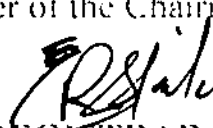


FORM OF ORDER SHEET

Court of _____

Appeal No. 2334 /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

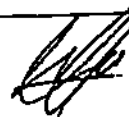
A. NB. 2334/24
Sahib Zada

V/S

Government of KP & others

INDEX

S#	DESCRIPTION OF THE DOCUMENTS	ANNEX	PAGES
1.	Appeal and Verification	*	1-4
2.	Application for suspension	*	5
3.	Copy of Monthly Salary account	A.	6-9
4.	Copy of notification No. SD (Polley) BV AD/1-3/2020 dated 06/08/2020	B.	10-11
5.	Copy of Impugned Letter dated June 06th, 2023	C.	12-14
6.	Copy of Minutes of Meeting dated 06-07-2023	D.	15-18
7.	Copy of Letter dated 23-08-2023	E.	19-20
8.	Copy of Impugned letter dated 07-09-202	F.	21-22
9.	Copy of Representation against the said notification and representation made by APTA President	G & H	23, 24, 25
10.	Wakalat Nama		26


ADVOCATE

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

In Ref to

Service Appeal No 7334/2024

Sahib Zada Son of Amir Zada Resident of Tehsil & District Mardan
Designation: Primary School Head Teacher at Shamsul Islam Banda

.....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

PRAYER:

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

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

RESPECTFULLY SHEWETH:

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

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

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

5. That as per notification No. SD (Policy) /EDAD/1- 3/2020 dated 06/08/2020, the right of foregoing of promotion was withdrawn and the Government of Khyber Pakhtunkhwa Establishment Department (Regulation Wing) deleted Rule 7(5) in the Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 vide notification no SOR-VI (E & AD)/1-2/2020 dated 06-08-2020. Copy of notification No. SD (Policy) EV AD/1- 3/2020 dated 06/08/2020 is attached as **Annexure B**
6. That the Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar asked for guidance regarding deletion of Rule 7(5) in Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 in respect of which the respondent No. 1 vide its letter No. SO(Policy) E&AD/1-3/2020 dated Peshawar the June 06th, 2023 directed the respondent No 3 (Directorate of Elementary & Secondary Education) that Rule 7(5) in the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 has been deleted vide notification dated 06-08-2020 and ,therefore, no provision exists to decline or forgo promotion and it is obligatory upon every civil servant to accept promotion under every condition. Copy of Impugned Letter dated June 06th, 2023 is attached as **Annexure C**
7. That thereafter the meeting was also held in the office of Additional Secretary Establishment on 06-07-2023 in which it was decided to examine the case properly and submit a self-contained/ consolidated case for onward submission to the Establishment Department for further necessary action. Copy of Minutes of Meeting dated 06-07-2023 is attached as **Annexure D**
8. That the Respondent No.3 i.e. Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa also wrote a letter to the office of Establishment & Administrative Department vide No SO(Primary-M) E&SED/2-2/Appointment Rule/2023 dated 23-08-2023 to reconsider the amendment made in Khyber

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

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

GROUND:-

- a. That as per various judgments it is established and settled principle that executive notifications cannot be given retrospective effect. A valid Notification which confers rights is always applicable with prospective effect, however, if an amendment notification that adversely 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. 80 (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.


Appellant

AFFIDAVIT:

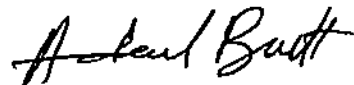
I Sahib Zada Son of Amir Zada Resident of Tehsil & District Mardan that the contents of foregoing application are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Court


Deponent

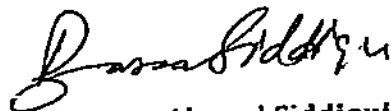
Through



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

Sahib Zada

VERSUS

Secretary to Government of Khyber Pakhtunkhwa, & others

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

Respectfully Submitted:-

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

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

AFFIDAVIT

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

Deponent

Through

Appellant

Muhammad Muazzam Butt
Advocate Supreme Court

Adel Butt
Muhammad Adeel Butt
Advocate High Court

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

- 6 -



A

Personal Information of Mr SAHIB ZADA d/w/s of AMIR ZADA

Personnel Number: 00131741 CNIC: 1610153420657
Date of Birth: 14.10.1974 Entry into Govt. Service: 25.10.2004

NTN: 0
Length of Service: 19 Years 03 Months 008 Days

Employment Category: Vocational Temporary

Designation: PRIMARY SCHOOL HEAD TEACH 80003432-DISTRICT GOVERNMENT KHYBE

DDO Code: MR6156-DY.DISTRICT EDUCATION OFFICER (M) M

Payroll Section: 003 GPF Section: 001 Cash Center: 22

GPF A/C No: 131741/P5/VI-5 GPF Interest applied GPF Balance: 196,775.00 (provisional)

Vendor Number: 30400550 - SAHIB ZADA SPST MR7001

Pay and Allowances: Pay scale: BPS For - 2022 Pay Scale Type: Civil BPS: 15 Pay Stage: 14

Wage type		Amount	Wage type		Amount
0001	Basic Pay	51,640.00	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	550.00	2199	Adhoc Relief Allow @10%	373.00
2316	Teaching Allowance 2021	3,224.00	2341	Dispr. Red All 15% 2022 KP	4,558.00
2347	Adhoc Rel Al 15% 22(PS17)	4,558.00	2378	Adhoc Relief All 2023 35%	17,381.00

Deductions - General

Wage type		Amount	Wage type		Amount
3015	GPF Subscription	-4,290.00	3501	Benevolent Fund	-1,200.00
3609	Income Tax	-752.00	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
6501	HBA Loan Principal Instal	250,000.00	-2,084.00	139,548.00
6505	GPF Loan Principal Instal	400,000.00	-15,000.00	370,000.00

Deductions - Income Tax

Payable: 11,859.24 Recovered till JAN-2024: 5,139.00 Exempted: 2964.09 Recoverable: 3,756.15

Gross Pay (Rs.): 90,164.00 Deductions: (Rs.): -24,061.00 Net Pay: (Rs.): 66,103.00

Payee Name: SAHIB ZADA

Account Number: PLS000000157032

Bank Details: NATIONAL BANK OF PAKISTAN, 230365 MARDAN MAIN BRCH MARDAN MAIN BRCH, MARDAN

Leaves: Opening Balance: Aailed: Earned: Balance:

Permanent Address: NISSATA ROAD MAZA KILLI MARDAN

City: MARDAN

Domicile: NW - Khyber Pakhtunkhwa

Housing Status: No Official

Temp. Address:

City:

Email: sahibzada131742@gmail.com

System generated document in accordance with APPM 4.6.12.9(288598/24.01.2024/v3.0)

* All amounts are in Pak Rupees

* Errors & omissions excepted (SERVICES/02.02.2024/19:39:38)

ATTESTED

OFFICE OF THE EXECUTIVE DISTRICT OFFICER (Schools & Literacy) MARDAN.

APPOINTMENT ORDER:

Consequent upon the advertisement published in the Daily Mashriq Peshawar dated 07-01-2004 and resulted interview held on 25-02-2004 by the District recruitment/selection Committee.

The District Coordination officer Mardan Being Competent Authority is pleased to appoint/approve the following PPT (Male) on temporary basis for three years only in BPS-07 (Rs.2220-175-5820 P.M) plus usual allowances as admissible to them under the rules against the vacant PPT Post at the school noted against each with effect from the date of their taking over charge in the interest of public service subject to the following existence terms and conditions:-

R.No: 187 Sahib Zade
UK Maho Dheri

UNION COUNCIL WISE.

S.No	U.No	Name	Father Name	Name of Union-Council	Grandy Total	Address	Category	of school where posted
UC Aho								
	337	Inayat Ullah Shah	Sarwar Shah	Aho	55.21	Aho	GPS	Pipal Bagi Khel
	1246	Muhammad Anis	Muhammad Haleem	Aho	54.55	Bar Cham Aho	GPS	Pipal Bagi Khel
	1173	Lazhar Rehman	Fazli Aman	Aho	51.06	Aho	GPS	Pipal
UC Babani								
	623	Zahid Hussain	Shida Khan	Babani	55.54	Khudai Noor Kili	GPS	Babani
	627	Nisar Ahmad	Abdul Sattar	Babani	53.89	Charbanda	GPS	Yahya Jadoed
	1350	Ishaq Ahmad	Redad Khan	Babani	53.82	Barichan Babani	GPS	Khudai Noor Kili
	1238	Muhammad Hyas	Mir Muhammad Khan	Babani	53.72	Dheri Kili Mardan	GPS	Khudai Noor Kili
	1273	Akbar Khan	Dacha Khan	Babani	52.00	Shagai Babani	GPS	Shankar (Babani)
	303	Nousher Khan	Rahim Jil Khan	Babani	51.96	Babani	GPS	Babani
	1604	Amir Badshah	Qadir Hadadiah	Babani	51.92	Babani	GPS	Naseer Kili
	493	Dawesh Khan	Sanaullah Khan	Babani	51.28	Nasir Kili	GPS	Naseer Kili
	131	Ayaz Khan	Muttan Khan	Babani	51.08	Babani	GPS	Naseer Kili
	455	Rasheed Ahmad	Ah Rahman	Babani	50.76	Dheri Korona	GPS	Naseer Kili
	1829	Rosh Ullah	Rahim Dad Khan	Babani	50.11	Naseer Kili	GPS	Shagai No.1
	1070	Fazal-e-Subhan	Noor Gul	Babani	49.88	Shankar	GPS	Shankar Korona
	2177	Fazli Qayum	Khan Baz	Babani	48.99	Naseer Kili	GPS	Shagai No.2
	1259	Alam Zeb	Akhtar Muhammad	Babani	48.23	Shankar	GPS	Shendai
	622	Razi Khan	Anwar Khan	Babani	48.19	Khudai Noor Kili	GPS	Shendai
	1225	Fazle Haq	Fazli Kili	Babani	48.05	Khudai Noor Kili	GPS	Khudai Noor Kili
	624	Ishad Muhammad	Anwar Khan	Babani	47.43	Khudai Noor Kili	GPS	Mir Akbar Kili
	1228	Ara Ullah	Saeed Ullah	Babani	47.37	Shankar Kili	GPS	Mir Akbar Kili

ATTESTED

[Signature]

216	284	Almuad Ali	Ashraf Ali	Machi	53.37	Jamail Zai	GPS	Neher Machi
217	51	Rahat Shaid	Khur Shaid	Machi	51.70	Machi	GPS	Neher Machi
218	576	Anjad Ali	Rasool Muhammad	Machi	51.69	Machi	GPS	Jalal
219	691	Rihad Ali	Nourul Hesar	Machi	51.42	Machi	GPS	Jalal
220	1792	Dilawar Khan	Munjawar	Machi	50.11	Machi	GPS	Jalal
221	578	Sajjad Ali	Nour dali	Machi	48.32	Machi	GPS	Jalal
UC Maday Baba								
222	1695	Anjad Ali	Abdul Malik	Maday Baba	51.95	Maday Baba	GPS	Maday Baba No.1
223	689	Noor Mohammad	Mohammad Gul	Maday Baba	51.49	Seri Madl Daba	GPS	Maday Baba No.1
224	878	Falak Naz	Safdar Khan	Maday Baba	51.35	Qamar abad Parow	GPS	Kanda Ghar
225	163	Alangir Khan	Zahir Shah	Maday Baba	51.01	Chiragh Din T/Bhai	GPS	Maday Baba No.1
226	744	Fazla Malik	Mian Gul	Maday Baba	53.60	Kandnr Ghar	GPS	Maday Babba No.2
227	1782	Muhammad Iqbal	Said Qayum	Maday Baba	53.38	Fateh Khan	GPS	Noor Badshah
228	1530	Ihsan	Fazli Khaliq	Maday Baba	53.07	Fazal Abad	GPS	Noor Badshah
229	1047	Wissal Khan	Muhamar Shah	Maday Baba	53.01	Takhi Bhai	GPS	Noor Badshah
230	879	Fazli Wahab	Noorul Wahab	Maday Baba	52.72	Ihsanullah Danda	GPS	Malakanano Tordier
231	1423	Safiman	Nawab Khan	Maday Baba	52.62	Tor Dher	GPS	Yakh Koi
232	83	Farman Ali	Sher Ali	Maday Baba	52.50	Chiragh Din T/Bhai	GPS	Yakh Koi
233	2146	Muzzamil Shah	Kiramat Shah	Maday Baba	52.10	Madi Daba	GPS	Kanda Ghar
234	862	Farman Ali Shah	Sultan Shah	Maday Baba	51.61	Madi Daba	GPS	Yakh Koi
235	1464	Mumtaz Ali	Shad Ali	Maday Baba	51.39	Tor Dher	GPS	Ghazi Shafti
UC Maho Dheri								
236	187	Sahib Zada	Amir Zada	Maho Dheri	55.21	Niantin Road Mardan	GPS	Shamsul Islam Banda
237	502	Tahir Ahmad	Ghulam Sarwar	Maho Dheri	53.63	Maho Dheri	GPS	Maho Dheri
238	640	Muhammad Nawaz	Azizur Rahman	Maho Dheri	52.49	Sarband	GPS	Bakri Banda
239	154	Hasham Khan	Akam Khan	Maho Dheri	52.32	Sarband	GPS	Khwaja Rashaka
240	844	Istar Hussain	Iqbal Hussain	Maho Dheri	51.72	Shahbaz Khan Kill	GPS	Khwaja Rashaka
241	155	Muhammad Arif	Shah Zada	Maho Dheri	50.22	Sarband	GPS	Khwaja Rashaka
242	641	Ayub Khan	Badshah Khan	Maho Dheri	49.25	Dagh Kill	GPS	Sahib Abad
UC Makori								
243	1164	Khaista Rehman	Dilbar	Makori	55.67	Spekano Dheri	GPS	Gul Roz Banda
244	1165	Muhammad	Khan Raziq	Makori	55.67	Gul Abad	GPS	Miskeen Abad

ATTACHED

358	480	Milbaob ur Rehman	Afizz ur Rehman	Shamo Pur	52.97	Jabba Mani Khela	GPS	Zor Mandi
359	1553	Wali Muhammad	Gul Muhammad	Shamat Pur	48.07	Jabba Mani Khela		
UC Shamo Zai								
360	216	Neurul Basar	Mian Zur Khan	Shamo Zai	52.77	Chappal Abad	GPS	Pilagi
361	959	Muhammadsiz Khan	Sher Ali Khan	Shamo Zai	52.08	Chappal Abad	GPS	Chappal Abad
362	904	Muhammad Tahir	Zameen Gul	Shamo Zai	51.45	Chappal Abad	GPS	Chappal Abad
363	901	Dakht Zada	Gul Zada	Shamo Zai	50.95	Chappal Abad	GPS	Chappal Abad
364	203	Subaz Ali Shah	Shah Pur	Shamo Zai	50.75	Chappal Abad	GPS	Landi Shah
UC Sher Garh								
365	531	Tila Muhammad	Muhammad Akbar	Sher Garh	56.18	M. shah kaly	GPS	Haji Nadar Sher Kili
366	398	Hakeem Khan	Nousher Khan	Sher Garh	55.21	Sher Garh	GPS	Haji Nadar Sher Kili
367	1452	Asmat Ullah	Abdul Hameed	Sher Garh	54.41	Faqir Abad	GPS	Haji Nadar Sher Kili
368	1317	Muhammad Zubair	Said Zur Khan	Sher Garh	52.10	Babara Sher Garh	GPS	Ahmad Gul Kili
369	585	Hidayat Ullah	Said Azim Khan	Sher Garh	51.67	Faqir Abad	GPS	Ahmad Gul Kili
370	1453	Aziz ur Rehman	Abdul Hameed	Sher Garh	51.16	Faqir Abad	GPS	Khan Muhammad Kili
371	2126	Habib Shah	Awal Shah	Sher Garh	50.82	Sher Garh	GPS	Khan Muhammad Kili
UC Toru								
372	1614	Imtiaz Ali	Muhammad Anwar	Toru	55.61	Toru	GPS	Kala Khel
373	2191	Ashfaq Ahmad	Shahzad Qadir	Toru	55.16	Toru	GPS	Sultan Abad
374	230	Khan Zeb	Aurang Zeb	Toru	54.04	Shoukat Abad	GPS	Shoukat Abad
375	1915	Akram Hussain	Muhammad Hussain	Toru	54.56	Nodeh Toru Maidan	GPS	Shamshad Abad
376	1498	Muhammad Younas	Khan Bahadar	Toru	53.64	Haji Abad Toru	GPS	Nodeh Toru
377	1652	Fazal Wahab	Abdur Raziq	Toru	53.32	Khair Abad	GPS	Shoukat Abad

TERMS AND CONDITIONS:-

- 1- Their appointments are made purely on contract basis for three years and are liable to termination at any time without any notice or reason.
- 2- They will perform their duty at the same station during the whole three years contract service.
- 3- Their contract can be renewed after three years if their performance is found excellent as per required polity of the time.
- 4- They are required to produce health and age certificate from the concerned Medical Superintendent before taking over charge.
- 5- They are not allowed to take over charge if their age is less than 18 years and above 38 years.
- 6- They are required to sign contract agreement on judicial paper before taking over charge.
- 7- Their educational/professional certificates/degrees should be verified from the concerned Board/University before drawl of pay and pay should not be released without verification.
- 8- In case of bogus testimonials pointed out later on, P.F.R. should be deducted against the concerned

ATTESTED

GOVERNMENT OF
 KYBER PAKHTUNKHWA
 ESTABLISHMENT DEPARTMENT
 (REGISTRATION-WING)

NOTIFICATION

in exercise of the powers conferred by section 25 of the
 Kyber Pakhtunkhwa Civil Service Act, 1973 (Kyber Pakhtunkhwa Act No. XVIII of
 1973) the Chief Minister of Kyber Pakhtunkhwa (Appointment, Promotion and Transfer) Rules, 1989, the
 following further amendments shall be made, namely:

AMENDMENT

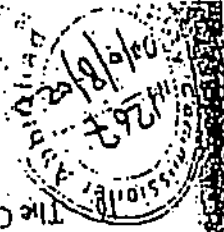
In rule 7, sub-rule (5) shall be deleted.

CHIEF SECRETARY
 GOVERNMENT OF THE KYBER PAKHTUNKHWA

LIST NO & EVEN DATE

Copy furnished to:-

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



ATTESTED

(MAJID AH TARIQ)
 DEPUTY SECRETARY (POLICY)

M-11-58-20

[Handwritten signature]



-11-

GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(REGULATION WING)

NOTIFICATION

Dated Peshawar the, 06/08/2020

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

AMENDMENT

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

CHIEF SECRETARY
GOVERNMENT OF THE KHYBER PAKHTUNKHWA

(ANDS): & EVEN DATE

Copy is forwarded to :-

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

(WARDAH LATIF)
DEPUTY SECRETARY (POLICY)

~~ATTESTED~~

-13-



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT
CIVIL SECRETARIAT PESHAWAR
(Phone No.001-9223507)

No.50 (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(S) IN THE KHYBER PAKHTUNKHWA CIVIL SERVANTS (APPOINTMENT, PROMOTION AND TRANSFER) RULES, 1989.**

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

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

Encl: AA

[Handwritten initials]

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

Copy forwarded to the:

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

[Handwritten initials]

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

ATTESTED
[Handwritten signature]

-14-

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, 1909.

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

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

Encl: AA

(MUHAMMAD ISHAQ)
SECTION OFFICER (PRIMARY MALE)

Copy forwarded to the:

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

SECTION OFFICER (PRIMARY MALE)

~~ATTESTED~~


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


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

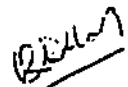
Sl#	NAME	DESIGNATION
1	Mr. Fazal Wahid	Deputy Director Establishment of Directorate Elementary & Secondary Education Department
2	Mr. Aziz Ullah	Provincial President All Primary Teachers Association Khyber Pakhtunkhwa
3	Mr. Razaqal Ullah	General Secretary APTA Peshawar
4	Muhammad Ishaq	Section Officer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

- 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.
- 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
E&SE Department


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


(Mr. Razaqal Ullah)
General Secretary APTA
Peshawar


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

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

ATTESTED


-16-
-B/C-

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

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

S/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)

ATTESTED

ATTESTED

W/P4442:2023 AZIZULLAH VS GOVT CP PG43

Assistant Director (Ex-Subst-1)
Elementary & Secondary Education
Kyber Pakhtunkhwa

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

Copy of the above is to:-

Assistant Director (Ex-Subst-1)
Elementary & Secondary Education
Kyber Pakhtunkhwa

21/7/2023

The case is submitted for perusal and necessary actions please.

Departmental Promotion Committee.
provided they submit their written request prior to conclusion of the meeting of

Teachers below BS-16 may be exempted of implications of the amendment in the rules if

7(2) have effected negatively a large number of female teachers. Thus it is proposed that

in view of the above, this office is of considered opinion that the decision of Rules

has been asked for submission of consolidated case.

Chairmanship of Hon. Additional Secretary Establishment at his office this office has

Time, in the light of the minutes of meeting dated 6-07-2023 held under the

(Primary-4) E&SED/2-1/Appointment/2023 dated 12-06-2023.

The same was received by this office from your good office with letter No.50

civil servants to accept promotion under every condition.

that there exists no provision in decline or forgo promotion. It is obligatory upon every

Wing) vide letter No.50 (Policy) E&AD/1-1/2020 dated 6-06-2023 categorically stated

That the Government of Kyber Pakhtunkhwa Establishment Department (Regulation

No.50 (Primary-4) E&SED/2-1/Appointment/2023 for necessary guidance.

That your good office forwarded the same to the quarter concerned vide letter

(ii) If it is prerogative of the civil servants to either accept or turn down the offer of

Now it is obligatory upon the civil servants to accept promotion in every condition.

No.6987 dated 06-02-2023.

That this office sought guidance from your good office in the following words vide letter

vide notification No. No. SOR-VI (E&AD)/1-1/2020 dated 06-08-2020.

decided Rule 7(2) in the Civil Servants (Appointment, Promotion & Transfer Rules 1987)

That Government of Kyber Pakhtunkhwa Establishment Department (Regulation Wing)

present brief history about the background of the case as under:

I am directed to refer to the letter No.50 (Primary-4) E&SED/2-1

G.Mix/Minutes of the Meeting/PST/2023 dated 10-07-2023 on the subject cited above and in

Subject: -

MINUTES OF THE MEETING

Kyber Pakhtunkhwa Peshawar.

Elementary & Secondary Education Department.

The Section Officer (Primary-Rule).

To



No. 8145 /F.No. 34557/UG/General Cases
Kyber Pakhtunkhwa, Peshawar
Date 21-7-2023
Phone: 091-9223244
Email: estab@peshawar.gov.pk

-B/C-

DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION, KPK

To:

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

PESHAWAR.
(21-7-2023)

Subject: Minutes of Meeting

Dear Sir;

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

- That Government of KP Establishment department (Regulation Wing) deleted rule 7(S) in Civil Servants (Appointment, promotion & Transfer Rules 1989) vide notification No. No. SOR-VI (E&AD) 1-3/2020 dated 06-08-2020.
- That this office sought guidance from your good office in the following words vide letter No. 6987 dated 06-07-2023.
 - (i) Now it is obligatory upon civil servant to accept promotion.
 - (ii) It is prerogative of civil servant to either accept/turndown the offer of promotion.
- That your good office forwarded the same to quarters concerned vide letter No. SO (Primary-M) E&SED/2-2/Appointment/2023 for necessary guidance.
- That the government of KP-ED (Regulation Wing) vide letter No. SO (Policy) E&AD/1-3/2020 dated 6-06-2023 categorically stated that there exists no provision to decline/forgo promotion. It is obligatory upon every civil servant to accept promotion under every condition.
- That in light of the minutes of the meeting dated 6-07-2023 held under the Chairmanship of Hon. Additional Secretary Establishment at his office. This office has been asked for submission of consolidated case.

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

The case is submitted for perusal and necessary actions please.

Copy of the above to;

1. PA to Director Local Directorate
2. Master Copy

Assistant Director
Elementary & Secondary Education,
Khyber Pakhtunkhwa.

ATTESTED



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

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)/ E&AD/ 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 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.

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

Scanned with CamScanner

ATTESTED

ATTESTED

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

(Muhammad Ishaq)
Section Officer (Primary
Male)

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

Dear Sir,
I am directed to refer to your letter No. SO (Primary) (Policy) (E&AD) /1-3/2020 dated 27 June 2020 and to state that after deletion of Rule 7(5) (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 2012. In this connection it is submitted that in some cases lady teacher of primary level who evade 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.
SUBJECT: Guidance regarding deletion of Rule 7(5) in the Civil Servant (Appointment, Promotion & Transfer Rules 1989).

The Secretary to Government of Khyber Pakhtunkhwa.
Establishment and Administration Department,
Peshawar.
To
The Secretary to Government of Khyber Pakhtunkhwa.
Establishment and Administration Department,
Peshawar Dated 23rd August 2023.
No. SO (Primary-M) E&SE D /1-3/2020
Appointment - Rule /2023
- B/c -
- 20 -

Annexure F



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

ATTESTED

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.

-22-

- B/C -

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

To

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

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

Dear Sir,

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

Yours faithfully,

Section Officer (Policy)

Endst. Of even No & date

Copy forwarded to the:-

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

Section Officer (Policy)

ATTESTED

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

It is, therefore, humbly prayed that on the acceptance of the instant representation; the Notification bearing No. SO (POLICY) E&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



Sahib Zada Son of Amir Zada
Resident of Tehsil & District
Mardan

ATTESTED

~~ATTESTED~~

WP4442-2023 AZIZULLAH VS GOVT CP PG43

88/1183
[Handwritten signature and date]

د تریساکو په ځای کې د جلاوړو لارو د لارو په یوه برخه کې د یوې پخوانۍ پلار سره تړل شوې د لارو
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APTA House
Govt Primary School No. 4
Quahber Pashawar City



Qayyum Khan

APTA House
Govt Primary School No. 4
Quahber Pashawar City

Annexure

07.05.2024



1. Learned counsel for the appellant present.
2. For a pre-admission notice he 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 (E)

[Handwritten signature]
13-5-24

Date of Presentation of Application 10-5-24
 Number of 1
 Copies 1
 Urgent 1
 Total 1
 Name of ---
 Date of Completion 13-5-24
 Date of Delivery of copy 12-5-24

ATTESTED

VAKALAT NAMA

BEFORE THE SERVICE TRIBUNAL PESHAWAR

SAHIB ZADA
Versus

Appellant

Government of KP & others

Respondents

I (the Appellant)

do hereby appoint and retain

MUHAMMAD MUAZZAM BUTT ASC. MUHAMMAD ADEEL BUTT AHC

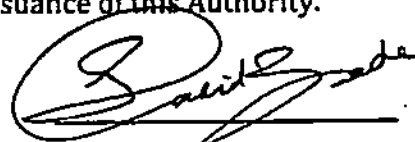
BASSAM AHMAD SIDDIQUI AHC

&

ASSOCIATES OF MUAZZAM LAW FIRM

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

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



APPELLANT

ACCEPTED

MUHAMMAD MUAZZAM BUTT
Advocate Supreme Court

MUHAMMAD ADEEL BUTT
Advocate High Court

BASSAM AHMAD SIDDIQUI
Advocate High Court