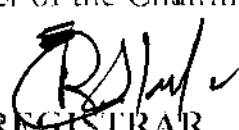


# FORM OF ORDER SHEET

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

**Appeal No.** 2498/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	19/11/2024	<p>The appeal of Syed Chan Badshah 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>

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

S.No:- 2498/24

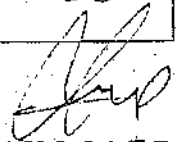
Syed Chan Badshah

v/s

Government of KP & others

INDEX

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2.	Application for suspension	*	5
3.	Copy of Monthly Salary account	A.	6-10
4.	Copy of notification No. SD (Policy) EV AD/1-3/2020 dated 06/08/2020	B.	11-12
5.	Copy of Impugned Letter dated June 06th, 2023	C.	13-18
6.	Copy of Minutes of Meeting dated 06-07-2023	D.	19-22
7.	Copy of Letter dated 23-08-2023	E.	23-24
8.	Copy of Impugned letter dated 07-09-2023	F.	25-26
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ADVOCATE

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

In Ref to:

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

Syed Chan Badshah Son of Syed Bilawar Shah Resident of Tehsil & District Kohat  
Designation: Primary School Head Teacher at MPS Shahid Abad

.....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

.....Respondents

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

PRAYER:

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

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

RESPECTFULLY SHEWETH:

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

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

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

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

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

**GROUNDS:-**

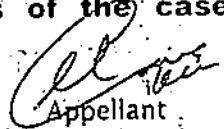
- a. That as per various judgments it is established and settled principle that executive notifications cannot be given retrospective effect. A valid Notification which confers rights is always applicable with prospective effect, however, if an amendment notification that adversely effects the interests 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.

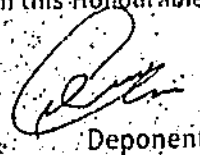
It is, therefore, humbly prayed that on the acceptance of the instant Service Appeal; the impugned Notification bearing No. SO (POLICY) E&D/1-3 1-2020 DATED 06/08/2020, communicated to Respondent No.2 by Respondent NO.1, vide letter dated 06/06/2023, may please be declared and ordered to be struck down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

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

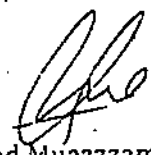
Any other relief, which this honorable Tribunal deems fit and proper in the circumstances of the case, may also be granted to the appellant.

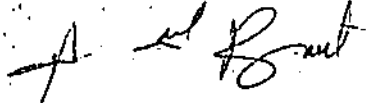
  
Appellant

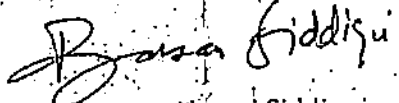
**AFFIDAVIT:**  
I Syed Chan Badshah Son of Syed Bilawar Shah Resident of Tehsil & District Kohat do hereby solemnly affirm and declare that the contents of foregoing application are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Court

  
Deponent

Through

  
Muhammad Muazzam Butt  
Advocate Supreme Court

  
Muhammad Adeel Butt  
Advocate High Court

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

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

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

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

Syed Chan Badshah

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.**

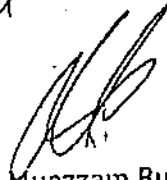
Respectfully Sheweth:-

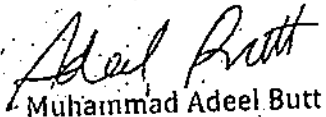
1. That the instant application may be treated as part and parcel of service appeal of the appellant.
2. That the appellant has brought a good prima facie case and balance of convenience also lies in favour
3. There is likelihood of success of the appellant in the lis. The impugned notification dated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

  
Appellant


through

  
Muhammad Muazzam Butt  
Advocate Supreme Court

  
Muhammad Adeel Butt  
Advocate High Court

**AFFIDAVIT:**

I Syed Chan Badshah Son of Syed Bilawar Shah 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

  
Deponent

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALES) KHAT.  
APPOINTMENT.

Appointment of the following Trainees (after completion of PTC Training) are hereby ordered against the vacant posts of PTC on temporary basis in DPS-7 (P) plus usual allowances in the interest of Public Service with effect from the dates of their taking over charge:-

S.No.	Name & Address of Trainee:	Posted At	Remarks.
1.	Muhammad Ahsan R/O Ahsan Jan. R/O Mohallah Patch Khan (Kohat).	GPS, Muzaffar Khan.	Against Vacant Post.
2.	Shabir Hussain S/O Chiragh Hussain R/O Kiri Shikhan Kohat.	GPS, Muzaffar Khan. (Hangu).	---
3.	Sajjad Nazim S/O Nawaz Khan, R/O Shakardarra.	GPS, Shakardarra No. 2.	N.C.P. (Addl.).
4.	Abdur Raziq S/O Abdullah Khan, R/O Shakardarra.	GPS, Navi Kila (Hangu).	Against V. Post.
5.	Mohammad Naveeb S/O Mohammad Shafiq, R/O Togh Bala.	GPS, Doh Mir Anam (Kohat).	---
6.	Mohammad Shoaib S/O Mohammad Younis R/O KTH Road Kohat.	GPS, Jahanmir Abad (Hangu).	---
7.	Abdur Tariq S/O Jehr Ali Khan, R/O Jabbar.	GPS, Doh Mir Anam (Kohat).	---
8.	Sibt-e-Hussain S/O Sarfar Hussain R/O Chakarkot Bala Kohat.	GPS, Chakarkot Bala (Kohat).	N.C.P. (Addl.).
9.	Abdur Raziq S/O Nazir Khan, R/O Togh Bala.	GPS, Doh Said Bahghah (Kohat).	Against V. Post.
10.	Mohammad Rizq S/O Nazim Gul, R/O Jabri Banda.	GPS, Tol Banda (Kohat).	---
11.	Aurang Zeb S/O Sarwar Khan, R/O Togh Bala.	GPS, Doh Shariat Khan (Kohat).	---
12.	Taj Khan S/O Muzaffer Khan R/O Togh Bala (Kohat).	GPS, Muzaffar Khan (Kohat).	N.C.P. (Addl.).
13.	Muhammad Ahsan S/O Hakeem Shah R/O Togh Bala.	GPS, Chaleo Chind (Hangu).	Against V. Post.
14.	Zulfiqar Ahmed S/O Muqarrab Khan R/O Aliadadi Chakarkot (Kohat).	GPS, Muzaffar Khan (Hangu).	---
15.	Jamil Khan S/O Hakeem Shah R/O Shakardarra.	GPS, Muzaffar Khan (Kohat).	N.C.P. (Estbl.).
16.	Ahsan Ali S/O Barkat Ali R/O Usterzal Pagan.	GPS, Pasa Kila (Hangu).	N.C.P.
17.	Ahsan Ali S/O Iqbal Ali R/O Usterzal Pagan.	GPS, Pasa Kila (Hangu).	---
18.	Masit Khan S/O Akbar Khan, R/O Baqizai.	GPS, Doh No. 1/ Hara Banda.	Against V. Post.
19.	Mohammad Qasim Rafiq S/O Mohammad Rafiq R/O Shakardarra.	GPS, Hara Banda.	---
20.	Kushang Ahmed S/O Mohammad Ibrahim R/O Bilitang.	GPS, Sherali Kabi (Hangu).	---
21.	Mohammad Abid S/O Ghulam Siddique, R/O Bilitang.	GPS, Sherali Kabi (Kohat).	N.C.P.
22.	Gul Afzal S/O Gul Kfir Khan, R/O Baqizai (Tanni).	GPS, Hara Banda.	Against V. Post.
23.	Sajid Hayat S/O Mohammad Hayat R/O Jahanmir Chakarkot.	GPS, Hara Banda. (Kohat).	---
24.	Fazal Khan S/O Hayat Khan R/O Beharai Chakarkot.	GPS, Doh No. 1. (Hangu).	---
25.	Abdul Naveer S/O Abdul Qasim R/O Muzaffar Khan (Hangu).	GPS, Doh Mir Anam (Kohat).	---
26.	Shafiq Ullah Jan S/O Shah Jehan R/O Kaghazai.	GPS, Muzaffar Khan (Hangu).	---
27.	Gayum Masih S/O Kato Masih R/O Cadet College Kohat.	GPS, Sherali Kabi (Kohat).	---
28.	Munoor Masih S/O Jilaini Masih R/O Cadet College Kohat.	GPS, C.H. Banda No. 3	---



No.	Name	Remarks
29.	Mohammad Iqbal S/O Abdul Jali 7/O New Garden Colony Kohat.	GPS, Pasha No. 1 Against V. Post.
30.	Muza Ali Khan S/O Bilal Khan R/O Sarda Rai. (Shakarpara).	GPS, Khwaja Pail. (Kohat). N.C.P.
31.	Mohammad Tufail S/O Nawab Khan R/O Darin.	GPS, Kasbi Sar (Hangu). Against V. Post.
32.	Shakir Rehman S/O Jumb Khan R/O Toigh Bala.	GPS, Sumari Dala. (Kohat). ---do---
33.	Inferia S/O Sardar Masih R/O Koh: Banger. (Kohat).	GPS, Pasha No. 2 (Hangu). ---do---
34.	Post Mohammad S/O Pir Mohammad R/O Chakarlot.	GPS, Karbocho No. 1 (Hangu). ---do---
35.	Mohammad Raza S/O Kifia Ahmad R/O Chakarlot.	GPS, Tari Banda (Hangu). ---do---
36.	Saghir Hussain S/O Ghulam Hussain S/O Chakarlot.	GPS, Pasha No. 1 Hangu. ---do---
37.	Mohammad Rauf S/O Mider Ali R/O Bari Sagar Shaktardara.	GPS, Shikali Banda (Hangu). ---do---
38.	Mohammad Sarwar S/O Junaid Gul R/O Shakarpara.	GPS, Anar Chini (Hangu). ---do---
39.	Altaf Hussain S/O Najib Gul R/O Tapsi.	GPS, Habib Abad (Hangu). ---do---
40.	Qasim Ilyas S/O Mohammad Ilyas R/O Kot.	GPS, Bhok Sultan (Kohat). ---do---
41.	Khalid Ahmad S/O Pir Mohammad R/O Mohi Kanai Jilal Rd Chakarlot.	GPS, Chahsilangan (Kohat). N.C.P.
42.	Mohammad Ayub S/O Ghulam Saadique R/O Chakarlot.	GPS, Ghazmi Hangan (Kohat). ---do---
43.	Shaukat Hayat S/O Atta Khan R/O Shaktardara.	GPS, Sialo Talab. Against V. Post.
44.	Mohammad Ayub Khan S/O Abdul Gaffar Khan R/O Shaktardara.	GPS, Sialo Talab (Hangu). ---do---
45.	Mohammad Hafiz Ali S/O Mohammad Ali R/O Kohistan Barkatullah (Kohat).	GPS, Toigh Sarai (Hangu). ---do---
46.	Shayyaduddin S/O Khawaja Bin R/O Koh: Pasha Barhat Ullah.	GPS, Gur Gul. (Kohat). ---do---
47.	Said Bahadur S/O Saadullah R/O Chakarlot Pawan (Kohat).	GPS, Tara Ghandi. (Hangu). ---do---
48.	Khan Amir S/O Abdul Karim R/O Pasha Chakarlot.	GPS, Serki Paila (Kohat). N.C.P.
49.	Shah Bahadur Khan S/O Zahid Khan R/O Jal Garhi.	GPS, Bhok Sagar Khan (Kohat). Against V. Post.
50.	Muhammad Hussain S/O Altaf Hussain R/O Pasha Chakarlot.	GPS, Larraamand No. 2 (Hangu). ---do---
51.	Altaf Ali S/O Sulaiman Ali R/O Haterwa, Jagan.	GPS, Larraamand No. 2 (Hangu). ---do---
52.	Muhammad Khawar Khan S/O Munawar Khan R/O Moh: Dur Pail Chakarlot.	GPS, Bazar Pail (Hangu). ---do---
53.	Muhammad Ullah Khan S/O Saad Ullah Khan R/O Charki Station Kohat.	GPS, Darenand (Hangu). ---do---
54.	Mohammad Zaidat S/O Lashkari Khan R/O Chorlahi.	GPS, Jangul Khol No. 1 (Kohat). N.C.P.
55.	Abdur Rahim S/O Hashim Khan R/O Chorlahi.	GPS, Piro Gul Koroon (Hangu). Against V. Post.
56.	Perhan Rahmat S/O Tahyat Ali Khan R/O Sector No. 4, H. No. 100 EDI Kohat.	GPS, Adan Banda (Hangu). ---do---
57.	Mohammad Raza S/O Gul Zaman R/O Chakarlot.	GPS, Jabbi (Kohat). ---do---
58.	Muhammad Ali Shah S/O Bilawal Shah R/O Birkhal Kohat.	GPS, Larraamand No. 2 (Hangu). ---do---
59.	Mohammad Aziz Khan S/O Saadatullah Khan R/O Lachil.	GPS, Maryab Hangu. ---do---
60.	Mohammad Sagar S/O Bilal Khan R/O Shaktardara.	GPS, Shikali Banda (Hangu). ---do---
		GPS, Charki Station No. 2 (Hangu). ---do---

61. Shahid Khan S/O Sirwar Khan R/O Gulal.	74. Hayf Ihsan (Bangu).	Against V. Post.
62. Mujahid Khan S/O Gulzar Khan R/O Jangal Khol.	75. Kuchagan No. 2 Bangu.	-----
63. Shahid Rasid S/O Gulab Rasid R/O Mubidanshor Kohat.	76. P.S. Tarekhan (Bangu).	-----
64. Mohamad Ahmad S/O Faqir Mohammad R/O Mohd. Minn Khol Kohat.	77. Mr. Ahmad Khol (Kohat).	-----
65. Mohamad Karim Shah S/O Faraj Shah R/O Shikardarra.	78. Chan Kat. (Bangu).	-----
66. Jan Nawab S/O Nawab Rasid R/O Chatti Board Kohat.	79. Thall No. 1 Bangu.	-----
67. Sayed Zuhid Shah S/O Ajmal Shah R/O Kot.	80. Thall No. 1 (Bangu).	-----
68. Hamoodullah Khan S/O Khan Nasir R/O Mharat Khol.	81. Kori Chari (Bangu).	-----
69. NIKKH Syed Mohammad Huss. S/O Iqbal Ali R/O Bangu City.	82. Bangu No. 4	-----
70. Jehanzeb S/O Abdul Karim Khan S/O Bern. Jaraghai (Shikardarra).	83. Chottak Banda (Bangu).	-----
71. Mujahid-e-Min S/O Hassan Ud Din R/O Togh Bala.	84. Tara Tari (Bangu).	-----
72. Iqbal Shah S/O Nazir Shah R/O Charbagh. Jangal Khol Kohat.	85. Tara Tari (Bangu).	-----
73. Manzoor Nazir S/O Nazir R/O Sanghor Kohat.	86. P.C. Area No. 3 Kohat.	-----
74. Aslam Dardana S/O Gulzar Shah R/O Thall.	87. Thall No. 2 (Bangu).	-----
75. Mohamad Nadia S/O Amanullah Khan R/O Mohd. Pir. Annullah Shah.	88. Thall Mohammadzai (Bangu).	-----
76. Najab Khan S/O Juma Khan S/O Minagan Colony (Kohat).	89. Iknasi Kila (Bangu).	-----
77. Aziz Mohammad S/O Saka Sultan Mohamad R/O Garhi. Baur Khan.	90. Iknasi Kila (Bangu).	-----
78. Shahid Gulzar S/O Bilawal Shah R/O Bangu 217/37 Pind. Boud Kohat.	91. Tara Tari Bangu.	-----
79. Aslam Ali Khan S/O Amanullah Khan S/O Ghulian Banda Kohat.	92. Garakhal No. 2 (Bangu).	-----
80. Mohamad Amin S/O Aun Ali R/O Khatlani (Kohat).	93. Gara Khol No. 2 (Bangu).	-----
81. Sumin Gul S/O Inzar Gul R/O Sumari Payan.	94. Shirabad (Bangu).	-----
82. Shiraz Ali S/O Milder Ali R/O Lanfi Kachal.	95. Khadizai	N.C.P.
83. Umar Jagan S/O Khan Gul R/O Ihsan Bahutawara Shikardarra.	96. Sarki Dal (Kohat).	Against V. Post.
84. Iqbal Ali S/O Hakeemzai Ashiq Ali R/O Ustawaal Payan.	97. Togh Sarai (Bangu).	-----
85. Javed Iqbal S/O Ithar Khan R/O Sur Gul.	98. Chashmi (Kohat).	1
86. Subhan Ali S/O Rahman Ali R/O Ibrohizai.	99. Ibrohizai	R.C.P.
87. Bashir Ahsan S/O Ghulam Mohammad R/O Ghurani Payan.	100. Inza Min Kila (Bangu).	Against V. Post.
88. Noor Inam S/O Solahoon R/O Khawantou.	101. Aqalzar Korona (Bangu).	-----
89. Mohammad Tariq S/O Mohammad Jamil R/O Togh Bala.	102. Ithak Alif Baur (Kohat).	-----
90. Asim Khan S/O Saad Shah Gul R/O Pusta Sagar.	103. Ghazi Korona (Bangu).	-----
91. Mohamad Asghar S/O Abdul Jarwar R/O Millitana (Kohat).	104. Mohammad Hash Khan (Kohat).	-----
92. Zahid Akhtar S/O Mohammad Ashraf R/O Charbagh.	105. Min Kohat.	-----
93. Iqbal Khan S/O Faraj Gul R/O Togh Bala.	106. Tara Tari (Bangu).	-----



- 127. Naushid Khan S/O Habib Ur Rehman  
R/O Jangal, Khe.
- 128. Anjad Khan S/O Eid Gul  
R/O Behzadi Chakriat.
- 129. Javed Ali S/O Ali Faraz  
R/O Usterzai Payan.
- 130. Abdul Khalid S/O Abdul Malik  
R/O Lachi.
- 131. Rehman Gul S/O Abdul Mannan  
R/O Toppi.
- 132. Masoom Shah S/O Tahir Shah  
R/O Garhi Bohram Khan.

(5)

- S. Shemali Janda (Jangul). Against V. Post.
- S. Anwar Chinn (Jangul). do
- S. Sarokhol No. 2 (Jangul). do
- S. Anwar Chinn (Jangul). do
- S. Tara Jari (Jangul). do
- S. Doctor Banda. N.C.P.

TERMS AND CONDITIONS:

1. No. TA/DA is allowed on fresh appointment/charge reports should be submitted to all concerned in duplicate.
2. The appointment of the candidates are purely temporary and liable to termination at any time without assigning any reason.
3. The candidates should produce their Health and Age Certificate from the Hospital Superintendent concerned before taken over charge.
4. They should not be allowed to take over charge of their posts if they exceeds 25 years or below 18 years of age.
5. In 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 for further conditions that they are domiciled of District Kohat.
7. They should take over their charge within fifteen days of issue of this order otherwise their appointments will automatically be stand cancelled.
8. Their Seniority will be fixed after the declaration of their P.T.C. result.

(FOR J.M. No. 24)  
DISTRICT EDUCATION OFFICER,  
(MALE) KOHAT.

Enclat. No. 8164-8297 / Appointment/PTC/L-10 dated Kohat, the 04-10-1990.  
Copy of the above is forwarded for information and necessary action to the:-

- 1-2. Sub Divisional Education Officer (Male) Kohat and Jangul.
- 3-134. Candidates Concerned.

*[Signature]*  
DISTRICT EDUCATION OFFICER,  
(MALE) KOHAT.

MUSAN ALI...

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



Personal Information of Mr CHAN BADSHAH d/w/s of S.BELAWAR SHAH

Personnel Number: 00162375

CNIC: 1430186034693

NTN: 0

Date of Birth: 01/01/1970

Entry into Govt. Service: 06.10.1990

Length of Service: 33 Years 03 Months 027 Days

Employment Category: Active Temporary

Designation: PRIMARY SCHOOL HEAD TEACH

80002872-DISTRICT GOVERNMENT KHYBE

DDO Code: KT6088-Government Primary Schools (Male) K

Payroll Section: 002

GPF Section: 001

Cash Center: 11

GPF A/C No: 4EDKT005817

GPF Interest applied

GPF Balance:

262,613.00 (provisional)

Vendor Number:

Pay and Allowances:

Pay scale: BPS For - 2022

Pay Scale Type: Civil BPS: 15

Pay Stage: 24

Wage type	Amount	Wage type	Amount
0001 Basic Pay	71,440.00	1001 House Rent Allowance 45%	3,524.00
1210 Convey Allowance 2005	2,856.00	1300 Medical Allowance	1,500.00
2148 15% Adhoc Relief All-2013	915.00	2199 Adhoc Relief Allow @10%	614.00
2316 Teaching Allowance 2021	3,224.00	2341 Dispr. Red All 15% 2022KP	6,807.00
2347 Adhoc Rel All 15% 22(PS17)	6,807.00	2378 Adhoc Relief All 2023 35%	24,311.00

Deductions - General

Wage type	Amount	Wage type	Amount
3015 GPF Subscription	-4,290.00	3501 Benevolent Fund	-1,200.00
3609 Income Tax	-3,000.00	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: 46,769.38

Recovered till JAN-2024: 20,080.00

Exempted: 11691.83

Recoverable: 14,997.55

Gross Pay (Rs.): 121,998.00

Deductions: (Rs.): -9,225.00

Net-Pay: (Rs.): 112,773.00

Payee Name: CHAN BADSHAH

Account Number: 3592-5

Bank Details: NATIONAL BANK OF PAKISTAN, 230917 TOGH BALA TOGH BALA 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: syedcbs@gmail.com

GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT  
(REGULATION-WING)

**NOTIFICATION**

In exercise of the powers conferred by section 25 of the  
Special Regulation No. 18 of 1973 (Khyber Pakhtunkhwa Act No. XVIII of  
1973) (Khyber Pakhtunkhwa) is pleased to direct that in the Khyber  
Pakhtunkhwa (Civil Servants) (Appointment, Promotion and Transfer) Rules, 1973, the  
amendment further amendment shall be made, namely:

**AMENDMENT**

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

CHIEF SECRETARY  
GOVERNMENT OF THE KHYBER PAKHTUNKHWA

NO. & EVEN DATE

Copy forwarded to:

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

**ATTESTED**

(MAJID AH LALJI)  
DEPUTY SECRETARY (POLICY)

*M. J. J.*



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-rule (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)



The Government of Khyber Pakhtunkhwa  
 Membership & Secondary Education Department  
 GUIDANCE REGARDING PROMOTION OF SUB-ILLIC  
 KHYBER PAKHTUNKHWA CIVIL SERVANTS (APPOINTMENT  
 PROMOTION AND TRANSFER) RULES, 1989

Dear Sir,

I am directed in letter to your letter No. SO(Primary-MT&SU-2-  
 2/Appln/2023 dated 18.04.2023 in the subject noted above and to state that sub-illic  
 (3) of Rule-7 of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer)  
 Rules-1989 stands deleted vide the departmental notification dated 06.08.2020; thus, no  
 provision exists to decline or forgo promotion.

The basic rationale behind the deletion of the said rule is aimed at preventing a  
 civil servant from resignation for seeking to a single illustrative 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.

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

Yours faithfully,  
 (Also Signatory) (Policy)  
 (Signature)

(Signature)  
 Section Officer (Policy)

- Copy forwarded to the:-
1. To Special Secretary (Reg), Establishment Department
  2. To Additional Secretary (Rec-1), Establishment Department
  3. To Deputy Secretary (Policy), Establishment Department

21.6.23  
 2023



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

2. The basic rationale behind the deletion of the said rule is aimed 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.

Section Officer  
(Policy)

- 3. P.S. to Deputy Secretary (Policy), Establishment Department.
  - 2. P.A. to Additional Secretary (Reg-II), Establishment Department.
  - 1. P.S. to Special Secretary (Reg), Establishment Department.
- Copy forwarded to the  
Enclt. of even no. & date

(Issa Muhammad Khan)  
Section Officer (Policy)

Yours faithfully,

- B/c -

- 17 -

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

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

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

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

Encl: AA

  
(MUHAMMAD ISHAG)  
SECTION OFFICER (PRIMARY MALE)

Copy forwarded to the:

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

  
SECTION OFFICER (PRIMARY MALE)  
26/6/23

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)

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.


Sl. No.	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. Razaqal Ullah	General Secretary APTA Peshawar
4	Muhammad Ishaq	Section Officer (Primary) E&SE Department Civil Secretariat Khyber Pakhtunkhwa Peshawar

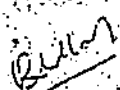
2. The meeting started with recitation from the Holy Quran. The chair welcomed the participants. The Deputy Director (Establishment) of Directorate of Elementary & Secondary Education briefed the forum regarding agenda item in detail.


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

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

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

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

  
(Mr. Razaqal Ullah)  
General Secretary APTA  
Peshawar

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

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

-20-

-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

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

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

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

(Mr. Fazal Wahid)

Deputy Director-1  
E&SE Department

\_\_\_\_\_

Provincial President  
All Primary Teachers Association  
Khyber Pakhtunkhwa

\_\_\_\_\_

(Mr. Razaqat Ullah)  
General Secretary APTA  
Peshawar

\_\_\_\_\_

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

\_\_\_\_\_

(Abdullah)

Additional Secretary (Establishment)



No. 8145 / F.No. 34552/WG/General Cases  
 Khyber Pakhtunkhwa, Peshawar  
 Dated 21-7-2023  
 Email: eshaibhainment@pmail.com  
 Phone: 991-9223244

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

Subject: MINUTES OF THE MEETING

Dear Sir,

I am directed to refer to the letter No.SQ(Pri-M-Wife)E&SED/3-11/G.Mix&Min/ST/2023 dated 10-07-2023 on the subject cited above and in present brief history about the background of the case as under:

- That Government of Khyber Pakhtunkhwa Establishment Department (Regulation Wing) dated Rule 7(5) in the Civil Services (Appointment, Promotion & Transfer Rules 1980) wide notification No. No. 50R-VI (E&AD)/1-3/2020 dated 06-08-2021.
- That this office sought guidance from your good office in the following words wide letter No.0987 dated 05-07-2023.
- (i) Now it is obligatory upon the civil servant to accept promotion in every condition.
- (ii) If 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 wide letter No.SQ (Primary-Wife) E&SED/2-2/Appointment/2023 for necessary guidance.
- That the Government of Khyber Pakhtunkhwa Establishment Department (Regulation Wing) wide letter No.SQ (Policy) E&AD/1-3/2020 dated 06-06-2023 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 wide letter No.SQ (Primary-Wife) E&SED/2-2/Appointment/2023 dated 12-06-2023.
- That in the light of the minutes of meeting dated 06-07-2023 held under the Chairmanship of Hon. Additional Secretary Establishment of this office it has been asked for submission of consolidated case.
- In view of the above, this office is of considered opinion that the deletion of Rule 7(5) have affected negatively a huge numbers of Female Teachers. Thus it is proposed that Teachers below P.S-16 may be exempted of implementation of the amendment in the rules bid provided they submit their written request prior to conclusion of the meeting of Departmental Promotion Committee.

The case is submitted for pertinent and necessary actions please.

Assistant Director (E&AD) Khyber Pakhtunkhwa  
 Elementary & Secondary Education  
 Peshawar

Encl: No. Copy of the above is to:

1. PA to Director Local Directorate
2. Master Copy

Assistant Director (E&AD-1) Elementary & Secondary Education  
 Khyber Pakhtunkhwa

Richard Director  
Elementary & Secondary Education  
Khyber Pakhtunkhwa

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

Please -  
The case is submitted for perusal and necessary actions members of female teachers.  
In view of the above, this office is of considered opinion that the deletion of Rules 7(S) have effected negatively a huge

consolidated case.  
That in light of the minutes of the meeting dated 6-07-2023 held under the chairmanship of Hon. Additional Secretary Education at his office. This office has been asked for submission of

no provision to decline /fora promotion. It is obligatory upon every civil servant to accept promotion under every condition.  
That the government of KP-ED (Regulation Wing) vide letter No. SO (Policy) EQ/PO/1-3/2020 dated 6-06-2023 correspondingly stated that there exists

That your good office forwarded the same to quarters concerned vide letter No. SO (Promotion) EQ/SED/2-2/11/11/2023 for necessary guidance.

That this office sought guidance from your good office in the following wide notification No. No. SOP-VT (EQ/AD) 1-3/2020 dated 06-08-2020. Deleted rule 7(S) in Civil Servants (Appointment, Promotion, Transfer Rule 1997) that Government of KP Establishment department (Regulation Wing) present brief history, and background of case as under.

I am directed to refer to letter No. (SO. Promog-M) EQ/SED/5-1/6/2023/ Minutes of meeting/RSI/2023 dated 30-7-2023 on subject cited above and to

Subject: Minutes of Meeting.

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

PESHAWAR  
(21-7-2023)

DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION, KPK

-B/c-





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

No. SO(Policy-M)E&SED/2-2/Appointment-Rule /2023  
Peshawar Dated 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 2022 and to state that after deletion of rule 7(5) Khyber Pakhtunkhwa Civil Servants (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 EBSE Khyber Pakhtunkhwa,
2. PS to Secretary, EBSE Department Khyber Pakhtunkhwa.

(Signature)  
SECTION OFFICER (PRIMARY MALE)  
23/8/23

Scanned with CamScanner

No. 50 (Primary-M) E3 SED / 8-A-1 /  
Appointment - Rule / 2023  
Peshawar Dated 23rd August, 2023.

The Secretary to Government of Khyber Pakhtunkhwa.

Establishment and 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. 50 (Primary)  
14-3/2023 dated 6th June 2023 and to state that after  
deletion of Rule 7(5) Khyber Pakhtunkhwa Civil Servant (Appointment,  
Promotion and Transfer Rules 1989) it has been intimated that  
those officers/officials who do not comply with promotion order  
of the competent authority or try to evade promotion through  
different means shall be proceed under Khyber Pakhtunkhwa  
Civil Servant (Efficiency and Discipline) Rule 2011.

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

Copy forwarded to:  
1. Director, E & SE Khyber Pakhtunkhwa  
2. PS to Secretary, E & SE Department Khyber Pakhtunkhwa  
(Muhammad Ishtiaq)  
Section officer (Primary  
Mails)

- 24 -  
- b/c -  
- 22 -



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.

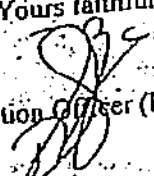
Subject:-

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)

Encl. Of even No & date

Copy forwarded to the:-

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

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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 nicer (Policy)

07.05.2024



1. Learned counsel for the appellant present.
2. Let a pre-admission notice be issued to the respondents through FCS for submission of reply/comments. Appellant is directed to deposit FCS 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 (B)

*[Handwritten signature]*  
13/5/24

Date of Presentation of Application 12/5/24  
 Number 13/1/24  
 Copy 1/1  
 Type 1/1  
 Total 1/1  
 Name 13/1/24  
 Date of 12/5/24  
 Date of 12/5/24

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

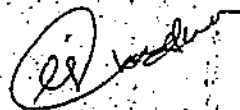
**REPRESENTATION AGAINST THE IMPUGNED NOTIFICATION BEARING NO.SO(POLICY)E&AD/1-312020, DATED 06/08/2020, COMMUNICATED TO SECRETARY TO GOVERNMENT OF KHYBER PAKHTUNKHWA, ELEMENTARY & SECONDARY EDUCATION DEPARTMENT VIDE LETTER D06/06/2023, WHEREIN IT WAS STATED THAT SUB RULE 5 OF RULE 7 OF KHYBER PAKHTUNKHWA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



Syed Chan Badshah Son of Syed Bilawar  
Shah Resident of Tehsil & District Kohat

Dr. Azizullah Khan  
President  
0333-0414634  
azizullah1073@gmail.com  
77 7010411



APTA House  
Govt. Primary School No.1  
Gulbaha Peshawar City.

آل پرائمری ایجوکیشنل ایسوسی ایشن (ایٹا) جسیر پختونخوا

مقام: میگزین ایسوسی ایشن پختونخوا  
مقام: آل پرائمری ایجوکیشنل ایسوسی ایشن جسیر پختونخوا  
تاریخ: 20/11/2023

گزارش ہے کہ بروڈنگز ہاؤس میں ہونے والے سرکاری ملازم کی خواتین ہونے پر بروڈنگز کا ایک ٹائون اور ایک کلاس روم ایک اور کئی  
بیموں کے تحت ایک دفعہ بروڈنگز میں جو درجہ آٹھ پانچ سال تک بروڈنگز میں لے جاتے ہیں۔ مطلب پانچ سال تک پڑھیں اور اس کی بروڈنگز میں اور کئی  
پڑھیں ٹائون میں سرکاری رعایت دیا گیا پانچ سال والی بات عام کر دی گئی کہ اگر ایک کلاس روم بروڈنگز میں لے لیں تو دوسرے سال لے سکتے ہیں  
لیکن اب ایک ہفتے پہلے ایک اور نوٹیفکیشن آیا ہے  
جس کے مطابق اب ہر ملازم بروڈنگز میں لے کر نہیں لیں گے اور ان کے خلاف ایس ای ڈی روٹ کے مطابق کارروائی کرنے کا کہا گیا ہے  
وہاں یہ آفری نوٹیفکیشن جاری انسانی حقوق کی کمی خلاف ورزی ہے سوسے کی دہرہ اور پڑھائی ٹائون میں خاص کر خواتین اساتذہ کو اتھارٹی شکایت کا  
سامنا کرنا پڑے گا  
یہ کام ملازم میں بھی ڈیڑھ سال بروڈنگز اور دوسرا بیچیا بھی جاری انسانی حقوق کی خلاف ورزی ہے کہ جسے جسیر پختونخوا میں بدلتی ہوئی حالتیں  
بھی ہوتی ہے ایسے حالات میں یہ نوٹیفکیشن جو E&SE کی کارپوریشن لیکر کی جواب میں کیا گیا ہے جو بدلتی اور جاری انسانی حقوق کی خلاف ورزی  
ہم اس کے خلاف تادیبی کارروائی کی درخواستیں دیکھتے ہیں  
لہذا ہم آپ سے مدد مانگتے ہیں کہ نوٹیفکیشن کو واپس لیا جائے اس میں ترمیم کر کے پرائمری اساتذہ کو (Relaxation) دیا جائے اور ان کو  
ڈیڑھ سال بروڈنگز لینے کی بجائے ان کو سرکاری سے لینے دیا جائے  
اور پڑھنے لینے کی صورت میں اساتذہ کو ہٹا لیا جائے لیکن یہ ڈیڑھ سال کی بجائے  
اسی طریقے میں آپ جلد از جلد تمام (DRO) ای ای اور ایک قسم میں رابطہ ہادی کیا جائے تاکہ اطلاع میں یہ سیکرٹریٹ پرائمری اساتذہ کو دینی  
البتہ اور ہر چہ تک سے بچایا جائے  
کہ جسے نوٹیفکیشن ہادی اور ہی پرائمری اساتذہ کو دینی طور پر ہر چہ کرنے کا اہلکار شروع ہو رہا ہے  
لہذا ہم یہ درخواست کرتے ہیں کہ آپ صاحبان کوئی ایجنس لیکر سب سے ہر چہ پرائمری اساتذہ کو جسیر پختونخوا میں اپنی اپنی حالت سے بہت دلائل کے

شکر ہے  
غلام محمد خان صاحبانی صدر  
آل پرائمری ایجوکیشنل ایسوسی ایشن جسیر پختونخوا  
08/11/23

# VAKALAT NAMA

## BEFORE THE SERVICE TRIBUNAL PESHAWAR

SYED CHAN BADSHAH

Appellant

Versus

Government of KP & others

Respondents

*I (the Appellant)*

do hereby appoint and retain

MUHAMMAD MUAZZAM BUTT ASC. MUHAMMAD ADEEL BUTT AHC

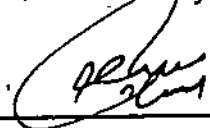
BASSAM AHMAD SIDDIQUI AHC

&

ASSOCIATES OF MUAZZAM LAW FIRM

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

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

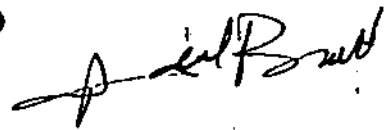


APPELLANT

ACCEPTED



MUHAMMAD MUAZZAM BUTT  
Advocate Supreme Court



MUHAMMAD ADEEL BUTT  
Advocate High Court



BASSAM AHMAD SIDDIQUI  
Advocate High Court