


FORM OF ORDER SHEET

Court of _____

Appeal No. **2521** /2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	19/11/2024	<p>The appeal presented today by Mr. Muhammad Muazzam Butt Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 21.11.2024. Parcha Peshi given to counsel for the appellant.</p> <p>By order of the Chairman</p> <p> REGISTRAR</p>

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

CHECK LIST

Case Title: _____ v/s _____

S#	CONTENTS	YES	NO
1	This Appeal has been presented by: _____	✓	
2	Whether Counsel/Appellant/Respondent/Deponent have signed the requisite documents?	✓	
3	Whether appeal is within time?	✓	
4	Whether the enactment under which the appeal is filed mentioned?	✓	
5	Whether the enactment under which the appeal is filed is correct?	✓	
6	Whether affidavit is appended?	✓	
7	Whether affidavit is duly attested by competent Oath Commissioner?	✓	
8	Whether appeal/annexures are properly paged?	✓	
9	Whether certificate regarding filing any earlier appeal on the subject, furnished?	x	✓
10	Whether annexures are legible?	✓	
11	Whether annexures are attested?	✓	
12	Whether copies of annexures are readable/clear?	✓	
13	Whether copy of appeal is delivered to AC/DAG?	✓	
14	Whether Power of Attorney of the Counsel engaged is attested and signed by petitioner/appellant/respondents?	✓	
15	Whether numbers of referred cases given are correct?	✓	
16	Whether appeal contains cutting/overwriting?	x	✓
17	Whether list of books has been provided at the end of the appeal?	✓	
18	Whether case relate to this court?	✓	
19	Whether requisite number of spare copies attached?	✓	
20	Whether complete spare copy is filed in separate file cover?	✓	
21	Whether addresses of parties given are complete?	✓	
22	Whether index filed?	✓	
23	Whether index is correct?	✓	
24	Whether Security and Process Fee deposited? On _____	✓	
25	Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules 1974 Rule 11, notice along with copy of appeal and annexures has been sent to respondents? On _____	✓	
26	Whether copies of comments/reply/rejoinder submitted? On _____	✓	
27	Whether copies of comments/reply/rejoinder provided to opposite party? On _____	✓	

It is certified that formalities/documentation as required in the above table have been fulfilled.

Name: _____

Signature: _____

Dated: _____

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

A-No: 2021/24

Naveed Asghar
V/S

Government of KP & others

INDEX

S#	DESCRIPTION OF THE DOCUMENTS	ANNEX	PAGES
1.	Appeal and Verification	*	1-4
2.	Application for suspension.	*	5
3.	Copy of Monthly Salary account	A.	B-6B
4.	Copy of notification No. SD (Policy). EV AD/1-3/2020 dated 06/08/2020	B.	7-8
5.	Copy of Impugned Letter dated June 06th, 2023	C.	9-11
6.	Copy of Minutes of Meeting dated 06-07-2023	D.	12-15
7.	Copy of Letter dated 23-08-2023	E.	16-17
8.	Copy of Impugned letter dated 07-09-2023	F.	18-19
9.	Copy of Representation against the said notification and representation made by APTA President	G & H	20-21
10.	Wakalat Nama		??

ADVOCATE
M. Muazzam Butt

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

In Ref to

Service Appeal No 2521 /2024

Khyber Pakhtunkhwa
Service Tribunal
Peshawar
18094
19/11/24

Naveed Asghar Son of Wazir Muhammad, PST
GMPS Mohali, Tehsil & District Abbotabad

.....Appellant

VERSUS

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

.....Respondents

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

P R A Y E R:

Filed today
Registered
19/11/24

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 Teacher.
Copy of Appointment letter is annexed as **Annexure A**

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

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

5. That as per notification No. SD (Policy) /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. 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 forego 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 appellant are teachers and have to look after their children as well as ailing dependent family members and in these circumstances in the presence of impugned Notification dated 06/08 /2023 communicated on 06/06/23 would not be able to serve in the department and which shall amount to the snatching of bread and butter of the poor employees

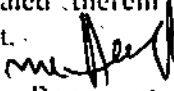
It is, therefore, humbly prayed that on the acceptance of the instant Service Appeal; the impugned Notification bearing No..SO (POLICY) E&D/1-3/2020 DATED 06/08/2020, communicated to Respondent No.2 by Respondent NO.1, vide letter dated 06/06/2023, may please be declared and ordered to be struck down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

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

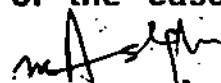
Any other relief, which this honorable Tribunal deems fit and proper in the circumstances of the case, may also be granted to the appellant.

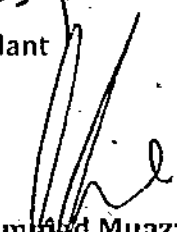
AFFIDAVIT:

I, (the appellant) solemnly declare that the contents of foregoing application are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Court.

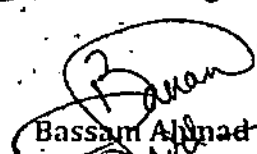

Deponent

Through


Appellant


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 PAKHTUNKHWA

CM No _____ -P of 2024

In Ref to

Service Appeal No _____ /2024

Naved Asghar
VERSUS

Secretary to Government of Khyber Pakhtunkhwa, & others

APPLICATION FOR SUSPENSION OF IMPUGNED NOTIFICATION BEARING NO. 50 (POLICY) E&D/1-3/2020 DATED 06/08/2020, COMMUNICATED TO RESPONDENT NO.2 BY 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 I/s. And if the notification bearing No. 50 (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. 50 (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 from this Honourable Court
Deponent

[Signature]
Appellant
[Signature]
Muhammad Huzefa Butt
Advocate Supreme Court
[Signature]
Khatim Adnan Butt
Advocate High Court

Annex : A

-6-

OFFICE OF THE EXECUTIVE DISTRICT OFFICER (ELEMENTARY & SECONDARY EDUCATION) AHOTTAHAR

Consequent upon the recommendation of Departmental Selection Committee and the approval of competent authority, the appointments of the following PSTs (Male) are hereby ordered in HPS-09 (G) Rs. 3820-230-10720 plus usual allowances as admissible to them under the rules at the schools named against their names in the interest of public service subject to the terms and conditions noted below:-

(OPEN MERIT)

Sl. No.	Name of Candidate	Father Name	Place of Birth	Age	Qualification	Grade	Remarks
1	M. Masood	Father Masood	Uch	69.571	GPS Dabban	AV Post	
2	Masood Ahmad	Masood	Uch	69.072	GPS Kothhwa	AV Post	
3	M. Masood	Masood	Uch	69.002	GPS Dabhan	AV Post	
4	M. Masood	Masood	Uch	68.753	GPS Kothhwa	AV Post	
5	M. Masood	Masood	Uch	68.492	GPS Taloo Malla	AV Post	
6	M. Masood	Masood	Uch	67.03	GPS P. K. Kote H. Gall	AV Post	
7	M. Masood	Masood	Uch	67.483	GPS Dabhan No 1	AV Post	
8	M. Masood	Masood	Uch	67.005	GPS Dabhan Malla	AV Post	
9	M. Masood	Masood	Uch	66.918	GPS Taloo	AV Post	
10	M. Masood	Masood	Uch	66.531	GPS Upper Parala	AV Post	
11	M. Masood	Masood	Uch	66.484	GPS Chunnal Lcia	AV Post	
12	M. Masood	Masood	Uch	65.305	GPS Jara	AV Post	
13	M. Masood	Masood	Uch	65.01	GPS Kull Phool	AV Post	
14	M. Masood	Masood	Uch	65.987	GPS Basala	AV Post	
15	M. Masood	Masood	Uch	65.927	GPS Ambar Kote	AV Post	
16	M. Masood	Masood	Uch	65.892	GPS Bagh Dabhan	AV Post	
17	M. Masood	Masood	Uch	65.877	GPS Pahal (Pawa)	AV Post	
18	M. Masood	Masood	Uch	65.75	GPS Thora Khud	AV Post	
19	M. Masood	Masood	Uch	65.748	GPS Gul Bandi Jara	AV Post	
20	M. Masood	Masood	Uch	65.599	GPS Maha Ban	AV Post	
21	M. Masood	Masood	Uch	65.548	GPS Saba	AV Post	
22	M. Masood	Masood	Uch	65.483	GPS Talha	AV Post	
23	M. Masood	Masood	Uch	65.405	GPS Uth Gundon	AV Post	
24	M. Masood	Masood	Uch	65.18	GPS Kull Malyah	AV Post	
25	M. Masood	Masood	Uch	65.047	GPS Pahal (P. K. Khan)	AV Post	
26	M. Masood	Masood	Uch	64.992	GPS Gandia	AV Post	
27	M. Masood	Masood	Uch	64.668	GPS Nandi Kahu	AV Post	
28	M. Masood	Masood	Uch	64.767	GPS Mohool Pina	AV Post	
29	M. Masood	Masood	Uch	64.744	GPS Tupa	AV Post	
30	M. Masood	Masood	Uch	64.738	GPS Alorain	AV Post	
31	M. Masood	Masood	Uch	64.071	GPS Uper Makhola	AV Post	

Copy of the

59	Amirul Husein	Amirul Husein	42873	GPS	GPS	AV Post
58	IA Shazali	IA Shazali	40347	GPS	GPS	AV Post
57	Amirul Husein	Amirul Husein	4639	GPS	GPS	AV Post
56	Paragi	Paragi	44	GPS	GPS	AV Post
55	M Saif	M Saif	45932	GPS	GPS	AV Post
54	IA Ghafar	IA Ghafar	4758	GPS	GPS	AV Post
53	Fazal & Rizal	Fazal & Rizal	47583	GPS	GPS	AV Post
52	Amirul Husein	Amirul Husein	38924	GPS	GPS	AV Post
51	Amirul Husein	Amirul Husein	33928	GPS	GPS	AV Post
50	Amirul Husein	Amirul Husein	43144	GPS	GPS	AV Post
49	Amirul Husein	Amirul Husein	4597	GPS	GPS	AV Post
48	Amirul Husein	Amirul Husein	4419	GPS	GPS	AV Post
47	Amirul Husein	Amirul Husein	44638	GPS	GPS	AV Post
46	Amirul Husein	Amirul Husein	45635	GPS	GPS	AV Post
45	Amirul Husein	Amirul Husein	45618	GPS	GPS	AV Post
44	Amirul Husein	Amirul Husein	47424	GPS	GPS	AV Post
43	Amirul Husein	Amirul Husein	44074	GPS	GPS	AV Post
42	Amirul Husein	Amirul Husein	44331	GPS	GPS	AV Post
41	Amirul Husein	Amirul Husein	47171	GPS	GPS	AV Post
40	Amirul Husein	Amirul Husein	49833	GPS	GPS	AV Post
39	Amirul Husein	Amirul Husein	49902	GPS	GPS	AV Post
38	Amirul Husein	Amirul Husein	41915	GPS	GPS	AV Post
37	Amirul Husein	Amirul Husein	45333	GPS	GPS	AV Post
36	Amirul Husein	Amirul Husein	45873	GPS	GPS	AV Post
35	Amirul Husein	Amirul Husein	47584	GPS	GPS	AV Post
34	Amirul Husein	Amirul Husein	47458	GPS	GPS	AV Post
33	Amirul Husein	Amirul Husein	47819	GPS	GPS	AV Post
32	Amirul Husein	Amirul Husein	3934	GPS	GPS	AV Post
31	Amirul Husein	Amirul Husein	43773	GPS	GPS	AV Post
30	Amirul Husein	Amirul Husein	45793	GPS	GPS	AV Post
29	Amirul Husein	Amirul Husein	46407	GPS	GPS	AV Post
28	Amirul Husein	Amirul Husein	47807	GPS	GPS	AV Post
27	Amirul Husein	Amirul Husein	47807	GPS	GPS	AV Post
26	Amirul Husein	Amirul Husein	47807	GPS	GPS	AV Post
25	Amirul Husein	Amirul Husein	47807	GPS	GPS	AV Post
24	Amirul Husein	Amirul Husein	47807	GPS	GPS	AV Post
23	Amirul Husein	Amirul Husein	47807	GPS	GPS	AV Post
22	Amirul Husein	Amirul Husein	47807	GPS	GPS	AV Post
21	Amirul Husein	Amirul Husein	47807	GPS	GPS	AV Post
20	Amirul Husein	Amirul Husein	47807	GPS	GPS	AV Post
19	Amirul Husein	Amirul Husein	47807	GPS	GPS	AV Post
18	Amirul Husein	Amirul Husein	47807	GPS	GPS	AV Post
17	Amirul Husein	Amirul Husein	47807	GPS	GPS	AV Post
16	Amirul Husein	Amirul Husein	47807	GPS	GPS	AV Post
15	Amirul Husein	Amirul Husein	47807	GPS	GPS	AV Post
14	Amirul Husein	Amirul Husein	47807	GPS	GPS	AV Post
13	Amirul Husein	Amirul Husein	47807	GPS	GPS	AV Post
12	Amirul Husein	Amirul Husein	47807	GPS	GPS	AV Post
11	Amirul Husein	Amirul Husein	47807	GPS	GPS	AV Post
10	Amirul Husein	Amirul Husein	47807	GPS	GPS	AV Post
9	Amirul Husein	Amirul Husein	47807	GPS	GPS	AV Post
8	Amirul Husein	Amirul Husein	47807	GPS	GPS	AV Post
7	Amirul Husein	Amirul Husein	47807	GPS	GPS	AV Post
6	Amirul Husein	Amirul Husein	47807	GPS	GPS	AV Post
5	Amirul Husein	Amirul Husein	47807	GPS	GPS	AV Post
4	Amirul Husein	Amirul Husein	47807	GPS	GPS	AV Post
3	Amirul Husein	Amirul Husein	47807	GPS	GPS	AV Post
2	Amirul Husein	Amirul Husein	47807	GPS	GPS	AV Post
1	Amirul Husein	Amirul Husein	47807	GPS	GPS	AV Post

District Officer
(R&S) Abbottabad

[Handwritten Signature]

- 1: Director Elementary & Secondary Education Department KPK Peshawar
- 2: District Coordination Officer (R&S) Abbottabad.
- 3: Executive District Officer (R&S) Abbottabad.
- 4: District Accounts Officer Abbottabad.
- 5: PA to Secretary R&S; KPK Peshawar
- 6: District Officer (M&F) E & SE Abbottabad.
- 7: Deputy District Officer (R&S) local office.
- 8: Budget & Accounts Officer Local Office.
- 9: Clusters Incharge/ADO Clusters.
- 10: Candidates concerned.
- 11: Office order file.

Copy to the:-
Index: No. 17946-18230

Dated At/Abad the 21.12.2010
(R&S) Abbottabad
(Shamas Khan Shams)
Executive District Officer

1. The appointees will get initial allowances as admissible to them under the Rules of RPK. They will be entitled for annual increments as per relevant Govt Policy, however they shall be eligible for pension and gratuity as per current policy of the Govt.
2. Their services will be considered/dealt as per rules and regulations of the Govt. of KPK.
3. Their services will be liable to be terminated on one month's prior notice from either side. In case of resignation without prior notice their one month pay/drawance, if any shall be forfeited to the Govt. Treasury through challan.
4. Continuation of C/P Fund will be as per rules and regulations of the Govt. of KPK.
5. The appointees of summer vacation areas/schools should join their posts within 15 days of the issuance of this appointment order positively, otherwise the appointment shall stand cancelled. However, the appointees of winter vacation areas/schools will take over charge of their posts at the end of winter vacations with in 15 days.
6. Their services will be liable to be terminated at any time provided their performance is found unsatisfactory and they will be proceeded against as per rule/policy thereof.
7. The ADOs/Clusters Incharge concerned should personally check their original certificates / diplomas / degrees and 120 days prior to handing over the charge.
8. The average appointees if any should not be handed over charge, as the prescribed age limit will be considered as per PSTs appointment policy/criteria.
9. The appointees will not apply for any transfer for a minimum period of 2 years as any request/appl in this regard shall not be entertained.
10. Change reports should be submitted to all concerned.
11. No TADA is allowed.

TELEPHONE NUMBERS

Sl. No.	Name	Designation	Phone No.
01	Mr. M. M. Khan	Secretary	47210
02	Mr. M. M. Khan	Secretary	47210
03	Mr. M. M. Khan	Secretary	47210
04	Mr. M. M. Khan	Secretary	47210
05	Mr. M. M. Khan	Secretary	47210
06	Mr. M. M. Khan	Secretary	47210
07	Mr. M. M. Khan	Secretary	47210
08	Mr. M. M. Khan	Secretary	47210
09	Mr. M. M. Khan	Secretary	47210
10	Mr. M. M. Khan	Secretary	47210
11	Mr. M. M. Khan	Secretary	47210
12	Mr. M. M. Khan	Secretary	47210

6-B

CS CamScanner

Annexure - B -

GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(REGULATION WING)

NOTIFICATION

Dated Peshawar, the 06/8/2020

S.O. (Policy) E&A/D/1-3/2020: In exercise of the powers conferred by section 26 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973) the Chief Minister of Khyber Pakhtunkhwa is pleased to direct that in the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the following further amendment shall be made, namely:

AMENDMENT

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

CHIEF SECRETARY
GOVERNMENT OF THE KHYBER PAKHTUNKHWA

LIST: NO & EVEN DATE

Copy is forwarded to:-

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

1267
06/08/20

ATTESTED

(WAJIAH LATIF)
DEPUTY SECRETARY (POLICY)

Attested to be True
Copies

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 to be True
copy

Attested to be true
WP4447-2023 AZI211L1AH VS GOVT OF PG43

Station Officer (Policy)

Station Officer (Policy)

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

Copy forwarded to the
Rtd. Officer Nn & Hse

2011, please.

proceeded against under Khyber Pakhtunkhwa Civil Servants (Efficiency & Discipline) Rules, of the competent authority or try to evade punishment through different means shall be furthermore, those officials/officers who do not comply with promotion order civil servant to accept promotion in every condition.

to tackle higher responsibilities in case of promotion. Therefore, it is obligatory upon every prevent those who tend to forge promotion to evade posting transfer, or show lack of capacity civil servant from temptation for illicit gain by seeking to a single lucrative post/position or to

The basic rationale behind the deletion of the bid rule is aimed at preventing a provision exists to decline or forge promotion.

1989 stands deleted vide this department notification dated 06.08.2020; thus, no (3) of Rule-7 of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) 2023 dated 18.04.2023 in the subject noted above and to also that Sub-Rule 1 am directed to refer to your letter No. SO/P/1000-Myk/2023-24.

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

The Government of Khyber Pakhtunkhwa
Secretary & Secondary Education Department.



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
No. SO/P/1000-Myk/2023-24
Dated Peshawar the June 06, 2023

67

Annexure - C

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

No. SO (Primary) 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
All Primary Teacher's Association, KP

[Handwritten Signature]
26/6/23

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

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

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

Encl: AA

[Handwritten Signature]

[Handwritten Signature]
(MUHAMMAD 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 to be True
Copy

B/c -11-

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

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

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

Subject: GUIDANCE REGARDING DELETION OF RULE 7(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)

~~Attest all to be True
copy~~

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.

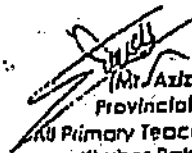
S#	NAME	DESIGNATION
1	Mr. Fazal Wahid	Deputy Director Establishment of Directorate Elementary & Secondary Education Department
2	Mr. Aziz Ullah	Provincial President All Primary Teachers Association Khyber Pakhtunkhwa
3	Mr. Razaqat Ullah	General Secretary APTA Peshawar
4	Muhammad Ishaq	Section Officer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

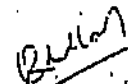
2. The meeting started with recitation from The Holy Quran. The chair welcomed the participants. The Deputy Director (Establishment) of Directorate of Elementary & Secondary Education briefed the forum regarding agenda item in detail.

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

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


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


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


(Mr. Razaqat Ullah)
General Secretary APTA
Peshawar


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

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

Attested to be True.
Copy

-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(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#	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 Secretarial 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)



Khyber Pakhtunkhwa, Peshawar

No. 8145

P.No. 31/SST/UG/Gairat Cases

Dated: 21-7-2023

Phone: 091-9223344

Email: establishmentmate@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 in
present brief history about the background of the case as under:

- That Government of Khyber Pakhtunkhwa Establishment Department (Regulation Wing) deleted Rule 7(3) 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 16-02-2023.
 - (i) Now 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/1-1/2020 dated 6-06-2023 categorically stated that there exists no provision in decline or forgo promotion. It is obligatory upon every civil servant to accept promotion under every condition.
 - The same was received by this office from your good office vide letter No.SO (Primary-M) E&SED/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(3) have affected negatively a huge numbers of Female Teachers. Thus it is proposed that Teachers below DPB-16 may be exempted of implications of the amendment in the rules (ibid) 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.

(Signature) 21/7/2023
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

Attested to be True
Copy

DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION, KPK

To:

PESHAWAR.
(21-7-2023)

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

Subject: Minutes of Meeting

Dear Sir, I am directed to refer to letter No. (SO Primary-M) E & SED/S-1/G.M.I./
Minutes of meeting/PST/2023 dated 10-7-2023 on subject cited above and to
present brief history, about background of case as under:

- That Government of KP Establishment department (Regulation Wing) deleted rule 7(5) in Civil Servants (Appointment, promotion, Transfer Rule 1989) vide notification No. No. SDR-VI (E&AD) 1-3/2020 dated 06-08-2020.
- That this office sought guidance from your good office in the following words vide letter No. 6987 dated 06-07-2023
 - (i) Now it is obligatory upon civil servant to accept promotion.
 - (ii) It is prerogative of civil servant to either accept/turndown the offer of promotion.
- That your good office forwarded the same to quarters concerned vide letter No. SO (Primary-M) E & SED/2-2/Appointment/2023 for necessary guidance.
- That the government of KP-ED (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/forgo promotion. It is obligatory upon every civil servant to accept promotion under every condition.
- That in light of the minutes of the 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 members of Female teachers.

The case is submitted for perusal and necessary actions please.

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

Assistant Director
Elementary & Secondary Education
Khyber Pakhtunkhwa.

At: Peshawar
Date: 21-7-2023
COP



-16-

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

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

Annexure
E

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

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

Dear Sir,

I am directed to refer to your letter No. SO(Policy)/ 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 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 ISHRAQ)
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 to be True
Copy

- B/c -

- 17 -

No. So (Primary - M) E&SE/AD/9-2/
Appointment - Rule/2023

Peshawar Dated: 23rd August, 2023.

To

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

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

Dear Sir,

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

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

Copy forwarded to;

1. Director E&SE Khyber Pakhtunkhwa.

2. PS to Secretary, E&SE Department, Khyber Pakhtunkhwa
WP 4442-2023 AD/EST/AD/9-2/2023

(Muhammad Ishaq)
Section Officer (Primary
Male)

Attested to be True
Copy

Annexure - F



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

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

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

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

Yours faithfully,

Section Officer (Policy)

Enclst. Of even No & date

Copy forwarded to the:-

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

Attested to be True
Copy

WP442-2023 AZIZULLAH VS GOVT OF PG43

-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. 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)

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

Section Officer (Policy)

Attested to be True
Copy

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 10/06/2024

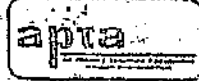
Attested to be true



Naveed Asghar
PST, GMPS Mohali
Abbottabad.

Khyber Pakhtunkhwa

Aziz Ullah Khan
President
03330414848
azizullah1977@gmail.com
01 nainapkh



APTA House 1
Govt. Primary School No. 4
Gulshar Peshawar City.

آل پرائمری ٹیچرز ایسوسی ایشن (اپٹا) چیئر پکٹو نچو

Annexure - H

مہاب: سیکرٹری انٹرنیٹ، سیکلری ایجوکیشن خیبر پختونخوا
مہاب: آل پرائمری ٹیچرز ایسوسی ایشن خیبر پختونخوا
جناب مال

گزارش ہے کہ پرموشنز ہر ادارے میں ہوتے ہیں اور سرکاری ملازم کی خواہش ہوتی ہے پرموشنز کا ایک قانون اور کرپشن کے خلاف ایک ایکٹ لایا گیا ہے۔
پرموشنز کے وقت ایک بار سال تک پرموشنز نہیں دیئے جاتے تھے۔ اس کے بعد پرموشنز کے وقت ایک بار سال تک پرموشنز نہیں دیئے جاتے تھے۔ اس کے بعد پرموشنز کے وقت ایک بار سال تک پرموشنز نہیں دیئے جاتے تھے۔

اس کے علاوہ اب ہر ملازم پرموشنز ضرور لیں گے اگر نہیں لیں گے تو اس کے خلاف ای او ڈی کے مطابق کارروائی کر کے لایا جائے گا۔
اس کے علاوہ اب ہر ملازم پرموشنز ضرور لیں گے اگر نہیں لیں گے تو اس کے خلاف ای او ڈی کے مطابق کارروائی کر کے لایا جائے گا۔

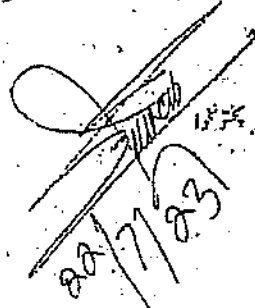
جیکہ عام حالات میں بھی فوری پرموشنز اور ڈورڈر لایا جائے گا۔ اس کے علاوہ اب ہر ملازم پرموشنز ضرور لیں گے اگر نہیں لیں گے تو اس کے خلاف ای او ڈی کے مطابق کارروائی کر کے لایا جائے گا۔
جیکہ عام حالات میں بھی فوری پرموشنز اور ڈورڈر لایا جائے گا۔ اس کے علاوہ اب ہر ملازم پرموشنز ضرور لیں گے اگر نہیں لیں گے تو اس کے خلاف ای او ڈی کے مطابق کارروائی کر کے لایا جائے گا۔

اس کے علاوہ اب ہر ملازم پرموشنز ضرور لیں گے اگر نہیں لیں گے تو اس کے خلاف ای او ڈی کے مطابق کارروائی کر کے لایا جائے گا۔
اس کے علاوہ اب ہر ملازم پرموشنز ضرور لیں گے اگر نہیں لیں گے تو اس کے خلاف ای او ڈی کے مطابق کارروائی کر کے لایا جائے گا۔

اس کے علاوہ اب ہر ملازم پرموشنز ضرور لیں گے اگر نہیں لیں گے تو اس کے خلاف ای او ڈی کے مطابق کارروائی کر کے لایا جائے گا۔
اس کے علاوہ اب ہر ملازم پرموشنز ضرور لیں گے اگر نہیں لیں گے تو اس کے خلاف ای او ڈی کے مطابق کارروائی کر کے لایا جائے گا۔

اس کے علاوہ اب ہر ملازم پرموشنز ضرور لیں گے اگر نہیں لیں گے تو اس کے خلاف ای او ڈی کے مطابق کارروائی کر کے لایا جائے گا۔
اس کے علاوہ اب ہر ملازم پرموشنز ضرور لیں گے اگر نہیں لیں گے تو اس کے خلاف ای او ڈی کے مطابق کارروائی کر کے لایا جائے گا۔

شکریہ


08/11/23

عزیر اللہ خان سوہالی صدر
آل پرائمری ٹیچرز ایسوسی ایشن خیبر پختونخوا

Attested to be True
copy

VAKALAT NAMA

BEFORE THE SERVICE TRIBUNAL PESHAWAR

Naveed-Asghar

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.

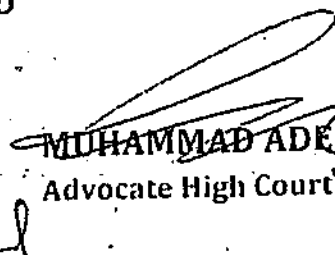
I agree to ratify all acts done by the aforesaid Advocate in pursuance of this Authority.



APPELLANT

ACCEPTED


MUHAMMAD MUAZZAM BUTT
Advocate Supreme Court


MUHAMMAD ADEEL BUTT
Advocate High Court


BASSAM AHMAD SIDDIQUI
Advocate High Court