guidance has already been 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**

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 08th, 2023 directed the Directorate of Elementary & Secondary Education that Rule 7(5) in the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 has been deleted vide notification dated 06-08-2020 and, therefore, no provision exists to decline or forgo promotion and it is obligatory upon every civil servant to accept promotion under every condition. That Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa also wrote a letter to the office of Establishment & Administrative Department vide No SO(Primary-M) E&SED/2-2/Appointment Rule/2023 dated 23-08-2023 to reconsider the amendment made in Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 as it had negatively affected a large number of teachers and especially female teachers. In the meanwhile, the department vide its letter dated 07th of September 2023 directed the Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa that necessary guidance has already been provided to the department and therefore no provision exists to decline or forgo promotion and those teachers who do not comply with the promotion order of the competent authority or try to evade promotion through different means shall be proceeded under the Khyber Pakhtunkhwa Civil Servant (Efficiency & Discipline) Rules, 2011.

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

Dated 26/03/2024



BAKHT AFZA

S/O KHITAB

ATTESTED  
PSHT

ATTESTED

WP4443-2023 AZZULMAN VS GOVT CP FGD

Handwritten signature and date: 08/11/23

Handwritten signature and date: 08/11/23

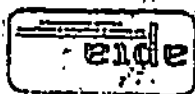
Main body of handwritten text, likely a legal document or affidavit, written in Arabic script.

Handwritten signature and date at the bottom of the main text block.

Annexure - H

Handwritten text below the annexure label.

Ajma House  
Govt Primary School No.4  
Qubba Pashawar City



Ajma Pashawar

Production  
0223-041538  
0223-041538  
ajma@gmail.com

# VAKALAT NAMA

## BEFORE THE SERVICE TRIBUNAL PESHAWAR

**BAKHT AFSAR**

Appellant

Versus

Government of KP & others

Respondents

I (the Appellant)

do hereby appoint and retain

MUHAMMAD MUAZZAM BUTT ASC. MUHAMMAD ADEEL BUTT AHC

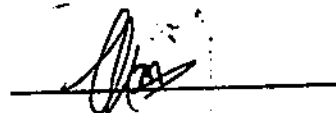
BASSAM AHMAD SIDDIQUI AHC

&

ASSOCIATES OF MUAZZAM LAW FIRM


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

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



**APPELLANT**

**ACCEPTED**

  
**MUHAMMAD MUAZZAM BUTT**  
Advocate Supreme Court

  
**MUHAMMAD ADEEL BUTT**  
Advocate High Court

  
**BASSAM AHMAD SIDDIQUI**  
Advocate High Court