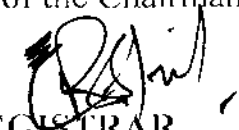


FORM OF ORDER SHEET

Court of _____

Appeal No. _____ **2461/2024**

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	14/11/2024	<p>The appeal of Mr. Abdur Rauf presented today by Mr. Muhammad Muazzam. It is fixed for preliminary hearing before Single Bench at Peshawar on 20.11.2024. 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

Abdur Rauf


S.No: 2461/24

V/S

Government of KP & others

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1.	Appeal and Verification	*	1-4
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3.	Copy of Monthly Salary account	A.	6-9
4.	Copy of notification No. SD (Policy) EV AD/1-3/2020 dated 06/08/2020	B.	10-11
5.	Copy of Impugned Letter dated June 06th, 2023	C.	12-14
6.	Copy of Minutes of Meeting dated 06-07-2023	D.	15-18
7.	Copy of Letter dated 23-08-2023	E.	19-20
8.	Copy of Impugned letter dated 07-09-202	F.	21-22
9.	Copy of Representation against the said notification and representation made by APTA President	G & H	23 24-25
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ADVOCATE

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

In Ref to

Service Appeal No. 2461 /2024

Abdur Rauf Son of Noor Rahman Resident of Tehsil & District Mardan

Designation: Primary School Head Teacher at Khanzada Killi

.....Appellant

V E R S U S

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

.....Respondents

SERVICE APPEAL UNDER SECTION 4 OF KPK SERVICE TRIBUNAL ACT 1974, AGAINST THE IMPUGNED NOTIFICATION BEARING NO.SO(POLICY)E&AD/1-312020, DATED 06/08/2020, COMMUNICATED TO RESPONDENT NO. 2 VIDE LETTER DATED 06/06/2023, WHEREIN IT WAS STATED THAT SUB RULE 5 OF RULE 7 OF KHYBER PAKHTUNKHWA CIVIL SERVANTS (APPOINTMENT, PROMOTION AND TRANSFER) RULES, 1989 STANDS DELETED

PRAYER:

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

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

RESPECTFULLY SHEWETH:

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

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

"Furthermore, those officers/officials who do not comply with promotion order of the competent authority or try to evade promotion through different means shall be proceeded against under Khyber Pakhtunkhwa Civil Servants (Efficiency Discipline) Rules, 2011, please".
5. That as per notification No. SD (Policy) /EDAD/1- 3/2020 dated 06/08/2020, the right of foregoing of promotion was withdrawn and the Government of Khyber Pakhtunkhwa Establishment Department (Regulation Wing) deleted Rule 7(5) in the Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 vide notification no SOR-VI (E & AD)/1-2/2020 dated 06-08-2020. Copy of notification No. SD (Policy) EV AD/1- 3/2020 dated 06/08/2020 is attached as **Annexure B**
6. That the Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar asked for guidance regarding deletion of Rule 7(5) in Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 in respect of which the respondent No. 1 vide its letter No. SO(Policy) E&AD/1-3/2020 dated Peshawar the June 06th, 2023 directed the respondent No 3 (Directorate of Elementary & Secondary Education) that Rule 7(5) in the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 has been deleted vide notification dated 06-08-2020 and ,therefore, no provision exists to decline or forgo promotion and it is obligatory upon every civil servant to accept promotion under every condition. Copy of Impugned Letter dated June 06th, 2023 is attached as **Annexure C**
7. That thereafter the meeting was also held in the office of Additional Secretary Establishment on 06-07-2023 in which it was decided to examine the case properly and submit a self-contained/ consolidated case for onward submission to the Establishment Department for further necessary action. Copy of Minutes of Meeting dated 06-07-2023 is attached as **Annexure D**
8. That the Respondent No.3 i.e. Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa also wrote a letter to the office of Establishment & Administrative Department vide No SO(Primary-M) E&SED/2-2/Appointment Rule/2023 dated 23-08-2023 to reconsider the amendment made in Khyber

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

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

GROUND:-

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

- e. That non-availing of promotion and foregoing thereof does not cause loss to the government exchequer and in consequence of foregoing promotion, pave way to the next employee in seniority, aspiring for promotion could be promoted.
- f. That the impugned promotion Notification dated 06/08/2020 communicated on 06/06/2023 is perverse, discriminatory, against the law, pungent and is a blunt blow of hammer on the rights of the appellant. It is not out of place to mention here that the appellant are teachers and have to look after their children as well as ailing dependent family members and in these circumstances in the presence of impugned Notification dated 06/08 /2023 communicated on 06/06/23 would not be able to serve in the department and which shall amount to the snatching of bread and butter of the poor employees

It is, therefore, humbly prayed that on the acceptance of the instant Service Appeal; the impugned Notification bearing No. SO (POLICY) E&D/1-3 1-2020 DATED 06/08/2020, communicated to Respondent No.2 by Respondent NO.1, vide letter dated 06/06/2023, may please be declared and ordered to be struck down being Void, Ultra vires to the Constitution of Pakistan and against the fundamental principles of natural justice.

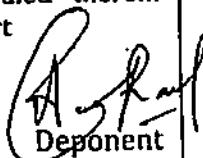
It is further prayed that no penal action as proposed and envisaged in letter dated 06/06/2023 may be declared as unlawful, illegal and without having any legal effect.

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



Appellant


AFFIDAVIT:


I Abdur Rauf Son of Noor Rahman Resident of Tehsil & District Mardan that the contents of foregoing application are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Court


Deponent

Through


Muhammad Muazzam Butt
Advocate Supreme Court


Muhammad Adeel Butt
Advocate High Court


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

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

C.M No _____-P of 2024

In Ref to

Service Appeal No _____ 2024

Abdur Rauf

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:-

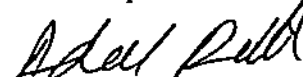
1. That the instant application may be treated as part and parcel of service appeal of the appellant.
2. That the appellant has brought a good prima facie case and balance of convenience also lies in favor of the appellant.
3. That there is likelihood success of the appellant in the lis. And if the notification 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.


Appellant

Through


Muhammad Muazzam Butt
Advocate Supreme Court


Muhammad Adeel Butt
Advocate High Court

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

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

عبدالروف ولا نورمان
PST QPS No 1
Pirsaddi (Mardan)

Annexure

Personal Information of Mr ABDUR RAUF d/w/s of NOOR RAHMAN

Personnel Number: 00129164 CNIC: 1610230953747

NTN: 0

Date of Birth: 06.03.1973 Entry into Govt. Service: 30.06.1997

Length of Service: 26 Years 07 Months 003 Days

Employment Category: Vocational Temporary

Designation: PRIMARY SCHOOL HEAD TEACH 80003433-DISTRICT GOVERNMENT KHYBE

DDO Code: MR6157-DY.DISTRICT EDUCATION OFFICER (M) TAKHT BHAI MARDAN

Payroll Section: 003 GPF Section: 001 Cash Center: 2

GPF A/C No: EDUMR011379 GPF Interest applied GPF Balance: 1,026,355.00 (provisional)

Vendor Number: -

Pay and Allowances: Pay scale: BPS For - 2022 Pay Scale Type: Civil BPS: 15 Pay Stage: 22

Wage type		Amount	Wage type		Amount
0001	Basic Pay	67,480.00	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	827.00
2199	Adhoc Relief Allow (in) 10%	555.00	2316	Teaching Allowance 2021	3,224.00
2341	Dispr. Red All 15% 2022KP	6,408.00	2347	Adhoc Rel Al 15% 22(PS17)	6,408.00
2378	Adhoc Relief All 2023 35%	22,925.00			0.00

Deductions - General

Wage type		Amount	Wage type		Amount
3015	GPF Subscription	-4,290.00	3501	Benevolent Fund	-1,200.00
3609	Income Tax	-2,414.00	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: 37,382.88 Recovered till JAN-2024: 15,970.00 Exempted: 9345.23 Recoverable: 12,067.65

Gross Pay (Rs.): 115,747.00 Deductions: (Rs.): -8,639.00 Net Pay: (Rs.): 107,108.00

Payee Name: ABDUR RAUF

Account Number: 3568-2

Bank Details: NATIONAL BANK OF PAKISTAN, 230548 TAKHT BHAI TAKHT BHAI,

Leaves: Opening Balance: Availed: Earned: Balance:

Permanent Address: TEH DISTT MARDAN

City: MARDAN

Domicile: NW - Khyber Pakhtunkhwa

Housing Status: No Official

Temp. Address:

City:

Email: rauf129164@gmail.com

ATTESTED

System generated document in accordance with APPM 4.6.12.9(2885DN/24.01.2024/v3.0)

All amounts are in Pak Rupees

Errors & omissions corrected (SERVICES/07/07/2024/110-78-31)

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) PRIMARY MARDAN.

NOTIFICATION

Consequent upon their allocation by the Deptt: selection of the District Education Officer, (M) P. Mardan has been pleased to point the following trained P.T.C. Candidates at the school noted at their rates in BPS-7 (Rs:1480-31-2695) plus usual allowances as admissible to them under the rules with immediate effect subject to the existing terms and conditions:-

No.	Name, Father's Name/Address:	No. & Merit list.	School where Posted.	Remarks.
1.	Mohd:Abdullah S/O Mohd: Iqbal R/O Dargah Hoti.	1/18	GPS, No. 1, Kasa Kuracna.	Vice Nasir Khan Term:
2.	Sajid Ali S/O Mirza Gul R/O Tariq Colony Mardan.	2/18	Sharqi Hoti.	Vice Salim Shah.
3.	Obaidullah S/O Mohd: Arif R/O New Baghade.	3/18	GPS, Sharqi Hoti.	Vice Abid Shah Term:
4.	Abdul Akber S/O Sherzai R/O Barichan Mardan.	4/18	Hoti.	Vice Zubair Ali Term:
5.	Dilawar Khan S/O Ghulam Qadir R/O Saahi Bagh Hoti.	5/18	Karwan Road.	Vice Sajid Jamal Term:
6.	Mushtaq Ahmed S/O Gul Zarin R/O Duran Abad.	6/18	Shah Dandh No. 1.	Post already occupied.
7.	Sardar Hussain S/O Imran, ullah R/O Babu M. Hailah Mardan.	7/18	Railway Station	already occupied.
8.	Asif Shaukat S/O Faqir Hussain Mohiuddin Abad Mardan.	8/18	Surkh Dheri Mardan.	do-
9.	Ahmed Ali S/O Ghulam Jilani R/O Khaksar Manzil.	9/18	Barichan.	Vice Mezzat Ali Term:
10.	Mohd: Ullah S/O Lajbar R/O Roti Mardan.	10/18	Kashmir abad.	Vice Nasir Khan.
11.	Mohd: Jawad S/O Sher Mohd: R/O Falc Shan Mardan.	11/18	No. 1, Mardan.	Vice Awaiz Khan.
12.	Sher Wali Khan S/O Sher Jang R/O Jannana Ground.	1/19	GMPS, Basal Shah Parsh.	Already occupied.
13.	Yahya Khan S/O Amir Mohd: R/O Seddi. Abel-G. Kappora.	2/19	Sufaid Khan.	Vice Khair- Mohd: Term:
14.	Masrullah S/O Masa Gul R/O Ghazib Abad.	3/19	Uzair Kandar.	Vice Kawab- Ali Term:
15.	S. Anwar Hussain S/O S/O S. Ahmed Hussain R/O G. Kappora.	4/19	GPS, Junat.	Vice Badar- Khan Term:
16.	Inayatullah S/O Mohd: Idriss R/O Shabbaz Gurki.	5/19	Khatako Koragh.	Already occupied.
17.	Abdul Chafar S/O Saheber Khan R/O Mayer.	6/19	GPS, Gayer No. 2.	Vice M. Hayat Hayat Term:
18.	Hazirullah S/O Tekbar ullah R/O G. Kappora Mardan.	7/19	GMPS, Anar Gaig.	Vice Mohd: Gharif Term:
19.	Ali Asghar S/O Mir Akbar, R/O Garhi Kapura	8/19	GPS, Sadudin	Vice, Marwad Khan Term:
20.	Mohd: Anwar S/O Amir Nosh R/O Kandar.	9/19	GPS, Gumbat,	Already Occupied.
21.	Sufaid Khan S/O Ghulam Rahman R/O D.G. Sai.	10/19	GPS, Qari abad.	Vice, Mohd: Tofail Term:
22.	Ahmed Ali S/O Khan Said R/O Mohd: Banda	11/19	GMPS, Nurbara Junat.	Post already Occupied.

S.No - 155
Abdullah Khan

(Cont: Page....2)

ATTESTED

137	Shahshah Khan S/O Caidgal R/O Jaholar.	15/22	G/S, Bukyatu	V: Jabangas	Term:
138	S. Umar Zamin R/O Shahsala R/O Kot.	14/22	G/S, Chontar	V: Saiful Zaman	Term:
139	Mohd: Ali S/O Zarlar R/O Fasal Abad.	15/22	G/S, Dhari S/11	V: Faizulabhan	Term:
140	Kadshah S/O Abdul Aziz R/O Khazana Dheri.	15/22	G/S, Mahabat Abad	V: Subhendu Din	Term:
141	Manafuz Khan S/O Saad Ahmad R/O Khalkay Banda.	17/22	G/S, Muslim Abad	V: Muslim Shah	Term:
142	Muhsin Khan S/O Akbar Khan R/O Gujar Dhari.	18/22	G/S, Naushad Abad	V: Muhsin Term:	
143	Muhsin Ali S/O Gul Rahman R/O Chitral Kili	19/22	G/S, Manga 2	V: Barfaraz Khan	Term:
144	Muhsin Hadshah S/O Gul Badshah R/O Fir Abad.	20/22	G/S, Shamgul	V: Hissar Mohd: Term:	
145	Muhsin Rajud Din Ahmad S/O Wazir Gul R/O T/Dhari.	21/22	G/S, No. 1 T/Dhari	V: Muhsin Khan Term:	
146	Muhsin Khan S/O Sobat Khan R/O Manga.	22/22	G/S, Khushkudhara	V: Muhsin Khan Term:	
147	Muhsin Shah S/O Sultan Shah R/O Gangai.	23/22	G/S, Koragh	V: Javed Iqbal	Term:
148	Muhsin Ahmed S/O Malim Jan R/O Khanjar.	24/22	G/S, Narai Raja	V: Chulan Subi Term:	
149	Muhsin S/O Mohd: Amin R/O Umar Khan.	25/22	G/S, Muslim Abad	V: Ghani Shah Term:	
150	Muhsin S/O Taza Min R/O Gujar Dhari.	26/22	G/S, Serben	V: Muhsin Khan Term:	
151	Muhsin S/O Pir Mohd: Junaid R/O Gujoo Ghahi.	27/22	G/S, No. 1, T/B	V: Aurangzeb Term:	
152	Muhsin: Bilal S/O Mohd: Ashraf R/O Gujar Dhari.	28/22	G/S, -do-	V: Anwar Zarin Term:	
153	Muhsin Zada S/O Khan Zada R/O Sheikh Yousaf.	29/22	G/S, Gangai	V: Al-Burhid Ali Term:	
154	Muhsin: Raza S/O Faisal Mahod R/O Shah Dand	1/23	G/S, Dagh Irma	V: Tanzeer Hussain	Term:
155	Muhsin Shab S/O Wali Jan R/O Ghano Dheri	2/23	G/S, Sari Barichan	V: Muhsin Mohd:	Term:
156	Muhsin Mohd: S/O Wazir Mohd: R/O Shapif Malik	3/23	G/S, Hoti.	V: Zahid Khan Term:	
157	Muhsin: Ali Shab S/O Ghulam Shab R/O Dondra	4/23	G/S, Bhoket Gung	V: Muhsin Muhsin	Term:
158	Muhsin: Aurang Zeb S/O Nedar Khan R/O L/K.	5/23	G/S, Yajgar	V: Ghulam Qadar Term:	
159	Muhsin: Ichtiaq Mahmood S/O Faisal Mahod R/O L/K.	6/23	G/S, Labour Colony	V: Sahi Ansole	Khan Term:
160	Muhsin: Samiulwahab S/O Abdul Wahab R/O Kutkay.	7/23	G/S, Hoti.	V: Asadullah Term:	
161	Muhsin: Atsullah S/O Abdul Hamid R/O L/K/23	8/23	G/S, No. 1. B/Gunj	V: Muhsin Iqbal Term:	
162	Muhsin: Sabz Ali S/O Ghulam Rabbih R/O Ghano Dheri.	9/23	G/S, Tambolak 1	V: Fajrudin Term:	
163	Muhsin: Ania Ahmad S/O Mukhtar Samed R/O L/K.	10/23	G/S, Tambolak 3	V: Muhsin Term:	
164	Muhsin: Dilshad Ali S/O Juma Khan R/O Dagai.	11/23	G/S, Fares Bidhosh	V: Muhsin Qamar Term:	
165	Muhsin: Ghab Hassan S/O Mohd: Zaman R/O Spalano.	12/23	G/S, Police Line	V: Anwar Zeh Term:	
166	Muhsin: Mohd: Shonib S/O Saad Khan R/O L/K.	13/23	G/S, Boga Kili	V: Wali Hassan Term:	
167	Muhsin: Umar Mohd: S/O Fathi Mohd: R/O Gangai.	14/23	G/S, Shah Dand 1	V: Umar Hassan	Term:
168	Muhsin: Mohd: Anwar S/O Nazrat Anwar R/O Fir Saidd.	15/23	G/S, -do-	V: Muhsin Sajid Term:	
169	Muhsin: Shahid S/O Mohd: Iqbal R/O Saffi Abad.	16/23	G/S, Turcaullah	V: Iqbal Muhsin	Term:
170	Muhsin: Khan Bahadar S/O Akbar Bahadur R/O Hussain.	17/23	G/S, no. 2 Tambolak	V: Muhsin Term:	
171	Muhsin: Muhsin Ali S/O Wazir Anwar R/O L/K.	18/23	G/S, Fares 2 Barta	V: Muhsin Ali Term:	
172	Muhsin: Javid Khac S/O Mukasli Shah R/O Fir Saidd.	19/23	G/S, No. 2. Takkar	V: Muhsin Term:	
173	Muhsin: Abulrauf S/O Nur Mohd: R/O Fir Saidd	20/23	G/S, Khazana Kili	V: Muhsin Term:	

ATTESTED

13
 92/23 GRS, Chiragh Din 2 V; M: Nasem Tera
 R/O Aziziya
 93/23 GRS, M: M: Nasem Tera
 R/O Mir Saddi.

CANDIDATE PERSONS 1%.

- 1/Disable. GRS, Salim Khan Vice, M. Nisar.
- 2/Dis: Khuda Khoda Vial Badshah Termination
- 3/Dis: Salim Khan M: M: Nasem Tera
- 4/Dis: Shah Kili Vice, Shah Nawaz

TERMS AND CONDITIONS:

1. Their appointments are purely on Temporary and subject to termination at any time with out any reasons notice.

In case of resignation they have to submit one month's prior notice to the Deptt: or forfeit one month's pay and allowances thereof to the Govt:.

They are required to produce Health and Age Certificate from M/S DHQ Hospital Mardan before taking over charge.

In case they fail to take over charge of the post within 15 days of the issue of this letter, their appt: order shall automatically be cancelled.

Their original certificates etc should be checked before handing over charge.

Charge report should be sent to all concerned.

No. TA/BA etc is allowed to any one being First appointment.

The Academic certificate may also be verified from the quarter concerned.

The original PTC Certificate will be checked/verified by the Edu: appt:.

(MR. GHULAM AQBAR),
DISTRICT EDUCATION OFFICER, (M.L.E.)
PRIMARY MARDAN,

Inst: No. 1176-1590 / Dated Mardan the 23/6 / 1997.
Copy to the:-

- 1. Section Officer Primary Education Deptt: NWFP Peshawar.
- 2. Director Primary Education NWFP Peshawar.
- 3. D.O Mardan (4) SDO (4) Mardan/Tokht Bhai.
- 4. Supt: Local Offices. (5) ADED (4) Local Offices.
- 5. Candidates as concerned.

23/6/97
DISTRICT EDUCATION OFFICER,
(M.L.E.) PRIMARY MARDAN.

SSad e: Haid.
MUBER KHAN:

Handwritten notes and signatures:
Checked with...
1/11
11/11/97

ATTESTED

ATTESTED

M.H.S.D

DEPUTY SECRETARY (POLICY)
(MADDAH LATIF)

[Signature]

ATTESTED



- The Chief Secretary, Govt. of Khyber Pakhtunkhwa, Planning & Development Department.
1. Additional Chief Secretary, Khyber Pakhtunkhwa.
 2. The Member Board of Revenue, Khyber Pakhtunkhwa.
 3. All Administrative Secretaries to Govt. of Khyber Pakhtunkhwa.
 4. The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
 5. The Principal Secretary to Govt. of Khyber Pakhtunkhwa.
 6. All Divisional Commissioners in Khyber Pakhtunkhwa.
 7. All Heads of Attached Departments in Khyber Pakhtunkhwa.
 8. All 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 Secretary, E&A Department.
 14. The Deputy Director (IT), E&A Department.
 15. All Section Officers in Establishment & Administration Department with the request to arrange 20 Gazette copies.
 16. The Section Officer (Admn), Administration Department.
 17. The Caraker, Administration Department.

CHIEF SECRETARY
GOVERNMENT OF THE KHYBER PAKHTUNKHWA

LIST NO. 8 EVEN DATE

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

AMENDMENT

in exercise of the powers conferred by section 26 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XXVIII 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:

Dated Peshawar, the 06/8/2020

NOTIFICATION

GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(REGULATION-WING)

Annexure B

-4-

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

WP4442-2023 AZIZULHAQ VS GOVT OF PAK

21.6.23

Section Officer (Policy)

Section Officer (Policy)

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

Copy forwarded to this.

Handwritten initials/signature

Further, these officers/staffs 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 (Promotion & Discipline) Rules, 2011, please.

The basic rationale behind the decision of the said rule is aimed at preventing a civil servant from temptation for illicit gain by seeking to a single lucrative post/position or to evade promotion to a single post/transfer or show lack of capacity to tackle higher responsibilities in case of promotion. Therefore, it is obligatory upon every civil servant to accept promotion in every condition.

Appointments dated 18.04.2022 in the subject noted above and to state that sub-rule (3) of rule-7 of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 stands deleted vide the department notification dated 06.08.2020 thus, no provision exists to decline or forgo promotion.

Subject: CHANGE REGARDING PROMOTION OF MR. JIN IN THE CIVIL SERVICE (REGULAR) UNDER THE PROVISIONS OF THE CIVIL SERVICE (REGULAR) RULES, 1989.

The Government of Khyber Pakhtunkhwa, Secretary & Secretary (Public Relations)

To



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
No. GO-Pol/Secy/AD/1-2/2023
dated Islamabad the 06, 2023

67.

Annexure

12-

-13-



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

No.SO (Primary-MYE&SED/2-6/2023
Dated Peshawar lhc. 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 (Estab)
E&SE Department in his office.

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

Encl: AA

[Handwritten Signature]

[Handwritten Signature]
(MUHAMMAD ISHAQ)
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

14-
B/c

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(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 (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)

ATTESTED

-15-

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.


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

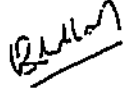
2. The meeting started with recitation from The Holy Quran. The chair welcomed the participants. The Deputy Director (Establishment) of Directorate of Elementary & Secondary Education briefed the forum regarding agenda item in detail.


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

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


(Mr. Fazal Wahid)
Deputy Director-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

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

ATTESTED

-16-
-B/C-

MINUTES OF THE MEETING REGARDING APPLICATION SUBMITTED BY MR AZIZ ULLAH PROVINCIAL PRESIDENT ALL PRIMARY TEACHERS ASSOCIATION KHYBER PAKHTUNKHWA REGARDING OF 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

S/II	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



No. 8145

Khyber Pakhtunkhwa, Peshawar

IF.No. 3/JASST/UGeneral Cases

Dated 21-7-2023

Phone: 091-9275344

Email: establishmentmale@gmail.com

To

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

Subject: - MINUTES OF THE MEETING
Dear Sir,

I am directed to refer to the letter No.SO(Primary-M)E&SED/S-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) deleted Rule 7(5) in the Civil Servants (Appointment, promotion & Transfer Rules 1989) vide notification No. No. SOR-VI (E&AD)/1-3/2020 dated 06-08-2020.
- That this office sought guidance from your good office in the following words vide letter No.6987 dated 06-02-2023.
 - (i) Now it is obligatory upon the civil servant to accept Promotion in every condition.
 - (ii) It is the prerogative of the civil servant to either accept or turn down the offer of promotion.
- That your good office forwarded the same to the quarter concerned vide letter No.SO (Primary-M) E&SED/2-2/Appointment/2023 for necessary guidance.
- That the Government of Khyber Pakhtunkhwa Establishment Department (Regulation Wing) vide letter No.SO (Policy) E&AD/1-3/2020 dated 6-06-2023 categorically stated that there exists no provision to decline or forgo promotion. It is obligatory upon every civil servant to accept promotion under every condition.
- The same was received by this office from your good office vide letter No.SO (Primary-M) E&SED/2-2/Appointment/2023 dated 12-06-2023.
- That, in the light of the minutes of meeting dated 6-07-2023 held under the Chairmanship of Hon. Additional Secretary Establishment at his office this office has been asked for submission of consolidated case.

In view of the above, this office is of considered opinion that the deletion of Rules 7(5) have affected negatively a huge numbers of Female Teachers. Thus it is proposed that Teachers below DPS-16 may be exempted of implications of the amendment in the rules if provided they submit their written refusal prior to conduction of the meeting of Departmental Promotion Committee.

The case is submitted for perusal and necessary actions please.

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

Encls: No. _____
Copy of the above is to:-

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

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

ALTESTED

ATTACHED

Richard Director
Elementary & Secondary Education
Khyber Pakhtunkhwa

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

The case is submitted for perusal and necessary action 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. SO (Policy) EQAD/1-2/2020 dated 6-06-2023 categorically stated that there exists no provision to clarify / forgo promotion. It is obligatory upon every civil servant to accept promotion under every condition.

That your good office forwarded the same to quarters concerned vide letter No. SO (Policy) EQAD/1-2/2020 for necessary guidance.

That this office sought guidance from your good office in the following words vide letter No. EQAD/1-3/2020 dated 06-08-2020. (i) Now it is obligatory upon civil servant to accept promotion. (ii) If it is prerogative of civil servant to either accept / forego the offer of promotion.

That Government of KP Establishment department (Regulation Wing) vide notification No. SO SR-VI (EQAD) 1-3/2020 dated 06-08-2020. decided rule 7(S) in Civil Servants (Appointment, Promotion, Transfer Rule 1987) present brief history, about background of case as under:

I am directed to refer to letter No. (SO Policy - M) EQAD/1-3/2020 dated 10-7-2023 on subject cited above and to Minutes of meeting / PST/2023 dated 10-7-2023 on subject cited above and to

Sd/- Minister of Meeting

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

PESHAWAR
(21-7-2023)

DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION, KPK

-B/C-



- 19 -

E

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

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

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

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

Dear Sir,

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

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

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


(MUHAMMAD ISHAQ)
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)
28/8/23

Scanned with CamScanner

ATTESTED

ATTESTED

1. Director E & SE Khyber Pakhtunkhwa.
2. PS to Secretary, E & SE Department of Khyber Pakhtunkhwa
Section Officer (Primary) (Muhammad Ishaq) (Male)

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

Civil servant (Efficiency and Discipline) Rule 2011.
different means shall be proceed under Khyber Pakhtunkhwa of the competent authority or try to evade promotion through those officers/officials who don't comply with promotion order Promotion and Transfer Rules 1989) It has been intimated that deletion of Rule 7(5) (Khyber Pakhtunkhwa Civil servant (Appointment, 1-3/2020 dated 8th June 2023 and to state that after I am directed to refer to your letter No. SO (Primary) (Policy) (E&AD) Dear Sir,

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

To
The Secretary to Government of Khyber Pakhtunkhwa.
Establishment and Administration Department,
Peshawar.
No. SO (Primary-M) (E&AD) 18-81/
Appointment - Rule/2023
Peshawar Dated 23rd August, 2023.

-B/c-

Annexure F



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

ATTACHED

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

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

Dear Sir,

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

Yours faithfully,


Section Officer (Policy)

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.

-22-

- 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

-23-

Annexure 9 Dated: 22-01-2024

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

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

Sir/ Madam:-

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

It is, therefore, humbly prayed that on the acceptance of the instant representation; the Notification bearing No. SO (POLICY) E&D/1-3 1-2020 DATED 06/08/2020, communicated to vide letter dated 06/06/2023, may please be declared and ordered to be struck down being Void, Ultra vires to the Constitution of Pakistan.

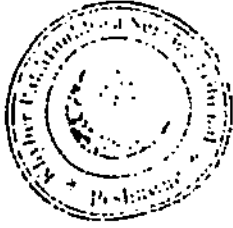
Best Regards



Abdur Rauf Son of Noor Rahman
Resident of Tehsil & District
Mardan

ATTESTED

07.05.2024



1. Learned counsel for the appellant present.
2. Let a pre-admission notice be issued to the respondents through TCS for submission of reply/comments. Appellant is directed to deposit TCS expenses within three days. To come up for reply/comments as well as preliminary hearing on 10.06.2024 before S.B. P.P given to learned counsel for the appellant.
03. Alongwith the service appeal there is an application for suspension of Notification dated 06.06.2023 and letter dated 23.08.2023 till the final disposal of main service appeal. In the meanwhile, no adverse action shall be taken against the appellant till next date of hearing.

Certified to be true copy (Muhammad Akbar Khan)
Member (I)

[Handwritten signature]
13/5/24

Date of Presentation of Application 10-7-24
 Number of 1
 Copies 5
 Urgent 57
 Total 57
 Name of 13-5-24
 Date of 12-6-24
 Date of delivery of copy 12-6-24

ATTESTED

-26-

VAKALAT NAMA

BEFORE THE SERVICE TRIBUNAL PESHAWAR

ABDUR RAUF

Appellant

Versus

Government of KP & others

Respondents

I (the Appellant)

do hereby appoint and retain

MUHAMMAD MUAZZAM BUTT ASC. MUHAMMAD ADEEL BUTT AHC

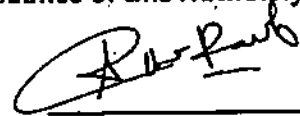
BASSAM AHMAD SIDDIQUI AHC

&

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