


FORM OF ORDER SHEET

Court of _____

Appeal No. 2362/2024

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

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

C.M No _____-P of 2024

In Ref to

Service Appeal No 2362 2024

Abdul Rahim Khan

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 2362 /2024

Abdur Rahim Khan Son of Sher Ajab, PSHT

GPS No 1 Taja Zai Tehsil & District Lakki Marwat

.....Appellant

V E R S U S

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

.....Respondents

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

PRAYER:

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

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

RESPECTFULLY SHEWETH:

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

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

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

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

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

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

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 affects the interests of the employees or causes disadvantage to the employee is not tenable in the eyes of law. The notification/guidance dated 06/08/2020 06/06/2023 are liable to be set-aside.
- b. That there are no terms and conditions of service mentioned in the appointment order of the appellant wherein, availing of promotion is mandatory. It is further submitted that employees in the past, have foregone their promotion along with their posting. It is submitted that when domestic and other personal issues do not permit the employees/appellant to avail the promotion order and in that case, the employees who foregone their promotion were allowed not to avail the promotion for a period of 04 years and on second refusal the employees were permanently debarred from availing the facility of promotion during their entire service. Hence the employees himself/herself forebear agonies of foregoing their promotions. As a result, junior to the appellant according to the order of seniority cum fitness are granted promotion to next rank.
- c. That as per Civil Servant laws, promotion is a kind of appointment which is always optional to get promotion or not, hence the impugned notification is void, illegal and against the law and the same to the extent of the appellant is liable to be set-aside.
- d. That it is further submitted that on account of grant of promotion, some employees who are suffering from severe medical ailment or facing acute domestic issues cannot avail promotion with transfer in other areas, therefore, no employee can be compelled to accept the promotion compulsorily which is not beneficial to the employee but if an employee does not avail and get benefit of her promotion it must be optional for the employees as to whether to avail or forego the benefits. Any promotion without willingness of employee is illegal and liable to be setaside.

- 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.

Rahim
Deponent

Through

Rahim
Appellant

Muhammad Muazzam Butt
Muhammad Muazzam Butt
Advocate Supreme Court

Muhammad Adeel Butt
Muhammad Adeel Butt
Advocate High Court

Bassam Ahmad Siddiqui
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

Abdul Rahim Khan

VERSUS

Secretary to Government of Khyber Pakhtunkhwa, & others

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

Respectfully Submitted:-

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

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

AFFIDAVIT

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

Abdul Rahim Khan
Deponent

Through

Abdul Rahim Khan
Appellant

Muhammad Muazzam Butt
Muhammad Muazzam Butt
Advocate Supreme Court

Muhammad Adeel Butt
Muhammad Adeel Butt
Advocate High Court

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Lakki Annexure A

SH: 1
Pers #: 00293280 Buckle:
Name: ABDUR RAHIM KHAN
PRIMARY SCHOOL HEAD TEACH
CNIC No.1120103144143
GPF Interest Applied
15 Active Permanent

P Sec:001 Month:March 2024
LK6004 - Government Primary School
GOVERNMENT PRIMARY SCHOOL
NTN:
GPF #: EDUBU006149
Old #:

PAYS AND ALLOWANCES:		LK6004	-
0001-Basic Pay		77,380.00	
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		1,055.00	
2199-Adhoc Relief Allow @10%		705.00	
2316-Teaching Allowance 2021		3,224.00	
2341-Dispr. Red All 15% 2022KP		7,406.00	
Gross Pay and Allowances		131,486.00	
DEDUCTIONS:			
IT Payable 11,666.73	Deducted 34,077.00	TAX: (3609)	3,889.00
GPF Balance 1620,763.00		Subrc:	4,290.00
3501-Benevolent Fund			1,200.00
4004-R. Benefits & Death Comp:			600.00
Total Deductions			8,979.00
			121,507.00

D.O.B 01.02.1968 LFP Quota:
36 Years 06 Months 021 Days HABIB BANK LIMITED TAJAZAI, BANNU
03280001579201

Lakki

SH: 2
Pers #: 00293280 Buckle:
Name: ABDUR RAHIM KHAN
PRIMARY SCHOOL HEAD TEACH
CNIC No.1120103144143
GPF Interest Applied
15 Active Permanent

P Sec:001 Month:March 2024
LK6004 - Government Primary School
GOVERNMENT PRIMARY SCHOOL
NTN:
GPF #: EDUBU006149
Old #:

PAYS AND ALLOWANCES:		LK6004	-
2347-Adhoc Rel Al 15% 22(PS17)		7,406.00	
2378-Adhoc Relief All 2023 35%		26,390.00	
Gross Pay and Allowances			131,486.00
DEDUCTIONS:			
IT Payable 11,666.73	Deducted 34,077.00		
GPF Balance 1620,763.00		Subrc:	

Handwritten Signature
Add: Distt Accounts Officer
Lakki Marwat

عبدالرحمن خان پست پست پست
موب۔ 0336 9750831

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) BANNU.

APPOINTMENT/TRANSFER & ADJUSTMENT.

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

S/No	Name of Candidate with Father's name/teacher	Address/From	Name of school where posted/adjusted.	Remarks
1	2	3	4	5
1	Akhter Zaman S/O Mir Sahib Khan	Vill: Choriwala	GPS Ghulam Mughal	Adj.
2	Amir Abdur Rehman S/O Raibat Kh.	Vill: Lakki	-do-	Candidate. V/Post
3	Feridullah Khan S/O Watan Khan	Vill: Gandi Khan	-do-	GPS. Nar Maula Dada. -do-
4	Noor Mohi Din S/O Qazi Ikram Din	Vill: Lakki	-do-	" Nar Pir Abbas. -do-
5	Ghulam Ali S/O Khan Sardar	vill: Lakki	-do-	" Nar Akbar Khan. -do-
6	Reza Mohammed S/O Ghulam Qureshi	Vill: Lakki	-do-	" Mohiati Barokzai
7	Qayyum Nawaz S/O Saadullah	vill: Kakri	-do-	" Landiduk Barokzai
8	Asghar Ali S/O Reza Khan	vill: Kakri	-do-	" Khan Suba Landiduk
9	Zardad Khan S/O Amir Daud	vill: Bannu City.	-do-	" Landiduk
10	Reza Mohammed S/O Mohd Hussain	Bannu City.	-do-	" Chita Khel.
11	Mohd Ayub S/O Mohd Nazif	vill: Kakri	-do-	" Domel.
12	Ferid Zaman S/O Khan Zaman	Kakri.	-do-	" L/Madaghrab.
13	Ismatullah S/O Selim Gh. Mohd	vill: Jhangl Tughel	-do-	" Landiduk Banuchi.
14	Mushtaq Ahmad S/O Dost Mohd	vill: Abbe Khel.	-do-	" Qalar Mans Khel.
15	Ghuffran Ali Shah S/O Mohd Ghous Ali	vill: Sabu Khel.	-do-	" Abdullh Jan.
16	Saifullah Khan S/O Haidar Ali Khan	vill: Kot Azed.	GPS Abdullah Din Kot.	" Ghazi Khel Wasir. V/Post
17	Faiz Ali Shah S/O Moor Badsha	vill: Choriwala.	Candidate.	" Chita Khel.
18	Ahmed Karim S/O Jehangir	vill: Lalozai.	-do-	" Baziad Kokal Khel.
19	Abdul Reshid S/O Dost Mohammed	vill: Abbs Khel.	-do-	" Lakki Komar Din.
20	Mahshid Khan S/O Saleh Khan	vill: Asghar Khel.	-do-	" Ayub Killa.
21	Mohd Aslam Khan S/O Kutub Din	vill: Hayat Khel.	-do-	" Malik Shahi Jandi Khel. -do-
22	Yousaf Khan S/O Nawab Khan	vill: Lakri Mina Khel.	-do-	" Pir Mukamal Shahi

Continued on page...

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1-2	3	4	5
	Candidate		
23. Samar Gul S/O Mohd Gul Vill: Lakki Mina Khel.		GPS Akbar Zaman Bannu Zai	
24. Mohd Noor Rahman S/O Ghulam Sahib Khan vill: Kot Beli.	-do-	GPS Heibak Sheraz Khan	
25. Hashmatullah S/O Haider Khan vill: Hassan Khel Isaki.	-do-	GMS Hassan Khel Isaki	
26. Mohd Nazir S/O Gula Khan vill: 2. Dello Khel (Bannu tehsil).	-do-	GPS Kotko Psycho Khan Mandan	
27. Mushtaq Khan S/O Tawab Khan vill: Bado Mir Abbas.	-do-	Shukrullah Hussain	
28. Shah Nawaz S/O Mohd Nawaz vill: Sela, Khel Lekki.	-do-	Asperka Wazir	
29. Niematullah Khan S/O Mosem Khan vill: Kot Kashmir.	-do-	Miryan Killa	
30. Saifiullah S/O Ahmad Badahah vill: Bhoti Gila.	-do-	Nar Tej Mohammed	
31. Rasool Zaman S/O Badi Zaman vill: Q Shamsi Khel.	-do-	Ghani Machan Khel	
32. Noor Alam Khan S/O Rais Khan vill: Tejori.	-do-	Munghali Ghulam Shah	
33. Gheffer Ali S/O Jamal Khan vill: Ghoriwala.	-do-	Adami Ayub Khan	
34. Bacha Khan S/O Dost Mohammed Vill: Abba Khel.	-do-	Munghali Gulab Khel	
35. Shefaat Ullah S/O Faizullah vill: Kot Kashmir.	-do-	Munghali Sinzer Khel	
36. Umar Niaz S/O Gul Bara Khan vill: S.Z. Bale.	-do-	MPS Mandozai Surani	
37. Mohd Din S/O Abdul Rehman vill: Zanzi Khel.	-do-	Munghali	
38. Sherin Zan S/O Raab Khan vill: Zalim Dello Khel.	-do-	GPS Munibullah	
39. Hazrat Bilal S/O Durana Khan vill: Kuti Khel.	-do-	Ahmad Sardi Khel	
40. Ikramullah S/O Nawab Khan vill: Nar Sahib Khan.	-do-	MPS Noor Sar (Doma)	
41. Mohd Jehangir Khan S/O Iqam Din vill: Nar Mohd Khan Ghazni Khel.	-do-	GPS Mandan Manjwala	NC
42. Sahib Shah S/O Mohd Shah vill: Garske Syed Khel.	-do-	Shamadi Killa	VP
43. Saqat Ullah S/O Gul Mohd Khan vill: Nar Shukrullah	-do-	Nar Sher Mast	ADL
44. Kholia Saqat S/O Hakim Khan vill: Jahu Khel.	-do-	Nawaz Abad	VP
45. Mohd Amin S/O Mohd Yusef vill: Jahu Khel.	-do-	Kot Akbar Jugar	
46. Wali Mohammed Khan S/O Shah Mohammed Mesti Khel Lekki.	-do-	Miryan Killa	
47. Azir Nawaz S/O Ayub Khan vill: Jamali Khel Abba Khel.	-do-	Kotk Dary Khan	
48. Sab Ali Khan S/O Mirzali Khan vill: Kakki.	-do-	Gul Bodin Landidok	
49. Habibullah S/O Shadi Khan vill: Dediwala, Lekki.	-do-	Gadai Top	
50. Mohd Habib S/O Abdul Chaffar vill: Jahan Bahadar.	S/E.P.I Tach. EHU Nur	Ghani Bhat Khel	ADDL P
		Contd on page	

6-B

1.	2.	3.	4.
51.	Umer Avez S/O Fazel Khan, J/C SDEO(F) GPS B.A.Khan. V/P (Shah Da vill: B.A.Khan. Bannu. Died)		
52.	Ihsanullah S/O Mohammed Hassan, Bannu City (Dherwala)	Candidate.	" Hingel Amir Khan.
53.	Salim Khan S/O Saleh Khan -do- vill: Fatch Khan Khujari.		" Liwan Derderiz.
54.	Ghulsa Raib Khan S/O Mohd Gul -do- vill: Mitha Khel.		" Mohammed Ali.
55.	Zaffer Ahmed S/O Abdul Sattar -do- vill: Umer Titter Khel.		" Zonde Ghafbi.
56.	Nasir Rehman S/O Aziz -ur- Rohman, Muslim Abed Bannu.		" Setev Nurur.
57.	Mohd Ali Khan S/O Mir Darez -do- vill: Kakki.		" Landidak Barokzai.
58.	Niamatullah Khan S/O Bafsha Khan -do- vill: Lakki.		" Korkani Tojmi Khel.
59.	Hamidullah S/O Hazi Mir Ali -do- vill: Kakki.		" Landidak Banuchi.
60.	Ahmed Nawa S/O Amir Nawa -do- vill: Kakki.		" Kakki Khns. (V/P vice Dil Nawa on leave).
61.	Sultan Khan S/O Alam Khan -do- vill: Khanu Khel.		" Terkanan Jani Khel.
62.	Rashid Ahmad S/O Ghulam Kebria -do- vill: Lakki (Phar Khel).		" Malik Shahi Jani Khel.
63.	Liaqat Ali S/O Mohd Ali -do- vill: Mughal Khel.		" Kotka Akhundan.
64.	Mohd Anwar S/O Ghulam Bangi -do- Jen vill: Dabok Mandra Khel.		" Mohd Khan Killa.
65.	Syed Mahboob Ali Shah S/O Mir Saibin Shah -do- vill: Bannu City.		" Saleh Khan Mandev.
66.	Dil Faraz Khan S/O Sardaraz (Awan) Bannu City.		" Fatma Khel.
67.	Riaz-ud-Din S/O Islam Din -do- vill: Chak Dadan.		" Kojal Killa (vice Najeebulla on S/No.68).
68.	Najeebullah PTC Teacher.	GPS Kojal Tughel Khel.	GPS Jhangl Killa.
69.	Mosha Hoor Khan BTO (PTC Teacher).	MPS Khen Zaman, Ismail Khel.	" Jhangl Killa (Tughel Khel).
70.	Mohd Nawa PTC.	MPS Bakera Killa.	MPS Khen Zaman Ismail (vice No.69).
71.	Dast Mohd PTC GPS Kotka Muhibullah.		GPS Bakera Killa vice.
72.	Tawab Khan S/O Gul Sar Khan -do- vill: Bherat.	Candidate.	GPS E bi Khan Derderiz.
73.	Shah Qiaz Khan S/O Mohammed Ali Khan -do- vill: (Miran Shah).	GPS Kotak Kot.	MPS Murib Khel Baka Khel.
74.	Noor Azeed S/O Mir Saadet Kh. -do- vill: Torke Basia Khel.	Candidate.	GPS Khurgai.
75.	Abdul Waris Khan S/O Mir Abbas Khan -do- vill: Injel Sheraz.		" Dilasa Mandev.
76.	Nasrullah Khan S/O Mohd Nawa -do- vill: Bherat.		" Hakim Khan Haved.
77.	Shah Qiaz Khan S/O Mohammed Subhan -do- vill: Kakki.		" Mohibullah.

Contd: on page...4.

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1.	2.	3.	4.
78.	Shahir Wasim S/O Waresham Gul vill: Kekki.	Candidate	GPS Mans Khel, Tarket.
79.	Hanifullah S/O Yasub Jan vill: Lakki Mina Khel.	-do-	Abdul Ghafer, Mir Khel (Domel), Haved Khas.
80.	Mir Zaman S/O Sardar Khan vill: Bherat.	-do-	Kotk: Darya Khan.
81.	Zarif Khan S/O Jan Ahmad vill: Bandiwah.	-do-	Vice Siftu.
82.	Sakhi Mar Jan S/O Buzena Khan vill: Ghazni Khel.	-do-	PTC training.
83.	Mohd Shafia S/O Hinaar Sahib- Jan vill: Landiwah.	-do-	Middali.
84.	Kibaz Khan S/O Rob Nawaz Kh: vill: Troi Killa.	-do-	GMS Zaman Wazir.
85.	Mohd Shafia Khan S/O Mir Ali- Khan vill: Ghoriwala.	-do-	GPS Mohd Jan Mughal Khel No. 86.
86.	Hajiyat Ullah Khan (PIC teacher)	GPS Mohd Jan Mughal Khel.	Mohd. Khel vice Emdan Shah selected for PTC training. Wazir Abad.
87.	Mohd Roshid S/O Ali Akbar vill: Wanda Mash.	Candidate	Mohd. Shah Shamsah, Adil Khel.
88.	Behader Nawaz S/O Amir Badshah vill: Ghoriwala.	-do-	Dograa Umar, B.
89.	Ahdus Dama S/O Mohd Ayes vill: Hassan Khel.	-do-	Mian Gul Khel.
90.	Hamid Khan S/O Mohd Mir vill: Masha Mansoor.	-do-	Mir Waiz.
91.	Nizam Khan S/O Quli Khan vill: Landiwah.	-do-	Wazir Abad.
92.	Sher Behader S/O Gula Bat vill: Heibok Surani.	-do-	Mandev.
93.	Ihsanullah S/O Abdul Melik vill: Katore.	-do-	Mirbaz Barakza.
94.	Mohd Yasin Khan S/O Shera- Khan vill: Abta Khel.	-do-	Khani Bak Khel.
95.	Abdul Mamen S/O Biaz Khan vill: Jhang Khel, Lakki.	-do-	K. Bahram Shah.
96.	Mohd Hafizullah S/O Mohammed Roul vill: Moor, Heli Jhanju Khel.	-do-	MPS Sakhi Zaman Nuren.
97.	Khan Nawaz S/O Rob Nawaz vill: Mar Tej, Mohammed.	-do-	GPS Painda Khel Wazir.
98.	Qismet Ali Khan S/O Mir Sahib Jan vill: K. Behader Khan, Torki Bannu.	-do-	MPS Milla Gen.
99.	Ayub Nawaz S/O Sued Nawaz vill: Fatra Khel Bannu.	-do-	GPS Kaaki Wazir Killa.
100.	Mohammed Rafique S/O Abdul Ali vill: Wanda Parison.	-do-	MPS Mazanga Landidak.
101.	Mohd Hassan S/O Mohd Yousaf vill: Ucer, Titter Khel.	-do-	GMS Mans Khel, Bannu.
102.	Zarin Badshah S/O Hazir Badshah vill: Sabu Khel, Khattak.	-do-	GPS Adami, Nawaz Shah (V. Faran Ali Shah, aglac PTC training).
103.	Farmen Ullah S/O H. j. hullah- Khan vill: Ghoriwala.	-do-	

6-e

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|--|--------------------------------|---------------------------|--|
| 104. Abdul Hamid S/O Ghulam
Ahmed vill: Lekki Mine Khel. | Candidate. | MPS Sultan Jani Khel. | |
| 105. Fakher Zaman S/O Habib Jan
vill: Lekki (Ansr Gali). | -do- | " | Wazir Kille Danderiz. |
| 106. Mohd Roshan S/O Mohd Noor
Zaman vill: Ded Kachrot Mitha Khel. | -do- | " | Malik Mitha Khel. |
| 107. Mohd Niez Bx2 | AWI GHS NO. 2. Bxu | " | Moin Shih Shamshi Khel. VP. |
| 108. Abdul Khalil S/O Painde
Khan vill: Lekki Mine Khel.
(Military Trained PTC). | Candidate. | MPS Mia Wali (Lekki S/R). | AD. |
| 109. Sarwar Jan S/O Ali Marjan
vill: Kheru Khel Paccq
(Ex-Service man Mil PTC
Trained). | -do- | GPS Kaski Landidek. | |
| 110. Azim Khan S/O Akram Khan
vill: Adanzai (Ex-Service man
Mil PTC Trained). | -do- | " | Jelu Khel. |
| 111. Mohd Fahim Khan S/O Mohd
Salim Khan | J/O GHS No. 1.
Bxu Trained | " | Kaski Landidek. |
| 112. Nawab Ali S/Clk. | PTC No. 2. Bxu
PTC Trained. | " | Ehngi Khan Mughal
Khel vice Bahim Dil Khan
selected for PTC training. |
| 113. Mohd Yusuf S/O Nawab Ali
vill: Sura Khel Khattak. | Candidate
(CT Trained). | " | Khawaja Mad Mandan (Vice
Hamidur Rahman Shah selected
for PTC training). |
| 114. Abdullah Khan S/O Sher Kh
vill: G. Khan Khel. | Candidate. | " | Amin Jabu Khel. VP |
| 115. Mohd Fahim S/O Afzal Khan
vill: G. Khan Khel. | -do- | " | -do- |
| 116. Mohd Fahim S/O Afzal Khan
vill: G. Khan Khel. | -do- | " | Mohd Fahim Khan |
| 117. Abbas Rahman S/O Rahmatullah
Jan Vill: Titter Khel. | -do- | " | Kot Serdar. |
| 118. Ghulam Sarwar S/O Shih Wali
Lekki Khel Khel. | -do- | " | Bagni. |
| 119. Sarish Jan S/O Baham Jan
vill: Sheikh Khuda Beksh. | -do- | " | Nar Nawab Kala Khan. |
| 120. Jehan Zeb S/O Gul Habib vill:
Wanda Shehab Khel. | -do- | " | Yar Ahmed Machan Khel. VP |
| 121. Sultan Jan S/O Shah Jehan
vill: Shih Jehan Adanzai. | -do- | GMS Daraake Aziz Khan. | |
| 122. Mohd Azim S/O Adam Khan
vill: Ghezi Khel. | -do- | GPS Kermu Khel. | |
| 123. Jehangir S/O Bai Khan vill:
Kot Kashmir. | -do- | " | Baregi. VP |
| 124. Farzana Ullah S/O Mir Salam
vill: Kot Kashmir. | -do- | " | Kot Rahman. |
| 125. Fazal Rahman S/O Shih Alam
vill: Hakim Tapa. | -do- | " | Wanda Fatch Khan. |
| 126. Karim Khan S/O Hakim Khan
vill: W. Amir. | -do- | " | Wanda Painde Khan. |
| 127. Gul Toiz Khan S/O Umar Gul
Lekki Marwat. | -do- | " | Kerey. |
| 128. Mohd Avub S/O Mohd Akbar
Lekki Mine Khel. | -do- | GMS Bachokan Ahmad Zai. | |
| 129. Khalid Raza S/O Han Nawaz
vill: Nar Kala Khan. | -do- | GHS Sultan Khel. | |

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

1.	2.	3.	4.
130.	Sher Ali PTC.	GPS Jhangi Killa (SDB)	GMS Mans Khel Marwat
131.	Irfanullah PTC.	" Mir Payo Khen Barakzai (SDB)	GPS Shah Tone
132.	Gul Tala PTC.	" Khani Baka Khel (SDB)	" Khan Dauran
133.	Isan Ullah PTC.	MPS Murib Ehel Baka Khel (SDB)	" Dara Tang
134.	Basi Khen PTC.	GMS Mendev (SDB)	" Zaffer Mans Khel
135.	Seifur Rahman PTC.	GPS Mombati Barakzai (SDB)	" Kotka Sher Khan
136.	Hussain Ahmad PTC.	MPS Nurar (SDB)	" Jabbar Khel
137.	Abdul Khannan PTC.	GPS Mushtaq Narmi Khel (SDB)	" Behram Khel
138.	Inayatullah Khan PTC.	MPS Rais Khan Baka Khel (SDB)	MPS Bahram Khel
139.	M. Hakim Jan PTC.	GPS Domal (SDB)	GPS Nawaz Mela Khel
140.	M. Dawud Khen PTC.	MPS Mansoori Surani (SDB)	" Sur Band
141.	M. Jilil Khan PTC.	GPS Wazir Abad (SDB)	" Kotka Haibat Kha (S/Khel)
142.	M. Ahmad Ghulam PTC.	" Khudai Wazir (SDB)	" Tor Talla
143.	Nizam Khen PTC.	" Ghulam Mughal Khel (SDB)	" Surana Khen
144.	Hayatullah PTC.	MPS Noor Jehan Murghali (SDB)	" Khawaja Khel
145.	Mohd. Aslam PTC.	GPS Painta Khel Wazir (SDB)	" Sheikh Mansoori
146.	Nadir Khen PTC.	MPS Shah Nawaz Sheikh Payo Killa (SDB)	" Gul Zaffer
147.	Mir Ghulam PTC.	GPS Keski Landidak (SDB)	" Inam Poon
148.	Javed Iqbal PTC.	" Quli Khel Wazir (SDB)	" Baluchian
149.	M. Peshaw Khen PTC.	" Fatma Khel (SDB)	" Asmat Abad
150.	M. Mianstullah PTC.	MPS Sultan Jani Khel (SDB)	" Nasir Khel
151.	Mohd Hassan PTC.	GPS Shukrullah Mandan (SDB)	" Ahmad Khan
152.	Sharifullah PTC.	" Dogar Umar Zai (SDB)	" Nar Gul Hassan Sh
153.	Gul Mohd PTC.	" Gaji Tap (SDB)	" Tajori No. 1
154.	Mohd Avub PTC.	" Chita Khel (SDB)	" Ghazi Adam Zai
155.	Amrullah PTC.	" Pir Abbas (SDB)	" Shakh Quli Khan
156.	Illaud Din PTC.	" Patel Khel (SDB)	" Mir Akbar Admzai
157.	Sharifullah PTC.	" Har Mohd Yan (SDB)	" Nar Quli Khan
158.	Imam Hussain PTC.	" Dilasa Mendev (SDB)	MPS Kotka Sher Mast
159.	Balies Khen PTC.	" Ispt Khel Isaki (SDB)	GPS Muhsyat Khan Adam
160.	Ghulam Hussain PTC.	Returned from leave	" Wanda Arsallah
161.	Fazal-ur-Rahman PTC Trained.	-do-	" Mangara
162.	Seerwar Jan PTC Trd.	-do-	MPS Kotka Mir Badshah
163.	Gul Tattar	-do- (See on p. 7)	" Bahadar

6-9

164. Noor Aslem S/O Mir Ali Sheh Candidate GPS Quli Khel Wazir
Vill: K. Mir Ali Sheh Kam Pireh

NOTES:

1. Charge report should be submitted to all concerned.
2. No. T5/D4 is allowed to end one.
3. The appointment is purely on temp. basis and liable to termination without assign. any reason or notice.
4. The candidates should bring their age & Health Certificate from M.S.D.H. H888157, Bannu.
5. The candidates should not be handed over charge if their age exceeds 25 years or less than 19 years.
6. The candidates should not leave the service without prior one month's notice or forfeiting one month's pay.
7. The seniority of the candidates (PTC Trained) at S/No. 16, 50, 51, 73, 107, 111, 112 & 113 will be considered from the date of their taking over charge in Settled Area/PTC.
8. The adjustment of P.T.C teachers from Bannu Sub Division to L. Sub Division at S/No. 39 to 163 has been made as proposed SDEO (Male) Lakki vide his letter No. 3413-3425 dated 27-8-1987 No. 3426 dated 29-8-1987.
9. The candidates take over charge within 15 days the date of this appointment order, otherwise their appointment should stand cancelled.
10. The candidates should get Rs. 750/-PM (BPS-7) plus usual allowances admissible under the existing rules.

District Education Officer
(Male) Bannu.

Enclat No 10267-10431 / E-II/PTC-Appnt: File Dated 31-8-1987

Copy of the above is forwarded for information & necessary action to the :-

1. SDEO (Male) Bannu.
2. SDEO (Male) Lakki with reference to his Nos & dates quote above.
- 3-165. Teachers concerned, Candidates concerned.
166. SDEO (Female) Bannu
- 167-169. Headmaster GHS No. 1, Bannu & GHS No. 2, Bannu City.
169. Agency Education Officer (Miran Sheh) N.W. Agency.
170. District Health Officer Bannu.

District Education Officer
(Male) Bannu.

Annexure - B

GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(REGULATION WING)

NOTIFICATION

Dated Peshawar the 06/8/2020

In exercise of the powers conferred by section 25 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 (3) 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.
13. The Deputy Director (IT), E&A Department.
14. All Assistant Officers in Establishment & Administration Department.
15. The Section Officer (ADMA), Administration Department with the request to arrange 20 gazette copies.
16. The Caretaker, Administration Department.

(Signature)
QWALDAH LATIF
DEPUTY SECRETARY (POLICY)

ATTESTED

(Signature)

4



B/C -8-

GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(REGULATION WING)

NOTIFICATION
Dated Peshawar the, 08/08/2020

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)

[Handwritten signature]

21.8.23
2023

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

Copy forwarded to him:

ASSE
M
2/6

Secretary (Policy)

(1324) Secretary (Policy)

Yours faithfully,

Further, these 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.

Furthermore, these 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.

The basic rationale behind the debarment of the subject is to prevent a promotion to a higher post which may be sought by the subject or to prevent the subject from being promoted to a higher post or to prevent the subject from being promoted to a higher post or to prevent the subject from being promoted to a higher post.

The Government of Khyber Pakhtunkhwa, Islamabad.

GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
No. SP/Policy/Estab/1324/2023
Dated Islamabad the 21st day of August, 2023.



Annexure - C

GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT
CIVIL SECRETARIAT PESHAWAR
(Phone No: 001-9223587)

NO. 60 (Primary-M/E&SED/2-6/2023)
Lalad Peshawar lha. June 26th. 2023

To

The Director
Elementary & Secondary Education Department
Khyber Pakhtunkhwa, Peshawar.

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

Subject: GUIDANCE REGARDING DELETION OF RULE 7(5) IN THE KHYBER
PAKHTUNKHWA CIVIL SERVANTS (APPOINTMENT, PROMOTION
AND TRANSFER) RULES, 1988.

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

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

Encl: AA


(MUHAMMAD ISHAQ)
SECTION OFFICER (PRIMARY MALE)

Copy forwarded to the:

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


SECTION OFFICER (PRIMARY MALE)
26/6/23



B/c -11-

No 50 (Primary-M)/E&SED/2-6/2023
Dated Peshawar the June 25th 2023

To
The Director
Elementary & Secondary Education Department
Khyber Pakhtunkhwa, Peshawar

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

Subject: GUIDANCE REGARDING DELETION OF RULE 7(5) IN THE KHYBER
PAKHTUNKHWA CIVIL SERVANTS (APPOINTMENT, PROMOTION
AND TRANSFER) RULES, 1909.

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

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

Encl: AA

(MUHAMMAD ISHAQ)
SECTION OFFICER (PRIMARY MALE)

Copy forwarded to the:

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

SECTION OFFICER (PRIMARY MALE)



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

Annexure
①


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


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

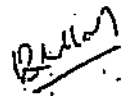
2. The meeting started with recitation from The Holy Quran. The chair welcomed the participants. The Deputy Director (Establishment) of Directorate of Elementary & Secondary Education briefed the forum regarding agenda item in detail.

3. After 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

(Abdulah)
Additional Secretary (Establishment)
E&SE Department



-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(A) IN THE CIVIL SERVANT (APPOINTMENT, PROMOTION
& TRANSFER RULES 1989).

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

S/1	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)



No. 8145

Khyber Pakhtunkhwa, Peshawar

WP No. 34557/UG/GIA/Ed. Cases, Dated 22/07/2023
Phone: 031-9273344 Email: establishmentmto1@gmail.com

To:

The Section Officer (Primary-Ed),
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/13-1/ G.Misc/Minutes of the Meeting/PST/2023 dated 10-07-2023 on the subject cited above and to present brief history about the background of the case as under:

- That Government of Khyber Pakhtunkhwa Establishment Department (Regulation (Wing) dated Rule 7(3) in the Civil Servants (Appointment, promotion & Transfer Rules 1989) vide notification No. No. SOR-1/1 (E&AD)/1-3/2020 dated 06-08-2020.
- That this office sought guidance from your good office in the following words vide letter No. 6987 dated 06-07-2023.
 - (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/1-1/2020 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 age-16 may be exempted of implications of the amendment in the rules (old provided they submit their written refusal prior to conduction of the meeting of Departmental Promotion Committee.

The case is submitted for perusal and necessary actions please.


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

Encls: No.

Copy of the above is to:-

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

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

[Handwritten signature]

2. Master Copy
1. PA to Director Local Directorate
Copy of the above to:
Assistant Director
Elementary & Secondary Education
Phyles Roshid Khan

The case is submitted for perusal and necessary actions please.

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

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. SD (Policy) EQ/ED/1-2/2020 dated 6-06-2023 retroactively stated that there exists no provision to decline / force promotion. It is obligatory upon every civil servant to accept promotion under every condition.

That your good office forwarded the same to quarters concerned vide letter No. SD (Promotion) EQ/ED/1-2/Appointment-2023 for necessary guidance.

That this office sought guidance from your good office in the following words vide letter No. 6983 dated 06-07-2023:
(i) How it is obligatory upon civil servant to accept promotion.
(ii) If negative of civil servant to either accept / surrender the offer of promotion.

That government of KP (Elementary & Secondary Education) (Regulation wing) added rule 7(S) in Civil Servants (Appointment, Promotion, Transfer Rule 1997) vide notification No. No. SD-R-VI (EQ/ED) 1-3/2020 dated 06-08-2020.

Minutes of meeting / PT/2023 dated 30-7-2023 on subject cited above and to present brief history, about background of case as under:
I am directed to refer to letter No. (SD. Promog. M) EQ/ED/5-1/6/2023/ PT/2023 dated 30-7-2023 on subject cited above and to

Subject: Minutes of Meeting
KPK, Peshawar
Elementary & Secondary Education Department
Section Officer (Primary-Male)
Peshawar
(21-7-2023)

TO:
DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION, KPK



-16-

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

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

Annexure
E

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

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

Dear Sir,

I am directed to refer to your letter No. SO(Policy)/ EBAD/ 1-3/2020 dated 06th 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 USAIID)
SECTION OFFICER (PRIMARY MALE)

Copy forwarded to the:

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


SECTION OFFICER (PRIMARY MALE)
28/8/23

Scanned with CamScanner

[Handwritten signature]

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

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

9 am directed to refer to your letter No. SO (Army) (P222) / E & AD / 1-3/2020 dated 27/08/2023 and to state that after deletion of Rule 7(5) (Kyber 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 Kyber Pakhtunkhwa Civil Servant (Efficiency and Discipline) Rule 2011.

Dear Sir,

SUBJECT: - Guidance regarding deletion of Rule 7(5) in the Civil Servant (Appointment, Promotion & Transfer Rules 1989)

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

To

No. SO (Army-M) E & SE / 1-3/2020 / 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(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 23.06.2023 on the subject noted above and to state that
necessary guidance has already been rendered to your good office vide this department letter of
even No. dated 06.06.2023 (copy enclosed).

Yours faithfully,

Section Officer (Policy)

Encls. Of even No & date

Copy forwarded to the-

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

WP/1142-2023 AZIZULLAH VS GOVT OF PK

-18-

-19-

- B/c -

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

To

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

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

Dear Sir,

I am directed to refer to your letter No. 88(Policy-M)/E&AD/1-3/APPPOINTMENT
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)

Under 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)

Annexure - G

To,

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

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

Sir/ Madam:-

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

It is, therefore, humbly prayed that on the acceptance of the instant representation; the Notification bearing No. SO (POLICY) E&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



Bahin
ABDUR RAHIM KHAN
SIO SHER AJAB

VAKALAT NAMA

BEFORE THE SERVICE TRIBUNAL PESHAWAR

ABDUR RAHIM KHAN
Versus

Appellant

Government of KP & others

Respondents

I (the Appellant)

do hereby appoint and retain

MUHAMMAD MUAZZAM BUTT ASC, MUHAMMAD ADEEL BUTT AHC

BASSAM AHMAD SIDDIQUI AHC

&

ASSOCIATES OF MUAZZAM LAW FIRM

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

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

Rahim

APPELLANT

ACCEPTED

[Signature]
MUHAMMAD MUAZZAM BUTT
Advocate Supreme Court

[Signature]
MUHAMMAD ADEEL BUTT
Advocate High Court

[Signature]
BASSAM AHMAD SIDDIQUI
Advocate High Court