


FORM OF ORDER SHEET

Court of _____

Appeal No. 2359 /2024

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

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

C.M No _____ -P of 2024

In Ref to

Service Appeal No 235, 2024

A. No. 2359/2024

Zia Ullah Shah

VERSUS

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. **2359** /2024

Zia Ullah Shah Son of Muhammad Ibrahim PSHT (BPS-14)

Ali Khel, Choga, Tehsil Puran, District Shangala

.....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, 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 Senior Primary School 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. 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 Impugned 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 appellants 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.

[Signature]
Deponent

[Signature]
Appellant

Through

[Signature]
Muhammad Muazzam Butt
Advocate Supreme Court

[Signature]
Muhammad Adeel Butt
Advocate High Court

[Signature]
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

Zia Ullah Shah

VERSUS

Secretary to Government of Khyber Pakhtunkhwa, & others

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

Respectfully Submitted:-

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

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


AFFIDAVIT

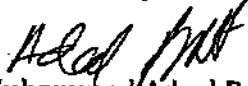
I [the appellant] do hereby solemnly stated on oath that the contents of foregoing application are true and correct to the best of my knowledge and belief and nothing has been concealed therein this Honorable Court.


Deponent


Appellant

Through


Muhammad Muazzam Butt
Advocate Supreme Court


Muhammad Adeel Butt
Advocate High Court

-6-

Dist. Govt. KP-Provincial
District Accounts Office Shangla
Monthly Salary Statement (July-2024)



Personal Information of Mr ZIA ULLAH SHAH d/w/s of HAJI MOHAMMAD IBRAHIM

Personnel Number: 00204586 CNIC: 1550502048357 NTN:
Date of Birth: 16.02.1980 Entry into Govt. Service: 07.08.2004 Length of Service: 19 Years 11 Months 026 Days

Employment Category: Active Temporary

Designation: SENIOR PRIMARY SCHOOL TEA 80654297-DISTRICT GOVERNMENT KHYBE

DDO Code: SH6147-District Shangla

Payroll Section: 001

GPF Section: 001

Cash Center: 60

GPF A/C No:

GPF Interest applied

GPF Balance:

655,644.00 (provisional)

Vendor Number: -

Pay and Allowances:

Pay scale: BPS For - 2022

Pay Scale Type: Civil BPS: 14

Pay Stage: 16

Wage type	Amount	Wage type	Amount
0001 Basic Pay	50,370.00	1001 House Rent Allowance 45%	3,321.00
1210 Convey Allowance 2005	2,856.00	1300 Medical Allowance	1,500.00
1911 Compen Allow 20% (1-15)	1,000.00	2148 15% Adhoc Relief All-2013	552.00
2199 Adhoc Relief Allow @10%	416.00	2316 Teaching Allowance 2021	3,036.00
2341 Dispr. Red All 15% 2022KP	4,734.00	2347 Adhoc Rel Al 15% 22(PS17)	4,734.00
2378 Adhoc Relief All 2023 35%	17,020.00	2393 Adhoc Relief All 2024 25%	12,592.00

Deductions - General

Wage type	Amount	Wage type	Amount
3014 GPF Subscription	-3,900.00	3501 Benevolent Fund	-1,200.00
3609 Income Tax	-2,115.00	3990 Emp.Edu. Fund KPK	-135.00
4004 R. Benefits & Death Comp:	-600.00		0.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance

Deductions - Income Tax

Payable: 33,837.30 Recovered till JUL-2024: 2,115.00 Exempted: 8459.06 Recoverable: 23,263.24

Gross Pay (Rs.): 102,131.00 Deductions: (Rs.): -7,950.00 Net Pay: (Rs.): 94,181.00

Payee Name: ZIA ULLAH SHAH

Account Number: 4153118913

Bank Details: NATIONAL BANK OF PAKISTAN, 232245 PURAN DISTRICT SHANGLA PURAN DISTRICT SHANGLA, SHANGLA

Leaves: Opening Balance: Availed: Earned: Balance:

Permanent Address: PURAN

City: SHANGLA

Domicile: NW - Khyber Pakhtunkhwa

Housing Status: No Official

Temp. Address:

City:

Email: zia.yahya2006@gmail.com

ATTESTED

60460

OFFICE OF THE DISTRICT COORDINATION OFFICER DISTRICT SHANGLA

Office order / Appointment.

Consequent upon the recommendation / approval by the District Selection Board Shangla in its meeting held on 12/05/2004 and 21/07/2004 the District Coordination Officer District Shangla has been pleased to appoint the following candidates as PMS (Male) (Contract) Posts (in case of already in-service) in DPS with usual allowances in schools noted against each from the date taking over charge / just after the expiry of summer vacation in the interest of public service.

S. #	Name with Father's Name	Residence	Mark Package	PMS	School Where Posted
Open Merit					
1	Ziaullah Shah s/o Mohd Ibrahim	Chowga	61.33	PMS-07	GPS Gany Dab
2	Faizullah Khan s/o Mohd Roman	Darkaky	60.51	PMS-07	GPS Mansabulay Karam
3	Zakir Hussain s/o Anwar	Shikawal	60.18	PMS-07	GPS All Jan Kagan
4	Fazal Subhan s/o Gul Zada	Bama	59.52	PMS-07	GPS Ham Mura
5	Ahmad Zeb s/o Ghulam Hakim	Basi	59.01	PMS-07	GPS Amhak Hama
6	Rashid Ali s/o Dakht Biland	Pagoral	58.78	PMS-07	GPS Kasy Pagan
7	Abdul Kadir s/o Nasir Gul	Dast	58.75	PMS-07	GPS Nafiz Mada
8	Ziaullah s/o Sanjar Hussain	Rosmatabay	58.42	PMS-07	GPS Taraway
9	Rahmat Ali s/o Gul Zamin	Lipawal	58.19	PMS-07	GPS Qubi
Union Council Wise 75 % Quota					
10	Bakht Ahmad s/o Mohd Seraj	Seraj	51.60	PMS-07	GPS Dn Bakhore
11	Hakir Khan s/o Rasool Shah	Mara	51.24	PMS-07	GPS Bama
12	Jawshed Ahmad s/o Gul Ziar	Kera	54.55	PMS-07	GPS Kera
13	Pir Mohd Klem s/o Jahan Parki	Shang	50.55	PMS-07	GPS Kuz Bakhore
14	Tahir Ali s/o Jaji Akbar	Shang	49.75	PMS-07	GPS Josa
15	Muhammad Fahem s/o Saifur Mabeek	Kormang	47.24	PMS-07	GPS Josa
16	Syed Shaoukat Hussain s/o Saeedur Rahman	Karera	50.98	PMS-07	GPS Dpal
17	Sharifullah Khan s/o Shantur Rahman	Shatmano	50.39	PMS-07	GPS Lam Sook
18	Mohd Afzal s/o Faraz Mahmood	Gunangar	39.74	PMS-07	GPS Sarkool
19	Channay Khan s/o Belular	Basi	54.91	PMS-07	GPS Tapla
20	Muhammad Sulman s/o Mohd Anwar	Zara	57.15	PMS-07	GPS Dala
21	Bakht Sarfar s/o Mohd Zubair	Maha	56.16	PMS-07	GPS Kaha Mayra
22	Fazal Rahim s/o Gul Hambar	Pagoral	56.84	PMS-07	GPS Jandey Uba
23	Jehan Rasool s/o Gul Havaiz	Pagoral	54.37	PMS-07	GPS Pir Akbar
24	Qamar Zamin s/o Zoor Mohd Khan	Chetal	53.65	PMS-07	GPS Ashraf Hystan
25	Mohd Alam s/o Saifur Rahman	Ranyal	53.34	PMS-07	GPS Haka Ranyal
26	Mohd Afzal s/o Mohd Waiz	Ranyal	50.42	PMS-07	GPS Haka Ranyal
27	Azizul Hassan s/o Saed Rahman	Barkana	57.00	PMS-07	GPS Kanda Kama
28	Shaoukat Ail s/o Mohd Mulk	Damoral	55.05	PMS-07	GPS Sookan
29	Walid Gul s/o Khawaja Akbar	Ledar	56.91	PMS-07	GPS Mohd Paza
30	Rahman Ali s/o Alaul Haiz	Martuna	51.91	PMS-07	GPS Mura Marang
31	Halimullah s/o Abdul Latif	Maragal	52.00	PMS-07	GPS Titwala
32	Miraj Nahi s/o Serajuddin	Titwala	45.58	PMS-07	GPS Areshat Koolay
33	Gul Farid Shah s/o Masood Shah	Dadal	41.84	PMS-07	GPS Dadal
34	Amor Ali s/o Jan Mohd	Dadal	43.75	PMS-07	GPS Naway Kady Dadal
35	Salimullah s/o Mehtab Khan	Sengra	56.69	PMS-07	GPS Ganyar
36	Mohd Sarwar s/o Mohd Said	Alzhi	58.10	PMS-07	GPS Steamshad Dargat
37	Kamal Hussain s/o Waqif Israr	Chakigar	36.10	PMS-07	GPS Mahin Gul
38	Zia-ur-Rahman s/o Gul Hareem	Jaba	45.82	PMS-07	GPS Laha Hama
39	Niazur Rahman s/o Gul Hareem	Jaba	41.41	PMS-07	GPS Ser Dandal
40	Mohd Qasim s/o Sor Khatib	Dadal	34.38	PMS-07	GPS Laha Mura
Deceased Govt. Employees Children					
41	Shah Dawran s/o Mohd Zial	Chakkar	45.97	PMS-07	GPS Laka
42	Fazal Khalil s/o Abdul Khalil	Shahpur	47.29	PMS-07	GPS Kanda Dn Kama
43	Mohd Saed s/o Sahib Gul	Ledar	39.91	PMS-07	GPS Anah Kormang

ATTESTED

DISTRICT COORDINATOR
 CHAIRMAN DSI
 DISTRICT SHANGHAI
ATTESTED

- 1) The Secretary Schools & Literacy, Department N.W.F.P. Peshawar.
- 2) The Director Schools & Literacy, N.W.F.P. Peshawar.
- 3) The District Nazim Shanghai.
- 4) The District Accounts Officer Shanghai.
- 5) The Principal / L.M.I. Headmaster (H.S.S. / G.H.S. / G.N.S. / G.A.S. / D.D) concerned.
- 6) The Candidates concerned.

Copy to:-

Dated 7.8.2004

Encl: No. 716-21

(QAIM KHAN)
 DISTRICT COORDINATOR (H.C.T.R.)
 CHAIRMAN DSI
 DISTRICT SHANGHAI

- 1) The Appointment is purely on contract basis against D.P.S-07 plus usual allowances as under the rules except in service conditions.
- 2) The initial period of appointment shall be three years, after which the contract will be renewed otherwise by the appointing authority keeping in view the performance of the candidate.
- 3) The appointment of the above candidates subject to the verification of their domicile of Shanghai.
- 4) The service of the above candidates will be liable to termination at any time without assignment of notice / reason. In case of resignation without notice, one month pay and allowances if any shall be forfeited to Govt. treasury.
- 5) The candidates should join their posts within fifteen days of the issue of their orders. Failure to do so shall be treated as resignation. District Officer (A.I) Primary, Shanghai should furnish a certificate to the effect that the candidates have joined the posts within stipulated period of time failing which their app'tment shall automatically be treated as cancelled.
- 6) The fresh candidates will not be handed over charge if their age exceeded 33 or below 18 years.
- 7) The appointment is subject to the production of Health & Age certificate from the nearest Superintendent concerned.
- 8) The DDO (A.I) Primary should check their original Certificates / Documents etc before handing over charge and attested copy of the agreement signed on both side be obtained for further verification. Certificates / Degrees from concerned institutions.
- 9) Change report should be submitted in duplicate to DT concerned.
- 10) No T.A-DA is allowed being fresh appointment.
- 11) The candidate will be governed by the terms and conditions of service mentioned in agreement enforced.
- 12) They will not claim seniority.
- 13) The DDO (A.I) Primary, Shanghai should obtain Surety Bond as well as agreement as to obey contract policy, and will have no right to challenge the contract policy in Court of Law.

Terms & Conditions:-

46	Khurshid Ali Khan s/o Asad Khan Dijkana	16.33	1980-07	16.33	1980-07	16.33	1980-07
45	Javed Sultan s/o Anwar Zeb Sakar	20.70	1980-07	20.70	1980-07	20.70	1980-07
	Faris Ahsan s/o Jafaruddin Dijkana	10.50	1980-07	10.50	1980-07	10.50	1980-07

ATTESTED

ATTESTED



DR. AYUB KHAN (I/T)

[Handwritten signature]

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

EXISTENCE NO & EVEN DATE

CHIEF SECRETARY GOVERNMENT OF THE KHAYDER PAKHTUNKHWA

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

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

AMENDMENT

NOTIFICATION

Dated Peshawar the 06/08/2020

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

ATTESTED

WP4443-2023 AZ21/11/14H VS GOVT CF PG43

21.06.23
2023.06.21

Section Officer (Policy)

Section Officer (Policy)

Yours faithfully,

- 1. To Special Secretary (Reg), Establishment Department.
- 2. To Additional Secretary (Reg-III), Establishment Department.
- 3. To Deputy Secretary (Policy), Establishment Department.

Copy forwarded to the:
Rural, Of even No & date

ASE
M
216

Further, these officers/officials who do not comply with promotion order of the competent authority or try to evade promotion through different means shall be proceeded against under Khyber Pakhtunkhwa Civil Servants (Efficiency & Discipline) Rules, 2014, please.

The basic rationale behind the definition of this rule is aimed at preventing a prevent those who lead to forge promotion to evade posting/transfer or allow lack of capability to handle higher responsibilities in case of promotion. Therefore, it is obligatory upon every civil servant to accept promotion in every condition.

The basic rationale behind the definition of this rule is aimed at preventing a prevent those who lead to forge promotion to evade posting/transfer or allow lack of capability to handle higher responsibilities in case of promotion. Therefore, it is obligatory upon every civil servant to accept promotion in every condition.

I am directed to refer to your letter No. SO(Fin/HRM/MT/2023 dated 10.04.2023 on the subject noted above and to state that sub-rule 2/A of the Rules of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 stands deleted with the department notification dated 06.08.2020; thus, do not apply.

Subject: CHIEF MANAGER, BOARDING, SECTION OF RAILWAY ZONE IN THE PAKISTAN RAILWAYS CORPORATION (P.R.C.)

The Government of Khyber Pakhtunkhwa, Ministry & Secondary Education Department.



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
No. SO(Pol/HRM/MT/2023 dated 06.06.2023

6.2

Amexu - C

GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT
CIVIL SECRETARIAT PESHAWAR
(Phone No. 091-0223507)

No. SO (Primary-M)/E&SED/2-6/2023
Dated 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

[Handwritten Signature]
26/6/23

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

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

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

Encl: AA

[Handwritten Signature]

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

Copy forwarded to the:

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

[Handwritten Signature]

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

ATTESTED

B/c -11-

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

To

The Director
Elementary & Secondary Education Department
Khyber Pakhtunkhwa, Peshawar

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

Subject: GUIDANCE REGARDING DELETION OF RULE 7(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)

WP4443-2023 AZIZULLAH VS GOVT CP PG43

~~REQUESTED~~

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

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


Annexure
D


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

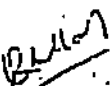
2. The meeting started with recitation from the Holy Quran. The chair welcomed the participants. The Deputy Director (Establishment) of Directorate of Elementary & Secondary Education briefed the forum regarding agenda item in detail.

3. After 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-I
E&SE Department


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


(Mr. Razaqat Ullah)
General Secretary APTA
Peshawar


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

(Abdulrah)
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(9) 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

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

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

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

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

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

Provincial President
All Primary Teachers Association
Khyber Pakhtunkhwa

(Mr. Razaqat Ullah)
General Secretary APTA
Peshawar

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

(Abdullah)

Additional Secretary (Establishment)

ATTESTED

ATTESTED

W/P/4442-2023 AZIZULHAH VS GOVT CP FGA3

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

1. PA to Director Local Director
2. Master Copy

Copy of the above is to:-
Encl: No.

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

The case is submitted for perusal and necessary actions please.

Departmental Promotion Committee provided their written report for the meeting of (15) have effected a huge number of F Grade Teachers. Thus it is proposed that in view of the above, this office is of considered opinion that the deletion of Mr. been asked for submission of consolidated case.

Chairman of the Local Director's Office at his office. This, in the light of the minutes of meeting dated 6-07-2023, held under the (Primary-4) E&SED/2-1/1/2023 dated 12-06-2023.

The same was received by this office from your good office vide letter No.50 (Primary-4) E&SED/2-1/1/2023 dated 6-06-2023 categorically stated that there exists no provision to accept promotion under every condition.

That the Government of Khyber Pakhtunkhwa Establishment Department (Regulation No.50 (Primary-4) E&SED/2-1/1/2023 for necessary guidance.

That you have furnished the same to the quarter concerned vide letter No.6987 dated 06-07-2023. (i) Now it is suggested upon the civil servant to accept promotion in every condition.

That this office sought guidance from your good office in the following words vide letter dated 06-08-2023. No.50X-VI (E&AD)/1-1/2020 dated 06-08-2023.

That Government of Khyber Pakhtunkhwa Establishment Department (Regulation No.50 (Primary-4) E&SED/2-1/1/2023) in the Civil Servants (Appointment, Promotion & Transfer Rules 1989) vide notification No.50X-VI (E&AD)/1-1/2020 dated 06-08-2023.

I am directed to refer to the letter No.50 (Primary-4) E&SED/2-1/1/2023 dated 10-07-2023 on the subject cited above and to present brief history about the background of the case as under.

MINUTES OF THE MEETING

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

Dear Sir,

Khyber Pakhtunkhwa Peshawar
Phone: 09-922334
Email: establishment@kwppl.com



ATTESTED

WP443-2023 AZIZULAH VS GOVT CF PG43

Rahmad Director
Elementary & Secondary Education
KPK, Peshawar

1. PA to Director Local Directorate
2. Master Copy

Copy of the above to:

In view of the above, this office is of considered opinion that the deletion of Rules 7(5) have affected negatively a huge members of female teachers. The case is submitted for perusal and necessary action please.

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

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

That your good office forwarded the same to a/upte concerned vide letter No. SO (Policy) EQAD/2-2/Appointment-2023 for necessary guidance.

That this office sought guidance from your good office in the following vide notification No. No. SOR-VI (EQAD)-1-3/2020 dated 06-08-2020. That rule 7(5) in Civil Servants (Appointment, Promotion, Transfer & etc) 1997 of Government of KP Establishment department (Regulation Wing) present brief history, about background of case as under. Minutes of meeting 15/1/2023 dated 10-7-2023 on subject cited above and to

I am directed to refer to letter No. (SO. Policy -M) EQAD/5-1/General/21-7-2023

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

Subject: Minutes of Meeting
To: DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION, KPK

-B/C-
-15-



-16-

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

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 or mother-in-law who need care. In such cases, there are negative effects on service delivery.

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


(MUHAMMAD ISMAIL)
SECTION OFFICER (PRIMARY MALE)

Copy forwarded to the:

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


SECTION OFFICER (PRIMARY MALE)
20/8/23

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ATTESTED



- B/c - 17 -

No. 5 (Primary - M) E & SE D / 8-2 /
Appointment - Rule / 2023
Peshawar Dated 23rd August, 2023.

To

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

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

Dear Sir,

I am directed to refer to your letter No. 5 (Policy) / E & AD
/ 1-3 / 2020 dated 03rd June 2022 and to state that after
deletion of Rule 7(S) 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.

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.

Copy forwarded to;

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

(Muhammad Ishaq)
Section Officer (Primary
Male)

ATTESTED

Annexure - F



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

To

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

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

Dear Sir,
I am directed to refer to your letter No. SO(Primary-M)/E&SED/2-
2/Appointment-Rule/2023 dated 23.08.2023 on the subject noted above and to state that
necessary guidance has already been 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.

ATTESTED

WP442-2023 AZIZULAH VS GOVT OF PK

-18-

-19-

- B/C -

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

To

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

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

Dear Sir,

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

Yours faithfully,

Section Officer (Policy)

Endst. Of even No & date

Copy forwarded to the:-

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

Section Officer (Policy)

ATTESTED

Annexure - G

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&D/1-3 1-2020 DATED 06/08/2020, communicated to vide letter dated 06/06/2023, may please be declared and ordered to be struck down being Void, Ultra vires to the Constitution of Pakistan and against the fundamental principles of natural justice.

Dated 26/03/2024

ATTESTED

(Signature)
ZIA ULLAH SHAH
S/O MUHAMMAD IBRAHIM
PSAT

~~ATTENDED~~

WP1442-2023 AZIZULHAQ VS GOVT CF PG13

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Handwritten signature and date: 08/11/23

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Handwritten text in Urdu, possibly a signature or name.

Annexure - H

APTA House
Govt Primary School Near
Gulshan-e-Farooq Rawalpindi

Rizwan Palihunhwa

President
0333-011448
0333-011448
0333-011448

WAKALAT NAMA

BEFORE THE SERVICE TRIBUNAL PESHAWAR

ZIA ULHA SHAH

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