


FORM OF ORDER SHEET

Court of _____

Appeal No. 2330 /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 23302024

Khursheed Iqbal

V E R S U S

Secretary to Government of Khyber Pakhtunkhwa, & others

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ADVOCATE

M. Muazzam Butt

-1-

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

In Ref to

Service Appeal No. 2330 /2024

Khursheed Iqbal Son of Zafar Iqbal Resident of Palosai Sir, Karak

.....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

.....Respondents

SERVICE APPEAL UNDER SECTION 4 OF KPK
SERVICE TRIBUNAL ACT 1974, AGAINST THE
IMPUGNED NOTIFICATION BEARING
NO.SO(POLICY)E&AD/1-312020, DATED 06/08/2020,
COMMUNICATED TO RESPONDENT NO. 2 VIDE
LETTER 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

PRAYER:

ON ACCEPTANCE OF INSTANT SERVICE APPEAL,
THE IMPUGNED NOTIFICATION BEARING NO: SO
(POLICY) E&AD/1-312020, DATED 06/08/2020,
COMMUNICATED TO RESPONDENT NO. 2 VIDE
LETTER D06/06/2023, 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 PSHT in the year 09-10-1998.
Copy of Monthly Salary account is annexed as **Annexure A**
2. That as per Khyber Pakhtunkhwa (Appointment/ Promotion/ Transfer) Rules, 1989, as well as in other sister services of the other Provinces and Federation as well, availing of promotion by the employees is always optional and the employees as a matter of right may avail or forego their promotion and the next employee in seniority list is to be promoted.
Copy of the relevant rules is annexed as **Annexure B**
3. That some employees specifically have foregone their promotion as they could not serve in the areas where there is no facility of accommodation and no houses of their elders are available to look after them in far-flung and solitary mountainous hard areas, and as per Section 25 of per KP Civil Servant Act, 1973, rules to the extent of terms and condition is framed by the Chief Minister and such promotion rules are not made applicable with retrospective effect. The rules framed are published in the Gazette notification and part and parcel of KP Civil Servant Appointment, Transfer and Promotion Rules 1989.
4. That Government of K.P without following the rules position mentioned in Para 6 above promulgated Notification No. SO (Policy) E&AD/1 3/2020, dated 06/08/2020, communicated to Respondent No.2 vide letter dated 06/06/23 wherein it has been made mandatory to the employees to avail the promotion,

otherwise, disciplinary action shall be taken against the employees. The impugned Notification is reproduced as under:-

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

5. That as per notification No. SD (Policy) /EDAD/1- 3/2020 dated 06/08/2020, the right of foregoing of promotion was withdrawn and the Government of Khyber Pakhtunkhwa Establishment Department (Regulation Wing) deleted Rule 7(5) in the Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 vide notification no SOR-VI (E & AD)/1-2/2020 dated 06-08-2020. Copy of notification No. SD (Policy) EV AD/1- 3/2020 dated 06/08/2020 is attached as Annexure C
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 D
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 E
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/AppointmentRule/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 F

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 G

10. That the Appellant with other employees filed Writ Petition No. 973-A/2013 and 1101-A/2023, through President APTA before the Honorable High Court Peshawar and obtained restraining order dated 14/09/2023 to cover the mandatory statutory period of time.

Copies of restraining order dated 14/09/2023 and Writ Petition No. 4442-P 2023 are annexed as Annexure "H & I"

11. 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 "I & K"

12. That feeling aggrieved from the letters dated 06-06-2023 and 07-09-2023 and the deletion of Rule 7(5) in the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989; the petitioners filed this Hence, the instant service appeal is filed on the following grounds:-

GROUND:-

- a. That as per various judgments it is established and settled principle that executive notifications cannot be given retrospective effect. A valid Notification

which confers rights is always applicable with prospective effect, however, if an amendment notification that adversely effects the interests of the employees or causes disadvantage to the employee is not tenable in the eyes of law. The notification/ guidance dated 06/08/2020 06/06/2023 are liable to be setaside.

- 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 appellants are teachers and have to look after their children as well as ailing dependent family members and in these circumstances in the presence of impugned Notification dated 06/08/2023 communicated on 06/06/23 would not be able to serve in the department and which shall amount to the snatching of bread and butter of the poor employees

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

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

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

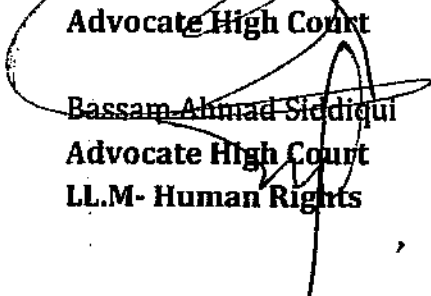
Dated:
Peshawar

Through


Appellant

Muhammad Muazzam Butt
Advocate Supreme Court


Muhammad Adeel Butt
Advocate High Court


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

Affidavit:-

I Khurshheed Iqbal solemnly declare on oath that the contents are true & correct


Deponent

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

C.M No _____/2024

In

Service Appeal No _____/2024

Khursheed Iqbal

V/S

Government of KP & others

**APPLICATION FOR SUSPENSION OF IMPUGNED
NOTIFICATION SO. (POLICY)E&AD/1-3/2020 NO. DATED
06/08/2023 AND PROMOTION ORDER DATED 29/08/2023
TILL FINAL DISPOSAL OF MAIN SERVICE APPEAL.**

Respectfully Sheweth:-

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 favour
3. There is likelihood of success of the appellant in the lis. The impugned notification dated 06/06/2023 is against Section 25 of KP Civil Servant Act, 1973 and promotion order dated 29/08/2023 of the appellant/applicant is also to be set-aside.
4. That valuable right of the appellant is involved.

In view of the above it is humbly prayed that notification No. SO(POLICY)E&Ad/1-3/2020, dated 06/06/2023 and promotion order dated 29/08/2023 to the extent of appellant/applicant may graciously be ordered to be suspended till final disposal of the main service appeal.

Dated:
Peshawar

Through

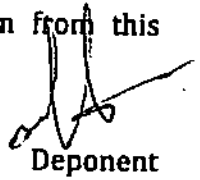
Appellant

Muhammad Muazzam Butt
Advocate Supreme Court

Muhammad Adeel Butt
Advocate High Court


AFFIDAVIT:

I Khursheed Iqbal Son of Zafar Iqbal Resident of Palosai Sir, Karak do hereby solemnly affirm and 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

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

-9- Annex 

Personal Information of Mr KHURSHEED IQBAL d/w/o of ZAFAR IQBAL

Personnel Number: 00302358 CNIC: 1420213456927 NTN:
 Date of Birth: 15.03.1975 Entry into Govt. Service: 09.10.1998 Length of Service: 25 Years 03 Months 024 Days

Employment Category: Active Permanent

Designation: PRIMARY SCHOOL HEAD TEACH KKK02667-DISTRICT GOVERNMENT KHYBE

DDO Code: KK6011-Deputy District Officer (M)Primary B.D Shah (KARAK)

Payroll Section: 001 OPF Section: 001 Cash Center: 19

OPF A/C No: EDUKKK04956 OPF Interest applied GPF Balance: 318,736.00 (provisional)

Vendor Number: -

Pay and Allowances: Pay scale: BPS For - 2022 Pay Scale Type: Civil BPS: 15 Pay Stage: 18

Wage type		Amount	Wage type		Amount
0001	Basic Pay	59,560.00	1001	House Rent Allowance 45%	3,524.00
1210	Convey Allowance 2005	2,856.00	1300	Medical Allowance	1,500.00
2148	15% Adhoc Relief All-2013	625.00	2199	Adhoc Relief Allow @10%	456.00
2316	Teaching Allowance 2021	3,224.00	2341	Disp: Red All 15% 2022KP	5,610.00
2347	Adhoc Rel Al 15% 22(PS17)	5,610.00	2378	Adhoc Relief All 2023-35%	20,153.00

Deductions - General

Wage type		Amount	Wage type		Amount
3015	OPF Subscription	-4,290.00	3501	Benevolent Fund	-1,200.00
3609	Income Tax	-1,230.00	3990	Emp.Edu. Fund KPK	-135.00
4004	R. Benefits & Death Comp:	-600.00			0.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance
6505	OPF Loan Principal Instal	400,000.00	-11,111.00	277,779.00

Deductions - Income Tax

Payable: 18,439.38 Recovered till JAN-2024: 7,683.00 Exempted: 4609.18 Recoverable: 6,147.20

Gross Pay (Rs.): 103,118.00 Deductions (Rs.): -18,566.00 Net Pay (Rs.): 84,552.00

Payee Name: KHURSHEED IQBAL

Account Number: 1846-9

Bank Details: HABIB BANK LIMITED, 220985 Habib Bank Ltd Palosa Sar Karak Habib Bank Ltd Palosa Sar Karak, KARAK

Leaves: Opening Balance: Availed: Earned: Balance:

Permanent Address: KK

City: KARAK

Domicile: NW - Khyber Pakhtunkhwa

Housing Status: No Official

Temp. Address:

City:

Email: khursheddtk1975@gmail.com

OFFICE OF THE DISTRICT COORDINATION OFFICER KARAK

Appointment order PST

-10-

APPOINTMENT

Consequent upon the recommendation of the District Recruitment/Selection Committee constituted by the Government of NWFP Schools and Literacy Department the following candidates are hereby appointed as PST (Primary School Teacher) on Contract basis in BPS -7(2220-120-5820) PM Fixed plus usual allowance as admissible under the rules on 25% open Merit and 75% Union Council wise basis w.e.f. the date of their taking over charge on the terms and conditions mentioned below:

(OPEN MERIT 25%) Posts=18

Sl. No.	Name	Father's Name	Address	Post d as	School where posted	Merit
1	Ali Rehman	Zahid Bin Shah	Tallar Khel	PST	GPS	64.52
2	Rizwan Ullah Shah	Said Nawaz	F/G Khel	PST	GPS	61.61
3	Abdul Khan	Nawab Khan	G Khattak	PST	GPS	61.09
4	Ahmad Zafar	Bostan Khan	Chokara	PST	GPS	60.95
5	Nadar Khan	Nadar Khan	Dell Mela	PST	GPS	60.94
6	Arwar Ali Khan	Rangan Shah	Zangana	PST	GPS	59.98
7	Salim Raza	Nekam Khan	Shobli Banda	PST	GPS	59.98
8	Saadat Khan	Saadat Khan	Masli Khan Banda	PST	GPS	59.98
9	Ibrahim Khan	Ibrahim Khan	Masli Khan Banda	PST	GPS	58.80
10	Muhammad Saeed	Muhammad Saeed	Shah Qasar Banda	PST	GPS	58.46
11	Rahmat Ullah	Rahmat Ullah	G Khattak	PST	GPS	58.00
12	Muhammad Kamal	Umar Khan	Fazal Banda	PST	GPS	57.96
13	Abdul Qadir	Abdul Mohar	Matore	PST	GPS	57.90
14	Minhaj Ud Din	Saddi Ullah Khan	Topi Khel	PST	GPS	57.83
15	Zahid Ullah	Saddi Ullah Khan	Boqara	PST	GPS	57.71
16	Muhammad Haq	Khalil Faraz	Bahader Khel	PST	GPS	57.69
17	Hazrat Zaman	Zar Gul Khan	Tapli Karak	PST	GPS	57.66
18			Yousaf Khel	PST	GPS	57.65
19			Gaban Shekhan	PST	GPS	57.62

08 Post of PST against 75% Union Councilwise Merit Union Council Bahader Khel

Sl. No.	Name	Father's Name	Union Council	Post d as	School where posted	Merit
1	Hafiz Ullah	Mi Ghulam	Bahader Khel	PST	GPS	49.15
2	Nasim Khan	Haq Bad Shah	Bahader Khel	PST	GPS	48.29
3	Abas Habib	Mahboob Khan	Bahader Khel	PST	GPS	47.65
4	Abbas Ahmad	Muhammad Rehman	Bahader Khel	PST	GPS	47.48
5	Sabir Ali Khan	Khan Jan	Bahader Khel	PST	GPS	46.01
6	Abdur Rashid	Amal Gul	Bahader Khel	PST	GPS	43.60
7	Shahid Riaz	Arbab Khan	Bahader Khel	PST	GPS	42.53

09 Post against 75% Union Council Wise Merit Union Council Jatta Ismail Khel

Sl. No.	Name	Father's Name	Union Council	Post d as	School where posted	Merit
1	Basir Ullah Shah	Tal Ali Shah	Jilli Khel	PST	GPS	55.65
2	Mohammad Yunis	Doal Mohammad	Jilli Khel	PST	GPS	44.35
3	Arshad Janan	Amir Janan	Jilli Khel	PST	GPS	43.87
4	Afsar Zarin	Amir Zarin	Jilli Khel	PST	GPS	43.20
5	Gul Mohammad Khan	Tal Mir Khan	Jilli Khel	PST	GPS	42.24
6	Muhammad Sadiq	Shah Dilbar Khan	Jilli Khel	PST	GPS	41.87
7	Kifayat Ullah	Ghameer Gul	Jilli Khel	PST	GPS	38.42
8	Asif Qayum	Abdul Qayum	Jilli Khel	PST	GPS	37.98
9	Abdul Aziz	Noor Ali Khan	Jilli Khel	PST	GPS	32.70

Handwritten signature and date: *CP 10/10/2018*

02 Post against 75% Union Council Wise Merit
 Appointment order PST
 Union Council Naripanoos

S/N	Name	Father's Name	Union Council	Posted as	School where posted	Merit
1	Shawket Nawaz	Sardar Mir	Naripanoos	PST		
2	Shahab ud Din	Gul Badin	Naripanoos	PST		

02 Post against 75% Union Council Wise Merit
 Union Council Teri

S/N	Name	Father's Name	Union Council	Posted as	School where posted	Merit
1	Tahir Iqbal	Hira	Teri	PST		
2	Zahid Hussain	Sultan	Teri	PST		

04 Post against 75% Union Council Wise Merit
 Union Council Gurgul

S/N	Name	Father's Name	Union Council	Posted as	School where posted	Merit
1	Umar Jan	Khalid Mir	Gurgul	PST		
2	Lal Mar Jan	Sahib Jan	Gurgul	PST		
3	Jan Baz Khan	Khalid Bai Khan	Gurgul	PST		
4	Gul Faraz Khan	Said Mohammad	Gurgul	PST		

06 Post against 75% Union Council Wise Merit
 Union Council Shanawa Gudi Khel

S/N	Name	Father's Name	Union Council	Posted as	School where posted	Merit
1	Muhammad Husain	Amar Ali Khan	SG Khel	PST		

Merit position for 04 PST Post against 75% Union Council Wise Merit
 Union Council Janderi

S/N	Name	Father's Name	Union Council	Posted as	School where posted	Merit
1	Hameed ur Rehman	Moeen Khan	Janderi	PST		
2	Moh. Yousaf Khan	Mohi Ramazan	Janderi	PST		
3	Salim M. Khan	Shahi Mar Jan	Janderi	PST		
4	Irfan Ullah	Habib Shah	Janderi	PST		

6 Post against 75% Union Council Wise Merit
 Union Council Palosa Sar

S/N	Name	Father's Name	Union Council	Posted as	School where posted	Merit
1	Azmat Ullah	M. Sher	Palosa Sar	PST		
2	Umar Hayat Khan	Mohammad Khan	Palosa Sar	PST		
3	Abdul Aziz	Ramir Khan	Palosa Sar	PST		
4	Qudra Ullah	Shari Rahman	Palosa Sar	PST		
5	Habib Rasool	Abdu Rehman	Palosa Sar	PST		
6	Khurshed Iqbal	Zafar Iqbal	Palosa Sar	PST		

Post against 75% Union Council Wise Merit
 Appointment under PST
 Union Council Sabir Abad

S.N	Name	Father's Name	Union Council	Post ed as	School where posted	Merit
1	Muhammad Iqbal	Sardar Ali Khan	Sabir Abad	PST	Zangaki	55.70
2	Sharif Khan	Khan Badshah	Sabir Abad	PST	Lak Kanl	54.89
3	Mustafa Khan	Fezal Rehman	Sabir Abad	PST	Noshp A Sabad	54.10
4	Lutf Ur Rahman	Sali Ur Rahman	Sabir Abad	PST	Sabir Abad	53.84

03 Post against 75% Union Council Wise Merit
 Appointment under PST
 Union Council Latamber

S.N	Name	Father's Name	Union Council	Post ed as	School where posted	Merit
1	Muhammad Sabod	Shahzad Mir	Latamber	PST	Aker Wala	51.83
2	Imran Ullah Khan	Gul Rasheed Khan	Latamber	PST	Mandawa	50.80
3	Jaffar Zaman	Tor all	Latamber	PST	Samanderi	50.30

02 Post against 75% Union Council Wise Merit
 Appointment under PST
 Union Council Ghundi Mir Khan Khel

S.N	Name	Father's Name	Union Council	Post ed as	School where posted	Merit
1	M Luqman	Nawab Shah	GMK Khel	PST	Manger Khel	53.56
2	Atta Rehman	Gulraur Khan	GMK Khel	PST	Kamali zara Khel	49.76

03 Post against 75% Union Council Wise Merit
 Appointment under PST
 Union Council Essak Chountra

S.N	Name	Father's Name	Union Council	Post ed as	School where posted	Merit
1	Akhtar Zaman	Gul Saeed Shah	Essak Chountra	PST	Dabb	53.02
2	Rahim Gul	Zalib Gul	Essak Chountra	PST	W.Kande Khel	52.23
3	Muhammad Shafiq	Sawab Gul	Essak Chountra	PST	Nawaz Essak	49.30

01 Post against 75% Union Council Wise Merit
 Appointment under PST
 Union Council Karak North

S.N	Name	Father's Name	Union Council	Post ed as	School where posted	Merit
1	Sadiq Ullah	Naz Cadam	Karak North	PST	Rehmat Abad No.2	55.78

02 PST Post against 75% Union Council Wise Merit
 Appointment under PST
 Union Council Mitha Khel

S.N	Name	Father's Name	Union Council	Post ed as	School where posted	Merit
1	Hayat Ullah	Khan Wali Shah	Mitha Khel	PST	Tohran Koi Muhat khel	56.87
2	Javid Khan	Noor M Khan	Mitha Khel	PST	Tehran Koi Muhat khel	56.80

01 PST Post against 75% Union Council Wise Merit
 Appointment under PST
 Union Council Mianki Banda

S.N	Name	Father's Name	Union Council	Post ed as	School where posted	Merit
1	Muhammad Isreal	Sherabal Khan	Mianki	PST	Shaheedan Banda	57.41

Merit position for 01 PST Post against 75% Union Council Wise Merit - 13 -
 Appointment order PST
 Union Council Siraj Khel

S.No	Name	Father's Name	Union Council	Post ed as	School where posted	Merit
1	M Suleman	Khan Badshah	Siraj Khel	PST	GPS Lakorki	57.36

02 PST Post against 75% Union Council Wise Merit
 Union Council Warana Ahmad Abad

S.No	Name	Father's Name	Union Council	Post ed as	School where posted	Merit
1	Asmat Ali Khan	Rustom Khan	Warana	PST	GPS Tator Khel	55.47
2	Muhammad Ibrar	Abdul Khan	Warana	PST	GPS Gul Rauf Korona	54.69

Disabled Quota 2% Posts=01

S.No	Name	Father's Name	Union Council	Post ed as	School where posted	Merit
1	Abdul Khalig	Isam Gul	Siraj Khel	PST	GPS Shakor Khel	55.06

TERMS & CONDITION

1. NO TADA etc is allowed
2. Charge reports should be submitted to all concerned in duplicate.
3. Appointment is purely on temporary & contract basis initially for three years
4. They should not be handed over charge if They exceed 35 years or below 18 years of age.
5. Appointment is subject to the condition that the certificate/documents must be verified from the concerned authorities. If They is found producing bogus Certificate They will be reported to the law enforcing agencies for further action.
6. If They fails to take over charge within fifteen days, the appointment order will be deemed as cancelled.
7. Health and Age Certificate should be produced from the Medical Superintendent concerned before taking over charge.
8. Before handing over charge They will sign an agreement with the department, otherwise this order will not be valid.
9. They will have to serve in the place of posting for the period of his agreement.
10. DO(M) S&L Local office is directed to verify their documents personally before drawing their pay

(MUHAMMAD NASIM)
 DISTRICT COORDINATION OFFICER
 KARAK.

Endst.No 6603-09 /AE-II/PST/Appointment

Dated Karak the 16/05/2005.

- Copy of the above is forwarded to:
1. Director Schools & Literacy NWFP Peshawar.
 2. District Nazim Karak
 3. District Coordination Officer Karak
 4. District Officers (M) Schools and Literacy Karak
 5. Dy District Officer (M) Karak and B.D.Shah.
 6. District Accounts Officer Karak
 7. Candidate concerned.

EXECUTIVE DISTRICT OFFICER
 SCHOOLS & LITERACY KARAK

- 14 -

Annexure B

GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(REGULATION WING)

NOTIFICATION

Dated Peshawar the, 06/8/2020

SI/Reg/Est/Adm/1-3/2020

In exercise of the powers conferred by section 26 of the
Khyber Pakhtunkhwa 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 further amendment shall be made, namely:

AMENDMENT

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

CHIEF SECRETARY
GOVERNMENT OF THE KHYBER PAKHTUNKHWA

EXISTING NO & 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 (Admn), Administration Department with the request to arrange 20 gazette copies.
16. The Caretaker, Administration Department.

18/8/20
19/8/20

(Signature)

(WAJIAH LATIF)
DEPUTY SECRETARY (POLICY)

ATTESTED

(Signature)

B/c -TB

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)

Handwritten notes and stamps at the top of the page, including a date stamp '21.01.23' and a signature.

Station Officer (Policy)

- 1. To Special Secretary (Reg.) Establishment Department.
- 2. To Additional Secretary (Reg-10), Establishment Department.
- 3. To Deputy Secretary (Policy), Establishment Department.

Copy forwarded to them.

Handwritten initials 'ASR' and '2/6'.

(Issued by) Station Officer (Policy)

Yours faithfully,

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 Servants (Efficiency & Discipline) Rules, 2011*, please.

The basic rationale behind the delay of the bid rule is aimed at preventing a civil servant from applying for a single lucrative position or to prevent those who tend to evade posting/transfer or show lack of capacity to discharge higher responsibilities in case of promotion. Therefore, it is obligatory upon every civil servant to accept promotion in every condition.

The basic rationale behind the delay of the bid rule is aimed at preventing a civil servant from applying for a single lucrative position or to prevent those who tend to evade posting/transfer or show lack of capacity to discharge higher responsibilities in case of promotion. Therefore, it is obligatory upon every civil servant to accept promotion in every condition.

provision exists to decline or forego promotion. *Rules, 1989* stands deleted vide the Government notification dated 06.08.2020 (S) of Rule-7 of *Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989* stands deleted vide the Government notification dated 06.08.2020 (S) of Rule-7 of *Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989* stands deleted vide the Government notification dated 06.08.2020 (S) of Rule-7 of *Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989*.

I am directed to refer to your letter No. SO(P/Human Resources/2023-24) dated 18.01.2023 in the subject noted above and to state that sub-rule 2/

Dear Sir,

Subject: -
GRANDSCALE REORGANIZATION OF JUDICIAL APPOINTMENT, PROMOTION AND TRANSFER RULES, 1989.

The Government of Khyber Pakhtunkhwa, Ministry & Secretary (Human Resources).

To



GOVERNMENT OF KHYBER PAKHTUNKHWA
 HUMAN RESOURCES DEPARTMENT
 No. SO(P/Human Resources/2023-24)
 (Date) Peshawar the 06th June, 2023.

Annexure C

Handwritten number '16' at the bottom of the page.

17

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

No.SO (Primary-M)/E&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

[Handwritten Signature]
26/6/23

Subject: GUIDANCE REGARDING DELETION OF RULE 7(5) IN THE KHYBER PAKHTUNKHWA CIVIL SERVANTS (APPOINTMENT, PROMOTION AND TRANSFER) RULES, 1999.

I am directed to refer to the subject noted above and to enclose here with a letter of Establishment Department (letter No. SO (Policy)E&AD/1-3/2020 dated 06 June, 2023 and to state that the subject meeting is to be held on 06 July, 2023 at 11:00 AM in this department under the Chairmanship of Additional Secretary (Estab) E&SE Department in his office.

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

Encl: AA

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

Copy forwarded to the:

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

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

- 18 -
B/c

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

I am directed to refer to the subject noted above and to enclose here with a letter of
Establishment Department letter No. SO (Policy)EEAD/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(B) IN THE CIVIL SERVANT (APPOINTMENT, PROMOTION & TRANSFER RULES 1989).

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


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

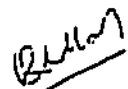
2. The meeting started with recitation from The Holy Quran. The chair welcomed the participants. The Deputy Director (Establishment) of Directorate of Elementary & Secondary Education briefed the forum regarding agenda item in detail.

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

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


(Mr. Fazal Wahid)
Deputy Director-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

- 20
- B/c -

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

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

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

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

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

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

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

Provincial President
All Primary Teachers Association
Khyber Pakhtunkhwa

(Mr. Razaqat Ullah)
General Secretary APTA
Peshawar

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

(Abdullah)
Additional Secretary (Establishment)



No. 8145
 Khyber Pakhtunkhwa, Peshawar
 IF No. 3155TR/General Cases
 Dated 21-7-2023
 Phone: 091-9222344
 Email: esab@kpk.gov.pk

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

Subject: -
 Dear Sir,

MINUTES OF THE MEETING

I am directed to refer to the letter No.SD/Primary-4/ES&SD/5-11/G.A.K/Kh/1989 of the Meeting/PT/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) dated rule 7(2) in the Civil Servants (Appointment, Promotion & Transfer Rules 1989) vide notification No. Na. SOR-VI (E&AD)/1-1/2020 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 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 you have forwarded the same to the quarter concerned vide letter No.SD (Primary-4) ES&SD/2/A/2023 for necessary guidance.
- That the Government of Khyber Pakhtunkhwa Establishment Department (Regulation Wing) vide letter No.SD (Policy) E&AD/1-1/2020 dated 6-06-2023 categorically stated that there exists no provision to decline or forgo promotion. It is obligatory upon every civil servant to accept promotion under every condition.
- The same was received by this office from your good office vide letter No.SD (Primary-4) ES&SD/2/A/2023 dated 12-06-2023.
- That, in the light of the minutes of meeting dated 6-07-2023 held under the Chairmanship of Hon. Additional Secretary Establishment at his office this office has been asked for submission of consolidated case.

In view of the above, this office is of considered opinion that the decision of Rules 7(2) have affected negatively a huge number of female teachers. Thus it is proposed that teachers below BS-16 may be exempted of implications of the amendment in the rules bid provided they submit their written refusal prior to conclusion of the meeting of Departmental Promotion Committee.

The case is submitted for perusal and necessary actions please.

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

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

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

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

- 22 -

- 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/G/M/10/ Minutes of meeting/PST/2023 dated 30-7-2023 on subject cited above and to present brief history, about background of case as under.

- That Government of KP Establishment department (Regulation Wing) deleted rule 7(S) in Civil Servants (Appointment, promotion, Transfer Rule 1989) vide notification No. No. SOP-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. 5987 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/turn down the offer of promotion.
- That your good office forwarded the same to quarters concerned vide letter No. SO (Primary-M) E&SED/2-2/Appointment/2023 for necessary guidance.
- That the government of KP-ED (Regulation Wing) vide letter No. SO (Policy) E&AD/1-3/2020 dated 6-06-2023 categorically stated that there exists no provision to decline/forgo promotion. It is obligatory upon every civil servant to accept promotion under every condition.
- That in light of the minutes of the meeting dated 6-07-2023 held under the Chairmanship of Hon. Additional Secretary Establishment at his office. This office has been asked for submission of consolidated case.

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

The case is submitted for perusal and necessary actions please.

Copy of the above to;

1. PA to Director Local Directorate
2. Master Copy

Assistant Director
Elementary & Secondary Education
Khyber Paktunkhwa.

-23-



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

Annexure

E

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

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

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

Dear Sir,

I am directed to refer to your letter No. SO(Polcy)/ 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.

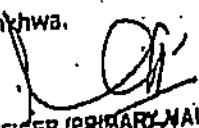
2. In this connection it is submitted that in some cases lady teacher of primary level who avail such promotions have to face serious inconvenience while they have to perform duties in the remotest station with no residential or transport facility. Most of them are married with kids and elder father 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 ISMAIL)
SECTION OFFICER (PRIMARY MALE)

Copy forwarded to the:

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


SECTION OFFICER (PRIMARY MALE)
20/10/23

Scanned with CamScanner

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

the extent of lady teacher in primary schools. In view of above, the said amendment may be reconsidered to effects on service delivery. Mother-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. force serious inconvenience while they have to perform duties teacher of primary level who avoid such promotion have to In this connection it is submitted that in some cases lady

Civil servant (Efficiency and Discipline) Rule 2011. 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. those officers/officials who do not comply with promotion order Promotion and Transfer Rules 1989) It has been intimated that deletion of Rule 7(S) Khyber Pakhtunkhwa Civil servant (Appointment, 1-3/2020 dated 8th June 2023 and to state that after 9 am directed to refer to your letter No. S.O. (Primary) (Policy) (E&AD)

Dear Sir,

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

Respected,

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

To

Respected Dated 23rd August, 2023.

No. S. (Primary-M) E&SE D. 18-8/1
 Appointment - Rule 2023

-22-

-B/c-

-24-

Annexure F



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

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

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


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

- 26

- 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-I), Establishment Department
3. PS to Deputy Secretary (Policy), Establishment Department

Section Officer (Policy)

- 27.

To,

Annexure 9

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

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

Sir/ Madam:-


Your Honorable authority promulgated Notification No. SO (Policy) E&AD/1 3/2020, dated 06/08/2020, communicated to Elementary & Secondary Education vide letter dated 06/06/23 wherein it has been made mandatory to the employees to avail the promotion, otherwise, disciplinary action shall be taken against the employees. That, as per notification No. SD (Policy) /EDAD/1- 3/2020 dated 06/08/2020, the right of foregoing of promotion was withdrawn and the Government of Khyber Pakhtunkhwa Establishment Department (Regulation Wing) deleted Rule 7(5) in the Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 vide notification no SOR-VI (E & AD)/1-2/2020 dated 06-08-2020. That the Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar asked for guidance regarding deletion of Rule 7(5) in Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 in respect of which the Establishment Department vide its letter No. SO.(Policy) E&AD/1- 3/2020 dated Peshawar the June 06th, 2023 directed the Directorate of Elementary & Secondary Education that Rule 7(5) in the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 has been deleted vide notification dated 06-08-2020 and therefore, no provision exists to decline or forgo promotion and it is obligatory upon every civil servant to accept promotion under every condition. That Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa also wrote a letter to the office of Establishment & Administrative Department vide No SO(Primary-M) E&SED/2-2/Appointment Rule/2023 dated 23-08-2023 to reconsider the amendment made in Khyber

- 28

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.

Best Regards



Khursheed Iqbal

Son of Zafar Iqbal

Resident of Tehsil & District

Karak

CNIC NO: 14203-1345692-7

Handwritten signature and date 08/11/23. Below the signature is the text: "میرزا عزیز اللہ صاحب نے اس پر دستخط کیا ہے" (Mirza Azizullah Sahab ne is par dastkhata kya hai).

Main body of handwritten text in Urdu, appearing to be a letter or a statement. The text is dense and covers most of the middle section of the page.

Handwritten text at the bottom of the main body, possibly a closing or a specific instruction.

Handwritten text: "میرزا عزیز اللہ صاحب" (Mirza Azizullah Sahab).

APT A House 1
Govt Primary School No. 4,
Quibahar Postwar City.



Khyber Pakhtunkhwa

APTA
President
0333-014648
0333-014648@gmail.com
apta.kpk@gmail.com

Annexure

07.05.2024



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

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

[Handwritten signature]
Muhammad Akbar Khan
Member (I)

Date of Presentation of Application 10-5-24
 Number of 1
 Copies 1
 Urgent 1
 Total 1
 Name of 13-6-23
 Date of 12-5-24
 Date of delivery of copy 12-5-24

-3/-

VAKALAT NAMA

BEFORE THE SERVICE TRIBUNAL PESHAWAR

KHURSHEED IQBAL
Versus

Appellant

Government of KP & others

Respondents

I (the Appellant)

do hereby appoint and retain

MUHAMMAD MUAZZAM BUTT ASC, MUHAMMAD ADEEL BUTT AHC

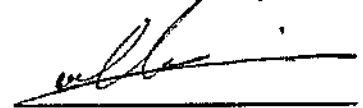
BASSAM AHMAD SIDDIQULAHC

&

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