


# FORM OF ORDER SHEET

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

Appeal No. 2339 /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

Saeeda Begum

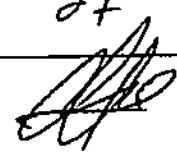
V/S

SANo: 2339/24

Government of KP & others

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ADVOCATE

**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA**

In Ref to

Service Appeal No 2379 /2024

Saeeda Begum wife of Irshad Ali Resident of Tehsil & District Mardan

Designation: Primary School head Teacher at Gulshan Abad

.....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**

**P R A Y E R:**

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

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

**RESPECTFULLY SHEWETH:**

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

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

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

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

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

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

**GROUND:-**

- a. That as per various judgments it is established and settled principle that executive notifications cannot be given retrospective effect. A valid Notification which confers rights is always applicable with prospective effect, however, if an amendment notification that adversely 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 Saeeda Begum wife of Irshad Ali Resident of Tehsil & District Mardan that the contents of foregoing application are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Court

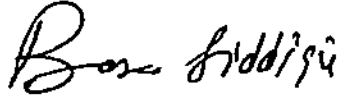
  
Deponent

Through

  
Appellant

  
Muhammad Muazzam Butt  
Advocate Supreme Court

  
Muhammad Adeel Butt  
Advocate High Court

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

**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA**

C.M No \_\_\_\_\_-P of 2024

In Ref to

Service Appeal No \_\_\_\_\_ 2024

Saeeda Begum

**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

Dist. Govt. KP-Provincial -6-  
District Accounts Office Mardan  
Monthly Salary Statement (December-2023)

2023 سال  
NTN: 0 0349-3831 210  
Length of Service: 26 Years 06 Months 010 Days

Personal Information of Mrs SAEEDA BEGUM d/w/s of YOUSAF KHAN  
Personnel Number: 00123906 CNIC: 1610294888790  
Date of Birth: 05.06.1976 Entry into Govt. Service: 23.06.1997

Employment Category: Vocational Permanent

Designation: PRIMARY SCHOOL HEAD TEACH 80003435-DISTRICT GOVERNMENT KHYBE

DDO Code: MR6159-DY.DISTRICT EDUCATION OFFICER (F) TAKHT BHAI

Payroll Section: 003 GPF Section: 001 Cash Center: 5

GPF A/C No: EDUMR011801 GPF Interest applied GPF Balance: 267,601.00 (provisional)

Vendor Number: -

Pay and Allowances: Pay scale: BPS For - 2022 Pay Scale Type: Civil BPS: 15 Pay Stage: 18

Wage type		Amount	Wage type		Amount
0001	Basic Pay	59,560.00	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	740.00
2199	Adhoc Relief Allow @10%	501.00	2316	Teaching Allowance 2021	3,224.00
2341	Dispr. Red All 15% 2022KP	5,610.00	2347	Adhoc Rtl Al 15% 22(PS17)	5,610.00
2378	Adhoc Relief All 2023 35%	20,153.00			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	-1,249.00	3990	Emp. Edu. Fund KPK	-135.00
4004	R. Benefits & Death Comp.	-600.00			0.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance

Deductions - Income Tax

Payable: 18,739.38 Recovered till DEC-2023: 6,564.00 Exempted: 4684.26 Recoverable: 7,491.12

Gross Pay (Rs.): 103,318.00 Deductions: (Rs.): -7,474.00 Net Pay: (Rs.): 95,844.00

Payee Name: SAEEDA BEGUM

Account Number: 5126-8

Bank Details: MCB BANK LIMITED, 240315 MCB LUND KHWAR LUND KHWAR MCB LUND KHWAR LUND KHWAR,

Leaves: Opening Balance: Availed: Earned: Balance:

Permanent Address: NEW ISLAM ABAD T/BHAIMARDAN

City: MARDAN Domicile: NW - Khyber Pakhtunkhwa

Housing Status: No Official

Temp. Address:

City: Email: saeedabegam3@gmail.com

**ATTESTED**



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LIST OF THE DISTRICT EDUCATION OFFICER (FEMALE) PRIMARY MARDAN.

NOTIFICATION

Consequent upon their selection by the departmental selection committee, the District Education Officer (Female) Primary Mardan is pleased to appoint the following trained T.O. candidates at the schools noted against their names in SPS No. 7 (Rg. 1480-81-2005) plus usual allowances as admissible under the rules with immediate effect subject to the existing terms and conditions:-

S.No.	Name/Father's Name Address.	No. of Merit	School where posted.	Remarks.
1.	Miss Alia Begum D/o Habib-ur Rehman of Toru Mardan.	1	GGPS, Rajaoro Kili	Post occupied by her.
2.	Azra D/o Mohd Daud of Toru	2	" Azar Baig	Vice Ishrat Termination
3.	Haseena D/o Mumtaz Ali of Katlang.	3	" Umar Abad	Shameela Termination.
4.	Shagufta D/o Ali Akbar/Mardan	4	" Shahdand	Post already occupied
5.	Zohra Begum D/o Zarin Khan/T.B.	5	Arabi, Banda	Rashida Taj Termination.
6.	Shazia D/o Qimat Gul /Hatn.	6	"Mulyano Kili	Post occupied by her.
7.	Safina D/o Qimat Gul /Hatn	7	do	do
8.	Sarwasia D/o A. Sattar/Takkar	8	Miss Sahib Kili	Post occupied by her.
9.	Shahida D/o Saad Ghaffor/Bakhshali	9	Jaura	Post occupied by her.
10.	Bun Nihar D/o Jehar Zeb L/Kh.	10	" Dandow	Aqeela Termination.
11.	Naeema D/o D/o Sakirullah/ of Hoti Mardan.	11	Maho Fzeri	Sadia Terminated
12.	Naveeda Begum D/o Zarghun Shah of L/Khwar.	12	Dandow	Asia Terminated
13.	Afzal Begum D/o Alan Gul L. Khwar	13	Saltanat Kili	Ismat Ara Terminated
14.	Rabid D/o Bakhtawar Shaif of Gajrat.	14	Bakhshali-1	Riffat terminated
15.	Nadia D/o Mohd Amir/L.K.	15	Sadiq Abad	Ismat Ara terminated
16.	Musarat D/o Raza Khan/B. Shili	16	Shahbaz Ghari	Robina Terminated
17.	Rukhsara D/o Shamsul Qamar/Qasm.	17	Matta Jaddal	Aijuman Terminated
18.	Shazia D/c Gul Faras/L.khwar	18	Miangano Kili	Naeema Terminated
19.	Fouzia D/c Shakirullah L/K	19	Momin Khan Kili	Nagina terminated
20.	Wajahat D/o Adil Mohd of L/K	20.	Gul Ahmad Kori	Robina Terminated
21.	Asia Aram D/o Wazir Mohd Bghd.	21	Baghdada	Abide terminated
22.	Neelan Peryeen/Yar Mohd/Katlg	22	Katlang	Huma Masroor Terminated
23.	Rashida Naz D/o Sher Zamin	23	Ghaz Kili	Hourih Termination.
24.	Ishrat Begum/Amir Khan/T. Bai	24	Deputy Kili	Naeema terminated
25.	Nagina/M. Ismail T. Bhai	25	T. Bhai-1	Shagufta Terminated
26.	Mahsooda /Razim Shah/L.K	26	Chiraghdin Kili	Roman Terminated
27.	Robina/Painda Gul T. Bhai	27	Bako Bata	Asma Terminated
28.	Farzana/Dildar Hussain	28	Gulshan Abad	Naveeda terminated
29.	Sajida/ Rahmanud Din/T. Bhai	29	Ghaz Kili	Azra Terminated.
30.	Mahran Nisa/Sher Mohd K/Shan	30	Kalo Shan	Zakia Shaheen terminated
31.	Sajida /Mohd Akbar of Hoti	31	Khadi Kili	Tahira terminated
32.	Kalsoom/Gulnast Khan(Rustam)	32	Bazar(F)	Robi Terminated

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**ATTESTED**

33.	Samina Jabeen D/o M.Zabir /Mardan	33.	GGPS,Shabaig Dasha Begum terminated
34.	Safia Haleem D/o Khan Zada /Htn.	34.	" Mehter Ghundo Shavone terminated
35.	Nasia D/o Mohd Khalil/B.Khirky	35.	" Dheri-2 Post,grud terminated
36.	Kalsom D/o Abdul Ghani/Mardan.	36.	" Khwaja Rashaka Abida-Beg:termin:
37.	Mushtari D/o Faqir Gul/T.Bhai.	37.	"T.BhaiBahlal Rukhsana Terminated
38.	Asma Begum D/o Namir Khan L/Khwar	38.	"Saltanat Kili Yasmin Term.
39.	Shabana Naurin D/o Makamil Shah of B/Dheri.	39.	"Zoer Abad Shaguffa Na Terminated
40.	Sarwat D/o Noor Mian Haq of T.Bhai	40.	" Shakar Mori Bilgees Term.
41.	Falak Naz D/o Abdul Akbar L/Khwar	41.	" Grutai Shah Ulfat Term:
42.	<del>Falak</del> Naor Jehan D/o Faqir Mohd B/Khirki	42.	" Dheri-2 Nihayat Term
43.	Rashida Malik D/o Khan Malik/Ghundo	43.	" Baba Kili Zakia Begum terminated
44.	Rashida Begum D/o Qamar Dik of Toru.	44.	" Daki Kandar Wasaf Begum terminated.
45.	Jasmin D/o Juma Khan of Mardan	45.	" Samarqand Samina Gul terminated.
46.	Bakhshanda D/o Amir Mohd /Sawalder	46.	" <del>Shahid</del> <sup>Shahid</sup> Ulfat Begum Terminated
47.	Musarat D/o Zaidullah /Qasmi	47.	" Babani Farida Term
48.	Shakeen D/o Faqir Gul /Patma	48.	" Hamza Khan Huriat Naz terminat.
49.	Naseera D/o Ali Asghar/Gumbat	49.	" M.I.Zai. Qabil-Shah Term.
50.	Musarat D/o Mohd Afzal /Kalpani	50.	"Sattar Abad Sosan perva terminated.
51.	Zakia Begum D/o Shamsad Khan/T.Bhi.	51.	"Qandare Kili Bilraz term.
52.	Haleema D/o Kachkol of Mardan.	52.	"Khura Banda Nazia Term.
53.	Rabia D/o Gulzar/Shergara.	53.	"Masi Gul Banda Shazia terminated
54.	Sitara Farhat D/o Mir Bad /Bakhshali	54.	"Chamrang Shaista Term.
55.	Zakia Minhas D/o Musa Khan/L.Khwar	55.	"Momin Khan Kili Shami terminated
56.	Shaguffa D/o Qasim Ali/T.Bhai.	56.	" Bagh Kili Razia Bibi Terminated.
57.	Afsari Begum D/o Mohd Alam /L,Khwar	57.	" Naghara Samina Ter
58.	Mufida D/o Muallim Shah Gujrat.	58.	" Surkhabi Robina Naz Terminated
59.	Hajira D/o Ghulam Sarwar of Toru	59.	"Khao Banda Saloon term.
60.	Nilofar D/o Noor Mohd /B.Khirky	60.	"Umar Abad Farida Term
61.	Farzana D/o Sawab Gul/G.Ghari	61.	"Gujar Ghari Rafida Begum terminat
62.	Haleema D/o Akbar Khan B/Khirki	62.	"Baratha Bibi Halima terminated
63.	Azra Begum D/o Firdos Khan Taza Gram	63.	"Baratha Farkhanda Terminat.

ATTESTED

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- 64. Miss Ghazala D/o Mohd Shamin/Palo Dhebi
- 65. Asia Naz D/o Khar Zada/T.Bhai.
- 66. Rana Begum D/o Dilbar of L.Khwar.
- 67. Zeenat Begum D/o Sawab Khan/T.Bhai
- 68. Alia D/o Gul Said L/Khwar
- 69. Sarina D/o Zainul Abidin/ L.Khwar
- 70. Shahida Begum D/o Bakht Zahir/Mardan
- 71. Sarwat D/o Khan Akbar /Mardan
- 72. Erena D/o Abdul Ghani L/Khwar.
- 73. Bun Pari D/o Ihsanullah/Jewar.
- 74. Afsari Maha D/o Lali Fasih/Lakpani
- 75. Nourin D/o Mohd Said of L/Khwar.
- 76. Saeeda Tatari D/oShojat Khan/Gumbat
- 77. Shakeela Begum D/o Sardar Khan Hoti.
- 78. Nafeesa Noor D/o Sher Naw/ L.Khwar.
- 79. Perveen D/o Umar Khan Takht-Bhai.
- 80. Nosia D/o Ihsanullah of Mayar Mardan.
- 81. Rifaqat D/o Aurang Zeb of T.Bhai.
- 82. Aqeela D/o Akbar Khan L/Khwar:.....
- 83. Fauzia D/o Amir Zada of Jaryala.
- 84. Nourina D/o Farid Khan of Bakhshali
- 85. Zahida Begum D/o Nazir Mohammad
- 86. Siraj Bibi D/o Shahzada of Jewar
- 87. Saeeda D/o Yusef Sha' of Iurd Khwar
- 88. Samira D/o Hamam Din Lakhshali
- 89. Saeeda D/o Mohd Amir of Gumbat
- 90. Shahnaz D/o Mohd Amir of Qasmi
- 91. Falak Naz D/o Zakirullah of Qasmi
- 92. Baseerat D/o Mohd Iqbal of Bakhshali
- 93. Malkiat D/o Mohd Ali of Bathiyan
- 94. Naheed D/o Said Karim of L/Khwar.
- 95. Shaheenaz D/o Ayaz Gul of Jandai

- 64. GGPS.Machi Fakhrun-Nisa Terminate
- 65 GGPS.Dakobaba Farida Terminate
- 66 Mahabat Bhambhani Shai K... terminate
- 67 ~~End Ahmad Khan Babina~~ terminate
- 68 Qamar Abad Yarnay Terminate
- 69 Kandari Ghazal Terminate
- 70 Khura Dawat Shazia Terminate
- 71. Bakri Banda Lubina Terminate
- 72 Marghano Kili Iltaz Bog terminate
- 73. Shergarb-2 Farzana Terminate
- 74 Haji Abad Post already occupied
- 75 "Abdul Ghafar Shazia Terminate
- 76 "Daki Gumbat Anjum Afsan terminate
- 77 Waris Khan Kili Sajida terminate
- 78. Bakri Banda Shazia Terminate
- 79. Said Mir Kili Alia Bibi terminate
- 80. Mayar-3 Bibi Farida terminate
- 81. Marghano Kili Khelida terminate
- 82 Gumbat-3 Alia Terminate
- 83. Bala Ghari-2 Dilraj Terminate
- 84 Joharano Kili Amila Bibi terminate
- 85. ~~Talib D/o Amir Fasih~~ terminate
- 86 "Thara Bad Zangra Terminate
- 87. ~~End Ahmad Khan Babina~~ terminate
- 90 Brikh Panak Naz Terminate
- 89 Gumbat-4 Yasmin Terminate
- 90 Gumbat-2 Rozira Terminate
- 91 ~~End Ahmad Khan Babina~~ terminate
- 92. Palo-1 Alia Terminate
- 93. Waheedulah Yasmin Terminate
- 94. Farzan Abad Touze Terminate
- 95 Una Kheal Rosnar Terminate

ATTESTED

of Charchur.

97. Nabeed D/o Aurang Zeb of Mardan.	97	"Landaki	Samina Qazi Term
98. Robina D/o Faqir Mohd of S/Ghar.	98	"Matta Spin Khak Shazia Term	
99. Nighat Seema D/o Zainullah of Sanga	99	"Wahedullah Banda Shazia Term	
100. <del>Robina D/o Faqir Mohd of S/Ghar</del>	100	"Kandari	Zeenat Bogal terminate
101. <del>Robina D/o Faqir Mohd of S/Ghar</del>	101	"Zarkhitab Banda Shabeen Term	
102. Zeenat D/o Radi Noor of Hoti Mdn.	102	"Kashmura Hoti-2 Kalay Term	
103. Zhenub D/o Fazli Hadi of Baghdada	103	"Mayar-3.....	Rabeela Term
104. Shabeen D/o Mian Gul of serga	104	" Mian Khan	Sharaff Term.

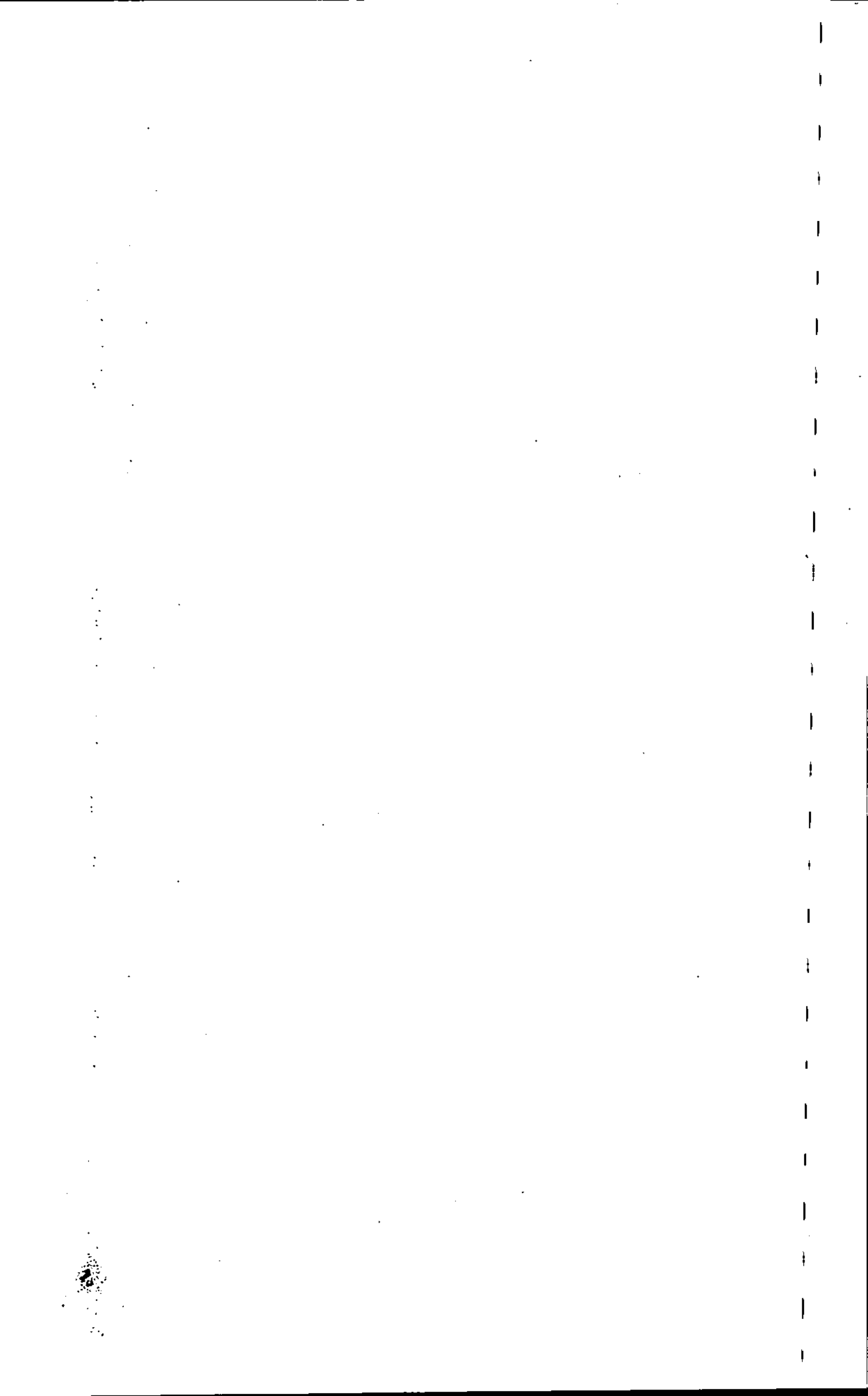
100 Constituencywise Merit.

P.F.18

105.

1 Miss Bibi Jehad D/o Ali Asghar of Hoti Mardan.	15	"Kass Kor.	Alia Terminat
106. Ghazala D/o Sardar Khan of Hoti	17	" City Mdn.	Farkhanda Term
107. Shabjehan D/o Sadiqullah of Hoti	18	"City-2	Farkhanda Term
108. Jamila D/o Mohd Zada of Mardan.	19	" Mohib Banda-1	Bakht Taj Term
109. Shazia D/o Autaur Rehman of Mardan.	20	"Nag Abad	Anwar Shabeer
110. Nagina D/o Mohammad Nabi of Mardan.	21	"Gharib Abad	Gulnaz Term
111. Jamila D/o Abdur Rahim of Mardan.	22	" Hoti-2	Brookina Najia terminate
112. Shgina D/o Mohd Asghar of Mardan.	23	" Daman	Seema 308 Term
113. Maryum D/o Aziz Ahmad of Mardan.	24	" Bicket Gunj	Basim Term
114. Farida D/o Saeed Gul of Hoti Mardan.	25	"Par Hoti-2	Bahira Term
115. Shabeen D/o Hazrat Yasin of Mardan	26	"Azi Khel	Iskhat Nabeen Term
116. Farida D/o Said Rehman of Mardan.	27	"Abdul Ghafar Banda	Saharwan Term
117. Sarwat Rehman D/o Gul Wali of Mardan.	28	" Eid Gah	Jasmin Term
118. Nancy Gul D/o Fazal Mohd of Mardan.	29	" Bicket Gunj	Najma Term
119. Tahira Begum D/o Gul Ahmad of Mardan	30	"Kotkay	Post already
120. Asia Herveen D/o Mohd Ayaz of Mardan	31	" Maho Sheri	Mamoon Hihar Term
121. Shazia D/o Sarta Din of Mardan.	32	Hoti-1	Zubaida terminate
122. Nishat D/o Sher Ghous of Mardan.	33	G.B.Zai	Uzma Tabasum Term
123. Robina D/o Faqir Hussain of Mardan.	34	Charguli	Zeenat Naeem Term
124. Zeenat Mohal D/o Saeed Gul of Mardan.	35	Hoti-1	Shazia terminate
125. Farida D/o Aziz of Mardan.	36	Sher Bhadar Kor.	Nilofar Yamin terminate
126. Zamarrad D/o Sher Ali of Mardan.	37	Khanjar	Nusrat terminate
127. Nusrat D/o Said Mohammad of Mardan.	38	Mahodhesi	Mamoon Hihar terminate
128. Shazia D/o Sherzai of Mardan.	39	Badalghari	Dilraj terminate
129. Nabeed Khtar D/o Abdus Saeed of Mardan.	40	Sara Qahrona	Rajmima terminate
130. Nabeed D/o Tahir Shah of Mardan.	41	Bagh Kili	Sadaf Hidar Term
131. Nagina D/o Abdur Rashid of Mardan.	42	Kass Kor.	Noor Jehan Term

**ATTESTED**



- 132. Miss Nazish Karwal D/o Khulida/G.Kapura 9 GGPS, G.D.Zai-2 Seema Beg. Term
- 133. Naema D/o Abdul Wahab of Mayar 10 Paton 2 Khel Sharifay term.
- 134. Sabiha Gul b/o Rahmanullah /Mayar 11 "Chanona Hamida terminated.
- 135. Ishrat D/o Samar Gul of Toru. 12 Chanona Naveeda terminated
- 136. Naveed Akhtar D/o Serdar Khan/Toru. 13 Daki Kaudar Wasim Begum Toru
- 137. Shabida Naz D/o Noor Mohd of Toru. 14 " Tekadar Kili Rashida Begum terminated.
- 138. Seema Gul D/o Abdul Satar of Mayar 15 " K.I.Zai Shamsfat Louh terminated.
- 139. Khabida D/o M.Tawab of G.Kapura 16 " Daki Kaudar Farhat Toru.
- 140. Nighat Sultana D/o Azim Khan of Toru 17 " Chember Nagina Naz Toru
- 141. Majeeda D/o Fazli Akbar of Toru 18 Subbat Abad Sharafat Toru
- 142. Tahira D/o Rehmanul Haq of Toru. 19 Chamrang Yasmin term
- 143. Madina Begum D/o Ali Paider of Toru. 20 Batai Kor. Iltaz Begum
- 144. Bajida Begum D/o Samandar Khan Mayar 21. Abdul Ghani Kor. Jari Par. Ta
- 145. Zainub D/o Abdul Halim Toot Kili 22 Bazar (R) Nadeen Ars Toru
- 146. Neelam D/o Noor Rahman of Mayar. 23 Ghala Dhar Jehan Ara Toru
- P.F.20
- 147. Dilshad D/o Azizullah of Gujrat. 16 Charguli Bushabia Term
- 148. Kokap Taj D/o Taj Nabi of Gujrat. 17 Shinzangal Fakhana Term
- 149. Sheraz Taj D/o Taj Nabi of Gujrat. 18 Shin Zangal Gul Naz Term
- 150. Nagina D/o Salim Dad of Palo Dheri. 19 Mora Band Nagraiz Term.
- 151. Saadia D/o Ghulam Rehman/Gujrat. 20 Kajeer Gul Rana Term
- 152. Kalsoom D/o Sartaj Ali /Gujrat. 21 Metmood Abad Khalida Term
- 153. Farida D/o Mpu Saeed Bacha /Gujrat. 22 China Nagina Term.
- 154. Bushra D/o Khalil Rehman/Charguli 23 Loharano kili Niaz Bibi Term
- 155. Nazia D/o Qamar Ali of Gujrat. 24 Srekh Seeca Term.
- 156. Waheeda D/o Johar Ali of Gujrat. 25. Tila Banda Saira Term.
- 157. Shakeela D/o Amir Azad Khan of Garyala 26 Farzan Abad Saeeda Begum Term
- 158. Musarat D/o Hamidur Rehman/Gujrat. 27 Petao Malandari Taj Moghal
- 159. Farida D/o Shamroz Khan of Bakhshali 30 Sahib Abad Post already occupied by her
- 160. Shabina D/o Zakoor Ahmad/Gujrat. 32. Safdar Khan Kili Kalsoom Begum Terminated.
- 161. Akhtar Qazi D/o Fariduddin /Gujrat 33 Batai Kor. Nazira Term.
- 162. ~~Sadaq Ali D/o Saadullah Luddin~~ 16 ~~Charguli~~ ~~Nazida term~~
- 163. ~~Sadaq Ali D/o Saadullah Luddin~~ 17 ~~Baba Kili~~ ~~Nargis term~~
- 164. Riffat D/o Ambar Khan of Qaumi 18 Zerkhat Banda Nargis Mota terminated.
- 165. Farzana D/o Saifur Rehman of Qaumi 20 Jamal Ghari-3 Nargis Term.
- 166. Zakia Naz D/o Ali Bhader of Charchur 21 Dheri-3 Naz Bibi Term.
- 167. Rehana D/o Abdur Rehman/ Mien Khan 21. Dheri Robina term.
- 168. Shamim D/o Masawqur Khan Katlang 22 Talao Inza Robina Term.
- 169. Najma D/o Samandar Khan of Katlang 23 Dheri-3 Post occupied by her
- 170. Amina D/o Samandar Khan of Alo 24. ~~Yasmin~~ ~~Safia Naz Term~~
- 171. Nasim Begum D/o Sher Afzal Haji Abad 25. ~~Haji Abad~~ ~~Post already occupied by her~~

ATTESTED

P.F.21

172.	Mumlikat D/o Mohammad Shab/Katlang	26	GGPS, Tila Banda	Saira Term.
173.	Nargis B/o Nabi Gul /Katlang	27	" Batagram	Sai Term.
174.	Huriyat Naz D/o Ali Akbar/Katlang	28	"Batagram	Salma Naz Term
175.	Gul Naz D/o Lal Bad Shah(Disable)	29	Babani	Firasat Term.
	Bacha Haram D/o Mir Afzal T.Bhai	30		

P.F.22

176.	Bacha Haram D/o Mir Afzal T.Bhai	16	Jalala	Rifat Terminate!
177.	Ghazala D/o Dilawar Khan of T.Bhai.	17	Yaqub Khan Kili	Shabnam Term.
178.	Shamim Akhtar D/o Aurang Zeb/T,Bhai	18	Said Mir Kili	Kameeshan Beg. terminated.
180.	Shermal Bibi D/o Zubair Shah/T,Bhai	19	Hero shah	Post already occupied by her
180.	Safia B/oFazli Karim of T.Bhai.	20	Narai(R)	Nabeed Alam
181.	Nizakat D/o Zubair Shab T.Bhai	21	Ghaz Kili	Terminated Sabira Bibi Term.
182.	Asima Noor D/o Noor Badshah /T,Bhai	22	Sattar Abad	Sadiqa Khatoon terminated.
183.	Ismat D/o Salahud Din/T,Bhai	23.	Deputy Kili	Shaheen Begum terminated.
184.	Bilshad Begum D/o Adam Khan /Baro shah	24.	Said Shah	Fatma terminated.
185.	Shakeela D/o Hazratullah /T.Bhai.	25	Daulat Khan Kili	Hidayat terminated
186.	Taja B/o Khan Qadar /T,Bhai.	26	Khuja Rashaka	Ulfa Begum terminated
187.	Shazia D/o Haq Nawaz/T.Bhai.	27	Khanjar	Saeeda Term.
188.	Kameeshan D/o Gulzamar/T,Bhai	28	Chowdry	Musarat term.
189.	Musarat D/o Gal Bilal /T.Bhai	29	Maho Narai	Sayyid terminated
190/	Zakia D/o Hero Shah/T.Bhai.	30	Hero Shah	Nizakat Term.
191.	Mehmaz D/o Sultan Mohd/T.Bhai	31	Sharif Khan Kili	Bamina terminated.
192.	Balqees D/o Samobar Khan/G/Ghari	32.	Shakar Mori	Post occupied by her.
193.	Nusrat D/o Fazli Karim/T.Bhai	33.	Khanjar	do
194.	Roshan Bibi D/o Ghulam Habib/T.Bhai	34.	Takkar	Shabina termi:

P.F.23

195.	<del>Zakia D/o Mohammad Idris Qadri</del>	36	<del>Shirvan Khan Kili</del>	<del>Zakia term.</del>
196.	Abliqa D/o Abdul Qayum /Takkar	37	Karam Khan	Basma Shabina terminated.
197.	<del>Zakia D/o Mohammad Idris Qadri</del>	38	Sanga	Zakia term.
198.	Fariha D/o Aslam Khan/Takkar	39	Sharif Khan kil	Fariha Term.
199.	Saiqa B/o Nadar Khan /L.Khwar.	41.	Palowad	Rukhsana termi.
200.	Nighat Seema B/o Said Qayum/F.Abad	42	Sufaid Abad	Saloon Termi.
201.	Sahira Bano B/o Khan Bhadar/Hatian	43	Shey Bhadar Kor.	Shaheen terminated.
202.	Taj Roshan B/o Mohbat Khan/Takkar	44	Khali Bokhan	Shamim Akhtar terminated.
203.				

ATTESTED

- 203. Miss Najma Akram D/o Gul Zamir/L.Khwar 45 GGS, Shegarh-2 Zohra Term:
- 204. ... D/o Mr. Zafar Khan/L. Khwar 46 " Gumbat-4 Rozina term.
- 205. Halima D/o Mohd Noor/Ebgarh. 47 " Mabo Narai Sa ...
- 206. Nazira I/o Nowshad Khan Jalala 48 " *Shekhar* ...
- 207. ... 49 ...
- 208. ... 50 ...
- 209. Khatera ... Mohd Ayub ... 51 ...
- 210. ... 52 ...

Terms & Conditions.

1. They will be Governed by such rules and regulation as may be prescribed by the Govt. from time to time for the category of Govt. servant to which they belong.
2. Their services will be liable to termination on one month notice from either side. In case resignation with-out notice one pay will be forfeited in lieu their off.
3. They should join the post with in one month of this notification.
4. Their inter-se seniority will be determined in accordance with the merit of Departmental selection committee.
5. Charge report should be submitted to all concerned.
6. They shall be on probation for a period of two years and will have to pass Departmental Examination. In case a candidate fails to qualify the Departmental Exam, she will be given one more chance, if she failed again, then her services will be terminated. On arrival/availability of trained teacher the service of untrained occupied the post will be terminated.
7. Their original certificates/Degrees should be checked and verified from the concerned university/BISE/R.D.E& Bazar etc. concerned before handing-over charge.
8. Service books of the teacher must be prepared complete in all respect before handing over charge.
9. The declaration of Assests should be obtained from them immediately and placed on record.
10. They are required to produce health and age certificate from Medical authorities concerned before taking over charge.
11. Charge should not be given to the Overage candidate. Her case for age relaxation be sent to the quarter concerned.
12. Efforts for transfer before the completion of tenure will be dis-qualify her from the service.
13. No TA/DA is allowed.
14. An undertaking shall be obtained from Master and Degree holders PTC that they will service the Department for at least 5 years unless selected by the public service commission.
15. In case of person appointed as an untrained teacher, she will have to pass the requisit training examinations with in a period of 4 years failing which her services will be terminated.

NOTE

Complete information of each category (Separately) in consolidated list on the prescribed proforma (attached) along with charge reports be submitted by the lower offices to the Director of Primary NWFP. Earlier with in a week positive, y.

**ATTESTED**

*Sd/-*

DISTRICT EDUCATION OFFICER  
(GENERAL) PRIMARY



Endst. No. 1191/G /Apptt: PKG/Trd/ Dated 23/6/1997

Copy for information to the:-

1. Accountant General NWFP. Peshawar.
2. Director of Education Primary NWFP. Peshawar.
3. District Accounts Officer Mardan.
4. P/S to Secretary Govt. of NWFP. Peshawar (Education Department) Peshawar.
5. SDEO(F) Mardan and Takht-Bhai.
6. Headmistresses of GGPS. Concerned.
7. Candidates concerned.

ATTESTED

*Saujida Tarsoo*  
District Education Officer  
(Female) Primary Mardan.

Daud/.....  
Nisar.

GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT  
(REGULATION WING)

NOTIFICATION

Dated Peshawar, the 06/8/2020

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

AMENDMENT

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

CHIEF SECRETARY  
GOVERNMENT OF THE KHYBER PAKHTUNKHWA

COPIES NO & EVEN DATE

Copies forwarded to:-

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

*(Signature)*  
AWAZAH LATIF  
DEPUTY SECRETARY (POLICY)

ATTESTED

*Attested*



ATTESTED

-12-

GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT  
(REGULATION WING)

NOTIFICATION

Dated Peshawar the, 06/08/2020

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

AMENDMENT

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

CHIEF SECRETARY  
GOVERNMENT OF THE KHYBER PAKHTUNKHWA

(ANDS): & EVEN DATE

Copy is forwarded to :-

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

(WARDAH LATIF)  
DEPUTY SECRETARY (POLICY)

ATTESTED

- 13 -

Annexure C



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT  
No. 51(Polcy)II&AD/I-3/2020  
Dated Peshawar the June 06, 2023

62

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

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

Dear Sir, I am directed to refer to your letter No. KO(Polcy-MYII&AD/I-3/2020) 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 with 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 at preventing a civil servant from temptation for illicit gain by seeking to a single lucrative post/position or to prevent those who tend to forgo promotion to evade posting/transfer or show lack of capacity to tackle higher responsibilities in case of promotion. Therefore, it is obligatory upon every civil servant to accept promotion in every condition.

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

Yours faithfully,  
  
(Issa Dildar Khan)  
Section Officer (Policy)

ASE  
7/6

Under: Of even No & Date  
Copy forwarded to:-

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

06.08.23  
21.6.23

Section Officer (Policy)

**ATTESTED**



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

No.SO (Primary-M)/E&SED/2-6/2023  
Dated Peshawar the, June 26<sup>th</sup>, 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, 1988.**

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

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

Encl: AA

*[Handwritten initials]*

*[Handwritten signature]*  
(MUHAMMAD Ishaq)  
SECTION OFFICER (PRIMARY MALE)

Copy forwarded to the:

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

*[Handwritten initials]*

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

**ATTESTED**  
*[Handwritten signature]*

- 15 -

B/c

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

To

The Director  
Elementary & Secondary Education Department  
Khyber Pakhtunkhwa, Peshawar

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

Subject: GUIDANCE REGARDING DELETION OF RULE 7(S) IN THE KHYBER  
PAKHTUNKHWA CIVIL SERVANTS (APPOINTMENT, PROMOTION  
AND TRANSFER) RULES, 1909.

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

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

Encl: AA

(MUHAMMAD ISHAQ)  
SECTION OFFICER (PRIMARY MALE)

Copy forwarded to the:

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

SECTION OFFICER (PRIMARY MALE)

ATTESTED

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


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


SR	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

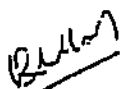
2. The meeting started with recitation from The Holy Quran. The chair welcomed the participants. The Deputy Director (Establishment) of Directorate of Elementary & Secondary Education briefed the forum regarding agenda item in detail.


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

  
(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

- 17 -  
- 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).**

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SN	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

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(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**





No. 8145

/F.No. 34/SST/UG General Cases

Phone: 091-9225344

Khyber Pakhtunkhwa, Peshawar

Dated 21-7-2023

Email: establishmentmale1@gmail.com

To

✓ The Section Officer (Primary-Male),  
Elementary & Secondary Education Department,  
Khyber Pakhtunkhwa Peshawar.

Subject: - MINUTES OF THE MEETING

Dear Sir,

I am directed to refer to the letter No. SO (Primary-M) E&SED/3-1/G.Mize/Minutes of the Meeting/PST/2023 dated 10-07-2023 on the subject cited above and to present brief history about the background of the case as under:

- That Government of Khyber Pakhtunkhwa Establishment Department (Regulation Wing) deleted Rule 7(5) in the Civil Servants (Appointment, promotion & Transfer Rules 1989) vide notification No. No. SOR-VI (E&AD)/1-3/2020 dated 06-08-2020.
- That this office sought guidance from your good office in the following words vide letter No. 6987 dated 06-02-2023.
  - (i) Now it is obligatory upon the civil servant to accept Promotion in every condition.
  - (ii) It is the prerogative 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 vide letter No. SO (Primary-M) E&SED/2-2/Appointment/2023 for necessary guidance.
- That the Government of Khyber Pakhtunkhwa Establishment Department (Regulation Wing) vide letter No. SO (Policy) E&AD/1-3/2020 dated 6-06-2023 categorically stated that there exists no provision to decline 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 vide letter No. SO (Primary-M) E&SED/2-2/Appointment/2023 dated 12-06-2023.
- That, in the light of the minutes of 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 numbers of Female Teachers. Thus it is proposed that Teachers below DPS-16 may be exempted of implications of the amendment in the rules laid provided they submit their written refusal prior to conduction of the meeting of Departmental Promotion Committee.

The case is submitted for perusal and necessary actions please.

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

Encls: No.

Copy of the above is to:-

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

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

ATTESTED

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- B/c -

DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION, KPK

To:

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

PESHAWAR  
(21-7-2023)

Subject: Minutes of Meeting

Dear Sir,

I am directed to refer to letter No. (SO Primary-M) E&SED/S-1/Gr/Mil/Minutes of meeting/PST/2023 dated 20-7-2023 on subject cited above and to present brief history, about background of case as under:-

- That Government of KP Establishment department (Regulation Wing) deleted rule 7(S) in Civil Servants (Appointment, promotion & Transfer Rules 1987) vide notification No. No. SDR-VI(E&AD)1-3/2020 dated 06-08-2020.
- That this office sought guidance from your good office in the following words vide letter No. 6987 dated 06-05-2023
  - (i) Now it is obligatory upon civil servant to accept promotion.
  - (ii) It is prerogative of civil servant to either accept/turndown the offer of promotion.
- That your good office forwarded the same to a quarter concerned vide letter No. SO (Primary-M) E&SED/2-2/Appointment/2023 for necessary guidance.
- That the government of KP-ED (Regulation Wing) vide letter No. SO (Policy) E&AD/1-3/2020 dated 6-06-2023 categorically stated that there exists no provision to decline / forgo promotion. It is obligatory upon every civil servant to accept promotion under every condition.
- That in light of the minutes of the meeting dated 6-07-2023 held under the Chairmanship of Hon. Additional Secretary Establishment at his office. This office has been asked for submission of consolidated case.

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

The case is submitted for perusal and necessary actions please.

Copy of the above to;

1. PA to Director Local Directorate
2. Master Copy

Assistant Director  
Elementary & Secondary Education  
Khyber Pakhtunkhwa.

ATTESTED



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

Annexure E

No. SO(Primary-M)E&SED/2-2/Appointment-Rule /2023  
Peshawar Dated 23<sup>rd</sup> 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 06<sup>th</sup> June 2023 and to state that after deletion of rule 7(5) Khyber Pakhtunkhwa Civil Servant (Appointment, Promotion & Transfer Rules 1989) it has been intimated that those officers/ officials who do not comply with promotion order of the competent authority or try to evade promotion through different means shall be proceed under Khyber Pakhtunkhwa Civil Servant (Efficiency & Discipline) Rules, 2011.

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

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

(MUHAMMAD ISHAQ)  
SECTION OFFICER (PRIMARY MALE)

Copy forwarded to the:

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

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

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~~ATTESTED~~

~~ATTEST~~

Department of Education, Government of Khyber Pakhtunkhwa

(Muhammad Ishaq)  
Section Officer (Primary  
Schools)

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. 50 (Primary) /E&AD /1-3/2020 dated 6th June 2020 and to state that after deletion of Rule 7(5) Khyber Pakhtunkhwa Civil Servant (Appointment, Promotion and Transfer Rules 1989) it has been intimated that those officers/officials who do not comply with promotion order of the competent authority or try to evade promotion through different means shall be proceed under Khyber Pakhtunkhwa Civil Servant (Efficiency and Discipline) Rule 2012.

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.  
Appointment - Rule/2023  
No. 50 (Primary-M) E&SED /A-9/

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-B/C-  
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Annexure F



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

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

Subject: - GUIDANCE REGARDING DELETION OF RULE 7(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)

Encl. Of even No & date

Copy forwarded to the:-

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

WP4442-2023 AZIZULLAH VS GOVT OF PG43

  
ATTESTED

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- 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)/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-I), Establishment Department.
3. PS to Deputy Secretary (Policy), Establishment Department.

Section Officer (Policy)

ATTESTED  
R

-24 -  
Annexure 9.

To,

Dated: 22-01-2024

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

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

Sir/ Madam:-

Your Honorable authority promulgated Notification No. SO (Policy) E&AD/1 3/2020, dated 06/08/2020, communicated to Elementary & Secondary Education vide letter dated 06/06/23 wherein it has been made mandatory to the employees to avail the promotion, otherwise, disciplinary action shall be taken against the employees. That, as per notification No. 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



Saeeda Begum wife of Irshad Ali  
Resident of Tehsil & District  
Mardan

**ATTESTED**

~~ATTESTEN~~

WP4442-2023 AZIZULHAQ VS GOVT OF PC43

Handwritten signature and date: 08/11/23

Main body of handwritten text in Malayalam script, consisting of several lines of a letter or statement.

Handwritten signature and name at the bottom of the main text block.

APTA House  
Govt Primary School No.1,  
Gulbarga, Karnataka City.



Khyber Pakhtunkhwa

Phone: 0333-8214818  
Email: apta@gmail.com  
Address: 11/11/11



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 Khan)  
Member (I)

*[Handwritten signature]*  
13-6-24

Date of Presentation of Application 10-6-24  
 Number of  
 Copies 5  
 Deptt S/P  
 Total 5  
 Name of  
 Date of 13-6-24  
 Date of Delivery of copy 12-6-24

**ATTESTED**

# VAKALAT NAMA

## BEFORE THE SERVICE TRIBUNAL PESHAWAR

SAEEDA BEGUM.  
Versus

Appellant

Government of KP & others

Respondents

*I (the Appellant)*

do hereby appoint and retain

MUHAMMAD MUAZZAM BUTT ASC. MUHAMMAD ADEEL BUTT AHC

BASSAM AHMAD SIDDIQUI AHC

&

ASSOCIATES OF MUAZZAM LAW FIRM

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

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



**APPELLANT**

**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