


# FORM OF ORDER SHEET

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

Appeal No. 2345 /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**

Ghulam Farooq

S.No-2345/24

V/S

Government of KP & others

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ADVOCATE

**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA**

In Ref to

Service Appeal No. 2345 /2024

Ghulam Farooq Son of Amir Muhammad Resident of Tehsil & District Mardan

Designation: Primary School Head Teacher at GMPS Nana Khel

.....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:-

**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 effects the interests of the employees or causes disadvantage to the employee is not tenable in the eyes of law. The notification/guidance dated 06/08/2020 06/06/2023 are liable to be 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 /2020 communicated on 06/06/23 would not be able to serve in the department and which shall amount to the snatching of bread and butter of the poor employees

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

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

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

*[Signature]*  
Appellant

**AFFIDAVIT:**  
  
I Ghulam Farooq Son of Amir Muhammad Resident of Tehsil & District Mardan that the contents of foregoing appeal are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Court

*[Signature]*  
Deponent

Through

*[Signature]*  
Muhammad Muazzam Butt  
Advocate Supreme Court

*[Signature]*  
Muhammad Adeel Butt  
Advocate High Court

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

BEFORE THE SERVICE TRIBUNAL KHARRI PAKHINKHWA

CA No. \_\_\_\_\_ P-01/2024

In Ref to

Service Appeal No. \_\_\_\_\_ /2024

GHULAM FARUQ

VERSUS

Secretary to Government of Khyber Pakhtunkhwa & others

APPLICATION FOR SUSPENSION OF DEIGNED NOTIFICATION BEARING NO. 50 (POLICY) EAD/1-3/2020 DATED 06/08/2020, COMMUNICATED TO RESPONDENT NO.2 BY VIDE LETTER DATED 06/08/2023 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 appeal and if the prohibition bearing No. 50 (Policy) EAD/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/are awarded in the case.

In view of the reasons, it is humbly requested that the prohibition bearing No. 50 (Policy) EAD/1-3/3020 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.

*[Signature]*  
Appellant

Through


*[Signature]*  
Appointed Registrar  
Appellate Tribunal  
Appellate Division  
AT-1  
Islamabad

ATTESTED

APPRAVER  
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 therefrom from this Honorable Court  
*[Signature]*  
Deponent

Dist. Govt. KP-Provincial  
District Accounts Office Mardan  
Monthly Salary Statement (October-2023)

-6-  
Annexure A



Personal Information of Mr GHULAM FAROOQ d/w/s of AMIR MUHAMMAD

Personnel Number: 00127395 CNIC: 1610222901559 NTN: 0  
Date of Birth: 15.12.1967 Entry into Govt. Service: 02.11.1994 Length of Service: 29 Years 00 Months 000 Days

Employment Category: Vocational Permanent

Designation: PRIMARY SCHOOL HEAD TEACH 80003433-DISTRICT GOVERNMENT KHYBE

DDO Code: MR6157-DY.DISTRICT EDUCATION OFFICER (M) TAKHT BHAI MARDAN

Payroll Section: 003 GPF Section: 001 Cash Center: 7

GPF A/C No: EDUMR009820 GPF interest applied GPF Balance: 260,244.00 (provisional)

Vendor Number: - Pay and Allowances: Pay scale: BPS For - 2022 Pay Scale Type: Civil BPS: 15 Pay Stage: 22

Wage type		Amount	Wage type		Amount
0001	Basic Pay	67,480.00	1001	House Rent Allowance 45%	3,524.00
1210	Convey Allowance 2005	2,856.00	1300	Medical Allowance	1,500.00
1505	Charge Allowance	40.00	2148	15% Adhoc Relief All-2013	888.00
2199	Adhoc Relief Allow @10%	594.00	2316	Teaching Allowance 2021	3,224.00
2341	Dispr. Red All 15% 2022KP	6,607.00	2347	Adhoc Rel AJ 15% 22(PS17)	6,607.00
2378	Adhoc Relief All 2023 35%	23,618.00			0.00

Deductions - General

Wage type		Amount	Wage type		Amount
3015	GPF Subscription	-4,290.00	3501	Benevolent Fund	-1,200.00
3609	Income Tax	-2,515.00	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

Deductions - Income Tax

Payable: 40,832.88 Recovered till OCT-2023: 10,507.00 Exempted: 10207.88 Recoverable: 20,118.00

Gross Pay (Rs.): 116,938.00 Deductions: (Rs.): -8,740.00 Net Pay: (Rs.): 108,198.00

Payee Name: GHULAM FAROOQ

Account Number: 16577-8

Bank Details: HABIB BANK LIMITED, 220472 TAKHT BAI, MARDAN. TAKHT BAI, MARDAN., MARDAN

Leaves: Opening Balance: Aailed: Eamed: Balance:

Permanent Address: MAULUNAI KILLI

City: MARDAN

Domicile: NW - Khyber Pakhtunkhwa

Housing Status: No Official

Temp. Address:

City:

Email: ghulamfarooqgps@gmail.com

ATTESTED

System generated document in accordance with APPM 4.6.12.9(130696/24.10.2023/v3.0)

All amounts are in Pak Rupees

\* Errors & omissions excepted (SERVICES/01.11.2023/18:14:49)



Date of Iss. Appointment

02-11-1994

DEPARTMENT OF EDUCATION OFFICER (M.A.) PRIMARY, D.A.D.A. PESHAWAR

ORDER

Consequent upon the advertisement published in the Daily Maw Peshawar dated 25/9/1994, interview held on 12/13/10/94 by the Departmental selection committee Mardan District and merit list prepared according to Govt. rules, the following PTC trained candidates (RDE Peshawar) hereby appointed as PTC trained teachers in RPS-7 (1430-81-2695) plus his allowances as admissible under the rules w.e.f. the date of taking over charge in the school noted against each in the interest of public service on the following terms and conditions:

S.No.	Name of Candidate/Home address/Qualification.	PTC Marks.	School where Reappointed.
<b>P.F. 19-Mardan-2.</b>			
1/7	Ali Rehman S/O Said Rehman R/O Mazar MA.	699	GPS, Chimbar, A.V. Bd.
<b>P.F. 20-Mardan-2.</b>			
2/8	Noor Mohammad S/O Said Kamal R/O Asar Abad (R) M.Sc.	776	GPS, Shamsi Banda -do
3/9	Mir Asrar S/O Amir Mohd: R/O Chergulli MA.	713	GPS, Gurkhani -do
4/10	Akhtar Ali S/O Shah Mohd: R/O Rustan MA.	732	GPS, Machi (R) -do
5/11	Sardar Ali S/O S.S, Khana Kothe BSC (In Service).	190	GPS, Zamard Koha -do
<b>P.F. 21-Mardan-4.</b>			
6/12	Minhajud Din S/O Islamud Din R/O Mawlang M.Com:.	787	GPS, Kallu Sheh -do
<b>P.F. 22-Mardan-5.</b>			
7/18	Ghulam Farooq S/O Amir Mohd: R/O Caro Sabh F.Sc.	698	GPS, Wana Khe -do
8/19	Hisar Mohd: S/O Hayat Khan R/O Ibrahim Khan Killi B.Sc.	690	GPS, Gubar Khan -do
9/20	Guhar Ali S/O Noor Rehman R/O Bath Baba (M. Bahai) F.Sc	690	(S.A.T) GPS, Chargo Koha -do
<b>P.F. 23-MARDAN-6.</b>			
10/21	Jafar Khan S/O Sawab Khan R/O Lund Koha MA.	811	GPS, Chahrasa Banda -do
11/22	Shah Jehan S/O Ziarat Khan R/O Hadey Koha B.Sc.	808	GPS, Fari Saddi -do
12/23	Shah Meera S/O Lajbar R/O Lund Koha MA.	774	GPS, Fari Saddi -do
13/24	Sikandar Khan S/O Ghulam Mohd: R/O Turkoo Dheri M.Sc.	767	GPS, Fari Saddi -do
14/25	Maveed Akhtar S/O Mien Gul R/O Kachmir Abad BSC.	703	GPS, Nashmir Koha -do
15/26	Haidar Ali S/O Abdul Malik R/O Hadey B. Sa M.Com:	702	GPS, Fari Saddi -do
16/27	Naseer Khan S/O Fasihud Din R/O Takkara MA.	700	GPS, Fardher -do
17/28	Mohammad Mujib S/O Kubaras Khan R/O Takkara MA.	693	GPS, Khan Qila -do
18/29	Farid-ou Shah S/O Fazli Rabbi R/O Takkara M.Com:	685	GPS, Fardher -do
19/30	Mazeer Ahmad S/O Abdul Baqi R/O Umra Koha MA.	653	GPS, Serli -do
20/31	Ziarat Khan S/O Said Rehman R/O Mawlang MA.	615	GPS, Torkha -do

Cont Page No. 2.

ATTESTED

- 21/32. Javed Khan S/O Sardar Khan R/O 595 GFS, Bari Banda (M.A.)
- 22/33. Karim Abad FA. GFS, Mohd. Roz Khan
- 23/34. Shamsur Rehman S/O Marafit Shah 539 GFS, Mir Khan
- J/O Athian FA. GFS, Mir Khan
- Jehangir Khan S/O Muafar Khan R/O Made Daba (S/T GFS, Ghazi Shah) 288 GFS, Mir Khan

GENERAL MERIT.

- 24/1. Rab Nawaz Khan S/O Haji Bahadar R/O Moh: Abdullah Mdn: SSC 795 GFS, Bari Banda (SAP)
- 25/2. Mohd: Javed Iqbal S/O Bahadur Din R/O Zarif Khan Dheri P.Sc 780 GFS, Bari Banda
- 26/3. Mohd: Saifdar S/O Mohd: Younas R/O Haricham MA. 767 GFS, Kassa Bahandri
- 27/4. Wazir Mohd: S/O Ghulam Mohd: R/O Jaizo Kharki I.A 761 GFS, Gee...
- 28/5. Mohd: Wasir S/O Firdus Khan R/O Taza Gram SSC. 715 GFS, Anar...
- 29/6. S. Maleem Badshah S/O S. Noor Badshah R/O Katlang P.Sc 701 GFS, Bahadur Abad
- 30/7. Bahramand Khan S/O Bahadar Shar R/O Katlang P.Sc 700 GFS, Uho...
- 31/8. Fazli Karam S/O Abdul Maester R/O Darab Moh: Mdn: SSC 677 GFS, Mohd: Wali...
- 32/9. Hayat Jan Masih S/O Jan Masih R/O Mohallah Abas Khan Mdn: SSC 648 GFS, Sokal
- 33/10. Dildar Masih S/O Ram Lal R/O Cantt Mardan. FA. 647 GFS, Tatar...
- 34/11. Norani Masih S/O Inayat Masih R/O Moh: Abas Khan Mdn: SSC 647 GFS, Gumbal (SAP)
- 35/12. Nimatullah S/O Arifulla R/O Katlang (S/T GFS Matha Khas) 150 GFS, Shim...

TERMS & CONDITION.

1. Their appointment are made purely on tempo basis invariable to termination at any time assigning any reason or notice.
2. In case of resignation they will have to submit one month's prior notice to the Deptt: or forfeit one month's pay in lieu thereof to the Govt:.
3. They are required to produce Health and age certificate from the D.S. Hospital Mardan before taking over charge.
4. Their original certificate should be checked before handing over charge.
5. They shall governed by such services discipline and conduct rules have been or may be prescribed their father by the Govt:.
6. They should not be allowed to take over charge in case their age is less than 18 years and above than 25 1/2 years.
7. If they fail to take over charge of the post within 15 days of the issue of this order their appointment order will be cancelled.
8. NO.TA/DA etc is allowed to any one.

(G. R. KARIMULLAH KHAN)  
 DISTRICT EDUCATION OFFICER, (M.A.)  
 TARIKAT MACHAN, MARDAN  
 VOL. 11/2-AD/EDUC/02/115

Enst: No. 3951-3939  
 Copy to the:-

1. Director Primary Education N.W.F. - Ayat Abad Peshawar for information
2. Sub Divl: Education Officer, (M) Mardan.
3. Sub Divl: Education Officer, (M) Takht Bhai
4. District Accounts Officer, Mardan.
5. Candidates concerned.

DISTRICT EDUCATION OFFICER (M.A.)  
 TARIKAT MACHAN, MARDAN

ATTESTED

ATTESTED

11-11-2020

DEPUTY SECRETARY POLICE  
QWADAH LATIP

*[Signature]*

ATTESTED



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

CHIEF SECRETARY  
GOVERNMENT OF THE KHAYBER PAKHTUNKHWA

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

NOTIFICATION  
Date: Peshawar, the 02/8/2020  
In exercise of the powers conferred by section 25 of the Khyber Pakhtunkhwa Civil Servants Act No. XVIII of 1973 (Khyber Pakhtunkhwa) is pleased to direct that in the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the following amendment shall be made, namely:  
The Chief Minister of Khyber Pakhtunkhwa (Appointment, Promotion and Transfer) Rules, 1989, the following amendment shall be made, namely:

GOVERNMENT OF  
KHAYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT  
(REGISTRATION-WING)

Annexure - 1 - B -

- 9 -

B/c - - - 10 -

GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT  
(REGULATION WING)

NOTIFICATION

Dated Peshawar the, 06/08/2020

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

AMENDMENT

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

CHIEF SECRETARY  
GOVERNMENT OF THE KHYBER PAKHTUNKHWA

(ANDS): & EVEN DATE

Copy is forwarded to :-

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

(WARDAH LATIF)  
DEPUTY SECRETARY (POLICY)

ATTESTED



Annexure - C



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT  
No. SO(Polcy)HR&AD/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(B) 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)1454/177-  
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 Servants (Appointment, Promotion and Transfer)  
Rules, 1989 stands deleted vide this department notification dated 06.08.2020; thus, no  
provision exists to decline or forgo promotion.

2. The basic rationale behind the deletion of the said rule is aimed at preventing a  
civil servant from temptation for ill-gain by seeking 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 Servants (Efficiency & Discipline) Rules,  
2011, please.

Yours faithfully,  
  
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.

withd. date:  
2.1.6.23

Section Officer (Policy)

ATTESTED

- 12 -

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  
Lalod Peshawar, Dho. June 26, 2023

To

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

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

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

I am directed to refer to the subject noted above and to enclose herewith 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

  
(MUHAMMAD ISHAQ)  
SECTION OFFICER (PRIMARY/MALE)

Copy forwarded to the:

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

  
SECTION OFFICER (PRIMARY/MALE)  
26/6/23

B/c -13-

No 50 (Primary-M)/E&SED/2-6/2023  
Dated Peshawar the June 26<sup>th</sup> 2023

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

Aziz Ullah Khan President  
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)

WP4442-2023 AZIZULLAH VS GOVT CP PG43

ATTESTED

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

Annexure  
0


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

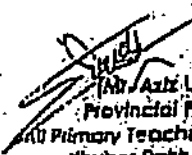
Sl#	NAME	DESIGNATION
1	Mr. Fazal Wahid	Deputy Director Establishment of Directorate Elementary & Secondary Education Department
2	Mr. Aziz Ullah	Provincial President All Primary Teachers Association Khyber Pakhtunkhwa
3	Mr. Razaqat Ullah	General Secretary APTA Peshawar
4	Muhammad Ishaq	Section Officer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

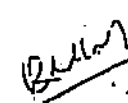
2. The meeting started with recitation from the Holy Quran. The chair welcomed the participants. The Deputy Director (Establishment) of Directorate of Elementary & Secondary Education briefed the forum regarding agenda item in detail.


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

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

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

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

  
(Mr. Razaqat Ullah)  
General Secretary APTA  
Peshawar

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

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

  
ATTESTED



-15-  
-B/C-

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

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

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

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

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

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

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

\_\_\_\_\_

Provincial President  
All Primary Teachers Association  
Khyber Pakhtunkhwa

\_\_\_\_\_

(Mr. Razaqat Ullah)  
General Secretary APTA  
Peshawar

\_\_\_\_\_

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

\_\_\_\_\_

(Abdullah)

Additional Secretary (Establishment)

ATTESTED

ATTESTED

WP 443-2023 AZZULAH VA GOVT CP P043

Attestation Director (Ex-Officio)  
Ministry of Secondary Education  
Kyber Pakhtunkhwa

Attestation Director (Ex-Officio)  
Ministry of Secondary Education  
Kyber Pakhtunkhwa

17/07/2023

Copy of the above is to:  
1. PA to Director Local Directorate  
2. Master Copy.

The case is submitted for perusal and necessary actions please.

Departmental Formation Committee.  
providing they submit their written report prior to conclusion of the meeting of  
Teachers holding BPS-16 may be exempted of implications of the order in the rules laid  
75) have affected negatively a huge number of Female Teachers. Thus it is proposed that  
in view of the above, this office is of considered opinion that the deletion of Rules  
has been asked for submission of consolidated case.  
Chairman/Secretary, Additional Secretary Establishment of this office, has  
That, in the light of the minutes of meeting dated 6-07-2023, held under the  
(Primary-4) E&SED/2-1/Applm/2023 dated 12-06-2023.  
The same was received by this office from your good office vide letter No.50  
civil servants to accept promotion under every condition.  
that there shall be no provision in decline or forgo promotion. It is obligatory upon every  
Wing) vide letter No.50 (Policy) E&A/O/1-1/2020 dated 6-06-2023 categorically stated  
That the Government of Kyber Pakhtunkhwa Establishment Department (Registration Wing)  
No.50 (Primary-4) E&SED/2-1/Applm/2023 for necessary guidance.  
That your good office forwarded the same to the quarter concerned vide letter  
promotion.  
(ii) It is the prerogative of the civil servant to either accept or turn down the offer of  
No.6087 dated 16-02-2023.  
That this office would be glad to receive your good office in the following words vide letter  
wide notification No. SOR-1/1 (E&AD)/1-1/2020 dated 06-08-2020.  
dated Rule 75) in the Civil Service (Appointment, Promotion & Transfer Rules 1949)  
That Government of Kyber Pakhtunkhwa Establishment Department (Registration Wing)  
I am directed to refer to the letter No.50 (Primary-4) E&SED/2-1/  
G.M/Sec/Min/10 of the meeting/ST/2023 dated 10-07-2023 on the subject cited above and to  
present brief history about the background of the case as under

Subject: MINUTES OF THE MEETING  
Door No. 1  
The Senior Officer (Primary-4/5),  
Ministry of Secondary Education Department,  
Kyber Pakhtunkhwa Peshawar.

To  
No. 8145  
Kyber Pakhtunkhwa Peshawar  
Phone: 09122344  
Email: education@kpk.gov.pk



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

- That Government of KP Establishment department (Regulation Wing) deleted rule 7(S) in Civil Servants (Appointment, promotion, Transfer Rules 1981) vide notification No. No. SDR-VI (E&AD) 1-3/2020 dated 06-08-2020.
- That this office sought guidance from your good office in the following words vide letter No. 6987 dated 06-07-2023
  - (i) Now it is obligatory upon civil servant to accept promotion.
  - (ii) It is prerogative of civil servant to either accept/turndown the offer of promotion.
- That your good office forwarded the same to a/upte 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

Attested Director  
Elementary & Secondary Education  
Khyber Pakhtunkhwa.

  
ATTESTED



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

No. SO(Primary-M)EB&SED/2-2/Appointment-Rules/2023  
Peshawar Dated 23<sup>rd</sup> August, 2023

Annexure  
E

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


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

Dear Sir,

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

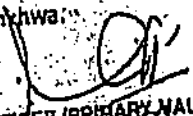
2. In this connection it is submitted that in some cases lady teacher of primary level who avail such promotions have to face serious inconvenience while they have to perform duties in the remotest station with no residential or transport facility. Most of them are married with kids and elder father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

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

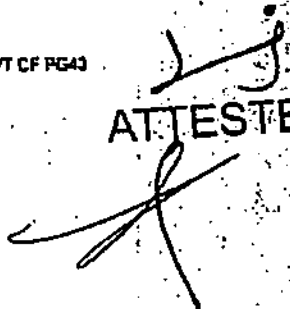
  
(MUHAMMAD ISMAIL)  
SECTION OFFICER (PRIMARY, MALE)

Copy forwarded to the:

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

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

Scanned with CamScanner

  
ATTESTED

- B/c -

- 19 -

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

Peshawar Dated 23rd August, 2023

To

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

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

Dear Sir,

I am directed to refer to your letter No. S. (Primary) / E & AD  
/ 1-3 / 2020 dated 6th June 2023 and to state that after  
deletion of Rule 7(S) Khyber Pakhtunkhwa Civil Servant (Appointment,  
Promotion and Transfer Rules 1989) it has been intimated that  
those officers/officials who do not comply with promotion order  
of the competent authority or try to evade promotion through  
different means shall be proceed under Khyber Pakhtunkhwa  
Civil Servant (Efficiency and Discipline) Rule 2011.

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

Copy forwarded to;

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

(Muhammad Ishaq)  
Section Officer (Primary  
Male)

ATTESTED

20-

Annexure - F



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

*[Handwritten Signature]*  
TESTED

To

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

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

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

Yours faithfully,

*[Handwritten Signature]*  
Section Officer (Policy)

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.

*[Handwritten Signature]*

WP427-2023 AZIZULLAH VS GOVT OF PKG

-11-

-21-

- 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)

End 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)

WP#442-2023 AZIZULLAH VS GOVT OF PG43

ATTESTED

Annexure G -22-

To,

Dated: /02/2024

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

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

Sir/ Madam:-

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

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

Best Regards



Ghulam Farooq Son of Amir Muhammad  
Resident of Tehsil & District Mardan





ATTACHED

*[Handwritten signature]*

WP4442-2023 AZIZULLAH VS GOVT OF POK

*[Handwritten signature]*  
88/11/83

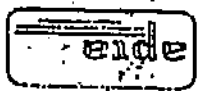
*[Handwritten text]*

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*[Handwritten text at the bottom of the main body]*

Annexure - H

APTA House  
Govt. Primary School, Naya  
Gubbar, Peshawar City



Khyber Pakhtunkhwa

Annexure H

President  
0333-041444  
0333-04144473@gmail.com  
Peshawar

# VAKALAT NAMA

## BEFORE THE SERVICE TRIBUNAL PESHAWAR

GHULAM FAROOQ

Appellant

Versus

Government of KP & others

Respondents

I (the Appellant)

do hereby appoint and retain

MUHAMMAD MUAZZAM BUTT ASC. MUHAMMAD ADEEL BUTT AHC

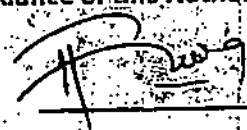
BASSAM AHMAD SIDDIQUI AHC

&

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

