


# FORM OF ORDER SHEET

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

**Appeal No. 2511 /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

ATTIQ UR REHMAN

V/S

S.A.No. 2511/24

Government of KP & others

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ADVOCATE

M. Muazzam Butt

**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA**

In Ref to

Service Appeal No 2511 /2024

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 18103

Dated 19/11/24

Attiq Ur Rehman Son of Muhammad Siddique, SPST  
GPS Sengili, Tehsil & District Abbotabad

.....Appellant

**VERSUS**

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

.....Respondents

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

**PRAYER:**

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

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

**RESPECTFULLY SHEWETH:**

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

Filed to-day  
Registration  
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 Impugned notification No. SD (Policy) EV AD/1- 3/2020 dated 06/08/2020 is attached as Annexure B
6. That the Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar asked for guidance regarding deletion of Rule 7(5) in Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 in respect of which the respondent No. 1 vide its letter. No. SO(Policy) E&AD/1-3/2020 dated Peshawar the June 06th, 2023 directed the respondent No 3 (Directorate of Elementary & Secondary Education) that Rule 7(5) in the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 has been deleted vide notification dated 06-08-2020 and therefore, no provision exists to decline or 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:-

**GROUNDS:-**

- 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

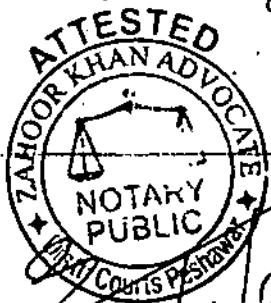
It is, therefore, humbly prayed that on the acceptance of the instant Service Appeal; the impugned Notification bearing No. SO (POLICY) E&D/1-3/2020 DATED 06/08/2020, communicated to Respondent No.2 by Respondent NO.1, vide letter dated 06/06/2023, may please be declared and ordered to be struck down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

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

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

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

*[Signature]*  
 Deponent



19/11/2024

*[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 KHYBER PAKHTUNKHWA

CM No \_\_\_\_\_ -P- of 2024

In Ref to

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

ATIQ UR REHMAN

V E R S U S

Secretary to Government of Khyber Pakhtunkhwa, & others

APPLICATION FOR SUSPENSION OF IMPUGNED NOTIFICATION BEARING NO. SO (POLICY) E&D/1-3/2020 DATED 06/08/2020, COMMUNICATED TO RESPONDENT NO.2 BY RESPONDENT NO.1, WIDE 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. So (Policy) E&D/1-3/2020 dated 06/08/2020, communicated to Respondent No.2 by Respondent No.1, Wide Letter Dated 06/06/2023 is not suspended the appellant would suffer irreparable loss.

4. That valuable rights of the appellant is involved in the case.

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

Appellant

Through

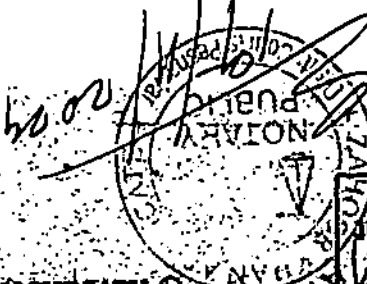
Muhammad Musazzam Butt

Advocate Supreme Court

*[Signature]*

Muhammad Adeel Butt

Advocate High Court



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



6

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

NOTIFICATION

Consequent upon their selection by the Departmental Selection Committee, the District Education Officer (Male) Primary Abbottabad, has pleased to appoint the following unsined P.T.C. Candidates at the school noted against their names in BPS-7. (1450-31-2695) P.M plus usual allowance as admissible under the rules with immediate effect subject to existing terms and conditions.

S. NO	Name/Father Name & Address	D/O Birth	No. of Merit	School where Posted	Remarks.
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CONSTITUENTWISE MERIT

P.F. - 34 - ABBOTTABAD

1-	Nazir bin Rehman S/O Mehror bin Rehman R/O P.F. 34	1/54	GTS	Thanda Ghooa	Vive Mr, Sajjad Ahmad terminated having not selected on merit.
2-	Saghir Ahmad S/O Noor Ahmad R/O Sheikul Bandi - P.F. 34	24.06.74	2/54	GTS Tarnawi	Vice Mr, Azmat Ali Shah terminated having not selected on merit.
3-	Mazhar Hussain S/O Saidar R/O Bahad P.F. 34	03.02.75	3/54	GTS Hall Sydian	Vice Mr, Javed terminated having not selected on merit.
4-	Ansar S/O Rehman R/O Jhang P.F. 34	20.04.70	4/54	GTS Khaira Gali	Vice Muhammad Taqeer terminated having not selected on merit.
5-	Muhammad Haseeb S/O Muhammad Niskeen R/O Sheikul Bandi P.F. 34	17.04.70	5/52	GTS Chabrian	Vice Mr, Muhammad Zahid terminated having not selected on merit.
6-	Nawaz Ahmed S/O Bhamar Khan R/O Samosa - P.F. 34	12.02.74	6/50	GTS Sialkote	Vice Mr, Durezafer terminated having not selected on merit.
7-	Rashid Mubeen S/O Muhammad Sabir R/O Nawan Sher - P.F. 34	21.03.77	7/48	GTS Banda Bagh	Vice Mr, Fasal Munir terminated having not selected on merit.
8-	Shakeel Ahmed S/O Abdul Sattar R/O	10.02.72	8/47	GTS Danna Surjal	Vice Muhammad Shahid terminated having not selected on merit.
9-	Qasim Khan S/O Daud Khan R/O Jhang Khora	01.01.76	9/47	GTS Banda Sholian	Vice Muhammad Wajid terminated having not selected on merit.
10-	Ah. Asghar S/O Muhammed Hussain R/O Pub. School / ED	13.12.52	10/46	GTS Mihelleh Sheikan	Vice Wajid Ali terminated having not selected on merit.
11-	Laqat Ali S/O F. Faizullah R/O Sean De Katha	06.12.63	11/48	GTS - Banda Khair Ali Khan	Vice Waqar Anwar terminated having not selected on merit.
12-	Muhammed Imran S/O Noman Khan R/O Nawan Sher	01.03.74	12/44	GTS - Khair Ali Khan	Vice Niaz Gul terminated having not selected on merit.
13-	Slob-T-Sadib S/O Inhammad Aslam R/O Dhodial	15.03.57	13/45	GTS - Rayala	Vice Mr, Tahir terminated having not selected on merit.

S. M. JOSHI  
S/O

All to be True  
COY

- 1- S/O 27.12.67 14/45 GPS Lassan Vice Mr, Jawad Farid terminated having selected on merit.
- 2- R/O 01.03.69 15/45 GPS Besal Vice Adnan Rashid terminated having selected on merit.
- 3- S/O 01.11.70 16/45 GPS Julgran Vice Mr, Zulfiqar Ali terminated having not selected on merit.
- 4- R/O 27.01.71 17/45 GPS Darra Sahad Vice Mr, Muhammad Niaz terminated having not selected on merit.
- 5- S/O 07.02.74 1/54 GPS Khora. Vice Mr. Shoukat Hussain terminated having not selected on merit.
- 6- R/O 22.03.73 2/54 GPS Kholian. Vice Liaqat Ali terminated having not selected on merit.
- 7- S/O 16.03.75 3/54 GPS Seen trar. Vice Shabir Hussain terminated having not selected on merit.
- 8- S/O 15.05.75 4/54 GMES. Khushal Vice Wahsed Gul terminated having not selected on merit.
- 9- R/O 18.02.76 5/54 GPS Dakhan. Vice Mr. Waqar Ali terminated having not selected on merit.
- 10- S/O 09.01.77 6/54 GPS Mari Hoteer. Vice Abid Hussain terminated having not selected on merit.
- 11- R/O 02.01.77 7/54 GPS Sarandha. Vice Mohammad Aftab terminated having not selected on merit.
- 12- S/O 01.06.77 8/54 GPS Beri Bagla. Vice Mr. Jamil Hussain terminated having not selected on merit.
- 13- R/O 11.12.77 9/54 GPS Maira. Vice Mohammad Saeed terminated having not selected on merit.
- 14- S/O 02.02.78 10/54 GPS Riata. Vice Zahoor Ahmad terminated having not selected on merit.
- 15- R/O 12.04.67 11/47 Dhara... Vice Sajjad Khan terminated having not selected on merit.
- 16- S/O 12.02.72 12/46 GPS Maira. Vice Gilfaraz, terminated having not selected on merit.
- 17- R/O 16.03.73 13/46 " Under-Seri, Vice Waheed Gul terminated having not selected on merit.
- 18- S/O 0.9.10.74 14/46 " Riata. Vice Jamshid Khan terminated having not selected on merit.
- 19- R/O 15.03.75 15/45 " Danna Misrial. Vice Ishfaq Ahmad terminated having not selected on merit.
- 20- S/O 10.04.74 16/46 " Majhoot. Vice Mohammad ..

Arshad Hussain s/o 28.12.72 17/45 ... Hanif Gul  
 Goher-Rehman r/o ...  
 Khan Kalan. ... terminated having  
 not selected on ...

- 11-26
- 1- Mohammad Ibrahim s/o 31.01.75 1/53 ... Vice Sajjad Shah  
 Mohammad Miskeen r/o ... terminated having  
 Gali Banian. ... not selected on  
 merit.
  - 2- Shafiqur Rehman s/o 16.06.73 2/50 ... Vice Mohammad  
 Mohammad Aslam r/o ... Arshad terminate  
 Nagri Bala. ... having not sele-  
 cted on merit.
  - 3- Mohammad Javed s/o 24.3.75 3/57 ... Vice Mehboobur-  
 Ali Akbar r/o Kala-pani. ... an having no  
 selected on merit
  - 4- Ghulam Farid s/o 10.06.77 4/53 ... Vice Mr. Mohammad  
 Mohammad Yousaf r/o Bagan. ... Saddiqu terminate  
 having not sele-  
 cted on merit.
  - 5- Ishtaq Hussain Shah s/o 5/53 ... Vice Mohammad  
 Abdur Rehman r/o Malsa. ... terminate  
 having not sele-  
 cted on merit.
  - 6- Shokkat Ali s/o Ali Akter 5/53 ... Vice Mr. Abdur-  
 r/o Malsa. ... terminate  
 having not sele-  
 cted on merit.
  - 7- Mohammad Iltsi s/o 01.03.76 7/49 ... Vice Mr. Mohammad  
 Gulistan r/o Nagri Bala. ... terminate  
 having not sele-  
 cted on merit.
  - 8- Mohammad Arif s/o 12.03.76 8/48 ... Vice Mr. Ahmad  
 Mohammad Aslam r/o ... terminate  
 Nagri Bala. ... having  
 not selected on  
 merit.
  - 9- Msif s/o Sumandar Khan 01.01.76 9/47 ... Vice Yaqub Aziz  
 r/o Gali Banian. ... terminate  
 having  
 not selected on  
 merit.
  - 10- Mohammad Khalid s/o 15.11.76 10/46 ... Vice Jehan-Zeb  
 Sher Ahmed r/o Kasala. ... terminate  
 having  
 not selected on  
 merit.
  - 11- Shakeel Ahmad s/o 22.12.75 11/45 ... Vice Mr. Mohamed  
 Abdullah r/o Bagnator. ... Baneen terminate  
 having not sele-  
 cted on merit.
  - 12- Shakeel Ahmad s/o 15.03.76 12/45 ... Vice Mr. Niaz  
 Mohamad Ashraf ro ... terminate  
 Beran-Gali. ... having not  
 selected on merit.
  - 13- Attiqur Rehman S/O 20.6.74 13/45 ... Vice Sengle  
 M. Mammad Sadiq P/o N/Bala. ... terminate  
 having not  
 selected on merit.
  - 14- Mustafa Khan s/o 12.4.76 14/45 ... Vice ...  
 Ali Zamm r/o N. Bala. ... terminate  
 having not  
 selected on  
 merit.
  - 15- Ighaz s/o Abdur Rehman 01.6.72 15/44 ... Vice ...  
 r/o Ba di Maira. ... terminate  
 having not sele-  
 cted on merit.
  - 16- Mohammad Ramzan s/o 12.05.73 16/44 ... Vice ...  
 Nasurllah r/o Keri- ... terminate  
 Sarafali. ... having  
 not selected on  
 merit.

Attested by  
 [Signature]

**OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) PRIMARY ABBOTTABAD.**

**NOTIFICATION**

Consequent upon their selection by the Departmental Selection Committee, the District Education Officer (Male) Primary Abbottabad, has pleased to appoint the following trained P.T.C. Candidates at the school noted against their names in BPS-7. (4490-B-2695) P.M. plus usual allowances as admissible under the rules with immediate effect subject to existing terms and conditions.

S. NO	Name/Father Name & Address	D/O Birth	No. of Merit	School where Posted	Remarks.
<b>CONSTITUCY WISE MERIT</b>					
<b>P.F. - 34 ABBOTTABAD</b>					
1-	Nazirur Rehman S/O Nazirur Rehman R/O P.F. 34	15.02.75	1/54	GFS Thanda Chooa	Vive Mr. Sajjad Ahmad terminated having not selected on merit.
2-	Sahar Ahmed S/O Noon Ahmed R/O Sheikur Bandi - P.F. 34	24.02.74	2/54	GFS Tarnawi	Vice Mr. Azmat Ali Shah terminated having not selected on merit.
3-	Mazhar Hussain S/O Sardar R/O Salhad P.F. 34	03.02.75	3/54	GFS Hall Sydian	Vice Mr. Javed terminated having not selected on merit.
4-	Unser S/O Saifur Rehman R/O Thangi P.F. 34	20.04.70	4/54	GFS Khaira Gali	Vice Muhammad Taqeer terminated having not selected on merit.
5-	Muhammad Riaz S/O Muhammad Mukhtar R/O Sheikur Bandi	17.04.70	5/52	GFS Chabrian	Vice Mr. Muhammad Zenid terminated having not selected on merit.
6-	Nawaz Ahmed S/O Shamara Khan R/O Samase	12.02.71	6/50	GFS Siakote	Vice Mr. Durezafer terminated having not selected on merit.
7-	Rashid Mubayy S/O Muhammad Sami R/O Newan Sher	21.03.77	7/48	GFS Bandi Bagh	Vice Mr. Fasal Munce terminated having not selected on merit.
8-	Shakeel Ahmed S/O Abdul Sattar R/O	10.02.72	8/47	GFS Dama Surjal	Vice Muhammad Shahid terminated having not selected on merit.
9-	Qasim Khan S/O Said Khan R/O Jhang, Kurma	01.01.76	9/47	GFS Banda Sholian	Vice Muhammad Waqid terminated having not selected on merit.
10-	Asghar S/O Muhammad Hussain R/O Pub. School ATD	13.12.52	10/46	GFS Mihallah Sheikan	Vice Waqid Ali terminated having not selected on merit.
11-	Laaqat Ali S/O A Faizullah R/O Sean De Katha	06.12.63	11/48	GFS-Banda Khair Ali Khan	Vice Meqar Anwar terminated having not selected on merit.
12-	Muhammad Imran S/O Noman Khan R/O Nagan Sher	01.03.74	12/44	GFS-Khair Ali Khan	Vice Niaz Gul terminated having not selected on merit.
13-	Shorub Saad S/O Muhammad Aslam R/O Dhodial	15.03.67	13/45	GFS-Rayala	Vice Mr. Tahir terminated having not selected on merit.

1005/F  
S/O

Shahel Ahmed Mohammed D/o ... 18.10.76 15.47 GPS Kund

Abid Hussain S/o ... 01.01.69 16/45 GIS Bissan Vice Iftikhar

Rahma Khan S/o ... 03.03.70 17/45 GIS Satore Vice Rashid

Masood Hussain S/o ... 01.12.72 18.45 GIS Bissan Vice Muhammad

Mohammed Sultan S/o ... 15.3.74 1/54 GIS Thana Vice Zahid-Abd

Muhammad Sultan S/o ... 03.02.75 2/54 GIS Bissan Vice Saghar Khan

Muhammad Sultan S/o ... 10.3.75 3/54 GIS Thana Vice Muhammad

Muhammad Sultan S/o ... 13.05.75 4/54 GIS Biskan Vice Amjad Ali

Muhammad Sultan S/o ... 20.01.76 6/54 GIS Biskan Vice Ft. Bissan

Muhammad Sultan S/o ... 12.03.76 8.54 GIS Biskan Vice Khud

Muhammad Sultan S/o ... 13.05.77 12/45 GIS Biskan Vice Iftikhar

Muhammad Sultan S/o ... 15.3.74 1/54 GIS Thana Vice Zahid-Abd

Muhammad Sultan S/o ... 03.02.75 2/54 GIS Bissan Vice Saghar Khan

Muhammad Sultan S/o ... 10.3.75 3/54 GIS Thana Vice Muhammad

Muhammad Sultan S/o ... 13.05.75 4/54 GIS Biskan Vice Amjad Ali

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Muhammad Sultan S/o ... 12.03.76 8.54 GIS Biskan Vice Khud

Muhammad Sultan S/o ... 13.05.77 12/45 GIS Biskan Vice Iftikhar

Muhammad Sultan S/o ... 15.3.74 1/54 GIS Thana Vice Zahid-Abd

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Muhammad Sultan S/o ... 20.01.76 6/54 GIS Biskan Vice Ft. Bissan

Muhammad Sultan S/o ... 12.03.76 8.54 GIS Biskan Vice Khud

Enrol No. 1459-1889

2/2/97  
[Signature]  
[Signature]  
[Signature]  
~~[Signature]~~

15	Hussain s/o Az Mohammad r/o Pandu Thana.	15.03.77	14/45	GFS Nakar Kutbal.	vice Mohammad Rafaqat terminated having not selected on merit.
16	Sahir Khan s/o Saeedur Rehman r/o Rich-Bhen.	06.12.65	15/43	GFS Bissan.	Vice Mohhad, Sahir terminated/having not selected on merit.
17	Ubaidur Rahman s/o Abdur Badhid r/o Banda ahib Khan.	20.03.75	16/43	" HariKhaiter.	Vice Sekhan Dad terminated having not selected on merit.
18	Mohammad Hiaz s/o Parve r/o Kupri.	17/6/68	18/43	" Rata Bagla.	vice Intiaz Ali terminated having not selected on merit.
19	Amjid Hussain S/O Mohammad Hiaz R/O	17-6-68	18/43		

Keri Raki Vice Arshed Ali  
terminated having  
not selected on  
Merit.

CONDITIONS.

1. They will be Govern such Rules and regulations as may be prescribed by the Govern from time to time for the category of Government servant for which they belong.
2. Their services will be liable to termination on one month notice from either side, in case of resignation without notice pay will be forfeited in lieu thereof.
3. They shall join the post within one month of the issue of this notification.
4. Their seniority will be determined in accordance with the merit of departmental selection committee.
5. Charge reports should be submitted to all concerned.
6. They shall be on probation for a period of TWO years and will have to pass departmental examination. In case a Candidate fails to qualify the departmental examination he will give given more chance if fail again then his service will be determined, on arrival of a qualified trained teacher of un-trained teacher accomplished.
7. Service books of the teacher must be prepared in all respect before handing over the charge.
8. Declaration of assets should be submitted from them immediately and placed on record.
9. They are required produce Health & Age Certificate from Medical authorities concerned before handing over the charge.
10. Charge should not be handed over/given the OVER AGE Candidates his case for relaxation at to quarter concerned.
11. NO TA/DA etc isalfer before the completion of Term will disqualify from service.
12. Efforts for promotion shall be taken from holders of TPO, they will serve the department at least 5 years they selected by the Public service Commission for any post.

NOTE: Complete information of each category/separately consolidated lists as prescribed proforma alongwith charge reports be submitted by the lower office to DEO(M) with in a WEEK positively.

S. M. Y. (saf)  
S/O 1559-1659

MUHAMMAD S. FARAZI  
DISTRICT EDUCATION OFFICER (M)  
PRIMARY EDUCATION

Distt: NC. Dated 25-6-1997/97

Copy Forwarded to:-  
S.S. to Secretary Education, N.W.F.P. Jashaur.  
Director Primary Education, N.W.F.P. Jashaur.  
DA, Abbottabad.  
All concerned Candidates.

Attested to be True  
Copy

Annexure - B -

GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT  
(REGULATION WING)

NOTIFICATION

Dated Peshawar the, 06/8/2020

S.O. Policy (E&AD)-3/2020: In exercise of the powers conferred by section 25 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973) the Chief Minister of Khyber Pakhtunkhwa is pleased to direct that in the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the following further amendment shall be made, namely:

AMENDMENT

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

CHIEF SECRETARY  
GOVERNMENT OF THE KHYBER PAKHTUNKHWA

AMISE 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.

*(Signature)*  
(WAJID AH LATHI)  
DEPUTY SECRETARY (POLICY)

ATTESTED

*(Signature)*  
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)

~~Attached to be True  
Copy~~

Alleged to be True  
copy

WP1442-2023 AZIZULAH VS GOVT OF PUNJAB

Section Officer (Policy)

(Issa Nadeem Khan)  
Section Officer (Policy)

Yours faithfully,

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

Copy forwarded to the  
Index, Of even No & Date

2011, please.

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

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

2. The basic rationale behind the said rule is aimed at preventing a promotion from being granted to a single officer in a single promotional or to prevent those who tend to forge 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.

1. I am directed to refer to your letter No. SO/Primary-MY&S/172-2/A/10/10/2023 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 delete or forge promotion.

Dear Sir,

Subject: GUIDANCE REGARDING PROMOTION OR TRANSFER IN THE CIVIL SERVICE (GENERAL) RULES, 1989.

The Government of Khyber Pakhtunkhwa, Government of Punjab



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT  
No. SO/Policy/172-2/2023  
Dated Faisalabad the 06 June 2023

62

Annexure - C



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

No.SO (Primary-M)/E&SED/2-6/2023  
Dated Peshawar the 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, 1989.

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

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

Encl: AA

*[Handwritten initials]*

*[Handwritten signature]*  
(MUHAMMAD ISHAQ)  
SECTION OFFICER (PRIMARY MALE)

Copy forwarded to the:

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

*[Handwritten initials]*

*[Handwritten signature]*  
SECTION OFFICER (PRIMARY MALE)  
26/6/23

Attested to be True  
Copy  
*[Handwritten signature]*

B/c -11-

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.

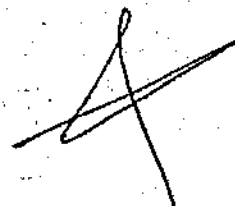
Encl: AA

(MUHAMMAD ISHAQ)  
SECTION OFFICER (PRIMARY MALE)

Copy forwarded to the:

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

SECTION OFFICER (PRIMARY MALE)



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.


Annexure  
①


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

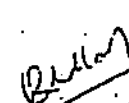
2. The meeting started with recitation from The Holy Quran. The chair welcomed the participants. The Deputy Director (Establishment) of Directorate of Elementary & Secondary Education briefed the forum regarding agenda item in detail.


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.

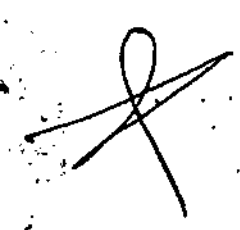
  
(Mr. Fazal Wahid)  
Deputy Director-I  
E&SE Department

  
(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



-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

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

- 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.
- 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.

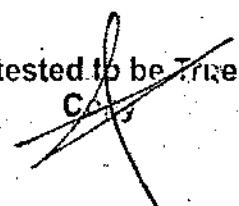
(Mr. Fazal Wahid)  
Deputy Director-1  
E&SE Department \_\_\_\_\_

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  




No. 8145

Khyber Pakhtunkhwa, Peshawar

JP No. 3/SST/UG General Cases

Date: 21/7/2023

Phone: 091-9223344

Email: establishmentmale1@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.Miz/Minutes of the Meeting/PST/2023 dated 10-07-2023 on the subject cited above and to present brief history about the background of the case as under:

- That Government of Khyber Pakhtunkhwa Establishment Department (Regulation Wing) deleted Rule 7(5) in the Civil Servants (Appointment, promotion & Transfer Rules 1989) vide notification No. No. SOR-VI (E&AD)/1-3/2020 dated 06-08-2020.
- That this office sought guidance from your good office in the following words vide letter No.6987 dated 06-02-2023.
  - (i) Now it is obligatory upon the civil servant to accept Promotion in every condition.
  - (ii) It is the prerogative of the civil servant to either accept or turn down the offer of promotion.
- That your good office forwarded the same to the quarter concerned vide letter No.SO (Primary-M) E&SED/2-2/Appointment/2023 for necessary guidance.
- That the Government of Khyber Pakhtunkhwa Establishment Department (Regulation Wing) vide letter No.SO (Policy) E&AD/1-3/2020 dated 6-06-2023 categorically stated that there exists no provision to decline or forgo promotion. It is obligatory upon every civil servant to accept promotion under every condition.
- The same was received by this office from your good office vide letter No.SO (Primary-M) E&SED/2-2/Appointment/2023 dated 13-06-2023.
- 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 DP-16 may be exempted of implications of the amendment in the rules ibid provided they submit their written refusal prior to conduction of the meeting of Departmental Promotion Committee.

The case is submitted for perusal and necessary actions please.

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

Encl: 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/M/11/ 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 06-07-2022
  - (i) Now it is obligatory upon civil servant to accept promotion.
  - (ii) It is prerogative of civil servant to either accept/turndown the offer of promotion.
- That your good office forwarded the same to quarters concerned vide letter No. SO (Primary-M) E&SED/2-2/Appointment/2023 for necessary guidance.
- That the government of KP-ED (Regulation Wing) vide letter No. SO (Policy) E&AD/1-3/2020 dated 6-06-2020 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 6-07-2022 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  
Copy





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 23<sup>rd</sup> August, 2023

Annexure  
E

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

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

Dear Sir,

I am directed to refer to your letter No. SO(Policy)/ E&AD/ 1-3/2020 dated 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.

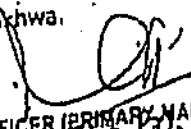
2. In this connection it is submitted that in some cases lady teacher of primary level who avail such promotions have to face serious inconvenience while they have to perform duties in the remotest station with no residential or transport facility. Most of them are married with kids and elder father 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



Annexure - f



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

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

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

Dear Sir,  
I am directed to refer to your letter No. SO(Primary-M)/E&SED/2-  
2/Appointment-Rule/2023 dated 23.08.2023 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)

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.

WP/442-2023 AZIZULLAH VS GOVT OF PG 93

Attested to be True  
Copy

-19-

- B/C -

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

To

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

Subject: -

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

Dear Sir,

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

Yours faithfully,

Section Officer (Policy)

Encls. Of even No & date

Copy forwarded to the:-

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

Section Officer (Policy)

Attested & True  
Copy

Annexure - G

To,

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

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

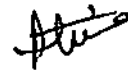
Sir/ Madam:-

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

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

Dated 28/01/2024

Attested to be True  
Copy

  
ATTIQ UR REHMAN  
S/O MUHAMMAD SIDDIQUE  
SPST



آل پرائمری ٹیچرز ایسوسی ایشن (اپٹا) خیبر پختونخوا

Annexure - H

ہیاب: سیکرٹری تعلیمی و سیکولری ایجوکیشن خیبر پختونخوا  
صواب: آل پرائمری ٹیچرز ایسوسی ایشن خیبر پختونخوا  
جناب عالی

گزارش ہے کہ پدموسٹر ہر ادارے میں ہوتے ہیں اور کہ سرکاری ادارے کی خواہش ہوتی ہے پدموسٹر کا ایک سالوں اور کتاہا کہ جو ملازم ایک اگر کسی  
پدموسٹر کے تحت ایک سال پدموسٹر نہیں لیں تو وہ پدموسٹر ہر ادارے میں ایک پدموسٹر نہیں لے سکتے تھے مطلب ہر سال تک ہر اس کی پدموسٹر نہیں اور کتاہا  
ہر اس سالوں میں کوئی رعایت دی گئی ہر سال ہاں ہاں کہہ کر ہی کہ اگر ایک ملازم ایک سال پدموسٹر نہ لیں تو وہ دوسرے سال لے سکتا ہے  
لیکن اب ایک دفعہ پہلے ایک اور نوٹیفکیشن آیا ہے

جس کے مطابق اب ہر عام پدموسٹر ضرور لیں گے اگر نہیں لیں گے تو اس کے خلاف ای سی وی کی روٹز کے مطابق کارروائی کرنے کا کہا گیا ہے  
اور اصل یہ آخری نوٹیفکیشن بنیادی انسانی حقوق کی کئی خلاف ورزی ہے جسے کی دور دورہ اور پہاڑی علاقوں میں خاص کر خواتین ادارے کو انتہائی مشکلات کا  
سامنا کرنا پڑے گا

جنگ عام حالات میں بھی ضرورتی پدموسٹر اور دور دراز پیمانے پر بنیادی انسانی حقوق کی خلاف ورزی ہے کیونکہ خیبر پختونخوا میں پدموسٹر سے خاندانی و تعلیمی  
کئی ہوتی ہے ایسے حالات میں یہ بنیادی حقوق جو کہ حقوق بنیادی انسانی کے تحت ہے جو پدموسٹر اور بنیادی انسانی حقوق کی خلاف ورزی ہے  
اس میں کے خلاف قانونی چارہ چہل کا حق بھی محفوظ رکھتے ہیں

لہذا ہم آپ سے درخواست کرتے ہیں کہ نوٹیفکیشن کو واپس لیا جائے یا اس میں ترمیم کر کہ پرائمری ادارے کو (Relaxation) دیا جائے اور ان کو  
پدموسٹر پدموسٹر لینے کا ہونے ان کو مرضی سے لینے دیا جائے

اور پدموسٹر نہ لینے کی صورت میں ہر ادارے ہاں لیا جائے لیکن یہ ضرورتی نہ لے جائے  
اس سلسلے میں آپ جلد از جلد تمام (DEOs) ای سی ای ادارے کو ایک خط لکھ کر ارسال کیا جائے تاکہ اطلاع میں آپ میل / لیکچر پرائمری ادارے کو ذہنی  
البتہ اور تازہ نگ سے ہتھیایا جائے

کے کہ نوٹیفکیشن جاری ہونے ہی پرائمری ادارے کو کوئی طور پر لاد پر کرنے کا سلسلہ شروع ہو چکا ہے  
لہذا ہم یہ درج دیکھتے ہیں کہ آپ صاحبان ذہنی لیکچر ہر سب کے پرائمری ادارے خصوصاً لیکچر پرائمری ادارے کو ای سی ای ایب سے ہاتھ دلائیں گے

شکریہ

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

Attest to be True  
Copy

# VAKALAT NAMA

## BEFORE THE SERVICE TRIBUNAL PESHAWAR

ATTIQ UR REHMAN  
Versus

Appellant

Government of KP & others

Respondents

I (the Appellant)

do hereby appoint and retain

MUHAMMAD MUAZZAM BUTT ASC. MUHAMMAD ADEEL BUTT AHC

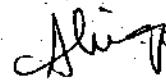
BASSAM AHMAD SIDDIQUI AHC

&

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.

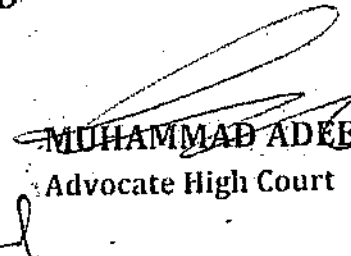


APPELLANT

ACCEPTED



MUHAMMAD MUAZZAM BUTT  
Advocate Supreme Court



MUHAMMAD ADEEL BUTT  
Advocate High Court



BASSAM AHMAD SIDDIQUI  
Advocate High Court

Attested to be True  
Copy