


FORM OF ORDER SHEET

Court of _____

Appeal No. 2344 /2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	06/11/2024	<p>The appeal presented today by Mr. Muhammad Muazzam Butt Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 14/11.2024. Parcha Peshi given to counsel for the appellant.</p> <p>By order of the Chairman</p> <p> REGISTRAR</p>

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

C.M No _____-P of 2024

In Ref to

Service Appeal No 2344 2024

Muhammad Ayaz

VERSUS

Secretary to Government of Khyber Pakhtunkhwa, & others

INDEX

S#	DESCRIPTION OF DOCUMENTS	ANNEX	PAGES
1.	Appeal and Verification	*	1-4
2.	Application for suspension	*	5
3.	Copy of Monthly Salary Account	A	6-6-D
4.	Copy of notification No. SD (Policy) EV AD/1-3/2020 dated 06/08/2020	B	7-8
5.	Copy of impugned Letter dated June 6 th , 2023	C	9-11
6.	Copy of Minutes of meeting dated 06-07-2023	D	12-15
7.	Copy of Letter dated 23-08-2023	E	16-17
8.	Copy of Impugned letter dated 07.09-2023	F	18-19
9.	Copy of Representation against the said notification and representation made by APTA President	G & H	20-21
10.	Wakalat Nama		22


ADVOCATE

M. Muazzam Butt

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

In Ref to

Service Appeal No 2344 /2024

Muhammad Ayaz Son of Abdul Ahmad PSHT (BPS-14)

Shkolai, Tehsil Puran, District Shangala

.....Appellant

VERSUS

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

.....Respondents

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

P R A Y E R:

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

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

RESPECTFULLY SHEWETH:

1. That the Respondents Department appointed the Appellant as Senior Primary School Teacher.
Copy of Appointment letter is^{*} annexed as **Annexure A**

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

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

5. That as per notification No. SO (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 Impugned notification No. SO (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 forego 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:-

GROUNDS:-

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

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

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

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

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


AFFIDAVIT:

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

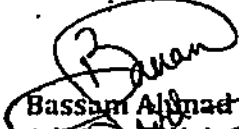

Deponent

Through


Appellant


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

Muhammad Ayaz

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.

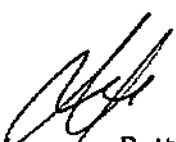

Appellant

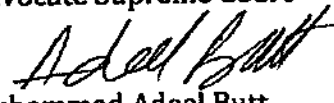
AFFIDAVIT

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


Muhammad Muazzam Butt
Advocate Supreme Court


Muhammad Adeel Butt
Advocate High Court

Dist. Govt. KP-Provincial
District Accounts Office Shangla
Monthly Salary Statement (May-2024)

Annexure A



Personal Information of Mr MUHAMMAD AYAZ d/w/a of ABDUL AHMAD

Personnel Number: 00205576 CNIC: 1550502095897 NTN:
Date of Birth: 01.01.1968 Entry into Govt. Service: 29.08.1994 Length of Service: 29 Years 09 Months 004 Days

Employment Category: Active Temporary

Designation: SENIOR PRIMARY SCHOOL TEA 80654297-DISTRICT GOVERNMENT KHYBE

DDO Code: SH6147-District Shangla

Payroll Section: 001

GPF Section: 001

Cash Center: 60

GPF A/C No: EDUSW013264

GPF Interest applied

GPF Balance:

904,605.00 (provisional)

Vendor Number: -

Pay and Allowances:

Pay scale: BPS For - 2022

Pay Scale Type: Civil BPS: 14

Pay Stage: 21

Wage type		Amount	Wage type		Amount
0001	Basic Pay	59,070.00	1001	House Rent Allowance 45%	3,321.00
1210	Convey Allowance 2005	2,856.00	1300	Medical Allowance	1,500.00
1911	Compen Allow 20% (1-15)	1,000.00	2148	15% Adhoc Relief All-2013	766.00
2109	Adhoc Relief Allow @10%	515.00	2316	Teaching Allowance 2021	3,036.00
2341	Dispr. Red All 15% 2022KP	5,611.00	2347	Adhoc Rel AI 15% 22(PS17)	5,612.00
2378	Adhoc Relief All 2023 35%	20,065.00			0.00

Deductions - General

Wage type		Amount	Wage type		Amount
3014	GPF Subscription	-3,900.00	3501	Benevolent Fund	-1,200.00
3543	Professional Tax	-1,200.00	3609	Income Tax	-1,251.00
3990	Emp. Edu. Fund KPK	-135.00	4004	R. Benefits & Death Comp:	-600.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance

Deductions - Income Tax

Payable: 18,940.38 Recovered till MAY-2024: 12,955.00 Exempted: 4734.70 Recoverable: 1,250.68

Gross Pay (Rs.): 103,352.00 Deductions: (Rs.): -8,286.00 Net Pay: (Rs.): 95,066.00

Payee Name: MUHAMMAD AYAZ

Account Number: CD 01789-00-5

Bank Details: THE BANK OF KHYBER, 080174 Bank Of Khyber IBB Puran Aloch Bazar Tehsil Puran Shang, SHANGLA

Leaves: Opening Balance: Availed: Earned: Balance:

Permanent Address: SWAT

City: SHANGLA

Domicile: NW - Khyber Pakhtunkhwa

Housing Status: No Official

Temp. Address:

City:

Email: muhammadayyazz@gmail.com

6-A

CERTIFICATE.

It is certified that Mr. Muhammad Ayaz
S/O, Abdul Ahmmed Village Shikouli P.O. Shikouli
Tehsil, Puran Distt: Shangla has been serving in
Education Department as Spst since 29-08 \1994

He is a skilled teacher, punctual in his duty,
industrious and honest. He bears good moral character, and we
wish him all success in his life.

Dated, _____ \199

Signature [Signature]
with seal.
SDED(M) 25/10/2024
Puran Shangla

[

6-B

OFFICE OF THE DISTRICT EDUCATION OFFICER/PRIMARY DISTRICT SWATOFFICE ORDERAPPOINTMENT/

The appointment of the following trained PTC candidates are hereby ordered in BPS-7 BRS, 1480-81-2695 plus allowance with immediate effect in the interest of public service as per terms and conditions given below:-

NO.	NAME F/NAME & HOME ADDRESS	D/O BIRTH.	PTC MARKS	NAME OF SCHOOL WHERE POSTED	REMARKS
1.	Ryaz Khan S/O Ditaraq Zarakhela	2-4-74	774	GPS, Charai	A.V POST
2.	MUHATARAM S/O SHAH ROOH CHUNGAL	10-1-68	760	GPS, KANDAR KOLALAI	-DO-
3.	MUSHTAQ AHMAD S/O SHAH NAZIR BARKOT	17-2-68	744	GMPS, JOHANGIR BARKOT	-DO-
4.	SAEED AHMAD S/O MOHD: HANIF KANJU	15-8-74	740	GPS, TANGBAR QALAGAY	-DO-
5.	MOHD: ISHAQ S/O MIAN GOL ZADA GALUCH	10-2-69	732	GMPS, DAMBAR QALAGAY	-DO-
6.	MOHD: ZAHID S/O FAZAL RAHIM KOBAL	1-03-70	697	GPS, CHUNPINOWRAL	-DO-
7.	ALI MOHD: S/O SACCOA AHMAD SAURKHEED	16-02-69	626	GPS, QILA QALAGAY	-DO-
8.	MOHD: SAJJAD S/O ALI MOHD: SHALPIA	02-01-00	667	GPS, TUNZ	-DO-
9.	RAHMAT AHMAD S/O SHAH NAZIR SIJHUNK	01-09-70	766	GMPS, BELA SHANAR	-DO-
10.	AJIL ZADA S/O MAHABAT KHAN RAHATKOT	15-06-72	761	GMPS, TITRO	-DO-
11.	SHUJAT ALI S/O SAMER KHAN BACDARA	01-03-71	729	GPS, SULATAND	-DO-
12.	FAZAL AHMAD S/O AMIR SAHIB LABAT	20-02-73	719	GMPS, DHERAI CHINGLALAI	-DO-
13.	MOHD: ANWAR S/O AMIR HAWSHAD TNAGAT KASS	05-04-73	712	GMPS, KHARO GAT	-DO-
14.	HAMIDUR RAHMAN S/O QARIBU RAHMAN RUBYAL	01-05-72	674	GMPS, QALAGAY	-DO-
15.	IMTIAZ ALI S/O BEHRUZ LILONAI	01-05-72	786	GMPS, GABRAL	-DO-
16.	HAZRAT HASAN S/O HAYAKHEL PAGOKAI	11-04-76	772	GMPS, BATNADAN	-DO-
17.	FAZAL ALIM S/O SAID MAHMOOD SMASTEY	05-01-70	586	GMPS, NAHI RAMET-I	-DO-
18.	FAZAL RAHIM S/O JAN MOHD: ALAGRAHE	15-05-73	759	GPS, SHAHOU KALAM (SAP)	-DO-
19.	MOHD: RIAZ S/O DURANAY B.P. CHAKESAR	04-05-69	754	GMPS, TINKOT	-DO-

CONTD: ON PAGE-2

6-C

Page-2

20. MUSHTAQ AHMAD S/O WALI AHMAD HARTUNG	20-05-72	736	GHPS, DALSHISH	-DO-
21. TRAJ MOHS: KILAN S/O HAJI AKBAR CHAKESAR	02-01-70	735	GHPS, WAHI RAMET NO. 11	-DO-
22. GOHAR ALI S/O MOHD: SULTAN CHAKESAR	11-07-72	728	GHPS, DUF HANAI	-DO-
23. ZIAULLAH S/O GHULAM JELANI CHAKESAR	27-08-74	727	GHPS, CHOHAI	-DO-
24. SAHIB ALI KHAN S/O SULTAN NIKANDAR CHAKESAR	20-01-74	724	GPS, TOR KAHAR	-DO-
25. WALIULLAH S/O SHAMSUR RAHMAN HARTUNG	20-01-73	723	GHPS, KUZ KAD	-DO-
26. GHULAM BADSHAH S/O HOZI KHAN TIHOWRAL	10-03-69	717	GPS, ZADAY	-DO-
27. SALAMAT KHAN S/O ADALAT KHAN CHAKESAR	11-02-69	708	GHPS, KANDOW KASS	-DO-
28. SHAMSHER ALI S/O PARAS CHAKESAR	12-03-74	703	GHPS, HAZI DEHAL	-DO-
29. MUJIBUR RAHMAN S/O AZIZUR RAHMAN CHAKESAR	04-05-72	680	GHPS, BAR SURBAND	-DO-
✓ 30. MOHD: AYAZ S/O ABDUL AHMAD SHIKOLAI	01-01-68	667	GHPS, SAR HANGLOR	-DO-
31. SHEH ALI KHAN S/O SARBAZ KHAN CHAKESAR	10-03-69	635	GHPS, KHANAR PATAY QALAGAY	-DO-
32. SHAH WALI KHAN S/O SARFARAZ KHAN CHAKESAR	10-10-67	615	GHPS, SAMBANY	-DO-

TERMS & CONDITION:

1. Their apptt: is temporary and is liable to termination/reversion at any time without any reason being assigned .
2. In case of resignation they will have to submit one month prior notice to the Deptt: or forfeit one month pay in lieu thereof to the Govt.
3. They should not be allowed to take over charge if their ages are less than 18 years or above 27 years .
4. They are required to produce Health & Age certificate from the Medical Supdt: Saidu Group of Hospital Saidu Sharif .
5. Charge report should be submitted to all concerned.
6. If they failed to take over charge of the post within 15 days after the issue of this order their apptt, shall stand as cancelled.
7. Certificates should be checked before handing over charge,
8. The SDEO, is directed to make transfers of the senior teachers on the basis of tenure against the above fresh appointee in the General transfer according to Govt. policy .

6-D

of Ferdinand Torres

Page-3

9. The academic certificates/Degrees of all the candidates should be got verified from the respective Examination Board and University within 15 days.

1003-40

(FAZLI HANUM KHAN)
DISTRICT EDUCATION OFFICER (M)
PRIMARY SWAT DISTRICT SWAT

ANUST: NO

Copy of the above is forwarded for information and necessary action to the:-

1. P.S to Minister for Education NWFP, Peshawar w/r to his telephonic directions dated 29/08/94 at 8.00 A.M.
2. Director Primary Education NWFP, Hayatabad Peshawar.
3. Sub-Divl: Education Officer (M) Saidu Shari/Aipurai.
4. Candidates concerned.

S. Ghani/..

DISTRICT EDUCATION OFFICER (M)
PRIMARY SWAT DISTRICT SWAT

Annexure - B -

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

AMENDMENT

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

CHIEF SECRETARY
GOVERNMENT OF THE KHYBER PAKHTUNKHWA

NOTE: NO & EVEN DATE

Copy is forwarded to:-

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

DC
18/8/20
1267
06/08/20

(Signature)
DEPUTY SECRETARY (POLICY)

ATTESTED

(Signature)

(Signature)

B/c -8-

GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(REGULATION WING)

NOTIFICATION

Dated Peshawar the, 06/08/2020

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

AMENDMENT

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

CHIEF SECRETARY
GOVERNMENT OF THE KHYBER PAKHTUNKHWA

(ANDS): & EVEN DATE

Copy is forwarded to :-

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

(WARDAH LATIF
DEPUTY SECRETARY (POLICY)



Annexure - C



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
No. SO(Polcy)H&AD/1-3/2020
Dated Peshawar the June 06, 2023

62

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

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

Dear Sir,
I am directed to refer to your letter No. SO(Polcy)H&AD/1-3/2020-
2/Appointment/2023 dated 18.04.2023 on the subject noted above and to state that Sub-Rule
(5) of Rule-7 of Khyber Pakhtunkhwa Civil Services (Appointment, Promotion and Transfer)
Rules, 1989 stands deleted vide this department notification dated 06.08.2020; thus, no
provision exists to debar or forgo promotion.

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

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

Yours faithfully,

(Ijaz Nadeem Khan)
Section Officer (Policy)

ASE
7/6

Encl. Of even No & date

Copy forwarded to the:-

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

Section Officer (Policy)

2023
21.6.23



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

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

To

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

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

[Handwritten Signature]
26/6/23

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

[Large Handwritten Signature]

B/c -11-

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

To

The Director
Elementary & Secondary Education Department
Khyber Pakhtunkhwa, Peshawar

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

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

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

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

Encl: AA

(MURAMMAD ISHAQ)
SECTION OFFICER (PRIMARY MAIL)

Copy forwarded to the:

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

SECTION OFFICER (PRIMARY MAIL)



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.


Annexure
①


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

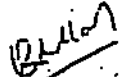
2. The meeting started with recitation from The Holy Quran. The chair welcomed the participants. The Deputy Director (Establishment) of Directorate of Elementary & Secondary Education briefed the forum regarding agenda item in detail.


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

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


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


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


(Mr. Razaqal Ullah)
General Secretary APTA
Peshawar


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

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



-13-
-B/C-

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

A meeting regarding the subject matter was held on 05-07-2023 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)

[Handwritten signature]

WP4442-2023 AZIZULAH VS GOVT CP PG43

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

1. PA to Director Local Director
2. Master Copy

Evids: No. Copy of the above is as:

Assistant Director (Establish-1)
Elementary & Secondary Education
Khyber Pakhtunkhwa
21/07/2023

The case is submitted for perusal and necessary actions please.

Departmental Promotion Committee.

Teachers below 75 may be exempted of implications of the amendment in the rules bid 75) have affected negatively a huge numbers of Female Teachers. Thus it is proposed that in view of the above, the office is of considered opinion that the deletion of Rules been asked for submission of consolidated case.

Chairman of the Provincial Government Secretary Establishment of his office this office has that, in the light of the minutes of meeting dated 6-07-2023, held under the (Primary-4) E&SED/2-2/1/2023 dated 12-06-2023.

The same was received by this office from your good office vide letter No.50 (Primary-4) E&SED/2-2/1/2023 dated 12-06-2023.

That there exists no provision in decline or forgo promotion. It is obligatory upon every civil servant to accept promotion under every condition.

That the Government of Khyber Pakhtunkhwa Establishment Department (Regulation 1989) vide letter No.50 (Policy) E&A/D/1-1/2020 dated 06-06-2023 categorically stated that you are not to be considered for necessary guidance.

That you are not to be considered for necessary guidance.

(ii) It is the prerogative of the civil servant to either accept or turn down the offer of promotion.

(i) Now if the civil servant to accept promotion in every condition.

No.6087 dated 06-02-2023.

That this office guidance from your good office in the following words vide letter vide No.50 (Policy) E&A/D/1-1/2020 dated 06-06-2023.

That Government of Khyber Pakhtunkhwa Establishment Department (Regulation 1989) dated Rule 75) in the Civil Servants (Appointment, Promotion & Transfer Rules 1989) wide notification No. No. 50R-11 (E&A/D/1-1/2020 dated 06-06-2023.

I am directed to refer to the letter No.50 (Primary-4) E&SED/2-2/1/2023 dated 10-07-2023 on the subject cited above and in present brief history about the background of the case as under

MINUTES OF THE MEETING

The Section Officer (Primary-4),
Elementary & Secondary Education Department,
Khyber Pakhtunkhwa



Phone: 0919223344 Email: establishment@khyber.gov.pk

Khyber Pakhtunkhwa, Peshawar
No. 34557/M/General Copy dated 21/07/2023

[Handwritten signature]

- 2. Master Copy
 - 1. PA to Director Local Districts
- Copy of the above to:
 Richard Director
 Elementary & Secondary Education
 Khyber Pakhtunkhwa.

Please -
 The case is submitted for perusal and necessary action
 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.

consolidated case.
 held under the chairmanship of Hon. Additional Secretary Education
 Department at his office. This office has been asked for submission of
 That in light of the minutes of the meeting dated 6-07-2023
 no provision to declare force provision. It is obligatory upon every civil
 servant to accept promotion under every condition.
 That the government of KP-ED (Regulation Wing) vide letter No. SO (Policy)
 E&D/1-3/2020 dated 6-06-2023 categorically stated that there exists
 no provision to declare force provision. 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. SO (Primary-I) E&SED/2-2/Appointment/2023 for necessary
 guidance.
 That the government of KP-ED (Regulation Wing) vide letter No. SO (Policy)
 E&D/1-3/2020 dated 6-06-2023 categorically stated that there exists
 no provision to declare force provision. 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. SO (Primary-I) E&SED/2-2/Appointment/2023 for necessary
 guidance.
 That this office sought guidance from your good office in the following
 vide notification No. No. SOP-VI (E&D) 1-3/2020 dated 08-08-2020.
 That the government of KP-ED (Regulation Wing) vide letter No. SO (Policy)
 E&D/1-3/2020 dated 6-06-2023 categorically stated that there exists
 no provision to declare force provision. 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. SO (Primary-I) E&SED/2-2/Appointment/2023 for necessary
 guidance.
 That this office sought guidance from your good office in the following
 vide notification No. No. SOP-VI (E&D) 1-3/2020 dated 08-08-2020.
 That the government of KP-ED (Regulation Wing) vide letter No. SO (Policy)
 E&D/1-3/2020 dated 6-06-2023 categorically stated that there exists
 no provision to declare force provision. 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. SO (Primary-I) E&SED/2-2/Appointment/2023 for necessary
 guidance.

Subject: Minutes of Meeting
 KPR, Peshawar.
 Section Officer (Primary-Male)
 Directorate of Elementary & Secondary Education Department.
 Peshawar
 (21-7-2023)



-16-

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

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

Annexure
E

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

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

Dear Sir,

I am directed to refer to your letter No. SO(Policy)/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 or mother-in-law who need care. In such cases, there are negative effects on service delivery.

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


(MUHAMMAD ISHAQ)
SECTION OFFICER (PRIMARY MALE)

Copy forwarded to the:

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


SECTION OFFICER (PRIMARY MALE)
28/8/23

Scanned with CamScanner

[Handwritten signature]

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

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.

Civil Servant (Efficiency and Discipline) Rule 2012.
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.
those officers/officials who do not comply with promotion order Promotion and Transfer Rules 1989) it has been intimated that deletion of Rule 7(S) Khyber Pakhtunkhwa Civil Servant (Appointment, 1-3/2020 dated 01 June 2023 and to state that after 9 am directed to refer to your letter No. SA (Army) (Policy) /E&AD Dear Sir,

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

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

To
No. SA (Army - M) E&SE / 8-2 / Appointment - Rule / 2023
Peshawar Dated 23rd August, 2023.

- 8/c -
- 17 -

Annexure - F



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

To

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

Subject:

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

Dear Sir,

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

Yours faithfully,

Section Officer (Policy)

Endst. Of even No & date

Copy forwarded to the:-

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

WP/142-2023 AZIZULLAH VS GOVT OF PK 03

-19-

- B/c -

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

To

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

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

Dear Sir,

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

Yours faithfully,

Section Officer (Policy)

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.

Section Officer (Policy)

Annexure - G

To,

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


Subject: REPRESENTATION AGAINST THE IMPUGNED NOTIFICATION BEARING NO.SO(POLICY)E&AD/1-312020, 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 and against the fundamental principles of natural justice.

Dated 26/10/2024


MUHAMMAD AYAZ
SO ABDUL AHMAD
PSHT

Aziz Ullah Khan
President
0333-0414858
azizullah1973@gmail.com
51 nainkhal



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

آل پرائمری ٹیچرز ایسوسی ایشن (اپٹا) خیبر پختونخوا

Annexure - H

مہذب: میکر لای بلٹری کے سیکرٹری اور ایجنٹ خیبر پختونخوا
مہذب: آل پرائمری ٹیچرز ایسوسی ایشن خیبر پختونخوا
تاریخ: 20/07/2023

گزارش ہے کہ پرموشن ہر ادارے میں ہوتے ہیں اور سرکاری ملازم کی خواہش ہوتی ہے پرموشن کا ایک قانون ہونا چاہیے کہ ہر ملازم ایک آکر کسی
مہذب کے تحت ایک دن پرموشن نہ لیں تو وہ پھر آجیاد چار سال تک پرموشن نہیں لے سکتے تھے مطلب چار سال تک ہر اس کی پرموشن نہیں ہو سکتی تھی
پھر اس قانون میں ترمیم کی گئی کہ ہر ملازم ایک سال پرموشن نہ لیں تو وہ دوسرے سال لے سکتا ہے
لیکن اب ایک وقت پہلے ایک اور نوٹیفکیشن آیا ہے
جس کے مطابق اب ہر ملازم پرموشن ضرور لیں گے آکر نہیں لیں گے 7 اس کے خلاف ایس کے ایس کے مطابق قانونی کر کے لایا گیا ہے
اسلئے یہ آئی نوٹیفکیشن زیادتی قانون کی کئی خلاف ہوتی ہے جسے کالعدم قرار دینا اور ہڈی لاقوں میں ناسی کرنا خواتین اساتذہ کو انہی کے حقوق کا
سماں کرنا ہرگز نہیں
جبکہ عام حالات میں بھی فوری پرموشن اور درجہ الٹی میٹیم لایا گیا قانون کی خلاف ورزی ہے کیونکہ خیبر پختونخوا میں پرموشن سے قانونی دشمنیاں
ہو رہی ہیں ایسے حالات میں یہ قانونی نوٹیفکیشن جو کانسٹیبل کی کاپی میں لیکر گیا ہے اس کا کیا ہے جو ہڈی اور زیادتی قانون کی خلاف ورزی
ہم اس کے خلاف قانونی چارے لے کر اس میں کلیم لگائے ہیں
لہذا ہم آپ سے درخواست کرتے ہیں کہ کوئی نوٹیفکیشن کو دائیں لیا جائے یا اس میں ترمیم کر کے پرائمری اساتذہ کو (Belonging) دیا جائے اور ان کو
رہنما پرموشن لینے کی ہدایت ان کو کرنا ہے تاکہ ان کے حقوق سے لینے والا جائے
اور پرموشن نہ لینے کی صورت میں ہاتھ دلا لیا جائے لیکن یہ فوری کرنا چاہئے
اس سلسلے میں آپ جلد اجلاس (MOA) لیں اور ایک قسم میں مراسلہ جاری کیا جائے تاکہ اساتذہ کو سب سے پہلے پرائمری اساتذہ کو دینا
البتہ اور ہرگز نہ لینا چاہئے
کیونکہ نوٹیفکیشن جاری ہونے سے ہی پرائمری اساتذہ کو دینا شروع کر کے اس سلسلے شروع ہو چکا ہے
لہذا ہم یہ توقع رکھتے ہیں کہ آپ صاحبان فوری ایکشن لیکر سب سے پہلے پرائمری اساتذہ کو دینا شروع کریں تاکہ اس قانونی لایٹ سے انہی کو لاپتہ نہ لگائیں گے

عکریہ

Handwritten signature and date: 20/7/23

عزیز اللہ خان سرہاں سردور
آل پرائمری ٹیچرز ایسوسی ایشن خیبر پختونخوا

Handwritten signature

VAKALAT NAMA

BEFORE THE SERVICE TRIBUNAL PESHAWAR

MUHAMMAD AYA3

Appellant

Versus

Government of KP & others

Respondents

I (the Appellant)

do hereby appoint and retain

MUHAMMAD MUAZZAM BUTT ASC. MUHAMMAD ADEEL BUTT AHC

BASSAM AHMAD SIDDIQUI AHC

&

ASSOCIATES OF MUAZZAM LAW FIRM

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

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



APPELLANT

ACCEPTED

MUHAMMAD MUAZZAM BUTT
Advocate Supreme Court

MUHAMMAD ADEEL BUTT
Advocate High Court

BASSAM AHMAD SIDDIQUI
Advocate High Court