


FORM OF ORDER SHEET

Court of _____

Appeal No. 2346 /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

Hasbun Allah

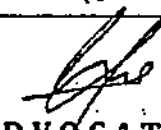
S.A No:- 2346/24

V/S

Government of KP & others

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ADVOCATE

-1-

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

In Ref to

Service Appeal No 2346 /2024

Hasbun Allah Son of Fazli Subhan Resident of Tehsil & District Mardan

Designation: Senior Primary School Teacher at GMPS Ajoon S. Dher

.....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 Senior Primary School Teacher.
Copy of Monthly Salary account is annexed as Annexure A

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

"Furthermore, those officers/officials who do not comply with promotion order of the competent authority or try to evade promotion through different means shall be proceeded against under Khyber Pakhtunkhwa Civil Servants (Efficiency Discipline) Rules, 2011, please".
5. That as per notification No. SD (Policy) /EDAD/1- 3/2020 dated 06/08/2020, the right of foregoing of promotion was withdrawn and the Government of Khyber Pakhtunkhwa Establishment Department (Regulation Wing) deleted Rule 7(5) in the Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 vide notification no SOR-VI (E & AD)/1-2/2020 dated 06-08-2020. Copy of notification No. SD (Policy) EV AD/1- 3/2020 dated 06/08/2020 is attached as **Annexure B**
6. That the Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar asked for guidance regarding deletion of Rule 7(5) in Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 in respect of which the respondent No. 1 vide its letter No. SO(Policy) E&AD/1-3/2020 dated Peshawar the June 06th, 2023 directed the respondent No 3 (Directorate of Elementary & Secondary Education) that Rule 7(5) in the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 has been deleted vide notification dated 06-08-2020 and ,therefore, no provision exists to decline or forgo promotion and it is obligatory upon every civil servant to accept promotion under every condition. Copy of Impugned Letter dated June 06th, 2023 is attached as **Annexure C**
7. That thereafter the meeting was also held in the office of Additional Secretary Establishment on 06-07-2023 in which it was decided to examine the case properly and submit a self-contained/ consolidated case for onward submission to the Establishment Department for further necessary action. Copy of Minutes of Meeting dated 06-07-2023 is attached as **Annexure D**
8. That the Respondent No.3 i.e. Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa also wrote a letter to the office of Establishment & Administrative Department vide No SO(Primary-M) E&SED/2-2/Appointment Rule/2023 dated 23-08-2023 to reconsider the amendment made in Khyber

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

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

GROUND:-

- a. That as per various judgments it is established and settled principle that executive notifications cannot be given retrospective effect. A valid Notification which confers rights is always applicable with prospective effect, however, if an amendment notification that adversely 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 /2023 communicated on 06/06/23 would not be able to serve in the department and which shall amount to the snatching of bread and butter of the poor employees


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


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

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


AFFIDAVIT:

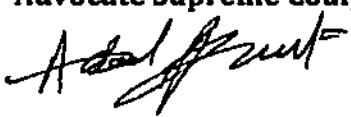
I Hasbun Allah Son of Fazli Subhan Resident of Tehsil & District Mardan that the contents of foregoing appeal are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Court

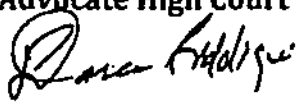

Deponent


Appellant

Through


Muhammad Muazzam Butt
Advocate Supreme Court


Muhammad Adeel Butt
Advocate High Court


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

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

C.M No _____ -P of 2024

In Ref to

Service Appeal No _____ 2024

Hasbun Allah

V E R S U S

Secretary to Government of Khyber Pakhtunkhwa, & others

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

Respectfully Submitted:-

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

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


AFFIDAVIT

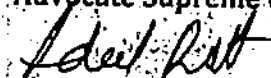
I (the appellant) do hereby solemnly stated on oath that the contents of foregoing application are true and correct to the best of my knowledge and belief and nothing has been concealed therein this Honorable Court.


Deponent


Appellant

Through


Muhammad Muazzam Butt
Advocate Supreme Court


Muhammad Adeel Butt
Advocate High Court

APPOINTMENTS

OFFICE ORDER

The following P.T.C. (Trained) Candidates have hereby appointed on merit basis in BPS, No. 7 (Rs. 750- 31 - 1370) Plus usual allowances as due and admissible to them under the rules with effect from the date of taking over charge in the interest of public service.

S.No.	Name, Father's Name/Address	MARKS OBTAINED IN P.T.C. EXAM.	Name of School Where Posted	Remarks
1:-	M. Tahir Ali s/o Mustaqeem, r/o Odigram Katlang.	808	GPS, Mastali (Mata Katlang)	A.V. Post.
2:-	M. Hazrat Uman s/o Haarib, r/o Kodary Hathlan.	762	GPS, Nardi Miangulzara.	"
3:-	M. Hazrat, Habib, s/o Noor-Habib r/o Lund Khwar.	750	GPS, Sher Khan Banda.	"
4:-	M. Hidayat Khan s/o H. Saldar-Khan r/o Gulmaira L. Khwar.	743	GPS, Charohat	To opend N. School.
5:-	M. Sher Zamin s/o Qadar Gul, r/o Babuzai.	741	GPS, Sangao	A.V.P.
6:-	M. Younas Khan s/o Mir Afzal, r/o Mian Isa L. Khwar.	739	GPS, No. 1, Mian-Khan.	"
7:-	M. Sher Rahman s/o Faqir-Zaman, r/o Qasmi.	739	GPS, No. 2, Kol Barnol	AVP
8:-	M. Mohammad Pervez s/o Rahmanud-Din r/o Spati, Kalan.	736	GPS, Korugh.	"
9:-	M. Niaz Mohammad, s/o Nazar Mohammad r/o Pathna.	732	GPS, Fathma	A. Addl: P.
10:-	M. Sardar Khan s/o Dawood Khan, Sowaryan.	731	GPS, Akbar Abad (Khan)	A.V.P
11:-	M. Darwish Khan s/o Farid Gul, r/o Jangi Dher.	731	GPS, Shan, ser-Sher (Katlang)	To opend New School.
12:-	M. Iltaf Hussain s/o Iranullah, r/o Babu Mohallah.	730	GPS, Barhi Cham	A.V.P.
13:-	M. Mohammad Iqbal s/o Ghani Gul, r/o Jeewar (Rashid)	728	GPS, Subedar Kili	"
14:-	M. Zar Gul s/o Allah Khan, r/o Kati Gaphi.	726	GPS, Dunan Abad	To opend New Scho-
15:-	M. Habibur Rahman s/o Said-Rahman, r/o Par Hoti.	722	GPS, Banus Krel	"
16:-	M. Noor Ahmad s/o Mohammad Jan, r/o Chail Banda.	719	GPS, Janbaz Narai (Chantar)	"
17:-	M. S. Jaffar Shah s/o Syed Zarin, r/o W.No. 3, T. Bhal	714	-do-	"
18:-	M. Tariq Ali s/o Sher Gul, r/o Jeewar.	713	GPS, Sharif Abad (Mandi)	A.V.P.
19:-	M. Liaqat Ali s/o Zortalab Khan, r/o Shikarai Baba.	710	GPS, Minn Ko Baba (Gaddar)	Opend N. Sch.
20:-	M. Rashid Ahmad s/o Amir Rahman, r/o Iran Colony.	708	GPS, Maho Dheri	Admlr. Post.
21:-	M. Mohammad Farooq s/o Fatts Khan, r/o Surkh Dheri.	705	GPS, Aman Kot	To Opend New School.
22:-	M. Mohammad Iqbal s/o Said Gulab, r/o Bako Dheri, Par Hoti.	702	GPS, Noor	"
23:-	M. Safiullah s/o Amanatullah, r/o Toru.	699	GPS, Qayum Abad.	Addl: P.
24:-	M. Rohul Amin s/o Qazi Mohammad, Jallal Shewa Rustan.	699	GPS, Jallal	To opend New School.
25:-	M. Liaqat Ali s/o Itbat Shah, r/o Spinkhat Katlang.	697	GPS, Senai Koroon Dheri	-do-
26:-	M. Itbar Khan s/o Shah Gul Ambar, r/o Dra L. Khwar.	693	GPS, Senai Koroon Mayar	A.V.P.
27:-	M. Afsar Ali s/o Draz Khan, r/o Kptarpan Rustan.	693	GPS, Qasam Abad	"
28:-	M. ...			

ATTESTED
699

Sl. No.	Name's name/address.	Marks Obtained in PTC Exam	Name of School where appointed.	Remarks.
61:-	M. Abdul Chaffar s/o Lalzarir, r/o Bahadurabad Katlang.	616	GMPS, Akra	To Open N. School.
62:-	M. Bakir Sajid s/o Mustaz Khan, r/o Banda L. Khwar.	616	-Malik (Fathma). GMPS, Sherpur	" "
63:-	M. Abdul Qadir s/o Ghulam Nabi, r/o Banda L. Khwar.	614	(Manga). GPS, Bhatai	" "
64:-	M. Fazal Hussain s/o Ghulam Sarwar, r/o Banda L. Khwar.	614	(Mayer). GMPS, Gadani	A.V.P.
65:-	M. Fatenah s/o Mohammada-Jam s/o L. Khwar.	613	(Gumbat). GMPS, Seri Baja	To Open School.
66:-	M. Sajid s/o Mir Khatam, r/o Banda L. Khwar.	613	GMPS, Bagh-Masjed Mdn: GMPS, Jeewar	" "
67:-	M. Hureed Ali Shah s/o Malak Rahman, r/o Banda L. Khwar.	613	-Banda (Dhundia). GMPS, Miangan.	" "
68:-	M. Zabihullah s/o Akhtar Mair, r/o Banda L. Khwar.	612	GMPS, Firdos Khan (Mardan).	" "
69:-	M. Mohammad Ibrahim s/o Mohammad-Ishaq r/o Hoti.	603	GPS, Charcha.	" "
70:-	M. Parvaneh s/o Yousaf Khan, r/o Banda L. Khwar.	599	GPS, Seri Garyala.	A.V.P.
71:-	M. Maroof Khan s/o Munir Khan, r/o Banda L. Khwar.	593	GMPS, Malik Bagh.	Ope: N. School.
72:-	M. Abdul Wahid s/o Mir Jaffar, r/o Katlang.	590	GMPS, Charguli.	A.V.P.
73:-	M. Qudus s/o Wahidullah, r/o Banda L. Khwar.	577	GPS, No. 2, Bhai Khan,	Add: Katlang.
74:-	M. Farooq s/o Hanifullah, r/o Banda L. Khwar.	571	GMPS, Gulshan Abad,	To Open: N. School
75:-	M. Hureed Ali s/o Ali Khan, r/o Banda L. Khwar.	571	GPS, Salim Khan.	Add: P.O. Katlang.
76:-	M. Ishtiaq Gul s/o Saeed Gul, r/o Jalala.	568	GPS, Garyala No. 2.	A.V.P.
77:-	M. Hureed Shah s/o Said Badshah, r/o Begoncha Dheri.	568	GMPS, Umar Gul-	To Open: N. School
78:-	M. Akbar Hussain s/o Bakar Khan, r/o Katlang.	567	-Banda (Natta Katlang). GMPS, Shamozai.	" " "
79:-	M. Farooq s/o Sher Bahader, r/o Banda L. Khwar.	556		

CONDITIONS OF APPOINTMENT

- 1:- NO TA/DA is allowed to any one.
- 2:- His/Their Service is/are liable to termination/reversion at any time without any reason being assigned.
- 3:- In case of resignation He/They will have to submit one month's prior notice to the Deptt: or forfeit one month's pay in lieu thereof to Government.
- 4:- He/They should not be allowed to take over charge if his/their age is/are less than 18 and above 25 years.
- 5:- He/They are required to produce Health and Age Certificate from Medical Supdt: D.H.Q. Hospital Mardan before taking over charge.
- 6:- Charge reports should be submitted to all concerned.
- 7:- If/He/They fails to take over charge of the post within 14 days after the issue of these orders the order of appointment shall stand cancelled.
- 8:- Certificates should be checked before handing over charge.

Endst: No. 19956-Gen: /E-II/Gen: Apptt: PTC Dated Mardan the 3.12.1990.
 (MOH MMAD HUSSAIN KHAN)
 DISTRICT EDUCATION OFFICER,
 (M. LE) MARDAN.

Copy of the above is forwarded to the
 1:-3:- Sub: Divisional Education Officer (Male) Mardan & Takht Shah.
 4:- Candidates Concerned.

1. 96/10/10
 2. 96/10/10
 M. Hussain
 ATTESTED
 Hajjaron

ATTESTED

[Signature]

[Signature]

MAJAHVALI (ADM)
DEPARTMENT OF POLICE

ATTESTED



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

EXIST. NO. & VEN. DATE

CHIEF SECRETARY,
GOVERNMENT OF THE PROVINCE OF KHYBER PAKHTUNKHWA

AMENDMENT

In exercise of the powers conferred by section 20 of the Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. 11 of 1973) the Chief Minister of Khyber Pakhtunkhwa is pleased to direct that the following further amendment shall be made, namely:

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

Dated Peshawar, the 06/18/2020

NOTIFICATION

GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(REGISTRATION WING)

8

[Signature]



-9-

**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

ATTESTED

WP4442-2023 AZIZULLAH VS GOVT OF PG43

GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT INVESTIGATION
No. 801 (Policy) / 2023
Dated Islamabad the 06/06/2023



Handwritten signature and date

The Government of Khyber Pakhtunkhwa
Secretary & Secondary Education Department

Subject: **INVESTIGATION AND PROMOTION OF MR. 766 IN THE
KHYBER PAKHTUNKHWA CIVIL SERVICE (A) POSTS, 1989**

Dear Sir,
I am directed to refer to your letter No. SO/Primary-MYR&S/2023-2/ Appointment dated 18.04.2023 on the subject noted above and to advise that sub-rule (5) of Rule-7 of Khyber Pakhtunkhwa Civil Service (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 bid rule is aimed at preventing a civil servant from completing his bid by sticking to a single lucrative 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 Service (Efficiency & Discipline) Rules, 2011, please.

Yours faithfully,
Sd/-
[Signature]

(Sd/-) [Signature]
Secretary (Policy)

(Sd/-) [Signature]
Secretary (Policy)

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 notes and signatures at the top of the page.

B/C

To,
The 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. 80 (Primary-M) /EE&SED/2-2/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 (Appointments, 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 ibid rule is aimed to 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 Servants (Efficiency & Discipline) Rules, 2011, please.

WP4442-2023 A2129LLAH VS GOVT CF PG43


ATTESTED

-12-

-B/c-

Yours faithfully,

(Essa Muhammad Khan)
Section Officer (Policy)

Endst. of even No Ep date

Copy forwarded to the :-

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

Section Officer
(Policy)

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

-13-

No.SO (Primary-M)/E&SED/2-6/2023
Dated Peshawar (Hd. June 26, 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 (Estab)
E&SE Department in his office.

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

Encl: AA

[Handwritten Signature]

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

Copy forwarded to the:

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

[Handwritten Signature]

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

[Handwritten Signature]
ATTESTED

B/c

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

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

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

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

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

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

Encl: AA

(MUHAMMAD ISHAQ)
SECTION OFFICER (PRIMARY MALE)

Copy forwarded to the:

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

SECTION OFFICER (PRIMARY MALE)


ATTESTED

MINUTES OF THE MEETING REGARDING APPLICATION SUBMITTED BY MRS AZIZ ULLAH PROVINCIAL PRESIDENT ALL PRIMARY TEACHERS ASSOCIATION KHYBER PAKHTUNKHWA REGARDING DELETION OF RULE 715 IN THE CIVIL SERVANT (APPOINTMENT/PROMOTION/TRANSFER RULES 1989).

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


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

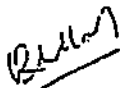
2. The meeting started with recitation from the Holy Quran. The chair welcomed the participants. The Deputy Director (Establishment) of Directorate of Elementary & Secondary Education briefed the forum regarding agenda item in detail.

3. After the above 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

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


ATTESTED

-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#	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

WP442-2023 AZZULLAH VS GOVT CF PG43

[Handwritten signature]

Assistant Director (Establishment)
Elementary & Secondary Education
Kyber Pakhtunkhwa

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

Copy of the above is to:

Assistant Director (Establishment)
Elementary & Secondary Education
Kyber Pakhtunkhwa

[Handwritten signature]
21/7/2023

The case is submitted for perusal and necessary actions please.

Departmental Promotion Committee.

provided they submit their written refusal prior to conclusion of the meeting of

Teachers below D/S-16 may be exempted of implications of the amendment in the matter.

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.

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

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

(Primary-K) E&SED/2-2/Appliment/2023 dated 12-06-2023.

The same was received by this office from your good office vide letter No. SO

civil servant to accept promotion under every condition.

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

(Wing) vide letter No. SO (Policy) E&AD/1-2/2020 dated 6-06-2023 categorically stated

That the Government of Kyber Pakhtunkhwa Establishment Department (Regulation)

No. SO (Primary-K) E&SED/2-2/Appliment/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

(i) Now it is obligatory upon the civil servant to accept promotion in every condition

No. 6987 dated 06-02-2023.

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

vide notification No. No. SO-R-VI (E&AD)/1-2/2020 dated 06-08-2020.

deleted Rule 75) in the Civil Servants (Appointment, Promotion & Transfer Rules 1989)

That Government of Kyber Pakhtunkhwa Establishment Department (Regulation Wing)

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

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

I am directed to refer to the letter No. SO (Primary-K) E&SED/5-11

Dear Sir,

Subject - MINUTES OF THE MEETING

The Section Officer (Primary, Wile),
Elementary & Secondary Education Department,
Kyber Pakhtunkhwa Peshawar.

To



Phone: 091-9225311

No. 8145 /F.No. 245ST/UC/General Cases

Kyber Pakhtunkhwa Peshawar

Dated 21-7-2023

Email: estab@kpk.gov.pk

-17-

-B/C-

DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION, KPK

PESHAWAR
(21-7-2023)

To:

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

Subject: Minutes of Meeting

Dear Sir;

I am directed to refer to letter No. (SO: Primary-IV) E&SED/S-1/6/1824/
Minutes of meeting/PST/2023 dated 10-7-2023 on subject cited above and to
present brief history about background of case as under:

- That Government of KP Establishment department (Regulation Wing) deleted rule 7(5) in Civil Servants (Appointment, promotion, Transfer Rule 1997) vide notification No. No. SOR-VI (E&AD) 1-3/2020 dated 06-08-2020.
- That this office sought guidance from your good office in the following words vide letter No. 6987 dated 06-07-2023.
 - (i) Now it is obligatory upon civil servant to accept promotion.
 - (ii) It is prerogative of civil servant to either accept/turndown the offer of promotion.
- That your good office forwarded the same to quarters concerned vide letter No. SO (Primary-M) E&SED/2-2/Appointment/2023 for necessary guidance.

• That the government of KP-ED (Regulation Wing) vide letter No. SO (Policy) E&AD/1-3/2020 dated 6-06-2020 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(5) have affected negatively a huge members of Female teachers.

The case is submitted for perusal and necessary actions please.

Copy of the above to;

1. PA to Director Local Directorate
2. Master Copy

Assistant Director
Elementary & Secondary Education
Khyber Pakhtunkhwa

ATTESTED

Annexure "E"

-19-



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

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

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

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

Dear Sir,

I am directed to refer to your letter No. SO(Policy)/E&AD/1-3/2020 dated 05th June 2023 and to state that after deletion of rule 7(5) Khyber Pakhtunkhwa Civil Servants (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.

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

Scanned with CamScanner

ATTESTED

ATTESTED

[Signature]

(Muzammil Ishaq)
Section Officer (Primary)
Muz.

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

Copy forwarded to:

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.

I am directed to refer to your letter No. SO (Primary) (P-22) (E & AD) /1-3/2020 dated 6th June 2023 and to state that after deletion of Rule 7(5) (Khyber Pakhtunkhwa Civil Servant (Appointment, Promotion and Transfer Rules 1989)) it has been intimated that those officers/officials who do not comply with promotion order of the competent authority or try to evade promotion through different means shall be proceed under Khyber Pakhtunkhwa Civil Servant (Efficiency and Discipline) Rule 2013.

Dear Sir,
SUBJECT: Guidance regarding deletion of Rule 7(5) in the Civil Servant (Appointment, Promotion & Transfer Rules 1989)

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

To
No. 50 (Primary-M) E & SE D/18-8/1
Appointment - Rule /2023
Peshawar Dated 23rd August 2023

- B/C -
- 20 -

21- "F"
Annexure



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

ATTESTED

To

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

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

Dear Sir,

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

Yours faithfully,

Section Officer (Policy)

Endst. Of even No & date

Copy forwarded to the:-

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

WP447-2023 AZIZULLAH VS GOVT OF PK43

- B/c -

22-

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

To

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

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

Dear Sir,

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

Yours faithfully,

Section Officer (Policy)

Endst. Of even No & date

Copy forwarded to the:-

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

Section Officer (Policy)

ATTESTED

Annexure "G" -23-

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

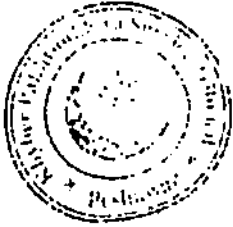


Hasbun Allah Son of Fazli Subhan
Resident of Tehsil & District Mardan



ATTESTED

07.05.2024



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

Certified to be true copy (Muhammad Akbar-Khun)
Member (F)

(Handwritten signature)
Muhammad Akbar-Khun
Member (F)

Date of Presentation of Application 10-5-24
 Number of 1
 Copies 1
 Urgent SI
 Total SI
 Name of SI
 Date of 13-5-24
 Date of Delivery of Copy 17-5-24

(Handwritten signature)
ATTESTED

26-

VAKALAT NAMA

BEFORE THE SERVICE TRIBUNAL PESHAWAR

HASBUN ALI AH
Versus

Appellant

Government of KP & others

Respondents

I (the Appellant)

do hereby appoint and retain

MUHAMMAD MUAZZAM BUTT ASC. MUHAMMAD ADEEL BUTT AHC

BASSAM AHMAD SIDDIQUI AHC

&

ASSOCIATES OF MUAZZAM LAW FIRM

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

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

23
APPELLANT

A C C E P T E D

MUHAMMAD MUAZZAM BUTT
Advocate Supreme Court

MUHAMMAD ADEEL BUTT
Advocate High Court

BASSAM AHMAD SIDDIQUI
Advocate High Court