


FORM OF ORDER SHEET

Court of _____

Appeal No. 2373 /2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
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

Malak Yousaf Jan

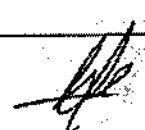
S.No: 2373/24

v/s

Government of KP & others

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ADVOCATE

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

In Ref to

Service Appeal No 2373 /2024

Malak Yousaf Jan Son of Aseel Muhammad Resident of Tehsil Banda Daud Shah & District Karak

Designation: Primary School Head Teacher at GPS

.....Appellant

VERSUS

- 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/1-3/2020, 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 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:-

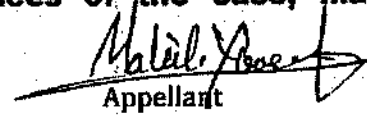
- a. That as per various judgments it is established and settled principle that executive notifications cannot be given retrospective effect. A valid Notification which confers rights is always applicable with prospective effect, however, if an amendment notification that adversely effects the interests 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/1-3/2020 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.

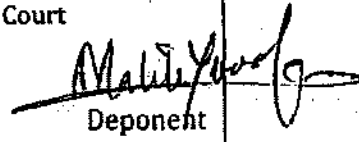
It is further prayed that no penal action as proposed and envisaged in letter dated 06/06/2023 may be declared as unlawful, illegal and without having any legal effect.

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



Appellant


AFFIDAVIT:

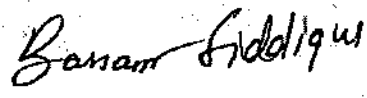
I Malak Yousaf Jan Son of Aseel Muhammad Resident of Tehsil Banda Daud Shah & District Karak that the contents of foregoing application are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Court


Deponent

Through


Muhammad Muazzam Butt
Advocate Supreme Court


Muhammad Adeel Butt
Advocate High Court


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

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BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

C.M No _____ -P of 2024
In Ref to

Service Appeal No _____/2024

Malak Yousaf Jan

V E R S U S

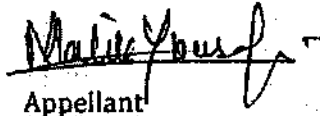
Secretary to Government of Khyber Pakhtunkhwa, & others

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

Respectfully Submitted:-

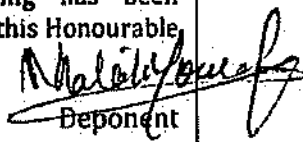
1. That the instant application may be treated as part and parcel of service appeal of the appellant.
2. That the appellant has brought a good prima facie case and balance of convenience also lies in favor of the appellant.
3. That there is likelihood success of the appellant in the lis. And if the notification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

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


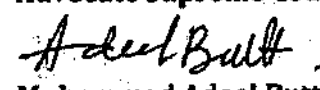

Appellant

AFFIDAVIT:

I (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 from this Honourable Court


Deponent

Through


Muhammad Muazzam Butt
Advocate Supreme Court

Muhammad Adeel Butt
Advocate High Court

-6-

Dist. Govt. KP-Provincial
District Accounts Office Karak
Monthly Salary Statement (September-2024)

Annexure A



Personal Information of Mr YOUSAF JAN d/w/s of ASIL MUHAMMAD

Personnel Number: 00299238 CNIC: 7420121400733

NTN:

Date of Birth: 05.09.1976 Entry into Govt. Service: 05.04.2004

Length of Service: 20 Years 05 Months 027 Days

Employment Category: Active Permanent

Designation: PRIMARY SCHOOL HEAD TEACH

80002667-DISTRICT GOVERNMENT KHYBE

DDO Code: KK6011-Deputy District Officer (M)Primary B.D Shah (KARAK)

Payroll Section: 001

GPF Section: 001

Cash Center: 03

GPF A/C N:

GPF Interest applied

GPF Balance:

646,387.00 (provisional)

Vendor Number: 30343340 - Muhammad Sharif Ex PST Education

Pay and Allowances:

Pay scale: BPS For - 2022

Pay Scale Type: Civil BPS: 15

Pay Stage: 14

Wage type	Amount	Wage type	Amount
0001 Basic Pay	51,640.00	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	475.00
2199 Adhoc Relief Allow @10%	377.00	2316 Teaching Allowance 2021	3,224.00
2341 Dispr. Red All 15% 2022KP	4,812.00	2347 Adhoc Rel Al 15% 22(PS17)	4,812.00
2378 Adhoc Relief All 2023 35%	17,381.00	2393 Adhoc Relief All 2024 25%	12,910.00

Deductions - General

Wage type	Amount	Wage type	Amount
3015 GPF Subscription	4,290.00	3501 Benevolent Fund	-1,200.00
3609 Income Tax	2,266.00	3990 Emp. Edu. Fund KPK	-135.00
4004 R. Bt. profits & Death Comp.	600.00		0.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance
6505	GPF Loan Principal Inial	200,000.00	-6,061.00	12,109.00

Deductions - Income Tax

Payable: 36,736.65 Recovered till SEP-2024: 7,610.00 Exempted: 9183.90 Recoverable: 20,391.75

Gross Pay (Rs.): 103,551.00 Deductions (Rs.): 14,552.00 Net Pay: (Rs.): 88,999.00

Payee Name: YOUSAF JAN

Account Number: 0112151401003782

Bank Details: UNITED BANK LIMITED, 211514 GURGURI GURGURI, KARAK

Leaves: Opening Balance:

Availed:

Earned:

Balance:

Permanent Address:

City: KARAK

Domicile: NW-Khyber Pakhtunkhwa

Housing Status: No Official

Temp. Address:

City:

Email: yousafjan094@gmail.com

ARRESTED

OFFICE OF THE EXECUTIVE DISTRICT OFFICER SCHOOLS & LITERACY KARAK

APPOINTMENT

Consequent upon the recommendation of the District Recruitment/Selection Committee constituted, by the Government of NWFP Schools and Literacy Department the following candidates are hereby appointed as PST (Primary School Teacher) on contract basis on DPB-7 (2220-170 6020) PM Fixed plus usual allowance as admissible under the rules on 25% Open Merit and 75% Union Council wise basis w/e the date of their taking over charge on the terms and conditions mentioned below.

On the Decision of Peshawar High Court Posts=10

In light of writ Petition No 1288 of 2002 before the Peshawar High Court Peshawar judgment was announced on 13-11-2003 and writ Petition No 449 of 2003 before the Peshawar High Court Peshawar judgment was announced on 12-01-2004.

S.N	Name	Father's Name	Union Council	Address	Posted as	School where posted		Merit
1	Shad Ahmad	Ashraf Gul	Karak North	Abd Karak	PST	GPS	Nashay	50.77
2	M. Md Haroon	Mohd Ayub	Jandery	Ahmad Khel	PST	GPS	Jandery Lohar Khel	48.38
3	Ghulam Qadir	Abdul Habb	Karak North	Laki Ghundal	PST	GPS	Zonaku	45.97
4	Khalid Amin	Gul Sherrif	Karak North	Karak	PST	GPS	Wash Kando Khel	45.37
5	Ashfaq Ahmad	Rahim Jamal	Sabri Abad	Sabri Abad	PST	GPS	Faru Khel	42.8
6	Mohd Shoaib	Ruhan Uddin	Jandery	Ahmad Khel	PST	GPS	Shamshahi No 2	39.73
7	Zia Ur Rehman	Rahmat Gul	Karak North	Laki Ghundal	PST	GPS	Shagi Tan	49.42
8	Saddat Khan	Mohd Ayaz Khan	Manki Banda	Manki Abad	PST	GPS	Takha Nasrab	31.93
9	Shah Azam Khan	Shah Nawaz Khan	Manki Banda	Manki banda	PST	GPS	Shawa Nasrab	46.04
10	Islam Nawaz	Gul Shah Ali Khan	T Nasrab	Kashu banda	PST	GPS	Landoh	46.04

OPEN MERIT 25% Posts=32

S.N	Name	Father's Name	Union Council	Address	Posted as	School where posted		Merit
1	Azee Muhammad Khan	Abdul Manan	Sabri Abad	Sabri Abad	PST	GPS	Nora Killa	65.61
2	Shah Hand	Amal Khan	Maha Khel	Maha Khel	PST	GPS	Sai Ab	63.75
3	Muhammad Hussain	Awal Hassan	Nan Panos	Dagar Nari	PST	GPS	Totali	63.73
4	Rahim Ullah	Mir Shah Jehan	Jehangir	Laki Banda	PST	GPS	Laghan	62.40
5	Abd Hussain	Gul Faraz	Karak South	Algaad Karak	PST	GPS	Shakar Khel	62.07
6	Muhammad Jiraz	Hassib Khan	Karak South	Tap Algaad	PST	GPS	Dresh Khel	61.60
7	Zia Ullah Aji	Zar Janag	Jehangir	Manki Banda	PST	GPS	Kurd Shari	61.59
8	Fahid Anwar	Khale Zaman	Jandery	Ahmad Khel	PST	GPS	Chahda Manza	61.23
9	Sajid Digh Khan	Yvaze Khan	Ghokara	Denger Wala	PST	GPS	Anar banda	61.16
10	Sarfaraz Khan	Said Nawaz Khan	Jehangir	Y.G Khel	PST	GPS	Pala Sang Khel	61.05
11	Zameer Ullah	Gul Shahzad Khan	Karak South	Tap Algaad	PST	GPS	Dresh Khel	61.04
12	Muhammad Akbar Anwar	Gul Payo	Jandery	Ahmad Khel	PST	GPS	Sarai Khel	60.87
13	Azee Muhammad	Gul Zaf Khan	Karak South	Tap Algaad	PST	GPS	Wash Kando Khel	60.85
14	Sobhan Ahmad	Shah Mulla Jan	T Nasrab	Zari Nasrab	PST	GPS	Anar banda	60.84
15	Akbar Rehman	Abulhas Khan	Jehangir	Mir Khawaz	PST	GPS	Dahan Shakhun	60.41
16	Muhammad Sadoq	Lak Khan	Jehangir	Zari Wala	PST	GPS	Kurd Payan	60.20
17	Rashid Alam	Hakim Khan	Chokara	Ahmad Abad	PST	GPS	Bergar	60.19
18	Zameer Ullah	Fate Jang	Jehangir	Sultan Bander	PST	GPS	Mardan Khel	60.15
19	Hidayat Ullah	Azee Muhammad	Jehangir	Mir Dan Banda	PST	GPS	Barbara	60.09
20	Muhammad Mujib						Separate appointment order issued on regular basis being regular employee	59.68
21	Imam Ullah	Muhammad Niaz	T Nasrab	Dogara	PST	GPS	Kashu Chura	59.53
22	Sana Ullah	Akbar Ali Khan	Warana	Ratohi	PST	GPS	Shock	59.51
23	Ahmed Nazir	Sher Khan	Manki Banda	Tap Algaad	PST	GPS	Dashang	59.37
24	Qasim Farhan	Sajid Khan	Karak North	Rahmat Abad	PST	GPS	Kurd Payan	59.20

ATTESTED

6-B

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10	Shahid Farooq	Pala	Ji Khel	Mans Khel	PST	GPS	Mans Khel	45.41
11	Rah Ullah	Kullar	Ji Khel	Ji Khel	PST	GPS	Ji Khel	44.73

GURGURI Posts=13

S.N	Name	Father's Name	Union Council	Address	Posted as	School where posted	Merit
1	Habib Zahid Gul	Soham Gul	Gurguri	Gurguri	PST	GPS Gurguri No1	52.88
2	Wahab Gul	Umar Gul	Gurguri	Lundaku	PST	GPS Lundaku	50.70
3	Shahid-ul-Rehman	Morhan Khan	Gurguri	Gurguri	PST	GPS Urbasht	50.64
4	Yousaf Gul	Yousaf Gul	Gurguri	Urbasht	PST	GPS Urbasht	49.83
5	Rahim Gul	Majid Gul	Gurguri	Kund	PST	GPS Kund	48.81
6	Zahid Iqbal	Aamir Bad Shah	Gurguri	Gurguri	PST	GPS Aman Kot	48.00
7	Madar Shah	Sultan Khan	Gurguri	Gurguri	PST	GPS Urbasht	47.33
8	Yousaf Gul	Sakam Gul	Gurguri	Gurguri	PST	GPS Gurguri No1	45.92
9	Munawar-ul-Husain	Sadar Jan	Gurguri	Gurguri	PST	GPS Aman Kot	45.36
10	Saeed-ul-Rehman	Sultan Wazir	Gurguri	Sam Banda	PST	GPS Sam Banda	42.26
11	Shadan Gul	Ilshahin Gul	Gurguri	Gurguri	PST	GPS Aman Kot	38.15
12	Majid Ullah	Pawan Khan	Gurguri	Gurguri	PST	GPS Dams	36.52
13	Yousaf Jan	Aziz Muhammad	Gurguri	Gurguri	PST	GPS Dams	

TERI Posts=10

S.N	Name	Father's Name	Union Council	Address	Posted as	School where posted	Merit
1	Anayat-ul-Rehman	Aamir Khan	Ten	Esak Khumari	PST	GPS Esak Khumari	58.009
2	Nazir Ullah	Farooq Isam	Ten	Kot Banda	PST	GPS Esak Khumari	57.149
3	Said Umar	Abdul Qayum	Ten	Utal Banda	PST	GPS Beighi	56.883
4	Fahim Ullah	Sardar Ali Khan	Ten	Utan Banda	PST	GPS Sarwan banda	56.253
5	Majid Saqib	Muslim Khan	Ten	Tal Karak	PST	GPS Kot Banda	54.658
6	M Said Umar	Umar Bad Shah	Ten	Tal Karak	PST	GPS Halala	53.080
7	Majid-ul-Rehman	Nazir Ali Khan	Ten	Shahida Bah	PST	GPS Shaqi Teri	52.719
8	Masoom-ul-Rehman	Jamil-ul-Rehman	Ten	Tal Karak	PST	GPS Shaqi Teri	50.883
9	Tahir Shari	Noor Shari	Ten	Ahmad Band	PST	GPS B D Shah	50.051
10	Umar Shari	Muhammad Shari	Ten	Ahmad Band	PST	GPS B D Shah	49.932

PALOSA SAR Posts=9

S.N	Name	Father's Name	Union Council	Address	Posted as	School where posted	Merit
1	Aman Khan	Muhammad	Palosa Sar	Palosa Sar	PST	GPS Zeta Chan Khel	55.96
2	Ashiq Iqbal	Tahir Shah	Palosa Sar	Wargha Band	PST	GPS Shaukat Data Mans	55.03
3	Zafar Ullah Khan	Masroor Khan	Palosa Sar	Shorohal	PST	GPS Lawzghar Chan Khel	53.71
4	Fahim ud-Din	Ghous ud-Din	Palosa Sar	Shorohal	PST	GPS Shorohal No2	53.04
5	Masroor Ullah Khan	Masroor Ullah Khan	Palosa Sar	Motagi Banda	PST	GPS Lawzghar Chan Khel	52.97
6	Masroor Ullah Khan	Separate appointments order (1) based on regular basis being regular Govt employees					50.65
7	Ahmad Ullah Khan	Ahmad Shah	Palosa Sar	Enda Khel	PST	GPS Sewat	46.96
8	Ahmad Raul	Umar Shah	Palosa Sar	Palosa Sar	PST	GPS Lawzghar Chan Khel	46.88
9	Masroor ul-Rehman	Wahid Jan	Palosa Sar	Enda Khel	PST	GPS Lawzghar Chan Khel	

EDD S&E KARAK

ATTESTED

6-c

JEHANGI

Posts=1

S.N	Name	Father Name	Home	Religion	Address	Posted as	School where posted	Mark
1	Aghor Khan	Shah J	on	Jehangi	Jehangi Bahad	PST	Khan Sah	57.97

DECEASED GOVT: SERVE T SON'S QUOTA

Posts=2

1	Mahid Ishaq	Birpha	over	Jehangi	Khan Sah	PST	Flap, Khan	51.1
2	Mahid Omid Ishaq	Mahid I	over	Jehangi	Khan Sah	PST	Flap, Khan	44

DISABLE QUO

1.2%

Posts=3

S.N	Name	Father Name	Home	Religion	Address	Posted as	School where posted	Mark
1	Zafwan Khan	Shah J	on	Tehsil	Rega	PST	Baryakh	57.97
2	Muhammad Jale Khan	Almad	on	Karak South	Almad Karak	PST	Bahadar Khan	52.03
3	Mahid Yasin	Sepal	over	Jehangi	Khan Sah	PST	Flap, Khan	44

TERMS & CONDITION

1. No FADA etc is allowed.
2. Charge reports should be submitted to all concerned in duplicate.
3. Appointment is purely on temporary & contract basis initially for three years.
4. They should not be handed over charge if he exceed 35 years or below 18 years of age.
5. Appointment is subject to the condition that the certificate/documents must be verified from the concerned authorities. During Disbursing Officer must ensure before drawal of salary, if he is found producing bogus Certificate he will be reported to the law enforcing agencies for further action.
6. If he fails to take over charge within fifteen days, the appointment order will be deemed as cancelled.
7. Health and Age Certificate should be produced from the Medical Superintendent concerned before taking over charge.
8. Before handing over charge he will sign an agreement with the department (i.e. DCO(M) SA, Karak), otherwise this order will not be valid.
9. They will have to serve in the place of posting for the period of their agreement.

KHALID KHAN BALOCH
DISTRICT COORDINATION OFFICER
KARAK

1106-1106
1106-1106

Copy of the above is forwarded to:

1. Director Schools & Literacy NWFP Peshawar
2. District Nazim Karak
3. District Coordination Officer Karak
4. District Officer (M) Schools & Literacy Karak
5. Deputy District Officer (M) Schools & Literacy Karak
6. Deputy District Officer (M) Schools & Literacy BD Shah Karak
7. District Account Officer Karak
8. Candidates concerned

(FAIZ UR REHMAN)
EXECUTIVE DISTRICT OFFICER
SCHOOLS & LITERACY KARAK

ATTESTED

Annexure - B -

GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(REGULATION WING)

NOTIFICATION

Dated Peshawar: the, 06 / 8 / 2020

Policy F&AD/1-3/2020: 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

LIST NO & 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.
- The Deputy Director (IT), E&A Department.
All Section Officers in Establishment & Administration Department.
The Section Officer (Admn), Administration Department with the request to arrange 20 gazette copies.
The Caretaker, Administration Department.

(Signature)
AWALDAH LATIF
DEPUTY SECRETARY (POLICY)

ATTESTED

(Signature)
ATTESTED

1268
06/08/20

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)HRAD/13/2020
Dated Peshawar the June 06, 2023

62

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

Subject: GUIDANCE REGARDING DILETTON OF RULE 7(1) IN THE
KHYBER PAKHTUNKHWA CIVIL SERVICES (APPOINTMENT,
PROMOTION AND TRANSFER) RULES, 1989.

Dear Sir,
I am directed to refer to your letter No. SO(Primary-MYNA/SUDR-
2/Appointment/2023) dated 18.04.2023 on the subject noted above and to state that Sub-Rule
(3) of Rule-7 of Khyber Pakhtunkhwa Civil Services (Appointment, Promotion and Transfer)
Rules, 1989 stands deleted vide this department notification dated 08.01.2020 thus, no
provision exists to decline or forgo promotion.

2. The basic rationale behind the deletion of the said rule is aimed at preventing a
civil servant from manipulation for their gain by seeking to a single iterative post/promotion 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 Services (Efficiency & Discipline) Rules,
2011, please.

Yours faithfully,

(Ismat Dilday) (Ismat Khan)
Section Officer (Policy)

ASSE
7/6

Encl. Of even No & date

Copy forwarded to:-

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

8/6/23

21/6/23

ATTESTED

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

No. SO (Primary-M)/E&SED/2-6/2023
Lahor Peshawar the June 26th 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(B) IN THE KHYBER
PAKHTUNKHWA CIVIL SERVANTS (APPOINTMENT, PROMOTION
AND TRANSFER) RULES, 1989.

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

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

Copy forwarded to the:

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

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

ATTESTED

B/c -11-

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

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

Encl: AA

(MUHAMMAD ISHAQ)
SECTION OFFICER (PRIMARY MALE)

Copy forwarded to the:

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

SECTION OFFICER (PRIMARY MALE)

WP4442-2023 AZIZULLAH VS GOVT CP PG43

ATTESTED



MINUTES OF THE MEETING REGARDING APPLICATION SUBMITTED BY MR. AZIZ ULLAH PROVINCIAL PRESIDENT ALL PRIMARY TEACHERS ASSOCIATION KHYBER PAKHTUNKHWA REGARDING DELETION OF RULE 7(S) IN THE CIVIL SERVANT (APPOINTMENT, PROMOTION & TRANSFER RULES 1987).

A meeting regarding the subject matter was held on 04-07-2023 at 11:00 AM under the Chairmanship of Additional Secretary Establishment in his office. The following attended the meeting.


Annexure
①

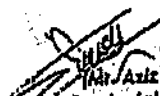
S#	NAME	DESIGNATION
1	Mr. Fazal Wahid	Deputy Director Establishment of Directorate Elementary & Secondary Education Department
2	Mr. Aziz Ullah	Provincial President All Primary Teachers Association Khyber Pakhtunkhwa
3	Mr. Razaq Ullah	General Secretary APTA Peshawar
4	Muhammad Ishaq	Section Officer (Primary)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

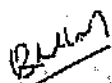
2. The meeting started with recitation from The Holy Quran. The chair welcomed the participants. The Deputy Director (Establishment) of Directorate of Elementary & Secondary Education briefed the forum regarding agenda item in detail.

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-
E&SE Department


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


(Mr. Razaq 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(B) IN THE CIVIL SERVANT (APPOINTMENT, PROMOTION & TRANSFER RULES 1989).

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

Sl#	NAME	DESIGNATION
1.	Mr. Fazal Wahid	Deputy Director Establishment of Directorate Elementary & Secondary Education Department
2.	Mr. Aziz Ullah	Provincial President All Primary Teachers Association: Khyber Pakhtunkhwa
3.	Mr. 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
Phone: 091-9221144 Email: establishment@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/3-11/G.Miz/Minutes of the Meeting/PST/2023 dated 16-07-2023 on the subject cited above and in present brief history about the background of the case as under:

- That Government of Khyber Pakhtunkhwa Establishment Department (Regulation (Wing) dated Rule 7(3) in the Civil Servants (Appointment, promotion & Transfer Rules 1989) vide notification No. No. SOB-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. 0087 dated 16-07-2023.
 - (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/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/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(3) have affected negatively a huge number of Female Teachers. Thus it is proposed that Teachers below JPS-16 may be exempted from applications of the amendments in the rules ibid provided they submit their written refusal prior to conduct of the meeting of Departmental Promotion Committee.

The case is submitted for perusal and necessary actions please.

21/7/2023
Assistant Director (Estab Ad)
Elementary & Secondary Education
Khyber Pakhtunkhwa

Encl: No. Copy of the above is to:-
1. PA to Director Local Directorate.
2. Master Copy.

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

TESTED

ARRESTED

MP447-2023 AZZULAH VS GOVT OF PK

Richard Director
Elementary & Secondary Education
Khyber Pakhtunkhwa

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

Please
The case is submitted for perusal and necessary action
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.

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

That the government of KP-ED (Regulation Wing) vide letter No. SO (Policy)
EQAD/1-3/2020 dated 6-06-2023 accordingly stated that there shall
no provision to declare foreign provision. It is obligatory upon every civil
servant to accept provision under any condition.

That your good office forwarded the same to quarters concerned
vide letter No. SO (Policy) EQAD/1-3/2020 dated 6-06-2023 for necessary
guidance.

That the office sought guidance from your good office in the following
vide notification No. No. SO-R-VI (EQAD) 1-3/2020 dated 08-08-2020.
That the office sought guidance from your good office in the following
vide letter No. 6983 dated 06-07-2023.

That Government of KP Establishment department (Regulation Wing)
dated rule 7(S) in Civil Servants (Appointment, promotion, transfer, etc.)
vide notification No. No. SO-R-VI (EQAD) 1-3/2020 dated 08-08-2020.
present brief history, along background of case as under.

Minutes of meeting PST/2023 dated 10-7-2023 on subject cited above and to
I am directed to refer to letter No. (SO Policy-M) EQAD/5-1/6983/
Dear Sir,

Subject: Minutes of Meeting

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

To:
DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION, KPK
PESHAWAR
(21-7-2023)



ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT
CIVIL SECRETARIAT PESHAWAR
(Phone No.091-9223587)

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

Annexure
E

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

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

Dear Sir,

I am directed to refer to your letter No. SO(Policy)/ EBAD/ 1-3/2020 dated
05th June 2023 and to state that after deletion of rule 7(5) Khyber Pakhtunkhwa Civil
Servant (Appointment, Promotion & Transfer Rules 1989) it has been intimated that those
officers/ officials who do not comply with promotion order of the competent authority or
try to evade promotion through different means shall be proceed under Khyber
Pakhtunkhwa Civil Servant (Efficiency & Discipline) Rules, 2011.

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

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


MUHAMMAD ISMAIL
SECTION OFFICER (PRIMARY MALE)

Copy forwarded to the:

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


SECTION OFFICER (PRIMARY MALE)
26/8/23

Scanned with CamScanner

ATTESTED

ATTACHED

1. Division E & SE Khyber Pakhtunkhwa
2. PS to Secretary, E & SE Department of Khyber Pakhtunkhwa
Copy forwarded to:
(Muzammil Ishaq)
Section Officer (Primary
Mater)

In this connection it is submitted that in some cases body 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 body teacher in primary schools.

different means shall be proceed under Khyber Pakhtunkhwa Civil Servant (Efficiency and Discipline) Rule 2011. of the competent authority or try to evade promotion through those officers/officials who don't comply with promotion order Promotion and Transfer Rules 1989) It has been intimated that deletion of Rule 7(S) Khyber Pakhtunkhwa Civil Servant (Appointment, 1/3/2020 dated 8th June 2023 and to state that after 9 am directed to refer to your letter No. S/1/2023 (Policy) /E&AD

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

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

To
No. 5 (Primary-M) E&SED /8-8/1
Appointment - Rule /2023
Peshawar Dated 23rd August 2023.

- B/c -
- 17 -

Annexure - F



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

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 rendered to your good office vide this department letter of
even No. dated 06.06.2023 (copy enclosed).

Yours faithfully,

Section Officer (Policy)

Enclst. 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.

DELETED

WP/142-2023 AZIZULLAH VS GOVT OF PK

-18-

-19-

- B/C -

GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
No. SO(Policy)E&AD/1-3/2023
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

Section Officer (Policy)

To,

Dated: 26-02-2024

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

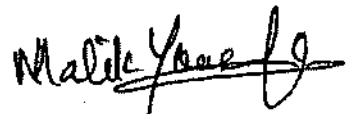
REPRESENTATION AGAINST THE IMPUGNED NOTIFICATION BEARING NO.SO(POLICY)E&AD/1-3/2020, DATED 06/08/2020, COMMUNICATED TO SECRETARY TO GOVERNMENT OF KHYBER PAKHTUNKHWA, ELEMENTARY & SECONDARY EDUCATION DEPARTMENT VIDE LETTER D06/06/2023, WHEREIN IT WAS STATED THAT SUB RULE 5 OF RULE 7 OF KHYBER PAKHTUNKHWA 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. 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/1-3/2020 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



Malak Yousaf Jan Son of Aseel Muhammad
Resident of Tehsil Banda Daud Shah & District
Karak

ATTESTED

ATTESTED

WPA443-2023 AZIZULHAN VS GOVT OF POKS

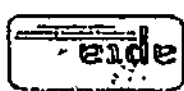
8/17/23
[Signature]
Secretary
District Court
Gilgit-Baltistan

دو طرفہ فیصلہ کے تحت، درخواست گزار نے اپنی درخواست پر عملدرآمد کی درخواست کی ہے۔
درخواست گزار نے اپنی درخواست میں کہا ہے کہ وہ ایک پبلک سروس آفیسر ہیں اور ان کی خدمات کو
درخواست گزار نے اپنی درخواست میں کہا ہے کہ وہ ایک پبلک سروس آفیسر ہیں اور ان کی خدمات کو
درخواست گزار نے اپنی درخواست میں کہا ہے کہ وہ ایک پبلک سروس آفیسر ہیں اور ان کی خدمات کو
درخواست گزار نے اپنی درخواست میں کہا ہے کہ وہ ایک پبلک سروس آفیسر ہیں اور ان کی خدمات کو
درخواست گزار نے اپنی درخواست میں کہا ہے کہ وہ ایک پبلک سروس آفیسر ہیں اور ان کی خدمات کو
درخواست گزار نے اپنی درخواست میں کہا ہے کہ وہ ایک پبلک سروس آفیسر ہیں اور ان کی خدمات کو
درخواست گزار نے اپنی درخواست میں کہا ہے کہ وہ ایک پبلک سروس آفیسر ہیں اور ان کی خدمات کو
درخواست گزار نے اپنی درخواست میں کہا ہے کہ وہ ایک پبلک سروس آفیسر ہیں اور ان کی خدمات کو

محکمہ عدالت
ڈیپٹی سیکریٹری
ڈسٹرکٹ کورٹ
گیلیٹ-بلتستان

Annexure - H

APTA House
Govt Primary School Near
Gudband Peshawar City



Minister, Peshawar

President
Vice President
Secretary
District Court
Gilgit-Baltistan

VAKALAT NAMA

BEFORE THE SERVICE TRIBUNAL PESHAWAR

Appellant

Versus

Government of KP & others

Respondents

I (the Appellant)

do hereby appoint and retain

MUHAMMAD MUAZZAM BUTT ASC. MUHAMMAD ADEEL BUTT AHC

BASSAM AHMAD SIDDIQUI AHC

&

ASSOCIATES OF MUAZZAM LAW FIRM

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

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

APPELLANT

ACCEPTED

MUHAMMAD MUAZZAM BUTT
Advocate Supreme Court

MUHAMMAD ADEEL BUTT
Advocate High Court

BASSAM AHMAD SIDDIQUI
Advocate High Court