


FORM OF ORDER SHEET

Court of \_\_\_\_\_

Appeal No. 2526 /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 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 2526 / 2024

Muhammad Shahid

V/S

Government of KP & others

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ADVOCATE

**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA**

In Ref to

Service Appeal No 2526 /2024

Khyber Pakhtunkhwa  
Service Tribunal  
Diary No. 18089  
Dated 19/11/24

Muhammad Shahid Son of Anwar Khan Resident of Tehsil & District Kohat

Designation: Senior Primary School Teacher at GPS Shinki Banda

.....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**

P R A Y E R:

**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 Senior Primary School Teacher.  
Copy of Monthly Salary account is annexed as Annexure A

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

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

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

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

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

*M. Shahid*  
Appellant

**AFFIDAVIT:**

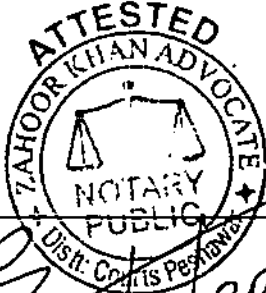
I Altaf Ahmad Son of Muhammad Rasool Resident of Tehsil & District Kohat do hereby solemnly affirm and declare that the contents of foregoing application are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Court

Through

*Muhammad Muazzam Butt*  
Muhammad Muazzam Butt  
Advocate Supreme Court

*Muhammad Adeel Butt*  
Muhammad Adeel Butt  
Advocate High Court

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



*M. Shahid*  
Deponent

*19/11/2024*

**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA**

C.M No \_\_\_\_\_/2024

In

Service Appeal No \_\_\_\_\_/2024

**Muhammad Shahid**

V/S

Government of KP & others

**APPLICATION FOR SUSPENSION OF IMPUGNED NOTIFICATION SO. (POLICY)E&AD/1-3/2020 NO. DATED 06/08/2023 AND PROMOTION ORDER DATED 29/08/2023 TILL FINAL DISPOSAL OF MAIN SERVICE APPEAL.**

Respectfully Sheweth:-

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 favour
3. There is likelihood of success of the appellant in the lis. The impugned notification dated 06/06/2023 is against Section 25 of KP Civil Servant Act, 1973 and promotion order dated 29/08/2023 of the appellant/applicant is also to be set-aside.
4. That valuable right of the appellant is involved.

In view of the above it is humbly prayed that notification No. SO(POLICY)E & Ad/1-3/2020, dated 06/06/2023 and promotion order dated 29/08/2023 to the extent of appellant/applicant may graciously be ordered to be suspended till final disposal of the main service appeal.

*M. Shahid*

Appellant

*Muhammad Muazzam Butt*

Muhammad Muazzam Butt  
Advocate Supreme Court

*Muhammad Adeel Butt*  
Muhammad Adeel Butt  
Advocate High Court

AFFIDAVIT:

through

I Muhammad Shahid Son of Anwar Khan Resident of Tehsil & District Kohat hereby solemnly affirm and 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



*M. Shahid*  
Deponent

2024



- 6 -

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) PRIMARY KOHAT  
APPOINTMENT

The following trained candidates/certificated candidates are hereby appointed against the vacant posts of PTC on temporary basis in BPS-7 (Rs. 1095-60-1965) Running Pay scale, Plus usual allowances in the interest of public service with effect from the date of their taking over charge:

S.NO.	NAME OF CANDIDATE WITH PARANTAGE/DOMEICLE	MARKS OBTAINED	NAME OF SCHOOL	REMARKS
1.	Baifur Rehman S/o Fazal Rehman R/o Dhoda	788	GPS Sarozai	Against v/post
2.	Mohd Ishaq S/o Mohd Aslam R/o Shakardara Kohat	769	GIS Sarki Piala No.2	-do-
3.	Rizwanullah S/o M.Ashraf R/o Iachi Bala, Kohat	765....	GPS Maroofi Banda	-do-
4.	Mohd Saeed S/o Mohd Shafiq R/o Billitang	763....	GPS Tari Banda.	
5.	Nasem Shah S/o Sadiq Shah R/o College Town Kohat	761	GPS Sowan Banda "	
6.	Muhtarim Shah S/o Mukaram, Shah R/o Togh Bala Kohat	761	GPS Tamboli Banda.	-do-
7.	Tahir Maqsood S/o Umer Hayat, R/o Behzadi Chikarkot	760	GPS Bado Talab	-do-
8.	Mehraj Hussain S/o Khial Bad Shah R/o Tappi Kohat	757	GPS Tangi Minagan No.2	-do-
9.	Nadeem Iqbal S/o Amjad Ali R/o Hayat Shaheed Colony, KHT	754	-do-	-do-
10.	Naveed Anjam S/o Abdus Salam R/o College Town, Kohat	753	GPS Tangi Mingan No.1 Hangu.	-do-
11.	Amanullah Khan S/o Afzal Khan R/o Jungle Khel, Kohat.	752	GPS Adam Banda	-do-
12.	Seraj Mahmood S/o Abdul Majeed R/o Lachi Kohat.	751	GPS Shinki Banda"	
13.	Mohammad Shahid S/o Anwar Khan R/o Tappi Kohat..	751	-do-	
14.	Sher Mohd S/o Fazal Shah R/o Usterzai Payan	748	GPS Navi Dhand	-do-
15.	Shafiq Khan S/o Saal Khan R/o Shakardara, Kohat.	747	GMS Torawari	-do-
16.	Noorul Azam S/o Abdur Rauf R/o Dhoda Kohat	745	GPS Mehboob Banda. ( V/Post)	
17.	Rafiqur Rehman S/o Falak Sher R/o Ktk Colony, Kohat	742	GPS Sarozai	Against vacant post.
18.	Jahanzeb S/o Ghulam Siddique R/o Shamla Pahari, Kohat	741	GIS Mehboob Banda	-do-
19.	Mohd Akram S/o Sharbat Khan R/o Koteri Kohat	741	GPS Darari Banda.	
20.	Asghar S/o Rawat Khan R/o Mandoori, Kohat.	736	GPS Mianji Khel	-do-
21.	S.Kashif Hussain Shah S/o Zahir Ali Shah R/o Mian Khel Kohat.	736	GPS Charpri Naryab	-do-
22.	Shakil Hussain S/o Qadam Ali R/o Usterzai Payan Kohat	735	GPS Ch:Waziran No.3	-do-
23.	Mohd Imran S/o Ghulam Nabi R/o Billitang, Kohat.	735	GPS Tora Ghundi	-do-
24.	Ijaz Ahmad S/o Mohd Israail Jan R/o Sangerh, Kohat.	734	-do-	-do-
25.	Rafiullah S/o Rasool Shah R/o Shadi Khel, Kohat.	733	GPS Sialo Talab	-do-

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Attested to be True  
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26.	Muhammad Hussain S/o Mir Ghos Bahadar R/o Garhi Mawan Khan	722	MPS		
27.	Rasid Mahmood S/o Mohd Shafiq R/o Dillitang, Kohat	732	GPS	Khanan Talab	-do-
28.	Mohd Asif Khan S/o Worin Khan R/o Nohi Nion Khel, Kohat.	731	MPS	Rhodozal	Against L/Voc
29.	Mohd Ijaz S/o Mohd Latif R/o Garhi Dohran Khan	728	GPS	Charibo Killa	Against V/F
30.	Mohd Shafi S/o M. Hussain Khan R/o Bahadar Kot Kohat	728	MPS	Terri Banda	-da-
31.	Sharafat Khan S/o Mohd Anwar R/i Dillitang, Kohat.	727	MPS	Shanoli Banda	-do-
32.	Ghulam Siddique S/o Alif Din R/o Navt Kaluchina Kohat	726	MPS	Pehlwan Kila	-do-
33.	Murqalin Khan S/o Gikondar Khan R/o Zor Kahi, Shakardara, KWT	725	MPS	Moghul Abad.	-do-
34.	Zor Khan S/o Khudad Khan R/o Chambai, Kohat	725	GPS	Mata Kola	-do-
35.	Umar Farooq S/o Ghulam Siddique R/o Togh Bala, Kohat	725	GPS	Mata Kola	-do-
36.	Mohd Abid Khan S/o Lwal Khan R/o R/Station, Kohat	722	GPS	Karbogha No.1	-do-
37.	Mohammad Arshad S/o Abdul Ghafoor R/o Akber Colony, Kohat	721	MPS	Shahid Abad	-do-
38.	Mohd Haroon Khan S/o Mahmood Khan R/o Dhoda Kohat.	717	MPS	Sher Abad.	-do-
39.	Yousaf Khan S/o Royat Khan R/o Lachi, Kohat	715	MPS	Dakani Killa	-do-
40.	Nazar Mahmood S/o Taj Mahmood R/o College, Town Kohat	715	MPS	Dalan No.1	-do-
41.	Javid Iqbal S/c Amjid Ali R/o Hayat Shahheed-Colony.	714	MPS	Zakal Shah Koroona	-do-
42.	Zabardast Khan S/o Janna R/o Naurat Khel	711	MPS	Kot Masool	-do-
43.	Gul Amin Khan S/o Pir Mohammad R/o Behzadi Chikarkot, Kohat	711	MPS	Fir Khan Killa	-do-
44.	Abdul Hameed S/o Sahib Jan R/o Shakardara, Kohat	709	GPS	Moghul Abad.	-do-
45.	Jamil Ahmad S/o Khan Dad Shah R/o Lachi Kohat.	709	MPS	Hirdad Koroona	-do-
46.	Ijaz Khan S/o Dilwar Khan R/o Toppi Kohat	709	MPS	Khair Mohd Koroona	-do-
47.	S. Abid Hussain S/o S. Janat Hussain R/o Kachai Kohat	706	GPS	Shahid Abad	-do-
48.	Shabirullah Jan S/o Mohd Jan R/o Shakardara, Kohat	705	MPS	Ajab Khan Koroona	-do-
49.	Rishan Gul S/o Dad Shah Gul R/o Braghdi Kalan	705	MPS	Mashti Koroona	-do-
50.	Mohammad Attiq S/o Mohd Shafiq R/o Togh Bala, Kohat.	705	MPS	Mgula Khan Koroona	-do-
51.	Nasim Gul S/c Emin Gul R/o Posto Banda, Kohat	704	MPS	Habib Jan Koroona	-do-
52.	Nasim Dog S/o Ehsan Dog R/o Koh: Bikunder Khan Shahood	701	GPS	R/S Duaba	-do-
53.	Irfanuddin S/o Ziauddin R/o Nari Shakardara, Kohat	701	MPS	Ghazi Mohd Koroona	-do-
54.	Samir Hayat S/o Mohd Hayat R/o Togh Bala Kohat	701	MPS	Roomal Koroona.2	-do-

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Annex NOT 11

	Wakilur Rehman S/o Gulwardin R/o Nari Shakardara, Kohat.	701	MPS Abbasi Banda	Against vac- ant post.
	Arab Ali S/o Gul Karam R/o Usterzai Payan Kohat	699	GPS Chani Kahi	-do-
7.	Abdul Wahab S/o Abdul Khannan R/o Chambai, Kohat.	698	MPS Zurif Abad.	-do-
8.	Obaidullah S/o Abdul Matin R/o Tapri Kohat	693	GPS Karbogha No.1	-do-
59.	Sher Mohd S/o Senober Khan R/o Bamma Shah Pur, Kohat	693	GPS Kahi	-do-
50.	Mohd Mujahid S/o M.Khan R/o Shakardara.	693	MPS Sialo Talab	-do-
61.	Shafqat Iqbal S/o Mohd Anwar R/o Keri Sheikhan	693	MPS Sahibzadgan	-do-
62.	Mohd Usman S/o Mohd Asmat Khan R/o Shakardara, Kohat	687	GMS Khattak Banda	-do-
63.	Samiullah Shah S/o Rafiullah Shah R/o Jungle Khel, Kohat	686	GMS Anar China	-do-
64.	Nazar Hussain S/o Noor Jaqin R/o Lal Garhi, Kohat	685	GPS Alwara Mela	-do-
65.	Jan Bad Shah S/o Mohd Jan R/o Pasta Banda.	683	GMS Anar China	-do-
66.	Hazrat Hussain S/o Qadam Ali R/o Usterzai Payan	683	GMS Khattak Banda.	-do-
67.	Hasham Reza S/o Ghafar Ali R/o Usterzai Payan Kohat	683	GPS Khazina Banda.	-do-
68.	Nasrullah Jan S/o Mursalin Khan R/o Sarkidal Shakardara Kohat	681	MPS Tora Ghundi8	-do-
69.	Zulfiqar Shah S/o Jandar Shah R/o Lachi Bala	680	GPS Darsamand No.2	-do-
70.	Rehmat Noor S/o Ahmad Noor R/o Jerma Kohat	679	GPS Terri Banda.	-do-
71.	Iqtedar Ahmad S/o Nisar Ahmad R/o Behzadi Chikarkot	679	MPS Inayat Khan Karoon.	"
72.	S.Khalil Hussain S/o Zakir Hussain R/o Usterzai Payan Kohat	678	GPS Shineli Banda.	-do-
73.	Tooti Khan S/o Anwar Beg R/o Garhi Risaldar Kohat	677	MPS Kana China	-do-
74.	Ghulam Murtaza S/o S.Memond R/o Dhoda, Kohat	675	MPS Sara Zamaka	-do-
75.	Rehmatullah S/o Gul Daraz R/o Miangan Colony Kohat	675	GPS Thall Mo ammadzai "	"
76.	Khalid Shah S/o Arif Shah R/o Mian Khel, Kohat	674	GMS Shahu Khel	-do-
77.	Hikmat Ali S/o Khan Sher Ali R/o Sherkot, Kohat.	674	GPS Ch:Waziran, No.3	-do-
78.	Suhrab Ali S/o Shawan Ali R/o Sherkot Kohat	673	-do-	-do-
79.	Ahmad Murtaza S/o Saidan Shah R/o Miri Banda, Kohat	671	GPS Abbasi Banda	-do-
80.	Abdul Jabbar S/o Sarfaraz R/o Dhoda Sharif	669	GPS Abbasi Banda	-do-
81.	Hussain Mohd S/o Khan Mohd R/o Mohammedzai, Kohat.	667	GPS Dappa Thall	-do-
82.	Hamid Ali S/o Khuban Ali R/o Khedezai, Kohat	667	GPS Trot Kach.	-do-

(Contd. Page... 4)

Attendant to be True  
COPY

83.	S. Atif Hussain Shah S/o S. Zahir Ali Shah R/o Mian Khel	665	MPS Shariki Karbegha.	Against post.
84.	S. Mir Hussain S/o S. Amil Hussain R/o Usterzai Kohat	665	GPS Spin Khawari N. 1	
85.	Shakir Ali S/o Ashiq Ali R/o Usterzai Payan	664	GPS Sarmalo Kandow	
86.	Rafiuddin S/o Abdul Manua R/o Togh Bala	660	MPS Aqalzar Korroan	
87.	Zulfiqar Ali S/o Jahanandar Shah R/o Eng Dachi Bala.	659	GPS Chamba Gul	
88.	Abdul Kahliq S/o Raziq Khan R/o Jungle Khel	655	MPS Mianji Khel	
89.	Fateh Ali A/o Mohd Ali R/o Usterzai Payan	655	GPS Shamal Din Killa	
90.	Ghulam Hussain S/o Faqir Hussain R/o Usterzai Bala, Kohat.	655	MPS Kaskayosam	

#### TERMS AND CONDITIONS

1. No T/D is allowed on fresh appointment/ Charge Report should be submitted to all concerned in duplicate.
2. Appointment of the candidates is purely temporary and liable for termination at anytime without assigning any reason.
3. The candidates should produce their Health and Age certificate from the Medical Supdt. before taking over charge.
4. They should not be allowed to take over charge of his post if his age exceeds 25 years or below 18 years.
5. In the case of resignation they will have to submit one month prior notice or they shall forfeit one month pay to the Govt.
6. Their appointments are subject to further condition that they are domiciled of Kohat District.
7. If the candidates failed to take over charge of their posts within 10 days of the issue of this letter (order), the offer of the appointment shall stand cancelled.

(GUL JAMAL KHAN)  
DISTRICT EDUCATION OFFICER  
(MALE) PRIMARY KOHAT.

1218-1310

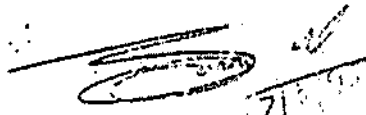
Endst No. 1218-1310/F.No.3/W&A/AG-I

Dated: Kohat, the 23 3 1992.

Copy forwarded for information and n/action to the

1-2/ The SDEO(M) Kohat and Hangu with the remarks that they should check the FTC passing certificates of the candidates before handing over charge.

3-92. All candidates concerned.

  
DISTRICT EDUCATION OFFICER  
(MALE) PRIMARY KOHAT.

- 8 -

**Dist. Govt. KP-Provincial**  
**District Accounts Office Kohat**  
**Monthly Salary Statement (December-2023)**



**Personal Information of Mr MUHAMMAD SHAHID d/w/s of ANWAR KHAN**

Personnel Number: 00162875      CNIC: 1430119310745      NTN: 0  
 Date of Birth: 02.05.1970      Entry into Govt. Service: 09.03.1992      Length of Service: 31 Years 09 Months 024 Days

**Employment Category: Active Temporary**

Designation: SENIOR PRIMARY SCHOOL TEA      80002872-DISTRICT GOVERNMENT KHYBE  
 DDO Code: KT6088-Government Primary Schools (Male) K  
 Payroll Section: 002      GPF Section: 001      Cash Center: 37  
 GPF A/C No: EDUKT006030      GPF Interest applied      **GPF Balance:**      1,095,681.00 (provisional)  
 Vendor Number: -  
**Pay and Allowances:**      Pay scale: BPS For - 2022      Pay Scale Type: Civil      BPS: 14      Pay Stage: 26

Wage type		Amount	Wage type		Amount
0001	Basic Pay	67,770.00	1001	House Rent Allowance 45%	3,321.00
1210	Convey Allowance 2005	2,856.00	1300	Medical Allowance	1,500.00
2148	15% Adhoc Relief All-2013	918.00	2199	Adhoc Relief Allow @10%	614.00
2316	Teaching Allowance 2021	3,036.00	2341	Dispr. Red All 15% 2022KP	6,489.00
2347	Adhoc Rel Al 15% 22(PS17)	6,489.00	2378	Adhoc Relief All 2023 35%	23,110.00

**Deductions - General**

Wage type		Amount	Wage type		Amount
3014	GPF Subscription	-3,900.00	3501	Benevolent Fund	-1,200.00
3609	Income Tax	-2,448.00	3990	Emp.Edu. Fund KPK	-135.00
4004	R. Benefits & Death Comp:	-600.00			0.00

**Deductions - Loans and Advances**

Loan	Description	Principal amount	Deduction	Balance

**Deductions - Income Tax**

Payable: 38,067.25      Recovered till DEC-2023: 13,869.00      Exempted: 9515.89      Recoverable: 14,682.36

**Gross Pay (Rs.): 116,103.00      Deductions: (Rs.): -8,283.00      Net Pay: (Rs.): 107,820.00**

Payee Name: MUHAMMAD SHAHID

Account Number: 4321251766

Bank Details: NATIONAL BANK OF PAKISTAN, 231875 MAIN BAZAR (KOHAT) BRANCH MAIN BAZAR KOHAT, KOHAT

**Leaves:**      Opening Balance:      Availed:      Earned:      Balance:

Permanent Address: KOHAT

City: KOHAT

Domicile: NW - Khyber Pakhtunkhwa

Housing Status: No Official

Temp. Address:

City:

Email: muhammadshahid7019@gmail.com

*Attested to be True*  
*Copy*

GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT  
(REGULATION WING)

NOTIFICATION

Dated Peshawar the, 06 / 8 / 2020

SP/Policy/E&AD/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

POST 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.
- 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

(WARDAH LATIF)  
DEPUTY SECRETARY (POLICY)

Attested

*[Handwritten Signature]*

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 of B) 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



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT  
No. SO(Polcy)(E&AD)/1-3/2020  
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)&SUBD/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 with 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 illicit gain by sticking 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 Muhammad Khan)  
Section Officer (Polcy)

ASE  
7/6

Encl: Of even No & date

Copy forwarded to:-

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

SE/...

2683  
7.1.6

Section Officer (Polcy)



B/C

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. 80 (Primary-M) / EE & SED / 2-2 / 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 (Appointments, 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 to preventing a civil servant from temptation for illicit gain by sticking 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.

WP4442-2023 AZIZULLAH VS GOVT CF PG43

Attested  
Copy

- 13 -

- B/c -

Yours faithfully,

(Issa Muhammad Khan)  
Section Officer (Policy)

Endst. of even No & date

Copy forwarded to the :-

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

Section Officer  
(Policy)

Attested 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/2-5/2023  
Dated Peshawar lhc. June 26<sup>th</sup>, 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, 1988.

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

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

Encl: AA

*[Handwritten Signature]*

*[Handwritten Signature]*  
(MUHAMMAD SHAQ)  
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  
*[Handwritten Signature]*  
Copy

- 15 -

B/c

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

To

The Director  
Elementary & Secondary Education Department  
Khyber Pakhtunkhwa, Peshawar

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

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

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

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

Encl: AA

(MUHAMMAD ISHAQ)  
SECTION OFFICER (PRIMARY MALE)

Copy forwarded to the:

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

SECTION OFFICER (PRIMARY MALE)

  
Attested 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).


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


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

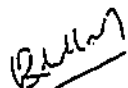
2. The meeting started with recitation from The Holy Quran. The chair welcomed the participants. The Deputy Director (Establishment) of Directorate of Elementary & Secondary Education briefed the forum regarding agenda item in detail.


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

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

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

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

  
(Mr. Razaqat Ullah)  
General Secretary APTA  
Peshawar

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

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

Accepted to be True  
Copy

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

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

S#	NAME	DESIGNATION
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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

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

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

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

\_\_\_\_\_

Provincial President  
All Primary Teachers Association  
Khyber Pakhtunkhwa

\_\_\_\_\_

(Mr. Razaqat Ullah)  
General Secretary APTA  
Peshawar

\_\_\_\_\_

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

\_\_\_\_\_

(Abdullah)

Additional Secretary (Establishment)

  
Attested to be True  
Copy



No. 8145

## Khyber Pakhtunkhwa, Peshawar

P.No. 34/SST/M/General Cases

Dated 21-7-2023

Phone: 091-9225344

Email: establishmentmale1@gmail.com

To

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

In view of the above, this office is of considered opinion that the deletion of Rules 7(3) have affected negatively a huge numbers of Female Teachers. Thus it is proposed that Teachers below DPS-16 may be exempted of implications of the amendment in the rules if provided they submit their written refusal prior to conduction of the meeting of Departmental Promotion Committee.

The case is submitted for perusal and necessary actions please.

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

Encls: No.

Copy of the above is to:-

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

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

Attested 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 Rules 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 quonies 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 <sup>every</sup> 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  
*[Signature]*  
Copy





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

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

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

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

DEAR Sir,

I am directed to refer to your letter No. SO(Policy)/ E&AD/ 1-3/2020 dated 05<sup>th</sup> 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 promotion 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.

(MUHAMMAD ISHAQ)  
SECTION OFFICER (PRIMARY MALE)  
23/8/23

Scanned with CamScanner

Attested to be True  
Copy

- B/c -

~~Handwritten mark~~

No. So (Primary - M) E & SE D / 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 (Primary) (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 or Mother-in-law who need care. In such cases there are negative effects on service delivery.

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

Copy forwarded to;

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

(Muhammad Ishaq)  
Section Officer (Primary Male)

Attested to be True  
Copy



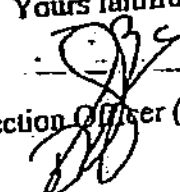
GOVERNMENT OF KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT  
No. SO(Policy)E&AD/1-3/2020  
Dated Peshawar the September 07, 2023

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)

Endst. Of even No & date

Copy forwarded to the:-

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

to be True  
Copy

WP442-2023 AZIZULLAH VS GOVT OF PG43

- 23 -

- B/C -

GOVERNMENT OF KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT  
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Section nicer (Policy)

07.05.2024

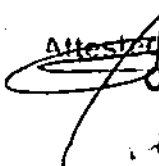


1. Learned counsel for the appellant present.
2. Let a pre-admission notice be issued to the respondents through TCS, for submission of reply/comments. Appellant is directed to deposit TCS expenses within three days. To come up for reply/comments as well as preliminary hearing on 10.06.2024 before S.B.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

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

  
 THE ASSISTANT  
 SECRETARY  
 PESHAWAR SERVICE TRIBUNAL  
 PESHAWAR

Date of Presentation of Application 10-5-24  
 Number of 1  
 Copies 1  
 Uperat 1  
 Total 1  
 Name of ---  
 Date of Receipt 13-5-24  
 Date of Delivery of copy 17-5-24

  
~~Attested to be True~~  
 Copy

To,

Dated: 28-01-2024

- 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



Muhammad Shahid Son of Anwar Khan  
Resident of Tehsil & District Kohat

~~Attached to be true~~  
Copy

Khyber Pakhtunkhwa

Aziz Ullah Khan  
President  
0333-0114648  
azizullah1973@gmail.com  
01 apta4ptl



APTA House:  
Govt. Primary School No.4,  
Oulbahar Peshawar City.

آل پرائمری ٹیچرز ایسوسی ایشن (اپٹا) خیبر پختونخوا

بہار: سیکرٹری ایگزیکٹو ایسوسی ایشن خیبر پختونخوا  
موضوع: آل پرائمری ٹیچرز ایسوسی ایشن خیبر پختونخوا  
جناب عالی

گزارش ہے کہ پروسٹنٹز ہر ادارے میں ہوتے ہیں اور سرکاری ملازم کی خواہش ہوتی ہے پروسٹنٹز کا ایک ٹائون اور آفیسر کا جو ملازم ایک اگر کسی  
پورے وقت ایک دن پروسٹنٹز میں تو وہ ہر آفیسر ہر سال تک پروسٹنٹز نہیں لے سکتے تھے مطلب ہر سال تک ہر اس کی پروسٹنٹز نہیں اور کئی حد  
پھر اس ٹائون میں قروانی رعایت دی گئی ہر سال ڈال ہوتے ہیں کہ اگر ایک ملازم ایک سال پروسٹنٹز نہ لیں تو وہ دوسرے سال لے سکتے ہیں  
لیکن اب ایک دن پہلے ایک اور ٹیچریشن ہوا ہے

جس کے مطابق اب ہر ملازم پروسٹنٹز ضرور لیں گے اگر نہیں لیں گے تو ان کے خلاف ایف ڈی اے کی روئے کاروائی کرنے کا کہا گیا ہے  
دراصل یہ آفیسر ٹیچریشن زیادتی اسالی حقوق کی مکمل خلاف ورزی ہے جسے کی روز دہلا اور پہاڑی علاقوں میں خاص کر خواتین اساتذہ کو انتہائی مشکلات کا  
سامنا کرنا پڑے گا

بلکہ عام حالات میں بھی زبردستی پروسٹنٹز اور دور دراز جیٹا بھی زیادتی اسالی حقوق کی خلاف ورزی ہے کیونکہ ٹیچر پختونخوا میں بد قسمتی سے غلامی و شہنشاہی  
مکمل ہوئی ہے ایسے حالات میں یہ یا تو ٹیچریشن جو B&SB کی گائیڈنس لیں گے جناب میں کیا کیا ہے جو بدلتی اور زیادتی اسالی حقوق کی خلاف ورزی  
ہم ان کے خلاف قانونی کارروائی کا حق بھی محفوظ رکھتے ہیں

لہذا ہم آپ سے درخواست کرتے ہیں کہ ٹیچریشن کو واپس لیا جائے یا اس میں زبردستی کے پرائمری اساتذہ کو (Relaxation) دیا جائے اور ان کو  
زبردستی پروسٹنٹز لینے کی بجائے ان کو ٹرینس سے لینے دیا جائے

اور پروسٹنٹز لینے کی صورت میں اساتذہ کو واپس لیا جائے لیکن یہ زبردستی نہ کی جائے  
اس سلسلے میں آپ جلد از جلد کام (DEOs) کی ای او آر ایک ٹیچریشن سے مراد لیا جائے تاکہ اختتام میں پین / سینیئر پرائمری اساتذہ کو ذہنی  
البتہ اور ہر جگہ سے ہٹایا جائے

کیونکہ ٹیچریشن جاری ہوتے ہی پرائمری اساتذہ کو ذہنی طور پر تازہ کرنے کا سلسلہ شروع ہو گیا ہے  
لہذا ہم یہ تمنا رکھتے ہیں کہ آپ صاحبان ذریعہ ٹیچریشن لیکر سہ ماہی کے پرائمری اساتذہ کو فوری طور پر سینیئر پرائمری اساتذہ کو اس ذہنی البتہ سے بہت دلائل کے

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

MUHAMMAD SHAHID  
Versus

Appellant

Government of KP & others

Respondents

*I (the Appellant)*

do hereby appoint and retain

MUHAMMAD MUAZZAM BUTT ASC, MUHAMMAD ADEEL BUTT AHC

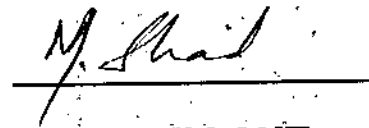
BASSAM AHMAD SIDDIQUI AHC

&

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**

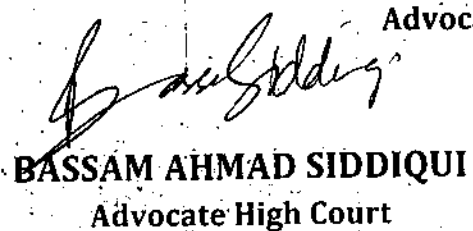
**ACCEPTED**



**MUHAMMAD MUAZZAM BUTT**  
Advocate Supreme Court



**MUHAMMAD ADEEL BUTT**  
Advocate High Court



**BASSAM AHMAD SIDDIQUI**  
Advocate High Court