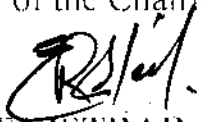


FORM OF ORDER SHEET

Court of _____

Appeal No. 2522 /2024

S.No. 1	Date of order proceedings 2	Order or other proceedings with signature of judge 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  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 AG/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: 2522 / 2024

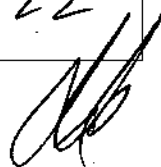
Sahib Zada

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.	6 - 6c
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 07-09-202	F.	18 - 19
9.	Copy of Representation against the said notification and representation made by APTA President	G & H	20 - 21
10.	Wakalat Nama		22


ADVOCATE

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

In Ref to

Service Appeal No 2572 /2024

Khyber Pakhtunkhwa
Service Tribunal
Case No. 18093
Date 19/11/24

Sahib Zada Son of Muhammad Sadiq Resident of Tehsil & District Tor Ghar

Designation: Primary School Head Teacher at GPS Ligra

.....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**

Filed today
Registrar
19/11/24

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 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

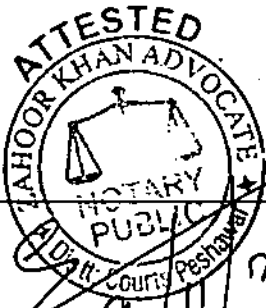
It is, therefore, humbly prayed that on the acceptance of the instant Service Appeal; the impugned Notification bearing No. SO (POLICY) E&D/1-3 1-2020 DATED 06/08/2020, communicated to Respondent No.2 by Respondent NO.1, vide letter dated 06/06/2023, may please be declared and ordered to be struck down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

AFFIDAVIT:

I Sahib Zada Son of Muhammad Sadiq Resident of Tehsil & District Tor Ghar that the contents of foregoing application are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Court



[Signature]
Deponent

[Signature]
Appellant

Through

[Signature]
Muhammad Muazzam Butt
Advocate Supreme Court

[Signature]
Muhammad Adeel Butt
Advocate High Court

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

BEFORE THE SERVICE TRIBUNAL KHAYR PAKHTUNKHWA

CM No. _____ -P of 2024

In Ref to

Service Appeal No. _____ /2024

Sahib Zada
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 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 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.

Through

[Signature]
Appellant

[Signature]
Muhammad Hussain Butt
Advocate Supreme Court

[Signature]
Muhammad Ajeel 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 from this Honorable Court.
[Signature]
Deponent

APPOINTMENT

Consequent upon their selection on merit, the following PTC Trained candidates are hereby appointed in BPS No.7 @ Rs.1480-81-269 plus usual allowances as admissible under the Rules w.e.f the date of their taking over charge against the newly created/vacant posts in the schools given against their names in the interest of Public Service.

<u>S.NO</u>	<u>NAME & FATHER'S NAME</u>	<u>RESIDENCE</u>	<u>PLACE OF POSTING</u>	<u>REMARKS</u>
1.	S.Malang Shah S/O S.Akbar Shah Tilli	(Kund)	GPS Garhi A/Zai	A:V/I
2.	Umar Zareen S/O Muhammad Zar Dour Mera		GPS Manja Kote	---do
3.	Gul Sharir Said S/O S.Haroon Shah Zunglay	(A.Z)	GPS Bimbal	---do
4.	Sher Haider S/O Aurangzeb	Japeet	Kand Bala	---do
5.	Hussain Ahmad S/O Azizur Rehman Choond	M.K	GPS Bartooni	---do
6.	Muhammad Naeem S/O Muhammad Younis Khan Sarori		GPS Kotkay	---do
7.	Muhammad Shoheib S/O Azizur Rehman Choond	MK	GPS Choond M.K	---do
8.	Sahib Zada S/O Muhammad Sadiq Gawandla		GPS Nadray	---do
9.	Sardar Behadar Shah S/O Noor Ahmed Shah Zunglay	#Z	GPS Beteela	---do
10.	Afsar Muhammad S/O Taj Muhammad Khan Kamaisar		GPS Dore Mera	---do
11.	Insanullah S/O Wahidullah	Zunglay	GPS Chira Kote	---do
12.	Muhammad Saleem S/O Baz Muhammad Kameisar		GPS Sulemani	---do
13.	Tanweer Ahmad S/O Muhammad Khan Karlal	(Behali)	GPS Kunhar	---do
14.	Muhammad Saeed Ahmad S/O Azizur Rehman Data		GPS Kandar Tawara	---do
15.	Azhar Bilal S/O Ghulam Mustafa	Nogazi	GPS Zungia K.D	---do
16.	Muhammad Tufail S/O Abdul Ghani	Potha	GPS Chamb Kilogay	---do
17.	Saufur Rehman S/O Shafiqur Rehman Karer		GPS Doba KD	---do
18.	Arshid Naseem S/O Muhammad Naseem Bela	L.Kote	GPS Balyani	---do
19.	Mazharul Haq S/O Afzal Haq	Banda Balola	GPS Darbani.	---do
20.	Muhammad Rashid S/O Ghulam Sarwar	Chakia	GPS Darbani.	---do
21.	Muhammad Intiaz S/O Fazalur Rehman Bissian		GPS Sachka.	---do
22.	Qaiser Naeem S/O Ghulam Jan	Chakia	GPS Lashora.	---do
23.	Naeem Ejaz S/O Muhammad Iqbal	Chanani.	GPS Zeeza Rai	---do
24.	Muhammad Ejaz S/O Abdur Rashid	Banda Baloda	GPS Zeeza Rai	---do
25.	Iftikhar Hussain Shah S/O S.Maqbool Sh:	Nakote	GPS sarore.	---do
26.	Latifur Rehman S/O Muhammad Yousuf Hari Mera		GPS Phag Ban	---do
27.	Sultanul Harifeen S/O M.Mazafar Iqbal Hari Mera		GPS Phag Ban	---do
28.	Ibadur Rehman S/O Gul Faraz	Kakli Payeen	GPS Mohri Bala	---do
29.	Muhammad Saleem S/O Mazafar Khan Baffe		GPS Jari Kandow	---do
30.	Mazhar Hussain S/O Muhammad Maroof Tarangri	Bala	GPS Kassey Chatal	---do
31.	Iftikhar Ahmad S/O Muhammad Fareed	Dhodial	GPS Banda Dada	---do
32.	Iftikhar Ahmad S/O Muhammad Irfan	Shinkhari	GPS Suray Asharay	---do
33.	Akhtar Saeed S/O Muhammad Saeed	Nakote	GPS Shaloon	---do
34.	Akhtar Zeb S/O Abdul Qayum	Kakli Bala	GPS K	---do
35.	Shakirullah S/O Shafi Ullah	Baffe	GPS K	---do

36. Tajwar Sultan S/O Ghulam Nabi Tarangri Bala GPS Mera K.K Ag:V/post
37. Muhammad Naseem S/O Muhammad Farid Shanai Bala GPS Shingal Dhar ---do---
38. Fazal Rebi S/O Ghulam Samdani Roffa GPS Daddam ---do---
39. Muhammad Shafiq S/O Muhammad Miskin Dhodial GPS Dharoo. ---do---
40. Muhammad Shakil S/O Ghulam Farid Dhodial Mosq:Kaleesh KD ---do---
41. Chah Zeb S/O Khan Wali Khan Dheri Mosq:Abu Shanaye ---do---
42. Habibur Rehman S/O Khalilur Rehman Tanda Mosq:Nambal. ---do---
43. Bashir Ahmad S/O Ghulam Hassen Hafiz Bandi Mosq:Abu M.Khel ---do---
44. Muhammad Akbar S/O Muhammad Sabir Batang Mosq:Jiggal ---do---
45. Gul Faraz S/O Sarfarez Khawajgan Mosq:Saibay H.Z ---do---
46. Noorul Islam S/O M.Shabir Ahmad Koray Mosq:Geetay KD ---do---
47. Shaukat Ali S/O Abbas Khan Kotli Payeen Mosq:Mera A/Zai ---do---
48. Anjam Saeed S/O Saeedur Rehman Nokote Mosq:Surmal. ---do---
49. Niaz Ali Shah S/O Ali Akbar Shah Dadar. Mosq:Chewang ---do---
50. Muhammad Farooq S/O Ghulam Kabbani Balakote Mosq: Seri Tota ---do---
51. Naseer Ahmad S/O Basheer Ahmad Kashtara ---do---
52. Muhammad Naseem S/O Muhammad Yusuf Patlang. Mosq:Kotkey Manoor ---do---
53. Sabir Hussain S/O Baz Gul Sangar MXX:GPS Lohar Balke ---do---
54. Muhammad Rafique S/O Ghulam Nabi Chenool GPS Andrasi ---do---
55. Muhammad Arshid Farooq S/O Ali Asghar Khan Jabbi GPS Shokiran ---do---
56. Imdad Hussain S/O Yar Ali Sangar GPS Mohandri Vill: ---do---
57. S.Ishfaq Hussain Shah S/O Ali Asghar Shah Talhatta GPS Badalgran ---do---
58. Muhammad Irfan S/O Mir Zaman Kanshian BPS Seri Manoor ---do---
59. Mushtaq Ahmad S/O Abdullah Sangar GPS Bela Manoor ---do---
60. S.Ibedat Shah S/O S.Umer Shah Kanshian GPS Buttian Manoor ---do---
61. Liaqat Husain Shah S/O Ghazi Shah Kanooch GPS Naka Jared ---do---
62. Arshid Mehmood S/O Muhammad Alam Garlat GPS Dhanoo ---do---
63. Muhammad Sharif S/O Muhammad Daud Sawyer GPS Choshal ---do---
64. Sanur Rehman S/O Habibur Rehman Shohal Mazullah GPS Bhattien ---do---
65. Zahid Jamil S/O Masoodur Rehman Patseri GPS Kunda ---do---
66. Muhammad Mushtaq S/O Ghulam Serwar Bhoonja GPS Harva ---do---
67. Andarshid Anwar S/O Ghulam Din Arban GPS Buddi Da Naka ---do---
68. Dil Muhammad S/O Shareb Khan Seri Garlat GPS Budi Da Naka ---do---
69. Munir Ahmad S/O Abdur Rashid Shohal Mazullah GPS Gali Dhanoo ---do---
70. Hakim Khan S/O Shah Zullah Chajar Payeen GPS Chijri Payeen ---do---
71. Muhammad Fiaz S/O Aftar Khan Ghanian Mosq: Jilal Ahad ---do---
72. Sardar Behadar S/O Haroon Khan Suchan Kolun GPS Surbanj. ---do---
73. S.Nadim Hussain Shah S/O Zafar Ali K Shah Bai Bala GPS Dana Sharkool ---do---
74. Nasir Mehmood S/O Abdul Wadood Khan Keri GPS Jabbar ---do---
75. Nasir Mehmood S/O Muhammad Ismail Kanog GPS Kayan ---do---
76. Shah Nawaz S/O Dolet Khan Shahdore GPS Malockra. ---do---
77. Wazizur Rehman S/O Muhammad Shafee MXXMXXKXKundar GPS Mohri. ---do---
78. Muhammad Fiaz S/O Muhammad Nawaz Balbailla GPS Mohri ---do---

(.....Contd: Page No.3.....)

Amended to be True
Copy

			A.V/Post.
79.	Muhammad Naseer S/O Muhammad Aslam Khan Bando	Gisach GPS Sundi	---do---
80.	Muhammad Imran S/O Abdullah Jan Bankote	GPS Bhandar	---do---
81.	Mazhar Hussain S/O Iftikhar Hussain Bhandara	GPS Bhandar	---do---
82.	Wajid Reza S/O Muhammad Raza Melisa	GPS Chungeri	---do---
83.	Muhammad Shekeel S/O Muhammad Suleman Tarkher	GPS Chungeri	---do---
84.	Muhammad Nawaz S/O Muhammad Jamshed Gali Badral	Msq: Doga Miangan	---do---
85.	Niaz Muhammad S/O Beiram	Battlay Msq: Kali Gatti	---do---
86.	Abdur Rashid S/O Rehmat Ullah	Sher garh Msq: Kharee Ahmad Abad	---do---
87.	Gul Farez S/O Muhammad Yunis	Shergarh Msq: Chitta Batta (Shergarh)	---do---
88.	Muhammad Khurshid S/O Shah Zaman	Gul Dheri Msq: Badral	---do---
89.	Shahid Shujaiz Zaman S/O Sher Muhammad Kotetra	GPS Mere Khairoo	---do---
90.	Muhammad Riaz S/O Ghulam Jan	Rau Kote Msq: Shamal Bhandi	---do---
91.	Muhammad Riaz S/O Abdur Rezaq	Ensto Bhandi Msq: Abbi Behn.	---do---
92.	Muhammad Yunis S/O Khalilur Rehman Seri Jhend	Msq: Salaya Shungli	---do---
93.	S. Amin Sheh S/O Rehmat Sheh	New Darband Msq: Neel Batla Bala	---do---
94.	Muhammad Irfan S/O Ali Akbar	Kala Mara Msq: Kangroorian	---do---
95.	Attiquir Rehman S/O Maqboolur Rehman Nambal	Msq: Milkhwani	---do---
96.	Muhammad Safer S/O Taj Muhammad Khajambar	Msq: Khajambar	---do---

TERMS AND CONDITIONS.

1. They should submit their charge reports to all concerned.
2. Their appointment is purely on temporary basis and liable for termination at any stage without assigning any reason.
3. Their appointment is subject to the verification of their original Academic and Professional certificates/documents. Their original Academic & Professional certificates should be checked thoroughly before handing over the charge and should not be handed over the charge if their original certificates are not found correct.
4. No one should be handed over charge if he is below 18 years and above 30 years in case of the candidates relating to Zone III and 27 years of others.
5. Their pay will not be drawn until they produce age & Health certificate from Medical Superintendent D.H.Q Hospital Mansehra.
6. They will be governed under prescribed service rules framed by the Govt: of N.W.F.P.

(MUHAMMAD SHAH)
I/C DISTRICT EDUCATION OFFICER,
(MALE) PRIMARY MANSEHRA.

Endst: No 2201-2301/CB(G/I Vo) dated Mansehra the 13 / 11 / 1994.
III/94.

C forwarded to the:-

1. Secretary to Govt. of NWFP Education Department Peshawar.
2. Director Primary Education NWFP (Hayatabad Peshawar).
3. District Accounts Officer Mansehra.
4. Sub Divisional Education Officer (Male) Mansehra
- 5-100. All the candidates concerned.
101. Superintendent local office.

I/C DISTRICT EDUCATION OFFICER,
(MALE) PRIMARY MANSEHRA.

Attested to be True
Copy

OFFICE OF THE DISTRICT EDUCATION OFFICER (M) TOR GHAR

CORRIGENDUM

Reference this Office order endorsed vide No. 390-96/PST/(Male)/Up-gradation (BPS-14-15) dated 20/05/2013. The places of posting of following PSH Teachers are hereby corrected as under:-

S. No	Name of Teacher & S. No.	Place of Posting		Remarks
		May be Read as	Instead of	
1	Shaikh Zada (S.No-12)	GPS Zeelargay	GPS Shaloon	
2	Hussain Ahmed (S.No-22)	GPS Chund	GPS Berian	
3	Banaras Khan (S.No-30)	GPS Tara	GPS Ghari M.Khail	
4	Zarnas Khan (S.No-33)	GPS Mangori	GPS Mangri Kamisar	
5	Gul Khan (S.No-51)	GPS Shah Baz	GPS Chund	
6	Muhammad Minhaj (S.No-55)	GPS Dheri KK	GPS Loonia	
7	Muhammad Tariq (S.No. 23)	GPS Shagai	GMPS Geeto	
8	Said Rehman (S.No.8)	GPS Dour Pain	GPS Harnail	
9	Muhammad Anwar (S.No.15)	GPS Kunjo	GPS Doba	
10	Naseeb Rokhan (S.No.16)	GPS Sulemani	GPS Sonia.	
11	Sahib Zahid (S.No.20)	GPS Kot	GPS Lagra	
12	Sher Ali (S.No.27)	GPS Shaloon	GPS Sadu Khan	
13	Noor Fareen (S.No.36)	GPS Doba	GPS Seri Kandao	
14	Sher Sultan (S.No.42)	GPS Lagra	GPS Kot M.K	
15	M.Iqbal (S.No.56)	GPS Mabra Bala	GPS Mabra	
16	Noor-Khatib Gul (S.No.57)	GPS Kolkay	GPS-Maira A.Zai	
17	Sardar Ahmed (S.No.61)	GPS Ghari M.K	GPS Bimbal	
18	Qasim Said (S.No.53)	GPS Chara Kot	GPS Tara	
19	Muhammad Nisar (S.No.5)	GPS Gudgali	GPS Paiza Tilli	

Terms & condition:

1. They would be on probation for a period of one year extendable for another one year.
2. They would be governed by such rules and regulations as may be issued from time to time by the Govt.
3. Their services can be terminated at any time, in case his performance is found unsatisfactory during probationary period. In case of misconduct, he shall be preceded under the rules framed from time to time.
4. Charge report should be submitted to all concerned.
5. Their enter seniority on lower post will remain intact.
6. They will give as undertaking to this effect to be recorded in their service book to the effect that if any over payment is made to him in the light of this order will be recovered and if he is wrongly promoted he will be reversed.
7. Necessary entries to this effect should be recorded in their service books.
8. No TADA is allowed for joining duty.

Attested to be True
Copy

District Education Officer (M)
Tor Ghar

Annexure - B

GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(REGULATION WING)

NOTIFICATION

Dated Peshawar, the 06/8/2020

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

NO. & EVEN DATE

Copy 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 (Admn), Administration Department with the request to arrange 20 gazette copies.
16. The Caretaker, Administration Department.

1267
01/08/2020

ATTESTED

(WAJAH LATIF)
DEPUTY SECRETARY (POLICY)

Attested to be True Copy

B/C - 8 -

GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(REGULATION WING)

NOTIFICATION

Dated Peshawar the, 06/08/2020

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

AMENDMENT

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

CHIEF SECRETARY
GOVERNMENT OF THE KHYBER PAKHTUNKHWA

(ANDS): & EVEN DATE

Copy is forwarded to :-

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

(WARDAH LATIF)
DEPUTY SECRETARY (POLICY)

Attested to be True
Copy

Annexure - C



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
No. SO(Polcy)/K&A/D/13/2020
Dated Peshawar the June 06, 2023

62

To: The 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(Polcy-MY/12/2023-2/Appointment/2023 dated 18.04.2023 on the subject noted above and to state that Sub-Rule (5) of Rule-7 of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 stands deleted vide this department notification dated 06.08.2020; thus, no provision exists to decline or forgo promotion.

2. The basic rationale behind the deletion of the said rule is aimed at preventing a civil servant from temptation for itself only by seeking to a single lucrative post/position or to prevent those who tend to forgo promotion to evade posting/transfer or show lack of capacity to tackle higher responsibilities in case of promotion. Therefore, it is obligatory upon every civil servant to accept promotion in every condition.

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

Yours faithfully,
(Issa Durrani) (Chair)
Section Officer (Policy)

ASSE
7/6

Encl. Of even No & date
Copy forwarded to the:-

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

2023
7.6.23

Section Officer (Policy)

Attest to be True
copy

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

No. SO (Primary-M)/E&SED/2-6/2023
Dated Peshawar the June 26th 2023

To

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

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

[Handwritten Signature]
26/6/23

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

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

2. You are, therefore, requested to deputa 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(S) 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.

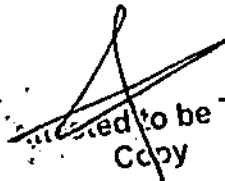
Encl: AA

(MURAMMAD ISHAQ)
SECTION OFFICER (PRIMARY MALE)

Copy forwarded to the:

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

SECTION OFFICER (PRIMARY MALE)


Requested 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(5) IN THE CIVIL SERVANT (APPOINTMENT, PROMOTION & TRANSFER RULES 1989).

Annexure
0


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.

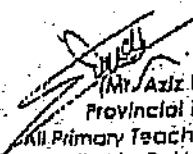
SN	NAME	DESIGNATION
1	Mr. Fazal Wahid	Deputy Director Establishment of Directorate Elementary & Secondary Education Department
2	Mr. Aziz Ullah	Provincial President All Primary Teachers Association Khyber Pakhtunkhwa
3	Mr. Razaqat Ullah	General Secretary APTA Peshawar
4	Muhammad Ishaq	Section Officer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

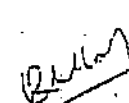
2. The meeting started with recitation from the Holy Quran. The chair welcomed the participants. The Deputy Director (Establishment) of Directorate of Elementary & Secondary Education briefed the forum regarding agenda item in detail.

3. After threaded 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



-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

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

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

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

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

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

Provincial President
All Primary Teachers Association
Khyber Pakhtunkhwa

(Mr. Razaqat Ullah)
General Secretary APTA
Peshawar

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

(Abdullah)

Additional Secretary (Establishment)

Tested to be True



No. 8145

Khyber Pakhtunkhwa, Peshawar

J.P. No. 34/SST/UG General Cases

Date: 21/7/2023

Phone: 091-9223344

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/3-1/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/3-1/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/3-1/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 DPE-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

Attached to be True
Copy

-B/C-

DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION, KPK

PESHAWAR.
(21-7-2023)

To:

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.Mil / 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(S) in Civil Servants (Appointment, promotion, Transfer Rule 1997) 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/turn down 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(S) have affected negatively a huge members of Female teachers.

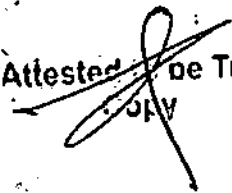
The case is submitted for perusal and necessary actions please.

Copy of the above to;

1. PA to Director Local Directorate
2. Master Copy

Assistant Director
Elementary & Secondary Education,
Khyber Pakhtunkhwa.

Attested to be True





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

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

Annexure
E

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

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

Sir,

I am directed to refer to your letter No. SO(Policy)/ EBAD/ 1-3/2020 dated 06th June 2023 and to state that after deletion of rule 7(5) Khyber Pakhtunkhwa Civil Servant (Appointment, Promotion & Transfer Rules 1989) it has been intimated that those officers/ officials who do not comply with promotion order of the competent authority or try to evade promotion through different means shall be proceed under Khyber Pakhtunkhwa Civil Servant (Efficiency & Discipline) Rules, 2011.


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

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


(MUHAMMAD 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 to be True
Copy

- B/c -

- 17 -

No. 50 (Primary - M) E & SE D / 8-2 /
Appointment - Rule / 2023

Peshawar Dated 23rd August, 2023.

To

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

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

Dear Sir,

I am directed to refer to your letter No. 50 (Primary) / E & AD
/ 1-3 / 2020 dated 6th 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
WP4442-2023 A212023/08/23

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

Yours faithfully,

Section Officer (Policy)

Encl. Of even No & date

Copy forwarded to the:-

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

Attested to be True
Copy

WP447-2023 AZIZULLAH VS GOVT OF PK

-18-

Annexure 9^u

Dated: 28-01-2024

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:-

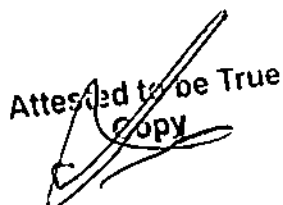
Your Honorable authority promulgated Notification No. SO (Policy) E&AD/1 3/2020, dated 06/08/2020, communicated to Elementary & Secondary Education vide letter dated 06/06/23 wherein it has been made mandatory to the employees to avail the promotion, otherwise, disciplinary action shall be taken against 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

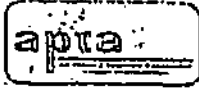


Attested to be True
Sahib Zada Son of Muhammad Sadiq
Resident of Tehsil & District Tor Ghar

Attested to be True
Copy


Khyber Pakhtunkhwa

Aziz Ullah Khan
President
0333-0412648
azizullah1973@gmail.com
m nainugh



APTA House
Govt. Primary School No.4
Gulbahar Peshawar City.

آل پرائمری ٹیچرز ایسوسی ایشن (اپٹا) خیبر پختونخوا

Annexure - H

مہربان: سیکرٹری تعلیمی و سیکڑوی ایجوکیشن خیبر پختونخوا
مہربان: آل پرائمری ٹیچرز ایسوسی ایشن خیبر پختونخوا
مہربان: طالب

گزارش ہے کہ پروسٹیزر اور اسے سنا ہونے ہی کہ سرکاری ادارہ کی خواہش ہوتی ہے پروسٹیزر کا ایک سالوں کا کام ایک ایک اور کسی
پروسٹیزر کے تحت ایک سال پروسٹیزر میں تو وہ پورے سال تک پروسٹیزر نہیں لے سکتے تھے مطلب پورے سال تک ہر اس کی پروسٹیزر نہیں ہو سکتی تھی
پھر اس سال میں کوئی دوا دیا گیا وہی سال پورے سال تک ہر اس کی پروسٹیزر نہیں لے سکتے تھے بلکہ ایک سال پروسٹیزر نہیں لے سکتے تھے بلکہ ایک سال لے سکتے تھے
لیکن اب ایک ہفتے پہلے ایک اور نوٹیفکیشن آیا ہے

جس کے مطابق اب ہر عام پروسٹیزر ضرور لینے کے اگر نہیں لینے کے تو اس کے خلاف ای سی ڈی ڈول کے مطابق کارروائی کرنے کا کہا گیا ہے
اساتیل یہ آفری نوٹیفکیشن خیاری انسانی حقوق کی کئی خلاف ورزی ہے جسے کی دور دورہ اور تہذیبی ملاحقوں میں خاص کر خواتین اساتذہ کو انتہائی مشکلات کا
سامنا کرنا پڑے گا

جبکہ عام حالات میں بھی ضروری پروسٹیزر اور دور دورہ بیماریاں خیاری انسانی حقوق کی خلاف ورزی ہے کیونکہ خیبر پختونخوا میں بدقسمتی سے ناہی و تشدد
کا ہونا ہے ایسے حالات میں یہ ناہی نوٹیفکیشن جو EASE کی کاپی نہیں لیں کہ جواب میں کیا گیا ہے جو بدقسمتی اور خیاری انسانی حقوق کی خلاف ورزی
ہے اس کے خلاف کارروائی ہونی چاہتی تھی مگر نہیں ہو سکی

لہذا ہم آپ سے درخواست کرتے ہیں کہ نوٹیفکیشن کو واپس لیا جائے یا اس میں ترمیم کر کے پرائمری اساتذہ کو (Relaxation) دیا جائے اور ان کو
رہدہتی پروسٹیزر لینے کا ہلکے ان کو مرضی سے لینے دیا جائے۔

اور پروسٹیزر لینے کی صورت میں اساتذہ کو دیا جائے لیکن یہ رہدہتی نہ کی جائے
اس مسئلے میں آپ سید احمد (DEO) ای ای ایڈ کے ایک فیسر سے رابطہ جاری کیا جائے تاکہ اطلاع میں آپ سید احمد پرائمری اساتذہ کو ذہنی
الیت اور ہر جگہ سے پہنچا جائے

کیونکہ نوٹیفکیشن جاری ہونے ہی پرائمری اساتذہ کو اپنی طور پر ہر جگہ کرنے کا سلسلہ شروع ہو چکا ہے
لہذا ہم یہ توقع رکھتے ہیں کہ آپ صاحبان ذریعہ ایسوسی ایشن کو متوجہ کر کے پرائمری اساتذہ کو فیسر سائیکل پرائمری اساتذہ کو اس ضمنی الیت سے نجات دلائیے گے

شکریہ

عزیز اللہ خان سربراہی صدر
آل پرائمری ٹیچرز ایسوسی ایشن خیبر پختونخوا

Attested to be True
Copy

VAKALAT NAMA

BEFORE THE SERVICE TRIBUNAL PESHAWAR

SAHIB ZADA
Versus

Appellant

Government of KP & others

Respondents

I (the Appellant)

do hereby appoint and retain

MUHAMMAD MUAZZAM BUTT ASC; MUHAMMAD ADEEL BUTT AHC

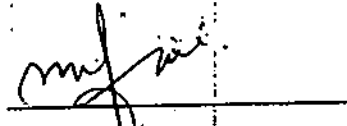
BASSAM AHMAD SIDDIQUI AHC

&

ASSOCIATES OF MUAZZAM LAW FIRM


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

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

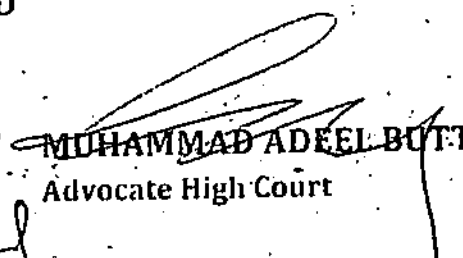


APPELLANT

ACCEPTED



MUHAMMAD MUAZZAM BUTT
Advocate Supreme Court



MUHAMMAD ADEEL BUTT
Advocate High Court



BASSAM AHMAD SIDDIQUI
Advocate High Court