


# 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 style="text-align: right;">By order of the Chairman  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

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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 &amp; 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) /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 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 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.

- 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.

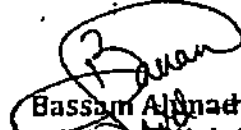
  
Deponent

  
Appellant

Through

  
Muhammad Muazzam Butt  
Advocate Supreme Court

  
Muhammad Adeel Butt  
Advocate High Court

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

**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA**

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

In Ref to

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

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.

محمد رفیق خان  
Déponent

محمد رفیق خان  
Appellant

Through

Muhammad Muazzam Butt  
Advocate Supreme Court

Adeel Butt  
Muhammad Adeel Butt  
Advocate High Court

-6-

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

**Annexure A**



**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
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**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:    Availed:    Earned:    Balance:

Permanent Address: LAKKI

City: LAKKI

Domicile: NW - Khyber Pakhtunkhwa

Housing Status: No Official

Temp. Address:

City:

Email: mrafiqkhanpk666@gmail.com

*Muhammad Rafiq Khan*  
Approved  
Signature

System generated document in accordance with APPM 4.6.12.9(818037/26.01.2024/v3.0)

All amounts are in Pak Rupees

Errors & omissions excepted (SERVICES/02.02.2024/20:08:12)



اے ایچ او ہانہ میں سیکرٹری کے نام پر  
 (2) GPS پستوں کے لیے  
 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: Choriwala	GPS Ghulam Mughal Khan
2.	Anis'Abdus' Rahman S/O Raibat Kh.	Vill: Lokki.	-do- GPS Nar Maule Dada
3.	Feridullah Khan S/O Watan Khan	Vill: Gendi Khan Khel.	-do- " Nar Pir Abbas.
4.	Noor Mohd Din S/O Qazi Ikram Din	Vill: Lokki.	-do- " Nar Akbar Khan.
5.	Ghulam Ali S/O Khan Sardar vill:	Lokki.	-do- " Karkhsti Barokh.
6.	Raj Mohamad S/O Ghulam Qureshi	Vill: Lokki.	-do- " Lokki Barokh.
7.	Qayyum Nawaz S/O Saadullah vill:	Kakki.	-do- " Kaka Baba Landokh.
8.	Asghar Ali S/O Raja Khan vill:	Kakki.	-do- " Lowest Landidokh.
9.	Zardad Khan S/O Amir Daud vill:	Bannu City.	-do- " Ustia Khel.
10.	Raza Mohamad S/O Mohd Hussein	Bannu City.	-do- " Domel.
11.	Mohd Ayub S/O Mohd Nasir vill:	Kakki.	-do- " L/Sadaghrab.
12.	Perid Zaman S/O Khan Zaman Kakki.		-do- " Landidokh Banuch.
13.	Ismatullah S/O Saleh Ak Mohd vill:	Jhengi Tughel Khel.	-do- " Quter Mawa Khel.
14.	Mushtaq Ahmed S/O Dost Mohd vill:	Abbs Khel.	-do- " Abdullah Jan.
15.	Ghuffron Ali Shah S/O Mohd Ghous Ali	Shah vill: Sabu Khel.	-do- " F. Ali Shah Mich' 'M. Ali Mohd Lati' died'
16.	Saifullah Khan S/O Haidar Ali Khan	vill: Kot Asad.	GPS Abdullah Din Kot.
17.	Feiz Ali Shah S/O Moor Badsha	vill: Ghoriwala.	Condidate. " Chit Khel.
18.	Abdul Karim S/O Jehangir vill:	Lalozai.	-do- " Barokh Kokel Kh.
19.	Abdul Rashid S/O Dost Mohammed	vill: Abbs Khel.	-do- " Lokki Kamaer Din.
20.	Mahesh Khan S/O Saleh Khan vill:	Asghar Khel.	-do- " Ayub Killa.
21.	Mohd Aslam Khan S/O Kutab Din	vill: Hayat Khel.	-do- " Malik Shehi Jan' Khel.
22.	Yousaf Khan S/O Nawab Khan vill:	Lakki Mina Khel.	-do- " P. - Mukamal Shah.

اے ایچ او ہانہ  
 6-A

6-B

1.	2.	3.	4.	5.
	23. Samar Gul S/O Mohd Gul Vill: Lakki Mins Khel.	Candidate.	GPS Akbar Zaman Barak Zai.	
	24. Mohd Noor Rahman S/O Ghulam Sahib Khel vill: Kot Beli.	-do-	GPS Haibak Sherza Khan.	
	25. Hashmatullah S/O Haider Khan vill: Hassan Khel Isaki.	-do-	GMS Hassan Khel Isaki.	-do-
	26. Mohd Nazir S/O Qdla Khan vill: Z. Dello Khel (Bannu tehsil).	-do-	GPS Kotko Poyo Khan Mandan.	-do-
	27. Mushtaq Khan S/O Tawab Khan Bada Mir Abbas.	-do-	" Shukrullah Hussain.	N.O
	29. Sheh Nawaz S/O Mohd Nawaz Belar Khel Lakki.	-do-	" Asperka Wasir.	V. 3
	29. Niamstullah Khan S/O Mosem Khan vill: Kot Kashmir.	-do-	" Miryan Killa.	"
	30. Samtullah S/O Anwar Badshah vill: Ghoriwala.	-do-	" Nar Tej Mohammad.	"
	31. Rasool Zaman S/O Badi Zaman vill: N Shamshi Khel.	-do-	" Ghani Machan Khel.	"
	32. Noor Alam Khan S/O Reis Khan vill: Tejori.	-do-	" Murghali Ghulam Shah.	"
	33. Ghafter Ali S/O J. el Khan vill: Ghoriwala.	-do-	" Adami Ayub Khan.	"
	34. Bachr Khan S/O Dost Mohammad Vill: Abba Khel.	-do-	" Murghali Gulab Khel.	"
	35. Shafiq Ullah S/O Faizullah vill: Kot Kashmir.	-do-	" Murghali Singsar Khel.	"
	36. Umar Nia S/O Gul Bera Khan vill: S.K. Bal.	-do-	MPS Mandozei Bureni.	"
	37. Mohd Din S/O Abdul Rahman Zangi Khel.	-do-	" Murghali.	"
	38. Sherin Zen S/O Raqib Khan. Zalim Dello Khel.	-do-	GPS Muhibullah.	"
	39. Harret Bilel S/O Durena Khan vill: Kuti Khel.	-do-	" Ahmad Sardi Khel.	"
	40. Ikramullah S/O Nawab Khan. Nar Sahib Khan.	-do-	MPS Noor Saf (Domel).	"
	41. Mohd Jehanair 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: Nar Shukrullah.	-do-	" Nar Sher Mast.	ADB/P
	44. Khelina Reza S/O Hakim Khan Jahu Khel.	-do-	" Nawaz Abad.	VP
	45. Mohd Amin S/O Mohd Yousef Jahu Khel.	-do-	" Kot Azad Nurur.	"
	46. Wali Mohammad Khan S/O Shah Mohammed Masti Khel Lakki.	-do-	" Miryamin Killa.	"
	47. Amir Nawaz S/O Ayyaz Khan Israil Khel Abba Khel.	-do-	" Kotka Daryo Khan.	"
	48. Sabr Ali Khan S/O Mirzali Khan vill: Kakki.	-do-	" Gul Badin Landidek.	"
	49. Habibullah S/O Shahid Khan Dediwala Lakki.	-do-	" Gadi Tep.	"
	50. Mohd Habib S/O Abdul Ghafter vill: Johan Behler.	S/E.P.I. Tech. ERU Nurur.	" Ghani Baist Khel Contd: on p. 3	Ad

ATTESTED

- | <u>3.</u>   | <u>4.</u>   |
|---|---|
| Mr Ayes S/O Faisal Khanen. J/O SDO(P) OPS B.A.Khan. V/P (Shah D. Died).<br>Vill: B.A.Khan.            | Bannu.  |
| Insenullah S/O Mohammad<br>Bannu City (Choriwala)   | Confidate. " Hinjel Amir Khan.                                |
| Baliaz Khan S/O Saleh Khan -- Jo-<br>vill: Fateh Khan Khujeri.  | " Liwan Dardariz.   |
| 54. Ghulam Faiz Khan S/O Mohd Gul-jo-<br>vill: Mitha Khel.  | " Mohamad Ali.  |
| 55. Zaffer Ahmed S/O Abdul Satter--do-<br>vill: U-er Titter Khel.                                     | " Zonde Ghajibi.  |
| 56. Nasirur Rahman S/O Aziz--ur- --do-<br>Rahman Muslim Abad Bannu.                                   | " Sedev Nurar.  |
| 57. Mohd Ali Khan S/O Mir Daraz --do-<br>vill: Kakki.   | " Landidek Borskzi.   |
| 58. Niamatullah Khan S/O Badsha --do-<br>Khan vill: Lakki.  | " Korkani Tajibi Khel.  |
| 59. Hamidullah S/O H. H. Mir Ali --do-<br>vill: Kakki.  | " Landidek Bannu.   |
| 60. Ahmed Nawaz S/O Amir Nawaz --do-<br>vill: Kakki.  | " Kakki Khos (V/P vice Dil Nawaz on leave).                   |
| 61. Sultan Khan S/O Adam Khan --do-<br>Vill: Kheru Khel Pocco.  | " Parkanen Jani Khel.   |
| 62. Rashid Ahmed S/O Ghulam Kabris--do-<br>vill: Lakki (Pher Khel).                                   | " Malik Shaki Jani Khel.                                      |
| 63. Liaqat Ali S/O Mohd Ali --do-<br>Vill: Mughal Khel.   | " Kotke Akhunden.   |
| 64. Mohd Nawaz S/O Ghulam Badi --do-<br>Jen vill: Dabek Mandre Khel.                                  | " Meli Khan Killa.  |
| 65. Syed Kabboob Ali Shah S/O --do-<br>Mir Saideen Shah vill: Bannu City.                             | " Saleh Khan Mandev.  |
| 66. Dil Faraz Khan S/O Sardars --do-<br>(Awan) Bannu City.  | " Fetma Khel.   |
| 67. Riaz-ud-Din S/O Islam Din --do-<br>vill: Ghak Daden.  | " Kejal Killa (vice Najeeb-<br>ul on S/No. 69).               |
| 68. Najeebullah PTC Teacher. GPS Kejal Tughel GPS Jhangi Killa. V.<br>Khal.                           |   |
| 69. Masha Hoor Khan BTO<br>(PTC Teacher).   | MPS Khan Zaman. " Jhangi Killa (Tughel<br>Ismail Khel. Khel). |
| 70. Mohd. Nawaz PTC. MPS Bakere Killa. MPS Khan Zaman Ismail<br>(vice No. 69).                        |   |
| 71. Dost Mohd PTC GPS Kotke Muhibullah. GPS Bakere Killa vic  |   |
| 72. Tawab Khan S/O Gul Saaz Khan Confidate. GPS B. H. Khan Dardariz.<br>vill: Bherat.                 |   |
| 73. Shah Qiaz Khan S/O Mohammad GPS Kotak Kot. MPS Murib Khel Baka K.<br>Ali Khan vill: (Miran Shah). |   |
| 74. Noor Azeed S/O Mir Saadat Kh: Confidate. GPS Khurgai.<br>vill: Torke Bania Khel.                  |   |
| 75. Abdul Waris Khan S/O Mir --do-<br>Abbas Khan vill: Injel Sharez.                                  | " Dilasa Mandev.  |
| 76. Nasrullah Khan S/O Mohd --do-<br>Nawaz vill: Bherat.  | " Hakim Khan Havad.   |
| 77. Shah Qiaz Khan S/O Mohammad --do-<br>Subhan vill: Kakki.  | " Muhibullah.   |

Contd: on page...

ATTESTED

1.	2.	3.	4.
78.	Shebir Wesim S/O Warasham Candidate. Gul vill: Kekki.		GPS Mama Khel Tarket.
79.	Hani Cullah S/O Yaqub Jan -do- vill: Lakki Mina Khel.		" Abdul Oshaffer Mir Khel (Domal).
80.	Mir Zaman S/O Sardar Khan -dq- vill: Bherat.		" Haved Khos.
81.	Zarip Khan S/O Jan Ahmad -do- vill: Landiwah.		" Kotko Darys Khan.
82.	Sakhi Mar Jan S/O Durans -do- Khan vill: Ghazni Khel.		" Tajzari. (Vice S. for selects for PTC train
83.	Amir Mohd Shafiq S/O Hinoor Sahib -do- Jan vill: Landiwah.		" Midali.
84.	Kibaz Khan S/O Rab Nawaz Kh: -do- vill: Taji Killa.		GMS Zaman Wazir,
85.	Mohd Shafiq Khan S/O Mir Ali -do- Khan vill: Chorivale.		GPS Mohd Jan Mughal Khel No. 86.
86.	Hidayat Ullah Khan (PTC teacher)	GPS Mohd Jan Mughal Khel.	" Manja Khel, vice Bor Shah selected for PTC training).
87.	Mohd Rashid S/O Ali Akher Candidate. vill: Wanda Mash.		" Wazir Abad.
88.	Behadar Nawaz S/O Amir Badshah -do- vill: Chorivale.		" Moin Shah Shamsi Adil Khel.
89.	Abdus Samad S/O Mohd Ayyaz -do- vill: Hassan Khel.		" Doggar Umar Bai. VP
90.	Hamid Khan S/O Mohd Mir -do- vill: Mashe Mansoor.		" Mian Gul Khel.
91.	Nizam Khan S/O Quli Khan -do- vill: Landiwah.		" Mir Waiz.
92.	Sher Behadar S/O Gula Bat -do- vill: Heibek Surani.		" Wazir Abad.
93.	Ihsanullah S/O Abdul Malik -do- vill: Marre.		" Manley.
94.	Mohd Yasin Khan S/O Sharaf Khan -do- vill: Abba Khel.		" Mirbaz Barikan.
95.	Abdul Manan S/O Biaz Khan -do- vill: Jhang Khel Lakki.		" Khont Barikan.
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 Khel.
98.	Qasmat Ali Khan S/O Mir Sahib -do- Jan vill: K. Behadar Khan Turki Bannu.		GPS Peinde Khel Wazir.
99.	Ayub Nawaz S/O Sved Nawaz -do- vill: Fatma Khel Bannu.		MPS Milla Gen.
100.	Mohammed Rafique S/O Abdul Ali -do- vill: Wanda Mash.		GPS Keski Wazir Killa.
101.	Mohd Hassan S/O Mohd Yousaf -do- vill: Umar Tiltar Khel.		MPS Mazanga Landidek.
102.	Zarin Badshah S/O Hazir Badshah -do- vill: Sabu Khel Khettak.		GMS Mama Khel Bannuchi. VP
103.	Faraman Ullah S/O Haji Naseebullah -do- Khan vill: Chorivale.		GPS Adami Nawaz Shah (via Faraman Ali Shah select PTC training).

ATTESTED

2.	3.	4.	5.
106. Abdul Hamid S/O Ghulam Ahmed vill; Lakki Mina Khel. Candidate.		MPS Sultan Jani Khel.	V/P.
105. Fakhar Zamar S/O Habib Jan (vill: Kakki Anar Gali).	-do-	" Wazir Nilla Dardariz.	"
106. Mohd Roshai S/O Mohd Noor Zaman vil: Dad Kachkot Mittha Khel.	-do-	" Malik Mittha Khel.	"
107. Mohd Niaz S/O	AWI GHS NO.2, Excu	" Moin Shsh Shomshi Khel	"
108. Abdul Khalil S/O Paında Khan vil: Lakki Mina Khel, (Military Trained PTC)	Candidate.	MPS Mia Wali (Lakki S/O).	AD.
109. Sarwar Jan S/O Ali Marjan vil: Kheru Khel Pases. (Ex-Service man Mil: PTC trained).	-do-	GPS Kasbi Landidek.	"
110. Aam 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. Excu Trained	" Kasbi Landidek,	"
112. Tawah Ali S/Clk.	PTC GHS No.2, Excu & 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 Med Mandan (vice Hemidur Rahman Shah select: for PTC training),	"
114. Abdullah Khan S/O Sher Khan vill: G. Khan Khel.	Candidate.	" Amin Jabu Khel.	VP. 110
115. Mohd Fahim S/O Afzal Khan Vill: G. Khan Khel.	-do-	-do-	P.
116. Abdur Rahim S/O Sher Ajab of Vill: Tazajai.	-do-	" Matan Tazajai.	"
117. Abdur Rahman S/O Rahmatullah Jan Vill: Titter Khel.	-do-	" Kot Sardar,	"
118. Ghulam Sarwar S/O Shah Wali Lakki Khoidad Khel.	-do-	" Bagni,	V/P
119. Sardar Jan S/O Rehman Jan vill: Sheikh Khuda Bakhsh,	-do-	" Nar Nawab Kala Khan,	"
120. Jehan Zeb S/O Gul Habib vill: Wanda Shahab Khel.	-do-	" Yar Ahmad Machan Kh:	V/P.
121. Sultan Jan S/O Shah Jehan vill: Shah Jehan Adamzai,	-do-	GMS Darake Aziz Khan,	"
122. Mohd Azim S/O Adam Khan vill: Ghezi Khel.	-do-	GPS Karmu Khel.	"
123. Jehangir S/O Esi Khan vill: Kot Kashmir.	-do-	" Baragijab:	Adi
124. Fermana Ullah S/O Mir Sajam vill: Kot Kashmir.	-do-	" Kot Rahman.	"
125. Fazal Rahman S/O Shah Ales vill: Hakim Tapa.	-do-	" Wanda Fatah Khan:	"
126. Karim Khan S/O Hakim Khan vill: W. Amir.	-do-	" Wanda Paında, Khan.	"
127. Gul Teiz Khan S/O Umer Gul Lakki Marwat.	-do-	" Keray.	"
128. Mohd Avub S/O Mohd Akber Lakki Mina Khel.	-do-	GMS Beehakan Ahmad Zai.	"
129. Khalid Raza S/O Han Nawaz Vill: Nar Kala Khan.	-do-	GMS Sultan Khel.	"

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

ATTESTED

1.	2.	3.	4.
180.	Sher Ali PTC	GPS Jhangi Killa(SDB)	GMS Nama Khel Marwat
131.	Irfanullah PTC.	" Mir Payo Khan Berekzai(SDB).	GPS Shah Tora.
132.	Gul Taziz PTC.	" Khoni Baka Khel (SDB).	" W. Khan Dauren.
133.	Iasn Ullah PTC.	MPS Murib Bhal Baka Khel(SDB).	" Dara Tang.
134.	Bani Khor PTC.	GMS Mandev(SDB).	" Zaffer Nama Khel.
135.	Seifur Rahman PTC.	GPS Mambati Berekzai (SDB).	" Kotke Sher Khan.
136.	Russain Ahmed PTC.	MPS Nurur(SDB).	" Jahbar Khel.
137.	Abdul Khoman PTC.	GPS Mugharef Narmi Khel(SDB).	" Behram Khel.
138.	Inayatullah Khan PTC.	MPS Rais Khan Baka Khel(SDB).	MPS Bahram Khel.
139.	M.Hakim Jan PTC.	GPS Domel(SDB).	GPS Nawaz Male Khel.
140.	M.Daud Khan PTC.	MPS Mandarsi Surani (SDB).	" Sur Bahd.
141.	M. Jilil Khan PTC.	GPS Wezir Abed(SDB).	" Kotke Haibat Khan (S/Khel).
142.	M.Ahmed Ghulam PTC.	" Khurgat Wezir (SDB).	" Tor Talla.
143.	Nizam Khan PTC.	" Ghulam Mughal Khel (SDB).	" Surana Khan.
144.	Hayatullah PTC.	MPS Nour Jehan Murghali (SDB).	" Khawaja Khel.
145.	Mohd Aslam PTC.	GPS Pains Khel Wezir (SDB).	" Sheikh Mansoori.
146.	Nadir Khan PTC.	MPS Shah Nawaz Sheikh Payo Killa(SDB).	" Gul Zaffer.
147.	Mir Ghulam PTC.	GPS Keaki Lendidek(SDB).	" Ihsan Poor.
148.	Javed Iqbal PTC.	" Quli Khel Wezir (SDB).	" Baluchian.
149.	M. Peshaw Khan PTC.	" Fatma Khel(SDB).	" Asmat Abed.
150.	M. Niometullah PTC	MPS Sultan Jani Khel (SDB).	" Nestir Khel.
151.	Mohd Hassen PTC.	GPS Shukrullah Mandan (SDB).	" Ahmad Khan.
152.	Shorifullah PTC.	" Dagher Umar Zai (SDB).	" Nar Gul Haskan Sh
153.	Gul Mohd PTC.	" Gedi Top(SDB).	" Tajori No.1.
154.	Mohd Ayub PTC.	" Chits Khel(SDB).	" Ghazi Adam Zai.
155.	Amanullah PTC.	" Pir Abbas(SDB).	" Shakh Quli Khan.
156.	Illaud Din PTC.	" Patal Khel(SDB).	" Mir Akbar Adamasi.
157.	Sherifullah PTC.	" Har Mohd Yar(SDB).	" Nar Quli Khan.
158.	Imra Hussein PTC.	" Dilasa Mandev(SDB).	MPS Kotke Sher Mast.
159.	Balwas Khan PTC.	" Isak Khel Isski(SDB)	OPS Muhsbat Khan Adam.
160.	Ghulam Hussein PTC.	Returned from leave.	" Wanda Arsalish.
161.	Fozal-ur-Rahman PTC Trained.	Trd: -10-	" Mangtare.
162.	Sarwar Jan PTC Trd:	-10-	MPS Kotke Mir Badshah
163.	Gul Sattar -10-	-10- (See on p-7).	" Khan Bohader.

ATTESTED



6-9

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

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 P.T 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**

4-11-54

DEPUTY SECRETARY (POLICY)  
(KWAJADAH LATI)

*[Handwritten signature]*

**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 Chief Minister, Khyber Pakhtunkhwa.
- 5. The Principal Secretary to Government, Khyber Pakhtunkhwa.
- 6. All Divisional Commissioners in Khyber Pakhtunkhwa.
- 7. All Heads of Attached Departments in Khyber Pakhtunkhwa.
- 8. All Autonomous Semi Autonomous Bodies in Khyber Pakhtunkhwa.
- 9. All Deputy Commissioners in Khyber Pakhtunkhwa.
- 10. The Registrar, Khyber Pakhtunkhwa Public Service Commission, Peshawar.
- 11. The Secretary, Khyber Pakhtunkhwa Public Service Commission, Peshawar.
- 12. The Deputy Director (IT, E&A Department, Administration & Management, Khyber Pakhtunkhwa Public Service Commission, Peshawar.
- 13. All Section Officers in Establishment & Administration Department with the request to
- 14. The Section Officer (Admn), Administration Department.
- 15. The Section Officer (Admn), Administration Department.
- 16. The Carerker, Administration Department.

Copy forwarded to:

LIST NO & EVEN DATE

CHIEF SECRETARY  
GOVERNMENT OF THE KHYBER PAKHTUNKHWA

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

in exercise of the powers conferred by section 25 of the  
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  
amendment shall be made, namely:

NOTIFICATION

GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT  
REGISTRATION-WING

Annexure - 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)/EAD/3/2020  
Dated Peshawar the June 06, 2023

62

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

Subject: GUIDANCE REGARDING DELECTION OF RULES 7(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(Polcy-MY)124/4022-  
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 06.05.2020; thus, no  
provision exists to decline or forgo promotion.

2. The basic rationale behind the deletion of this sub-rule is aimed at preventing a  
self-serving from temptation for illicit gain by sticking to a single lucrative post/position or to  
prevent those who tend to forgo promotion to evade post/transfer or show lack of eagerness  
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,

(1225) M. J. Ahmad (Chao)  
Section Officer (Policy)

ASE  
7/6

Encl. Of even No & date

Copy forwarded to the:-

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

Section Officer (Policy)

SE/PA/7

2023  
7.16.23

ATTESTED

GOVERNMENT OF KHYBER PAKHTUNKHWA  
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT  
CIVIL SECRETARIAT PESHAWAR  
(Phone No.001-0223507)

No.50 (Primary-MYE&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

26/6/23

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

I am directed to refer to the subject noted above and to enclose here with  
a letter of Establishment Department letter No. 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

ac

(MUHAMMAD ISHAQ)  
SECTION OFFICER (PRIMARY MALE)

Copy forwarded to the:

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

ac

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

**ATTESTED**

B/c -11-

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, 1989.

I am directed to refer to the subject noted above and to enclose here with a letter of Establishment Department letter No. SO (Policy)E&AD/1-3/2020 dated 06 June, 2023 and to state that the subject meeting is to be held on 05 July, 2023 at 11:00 AM in this department under the Chairmanship of Additional Secretary (Estab) E&SE Department in his office.

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

Encl: AA

(MUHAMMAD ISHAQ)  
SECTION OFFICER (PRIMARY MALE)

Copy forwarded to the:

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

SECTION OFFICER (PRIMARY MALE)

WP4442-2023 AZIZULLAH VS GOVT OF PG43

~~ATTESTED~~

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

Annexure  
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

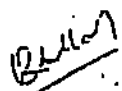
2. The meeting started with recitation from the Holy Quran. The chair welcomed the participants. The Deputy Director (Establishment) of Directorate of Elementary & Secondary Education briefed the forum regarding agenda item in detail.

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

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

  
(Mr. Fazal Wahid)  
Deputy Director-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**  


-13-  
-B/C-

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

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

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

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

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

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

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

\_\_\_\_\_

Provincial President  
All Primary Teachers Association  
Khyber Pakhtunkhwa

\_\_\_\_\_

(Mr. Razaqat Ullah)  
General Secretary APTA  
Peshawar

\_\_\_\_\_

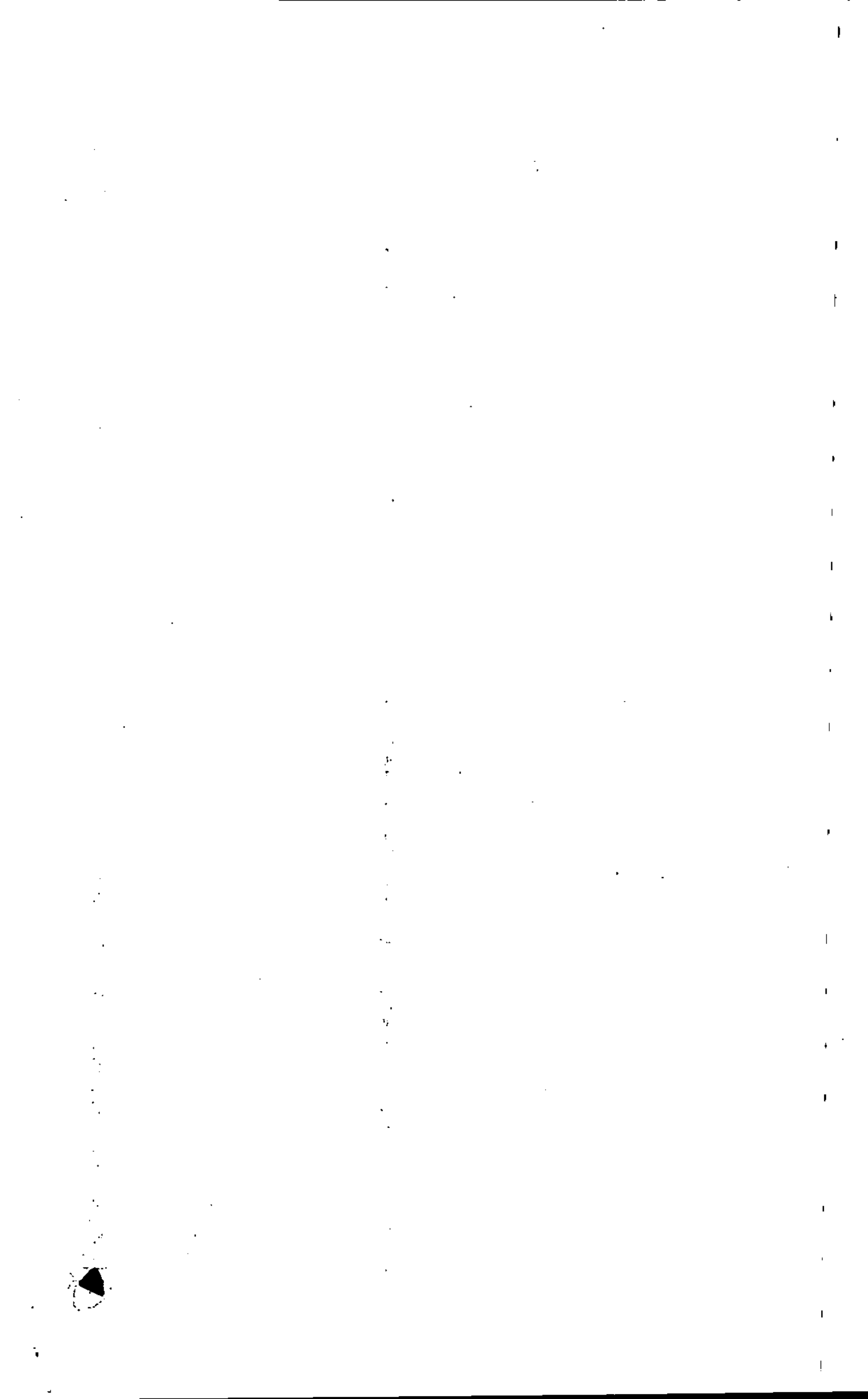
(Muhammad Ishaq)  
Section Officer (Primary-Male)  
E&SE Department

\_\_\_\_\_

(Abdullah)

Additional Secretary (Establishment)

**ATTESTED**







No. 8145

Khyber Pakhtunkhwa, Peshawar  
P. No. 31/SST/1/General Cases  
Phone: 071-9223144  
Email: establish@kpk.gov.pk

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.Misc/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) dated Rule 7(5) in the Civil Servants (Appointment, promotion & Transfer Rules 1989) 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 06-02-2023.
  - (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/3-2/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 in 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/3-2/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 UPS-16 may be exempted of implications of the amendment in the rule (b) 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 Af-1)  
Elementary & Secondary Education  
Khyber Pakhtunkhwa

Encls: No.

Copy of the above is to:-

- PA to Director Local Directorate.
- Master Copy.

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

ATTESTED

**APPROVED**

WP443-2023 AZIZULLAH VS GOVT OF POK

1. PA to Director Local Directorate  
2. Master Copy  
Copy of the above to:  
Honourable Director  
Elementary & Secondary Education  
Peshawar

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

The case is submitted for perusal and necessary action please.

That in light of the minutes of the meeting dated 6-07-2023 held under the Chairmanship of Hon. Additional Secretary Education of his office. This office has been asked for submission of consolidated case.

no provision to decline / for promotion. It is obligatory upon every civil servant to accept promotion under every condition.

That the government of KP-ED (Regulation Wing) vide letter No. SO (Policy) EQ/PD/1-2/2020 dated 6-06-2023 comparatively stated that there exists no provision to decline / for promotion. It is obligatory upon every civil servant to accept promotion under every condition.

That your good office forwarded the same to quarters concerned vide letter No. SO (Appointment) EQ/SED/2-2/Appointment/2023 for necessary guidance.

That the government of KP-ED (Regulation Wing) vide letter No. SO (Policy) EQ/PD/1-2/2020 dated 6-06-2023 comparatively stated that there exists no provision to decline / for promotion. It is obligatory upon every civil servant to accept promotion under every condition.

Minister of meeting 18/7/2023 on subject cited above and to present brief history, also background of case as under:  
That Government of KP Establishment department (Regulation Wing) dated rule 7(S) in Civil Servants (Appointment, Promotion, Transfer Rule 1997) vide notification No. No. SO-R-VI (EQ/AD) 1-3/2020 dated 06-08-2020. That the office sought guidance from your good office in the following words vide letter No. EQ/AD/1-3/2020 dated 06-08-2020.  
(i) Now it is obligatory upon civil servant to accept promotion.  
(ii) It is prerogative of civil servant to either accept/humans the offer of promotion.

Dear Sir, I am directed to refer to letter No. (SO. Policy-M) EQ/SED/5-1/6/2023/Minister of meeting 18/7/2023 on subject cited above and to present brief history, also background of case as under:  
That Government of KP Establishment department (Regulation Wing) dated rule 7(S) in Civil Servants (Appointment, Promotion, Transfer Rule 1997) vide notification No. No. SO-R-VI (EQ/AD) 1-3/2020 dated 06-08-2020. That the office sought guidance from your good office in the following words vide letter No. EQ/AD/1-3/2020 dated 06-08-2020.  
(i) Now it is obligatory upon civil servant to accept promotion.  
(ii) It is prerogative of civil servant to either accept/humans the offer of promotion.

Section Officer (Policy-Male)  
Elementary & Secondary Education Department  
Peshawar  
To:

Subject: Minutes of Meeting  
(PK), Peshawar

Directorate of Elementary & Secondary Education, PPK  
(21-7-2023)  
Peshawar

-B/C-

-15-



-16-

ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT  
CIVIL SECRETARIAT PESHAWAR  
(Phone No.091-8221587)

No. SO(Policy-M)EBSED/2-2/Appointment-Rule /2023  
Peshawar Dated 23<sup>rd</sup> August, 2023

Annexure  
E

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

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

Dear Sir,

I am directed to refer to your letter No. SO(Policy)/ EBAD/ 1-3/2020 dated 17<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 EBSE Khyber Pakhtunkhwa.
2. PS to Secretary, EBSE Department Khyber Pakhtunkhwa.

  
SECTION OFFICER (PRIMARY MALE)  
20/8/23

Scanned with CamScanner

**ATTESTED**

ATTACHED

2. PS to Secretary, E & SE Department, Khyber Pakhtunkhwa.  
1. Director E & SE Khyber Pakhtunkhwa.  
Copy forwarded to:  
(Muhammad Tariq)  
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.

9 am directed to refer to your letter No. SO (Primary) (Policy) / 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 2011.

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 2022.  
No. SO (Primary-M) E & SE D / 1-3/2020  
Appointment - Rule / 2022

- 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

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-  
3/Appointment-Rule/2023 dated 23.08.2023 on the subject noted above and to state that  
necessary guidance has already been rendered to your good office vide this department letter of  
even No. dated 06.06.2023 (copy enclosed).

Yours faithfully,

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.

ATTESTED

10/09/2023 AZIZULLAH VS GOVT OF PK

-19-

- B/C -

GOVERNMENT OF KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT  
No. SO(Polcy)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 (Polcy)

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 (Polcy), Establishment Department

Section Officer (Polcy)

**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/1-3/2020, 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  
MOHAMMAD RAFIQ KHAN  
SIO ABUL ALI KHAN  
PSHT

~~ATTACHED~~

WP#443-2023 AZIZULHAQ VS GOVT OF PCMD

Handwritten text in Urdu, possibly a signature or name, partially obscured by a large scribble.

Handwritten signature and date: 20/7/23

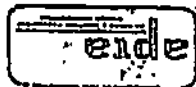
Main body of handwritten text in Urdu, appearing to be a legal document or affidavit. The text is dense and covers most of the page's width.

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

Annexure - H

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

APTA House  
Govt. Primary School Near  
Quibnahar Peshawar City



Quibnahar Peshawar

President  
0333-921284  
0333-921284@apta.gov.pk  
apta.gov.pk



# VAKALAT NAMA

## BEFORE THE SERVICE TRIBUNAL PESHAWAR

MUHAMMAD RAFIQ KHAN

Appellant

Versus

vs

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.

محمد رفیق خان

APPELLANT

ACCEPTED

MUHAMMAD MUAZZAM BUTT  
Advocate Supreme Court

MUHAMMAD ADEEL BUTT  
Advocate High Court

BASSAM AHMAD SIDDIQUI  
Advocate High Court