


FORM OF ORDER SHEET

Court of _____

Appeal No. 2374/2024

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

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

C.M No _____ -P of 2024

In Ref to

Service Appeal No 2371 2024


Muhammad Rafiq Khan

V E R S U S

Secretary to Government of Khyber Pakhtunkhwa, & others

INDEX

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


ADVOCATE

M. Muazzam Butt

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

In Ref to

Service Appeal No 2374 /2024

Muhammad Rafiq Khan Son of Abdul Ali Khan, PSHT
GPS Kaski Wazir Killa Tehsil & District Lakki Marwat

.....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, Civil Secretariat Near MPA Hostel, Peshawar

.....Respondents

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

PRAYER:

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

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

RESPECTFULLY SHEWETH:

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

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

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

5. That as per notification No. SO (Policy) /EDAD/1- 3/2020 dated 06/08/2020, the right of foregoing of promotion was withdrawn and the Government of Khyber Pakhtunkhwa Establishment Department (Regulation Wing) deleted Rule 7(5) in the Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 vide notification no SOI-VI (E & AD)/1-2/2020 dated 06-08-2020. Copy of impugned notification No. SO (Policy) EV AD/1- 3/2020 dated 06/08/2020 is attached as Annexure B
6. That the Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar asked for guidance regarding deletion of Rule 7(5) in Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 in respect of which the respondent No. 1 vide its letter No. SO(Policy) E&AD/1-3/2020 dated Peshawar the June 06th, 2023 directed the respondent No 3 (Directorate of Elementary & Secondary Education) that Rule 7(5) in the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 has been deleted vide notification dated 06-08-2020 and therefore, no provision exists to decline or 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 affects the interests of the employees or causes disadvantage to the employee is not tenable in the eyes of law. The notification/guidance dated 06/08/2020 06/06/2023 are liable to be set-aside.
- b. That there are no terms and conditions of service mentioned in the appointment order of the appellant wherein, availing of promotion is mandatory. It is further submitted that employees in the past, have foregone their promotion along with their posting. It is submitted that when domestic and other personal issues do not permit the employees/appellant to avail the promotion order and in that case, the employees who foregone their promotion were allowed not to avail the promotion for a period of 04 years and on second refusal the employees were permanently debarred from availing the facility of promotion during their entire service. Hence the employees himself/herself forebear agonies of foregoing their promotions. As a result, junior to the appellant according to the order of seniority cum fitness are granted promotion to next rank.
- c. That as per Civil Servant laws, promotion is a kind of appointment which is always optional to get promotion or not, hence the impugned notification is void, illegal and against the law and the same to the extent of the appellant is liable to be set-aside.
- d. That it is further submitted that on account of grant of promotion, some employees who are suffering from severe medical ailment or facing acute domestic issues cannot avail promotion with transfer in other areas, therefore, no employee can be compelled to accept the promotion compulsorily which is not beneficial to the employee but if an employee does not avail and get benefit of her promotion it must be optional for the employees as to whether to avail or forego the benefits. Any promotion without willingness of employee is illegal and liable to be setaside.

- d. 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.
- e. That the impugned promotion Notification dated 06/08/2020 communicated on 06/06/2023 is perverse, discriminatory, against the law, pungent and is a blunt blow of hammer on the rights of the appellant. It is not out of place to mention here that the appellant are teachers and have to look after their children as well as ailing dependent family members and in these circumstances in the presence of impugned Notification dated 06/08 /2023 communicated on 06/06/23 would not be able to serve in the department and which shall amount to the snatching of bread and butter of the poor employees

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

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

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

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

محمد رفیق خان
 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

Muhammad Rafiq Khan

VERSUS

Secretary to Government of Khyber Pakhtunkhwa, & others

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

Respectfully Submitted:-

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

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


AFFIDAVIT


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


Deponent


Appellant

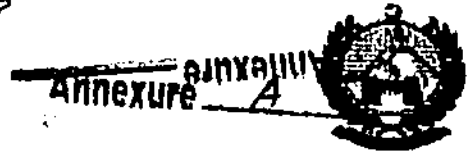
Through


Muhammad Muazzam Butt
Advocate Supreme Court


Muhammad Adeel Butt
Advocate High Court

-6-

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



Personal Information of Mr MOHAMMAD RAFIQ KHAN d/w/s of ABDUL ALI KHAN
 Personnel Number: 00293750 CNIC: 1120103301481 NTN:
 Date of Birth: 05.04.1968 Entry into Govt. Service: 12.09.1987 Length of Service: 36 Years 04 Months 021 Days

Employment Category: Active Permanent
 Designation: PRIMARY SCHOOL HEAD TEACH 80003025-DISTRICT GOVERNMENT KHYBE
 DDO Code: LK6004-
 Payroll Section: 001 GPF Section: 001 Cash Center:
 GPF A/C No: EDUBU006581 GPF Interest applied GPF Balance: 297,407.00 (provisional)
 Vendor Number: -
Pay and Allowances: Pay scale: BPS For - 2022 Pay Scale Type: Civil BPS: 15 Pay Stage: 26

Wage type		Amount	Wage type		Amount
0001	Basic Pay	75,400.00	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	845.00
2199	Adhoc Relief Allow @10%	682.00	2316	Teaching Allowance 2021	3,224.00
2341	Dispr. Red All 15% 2022KP	7,206.00	2347	Adhoc Rel Al 15% 22(PS17)	7,206.00
2378	Adhoc Relief All 2023 35%	25,697.00			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	-3,580.00	4004	R. Benefits & Death Comp:	-600.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance

Deductions - Income Tax

Payable: 56,032.38 Recovered till JAN-2024: 24,130.00 Exempted: 14007.08 Recoverable: 17,895.30

Gross Pay (Rs.): 128,180.00 Deductions: (Rs.): -9,670.00 Net Pay: (Rs.): 118,510.00

Payee Name: MOHAMMAD RAFIQ KHAN
 Account Number: 010-2057-9
 Bank Details: UNITED BANK LIMITED, 211025 SARAI NAURANG SARAI NAURANG, LAKKI MARWAT

Leaves: Opening Balance: Aailed: Earned: Balance:

Permanent Address: LAKKI

City: LAKKI

Temp. Address:

City:

Domicile: NW - Khyber Pakhtunkhwa

Email: mrafiqkhanpk666@gmail.com

Housing Status: No Official

Muhammad Rafiq Khan
 Approved
 District Accounts Officer

(2) GPS Post Office

6-A

OFFICE OF THE DISTRICT EDUCATION OFFICER(MALE) BANNU.

APPOINTMENT/TRANSFER & ADJUSTMENT.

The following appointments/transfer & adjustment of PTC trained candidates/teachers are hereby ordered in the interest of public service with effect from the date of re-opening of schools after summer vacation and Muharrem holidays:-

S/No.	Name of Candidate with Father name/teacher.	Address/From.	Name of school where posted/adjusted.
1.	2.	3.	4.
1.	Akhtar Zaman S/O Mir Sahib Khan. Vill: Ghoriwala	GPS	Ghulam Mughal Acad. Khel.
2.	Anir'Abdur Rehman S/O Raibat Kh: Vill: Lokki.	-do-	GPS Nar Maule Dad. Khel.
3.	Feridullah Khan S/O Watan Khan Vill: Gendi Khan Khel.	-do-	" Mir Mir Abbas. Khel.
4.	Noor Mohd Din S/O Qazi Ikram Din Vill: Lokki.	-do-	" Mir Akbar Khan. Khel.
5.	Ghulam Ali S/O Khan Sardar vill: Lokki.	-do-	" Makhshi Barakza. Khel.
6.	Haji Mohammed S/O Ghulam Qureshi Vill: Lokki.	-do-	" Makhshi Barakza. Khel.
7.	Qayyum Nawaz S/O Ssedullah vill: Kekki.	-do-	" Khan Fate Land. Khel.
8.	Asghar Ali S/O Raja Khan vill: Kekki.	-do-	" Livot Landidok. Khel.
9.	Zardad Khan S/O Amir Daud vill: Bannu City.	-do-	" Chit. Khel.
10.	Raza Mohammed S/O Mohd Hussain Bannu City.	-do-	" Domal. Khel.
11.	Mohd Ayub S/O Mohd Nazif vill: Kekki.	-do-	" L/Sadeghrab. Khel.
12.	Ferid Zaman S/O Khan Zaman Kekki.	-do-	" Landidok Banucha. Khel.
13.	Ismatullah S/O Selim Ak Mohd vill: Jhengi Tuzhal Khel.	-do-	" Quter Mawa Khel. Khel.
14.	Mushtaq Ahmed S/O Dost Mohd vill: Abbs Khel.	-do-	" Abdullah Jan. Khel.
15.	Ghuffran Ali Shah S/O Mohd Ghous Ali Shah vill: Sabu Khel.	-do-	" F. Shah Mikh. Khel. (Note: Mohd Dost died)
16.	Sahfulloh Khan S/O Haider Ali Khan vill: Kot Asad.	GPS Abdullah Din Kot.	" Chit. Khel. Khel.
17.	Faiz Ali Shah S/O Moor Badsha vill: Ghoriwala.	Condidate.	" Chit. Khel. Khel.
18.	Abdul Karim S/O Jahangir vill: Lalozai.	-do-	" Baraka Kokel Kh. Khel.
19.	Abdul Reshid S/O Dost Mohammed vill: Abbs Khel.	-do-	" Lokki Kamar Din. Khel.
20.	Mashal Khan S/O Saleh Khan vill: Asghar Khel.	-do-	" Ayub Killa. Khel.
21.	Mohd Aslam Khan S/O Kutob Din vill: Hayat Khel.	-do-	" Malik Shahi Jan. Khel. Khel.
22.	Yousaf Khan S/O Nawab Khan vill: Lokki Mina Khel.	-do-	" P. Mukamal Shah. Khel.

A. J. Khan

6-B

1.	2.	3.	4.	5.
	23. Samar Gul S/O Mohd Gul Vill: Lakki Mina Khel.	Candidate.	GPS Akbar Zaman Barak Zai.	
	24. Mohd Noor Rahman S/O Ghulam Sahib Khel vill: Kot Beli.	-do-	GPS Haibek Sherza Khan.	
	25. Hashmatullah S/O Haider Khan vill: Hassan Khel Isaki.	-do-	GMS Hassan Khel Isaki.	-do-
	26. Mohd Nazir S/O Qale Khan vill: Z. Dello Khel (Bannu tehsil).	-do-	GPS Kotko Payo Khan Mandan.	-do-
	27. Mushtaq Khan S/O Tawab Khan Bada Mir Abbas.	-do-	" Shukrullah Hussein.	N.P.
	28. Shah Nawaz S/O Mohd Nawaz Solar Khel Lakki.	-do-	" Asperka Wazir.	V.P.
	29. Niamtullah Khan S/O Mosem Khan vill: Kot Kashmir.	-do-	" Miryan Killa.	"
	30. Samtullah S/O Anwer Badshah vill: Ghoriwala.	-do-	" Ner Tej Mohammad.	"
	31. Rasool Zaman S/O Badi Zaman vill: Q Shamsi Khel.	-do-	" Ghani Machan Khel.	"
	32. Noor Agha Khan S/O Basit Khan vill: Tejori.	-do-	" Murghali Ghulam Shah.	"
	33. Gheffer Ali S/O J. el Khan vill: Ghoriwala.	-do-	" Adami Ayub Khan.	"
	34. Bachr Khan S/O Dost Mohamud Vill: Abba Khel.	-do-	" Murghali Gulab Khel.	"
	35. Shafiq Ullah S/O Faizullah vill: Kot Kashmir.	-do-	" Murghali Sinezar Khel.	"
	36. Umar Nia S/O Gul Bera Khan vill: S.K. Bala.	-do-	MPS Mandosai Surani.	"
	37. Mohd Din S/O Abdul Rahim vill: Zangi Khel.	-do-	" Murghali.	"
	38. Sherin Zan S/O Rasib Khan vill: Zalim Dello Khel.	-do-	GPS Muhibullah.	"
	39. Harret Bilel S/O Durens Khan vill: Kuti Khel.	-do-	" Ahmad Sardi Khel.	"
	40. Ikramullah S/O Nawab Khan vill: Ner Sahib Khan.	-do-	MPS Noor Saf (Domel).	"
	41. Mohd Jehanzir Khan S/O Ilem Din vill: Nor Mohd Khan Ghazni Khel.	-do-	GPS Mandan Manjiwala.	NOP.
	42. Sahib Shah S/O Mohd Shah Garske Syed Khel.	-do-	" Shamadi Killa.	VP.
	43. Sana Ullah S/O Gul Mohd Khan vill: Ner Shukrullah.	-do-	" Ner Sher Mast.	ADB/F
	44. Khelid Reza S/O Hakim Khan vill: Jahu Khel.	-do-	" Nawaz Abad.	VP
	45. Mohd Amin S/O Mohd Yousef vill: Jahu Khel.	-do-	" Kot Azad Nuror.	"
	46. Wali Mohammed Khan S/O Shah Mohammed Masti Khel Lakki.	-do-	" Miryamin Killa.	"
	47. Amir Nawaz S/O Ayaz Khan vill: Ismail Khel Abba Khel.	-do-	" Kotk Darys Khan.	"
	48. Sabr Ali Khan S/O Mirzali Khan vill: Kakki.	-do-	" Gul Badin Landidek.	"
	49. Habibullah S/O Shafiq Khan Dadiwala Lakki.	-do-	" Gadi Tep.	"
	50. Mohd Habib S/O Abdul Gheffer vill: Johan Behar.	S/E.P.I. Tech. ENU Nuror.	" Ghani Baist Khel Contd: on p. 3	Ad

ATTESTED

- 3 4
- Mr Ayes S/O Faisal Khanen, J/O SDO(F) OPS B.A.Khan, V/P (Shah D. Died).
 All: B.A.Khan.
60. Insenullah S/O Mohammad : Candidate. " Minjal Amir Khan.
 Bessen Bannu City (Ghoriwala)
61. Balqiaz Khan S/O Saleh Khan -- Jo- " Liwan Dardariz.
 vill: Fateh Khan Khujeri.
62. Ghulam Raib Khan S/O Mohd Gul-do- " Mohammad Ali.
 vill: Mitha Khel.
63. Zaffer Ahmad S/O Abdul Satter-do- " Zonde Ghaibi.
 vill: U-er Titter Khel.
64. Nasibur Rahman S/O Aziz-ur- -do- " Sedev Nurar.
 Rahman Muslim Abed Bannu.
65. Mohd Ali Khan S/O Mir Daraz -do- " Landidek Barakzai.
 vill: Kakki.
66. Niematullah Khan S/O Badsha -do- " Korkani Tajibi Khel.
 Khan vill: Lakki.
67. Hamidullah S/O Mohd Mir Ali -do- " Landidek Barakzai.
 vill: Kakki.
68. Ahmad Nwar S/O Amir Nwar -do- " Kakki Khss (V/P vice
 vill: Kakki. Dil Nwar
 on leave)
69. Sultan Khan S/O Adam Khan -do- " Parkanen Jeni Khel.
 vill: Kheru Khel Pocco.
70. Rashid Ahmad S/O Ghulam Kabrie-do- " Malik Sheki Jeni Khel.
 vill: Lakki (Pher Khel).
71. Liaqat Ali S/O Mohd Ali -do- " Kotke Akhunden.
 vill: Mughal Khel.
72. Mohd Nwar S/O Ghulam Baqi -do- " Mali Khan Kille.
 Jen vill: Dabek Mandre Khel.
73. Syed Khaboob Ali Shah S/O -do- " Saleh Khan Mandev.
 Mir Seidan Shah vill: Bannu City.
74. Dil Faraz Khan S/O Dardariz -do- " Fetma Khel.
 (Awan) Bannu City.
75. Riaz-ud-Din S/O Islam Din -do- " Kajal Kille (vice Najeebullah
 vill: Chak Daden. on S/No. 69).
76. Najeebullah PTC Teacher. GPS Kajal Tughel GPS Jhangi Kille. V.
 Khel.
77. Masaha Hoor Khan BFO (PTC Teacher). MPS Khan Zaman. " Jhangi Kille (Tughel
 Ismail Khel. Khel)
78. Mohd. Nwar PTC. MPS Bakere Kille. MPS Khan Zaman Ismael
 (vice No. 69).
79. Dost Mohd PTC GPS Kotke Muhibullah. GPS Bakere Kille vic
80. Tewab Khan S/O Gul Sar Khan Candidate. GPS Bahi Khan Dardariz.
 vill: Bherat.
81. Shah Qiaz Khan S/O Mohammad GPS Kotak Kot. MPS Murib Khel Baka Kille.
 Ali Khan vill: (Miran Sheh).
82. Noor Azeed S/O Mir Saadet Kh: Candidate. GPS Khurgai.
 vill: Torke Bania Khel.
83. Abdul Waris Khan S/O Mir -do- " Dilasa Mandev.
 Abbas Khan vill: Injal Sheraz.
84. Nasrullah Khan S/O Mohd -do- " Hakim Khan Haved.
 Nwaraz vill: Bherat.
85. Shah Qiaz Khan S/O Mohammad -do- " Muhibullah.
 Subhan vill: Kakki.

Contd: on page...

ATTESTED

1.	2.	3.	4.
78.	Shebir Wasim S/O Warsaham Condidete. Gul vill:Kekki.		GPS Nama Khel Terket
79.	Hani Cullah S/O Yagub Jan -do- vill:Lakki Mina Khel.		" Abdul Ghaffer Mir Khel(Domel).
80.	Mir Zaman S/O Sardar Khan -dq- vill:Sherat.		" Haved Khss.
81.	Zarif Khan S/O Jan Ahmad -do- vill:Landiwah.		" Kotko Darys Khan.
82.	Sakhi Mar Jan S/O Durens -do- Khan vill: Ghazni Khel.		" Tajzari. (Vice Si... selects... PTO tra-
83.	Mohd Shafiq S/O Hinoor Sahib-do- Jan vill: Landiwh.	Amir	" Midali.
84.	Kibaz Khan S/O Rab Nawaz Kh:-do- vill: Topi Killa.		GMS Zaman Wazir,
85.	Mohd Shafiq Khan S/O Mir Ali-do- Khan vill:Chariwala.		GPS Mohd Jan Mughal Kha No.86.
86.	Hidayat Ullah Khan (PTC teacher)	GPS Mohd Jan Mughal Khel.	" Manje Khel, vice Bah Shah selected for PTC training).
87.	Mohd Rashid S/O Ali Akher Condidete. vill:Wanda Mash .		" Wazir Abad.
88.	Behadar Nawaz S/O Amir Badshah -do- vill:Chariwala.		" Moin Shah Shamshi Adi: Khel.
89.	Abdus Samad S/O Mohd Ayez -do- vill: Hassan Khel.		" Daqar Umar Bzi. VP
90.	Hamid Khan S/O Mohd Mir -do- vill: Mashe Mansoor.		" Mian Gul Khel.
91.	Nizam Khan S/O Quli Khan -do- vill:Landiwh.		" Mir Waiz.
92.	Sher Behadar S/O Gula Bat -do- vill:Heibek Surani.		" Wazir Abad.
93.	Ihsanullah S/O Abdul Malik -do- vill:Ma...		" Mandev.
94.	Mohd Yasin Khan S/O Sheraz Khan-do- vill: Abbe Khel.		" Mirbez Baki...
95.	Abdul Momen S/O Biaz Khan -do- vill: Jhang Khel Lakki.		" Khoni Baki...
96.	Mohd Hafizullah S/O Mohammed -do- Reuf vill:Noor Wali Jhandu Khel.		" K. Bahram Shah...
97.	Khan Nawaz S/O Rab Nawaz vill:-do- Mar Taj Mohammed.		MPS Sakhi Zaman...
98.	Qismet Ali Khan S/O Mir Sahib -do- Jan vill: K. Bahadar Khan Turki Bannu.		GPS Peinde Khel Wazir.
99.	Ayub Nawaz S/O Sved Nawaz -do- vill: Fatma Khel Bannu.		MPS Mills Gan.
100.	Mohammed Rafique S/O Wabul Ali -do- vill:Wabul Ali Khel Bannu.		GPS Kaski Wazir Killa.
101.	Mohd Hassan S/O Mohd Yousof -do- vill:Umar Titter Khel.		MPS Mazange Landidak.
102.	Zarin Badshah S/O Hazir Badshah-do- vill: Sabu Khel Khatk.		GMS Nama Khel. Banuchi. V
103.	Fazana Ullah S/O H.H Naseebullah-do- Khan vill:Chariwala.		GPS Ademi Nawaz Shah (via Farman Ali Shah select PTC training).

ATTESTED

2.	3.	4.	5.
106. Abdul Hamid S/O Ghulam Ahmed vill; Lekki Mina Khel.	Candidate.	MPS Sultan Jeni Khel.	V/P.
105. Fakhar Zamar S/O Habib Jan vill: Kakki Anar Gali).	-do-	" Wezir Kille Dardariz.	"
106. Mohd Roshan S/O Mohd Noor Zaman vil: Dad Kachkot Mittha Khel.	-do-	" Malik Mittha Khel.	"
107. Mohd. Niaz Bux	AWI GHS NO.2, Exu	" Moin Shah Shamsi Khel	"
108. Abdul Khalil S/O Painda Khan vil: Lekki Mina Khel, (Military Trained PTC).	Candidate.	MPS Mia Wali (Lakki S/R).	AD.
109. Sarwar Jan S/O Ali Marjan vil: Kheru Khel Pases. (Ex-Service man Mil: PTC Trained).	-do-	GPS Kaski Landidak.	"
110. Alam Khan S/O Akram Khan vil: Adamzai (Ex-Service man Mil: PTC Trained).	-do-	" Jalu Khel.	"
111. Mohd Fahim Khan S/O Mohd Selim Khan.	J/O GHS No.1, Exu Trained PTC	" Kaski Landidak.	"
112. Tawah Ali S/Clk.	GHS No.2, Exu PTC Trained.	" Ehangji Khan Mughal Khel vice Rahim Dil Khan selected for PTC training).	"
113. Mohd Yousef S/O Nawab Ali vill: Subs Khel Khattak.	Candidate (CT Trained).	" Khawaja Mad Mandsan (vice Hemidur Rahman Shah select: for PTC training).	"
114. Abdullah Khan S/O Sher Kh: vill: G. Khan Khel.	Candidate.	" Amin Jebu Khel.	VP. 1/10
115. Mohd Fahim S/O Afzal Khan Vill: G. Khan Khel.	-do-	-do-	P.
116. Abdur Rahim S/O Sher Ajab of Vill: Tajazai.	-do-	" Motan Tajazai.	"
117. Abdur Rahman S/O Rahma Julliah Jon Vill: Titter Khel.	-do-	" Kot Sardar.	VP. 1/10
118. Ghulam Sarwar S/O Shah Wali Lekki Kholdad Khel.	-do-	" Bagni.	VP. 1/10
119. Sardar Jan S/O Reham Jan vill: Sheikh Khuda Bekhsh.	-do-	" Nar Nawab Kala Khan.	"
120. Jehan Zeb S/O Gul Habib vill: Wanda Shahab Khel.	-do-	" Yar Ahmad Machan Kh:	V/P. 1/10
121. Sultan Jan S/O Shah Jehan vill: Shah Jehan Adamzai.	-do-	GMS Darake Aziz Khan.	"
122. Mohd Ayim S/O Adam Khan vill: Ghezzi Khel.	-do-	GPS Kermu Khel.	"
123. Jehangir S/O Esi Khan vill: Kot Kashmir.	-do-	" Baragi: ab:	ADP
124. Farnans Ullah S/O Mir Sajam vill: Kot Kashmir.	-do-	" Kot Rahman.	n Off
125. Fazal Rahman S/O Shah Aisa vill: Hakim Tapa.	-do-	" Wanda Patah Khan:	"
126. Karim Khan S/O Hakim Khan vill: W. Amir.	-do-	" Wanda Painda, Khan.	"
127. Gul Teiz Khan S/O Umer Gul Lekki Marwat.	-do-	" Keray.	"
128. Mohd Ayub S/O Mohd Akbar Lekki Mina Khel.	-do-	GMS Beshakan Ahmad Zai.	ADP
129. Khalid Raza S/O Han Nawaz Vill: Nar Kala Khan.	-do-	GMS Sultan Khel.	"

Contd: on page.....6.....

ATTESTED

ATTESTED

- 180. Sher Ali PTC. " Mir Payo Khan Barakzai (SDB). GPS Shahr Tore. GPS Nawaz Khel Nawaz
- 181. Intenullah PTC. " Khoni Baka Khel (SDB). " W. Khan Dauran. " Dare Sang.
- 182. Gul Taz PTC. " Mir Payo Khan Barakzai (SDB). " Zafar Ham Khan. " Koka Sher Khan.
- 183. Hussain Ahmad PTC. " Mir Payo Khan Barakzai (SDB). " Zafar Ham Khan. " Koka Sher Khan.
- 184. Badi Khar PTC. " Mir Payo Khan Barakzai (SDB). " Zafar Ham Khan. " Koka Sher Khan.
- 185. Setur Rahman PTC. " Mir Payo Khan Barakzai (SDB). " Zafar Ham Khan. " Koka Sher Khan.
- 186. Hussain Ahmad PTC. " Mir Payo Khan Barakzai (SDB). " Zafar Ham Khan. " Koka Sher Khan.
- 187. Abdu Khan PTC. " Mir Payo Khan Barakzai (SDB). " Zafar Ham Khan. " Koka Sher Khan.
- 188. Intenullah Khan PTC. " Mir Payo Khan Barakzai (SDB). " Zafar Ham Khan. " Koka Sher Khan.
- 189. M. Harka Jan PTC. " Mir Payo Khan Barakzai (SDB). " Zafar Ham Khan. " Koka Sher Khan.
- 190. M. Daud Khan PTC. " Mir Payo Khan Barakzai (SDB). " Zafar Ham Khan. " Koka Sher Khan.
- 191. M. Jalli Khan PTC. " Mir Payo Khan Barakzai (SDB). " Zafar Ham Khan. " Koka Sher Khan.
- 192. M. Abasa Shujam PTC. " Mir Payo Khan Barakzai (SDB). " Zafar Ham Khan. " Koka Sher Khan.
- 193. Nizam Khan PTC. " Mir Payo Khan Barakzai (SDB). " Zafar Ham Khan. " Koka Sher Khan.
- 194. Hovetullah PTC. " Mir Payo Khan Barakzai (SDB). " Zafar Ham Khan. " Koka Sher Khan.
- 195. M. Ahsan PTC. " Mir Payo Khan Barakzai (SDB). " Zafar Ham Khan. " Koka Sher Khan.
- 196. Nafiz Khan PTC. " Mir Payo Khan Barakzai (SDB). " Zafar Ham Khan. " Koka Sher Khan.
- 197. Mir Ghulam PTC. " Mir Payo Khan Barakzai (SDB). " Zafar Ham Khan. " Koka Sher Khan.
- 198. Javed Iqbal PTC. " Mir Payo Khan Barakzai (SDB). " Zafar Ham Khan. " Koka Sher Khan.
- 199. M. Pasham Khan PTC. " Mir Payo Khan Barakzai (SDB). " Zafar Ham Khan. " Koka Sher Khan.
- 200. M. Mowattullah PTC. " Mir Payo Khan Barakzai (SDB). " Zafar Ham Khan. " Koka Sher Khan.
- 201. M. Shukrullah Menden PTC. " Mir Payo Khan Barakzai (SDB). " Zafar Ham Khan. " Koka Sher Khan.
- 202. Shorifullah PTC. " Mir Payo Khan Barakzai (SDB). " Zafar Ham Khan. " Koka Sher Khan.
- 203. Gul Makh PTC. " Mir Payo Khan Barakzai (SDB). " Zafar Ham Khan. " Koka Sher Khan.
- 204. M. Ahsan PTC. " Mir Payo Khan Barakzai (SDB). " Zafar Ham Khan. " Koka Sher Khan.
- 205. M. Ahsan PTC. " Mir Payo Khan Barakzai (SDB). " Zafar Ham Khan. " Koka Sher Khan.
- 206. M. Ahsan PTC. " Mir Payo Khan Barakzai (SDB). " Zafar Ham Khan. " Koka Sher Khan.
- 207. M. Ahsan PTC. " Mir Payo Khan Barakzai (SDB). " Zafar Ham Khan. " Koka Sher Khan.
- 208. M. Ahsan PTC. " Mir Payo Khan Barakzai (SDB). " Zafar Ham Khan. " Koka Sher Khan.
- 209. M. Ahsan PTC. " Mir Payo Khan Barakzai (SDB). " Zafar Ham Khan. " Koka Sher Khan.
- 210. M. Ahsan PTC. " Mir Payo Khan Barakzai (SDB). " Zafar Ham Khan. " Koka Sher Khan.

6-9

Page No. 1.

Moor Aslam S/O Mir Ali Shah Candidate, GPS Quli Khel Wazir. /P.
Vill: K. Mir Ali Shah Kam Piren.
TES.

1. Charge report should be submitted to all concerned.
2. No. TA/DA is allowed to any one.
3. The appointment is purely on temp: basis and liable to termination without assigning any reason or notice.
4. The candidates should produce their age & Health Certificate from M.S.D.H.Q Hospital, Bannu.
5. The candidates should not be handed over charge if their age exceeds 25 years or less than 18 years.
6. The candidates should not leave the service without prior one month's notice or forfeiting one month's pay.
7. The seniority of the candidates (PTC Trained) at S/No.16,50,51,73,107,111,112 & 113 will be considered from the date of their taking over charge in Settled Area/PTC Division.
8. The adjustment of PTC teachers from Bannu Sub Division to Sub Division at S/No.130 to 169 has been made as proposed SDEO(Male) Lekki vide his letter No.3413-3425 dated 27-8-1987 No.3426 dated 29-8-1987.
9. The candidates take over charge within 15 days the date of this appointment order, otherwise their appointment should stand cancelled.
10. The candidates should get Rs. 750/-PM (EPS-3) plus usual allowances as admissible under the existing rules.

District Education Officer,
(Male) Bannu.

Enclat: No. 10267-10431 / E-II/PTC-Appnt: File. Dated 31-8-1987
Copy of the above is forwarded for information & necessary

- action to the :-
1. SDEO (Male) Bannu.
 2. SDEO (Male) Lekki with reference to his Nos & dates quoted above.
 - 3-165. Teachers concerned/Candidates concerned.
 166. SDEO (Female) Bannu.
 - 167-169. Headmaster GHS No.1. Bannu & GHS No.2. Bannu City.
 169. Agency Education Officer (Miran Shah) N.W. Agency.
 170. District Health Officer Bannu.

District Education Officer,
(Male) Bannu.

ATTESTED

ATTESTED

DEPUTY SECRETARY (POLICY)
(WAZIRIYA LAYI)

4-11-51-2

ATTESTED



- 1. Additional Chief Secretary, Govt. of Khyber Pakhtunkhwa, Planning & Development Department, Khyber Pakhtunkhwa.
- 2. The Senior Member Board of Revenue, Khyber Pakhtunkhwa.
- 3. All Administrative Secretaries to Govt. of Khyber Pakhtunkhwa.
- 4. The Principal Secretary to 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 Public Service Commission, Peshawar.
- 12. The Secretary, Khyber Pakhtunkhwa Public Service Commission, Peshawar.
- 13. The Deputy Director (IT), E&A Department, Administration & Management Department with the request to all Section Officers in Establishment & Administration Department.
- 14. The Section Officer (Admn), Administration Department.
- 15. The Section Officer (Admn), Administration Department.
- 16. The Section Officer (Admn), Administration Department.
- 17. The Section Officer (Admn), Administration Department.
- 18. The Section Officer (Admn), Administration Department.
- 19. The Section Officer (Admn), Administration Department.
- 20. The Section Officer (Admn), Administration Department.

CHIEF SECRETARY
GOVERNMENT OF THE KHYBER PAKHTUNKHWA

DATE AND EVEN DATE

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

in exercise of the powers conferred by section 25 of the Government of Khyber Pakhtunkhwa Act No. XVIII of 1973 (Khyber Pakhtunkhwa is pleased to direct that in the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1959, the following further amendment shall be made, namely:

NOTIFICATION

GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(REGISTRATION-WING)

Annexure - 1 - B -

B/C -8-

GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(REGULATION WING)

NOTIFICATION

Dated Peshawar the, 06/08/2020

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

AMENDMENT

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

CHIEF SECRETARY
GOVERNMENT OF THE KHYBER PAKHTUNKHWA

(ANDS): & EVEN DATE

Copy is forwarded to :-

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

(WARDAH LATIF)
DEPUTY SECRETARY (POLICY)

~~ATTESTED~~

Annexure - C



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
No. SO(Polcy)/KAD/13/2020
Dated Peshawar the June 06, 2023

62

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

Subject: GUIDANCE REGARDING DELETION OF RULE 9(A) 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)/M&S/1072-
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 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,
2014, please.

Yours faithfully,

(1330) (1330) (1330)
Secretary (Policy)

ASSE
7/6

Encl. Of even No & date

Copy forwarded to:-

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.

SE/11/19

2023
21 6 23

Section Officer (Policy)

ATTESTED

GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT
CIVIL SECRETARIAT PESHAWAR
(Phone No.091-9221507)

No.50 (Primary-MYE&SED/2-6/2023
Dated Peshawar the June 25th, 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(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 herewith a letter of Establishment Department letter No. SD (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

B/c -11-

No 50 (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. 50 (Policy)E&AD/1-3/2020 dated 06 June, 2023 and to state that the subject meeting is to be held on 06 July, 2023 at 11:00 AM in this department under the Chairmanship of Additional Secretary (Estab) E&SE Department in his office.

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

Encl: AA

(MUHAMMAD ISHAQ)
SECTION OFFICER (PRIMARY MALE)

Copy forwarded to the:

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

SECTION OFFICER (PRIMARY MALE)

~~ATTESTED~~

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

Annexure
①


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

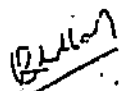
2. The meeting started with recitation from the Holy Quran. The chair welcomed the participants. The Deputy Director (Establishment) of Directorate of Elementary & Secondary Education briefed the forum regarding agenda item in detail.

3. After three hours 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


-13-
-B/C-

MINUTES OF THE MEETING REGARDING APPLICATION SUBMITTED BY MR AZIZ ULLAH
PROVINCIAL PRESIDENT ALL PRIMARY TEACHERS ASSOCIATION KHYBER PAKHTUNKHWA
REGARDING DELETION OF RULE 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

S/N	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 ERSP 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

ARRESTED

WP442-2023 AZIZULLAH VS GOVT OF POK

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

Assistant Director (Establish-1)
Elementary & Secondary Education
Khyber Pakhtunkhwa
21/7/2023

1. PA to Director
2. Master Copy

Copy of the above is in:-

The case is submitted for period and necessary actions please.

G.M/S/Ministry of the Interior/PST/2023 dated 10-07-2023 on the subject cited above and in
I am directed to refer to the letter No.50/Primary-40&5ED/11
dated 10-07-2023 in the Civil Servant (Appointment, Promotion & Transfer Rules 1980)
wide notification No. No. 50X-VI (E&AD)/1-1/2020 dated 06-08-2020.
That this office sought guidance from your good office in the following words wide letter
No.6987 dated 06-02-2023.

(i) Now it is obligatory upon the civil servant to accept promotion in every condition,
(ii) If he/she is not agreeable of the civil servant to either accept or turn down the offer of
promotion.

That your good office forwarded the same to the quarter concerned wide letter
No.50 (Primary-40) E&5ED/1-2/A/2023 for necessary guidance.

That the Government of Khyber Pakhtunkhwa Establishment Department (Regulation (Wing)
wide letter No.50 (Policy) E&AD/1-1/2020 dated 06-06-2023 categorically stated
that there shall be no provision to decline or forgo promotion. It is obligatory upon every
civil servant to accept promotion under every condition.

The same was received by this office from your good office wide letter No.50
(Primary-40) E&5ED/1-2/A/2023 dated 12-06-2023.

That, in the light of the minutes of meeting dated 06-07-2023 held under the
Chairmanship of the 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 decision of the
7(5) have affected negatively a huge number of female teachers. Thus it is proposed that
teachers below 15-16 may be exempted of implications of the commandment in the rule cited
provided they submit their written request prior to conduction of the meeting of
Departmental Promotion Committee.

Subject: MINUTES OF THE MEETING
Khyber Pakhtunkhwa Peshawar
Elementary & Secondary Education Department,
The Governor Officer (Primary-40)

To
No. 8145
Khyber Pakhtunkhwa Peshawar
Phone: 091-9223344
Email: estab@kpk.gov.pk



-B/C-

DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION, KPK

FISHBURI
(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 Peshawar-M) E&SED/5-1/67001/ 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) added rule 7(S) in Civil Servants (Appointment, promotion, Transfer Rule 1999) 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. 5983 dated 06-07-2023.
 - (i) How it is obligatory upon civil servant to accept promotion.
 - (ii) If it is prerogative of civil servant to either accept/turn down the offer of promotion.
- That your good office forwarded the same to quarters concerned vide letter No. SO (Peshawar) 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 06-06-2023 categorically stated that there exists no provision to decline/forfe promotion. It is obligatory upon every civil servant to accept promotion under every condition.

- That in light of the minutes of the meeting dated 06-07-2023 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 Rule 7(S) have affected negatively a huge members of Female teachers.

This case is submitted for perusal and necessary action please.

Copy of the above to;

1. PA to Director Local Directorate

2. Master Copy

Richard Director
Elementary & Secondary Education
Khyber Pakhtunkhwa.

~~ATTACHED~~



ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT
CIVIL SECRETARIAT PESHAWAR
(Phone No.091-9221587)

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

Annexure
E

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

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

Sir,

I am directed to refer to your letter No. SO(Policy)/ EBAD/ 1-3/2020 dated 07th June 2023 and to state that after deletion of rule 7(5) Khyber Pakhtunkhwa Civil Servant (Appointment, Promotion & Transfer Rules 1989) it has been intimated that those officers/ officials who do not comply with promotion order of the competent authority or try to evade promotion through different means shall be proceed under Khyber Pakhtunkhwa Civil Servant (Efficiency & Discipline) Rules, 2011.

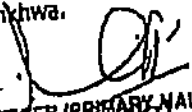
2. In this connection it is submitted that in some cases lady teacher of primary level who avail such promotions have to face serious inconvenience while they have to perform duties in the remotest station with no residential or transport facility. Most of them are married with kids and elder father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

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


MUHAMMAD ISMAIL
SECTION OFFICER (PRIMARY MALE)

Copy forwarded to the:

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


SECTION OFFICER (PRIMARY MALE)
20/8/23

Scanned with CamScanner

ATTESTED

ATTACHED

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

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

Civil Servant (Efficiency and Discipline) Rule 2011.
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.
those officers/officials who do not comply with promotion order Promotion and Transfer Rules 1989) it has been intimated that deletion of Rule 7(5) (Khyber Pakhtunkhwa Civil Servant (Appointment, 1-3/2020 dated 8th June 2023 and to state that after 9 am directed to refer to your letter No. SO (Primary) (Policy) /E&AD 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
Peshawar Dated 23rd August, 2023.
No. SO (Primary-M) E&AD /8-81/
Appointment - Rule /2023

-B/c-
-17-

Annexure - F



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

ATTESTED

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

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

Dear Sir,
I am directed to refer to your letter No. SO(Primary-M)/E&SED/2-
2/Appointment-Rule/2023 dated 23.05.2023 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,

Section Officer (Policy)

Encls. Of even No & date
Copy forwarded to the:-

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

WP/42-2023 AZIZULLAH VS GOVT OF PK

-18-

-19-

- B/C -

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

To

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

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

Dear Sir,

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

Yours faithfully,

Section Officer (Policy)

Encls. Of even No & date

Copy forwarded to the:-

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

Section Officer (Policy)

ATTESTED

Annexure - G

To,

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

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

Sir/Madam:-

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

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

Dated 26/03/2024

ATTESTED
SIO ABDUL ALI KHAN
PSHT

~~ATTACHED~~

WP442-2023 AZIZULHAQ VS GOVT OF PUNJ

Handwritten text in Urdu, possibly a signature or name.

Handwritten signature and date: 08/11/23

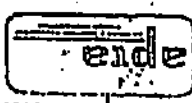
Main body of handwritten text in Urdu, appearing to be a legal document or affidavit.

Handwritten text at the bottom of the main body, possibly a signature or name.

Annexure - H

Handwritten text in Urdu, likely a title or reference for the annexure.

APTA House
Govt Primary School Road,
Gulshan-e-Farooq Faisalabad City



Kulbeet Paktun Khwaja

President
0333-2412444
www.apta.gov.pk

VAKALAT NAMA

BEFORE THE SERVICE TRIBUNAL PESHAWAR

MUHAMMAD RAFIQ KHAN

Appellant

Versus

W/O

Government of KP & others

Respondents

I (the Appellant)

do hereby appoint and retain

MUHAMMAD MUAZZAM BUTT ASC. MUHAMMAD ADEEL BUTT AHC

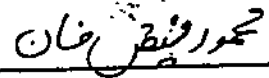
BASSAM AHMAD SIDDIQUI AHC

&

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