


FORM OF ORDER SHEET

Court of _____

Appeal No. 2320 /2024

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

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA


A. No 2320/24
Mariyam Sher Muhammad

V/S

Government of KP & others

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ADVOCATE

-1-

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

In Ref to

Service Appeal No 2320 /2024

Mariyam Sher Muhammad
Manshera

of Khwaj Muhammad Resident of Tehsil & District

Designation: Primary School Head Teacher at GPS Nara Doga

.....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 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

P R A Y E R:

ON ACCEPTANCE OF INSTANT SERVICE APPEAL, THE IMPUGNED NOTIFICATION BEARING NO: SO (POLICY) E&AD/1-312020, DATED 06/08/2020, COMMUNICATED TO RESPONDENT NO. 2 VIDE LETTER DATED 06/06/2023, MAY BE DECLARED AND ORDERED TO BE STRUCK DOWN BEING VOID AND ULTRA VIRES TO THE CONSTITUTION OF PAKISTAN AND FUNDAMENTAL PRINCIPLES OF NATURAL JUSTICE AND AGAINST THE RIGHTS OF APPELLANT.

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

RESPECTFULLY SHEWETH:

1. That the Respondents Department appointed the Appellant as Primary School Head Teacher.
Copy of Monthly Salary account is annexed as **Annexure A**

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

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

5. That as per notification No. SD (Policy) /EDAD/1- 3/2020 dated 06/08/2020, the right of foregoing of promotion was withdrawn and the Government of Khyber Pakhtunkhwa Establishment Department (Regulation Wing) deleted Rule 7(5) in the Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 vide notification no SOR-VI (E & AD)/1-2/2020 dated 06-08-2020.
Copy of notification No. SD (Policy) EV AD/1- 3/2020 dated 06/08/2020 is attached as Annexure B
6. That the Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar asked for guidance regarding deletion of Rule 7(5) in Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 in respect of which the respondent No. 1 vide its letter No. SO(Policy) E&AD/1-3/2020 dated Peshawar the June 06th, 2023 directed the respondent No 3 (Directorate of Elementary & Secondary Education) that Rule 7(5) in the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 has been deleted vide notification dated 06-08-2020 and ,therefore, no provision exists to decline or forgo promotion and it is obligatory upon every civil servant to accept promotion under every condition.
Copy of Impugned Letter dated June 06th, 2023 is attached as Annexure C
7. That thereafter the meeting was also held in the office of Additional Secretary Establishment on 06-07-2023 in which it was decided to examine the case properly and submit a self-contained/ consolidated case for onward submission to the Establishment Department for further necessary action.
Copy of Minutes of Meeting dated 06-07-2023 is attached as Annexure D
8. That the Respondent No.3 i.e. Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa also wrote a letter to the office of Establishment & Administrative Department vide No SO(Primary-M) E&SED/2-2/Appointment

Rule/2023 dated 23-08-2023 to reconsider the amendment made in Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 as it had negatively affected a large number of teachers and especially female teachers. Copy of Letter dated 23-08-2023 is attached as Annexure E

9. That the respondent vide its letter dated 07th of September 2023 directed the Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa that necessary guidance has already been provided to the department and therefore no provision exists to decline or forgo promotion and those teachers who do not comply with the promotion order of the competent authority or try to evade promotion through different means shall be proceeded under the Khyber Pakhtunkhwa Civil Servant (Efficiency & Discipline) Rules, 2011. Copy of Impugned letter dated 07-09-2023 is attached as Annexure F
10. That the petitioner feeling aggrieved, filed Representation to the respondents in person, and also approached to respondents through APTA President but the grievances of the appellant have not so far been redressed. Copy of Representation against the said notification is annexed as Annexure G & H
11. That feeling aggrieved from the letters dated 06-06-2023 and 07-09-2023 and the deletion of Rule 7(5) in the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989; the petitioners filed this Hence, the instant service appeal is filed on the following grounds:-

GROUND:-

- a. That as per various judgments it is established and settled principle that executive notifications cannot be given retrospective effect. A valid Notification which confers rights is always applicable with prospective effect, however, if an amendment notification that adversely affects the interests of the employees or causes disadvantage to the employee is not tenable in the eyes of law. The notification/guidance dated 06/08/2020 06/06/2023 are liable to be set-aside.
- b. That there are no terms and conditions of service mentioned in the appointment order of the appellant wherein, availing of promotion is mandatory. It is further submitted that employees in the past, have foregone their promotion along with their posting. It is submitted that when domestic and other personal issues do not permit the employees/appellant to avail the promotion order and in that case, the employees who foregone their promotion were allowed not to avail the promotion for a period of 04 years and on second refusal the employees were permanently debarred from availing the facility of promotion during their entire service. Hence the employees himself/herself forebear agonies of foregoing their promotions. As a result, junior to the appellant according to the order of seniority cum fitness are granted promotion to next rank.
- c. That as per Civil Servant laws, promotion is a kind of appointment which is always optional to get promotion or not, hence the impugned notification is void, illegal and against the law and the same to the extent of the appellant is liable to be set-aside.
- d. That it is further submitted that on account of grant of promotion, some employees who are suffering from severe medical ailment or facing acute domestic issues cannot avail promotion with transfer in other areas, therefore, no employee can be compelled to accept the promotion compulsorily which is not beneficial to the employee but if an employee does not avail and get benefit of her promotion it must be optional for the employees as to whether to avail or forego the benefits. Any promotion without willingness of employee is illegal and liable to be setaside.

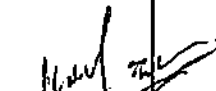
- e. That non-availing of promotion and foregoing thereof does not cause loss to the government exchequer and in consequence of foregoing promotion, pave way to the next employee in seniority, aspiring for promotion could be promoted.
- f. That the Impugned promotion Notification dated 06/08/2020 communicated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

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

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


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

AFFIDAVIT:
I Mariyam Sher Muhammad of Khwaj Muhammad Resident of Tehsil & District Manshera that the contents of foregoing application are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Court



Deponent


Appellant

Through


Muhammad Muazzam Butt
Advocate Supreme Court


Muhammad Adeel Butt
Advocate High Court


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

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

C.M No _____ -P of 2024

In Ref to

Service Appeal No _____ 2024

Mariyam Sher Muhammad

VERSUS

Secretary to Government of Khyber Pakhtunkhwa, & others

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

Respectfully Submitted:-

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



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

AFFIDAVIT

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


Deponent

Through


Appellant

Muhammad Mubazzam Butt
Advocate Supreme Court


Muhammad Adeel Butt
Advocate High Court

-6-

Handwritten mark

Manshra

S# : 3

Pers #: 00225502 Buckle:
Name: MAREUM SHER MUHAMMAD
PRIMARY SCHOOL HEAD TEACH
CNIC No.1350413456708
GPF Interest Applied
15 Active Permanent

P Sec:001 Month:April 2024
MA6146 -Government Primary Schoo
GOVERNMENT PRIMARY SCHOOL

NTN:
GPF #: EDUMA011081
Old #:

MA6146 -18

PAYS AND ALLOWANCES:

0001-Basic Pay	65,500.00
1001-House Rent Allowance 45%	3,524.00
1210-Convey Allowance 2005	2,856.00
1300-Medical Allowance	1,500.00
1505-Charge Allowance	40.00
1968-Incentive Allowance 20%	1,000.00
2148-15% Adhoc Relief All-2013	810.00
2199-Adhoc Relief Allow @10%	546.00
2316-Teaching Allowance 2021	3,224.00
Gross Pay and Allowances	113,649.00

DEDUCTIONS:

IT Payable 4,432.66 Deducted 21,245.00	TAX: (3609)	2,217.00
GPF Balance 864,789.00	Subrc:	4,290.00
6505-GPF Loan Principal Instal Bal: 220,000.00		20,000.00
3501-Benevolent Fund		1,200.00
3990-Emp.Edu. Fund KPK		135.00
4004-R. Benefits & Death Comp:		600.00

Total Deductions	28,442.00
	85,207.00

D.O.B	LFP Quota: 4
10.10.1974	MCB BANK LIMITED
27 Years 11 Months 012 Days	C/A 956-1

OGHI

Handwritten signature

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) PRIMARY MANSEHRA.

O. Order No. _____
Dated 19/5 /1996.

CORRIGENDUM.

Please read Kareri Bala instead of Chitti Meri against No. 1, of the appointment order issued under this office Endst: No. 1320-25 dated 19.5.96 Namely Maryum Sher Muhammad D/O Sher Mehd R/O Kareri Bala in the interest of public service with immediate effect.

(SALIMA ALAM MALIK
DISTRICT EDUCATION OFFICER,
(FEMALE) PRIMARY MANSEHRA.

Endst No. 1675-79

Copy to:-The,

1. District Accounts Officer Mansehra.
2. The P/S to Minister for Pry: Edu: NWFP, Peshawar.
3. The P/S to Minister for Local Govt: & Rural Dev: NWFP, Peshawar.
4. The SDEO (F) Mansehra.
5. The candidate concerned.
6. Office order file.

Shiraz
DISTRICT EDUCATION OFFICER,
(FEMALE) PRIMARY MANSEHRA.

Head Master
G. S. Sheila
Mansehra

RECEIVED

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) PRIMARY MANSHEHRA.

O.O.No _____
Dated 19/5/196.

APPOINTMENT ORDER.

The following trained candidates are hereby appointed in the post of PTC in BEs No.7 @ Rs:-1400-31-2695 plus usual allowance admissible under the rules in the following schools mentioned against their names as mentioned below with immediate effect in the interest of public service.

S.No.	Name of Candidates with Father's Name.	Resident Name of school of where appointed	Remarks
1.	Maryam Bano Muhammad D/C Shah Muhammad.	Karami Bala. G.P.S., Chitthi Hari, Agi Noyi Kark Post.	
2.	Salma Bano D/O Haji Mohd Ashraf.	Thabhi Khura. G.P.S., Ashraf Kot.	

Head of Office
G.I.S. Shella
Manshehra

- NOTES:
1. Charge report should be submitted to all concerned.
 2. No TA/DA is allowed.
 3. They are directed to take over charge w.e.f. _____

CONDITIONS.

1. The appointment are purely temporary basis & termination at any time without notice or assigning reasons.
2. They should produce the original of their pay certificate before the drawal of their pay etc.
3. The SDEO(F) Manshehra is required to check all the original Edu: Prof qualification Certificate before handing over charge.
4. The newly appointee are required to get verify their academic certificate from Board/University concerned.
5. Appointment of candidates who passed PTC Exam: from other than NWFP is subject to the verification of PTC Certificate.
6. In case they wish to resign from service/post they will have to give one month prior notice or forfeat one month pay in lieu.
7. The appointment shall stand automatically cancelled if they failed to join the post within 15 days. w.e.f.
8. The candidates should not handed over charge if their age is exceed 30 years or below 18 years.
9. PA/2nd Division Trained PTC will get pay in BPS No 9 & SOC in BPS 7

(SALINA ALAM MALIK)
DISTRICT EDUCATION OFFICER
(FEMALE) PRIMARY MANSHEHRA.

Encl: No 132e-25

Copy to:-

1. The District Account Officer Manshehra.
2. The DEO(F) Manshehra.
3. The PA to Director Primary Education NWFP Peshawar.
4. The P/S to Minister for Primary Education NWFP Peshawar.
5. The P/S to Hon: Minister for Lab. & Manpower & mineral development NWFP.
6. The Candidates concerned.

ATTESTED

Sh. Anwar
District Education Officer (F)
Primary Education Manshehra.

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) MANSEHRA

NOTIFICATION

In pursuance of Government of Khyber Pakhtun Khwa Peshawar Notification No SO(B&A) /1-18/E&SE /2012 Dated 07/2012 and subsequently Notification issued by the District Education Officer (Female) Mansehra End No 1281-399 Dated 26/02/2019-221 Dated 26/02/2013.


The following Primary School Head Teacher B-15 are adjusted against newly upgraded Primary School Head Teacher Post with immediate effect.

#	S.L.No	Name of Teacher	Name of School	Adjusted To	Remarks
<i>The Teachers already occupied the Post in same Schools</i>					
1	1	BIBI IGUSHNOGLA	GGPS Purni	GGPS Purni	Post Already Occupied
2	11	SADICUA ALMAS	GGPS DHODIAL NO.1	GGPS DHODIAL NO.1	Post Already Occupied
3	19	BIBI AMINA	GGPS BAFFA KALAN	GGPS BAFFA KALAN	Post Already Occupied
4	20	BIBI NASREEN	GGPS GANDIAN NO.1	GGPS GANDIAN NO.1	Post Already Occupied
5	29	NASIFA BAGUM	GGPS JABRI MEDAN	GGPS JABRI MEDAN	Post Already Occupied
6	32	TANVEER AKHTAR	GGPS MAIRA JIA	GGPS MAIRA JIA	Post Already Occupied
7	39	YASMEEN BEGUM	GGPS Panjool	GGPS Panjool	Post Already Occupied
8	44	AZRA SHAHEEN	GGPS LABER KOT	GGPS LABER KOT	Post Already Occupied
9	49	NAHIEDA BAGUM	GGPS KHAIL	GGPS KHAIL	Post Already Occupied
10	58	RIFAAT ARA	GGPS GULI BAGH	GGPS GULI BAGH	Post Already Occupied
11	62	S. MEHA BEGUM	GGPS Gandian no.2	GGPS Gandian No.2	Post Already Occupied
12	64	SHANILA AYUB	GGPS NOKOT	GGPS NOKOT	Post Already Occupied
13	65	SAFIA shaheen	GGPS HILL KOT	GGPS HILL KOT	Post Already Occupied
14	67	SAEEDA BEGUM	GGPS HAMSHIRIAN	GGPS HAMSHIRIAN	Post Already Occupied
15	68	HAMEEDA BAGUM	GGPS AZIZ ABAD	GGPS AZIZ ABAD	Post Already Occupied
16	72	FEHIDA AYUB	GGPS TARHA PAYEEN	GGPS TARHA PAYEEN	Post Already Occupied
17	76	ULFIAT AARA	GGPS Makria	GGPS Makria	Post Already Occupied
18	77	FARIHAT AFZEL	GGPS OGRA	GGPS OGRA	Post Already Occupied
19	78	YABIIBEN	GGPS MONDHAR	GGPS MONDHAR	Post Already Occupied
20	81	SAJID QAZI	GGPS THAKAR MERA	GGPS THAKAR MERA	Post Already Occupied
21	84	FARVEEN TABASAM	GGPS DARA	GGPS DARA	Post Already Occupied
22	87	BIRI RASHIDA	GGPS BHERKUND NO.1	GGPS BHER KUND 1	Post Already Occupied
23	90	BUSARA RABANI	GGPS JABA	GGPS JABA	Post Already Occupied
24	91	NUSRAT SAHEHEEN	GGPS Batang	GGPS Batang	Post Already Occupied
25	95	Musaf Begum	GGPS KAWAI	GGPS KAWAI	Post Already Occupied
26	96	Hasnena Khatoon	GGPS SHALI JAREED	GGPS SHALI JAREED	Post Already Occupied
27	98	ABIHA PARVEEN	GGPS TARHA PAYEEN	GGPS Hafiz Bandi	Adjacent W/C due nap
28	101	SHAHGUL	GGPS BAGA	GGPS BAGA	Post Already Occupied
29	103	BALJEES BEGUM	GGPS KANGER MERA	GGPS KANGER MERA	Post Already Occupied
30	114	PEFVEEN AKHTAR	GGPS MERA B.ABAD	GGPS MERA B.ABAD	Post Already Occupied
31	118	SAFIA SULTANA	GGPS SARNI	GGPS SARNI	Post Already Occupied
32	120	NAFEE JAKHTAR	GGPS S.MAZULLAH	GGPS S.MAZULLAH	Post Already Occupied
33	121	RASHIA SULTANA	GGPS BANDA PIRAN	GGPS BANDA PIRAN	Post Already Occupied
34	122	BIBI NIBA PARVEEN	GGPS BHER BAHARA	GGPS BHER BAHARA	Post Already Occupied
35	124	S. ZEENA RAFEEQ	GGPS SHINKIARI NO.2	GGPS SHINKIARI NO.2	Post Already Occupied
36	125	NIGHAT NASREEN	GGPS MUNGAN	GGPS MUNGAN	Post Already Occupied
37	126	NAHEED TABASAM	GGPS SHINKIARI NO.1	GGPS SHINKIARI NO.1	Post Already Occupied
38	129	GUL NASRIN	GGPS BAFFA KHURD	GGPS BAFFA KHURD	Post Already Occupied
39	134	FAIZANA GUL	GGPS MANSEHRA NO2	GGPS MANSEHRA	Post Already Occupied

ATTESTED
SDEO (F)

Post Already Occupied
 Post Already Occupied
 Post Already Occupied
 Post Already Occupied
 Post Already Occupied

183	817	SAFIA BIBI	GGPS LASSAN NAWAB	GGPS LASSAN NAWAB	
184	820	HAJIRA BIBI	GGPS FAZAL ABAD	GGPS FAZAL ABAD	Post Already Occupied
185	631	GUL NAZ ANWAR	GGPS Sadiq Abad	GGPS Sadiq Abad	Post Already Occupied
186	833	SAJIDA HANANA	GGPS LIAS	GGPS LIAS	Post Already Occupied
187	836	ZAHIDA BIBI	GGPS BISSIAN	GGPS BISSIAN	Post Already Occupied
188	841	SADQAT BABI	GGPS G.H.Ullah	GGPS G.H.Ullah	Post Already Occupied
189	644	Gul Nargis	GGPS Arbora	GGPS Arbora	Post Already Occupied
190	648	SADHNAZ ZAIA	GGPS BATTANG	GGPS BATTANG	Post Already Occupied
191	852	Nuzhat Shaheen	GGPS JARED	GGPS JARED	Post Already Occupied
192	855	NIZWANA KANWAL	GGPS AFZAL ABAD	GGPS AFZAL ABAD	Post Already Occupied
193	858	BIDA BIBI	GGPS REHAR 11/175	GGPS REHAR	Post Already Occupied
194	859	Bibi Ambreen	GGPS SANDU SANGAR	GGPS Sandu Sangar	Post Already Occupied
195	663	CIUL BHAR begum	GGPS PATSARI	GGPS PATSARI	Post Already Occupied
196	663	MARIYAM <i>sheer maki</i>	GGPS NARA DOGA	GGPS NARA DOGA	Post Already Occupied
197	864	BIBI SAEEDA	GGPS HARYALA	GGPS HARYALA	Post Already Occupied
198	875	Sughra Bibi	GGPS Malukera Oghi	GGPS Malukera Oghi	Post Already Occupied
199	878	SIAMISTA BANO	GGPS CHITA BATT	GGPS CHITA BATT	Post Already Occupied
200	879	Hussar Jan	GGPS BATTAL NARAN	GGPS BATTAL NARAN	Post Already Occupied
201	682	SHAMIM AKHTAR	GGPS MASWAL	GGPS MASWAL	Post Already Occupied
202	687	Sarwana Tabbasam	GGPS Nakan Jareed	GGPS Nakan Jareed	Post Already Occupied
203	688	fatma bibi	GGPS SUCHAN NADI	GGPS SUCHAN NADI	Post Already Occupied
204	693	Nurart Jabeen	GGPS JABBAR BAGAR	GGPS JABBAR BAGAR	Post Already Occupied
205	684	Muladun	GGPS FARID ABAD	GGPS FARID ABAD	Post Already Occupied
206	697	FAKHAR BATOOL	GGPS GALI MUGHALAN	GGPS GALI MUGHALAN	Post Already Occupied
207	698	Farzana bibi	GGPS Haslan	GGPS Haslan	Post Already Occupied
208	702	RAS HIDA NAHEED	GGPS BALI MANG	GGPS BALI MANG	Post Already Occupied
209	704	FARIAT SULTANA	GGPS DALBANI	GGPS DALBANI	Post Already Occupied
210	707	ZAKIA BIBI	GGPS KHUSHLA	GGPS KHUSHLA	Post Already Occupied
211	708	BIBI ANEELA	GGPS PARHINA N.SHER	GGPS P N.SHER	Post Already Occupied
212	709	GULSHAN	GGPS BELA BADAN	GGPS BELA BADAN	Post Already Occupied
213	713	MARIYAM SULTAN	GGPS Malra Hajam	GGPS Malra Hajam	Post Already Occupied
214	714	SAJIDA PARVEEN	GGPS MOHAYAN	GGPS MOHAYAN	Post Already Occupied
215	715	SAIQA JABEEN	GGPS CHORE BANDA	GGPS CHORE BANDA	Post Already Occupied
216	718	SAEEDA KHATOON	GGPS LANG SHARIF	GGPS LANG SHARIF	Post Already Occupied
217	718	AZMAT BIBI	GGPS SAND E SAR	GGPS SAND E SAR	Post Already Occupied
218	721	SHAZIA ASLAM	GGPS SHOROLIAN	GGPS SHOROLIAN	Post Already Occupied
219	722	BABI ZAKIA	GGPS SHAMORI CHAM	GGPS SHAMORI CHAM	Post Already Occupied
220	723	RIFFAT SULTANA	GGPS Bara Jadeed	GGPS Bara Jadeed	Post Already Occupied
221	724	BUSHRA LODHI	GGPS DHERI BAGAL	GGPS DHERI BAGAL	Post Already Occupied
222	727	JAMILA BEGUM	GGPS SARAIN	GGPS SARAIN	Post Already Occupied
223	728	BIBI RAFIA	GGPS TARHIDA	GGPS TARHIDA	Post Already Occupied
224	731	ASIA NA	GGPS GUL DHERI	GGPS GUL DHERI	Post Already Occupied
225	736	Kousar	GGPS Berchar	GGPS Berchar	Post Already Occupied
226	738	NASREE AKHTER	GGPS GALI BADRAL	GGPS GALI BADRAL	Post Already Occupied
227	740	MEHNAZ FATIMA	GGPS CHUM BAKKI	GGPS CHUM BAKKI	Post Already Occupied
228	741	KOUSAR SHAHEEN	GGPS CHITTI DHERI	GGPS CHITTI DHERI	Post Already Occupied
229	742	Hushmal Begum	GGPS Chounlian Paras	GGPS Choun Paras	Post Already Occupied
230	748	BIBI ZUHRA	GGPS LASSA NAMBAL	GGPS LASSA NAMBAL	Post Already Occupied
231	752	NADIA SULTAN	GGPS SHAHLIA	GGPS SHAHLIA	Post Already Occupied
232	753	Zahida Reh nan	GGPS HASSA	GGPS HASSA	Post Already Occupied

ATTESTED 

Vice Nagina Hu.

- 11 -

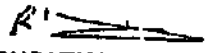
5. Their Inter-seniority on lower post will remain intact.
6. They will give an under taking to be recorded in their service book to the effect that if any over payment is made to him in light of order will be recovered and if he is wrongly promoted he will be reversed.
7. Checking & verification of all the documents shall be ensure by the DDO concerned.
8. Necessary entries to this effect should be recorded in their S/Book.
9. No TA/DA is allowed for joining their duty's.

Sd/-
(SHAMIM AKHTAR)
DISTRICT EDUCATION OFF CER
(FEMALE) MANSEHRA

Endst: No. 329-927 /Estt: (F) Promotion: Primary School Head Teacher (F) Dated 21/3/2013.

Copy forwarded for information and necessary action to the:-

1. PS to Secretary to Government of Khyber Pakhtunkhwa E&SE Department Peshawar.
2. Director E&SE Department Khyber Pakhtunkhwa Peshawar.
3. ASDEO (EM) Circle , 1 Isalakot, 2 Kaghan, 3 Phulrah, 4 Oghi, 5 Shergar, 6 Manshra, 7 Battal, 8 Baffa, 9 Dhodial.
4. District Accounts Officer Manshra
5. Dy: District Officer Finance & Planning Manshra
6. B&AO local office.
7. Officials concerned.


SUB DIVISIONAL EDUCATION OFFICER
(FEMALE) MANSEHRA


ATTESTED

ATTENDED

Handwritten signature/initials

ATTENDED

DEPUTY SECRETARY POLICY (MADDAH LATIF)

Handwritten signature



- 1. Additional Chief Secretary, Govt. of Khyber Pakhtunkhwa, Planning & Development Department, Khyber Pakhtunkhwa.
- 2. The Senior Member, Board of Revenue, Khyber Pakhtunkhwa.
- 3. All Administrative Secretaries to Govt. of Khyber Pakhtunkhwa.
- 4. The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
- 5. The Principal Secretary to Government, Khyber Pakhtunkhwa.
- 6. All Divisional Commissioners in Khyber Pakhtunkhwa.
- 7. All Heads of Attached Departments in Khyber Pakhtunkhwa.
- 8. All Autonomous Bodies in Khyber Pakhtunkhwa.
- 9. All Autonomous/Semi Autonomous Bodies in Khyber Pakhtunkhwa.
- 10. All Deputy Commissioners in Khyber Pakhtunkhwa.
- 11. The Registrar, Khyber Pakhtunkhwa Public Service Commission, Peshawar.
- 12. The Secretary, Khyber Pakhtunkhwa E&A Department.
- 13. The Deputy Director (IT), E&A Department.
- 14. All Section Officers in Establishment & Administration Department.
- 15. The Section Officer (Admn), Administration Department.
- 16. The Section Officer (Admn), Administration Department.
- 17. The Section Officer (Admn), Administration Department.
- 18. The Section Officer (Admn), Administration Department.
- 19. The Section Officer (Admn), Administration Department.
- 20. The Section Officer (Admn), Administration Department.

Copy forwarded to:
CONST. 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 Government of Khyber Pakhtunkhwa Act No. XXIII of 1973 (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:

NOTIFICATION

Dated Peshawar, the 06/8/2020

**GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(REGULATION-WING)**

Annexure B

- 13 -

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

ATTENDED

WP4442-2023 AZIZULLAH VS GOVT OF PG43

Section Officer (Policy)

(Use Khaymura Khan)
Section Officer (Policy)

Yours faithfully,

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

Copy forwarded to them
Ruled, Of even No & Date

2011, please.

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

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

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

Dear Sir,
I am directed in letter to your letter No. HQ/Inv/My/1245/2022-23 dated 18.04.2023 in the subject noted above and to state that sub-rule (5) of rule-7 of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 stands deleted vide this departmental notification dated 04.08.2020. Thus, no provision exists to decline or forgo promotion.

The Government of Khyber Pakhtunkhwa,
Secretary & Secretary (Personnel Department),
Subject -
DANGER REGARDING PROMOTION OF YOUR 7(S) IN THE
KHYBER PAKHTUNKHWA CIVIL SERVENTS (APPOINTMENT,
PROMOTION AND TRANSFER) RULES, 1989.



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
No. EO(Pol)/KAP/1-2/2020
Dated Islamabad the 06th June 2023

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Annexure C

-14-

-15-



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 lhc. 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, 1988.

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]

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

Copy forwarded to the:

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

[Handwritten Signature]

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

~~ATTESTED~~

-16-

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

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

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

Encl: AA

(MUHAMMAD ISHAQ)
SECTION OFFICER (PRIMARY MALE)

Copy forwarded to the:

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

SECTION OFFICER (PRIMARY MALE)

WP4443-2023 AZIZULLAH VS GOVT OF PG43

ATTESTED

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


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

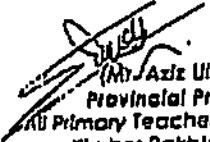
S#	NAME	DESIGNATION
1	Mr. Fazal Wahid	Deputy Director Establishment of Directorate Elementary & Secondary Education Department
2	Mr. Aziz Ullah	Provincial President All Primary Teachers Association Khyber Pakhtunkhwa
3	Mr. Razaqat Ullah	General Secretary APTA Peshawar
4	Muhammad Ishaq	Section Officer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

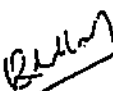
2. The meeting started with recitation from The Holy Quran. The chair welcomed the participants. The Deputy Director (Establishment) of Directorate of Elementary & Secondary Education briefed the forum regarding agenda item in detail.

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

ATTESTED

-18-
-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

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

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

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

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

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

Provincial President
All Primary Teachers Association
Khyber Pakhtunkhwa

(Mr. Razaqat Ullah)
General Secretary APTA
Peshawar

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

(Abdullah)

Additional Secretary (Establishment)

ATTESTED



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 (Ving)
deleted Rule 7(3) in the Civil Servants (Appointment, promotion & Transfer Rules 1989)
vide notification No. No. SCR-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 06-02-2023.
 - (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/2-2/Appointment/2021 for necessary guidance.
- That the Government of Khyber Pakhtunkhwa Establishment Department (Regulation
(Ving) 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/2-2/Appointment/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 deletion of Rules
7(3) have affected negatively a huge numbers of Female Teachers. Thus it is proposed that
Teachers below BPS-16 may be exempted of implications of the amendment in the rules ibid
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 Ad-1)
Elementary & Secondary Education
Khyber Pakhtunkhwa

Encls: No.

Copy of the above is to:-

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

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

ATTESTED

~~ATTACHED~~

WP4442-2023 AZIZULLAH VS GOVT OF PK43

2. Master Copy
1. PA to Director Local Directorate
Copy of the above to:
Assistant Director
Elementary & Secondary Education
Hydrabad, Rajasthan.

The case is submitted for perusal and necessary action please.
In view of the above, this office is of considered opinion that the deletion of Rules 7(S) have effected negatively a huge members of female teachers.

That in view 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.

That the government of KP-ED (Regulation Wing) vide letter No. SD (Policy) EQAD/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 your good office forwarded the same to quarters concerned vide letter No. SD (Promo-1) EQSD/2-2/Appointment-2023 for necessary guidance.

That the office sought guidance from your good office in the following words vide letter No. 6983 dated 06-07-2023.

(i) Now it is obligatory upon civil servant to accept promotion.
(ii) If it is prerogative of civil servant to either accept/reject the offer of promotion.

That Government of KP Establishment department (Regulation Wing) deleted rule 7(S) in Civil Servants (Appointment, Promotion, Transfer & Pension) Notification No. No. SOR-VI (EQAD) 1-3/2020 dated 06-08-2020.

I am directed to refer to letter No. (SO. Promog-M) EQSD/5-1/G.M.H./Minuties of meeting/RS/2023 dated 30-7-2023 on subject cited above and to present brief history, about background of case as under:-

Subject: Minutes of Meeting
KPK, Peshawar.
Elementary & Secondary Education Department
Section Officer (Primary-Male)

To:
DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION, KPK
PESHAWAR
(21-7-2023)

-B/C-



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

Annexure E

No. SO(Primary-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(Policy)/ EBAD/ 1-3/2020 dated 06th 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 of mother-in-law who need care. In such cases, there are negative effects on service delivery.

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

(MUHAMMAD ISHAQ)
SECTION OFFICER (PRIMARY MALE)

Copy forwarded to the:

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

(SECTION OFFICER (PRIMARY MALE))
20/8/23

Scanned with CamScanner

ATTESTED

-22-

-B/c-

-~~DD~~-

No. 50 (Primary-M) E&SE D / 8-2 /
Appointment - Rule / 2023

Peshawar Dated 23rd August, 2023.

To

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

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

Dear Sir,

I am directed to refer to your letter No. 50 (Primary) / E&AD / 1-3/2023 dated 8th June 2023 and to state that after deletion of Rule 7(S) Khyber Pakhtunkhwa Civil Servant (Appointment, Promotion and Transfer Rules 1989) it has been intimated that those officers/officials who do not comply with promotion order of the competent authority or try to evade promotion through different means shall be proceed under Khyber Pakhtunkhwa Civil Servant (Efficiency and Discipline) Rule 2011.

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

Copy forwarded to;

1. Director E & SE Khyber Pakhtunkhwa.

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

(Muhammad Ishaq)
Section Officer (Primary)
Male

ATTESTED

Annexure



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 in 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.

WP4442-2023 AZIZULLAH VS GOVT OF PG43

ATTESTED

-24-
- B/C -

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

To

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

Subject: - GUIDANCE REGARDING DELETION OF RULE 7(5) IN THE
KHYBER PAKHTUNKHWA CIVIL SERVAANTS (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

To,

Dated: 22-01-2024

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


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

Sir/ Madam:-

Your Honorable authority promulgated Notification No. SO (Policy) E&AD/1 3/2020, dated 06/08/2020, communicated to Elementary & Secondary Education vide letter dated 06/06/23 wherein it has been made mandatory to the employees to avail the promotion, otherwise, disciplinary action shall be taken against the employees. That, as per notification No. SD (Policy) /EDAD/1- 3/2020 dated 06/08/2020, the right of foregoing of promotion was withdrawn and the Government of Khyber Pakhtunkhwa Establishment Department (Regulation Wing) deleted Rule 7(5) in the Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 vide notification no SOR-VI (E & AD)/1-2/2020 dated 06-08-2020. That the Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar asked for guidance regarding deletion of Rule 7(5) in Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 in respect of which the Establishment Department vide its letter No. SO.(Policy) E&AD/1- 3/2020 dated Peshawar the June 06th, 2023 directed the Directorate of Elementary & Secondary Education that Rule 7(5) in the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 has been deleted vide notification dated 06-08-2020 and ,therefore, no provision exists to decline or forgo promotion and it is obligatory upon every civil servant to accept promotion under every condition. That Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa also wrote a letter to the office of Establishment & Administrative Department vide No SO(Primary-M) E&SED/2-2/Appointment Rule/2023 dated 23-08-2023 to reconsider the amendment made in Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 as it had negatively affected a large number of teachers and especially female teachers. In the meanwhile, the department vide its letter dated 07th of September 2023 directed the Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa that necessary guidance has already been provided to the department and therefore no provision exists to decline or forgo promotion and those teachers who do not comply with the promotion order of the competent authority or try to evade promotion through different means shall be proceeded under the Khyber Pakhtunkhwa Civil Servant (Efficiency & Discipline) Rules, 2011.

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

Best Regards


Mariyam Sher Muhammad
of Khwaj Muhammad
Resident of Tehsil & District
Manshera

ATTESTED

Khyber Pakhtunkhwa

Azizullah Khan
President
0333-0414648
azizullah1073@gmail.com
pinkpl



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

آل پرائمری ٹیچرز ایسوسی ایشن (اپٹا) خیبر پختونخوا

مہذب: نیکروری ولفٹری ۽ سٹوری ایجیشن ٹیچرز
مہذب: آل پرائمری ٹیچرز ایسوسی ایشن خیبر پختونخوا
مہذب: مال

گزارش ہے کہ پروٹوٹائپ ہر ادارے میں ہوتے ہیں اور سرکاری ملازم کی خواہش ہوتی ہے پروٹوٹائپ ایک قانون اور کتاہا کہ جو ملازم ایک اگر کسی
بھروسے تحت ایک دن پروٹوٹائپ نہیں تو دو ہر آسہ ہر سال تک پروٹوٹائپ نہیں لے سکتے تھے طلب ہر سال تک ہر اس کی پروٹوٹائپ نہیں ہو سکتی تھی
پھر اس قانون میں تھوری رعایت دی گئی ہر سال واک ہاٹ ٹیم کو دی گئی کہ اگر ایک ملازم ایک سال پروٹوٹائپ نہ لیں تو وہ دوسرے سال لے سکتے ہیں
لیکن اب ایک ہنٹ پہلے ایک اور ٹریڈیون اور ہے
جس کے مطابق اب ہر ملازم پروٹوٹائپ ضرور لیں گے اگر نہیں لیں گے تو اس کے خلاف ایف ڈی اے کی روٹو کے مطابق کارروائی کرنے کا کہا گیا ہے
وہ اسل یہ آفری ٹریڈیون بنیادی انسانی حقوق کی مکمل خلاف ورزی ہے سوچے کی دور رسار اور ہڈی ملازمت میں خاص کر خواتین اساتذہ کو انتہائی مشکلات کا
سامنا کرنا پڑے گا
جبکہ عام حالات میں بھی لبرو کتا پروٹوٹائپ اور دوسرا بھی بنیادی انسانی حقوق کی خلاف ورزی ہے کیونکہ فیبر پختونخوا میں بد قسمتی سے فاعلی و شہر میں
کی ہوئی ہے ایسے حالات میں یہ یا ٹریڈیون جو E&SB کی کا پیلس لبرو کہ جواب میں کیا گیا ہے جو بدلتا اور بنیادی انسانی حقوق کی خلاف ورزی
ہم اس کے خلاف قانونی ہار جرنل کا حق بھی محفوظ رکھتے ہیں
لہذا ہم آپ سے یہ روٹو اپنی کہتے ہیں کہ ٹریڈیون کو روٹو لیا جائے یا اس میں ترمیم کر کے پرائمری اساتذہ کو (Relaxation) دیا جائے اور ان کو
لبرو کتا پروٹوٹائپ لینے کی ہلکے ان کو مرضی سے لینے دیا جائے
اور پروٹوٹائپ نہ لینے کی صورت میں اساتذہ ہڈی لیا جائے لیکن یہ لبرو کتا نہ کی جائے
اس سلسلے میں آپ ہڈی از ہڈی تمام (DRO) ال ای اور کہ ایک شخص اس سلسلے ہڈی کیا جائے تاکہ اطلاع میں آپ میں اسٹیل پرائمری اساتذہ کو ذہنی
البت اور ہر چہ تک سے ہڈیا جائے
کیونکہ ٹریڈیون ہڈی ہوتے ہی پرائمری اساتذہ کو ذہنی طور پر ہر چہ کہلے کا سلسلے شروع ہو چکا ہے
لہذا ہم یہ توقع رکھتے ہیں کہ آپ سامان لبرو ایجیشن لبرو سوچے ہر کے پرائمری اساتذہ خصوصاً فیملی پرائمری اساتذہ کو اس ذہنی البت سے ہمت دلائیں گے

شکریہ

منزلتہ خان مسہانی صدر
آل پرائمری ٹیچرز ایسوسی ایشن خیبر پختونخوا
08/7/23

ATTESTED
ATTESTED

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]
13/5/24

Date of Presentation of Application 12-5-24
 Number of 1
 Copies 1
 Urgent SI
 Total 1
 Name of SI
 Date of Presentation 13-5-24
 Date of Delivery of copy 12-5-24

ATTESTED
[Handwritten signature]

VAKALAT NAMA

BEFORE THE SERVICE TRIBUNAL PESHAWAR

MARIYAM SHER MUHAMMAD Appellant
Versus

Government of KP & others

Respondents

I (the Appellant)

do hereby appoint and retain

MUHAMMAD MUAZZAM BUTT ASC. MUHAMMAD ADEEL BUTT AHC

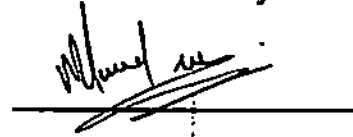
BASSAM AHMAD SIDDIQUI AHC

&

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

A C C E P T E D

MUHAMMAD MUAZZAM BUTT
Advocate Supreme Court

MUHAMMAD ADEEL BUTT
Advocate High Court

BASSAM AHMAD SIDDIQUI
Advocate High Court