

S.No.	Date of order/ proceedings	Order or other proceedings with signature of Judge or Magistrate and that of parties where necessary.
1	2	3
	31 st March, 2022	<p style="text-align: center;">KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.</p> <p style="text-align: center;">Service Appeal No. 458/2022</p> <p>Mst. Gulraj Bibi D/O Feroz Khan and 22 others. Management Cadre in Education Department of Khyber Pakhtunkhwa. ... (Appellants)</p> <p style="text-align: center;"><u>Versus</u></p> <p>Government of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat, Peshawar and others. ... (Respondents)</p> <p style="text-align: center;"><u>ORDER</u></p> <p style="text-align: center;"><u>KALIM ARSHAD KHAN CHAIRMAN.-</u> Counsel for the appellants and Mr. Kabirullah Khattak, Addl. Advocate General for the respondents present and heard.</p> <p>2. The prayer in the appeal is that on acceptance of the appeal in hand the respondents may kindly be directed:</p> <p>a. The promotion of the BPS-17 to 18 to be delayed and 2nd to the promotion of the BPS-18 to BPS-19 in the PSB meeting.</p> <p>b. the promotion of BPS-18 to 19 is to be made in priority in the Ist phase/agenda of PSB meeting as some post of the BPS-18 will also be vacant and the number of the vacant posts of BPS-18 will be increased from 20 to 42 and then the promotion of BPS-17 to BPS-18 is to be made accordingly in the next 2nd phase/agenda in PSB meeting to avoid discrimination and technicalities.</p> <p>c. The after promotion of the officers/Appellants BPS-17</p>

to BPS-18, on the basis of 80% of the total vacancies, then the rest of the 20% seats is to be made on fresh induction not to disturb the seniority of the promotees.

3. There is no order, either original or appellate, made by the departmental authority in respect of any of the terms and conditions from which the appellants could be considered as aggrieved thereby enabling them to prefer appeal before this Tribunal. Therefore, the prayer sought in the appeal cannot be granted. This appeal is accordingly dismissed in limine. *Consign* . 9

4. Pronounced in open court in Peshawar and given under my hand and seal of the Tribunal this 31st day of March, 2022.




(KALIM ARSHAD KHAN)
Chairman

Form- A

FORM OF ORDER SHEET

Court of _____


Case No.- _____ 458/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	31/03/2022	<p>The appeal of Gulraj Bibi resubmitted today by Mr. Noroz Khan Advocate, may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-		

The present appeal was submitted on 22.03.2022 which was returned to the counsel for the appellant for completion. Today i.e on 25.03.2022 the counsel for the appellant resubmitted the same without removing the objections No. 4 & 5. Therefore the same is returned again to the counsel for the appellant for removing the deficiencies and resubmit the same within 15 days.

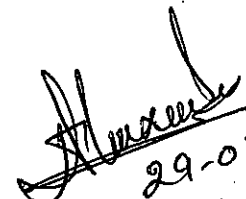
No. 763 /S.T,


Dt. 28-3- /2021.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Noroz Khan Adv. Pesh.

Re-submitted
after removal of objections
No. 04 & 05.

The PSB 1 is 
impugned and available
on Page 53-A accordingly
may kindly be placed before
the Honorable Chairman
for hearing.


31/03/2022

The joint appeal of Gulraj Bibi & 22 others received today i.e. on 22.03.2022 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

1. Appeal has not been flagged/marked with annexure marks.
2. Address of appellants are incomplete which may be completed according to Khyber Pakhtunkhwa Service Rules, 1974.
3. In the seniority list the name of the appellant may be highlighted.
4. Copy of impugned order is not attached with the appeal which may be placed on it.
5. Copies of departmental appeal in respect of appellant no. 2 to 23 are not attached with the appeal which may be placed on it.
6. Copy of annexure-K is not is not attached with the appeal which may be placed on it.

No. 756 /S.T,

Dt. 24-3- /2022


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Noroz Khan Adv. Pesh.

Re Submitted

1. Appeal flagged with Annexures
2. Addresses of parties mentioned
3. names of appellants are highlighted in Seniority List
4. copy of impugned order is annexed
5. copy of Departmental appeal in representative capacity annexed in management Cadre.
6. Annexure "K" removed.

70/111
25/3/2022

BEFORE THE SERVICES TRIBUNAL (PROVINCIAL) KHYBER PAKHTUNKHWA
PESHAWAR

Service Appeal No. /2022.

Appeal No. 458/2022

Gulraj Bibi & Others
(Appellant)



Govt of KP & Others
(Respondents)

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Dated 22/03/2022.

Appellants

through

NOROZ KHAN

Advocate supreme Court of Pakistan

AMIER NAWAZ KHAN

Advocates High Court Peshawar.

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Mob-0333-9159998. Tel.091-5522107, Fax.2562268.

Email. norozkhanasc@gmail.com.

BEFORE THE SERVICES TRIBUNAL (PROVINCIAL) KHYBER PAKHTUNKHWA
PESHAWAR

Service Appeal No. 458 of 2022.

Khyber Pakhtunkhwa
Services Tribunal

Diary No. 449

Dated 22/03/2022

1. Gulraj Bibi D/O Feroz Khan
2. Shakila Anjum D/O Mehrab Khan
3. Nadia Begum D/O Anayatullah
4. Saima Bashir D/O Muhammad Bashir
5. Fozia Perveen D/O Shaukatullah Khan
6. Bibi Aisha Naz D/O Qazi Muhammad Nawaz
7. Faiza Noreen D/O Ali Asghar Shah
8. Saima Bashir D/O Ghulam Zakria Baloch
9. Noor Rahat Yaseen D/O Adam Khan
10. Asfia Ameen D/O Amin Ul Haq
11. Nancy Begum D/O Sher Bahadar
12. Nasim Bukhari D/O Syed Maqbool shah Bukhari
13. Tahira Jabeen D/O Master Ghulam Rasool
14. Shahida Perveen D/O Mir Azam Khan
15. Iffat Jabeen D/O Wali Aman Khan
16. Nageena bibi D/O Fazal Ahmed
17. Surriya taj D/O Muhammad taj Khan
18. Sajida Sakhi D/O Sakhi Muhammad
19. Saeeda Bano D/O Kala Khan
20. Shabana bibi D/O Saifullah Khan
21. Shamshad bibi D/O Gul Dar Ali Khan
22. Musarat Jamal D/O Sultan Nadir Khan,
23. Nigat Shaheen D/O Allah Bakhsh, BPS-17 Management Cadre in Education Department of Khyber Pakhtunkhwa.

(Appellants)

Filed to-day

Registrar

22/3/2022



Re-submitted to -day
and filed.

Registrar

31/3/2022

1. Government of Khyber Pakhtunkhwa through Chief secretart, Khber Pakhtunkhwa, Civil secretariat Peshawar.
2. Director Elementary & Secondary Education Khyb Pakhtunkhwa, Directorate of Education, GT road Fird Peshawar.
3. Secretary Education, Khyber Pakhtunkhwa, Civil sec Peshawar.

(Resp

Prayer-

On acceptance of this Appeal in hand the respondents may kindly be directed:

- a. The promotion of the BPS-17 to 18 to be delayed and 2nd to the promotion of the BPS-18 to BPS-19 in the PSB meeting.
- b. the promotion of BPS-18 to 19 is to be made in priority in the 1st phase/agenda of PSB meeting, as some post of the BPS -18 will also be vacant and the number of the vacant posts of BPS-18 will be increased from 20 to 42 and then the promotion of BPS-17 to BPS-18 is to be made accordingly in the next 2nd phase/agenda in PSB meeting to avoid discrimination and technicalities.
- c. The after promotion of the officers/Appellants BPS-17 to BPS-18, on the basis of 80% of the total vacancies, then the rest of the 20% seats is to be made on fresh induction not to disturb the seniority of the promotes.

Respectfully sheweth,

The appellant humbly submits as under:

ON FACTS.

1. That the Appellants are serving in Education Department of the Khyber Pakhtunkhwa in BPS-17/18, as SDEOs, DDOs, Deputy Directors, Assistant Directors.
2. That round about 20 posts of BPS-18 and 22 post of BPS-19 are lying vacant in the education Department of Khyber Pakhtunkhwa for the last 3 years.
3. That after the promotion of BPS-18 to BPS-19, 22 posts of BPS-18 will also be vacant leave behind by the officers of BPS-19. and these vacant seats will also liable be included in the vacancies for the BPS-18. which will increase the vacancies $20+22=42$ (as 22 seats leave behind the officers after promotion from BPS-18 to BPS-19)
4. That the PSB meeting of the department is going to be held in this month of March, 2022.
5. That the respondents are held liable to take the promotion case of BPS-18 to BPS19 in the PSB meeting in the month of March, on priority base.
6. That in the 2nd phase/agenda then to take the matter/promotion of BPS-17 to 18 in the next agenda/PSB meeting.

7. That the respondents are posting some Male officers on the post of female officers, which is gross violation on the part of respondents. (copy of the News paper daily Mashriq Peshawar dated March 11, 2022 is hereby attached as annexure "AA").
8. That the Appellants are eligible to be promoted in the BPS-18. as their length of service is already completed. (copy of the N.W.F.P Civil Servants promotion policy, 2009. is hereby attached as annexure "A").
9. That there is no ambiguity in promotion firstly the BPS-18 to BPS-19 and then to the BPS-17 to BPS-18.
10. That the Appellants are already performing their duties in BPS-18 on their own pay scale of BPS-17 in their own education Department. (copy of the seniority list is attached as annexure "B").
11. That the Education department/respondents are not going to promote them for unknown reason with mala fide intention. As prior to this the Appellants/female demanded a separate directorate, upon which the respondents became angry towards the Appellants. Copy of the application for separate directorate is hereby attached as annexure "C").
12. That in so many PSB meeting the promotion of the Appellants is not part of their agenda.
13. That in a every year the PSB is held liable to arrange its meeting
 - a. 1st meeting in the month of March,
 - b. 2nd meeting in June.
 - c. 3rd Meeting in September.
 - d. 4th meeting in December. (copy of the streaming of PSB meetings is hereby attached as annexure "D").
14. That respondent/department wants fresh induction through PSC (Public Service Commission) in the Next PSB meeting on the BPS-18 to suppress the seniority of the promotes, and to deprive the appellant from her legal right of seniority.
15. That some of the male officers are also for performing the duties on female seats. (copy of the office Orders are hereby attached as annexure "E").
16. That in education Department for fresh induction there is 20% Quota for fresh induction through PSC (public service Commission). (copy of the Notification is hereby attached as annexure "F").
17. That the intention of the respondents is that to firstly induct the PSC fresh employees and after joining their duty the Appellants will be 2nd to them. As per rule who ever joining first would be considered senior in the Cadre, and the fresh inducted employees will be in priority and gain in seniority then the Appellants.

18. That the promotion of the Appellants is intentionally delayed by the respondents to deprived them from gaining seniority.
19. That the Appellants are liable to be promoted on the vacant post from the date 1st of the vacant post. Copy of the judgments/precedents are hereby attached as annexure "G, H").
20. That the Appellants file Departmental Appeal before the respondents but of no avail. (copy of the departmental appeal is hereby attached as annexure "I, J").
21. That some grounds will be raised at the time of hearing.

Dated. 28/02/2022.


Appellants

Through



NOROZ KHAN

Advocate Supreme Court of Pakistan

AMBER NAWAZ KHAN



Advocates High Court Peshawar.

Office.14-A Haroon Mansion Khyber Bazaar
Peshawar. Mob-0333-9159998.Tel.091-5522107,
Fax.2562268.

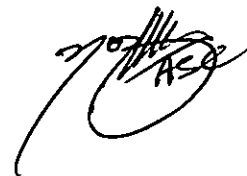
E-Mail. Norozkhanasc@gmail.com

CERTIFICATE

It is certified that no such like writ Appeal is filed earlier on the same subject matter before this August Court.

INTERIM RELIEF.

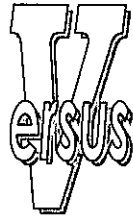
- A. By way of this interim relief, it is humbly prayed that till the PSB meeting regarding the promotion of the BPS-18 to BPS-19, the PSB meeting for promotion of the BPS-17 to BPS-18 is to be delayed.
- B. It is also humbly prayed that may kindly the respondent be restrain from filling the 20% vacant post by fresh induction through public service Commission etc prior to promotion of the of 80% Quota of BPS-17 to BPS-18.
- C. The respondents may also be restrained from any adverse action against the Appellants.



Before the services tribunal (Provincial) Khyber Pakhtunkwa, Peshawar.

Service Appeal No. /2022.

Gulraj Bibi
& Others
(Petitioners)



Government of Khyber Pakhtunkhwa
& Others
(Respondents)

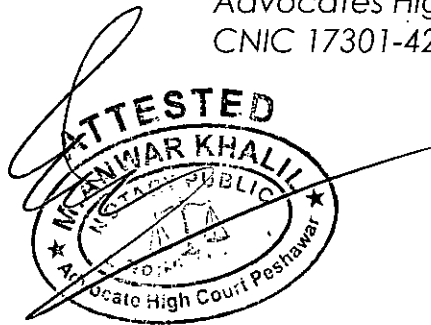
AFFIDAVIT

I, Ameer Nawaz Khan Advocate High Court Peshawar, Do hereby declare that as per saying of the petitioners, the contents of this Services Appeal in hand is correct thereof and nothing has been concealed from this August Court

Dated. 22/03/2022.


AMEER NAWAZ KHAN

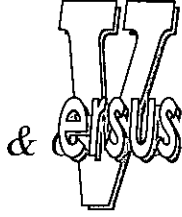
Advocates High Court Peshawar.
CNIC 17301-4235846-1



Before the services tribunal (Provincial) Khyber Pakhtunkhwa, Peshawar.

Service Appeal No. /2022.

Gulraj Bibi
Pakhtunkhwa
& Others
(Appellants)



Government of Khyber

(Respondents)

ADDRESSES OF PARTIES

APPELLANTS

1. Gulraj Bibi D/O Feroz Khan resident of New Kakshal Tariq abad No.2 Peshawar.
2. Shakila Anjum D/O Mehrab Khan resident of C-50 dolomutch colony seenlasht garam chashma road district chitral
3. Nadia Begum D/O Anayatullah resident of house No, 341/A Street nailgran Bannu City.
4. Saima Bashir D/O Muhammad Bashir resident of village Dinpur District Dera Ismail Khan.
5. Fozia Perveen D/O Shaukatullah Khan resident of Mohallah siraj khel Paniala tehsil Pahar Pur D.I. Khan.
6. Bibi Aisha Naz D/O Qazi Muhammad Nawaz resident of Darband, Mansehra.
7. Faiza Noreen D/O Ali Asghar Shah resident of Kandari, Hazan Zai, Torghar, Kulachi, Dera Ismail Khan.
8. Saima Bashir D/O Ghulam Zakria Baloch
9. Noor Rahat Yaseen D/O Adam Khan resident of Khwaja abad P/O Ashiq Colony Kohat.
10. Asfia Ameen D/O Amin Ul Haq resident of mohallah faqir abad near commerece college pindo road Kohat.
11. Nancy Begum D/O Sher Bahadar resident of Mohallah Gula khel kalabut tehsil & District swabi.
12. Nasim Bukhari D/O Syed Maqbool shah Bukhari resident of House No,3874 Mohallah Nou Dabgari Peshawar.
13. Tahira Jabeen D/O Master Ghulam Rasool resident of mohallah Gulab abad Mansehra.
14. Shahida Perveen D/O Mir Azam Khan resident of SDEO, Tangi, Charsadda.
15. Iffat Jabeen D/O Wali Aman Khan resident of DDEO, Mansehra.
16. Nageena bibi D/O Fazal Ahmed resident of village rajhoya tehsil Havelian Abbottabad.

17. Surriya taj D/O Muhammad taj Khan resident of village ghar khan Haripur.
18. Sajida Sakhi D/O Sakhi Muhammad resident of safdar road near masjid tooba
19. Saeeda Bano D/O Kala Khan resident of near Muhammad deen masjid malik yar road Haripur.
20. Shabana bibi D/O Saifullah Khan resident of Tall, Hangu.
21. Shamshad bibi D/O Gul Dar Ali Khan resident of tousif abad pir zakori qabristan daraban road D.I Khan.
22. Musarat Jamal D/O Sultan Nadir Khan resident of Alam enterprises DHQ Hospital road Chitral.
23. Nigat Shaheen D/O Allah Bakhsh, BPS-17 Management Cadre in Education Department of Khyber Pakhtunkhwa.



Respondents.

1. **Government of Khyber Pakhtunkhwa** through Chief secretart, Khber Pakhtunkhwa, Civil secretariat Peshawar.
2. **Director Elementary & Secondary Education Khyber Pakhtunkhwa**, Directorate of Education, GT road Firdous, Peshawar.
3. **Secretary Education, Khyber Pakhtunkhwa**, Civil secretariat Peshawar.

Dated. 28/02/2022.

Appellants

Through

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E-Mail. Norozkhanasc@gmail.com

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اللہ ہی شکر ہے کہ ہم آج بھی
DAILY MASHRIQ PESHAWAR
 روزنامہ
 سیدنا سیدنا
مشرق
 شہریت کے 75 سال
 ABC چیلنج اور ایڈیٹنگ کے نئے نئے سٹائلز اور نئے نئے سٹائلز
 58 روپے
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پیارے میرے لاکھوں میں سے ایک
 بے یو آئی آر کان کنی پر فخریہ مناسبتوں کا اہم ترین موقع
 ایس نے اخبار اسلام کی سوچوں پر آپریشن کیا، جمال الدین، صلاح الدین ایچ بی کی گرفتاری، دہم پبل میں حدود قیق، کامران سولٹی میں ڈی
 مولانا کی کارکنوں کو اسلام آباد منتقلی کے لیے جہاز میں اہم ترین ایچ بی کی گرفتاریوں کے لیے ایڈیٹنگ کے نئے نئے سٹائلز اور نئے نئے سٹائلز
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اسٹیٹ ایئر لائنز کی کابینہ میں بیٹھ کر ایک ایئر کاسٹرو کی تصویر

جہت کے حصول پر فطرتوں سے بنا جانے والا ہر اہم ترین
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انتخابی مہم کا اہم ترین تقاریر

گھرانے والا نہیں، ہم تمام کے لیے اسلام آباد میں اہم ترین تقاریر کا سب سے بڑا اجلاس ہوگا، وزیر اعظم، اگر فون حکومت کا ساتھ دے تو یہ چین کے ساتھ ہوگا، وزیر اعظم
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اللہ اللہ
 اے بے پشور ممالک اور روز و رات کے بانی
 پیر سید شہید شاہ ہمدرد (سجاد ہاشمی)
 کے نام سے دعا ہے کہ پاکستان افغانستان اور دیگر ملکوں کے ہتھیاروں کی رو سے
 کوئلوں جہلی کی تھیل کے ایک اور نام سے مشہور ہے
وصلات شہزاد
 شہزاد شہزاد ہمدرد کے حالات ہے لاکھ پندرہ روزہ جہلی
 کے بے یو آئی آر کان کنی پر فخریہ مناسبتوں کا اہم ترین موقع
 ایس نے اخبار اسلام کی سوچوں پر آپریشن کیا، جمال الدین، صلاح الدین ایچ بی کی گرفتاری، دہم پبل میں حدود قیق، کامران سولٹی میں ڈی
 مولانا کی کارکنوں کو اسلام آباد منتقلی کے لیے جہاز میں اہم ترین ایچ بی کی گرفتاریوں کے لیے ایڈیٹنگ کے نئے نئے سٹائلز اور نئے نئے سٹائلز
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 121

قبائلی اضلاع میں زنانہ پوسٹ کرم افسر تعینات کرنے کا فیصلہ

اورکزئی، شمالی و جنوبی وزیرستان، باجوڑ اور کرم میں خواتین ڈسٹرکٹ ایجوکیشن آفیسرز کی آسامیاں خالی ہیں

مقامی خواتین اساتذہ کو دفتری امور میں مشکلات، خواتین افسروں کی دستیابی تک مرد افسر ڈیوٹی دیں گے

پشاور (نیوز رپورٹر) خیبر پختونخوا کے پانچ قبائلی اضلاع میں ڈسٹرکٹ ایجوکیشن آفیسرز زنانہ کی عدم تعیناتی کے نتیجے میں محکمہ تعلیم نے خواتین کیلئے مختص آسامیوں پر مردانہ ایجوکیشن کے افسروں کو عارضی طور پر تعینات کرنے کا فیصلہ کر لیا ہے اس سلسلے میں ذرائع کے مطابق صوبے کے پانچ قبائلی اضلاع اورکزئی، جنوبی اور شمالی وزیرستان، باجوڑ اور کرم میں گزشتہ کئی ماہ سے خواتین ڈسٹرکٹ ایجوکیشن آفیسرز کی آسامیاں خالی ہیں اور اس پر تعیناتیاں نہیں کی گئی ہیں جس کے نتیجے میں متعلقہ علاقوں کی مقامی خواتین اساتذہ کو دفتری امور میں مشکلات کا سامنا کرنا پڑ رہا ہے ذرائع نے بتایا کہ جب تک خواتین سٹاف کا بندوبست نہیں کیا جاتا ہے اس وقت تک محکمہ تعلیم نے ان پوسٹوں پر خواتین افسران کی دستیابی تک مردانہ ایجوکیشن کے افسران کو عارضی طور پر تعینات کرنے کی منصوبہ بندی کی ہے اس مقصد کیلئے آئندہ چند روز میں اعلامیہ جاری کر دیا جائے گا۔



ANNEXURE **A**
PAGE
9

**GOVERNMENT OF N.-W.F.P.
ESTABLISHMENT & ADMINISTRATION
DEPARTMENT
(ESTABLISHMENT WING)**

SUBJECT:- NORTH-WEST FRONTIER PROVINCE CIVIL SERVANTS PROMOTION POLICY, 2009.

Dear Sir,

I am directed to refer to the subject noted above and to say that in order to consolidate the existing Promotion Policy, which is embodied in several circular letters issued in piecemeal from time to time, and to facilitate the line departments at every level in prompt processing of promotion cases of Provincial civil servants, it has been decided to issue the "North-West Frontier Province Civil Servants Promotion Policy, 2009" duly approved by the competent authority, for information and compliance by all concerned. This Policy will apply to promotions of all civil servants holding appointment on regular basis and will come into effect immediately. The Policy consists of the provisions given hereunder:-

I. Length of service.

(a) Minimum length of service for promotion to posts in various basic scales will be as under:

Basic Scale 18	: 5 years' service in BS-17 /
Basic Scale 19	: 12 years' service in BS-17 & above
Basic Scale 20	: 17 years' service in BS-17 & above

No proposal for promotion shall be entertained unless the condition of the prescribed length of service is fulfilled.

(b) Service in the lower pay scales for promotion to BP-18 shall be counted

as follows:

(i) Half of the service in BS-16 and one fourth in Basic Scales lower than 16, if any, shall be counted as service in Basic Scale 17.

(ii) Where initial recruitment takes place in Basic Scale 18 and 19, the length of service prescribed for promotion to higher Basic Scales shall be reduced as indicated below:

Basic Scale 19	: 7 years' service in BS-18
Basic Scale 20	: 10 years' service in BS-18 and above or 3 years' service in BS-19.

II. Linking of promotion with training:

(a) Successful completion of the following trainings is mandatory for promotions of officers of the Provincial Civil Service / Provincial Management Service to various Basic Scales:

¹ Notified vide letter No. SOE-III (E&AD)1-3/2008 Dated Peshawar the 28th January, 2009

- Mid-Career Management Course at National Institute of Management (NIM) for promotion to BS-19
- Senior Management Course at National Management College, Lahore for promotion to BS-20
- National Management Course at National Management College, Lahore for promotion to BS-21

(b) This condition will not be applicable to civil servants in specialized cadres such as Doctors, Teachers, Professors, Research Scientists and incumbents of purely technical posts for promotion within their own line of specialization as envisaged in the existing Promotion Policy.

(c) The qualifying thresholds of quantification of PERs for nomination to these trainings are as under:

MCMC	60
SMC	70
NMC	75

(d) There will be no exemptions from mandatory trainings. An officer may, however, request for temporary exemption in a particular moment in time but grant of such exemption would be at the discretion of the competent authority. No such request with regard to an officer would be made by the Government Departments concerned.

(e) Three officers shall be nominated for each slot of promotion on the basis of their seniority. Those unwilling to attend will be dropped at their own expense without prejudice to the rights of others and without thwarting or minimizing the chance of improving the quality of service.

(f) Officers failing to undergo mandatory training in spite of two time nominations for a training shall stand superseded if such failure was not for the reasons beyond the control of the officers concerned.

III. Development of Comprehensive Efficiency Index (CEI) for promotion:

(a) The Comprehensive Efficiency Index to be maintained for the purpose of promotion is clarified as under:

(i) The minimum of aggregate marks for promotion to various grades shall be as follows:

Basic Scale	Aggregate marks of Efficiency Index
18	50
19	60
20	70
21	75

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- (ii) A panel of two senior most officers shall be placed before the Provincial Selection Board for each vacancy in respect of promotion to BS-18 & 19. Similarly, a panel of three senior most officers shall be submitted to the Provincial Selection Board for each position in respect of promotion to BS-20 and 21 and the officer with the requisite score on the Efficiency Index shall be recommended for promotion.
- (iii) The senior most officer(s) on the panel securing the requisite threshold of the Efficiency Index shall be recommended by the Provincial Selection Board for promotion unless otherwise deferred. In case of failure to attain the requisite threshold, he (she)/they shall be superseded and the next officer on the panel shall be considered for promotion.

(b) Marks for quantification of PERs, Training Evaluation Reports and Provincial Selection Board evaluation shall be assigned as under:-

S. No.	Factor	Marks for promotion to BS-18 & 19	Marks for promotion to BS-20 & 21
1.	Quantification of PERs relating to present grade and previous grade(s) @ 60% : 40%	100%	70%
2.	Training Evaluation Reports as explained hereafter.	--	15%
3.	Evaluation by PSB	--	15%
	Total	100%	100%

(c) A total of fifteen (15) marks shall be allocated to the Training Evaluation Reports (Nine marks @ 60% for the training in the existing BPS and Six marks @ 40% in the preceding BS). Evaluation of the reports from the Training Institutions shall be worked out as under:-

- (i) It shall be on the basis of Grade Percentage already awarded by the National School of Public Policy (National Management College and Senior Management Wing) and its allied Training Institutions as provided in their reports.
- (ii) Previous reports of old Pakistan Administrative Staff College and old NIPAs where no such percentage has been awarded,

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points shall be worked out on the basis of weighted average of the percentage range of grades followed by these Institutions as reflected in table-A below:

TABLE-A

Old PASC & NIPAs

Category	Range	Weighted Average	Points of PASC @ 60%=9	Points of NIPAs @ 40%=6
A. Outstanding	91-100%	95.5%	8.60	5.73
B. Very Good	80-90%	85%	7.65	5.10
C. Good	66-79%	72.5%	6.52	4.35
D. Average	50-65%	57.5%	5.17	3.45
E. Below Average	35-49%	42%	3.78	2.52

(iii) Grades from National Defence University will be computed according to the weighted average based on the Grading Key for the range provided by the NDU as reflected in Table-B below:

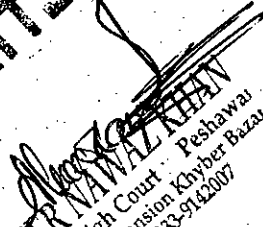
TABLE-B

NATIONAL DEFENCE UNIVERSITY

Category	Range	Weighted Average	Points @ 60%=9
A. Outstanding	76-100%	88%	7.92
B-Plus. Very Good	66-75.99%	71%	6.39
B- High. Good	61-65.99%	63.5%	5.71
B-Average. Average	56-60.99%	58.5%	5.26
B-Low. Below Average	51-55.99%	53.5%	4.81
B-Minus. Below Average	46-50.99%	48.5%	4.36
C. Below Average	40-45.99%	43%	3.87
F. Below Average	35-39.99%	37.5%	3.37

(d) The officers who have been granted exemption from mandatory training having attained the age of 56 years or completed mandatory period of serving in a Training Institution upto 27-12-2005, may be awarded marks on notional basis for the training factor (for which he/she was exempted) in proportion to the marks obtained by them in the PERs.

(e) Status quo shall be maintained in respect of officers of special cadres such as teachers, doctors, professors, research scholars and incumbents of technical posts for promotion within their own line of speciality. However, for calculation of their CEI, 70% marks shall be assigned to the quantified score of PERs and 30% marks shall be at the disposal of the PSB.

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(f) For promotion against selection posts, the officer on the panel securing maximum marks will be recommended for promotion. Thirty marks placed at the disposal of the Provincial Selection Board in such cases shall be awarded for technical qualification, experience and accomplishments (research publications relevant to the field of specialism).

(g) Since three of the aspects of performance i.e. moral integrity, intellectual integrity, quality and output of work do not figure in the existing PER forms, the grades secured and marks scored by the officer in overall assessment shall be notionally repeated for the other complementary evaluative aspects and form the basis of quantification.

(h) The performance of officers shall be evaluated in terms of the following grades and scores:


		<u>Upto 11th June, 2008</u>	<u>From 12th June, 2008</u>
1.	Outstanding	—	10 Marks
2.	Very Good	10 marks	8 marks
3.	Good	7 marks	7 marks
4.	Average	5 marks	5 marks
5.	Below Average	1 mark	1 mark

(i) The outstanding grading shall be awarded to officers showing exceptional performance but in no case should exceed 10% of the officers reported on. The grading is not to be printed in the PER form but the reporting officer while rating an officer as "outstanding" may draw another box in his own hand in the form, initial it and write outstanding on the descriptive side. Convincing justification for the award shall be recorded by the reporting /countersigning officer. The discretion of awarding "outstanding" is to be exercised extremely sparingly and the award must be merited.

(j) The quantification formula and instructions for working out quantified score are annexed.

IV. Promotion of officers who are on deputation, long leave, foreign training:

a) The civil servants who are on long leave i.e. one year or more, whether within or outside Pakistan, may be considered for promotion on their return from leave after earning one calendar PER. Their seniority shall, however, remain intact.

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- b) The civil servants who are on deputation abroad or working with international agencies within Pakistan or abroad, will be asked to return before their cases come up for consideration. If they fail to return, they will not be considered for promotion. They will be considered for promotion after earning one calendar PER and their seniority shall remain intact.
- c) In case of projects partially or fully funded by the Federal or Provincial Government, where PERs are written by officers of Provincial Government, the condition of earning one calendar PER shall not be applicable to officer on deputation and the officer on return to his/her cadre shall be considered for promotion.
- d) The civil servants on deputation to Federal Government, Provincial Government, autonomous/semi-autonomous organization shall be considered for promotion and informed to actualize their promotion within their cadres. They shall have to stay and not be allowed to go back immediately after promotion. Such stay shall be not less than a minimum of two years. If he/she declines his/her actual promotion will take place only when he/she returns to his/her parent cadre. His/her seniority in the higher post shall, however, stand protected.
- e) The cases of promotion of civil servants who have not successfully completed the prescribed mandatory training (MCMC, SMC & NMC) or have not passed the departmental examination for reasons beyond control, shall be deferred.
- f) Promotion of officers still on probation after their promotion in their existing Basic Scales shall not be considered.
- g) A civil servant initially appointed to a post in a Government Department but retaining lien in a department shall not be considered for promotion in his parent department. However, in case he returns to parent department, he would be considered for promotion only after he earns PER for one calendar year.
- h) A civil servant who has resigned shall not be considered for promotion no matter the resignation has yet to be accepted.

V. Deferment of Promotion:

- (a) Promotion of a civil servant will be deferred, in addition to reasons given in para-IV, if
- (i) His inter-se-seniority is disputed/sub-judice.

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- (ii) Disciplinary or departmental proceedings are pending against him.
- (iii) The PER dossier is incomplete or any other document/ information required by the PSB/DPC for determining his suitability for promotion is not available for reasons beyond his control.
- (b) The civil servant whose promotion has been deferred will be considered for promotion as soon as the reasons for deferment cease to exist. The cases falling under any of the above three categories do not warrant proforma promotion but the civil servant will be considered for promotion after determining his correct seniority over the erstwhile juniors.
- (c) If an officer is otherwise eligible for promotion but has been inadvertently omitted from consideration in the original reference due to clerical error or plain negligence and is superseded, he should be considered for promotion as soon as the mistake is noticed.
- (d) If and when an officer, after his seniority has been correctly determined or after he has been exonerated of the charges or his PER dossier is complete, or his inadvertent omission for promotion comes to notice, is considered by the Provincial Selection Board/ Departmental Promotion Committee and is declared fit for promotion to the next higher basic scale, he shall be deemed to have been cleared for promotion alongwith the officers junior to him who were considered in the earlier meeting of the Provincial Selection Board/Departmental Promotion Committee. Such an officer, on his promotion will be allowed seniority in accordance with the proviso of sub-section (4) of Section 8 of the North-West Frontier Province Civil Servants Act, 1973, whereby officers selected for promotion to a higher post in one batch on their promotion to the higher post are allowed to retain their inter-se-seniority in the lower post. In case, however, the date of continuous appointment of two or more officers in the lower post/grade is the same and there is no specific rule whereby their inter-se-seniority in the lower grade can be determined, the officer older in age shall be treated senior.
- (e) If a civil servant is superseded he shall not be considered for promotion until he earns one PER for the ensuing one full year.
- (f) If a civil servant is recommended for promotion to the higher basic scale/post by the PSB/DPC and the recommendations are not approved by the competent authority within a period of six months from such recommendations, they would lapse. The case of such civil servant would require placement before the PSB/DPC afresh.

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VI. Date of Promotion:

Promotion will always be notified with immediate effect.

VII. Notional Promotion:

In respect of civil servants who retire (or expire) after recommendation of their promotion by the PSB/DPC, but before its approval by the competent authority, their promotion shall be deemed to have taken effect from the date of recommendation of the PSB/DPC, as the case may be, and their pension shall be calculated as per pay which they would have received had they not retired/expired.

VIII. Promotion of Civil Servants who are awarded minor penalties.

(a) The question of promotion to BS-18 and above in case of civil servants who have been awarded minor penalties has been settled by the adoption of quantification of PERs and CEI which allows consideration of such cases for promotion subject to deduction of 5 marks for each major penalty, 3 marks for each minor penalty and 1 mark for each adverse PER from the quantified score and recommendation for promotion on attaining the relevant qualifying threshold.

(b) However, the CEI policy is not applicable to civil servants in BS-16 and below. In this case, the concerned assessing authorities will take into consideration the entire service record with weightage to be given for recent reports and any minor penalty will not be a bar to promotion of such a civil servant.

IX. Promotion in case of pending investigations by NAB:

If there are any NAB investigations being conducted against an officer, the fact of such investigations needs to be placed before the relevant promotion fora which may take a considered decision on merits of the case.

2. All the existing instructions on the subject shall stand superseded to the above extent, with immediate effect.

Yours faithfully,

(MUHAMMAD ABID MAJEED)
Special Secretary (Regulations)

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Peshawar 05333-9142007

Endst: No. SOE-III(E&AD)1-3/2008

Dated Peshawar the 28th January, 2009

Copy forwarded to:

1. The Accountant General, NWFP, Peshawar.
2. The Registrar, Peshawar High Court, Peshawar.
3. The Director, Staff Training Institute, E&A Department, Peshawar.
4. All Additional Secretaries in E&A Department, GoNWFP.
5. Reforms Coordinator, Reforms Cell, E&A Department.
6. All Deputy Secretaries in E&A Department, GoNWFP.
7. The Secretary, NWFP Public Service Commission, Peshawar.
8. The Director, Anti-Corruption Establishment, N.-W.F.P., Peshawar.
9. The Registrar, NWFP Service Tribunal, Peshawar.
10. All Section Officers in E&A Department, GoNWFP.
11. Private Secretary to Chief Secretary, N.-W.F.P.
12. Private Secretary to Secretary, Establishment Department, GoNWFP.
13. Librarian, E&A Department.

(*Syeda Fanzeela Sabahat*)
Section Officer (E-III)

Endst: No. SOE-III(E&AD)1-3/2008

Dated Peshawar the 28th January, 2009

Copy forwarded to:

1. The Chief Secretary, Government of the Punjab, Lahore.
2. The Chief Secretary, Government of Sindh, Karachi.
3. The Chief Secretary, Government of Baluchistan, Quetta.

(*Syeda Fanzeela Sabahat*)
Section Officer (E-III)

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Amee Nawaz Khan
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First Step

Arithmetic mean will be calculated for each calendar year containing 2 or more PERs to derive the PER score for that year as follow:

$$M = \frac{\sum M_y}{N_y}$$

Where

M_y = marks for each PER recorded in calendar year 'y',

N_y = Number of PERs recorded in year 'y',

and Σ stands for summation.

Second Step

Average marks for each level will be calculated according to the following formula:

$$\text{Average marks} = \frac{\sum M}{T}$$

Where

M = Marks for PERs; and

T = Total number of PERs in posts at that level.

Third Step

Weightage for posts held at each level will be given as follows in computing the aggregate score against a uniform scale of 100 marks for promotion:

- (i) to post carrying basic pay scale 18 $10 \times A$
- (ii) to post carrying basic pay scale 19 $(6 \times B) + (4 \times A)$
- (iii) to post carrying basic pay scale 20 $(5 \times C) + (3 \times B) + (2 \times A)$
- (iv) to post carrying basic pay scale 21 $(5 \times D) + (3 \times C) + (A + B)$

Where

A = Average marks for reports in posts carrying basic pay scale 17

B = Average marks for reports in posts carrying basic pay scale 18

C = Average marks for reports in posts carrying basic pay scale 19

D = Average marks for reports in posts carrying basic pay scale 20

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Fourth Step

The following additions/deductions shall be made in the total marks worked out in the third step for purposes of mandatory trainings.

A. Additions:

- (i) for serving in a Government training institution, including those meant for specialized training in any particular cadre, for a period of 2 years or more **2 marks**

B. Deductions:

- (i) for each major penalty imposed under the Government Servants (Efficiency and Discipline) Rules, 1973/Disciplinary Rules prevailing at the time. **5 marks**
- (ii) for each minor penalty imposed under the Government Servants (Efficiency and Discipline) Rules, 1973/Disciplinary Rules prevailing at the time. **3 marks**
- (iii) for adverse remarks (deductions be made for such remarks only as were duly conveyed to the concerned officer and were not expunged on his representation, or the officer did not represent) **1 mark per PER containing adverse remarks**

Note: For purpose of CEI, the negative marks for adverse entries and / or imposition of penalty shall be deducted from the quantified score of the relevant grade. However, additions for serving in a Government training institution for a period of two years or more shall be made in the total quantified scores of the PERs.

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INSTRUCTIONS FOR GUIDANCE

While filling in the quantification Form and working out quantification marks the following factors may be kept in view to avoid in error:-

- (i) **DEDUCTION** is to be made as indicated below:-
 - (a) **One mark** for each adverse report;
 - (b) **3 marks** for each **minor penalty** imposed on a civil servant in a disciplinary case under E&D Rules, 1973/Disciplinary Rules prevailing at the time;
 - (c) **5 marks** for each **major penalty** imposed on a civil servant in a disciplinary case under E&D Rules, 1973/Disciplinary Rules prevailing at the time.
- (ii) Addition of 2 marks is to be made for service in a (specified training) institutions for a period of two years or more.
- (iii) If more than one PERs have been initiated on an officer during the calendar year, their average marks would be the marks for the whole calendar year.
- (iv) Writing of a PER covering part periods of two calendar years is not permissible.
- (v) If a period of report is less than 3 months, it shall be ignored for purposes of quantification.
- (vi) Quantification marks should be in round figure.
- (vii) If the overall grading in a PER is ambiguous e.g. placed between 'Good' and 'Average' the quantification will be based on the lower rating.
- (viii) Where Only two reports or less are available on an officer against posts in a particular basic pay scale, these PERs will be added to the PERs earned in the lower post for calculating the average marks.
- (ix) Where an officer appointed to a higher post on acting charge basis is considered for regular promotion that post, the PER earned during acting charge appointment will be added to PERs earned in the lower post for calculating average marks.

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**TENTATIVE SENIORITY LIST OF SDEOs/ASSISTANT DIRECTORS (FEMALE) OF ELEMENTARY AND SECONDARY EDUCATION KHYBER PAKHTUNKHWA (MC) AS STOOD ON
31.12.2021**

S#	Name	Father's name	Date of birth	Domicile	Date of Ist: Apptt: in Education Department	Date of Apptt: on ADEO post	Date of promotion / appointment to the present post in BS-17	Method of Recruitment	Present place of posting with date of taking over charge	Remarks
1	Nizakat Tabassum	Attaullah	02/06/1973	Peshawar	24-3-1993 (PST)	1.3.2011	21.2.2019	By promotion	Assistant Director E&SE KP 21/2/2019	No.SO(SM)/E&SED/3-2/2018/ promotion of ASDEOs BS-16 to SDEOs BS-17, dated 21.2.2019
2	Mehar Sani	Sikandar Khan	29/05/1974	Abbottabad	01-3-1995 (PST) /7.7.2001 SET	25.2.2011	21.2.2019	By promotion	Havelian Atd 07/10/2021	No.SO(SM)/E&SED/3-2/2018/ promotion of ASDEOs BS-16 to SDEOs BS-17, dated 21.2.2019
3	Farhat Yasmeen	Ghulam Yaseen	13/09/1976	D.I.Khan	21-4-1999 (PTC)	19.2.2011	21.2.2019	By promotion	DIKhan 07/10/2021	No.SO(SM)/E&SED/3-2/2018/ promotion of ASDEOs BS-16 to SDEOs BS-17, dated 21.2.2019
4	Samina Iftikhar	Ifitikhar Ahmad	13/10/1978	Peshawar	19/02/2011	19/02/2011	21.2.2019	By promotion	Assistant Director E&SE KP 01/09/2020	No.SO(SM)/E&SED/3-2/2018/ promotion of ASDEOs BS-16 to SDEOs BS-17, dated 21.2.2019
5	Zahida Khanum	Haq Nawaz Chauhan	16/02/1965	D.I.Khan	01/09/2004	19/02/2011	21.2.2019	By promotion	Jandola , Tank NMAs againt newly created post 26/10/2021	No.SO(SM)/E&SED/3-2/2018/ promotion of ASDEOs BS-16 to SDEOs BS-17, dated 21.2.2019
6	Zubaida khanum	Syed Nasir shah	16/10/1973	Chitral	08/03/2011	27/03/2011	29.1.2020	By promotion	B&AO Officer Chitral 23/07/2020	No.SO(S/F)/E&SED/1-3/2020/ promotion/MC/ ASDEO BS-16 to SDEO BS-17, dt: 29.1.2020
7	Naila Naz	Ali Gohar	8.8.1978	Mardan	1.4.2011	1.4.2011	21.2.2019	By promotion	Ghazi , Haripur 26/10/2021	No.SO(SM)/E&SED/3-2/2018/ promotion of ASDEOs BS-16 to SDEOs BS-17, dated 21.2.2019
8	Bibi Haleema Saadia	Muhammad Naseem	14/12/1975	Bannu	24/07/1999	19/02/2011	21.2.2019	By promotion	Bannu 21/02/2021	No.SO(SM)/E&SED/3-2/2018/ promotion of ASDEOs BS-16 to SDEOs BS-17, dated 21.2.2019
9	Gul Farzana	Shah Nawaz Khan	08/09/1975	Chitral	1.9.2005	31.3.2011	21.2.2019	By promotion	Disposal of Directorate E&SE 09/07/2021	No.SO(SM)/E&SED/3-2/2018/ promotion of ASDEOs BS-16 to SDEOs BS-17, dated 21.2.2019
10	Shagufta Jabeen	Mufti Dad Khan	15/04/1977	Haripur	12-4-2000(PST)	19/02/2011	21.2.2019	By promotion	Working as DDEO in OPS Haripur 09/01/2020	No.SO(SM)/E&SED/3-2/2018/ promotion of ASDEOs BS-16 to SDEOs BS-17, dated 21.2.2019

ATTESTED

AMEER NAWAZ KHAN
Advocate High Court, Peshawar
14-A, Hatoon Wazirion, Khyber Bazar
Peshawar-03335142007

AMBER NAWAZ KHAN
 Advocate High Court Peshawar
 11-A, Hutton Malisian, Kohat, Peshawar
 0332-3523200

11	Samia Ahmad	Bashir Ahmad Paracha	21/12/1977	Peshawar	08/04/2004	01/03/2011	21.2.2019	By promotion	Assistant Director E&SE KP 21/02/2019	No.SO(SM)/E&SED/3-2/2018/ promotion of ASDEOs BS-16 to SDEOs BS-17, dated 21.2.2019
12	Tahira Jabeen	Master Ghulam Rasool	05/04/1967	Mansehra	2-10-1985 (PTC)	19/02/2011	21.2.2019	By promotion	Mansehra 21/02/2019	No.SO(SM)/E&SED/3-2/2018/ promotion of ASDEOs BS-16 to SDEOs BS-17, dated 21.2.2019
13	Shakila Anjum	Mehrab Khan	14/03/1975	Chitral	31/03/2011	31/03/2011	29.1.2020	By promotion	Torkhow Mulchow Chitral Uper 29/01/2020	No.SO(S/F)/E&SED/1-3/2020/ promotion/MC/ ASDEO BS-16 to SDEO BS-17, dt: 29.1.2020
14	Nadia Begum	Anayatullah	25/09/1979	Bannu	15-10-02 (SST)	11/03/2011	21.2.2019	By promotion	Working as DDEO in OPS Bannu 16/07/2021	No.SO(SM)/E&SED/3-2/2018/ promotion of ASDEOs BS-16 to SDEOs BS-17, dated 21.2.2019
15	Salma Bashir	Muhammad Bashir	01/08/1981	D.I.Khan	22/07/2006	19/02/2011	21.2.2019	By promotion	Daraband D.I.Khan 07/10/2021	No.SO(SM)/E&SED/3-2/2018/ promotion of ASDEOs BS-16 to SDEOs BS-17, dated 21.2.2019
16	Fozia Parveen	Shaukatullah Khan	02/03/1973	D.I.Khan	20-4-1999(PTC)	08/03/2011	21.2.2019	By promotion	Darazinda DIKhan NMA againt newly created post 26/10/2021	No.SO(SM)/E&SED/3-2/2018/ promotion of ASDEOs BS-16 to SDEOs BS-17, dated 21.2.2019
17	Bibi Ayesha Naz	Qazi Muhd: Nawaz	30/06/1978	Abbottabad	12/04/2011	12/04/2011	21.2.2019	By promotion	Darband Mansehra 26/10/2021	No.SO(SM)/E&SED/3-2/2018/ promotion of ASDEOs BS-16 to SDEOs BS-17, dated 21.2.2019
18	Faiza Noreen	Ali Asghar Shah	14/07/1978	Abbottabad	26/02/2011	26/02/2011	29.1.2020	By promotion	Kandar Hassanzai Torghar 29/01/2020	No.SO(S/F)/E&SED/1-3/2020/ promotion/MC/ ASDEO BS-16 to SDEO BS-17, dt: 29.1.2020
19	Saima Bashir	Ghulam Zakria Baloch	01/01/1981	D.I.Khan	31/03/2011	31/03/2011	21.2.2019	By promotion	Kulachi DIKhan 04/06/2021	No.SO(SM)/E&SED/3-2/2018/ promotion of ASDEOs BS-16 to SDEOs BS-17, dated 21.2.2019
20	Syeda Nasra Azam	S. Ghulam Habib Shah	24/11/1969	Peshawar	14-05-1992 (CT)	19/02/2011	21.2.2019	By promotion	Town - IV Peshawar 07/10/2021	No.SO(SM)/E&SED/3-2/2018/ promotion of ASDEOs BS-16 to SDEOs BS-17, dated 21.2.2019
21	Noor Rahat Yaseen	Adam Khan	01/01/1978	Kohat	01/04/2011	01/04/2011	21.2.2019	By promotion	Working as DDEO in OPS Kohat 01/09/2020	No.SO(SM)/E&SED/3-2/2018/ promotion of ASDEOs BS-16 to SDEOs BS-17, dated 21.2.2019
22	Asfia Ameen	Amin Ul Haq	15/04/1979	Kohat	30/08/1997	19/02/2011	21.2.2019	By promotion	Hangu 01/04/2021	No.SO(SM)/E&SED/3-2/2018/ promotion of ASDEOs BS-16 to SDEOs BS-17, dated 21.2.2019

Length of service
required 5 years

BPS-16
ADO-8 years
BPS-17
3 year

AMER KHAN
Advocate High Court
A. Haroon Mansion, Khyber
Bazaar, Peshawar-25000
Peshawar-25000

23	Nancy Begum	Sher Bahadar	23/10/1974	Swabi	16/08/1997	19/02/2011	21.2.2019	By promotion	Haripur 07/10/2021	No.SO(SM)/E&SED/3-2/2018/ promotion of ASDEOs BS-16 to SDEOs BS-17, dated 21.2.2019
24	Nasim Bukhari	S. Maqbool Shah Bukhari	18/12/1974	Peshawar	19/02/2011	19/02/2011	21.2.2019	By promotion	Khyber AVP 07/10/2021	No.SO(SM)/E&SED/3-2/2018/ promotion of ASDEOs BS-16 to SDEOs BS-17, dated 21.2.2019
25	Gul Raj Bibi	Feroz Khan	03/06/1979	Peshawar	19/02/2011	19.2.2011	21.2.2019	By promotion	AD NMAs 23/07/2021	No.SO(SM)/E&SED/3-2/2018/ promotion of ASDEOs BS-16 to SDEOs BS-17, dated 21.2.2019
26	Shahida Parveen	Mir Azam Khan	26.7.1980	Nowshera	19/02/2011	19/02/2011	21.2.2019	By promotion	Tangi Charsada 07/10/2021	No.SO(SM)/E&SED/3-2/2018/ promotion of ASDEOs BS-16 to SDEOs BS-17, dated 21.2.2019
27	Iffat Jabeen	Wali Aman Khan	05/02/1973	Mansehra	03-2-1995(PET)	19/02/2011	21.2.2019	By promotion	Working as DDEO in OPS Mansehra 31/08/2020	No.SO(SM)/E&SED/3-2/2018/ promotion of ASDEOs BS-16 to SDEOs BS-17, dated 21.2.2019
28	Nageena Bibi	Fazal Ahmad	26/02/1976	Haripur	01/08/2003	26/03/2011	21.2.2019	By promotion	Khanpur Haripur 26/10/2021	No.SO(SM)/E&SED/3-2/2018/ promotion of ASDEOs BS-16 to SDEOs BS-17, dated 21.2.2019
29	Surriya Taj	Muhammad Taj Khan	11/02/1978	Haripur	9-9-2001 (SST)	19/02/2011	21.2.2019	By promotion	Pabbi Nowshera 7/10/2021	No.SO(SM)/E&SED/3-2/2018/ promotion of ASDEOs BS-16 to SDEOs BS-17, dated 21.2.2019
30	Sajida Sakhi	Sakhi Muhammad	6.2.1974	Mansehra	01.12.2008 SST	19.2.2011	21.2.2019	By promotion	Battagram 26/10/2021	No.SO(SM)/E&SED/3-2/2018/ promotion of ASDEOs BS-16 to SDEOs BS-17, dated 21.2.2019
31	Saeeda Bano	Kala Khan	26/04/1974	Haripur	21-1-1993(PTC)	19/02/2011	21.2.2019	By promotion	Darband Mansehra 07/10/2021	No.SO(SM)/E&SED/3-2/2018/ promotion of ASDEOs BS-16 to SDEOs BS-17, dated 21.2.2019
32	Shabana Bibi	SaifUllah Khan	16/01/1976	Hangu	16/11/1994	19/02/2011	21.2.2019	By promotion	Thall Hangu 01/04/2021	No.SO(SM)/E&SED/3-2/2018/ promotion of ASDEOs BS-16 to SDEOs BS-17, dated 21.2.2019
33	Shamshad Bibi	Gul Dar Ali Khan	01/01/1978	D.I.Khan	23-11-02 (PST)	19/02/2011	21.2.2019	By promotion	Pharapur DIKhan 07/10/2021	No.SO(SM)/E&SED/3-2/2018/ promotion of ASDEOs BS-16 to SDEOs BS-17, dated 21.2.2019
34	Musrat Jamal	Sultan Nadir Khan	29/07/1972	Chitral	19/02/2011	19/02/2011	21.2.2019	By promotion	Darosh Chitral Lower 26/10/2021	No.SO(SM)/E&SED/3-2/2018/ promotion of ASDEOs BS-16 to SDEOs BS-17, dated 21.2.2019
35	Nighat Shaheen	Allah Bakhash	13/04/1971	D.I.Khan	1.2.2006(CT)	27.3.2011	29.1.2020	By promotion	Larjan Dir upper 29/01/2020	No.SO(S/F)/E&SED/1-3/2020/ promotion/MC/ ASDEO BS-16 to SDEO BS-17, dt: 29.1.2020

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 Peshawar, 05333-512207

36	Farhat Yasmeen	Gul Abbas Khan	03/06/1977	Karak	2-5-1998(PTC)	26/02/2011	21.2.2019	By promotion	Takhat e Nasrati Karak 07/10/2021	No.SO(SM)/E&SED/3-2/2018/ promotion of ASDEOs BS-16 to SDEOs BS-17, dated 21.2.2019
37	Malak Taja	Muhammad Usman	01/01/1977	Mardan	17-04-2003(PST)	19/02/2011	21.2.2019	By promotion	Ade Zai Dir Lower 07/10/2021	No.SO(SM)/E&SED/3-2/2018/ promotion of ASDEOs BS-16 to SDEOs BS-17, dated 21.2.2019
38	Arifa Bibi	Afsar Ali	01/01/1976	Chitral	19/02/2011	19/02/2011	21.2.2019	By promotion	Mastuj Chitral Upper 26/10/2021	No.SO(SM)/E&SED/3-2/2018/ promotion of ASDEOs BS-16 to SDEOs BS-17, dated 21.2.2019
39	Mehrun Nisa	Payo Dar Khan	18/02/1977	Karak	2-5-1998 (PTC)	21/02/2011	21.2.2019	By promotion	Kohat 25/03/2021	No.SO(SM)/E&SED/3-2/2018/ promotion of ASDEOs BS-16 to SDEOs BS-17, dated 21.2.2019
40	Adeela Rani	Muhammad Nawaz Khan	01/02/1977	Mansehra	15/07/2002	19/02/2011	21.2.2019	By promotion	Topi Swabi 26/10/2021	No.SO(SM)/E&SED/3-2/2018/ promotion of ASDEOs BS-16 to SDEOs BS-17, dated 21.2.2019
41	Sonia Nawaz Baloch	Shah Nawaz Baloch	06/06/1980	D.I.Khan	23-11-02 (PTC)	19/02/2011	21.2.2019	By promotion	Tank 07/10/2021	No.SO(SM)/E&SED/3-2/2018/ promotion of ASDEOs BS-16 to SDEOs BS-17, dated 21.2.2019
42	Shamim Akhtar	Malik Jan Marwat	01/04/1968	D.I.Khan	3-10-95 (AT)	19/02/2011	21.2.2019	By promotion	Kakki Bannu 02/09/2021	No.SO(SM)/E&SED/3-2/2018/ promotion of ASDEOs BS-16 to SDEOs BS-17, dated 21.2.2019
43	Hunfia Falook	Syed Falook	04/06/1972	Kohat	05/12/1992	19/02/2011	21.2.2019	By promotion	Lachi Kohat 01/09/2020	No.SO(SM)/E&SED/3-2/2018/ promotion of ASDEOs BS-16 to SDEOs BS-17, dated 21.2.2019
44	Maryam Rasheed	Rasheed Ahmad	15/03/1978	Mardan	19/02/2011	19/02/2011	21.2.2019	By promotion	Jehangira NSR 07/10/2021	No.SO(SM)/E&SED/3-2/2018/ promotion of ASDEOs BS-16 to SDEOs BS-17, dated 21.2.2019
45	Naheed Fazal	Fazau Ur Rehman	05/05/1968	Abbottabad	07-05-1986(PTC)	26/02/2011	21.2.2019	By promotion	Shringle Dir Lower 07/10/2021	No.SO(SM)/E&SED/3-2/2018/ promotion of ASDEOs BS-16 to SDEOs BS-17, dated 21.2.2019
46	Nazia Anjum	Abdul Rahim	26/04/1976	Peshawar	09/09/1998	19/02/2011	21.2.2019	By promotion	Atd 07/10/2021	No.SO(SM)/E&SED/3-2/2018/ promotion of ASDEOs BS-16 to SDEOs BS-17, dated 21.2.2019
47	Anissa Jamsheed	Jamashid Abbasi	20/06/1981	Abbottabad	28-01-2006(TT)	18/05/2011	21.2.2019	By promotion	Kumbar Dir Lower 07/10/2021	No.SO(SM)/E&SED/3-2/2018/ promotion of ASDEOs BS-16 to SDEOs BS-17, dated 21.2.2019

ATTENDED

AMEER NAWAZ KHAN
 Advocate High Court Peshawar
 1-A, Haroon Mansion Khyber Bazar
 Peshawar-25002

48	Maryam Aman	Amanullah Khan	05/07/1981	Karak	6-4-2004 (PTC)	26/02/2011	21.2.2019	By promotion	Assistant Director E&SE KP 31/08/2019	No.SO(SM)/E&SED/3-2/2018/ promotion of ASDEOs BS-16 to SDEOs BS-17, dated 21.2.2019
49	Nazma Shaheen	Khani Zaman	13/08/1977	Haripur	24/02/2011	24/02/2011	21.2.2019	By promotion	Lower Tanawal Atd 26/10/2021	No.SO(SM)/E&SED/3-2/2018/ promotion of ASDEOs BS-16 to SDEOs BS-17, dated 21.2.2019
50	Shaheen Bibi	Muhammad Aslam	06/03/1979	Abbottabad	24-02-2003(CT)	21/07/2011	21.2.2019	By promotion	Basham Shangla 26/10/2021	No.SO(SM)/E&SED/3-2/2018/ promotion of ASDEOs BS-16 to SDEOs BS-17, dated 21.2.2019
51	Bibi Arifa	S. Muhammad Younus Shah	13/03/1973	Mansehra	25-6-1997(CT)	19/02/2011	21.2.2019	By promotion	Allai Battagram 26/10/2021	No.SO(SM)/E&SED/3-2/2018/ promotion of ASDEOs BS-16 to SDEOs BS-17, dated 21.2.2019
52	Shabnam Bibi	Amir Nawaz Khan	01/01/1978	Dir Lower	18-11-1996(PTC)	19/02/2011	21.2.2019	By promotion	Timer Ghara Dir Lower 07/10/2021	No.SO(SM)/E&SED/3-2/2018/ promotion of ASDEOs BS-16 to SDEOs BS-17, dated 21.2.2019
53	Shahnaz Begum	Qamar Zaman	12/01/1969	Karak	12-9-1987 (PTC)	26/02/2011	21.2.2019	By promotion	Sarai Nourang Lakki Marwat 26/10/2021	No.SO(SM)/E&SED/3-2/2018/ promotion of ASDEOs BS-16 to SDEOs BS-17, dated 21.2.2019
54	Bibi Sanam	Raja Mehboob Khan	28.12.1975	Mansehra	29.10.1996 (PET)	19.02.2011	21.2.2019	By promotion	At the disposal of Directorate E & SE 3/02/2021	No.SO(SM)/E&SED/3-2/2018/ promotion of ASDEOs BS-16 to SDEOs BS-17, dated 21.2.2019
55	Zeenat Begum	Sahib ullah	22/01/1972	Charsadda	19-9 -1992 (CT)	19.2.2011	21.2.2019	By promotion	Wana Peshawar 07/10/2021	No.SO(SM)/E&SED/3-2/2018/ promotion of ASDEOs BS-16 to SDEOs BS-17, dated 21.2.2019
56	Nayyar Sultana	Muhammad Rafiq	03/05/1974	D.I.Khan	08-04-2006(TT)	19/02/2011	21.2.2019	By promotion	Wana SW NMAs 26/10/2021	No.SO(SM)/E&SED/3-2/2018/ promotion of ASDEOs BS-16 to SDEOs BS-17, dated 21.2.2019

Deputy Director (Female)
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar

To

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

Subject: **REQUEST FOR THE ESTABLISHMENT/BIFURCATION OF SEPARATE FEMALE DIRECTORATE IN ELEMENTARY & SECONDARY EDUCATION DEPARTMENT**

Respected Sir,

it is humbly stated in your honor that:

- Government of Khyber Pakhtunkhwa has rightly bifurcated the administration at District and Tehsil level into Male and Female, keeping in view the Pashtun societal requirements of the Province.
- **The system is functional since 2013 very effectively and DEO offices at District Level and SDEO Offices at Tehsil Level are functioning separately for Male and Female.**
- The administration at Directorate level is still run combined (Mostly by Male Officers) and there is no separate Body for Female at the Directorate Level.
- There are almost total 35,000 Government schools in the Khyber Pakhtunkhwa, including NMAs, out of that almost 13,050 schools are female. Almost 59,000 Female Teachers out of Total 200,000 are working in these schools.
- There are Thirty-Six (36) posts of Assistant Directors in the Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa but only five female officers are working in the office and all the female officers are limited to only one room, mostly occupied by the male officers.
- Keeping in view the above and interest of Public service, it is therefore requested to consider the proposal of establishing a separate Female Directorate in the E&SE Department Khyber Pakhtunkhwa please.

ATTESTED

Amir Nawaz Khan
AMEER NAWAZ KHAN
Advocate High Court Peshawar
14-A, Haroon Mansion Khyber Bazar
Peshawar 0033-9142007

Copy for Information and necessary action is forwarded to the:-

1. Chief Minister Khyber Pakhtunkhwa.
2. Mr. Shahram Khan Tarakai (Minister Education) Khyber Pakhtunkhwa.
3. Chief Secretary to the Government of Khyber Pakhtunkhwa.
4. Hafiz Muhammad Ibrahim, Director Elementary & Secondary Education, Khyber Pakhtunkhwa.

Name & Sign

Qulraj Khan

Designation

19/01/2022

AD (NAD) E & SE, Peshawar

Name & Sign

Nadia Begum

Designation

DY DEO (F) Peshawar

Name & Sign

Nizakat Tabassum

Designation

Assistant Director

Name & Sign

Didshad Begum

Designation

DEO (F)

Agenda for Female Management Cadre Officers' Meeting with honorable Secretary Education Govt. of KP held on 19/01/2022. At 1400 hours

S.No	Discussion Point	Action by	Remarks
01	Separate Directorate for Female	Secretary Education to Govt. of KP	Appeal Attached
02	Provision of 'Management Allowance' for Management Cadre Officers (Male & Female) on the pattern of other cadres i.e. PMS, PPS, Engineers etc.	Secretary Education to Govt. of KP	Appeal Attached along-with draft summary
03	Notification of Final Seniority List of Female Management Cadre Officers	AS Estab and concerned SO	Appeal Attached
04	Transfers of Female Officers to far flung areas away from home without any reason.	AS Estab and concerned SO	Appeal Attached
05	Purchase of Vehicles for newly created SDEOs & DEOs/Deputy DEOs.(M&F). The case of SDEOs vehicles is pending in administration department for authorization, while purchase of DEOs/Deputy DEOs vehicles is in final stages.	Additional Secretary (General) & Concerned SO	

Gul Raj Khan
18/01/2022
Mst: Gul Raj Khan
Assistant Director

Copy Number 3383
Date of Copy 18/1/22
Secretary Secondary & Secondary Education Peshawar

Supporting Management Cadre Female Officers

ATTESTED
AMEER NAWAZ KHAN
AMEER NAWAZ KHAN
Advocate High Court - Peshawar
14-A, Haroon Mansion Khyber Block
Peshawar



GOVERNMENT OF KHYBER PAKHTUNKHWA

ESTABLISHMENT DEPARTMENT

No. 30 (PSB) ED/1-25/2021/KC
Dated Peshawar, the December 23, 2021

To

All Administrative Secretaries
to the Govt. of Khyber Pakhtunkhwa.

Subject: STREAMLINING OF PROVINCIAL SELECTION BOARD (PSB) MEETINGS.

Dear Sir,

I am directed to refer to the above subject and to state that Provincial Selection Board in its meeting held on 2nd December 2021 decided to hold four PSB meetings periodically in a calendar year and has desired to issue the following instructions:

- i. 1st meeting of PSB will be held in the month of March, 2nd in June, 3rd in September and 4th in the month of December every year.
- ii. The Administrative Departments shall submit working papers to the Establishment Department latest by 1st day of each of the specified month for placement before the relevant meeting of the PSB.
- iii. No working paper that is received after the cut off date shall be entertained. However, the department should not wait for the cut off date and submit working paper as early as possible. The working paper may be submitted following the instructions contained in this department circular dated 05.03.2020 (copy enclosed).
- iv. The Court related promotion cases should be processed at an early date to avoid Contempt of Court.

2. The above instructions may be brought into the notice of all concerned for compliance.

Yours faithfully,

(Signature) 23-12-2021
SECTION OFFICER (PSB)

ATTENDED

(Signature)
AMEER NAWAZ KHAN
Advocate High Court Peshawar
15-A, Haroon Mansion Khyber Bldg.



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT

PAGE
29

No. SO(PSB)ED/1-25/2020/(1)
Dated Peshawar, the 05.03.2020

All Administrative Secretaries,
to the Government of Khyber Pakhtunkhwa

**DOCUMENTS REQUIRED WITH THE WORKING PAPERS OF
PROMOTION TO BE PLACED BEFORE PSB.**

You are directed to refer to the subject and to say that the following
attested documents are required to be attached with the working paper of
promotion to be placed before PSB for its consideration.

- i. Availability of post (s).
- ii. Budgetary proof for confirmation of total sanctioned strength.
- iii. Details of incumbents with posting presently working in a cadre to which promotion is made.
- iv. Notified seniority list of the current year.
- v. Service Rules.
- vi. Reasons of passing PER(s) reflected against a panelist officer in PSB-II proforma.
- vii. Details of enquiry /NAB/VR /Departmental cases of a panelist officer in PSB-II proforma with latest position.
- viii. Courts judgment (if any), including details of CPLA/Scrutiny Committee minutes, etc.
- ix. Presentation to PSB in soft alongwith the working paper.
- x. Photos/ profile of the panelist officer(s) on the relevant proforma.
- xi. Certificates of training/examination mandatory for promotion according to the Service Rules.
- xii. Research papers with a list-containing name of the officer, title of the research paper and the year in which it has been published and Evaluation Report of the Research paper where required.
- xiii. Any other document which the department considers necessary for perusal of the Board.

It is requested that any working paper received without any of the
documents shall not be entertained.

Your's faithfully,

ATTESTED

Amee Nawaz Khan
AMEER NAWAZ KHAN
Advocate High Court Peshawar
14-A, Haroon Mansion Khyber Bazaar
Peshawar

5.3.2020
SECTION OFFICER (PSB)

**GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT**



Dated Peshawar the March 12, 2019

NOTIFICATION

NO.S(O)SM/E&SED/7-1/2019/Posting/Transfer/MC: The Competent

Authority is pleased to entrust the additional charge of the post of District Education Officer (Female) Mardan to Mr. Zulfiqar-ul-Mulk, District Education Officer (Male) Mardan, in the interest of public service, till further orders.

Consequent upon the above, Mrs. Rukhsana Rahn, SDEO Female (BS-17) Takhtbai Mardan is hereby relieved of the additional charge of the post of District Education Officer (Female) Mardan.

2. No TADA is allowed.

SECRETARY

End of even No. & Date

Copy forwarded to the:

1. Accountant General, Khyber Pakhtunkhwa Peshawar.
2. Director, E&SE Khyber Pakhtunkhwa, Peshawar
3. District Education Officers (Male & Female), Mardan.
4. District Accounts Officer, Mardan.
5. PS to Advisor to CM for E&SE Department, Khyber Pakhtunkhwa.
6. PS to Secretary E&SE Department, Khyber Pakhtunkhwa.
7. PA to Deputy Secretary (Admn) E&SE Department, Khyber Pakhtunkhwa.
8. Director, EMIS E&SE Department
9. Officers concerned.
10. Master file

ATTESTED
Aliya Niaz Khan
Adv. the High Court Peshawar
14-A, Barron Kamran Khan Rd. Peshawar
P. Shahr-1, F-33-97, 2007

for SECTION OFFICER (SCHOOLS MALE)
12-3-19



GOVERNMENT OF PUNJAB

ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT

Order No. 844 of the August 11th, 2020

NOTIFICATION

No. SO(S.E.) E&S/ D-1/16/2020/Pending/Transfer of MLC (Placement) Committee. The Government Authority on the recommendations of placement committee made on 11th August 2020 and on 05/08/2020 and 20/08/2020 has been pleased to order post transfer order of the following DDEOs and SDEOs on the post positions as mentioned against each, in the public interest with effect from 01/09/2020.

Sr.	Name BPS	From	To
1	Mst. Nighat Bibi, (MC BS-18)	DDEO (F) Manshra	DDEO (F) Abbottabad (Vice Sr. No. 2)
2	Mst. Ayecha Saeed, (MC BS-18)	DDEO (F) Abbottabad	SSS (Physic. BS-18) GGHSS Havelian, Abbottabad (against vacant post)
3	Mst. Iffat Jabeen, (MC BS-17)	SDEO (F) Baffa, Manshra	DDEO (F) Manshra in OPS (Vice Sr. No. 1)
4	Mst. Shagufta Jabeen, (MC BS-17)	SDEO (F) Chota Lahore, Swabi	DDEO (F), Haripur in OPS (against vacant post)
5	Mst. Noor Khadija, (MC BS-17)	Assistant Directress, Directorate of E&SE, Peshawar	DDEO (F) South Waziristan in OPS (against vacant post)
6	Mst. Noor Rahat Yaseen, (MC BS-17)	SDEO (F) Lachi, Kohat	DDEO (F) Kohat in OPS (against vacant post)
7	Mst. Yasmin Akhtar, (MC BS-17)	SDEO (F) Khall, Dir Lower	SDEO (F) Timergara, Dir Lower (Vice Sr. No. 8) (She is authorized to hold additional charge of the post of SDEO (F) Khall, Dir Lower)
8	Mst. Hamim, (MC BS-17)	SDEO (F) Timergara, Dir Lower	SDEO (F) Kailang, Mardan (Vice Sr. No. 9)
9	Mst. Samina Iftikhar, (MC BS-17)	SDEO (F) Kailang, Mardan	Services placed at the disposal of Directorate of E&SE
10	Mst. Sobia Tabassum, (MC BS-17)	SDEO (F) Matta, Swat	SDEO (F) Domel, Bannu (Vice Sr. No. 13)
11	Mst. Farhat Rafique, (MC BS-17)	SDEO (F) Alai, Battagram	SDEO (F) Oghi, Manshra (Vice Sr. No. 12)
12	Mst. Tahira Jabeen, (MC BS-17)	SDEO (F) Oghi, Manshra	SDEO (F) Baffa, Manshra (against vacant post)
13	Mst. Rizwana Shaheen, (MC BS-17)	SDEO (F) Domel, Bannu	SDEO (F) Matta, Swat (against vacant post)
14	Mst. Hanfia Faloog, (MC BS-17)	SDEO (F) Banda Daud Shah, Karak	SDEO (F) Lachi, Kohat (Vice Sr. No. 6)

31/8/2020
above

INTER-AWAZ KHAN
Advocate High Court Peshawar
14-A, Haroun Mansion, Khyber Bazar
Peshawar (K.P.)

SECRETARY
ELEMENTARY & SECONDARY
EDUCATION DEPARTMENT



**GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT**

NOTIFICATION

Peshawar, dated the March 27, 2019

NO.SO(SM)E&SED/3-2/2016/SSRC of M.C: In pursuance of the provision contained in sub-rule (2) of rule-3 of the Khyber Pakhtunkhwa Province Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 and in supersession of this Department's Notification No. SO(SM)E&SED/3-2/2016/SSRC of MC dated 03-07-2018, the Elementary & Secondary Education Department, in consultation with the Establishment Department and the Finance Department, hereby lays down the method of recruitment, qualification and other conditions specified in Column No. 3 to 5 of the Appendix to the Notification which shall be applicable to the posts of Schools Management Cadre under the Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar and Directorate of Curriculum & Teachers Education Khyber Pakhtunkhwa Abbottabad as specified in Column No. 2 of the said Appendix.

APPENDIX

S#	Nomenclature of the Post	Minimum Qualification for Appointment by Initial Recruitment or by Transfer	Age Limit	Method of Recruitment
1	2	3	4	5
1	Director (BPS-20)	By promotion, on the basis of seniority-cum-fitness, from amongst the District Education Officers and Additional Directors (Male and Female) with at least five year service in BPS-19 as such and having successful completion of Senior Management Course: Provided that if no suitable officer is available for promotion then by transfer of BPS-20 officer. Note: For the purpose of promotion, a joint seniority list of District Education Officers and Additional Directors (Male and Female) shall be maintained.

ATTESTED

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1-A, Euron Mansion Khyber Bazar
Peshawar-2512007

District Education Officer/ Additional Director (BPS-19) (Male and Female)			"By promotion, on the basis of seniority-cum-fitness, from amongst the Deputy District Education Officers and Deputy Directors (Male and Female) with at least seven year service in BPS-18 or twelve year service in BPS-17 and above and such officer shall undergo six weeks post promotion training on the following modules, namely: i. Financial Management; ii. HR Management; and iii. Information Technology: Provided that if no suitable officer is available for promotion then by transfer of BPS-19 officer".
3 Deputy District Education Officer/Deputy Director (BPS-18) (Male and Female)	i. M.Phil in Education from recognized University with three years teaching or administrative experience in Government recognized educational institutions or offices; or ii. at least Second Class Master's Degree or BS (four years) and Bachelor's Degree of Education from recognized University with five years teaching or administrative experience in BPS-17 and above in Government recognized educational institutions or offices; or iii. at least Second Class M.A/M.Sc with Second Class M.Ed./M.A (Education Planning and Management) or equivalent qualification from a recognized University with at least five years teaching or administrative experience in Government recognized educational institutions or offices.	25 to 45 years	(a) Eighty Percent by promotion, on the basis of seniority-cum-fitness, from amongst the Sub-Divisional Education Officers and Assistant Directors (Male/Female) with at least five year service as such and such officers shall undergo six weeks post promotion training on following modules, namely: i. Financial Management; ii. HR Management; and iii. Information Technology: Provided that if no suitable officer is available for promotion then by transfer of BPS-18 officer"; and (b) twenty percent by initial recruitment.
4 Sub-Divisional Education Officer/Assistant Director (BPS-17) (Male and Female).	i. At least Second Class M.A/M.Sc or BS (four years) from recognized University; ii. at least Second Class Bachelor's of Education from a recognized University; and iii. three years teaching or administrative experience in Government recognized institutions or offices.	21 to 40 years	(a) Eighty percent by promotion, on the basis of seniority-cum-fitness, from amongst the Assistant Sub-Divisional Education Officers and Assistant District Education Officers (Male & Female) with at least five years' service: Provided that if no suitable officer is available for promotion then by transfer of BPS-17 officer.

ATTESTED

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 Advocate High Court Peshawar
 H.A. Hader, Manshor Khayr Bazar
 Peshawar-25001

Assistant Sub-Divisional Education Officer/ Assistant District Education Officer (BPS-16) (Male and Female)	i. At least Second Class Bachelor's Degree or BS (four years) from a recognized University; ii. at least Second Class Bachelor's Degree of Education from a recognized University; and iii. five years teaching or administrative experience in Government recognized institutions or offices.	25 to 35 years	"By initial recruitment: Provided that if no suitable officer is available then by transfer of Secondary School Teacher (BPS-16) of Teaching Cadre. Note: On induction, all such officers shall undergo six weeks post induction training on the following modules, namely: i. Financial Management; ii. HR Management; and iii. Information Technology"
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 AMER KHAN
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SECRETARY TO
 GOVERNMENT OF THE KHYBER PAKHTUNKHWA
 ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT

Endst: of even No. & Date:-

- Copy forwarded to the:
1. All Administrative Secretaries to Govt. of Khyber Pakhtunkhwa.
 2. Secretary to Governor, Khyber Pakhtunkhwa.
 3. Secretary to Chief Minister, Khyber Pakhtunkhwa.
 4. Chairman Khyber Pakhtunkhwa Public Service Commission, Peshawar.
 5. Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
 6. Directorate of Curriculum and Teachers Education Khyber Pakhtunkhwa Abbottabad.
 7. All District Education Officers (Male/Female) in Elementary & Secondary Education Khyber Pakhtunkhwa.
 8. Director Information Khyber Pakhtunkhwa Peshawar with the request to give vide publicity.
 9. Manager Government Printing Press Peshawar for publication in the next issue of Govt. Gazette.
 10. PS to Advisor to Chief Minister for E&SE Department Khyber Pakhtunkhwa Peshawar.
 11. PS to Secretary E&SE Department, Khyber Pakhtunkhwa, Peshawar.
 12. PS to Special Secretary E&SE Department, Khyber Pakhtunkhwa, Peshawar.
 13. PA to Additional Secretary (Estab) E&SE Department, Khyber Pakhtunkhwa, Peshawar.
 14. PA to Deputy Secretary (Admn) E&SE Department, Khyber Pakhtunkhwa, Peshawar.
 15. All Section Officers E&SE Department Khyber Pakhtunkhwa, Peshawar.
 16. Director EMIS E&SE-Department with the request to upload the same on the web site of the Department.

[Signature]
 27-03-19
 SECTION OFFICER (SCHOOLS MALE)

1997 S C MR 515

[Supreme Court of Pakistan]

Present: Saad Saood Jan and Muhammad Ilyas, JJ

GOVERNMENT OF THE PUNJAB through Secretary Education and another ---Petitioners

versus

Rana GHULAM SARWAR KHAN and 111 others---Respondents

Civil Petition for Leave to Appeal No.611-L of 1995, decided on 20th December, 1995.

(From the judgment/order of Punjab Service Tribunal dated 19-2-1995 in Appeal No.494 of 1992).

Punjab Civil Servants Act (VIII of 1974)---

---S. 8---Constitution of Pakistan (1973), Art. 212(3)---Entitlement to B.P.S. 19---Civil servants' claim that vacancies in B.P.S. 19 being available on specified date they should have been promoted from that date, was rejected by Departmental Authority---Service Tribunal, however, directed Government to promote civil servants with effect from specified date---Validity---Government's claim that no civil servant had right to claim that he should be promoted from back date even though vacancy was available on that date for which promotion was being claimed was although true, yet there were no orders of Government that civil servant's promotion be held up for some time---Delay in making promotion had occurred entirely due to reason that officers of that department could not carry out fairly simple exercise within reasonable period---Judgment of Service Tribunal directing Government to promote civil servants from specified date would not warrant interference---Leave to appeal was refused in circumstances.

Nasim Kashmiri, Additional Advocate-General Punjab and Rao Muhammad Yousaf Khan, Advocate-on-Record for Petitioners.

S. Inayat Hussain, Advocate-on-Record for Respondents.

Date of hearing: 20th December, 1995.

ATTESTED

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Peshawar 0333-9142007

ORDER

SAAD SAOOD JAN, J.---This is a petition for special leave to appeal from the judgment of the Punjab Service Tribunal whereby it allowed the appeal of the respondents and directed the Government to allow B.P.S.-19 to them with effect from 1-9-1990.

2. There were 12092 posts in the College Teachers Cadre (General). The Provincial Government decide to introduce a 4-tier structure for the college teachers and with that object it classified the posts in the ratio of 1:15:34:50 in the four-tiers, namely, B.P.S.20, 19, 18 and 17, respectively. The relevant notification was issued on 1-9-1990. Thereafter, the functionaries in the Education Department took two years to make the appointments in accordance with the above ratio. This exercise held up the promotions of the responder to -Grade-19 till 1992. They represented to the Government that as vacancies in B. P.S.19 were available on 1-9-1990 when the notification in question was issued they should have been promoted from that date. Their representation was rejected by the Government whereupon they filed an appeal before the Service Tribunal. The learned Tribunal accepted their appeal and directed the Government to promote them with effect from 1-9-1990. The Government seeks leave to appeal from the judgment of the learned Tribunal

3. On behalf of the Government it is contended that no civil servant has a right to claim that he should

2/25/20

promoted from a back date even though a vacancy may be existing on the date from which the promotion is being claimed. This is no doubt true but here there are no orders by the Government that the respondents should be held up for sometime. The delay in making the promotions occurred entirely due to the reason that the officials of the Education Department could not carry out a fairly simple exercise within a reasonable period. In the circumstances it will not be appropriate for the Court to interfere with the order of the learned Tribunal. Leave is refused.

A.A./G-566/S

Leave refused.

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Ameer Nawaz Khan
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Advocate High Court - Peshawar
14-A, Haroon Mansion Khyber Bazar
Peshawar 0535-9142007

JUDGMENT SHEET
PESHAWAR HIGH COURT, PESHAWAR
JUDICIAL DEPARTMENT

W.P No.4274-P/2016

JUDGMENT



Date of hearing.....11.01-2018.....

Petitioner: (Ghulam Habib etc) By Mian Mohibullah
Kakakhel, Advocate.

Respondents: By Mr. Moeen-ud-Din Hamayun, AAG
alongwith Mr. Muhammad Rafique Khattak,
Director, Education.

OALANDAR ALI KHAN, J.- Ghulam Habib and 21

others, petitioners, challenged notifications with regard
to appointment of private respondents from Teaching
Cadre as SDEO (BPS-17), which were admittedly
Management Cadre Posts.

In their writ petition, the petitioners pointed out
that on the basis of National Education Policy, 2009,
the Elementary & Secondary Education (E&SE)
Department separated Management Cadre from
Teaching Cadre vide notification dated 04.05.2009;
with nomenclature of Posts of Management Cadre as
follows;

- District Education Officer E&SE (DEO BPS-19);

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Peshawar High Court

10 JAN 2018

- Deputy District Education Officer E&SE (DDEO BPS-18); ✓
- Sub-Divisional Education Officer E&SE (SDEO BPS-17); and
- Assistant District Education Officer/Assistant Sub-Divisional Education Officer E&SE (ASDEO/ADEO BPS-16).

The petitioners were appointed as Assistant District Education Officers (ADEOs B-16) on the recommendation of the Khyber Pakhtunkhwa, Public Service Commission, vide notification dated 05.05.2011. According to the petitioners, the Government of Khyber Pakhtunkhwa did not frame/issue Service Rules/Service Structure of the petitioners deliberately, thereby trying to derail the system of Management Cadre and issued amended notification dated 07.04.2012 whereby the rules framed in pursuance of Education Policy, 2009, were amended to the extent of making employees of Management Cadre transferable to the Teaching Cadre and vice versa. The said notification dated 07.04.2012 was challenged before this Court in W.P No.3663-P/2012, titled Sultan Mehdood Mian..Vs..Government of Khyber Pakhtunkhwa and others, which was accepted vide judgment dated 08.05.2013, thereby declaring the impugned notification dated 07.04.2012

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 Peshawar High Court
 19 JAN 2013

in contravention of main Policy/Statute, illegal, arbitrary and against the law; but the posts of SDEOs (BPS-17) formally known as DDOs/Assistant Directors (BPS-17) remained to be occupied by the Officers from Teaching Cadre despite the same being purely Management Cadre posts since the Establishment of the Management Cadre. Likewise, Officers from Teaching Cadre were appointed/posted against the newly created 88 posts of SDEOs/Assistant Directors (BPS-17) in the Management Cadre by the respondent/department vide notification No.26.09.2016, in contravention of the Government Policy in 2009. The petitioners claimed that they were in the promotion zone, and they were thus deprived of promotion by promoting teachers from Teaching Cadre to take up positions of Management Cadre; hence the instant writ petition by the petitioners with prayer for issuance of writs against the respondents for (a) framing of Service Structure for employees of Management Cadre within reasonable time; (b) filling of posts of SDEOs from employees of the Management Cadre (Petitioners); (c) not posting anyone out of Teaching Cadre against the said posts in presence of employees of Management Cadre; (d) issuance of seniority list of the petitioners in Management Cadre; and (e) setting aside impugned

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Peshawar High Court
19 JAN 2018

notification relating to transfer of private respondents from Teaching Cadre to Management Cadre, instead of the petitioners.

3. In response to pre-admission notice issued to the respondents, Mr. Muhammad Rafique Khattak, Director Education, Khyber Pakhtunkhwa, and Mr. Moeen-ud-Din Hamayun, AAG, appeared; and stated at the bar that employees from Teaching Cadre have been transferred as SDEOs as a stopgap arrangement, only because of non availability of employees from Management Cadre to be appointed against the newly created posts of SDEO, and also because of absence of provision in existing rules for promotion of employees in the Management Cadre. They also informed the Court that a case for making provision in the rules with regard to promotions in the Management Cadre has been recommended to the Provincial Government, which is likely to approve the same shortly, thus paving way for removal of the 'anomaly'.

4. The learned counsel for the petitioners also seemed satisfied with assurance rendered on behalf of the respondents at the bar with regard to opening of avenues for promotions from Management Cadre; but his grievance subsisted with regard to transfer of employees from Teaching Cadre to Management Cadre in contravention of the Government Policy and

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EXAMINER
Peshawar High Court
19 JAN 2018

also judgment of this Court. Anyhow, since the impugned transfers/postings have been made as a stopgap arrangement till postings/appointments of regular SDEOs (BPS-17), according to statement at bar of the Director Education and learned AAG, and process for making provision in the rules with regard to promotions in the Management Cadre is in the final stages, the writ petition is disposed of in the terms that besides finalizing the case for making provision in the Rules with regard to promotions in the Management Cadre within three months of the receipt of this judgment/order; the respondent/department shall also rationalize postings/transfers against Management Cadre posts in the light of the relevant rules/policy and judgment of the Court.

MP

Signature

Announced
11-01-2018

JUDGE

Signature

JUDGE

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(D.B) Hon'ble Mr. Justice Rooh-ul-Amin Khan.
Hon'ble Mr. Justice Qalandar Ali Khan.

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Signature
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Signature

CERTIFIED TO BE TRUE COPY

Examiner
Peshawar High Court, Peshawar
Authorized under Article 8.7 of
The Courts (Shahadal) Order 1984

19 JAN 2018

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AMEER NAWAZ KHAN
Advocate High Court - Peshawar
14-A, Haroon Mansion Khyber Bazaar
Peshawar 6233-01-23007

[2020 P.L.C (C.S.) 1055]**[Subordinate Judiciary Service Tribunal]****[Before Lal Jan Khattak and Ijaz Anwar, JJ]****SHAFIQ AHMAD TANOLI, D&SJ****Versus****The REGISTRAR, PHC, PESHAWAR and others**

Service Appeal No.13-P of 2015, decided on 9th February, 2019.

Khyber Pakhtunkhwa Subordinate Judiciary Service Tribunal Act (VIII of 1991)---

---S.5---Khyber Pakhtunkhwa Judicial Service Rules, 2001, Rr.5, 9 & 10---Promotion---Additional District and Sessions Judge---Seniority of promotees and direct appointees---Determination of---Procedure---Creation of new posts---Effect---Appellant was appointed through direct appointment as Additional District and Sessions Judge and thereafter respondents---Senior Civil Judges were also promoted against newly created posts---Competent authority considered the case of respondents for promotion to the rank of District and Sessions Judge but appellant was ignored---Contention of appellant was that his case for promotion as District and Sessions Judge had not been considered and junior officers had been promoted on account of wrong seniority and respondents had been promoted as Additional District and Sessions Judges against newly created posts---Validity---If date of promotion and appointment of promotee and direct appointee was the same then promotee should be considered as senior---Where promotees were eligible and vacancies were available in their quota then they should be given seniority over the direct recruitees---Grant of seniority to the respondents on the ground that they were eligible at the time of creation of posts could not be made a ground for allowing them seniority---Seniority of appellant was to be considered without considering subsequent promotion of respondents made against newly created posts having no effect on his seniority---Department was directed to consider the appellant for promotion as District and Sessions Judge with effect from the date his juniors were promoted---Appeal was allowed, in circumstances.

Registrar PHC and others v. Shafiq Ahmad Tanoli PLD 2015 SC 360 and Government of NWFP and others v. Buner Khan and others' 1985 SCMR 1158 rel.

Ghulam Mohy-ud-Din Malik for Petitioner.

Khalid Rehman and Muhammad Zafar Tahirkheli for Respondents.

Date of hearing: 9th February, 2019.

JUDGMENT

IJAZ ANWAR, J.---Through this single judgment, this Tribunal shall also dispose of Service Appeal No.22-P/2015 filed by the present appellant, as identical legal and factual questions are involved therein.

2. Appellant, Shafiq Ahamad Tanoli, District and Sessions Judge, through instant appeal under section 5 of the Khyber Pakhtunkhwa Subordinate Judiciary Service Tribunal Act, 1991, has impugned the order dated 14.03.2014, passed by Administration Committee of Peshawar High Court, Peshawar, with the following prayer:

"It is humbly prayed that in the given facts and circumstances of the case and the law on the subject, the appellant may graciously be allowed ante dated promotion with effect from 30.06.2010 with all back benefits and disputed seniority list of DSJs which found to be printed on 09.10.2014 but circulated vide letter No.15955-16023/Admn. Dated 5.12.2014 be also corrected and the appellant be placed on the right place as solicited."

3. In essence, the grievance of the appellant is that batch-mate of the appellant were promoted as

D&SJ on 30.06.2010 vide Notification No.P (a)31-D-149-J but case of the appellant for promotion was not considered and junior officers were promoted on account of wrong, illegal and disputed seniority list.

4. Arguments of learned counsel for the parties heard and record perused.

5. For the purpose of brevity, we are not reproducing the arguments of the counsel for the parties; however, it will be discussed in the judgment at the relevant place. In the instant case, the dispute pertains to seniority of promotees and direct appointees. The appellant was appointed as Additional District and Sessions Judge vide Notification No.41-J dated 27.03.2003, whereas, six Senior Civil Judges were promoted in the promotion quota vide notification dated 22.05.2002. Similarly, further promotion of about twenty two Senior Civil Judges were notified vide Notification dated 25.06.2003.

6. It is the case of the appellant that appointment through direct recruitment was earlier in time but promotees were given seniority despite the fact that their promotion was against newly created posts besides their promotion notification is later in time, while rival stance is that the respondents were eligible at the time of creation of posts. Similarly, on the principle that promotee of the same calendar will rank senior, as such, the Honourable Administration Committee allowed the promotees to rank senior.

7. Rule 5 of the Khyber Pakhtunkhwa Judiciary Service Rules, 2001 is relevant as it provides prescribed quota to different posts, it is therefore, reproduced for ease of reference.

"5. Method of recruitment.----Appointment to Service shall be made in the following manner:

- (a) Appointment to a post of Civil Judge-cum-Judicial Magistrate/Alaqa Qazi shall be made by initial recruitment;
- (b) Appointment to a post of Senior Civil Judge-cum-Judicial Magistrate empowered under section 30, Cr.P.C./Aala Alaqa Qazi shall be made on seniority-cum-fitness basis from amongst the Civil Judges-cum-Judicial Magistrates/Alaqa Qazis on the recommendations of the Departmental Promotion Committee.
- (c) Appointment to a post of Additional District and Sessions Judge/Izafi Zilla Qazi shall be made to the extent of
 - (i) not less than two-third by promotion, on the recommendations of Departmental Promotion Committee, from amongst the holders of the post of Senior Civil Judge-cum-Judicial Magistrate, empowered under Section 30, Cr.P.C/ Aala Alaqa Qazi; and
 - (ii) not more than one-third by initial recruitment, from amongst the members of the Bar, Public Prosecutors/Government Pleaders and A.P.P./A.G.P;
- (d) Appointment to a post of District and Sessions Judge/Zilla Qazi shall be made by promotion, on the recommendations of the Departmental Promotion Committee, on the basis of seniority-cum-fitness from amongst the holders of the post of Additional District and Sessions Judge/Izafi Zilla Qazi;
- (e) Appointment by initial recruitment to a post of Civil Judge-cum-Judicial Magistrate/Alaqa Qazi shall be made on the recommendations of the Commission based on the result of a competitive examination to be conducted by it in the subjects specified in the Appendix to these rules;

Provided that the High Court may make appointment by initial recruitment on contract basis, on the recommendations of the Provincial Judicial Selection Board in accordance with the policy of Government applicable to appointment on contract basis."

(under lines provided for emphasis)

Similarly, Rule 10 provides for determination to interse seniority of members of various pay scales. It is also reproduced for convenience:

"10. Seniority:- The seniority inter-se of the members of the service in the various Pay Scales

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thereof shall be determined by the High Court, subject to the conditions that:

(a) in case of member appointed by initial recruitment, in accordance with the order of merit assigned by the Selection Authority as mentioned in Rule-5; Provided that persons selected for the service in an earlier selection shall rank senior to the persons selected in a later selection.

(b) in the case of members appointed by promotion, seniority in a post, service or cadre to which a Civil Servant is promoted, shall take effect from the date of regular appointment to that post; Provided that Civil Servants who are selected for promotion to a higher post in one batch shall, on their promotion to the higher post, retain their inter-se seniority as in the lower post.

Explanation-I If a Jr. Officer in a lower grade is promoted temporarily to a higher grade in the public interest, even though continuing later permanently in the higher grade, it would not adversely affect in the interest his/her senior officer in the fixation of his/her seniority in the higher grade.

Explanation-II If a Jr. Officer in a lower grade is promoted to higher grade by superseding a senior officer and subsequently that officer is also promoted, the officer promoted first shall rank senior to the officer promoted subsequently."

(under lines provided for emphasis)

It is pertinent to mention here that immediately after appointment of the appellant, he was assigned his correct seniority as claimed by him but in the year, 2007, on the representation of Mr. Jehanzeb Shinwari and Mr. Shoaib Khan, Additional District and Sessions Judges, the seniority list was revised and he was relegated from his seniority position. The appellant along with other judicial officers affected by the revision of seniority, filed different appeals in this Tribunal, which were allowed vide judgment and order dated 28.06.2013 and the matter was remanded to the Honourable Administration Committee of the High Court for its consideration and decision. The judgment of this Tribunal was impugned before the Apex Court, which was maintained by the Honourable Supreme Court of Pakistan vide a consolidated judgment in 'Registrar PHC and others v. Shafiq Ahmad Tanoli', reported as PLD 2015 SC 360.

7. During pendency of the above appeal before the Apex Court, Honourable Administration Committee of the High Court considered the seniority issue and decided the matter in following terms.

"After considering the submissions of both the groups of Judicial Officers from direct appointees against bar quota and promotees from the cadre and in the light of judgment dated 26.08.2013 of Khyber Pakhtunkhwa Subordinate Judiciary Service Tribunal, the Administration Committee holds as under:-

1. The joint representation submitted by Messrs Jehanzeb and Shoaib Khan is not maintainable according to N.W.F.P. (Khyber Pakhtunkhwa) Civil Servants (Appeal) Rules, 1986, however, the Administration Committee is of the view that due to grave irregularities in the inter-se seniority of both set of Judicial Officers which has surfaced during the perusal of record, the Administration Committee decided to redress the grievances of all the Judicial Officers once for all in accordance with law.

2. Quota will be observed as per rules contained in Section 5(c)(1)(ii) of the N.W.F.P. (Khyber Pakhtunkhwa) Judicial Service Rules, 2001. This is to observe the principle that all those promotees who were promoted in the same calendar year shall be considered senior to the Officers inducted through initial recruitment against bar quota for the post of Additional District and Sessions Judge.

3. The cut-off date for determination of seniority of the Judicial Officers of the rank of Additional District and Sessions Judges is fixed from the date when the posts of Additional District and Sessions Judges/Izafi Zilla Qazis were created/advertised including vacant seats already available. However, all those Senior Civil Judges who were eligible for promotion

when the vacancies became available will be counted in the promotee quota and shall rank senior to the Judicial Officers appointed through initial recruitment against bar quota for the post of Additional District and Sessions Judges.

4. The promotees shall be first adjusted in accordance with their quota who were then eligible being Senior Civil Judges for promotion as Additional District and Sessions Judges when the vacancies became available and thereafter the inductees through initial recruitment against bar quota shall be adjusted in accordance with their quota and shall be entered in the seniority list after the promotees who were Senior Civil Judges before the vacancies became available, created and advertised.

5. The Administration Committee further decided that promotion cases of Additional District and Sessions Judges, mentioned in the re-casted seniority, for BPS-21 would be considered in the next meeting of the Administration Committee, as the Service Appeals are pending before the Khyber Pakhtunkhwa Subordinate Judiciary Service Tribunal.

6. The balance or excess of each quota shall be strictly maintained for future appointments/promotions and inter-se seniority.

7. The Administration Committee decided that revised seniority list shall be prepared, re-casted and uploaded on the web site of this Court in accordance with the above criteria.

8. The Administration Committee further decided that list of all Judicial Officers be updated each year and be uploaded on 15th April of each year and objections, if any, shall be invited and entertained within 30 days to avoid unrest amongst the Judicial Officers."

The above determination by Hon'ble Administration Committee was mainly based upon two principles that has been set either in law or on the precedent of superior Courts and also upon certain instructions given by government from time to time that whenever a post became vacant, the departmental quota is to be observed first. Similarly, regarding the seniority to the promotees of the same calendar year, reference has been made to section 5(c)(1)(ii) of the Khyber Pakhtunkhwa Judicial Service Rules, 2001.

8. Firstly, we will take up the issue regarding seniority given to the promotees in preference to the direct recruits of the same calendar year. In this regard the relevant repealed law is Rule 6 of the Civil Servants (Seniority) Rules, 1993. The un-amended rule 6 reads as under:

"6. Persons appointed by transfer in a particular calendar year shall, as a class, be senior to those appointed by promotion or by initial appointment to such posts in that year, and persons promoted to higher posts in a particular calendar year shall, as a class, be senior to those appointed by initial appointment to such posts in that year."

This rule was however amended by SRO No.572(I)/2009 dated 16.06.2009 and now the amended rule reads as under:

"6. Inter se seniority of civil servants appointed in the same calendar year:- Civil servants appointed by promotion, transfer, or initial appointment to a service, cadre, or post shall take seniority from the date of their regular appointment to that service, cadre or post:

Provided that the provisions of this rule shall not in any manner affect or impair the rights of existing incumbents."

It is clarified that the above rule was applicable only to the federal civil servants and it has got no application to the provincial civil servants. The seniority and its determination of the provincial civil servants is governed under section 8 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 read with Rule 17 of the Khyber Pakhtunkhwa (Appointment, Promotion and Transfer) Rules, 1989 (APT Rules, 1989). It would be appropriate to reproduce Rule 17 of APT Rules, 1989, for the purpose of convenience and ready reference:-

17. Seniority:- (1) the seniority inter se of civil servants 47(appointed to a service, cadre or post) shall be determined:-

- (a) in the case of persons appointed by initial recruitment, in accordance with the order of merit assigned by the Commission [or as the case may be, the Departmental Selection Committee;] provided that persons selected for appointment to post in an earlier selection shall rank senior to the persons selected in a later selection; and
- (b) in the case of civil servants appointed otherwise, with reference to the date of their continuous regular appointment in the post; provided that civil servants selected for promotion to a higher post in one batch shall, on their promotion to the higher post, retain their inter se seniority as in the lower post.

Explanation-I:-If a junior person in a lower post is promoted to a higher post temporarily in the public interest, even though continuing later permanently in the higher post, it would not adversely effect the interest of his seniors in fixation of his seniority in the higher post.

Explanation-II:-If a junior person in a lower post is promoted to a higher post by superseding a senior person and subsequently that senior person is also promoted the person promoted first shall rank senior to the person promoted subsequently; provided that junior person shall not be deemed to have superseded a senior person if the case of the senior person is deferred for the time being for want of certain information or for incomplete record or for any other reason not attributing to his fault or demerit.

Explanation-III:-A junior person shall be deemed to have superseded a senior person only if both the junior and the senior persons were considered for the higher post and the junior person was appointed in preference to the senior person.

(2) Seniority in various cadres of civil servants appointed by initial recruitment vis-à-vis those appointed otherwise shall be determined with reference to the dates of their regular appointment to a post in that cadre; provided that if two dates are the same, the person appointed otherwise shall rank senior to the person appointed by initial recruitment.

(3) In the event of merger/restructuring of the Departments, Attached Departments or Subordinate Offices, the inter se seniority of civil servants affected by the merger/restructuring as aforesaid shall be determined in accordance with the date of their regular appointment to a cadre or post.

(4) The inter-se-seniority of civil servants in a certain cadre to which promotion is made from different lower posts, carrying the same pay scale shall be determined from the date of regular appointment/promotion of the civil servants in the lower post.

Provided that if the date of regular appointment of two or more civil servants in the lower post is the same, the civil servant older in age, shall be treated senior."

Similarly, for the members of the judiciary there are separate service rules and for determination of their seniority, Rule 10 of Khyber Pakhtunkhwa Judicial Service Rules, 2001 is relevant, which is pari materia to Rule 17 of the APT Rules, 1989 and also to Rule 9 of the repealed Khyber Pakhtunkhwa Senior Judicial Officers (Terms and Conditions of Service) Rules, 1979, Rule 9 of repealed Rules reads as under:-

"9. Seniority.---(1) The seniority inter-se of officers appointed in various grades shall be determined;

(a) in the case of officers appointed by initial recruitment, in accordance with the order of merit assigned by Government at the time of appointment; provided that persons selected for appointment to a post in an earlier selection shall rank senior to the persons selected in a later selection; and

(b) in the case of officers appointed otherwise, with reference to the date of their continuous appointment in the grade; provided that if the date of continuous appointment in the case of two or more officers is the same, the older officer if not junior to the younger officer in the next below grade, shall rank senior to the younger officer.

(2) The seniority of the officers appointed by initial recruitment vis-a-vis those appointed otherwise shall be determined with reference to the date of continuous appointment to the grade; provided that if two dates are the same, the officer appointed otherwise shall rank senior to the officer appointed by initial recruitment."

Rule 10 of the Khyber Pakhtunkhwa Judicial Service Rules, 2001 is now in field it is reproduced, which is relevant for the purpose of the present controversy.

10. Seniority:- The seniority inter-se of the members of the service in the various Pay Scales thereof shall be determined by the High Court, subject to the conditions that:

(a) in case of member appointed by initial recruitment, in accordance with the order of merit assigned by the Selection Authority as mentioned in Rule-5; Provided that persons selected for the service in an earlier selection shall rank senior to the persons selected in a later selection.

(b) in the case of members appointed by promotion, seniority in a post, service or cadre to which a Civil Servant is promoted, shall take effect from the date of regular appointment to that post; Provided that Civil Servants who are selected for promotion to a higher post in one batch shall, on their promotion to the higher post, retain their enter-se seniority as in the lower post.

Explanation-I If a Jr. Officer in a lower grade is promoted temporarily to a higher grade in the public interest, even though continuing later permanently in the higher grade, it would not adversely affect in the interest of his/her senior officer in the fixation of his/her seniority in the higher grade.

Explanation-II If a Jr. Officer in a lower grade is promoted to higher grade by superseding a senior officer and subsequently that officer is also promoted, the officer promoted first shall rank senior to the officer promoted subsequently."

After examining the above rules, it transpired that the determination of the seniority was exclusively made by the Honourable Administration Committee on the basis of the repealed rules related to Federal civil servants and it cannot be applied to the case in hand. There is no concept of determination of seniority in the same calendar year in this province. Due to the misuse of those rules and its implication on the Federal civil servants, rule 6 of Civil Servants (Seniority) Rules, 1993 has already been repealed.

9. The appointment of the appellant and of the respondents was made in the year 2003 and at the relevant time Khyber Pakhtunkhwa Judicial Service Rules, 2001 were in the field. The only edge available to the appointees by promotion is that in case the date of promotion and appointment is the same, the promotee shall be considered as senior. Thus, with all respect to the Honourable Administration Committee of the High Court, determination of seniority on the analogy of the repealed Rules is against the law and cannot be sustained.

10. Now the second question, which is most important and relevant, is that where the promotees were eligible and the vacancies were available in their quota, in that case they will be given seniority over the direct recruits on the ground that the necessary exercise for their promotion was not carried out by the department within time and in the meantime appointments are made in the direct quota. This principle finds support from the judgment of Apex Court in the case of 'Government of NWFP and others v. Buner Khan and others' (1985 SCMR 1158).

11. Rule 5 of the Khyber Pakhtunkhwa Judicial Service Rules, 2001 prescribes the quota for filling the posts of Additional District and Sessions Judges as two-third by promotion and not more than one-third through initial recruitment from the members of the Bar. Now we will see the above principle set forth by the Honourable Supreme Court in the case of Buner Khan ibid and also the determination so made by the Honourable Administration Committee. To determine this issue, it would be appropriate and relevant to refer to the additional comments submitted by the respondent No.1. In the year, 2002 there were total nine posts available of which three posts were earmarked for initial recruitment while six posts were allocated for promotion quota. Process for filling these posts

was initiated. The Honourable Administration Committee of the High Court considered the cases of eligible Senior Civil Judges in its meeting held on 13.05.2002 and recommended them for promotion. Accordingly, they were promoted vide Notification dated 22.05.2002. In the meantime, process for appointment through direct recruitment of Additional District and Sessions Judges was also finalized and cases of successful candidates were placed before the Honourable Administration Committee of the High Court and the Honourable Administration Committee in its meeting recommended three candidates including the appellant against the direct quota of Additional District and Sessions Judge B-19, accordingly vide Notification dated 27 March, 2003 a formal promotion order was issued. Thus the ratio of two-third and one-third was fulfilled and at the relevant time, both the quotas received its due share. Thus, the backlog of the promotion quota and direct quota stood exhausted.

12. It happens so that under Access to Justice Program during the financial year 2002-2003 vide order of the Peshawar High Court dated 25.03.2003, fifty seven posts of Additional District and Sessions Judges (BPS-19) were created, after receiving sanction of the Provincial Government vide sanction order dated 4.1.2003. Thus, again under Rule 5 of the Khyber Pakhtunkhwa Judicial Service Rules, 2001 the quota of two-third and one-third was required to be utilized. The record transpires that the Honourable Administration Committee of the High Court in its meeting held on 24.06.2003 considered the cases of eligible Senior Civil Judges (BPS-18) and recommended twenty two judicial officers for promotion and vide Notification dated 25 June 2003, formal order of promotion as Additional District and Sessions Judges B-19 was issued. Similarly, the candidates in the direct appointment quota were also considered and after qualifying the selection process were recommended by the Selection Committee accordingly vide Notification dated 8 October 2003, twenty two candidates were appointed as Additional District and Sessions Judges (BPS-19). Thus, for all intents and purposes 57 posts of Additional District and Sessions Judges newly created vide order dated 25 March 2003 shall have no effect on the earlier selection so made nor the seniority of those nine appointees including the appellant will be in any manner affected there from. It is pertinent to mention here that in view of the creation of posts in bulk through Access to Justice Program, the respondents were benefited, because only recently in the year 2001 they were promoted as Senior Civil Judges (BPS-18) and after the creation of such posts, they were further promoted as Additional District and Sessions Judges BPS-19 vide notification dated 25.06.2003 against the posts, which were created on 25 March, 2003. Thus, the grant of seniority to the respondents on the ground that they were eligible at the time of creation of posts cannot be made a ground for allowing them seniority because their promotion was made so promptly that within a period of three months of the creation of posts, they were benefited there from and as explained above, they were hardly one year plus in BPS-18 at their credit at the time of their promotion to BPS-19 (Now B-20).

13. We are, thus, of considered opinion that the seniority of the appellant shall be considered after six appointments by promotion so made vide Notification dated 22.05.2002 and the subsequent promotion made against the newly created posts of Additional District and Sessions Judges through Access to Justice Program shall have no effect on his seniority.

14. We restrain ourselves from commenting on some of the promotions made pursuant to creation of posts, because as per Government policy for promotion to Grade-19 a minimum length of twelve years service in Grade-17 and above is required but in view of the vacant position and requirement of the High Court, the minimum requirement of length of service was not considered and on this ground too, the determination of the seniority made by the Administration Committee falls to the ground.

15. For the reasons stated above, this and the connected appeal are allowed and disposed of in the above terms. The appellant shall also be considered for promotion as District and Sessions Judge with effect from 19 May, 2011, when his juniors were promoted and he shall be assigned correct seniority in accordance with law.

ZC/176/P

Appeal allowed.

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

Subject:- REQUEST FOR SUBMISSION OF PROMOTION CASES OF SDEOS/ASSISTANT DIRECTOR (MC) TO DDEOS/DEPUTY DIRECTOR (F) ON ACTING CHARGE BASIS IN THE COMING PSB MEETING.

Dear Sir: With great honour it is submitted that the Director E&SE, intends to submit Working Paper / Promotion cases of SDEOs/Assistant Director Management Cadre (Female) to DDEOs/Deputy Director on acting charge basis in the coming PSB Meeting from Seniority Number 01-25. It is stated that almost 12 Posts of DDEOs/Deputy Director (Female) are lying vacant and 22 DDEOs/Deputy Director are to be promoted in the coming PSB to the post of DEOs/Additional Director (Female) on acting charge basis.

It is therefore, requested your good-self to kindly direct the Director E&SE, to submit Working Paper/Promotion cases of SDEOs/Assistant Director Management Cadre (Female) to DDEOs/Deputy Director from Seniority Number 01-34 instead of Seniority Number 01-25 on acting charge basis in the coming PSB meeting, please.

Thanks in inticipation.

Add this (E&SE)

Please look into the matter and it will be appropriate to submit working papers of eligible officers against vacant posts as well as posts which will get vacant due to promotions

Dated: 22/02/2022

Yours Obediently,

[Signature] 22/02/22

Mst. Gul Raj Khan & Others
Assistant Director (MC)
Directorate of E&SE

ATTESTED

[Signature]
AMEER NAWAZ KHAN
Advocate High Court Peshawar
14-A, Haroon Mansion Khyber Bazar
Peshawar 0333-9142007

[Signature] 23/2/2022
SECRETARY
Elementary & Secondary Edu: Deptt:
Government of Khyber Pakhtunkhwa

SECRETARY DIARY

No. 1179

Dated 23/2/22

To

ANNEXURE

The Secretary
Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar.

Subject: APPEAL FOR PROMOTION ON REGULAR BASIS ADDITIONAL DIRECTORS/ DEOs, DEPUTY DIRECTOR/ DDEOs and ASSISTANT DIRECTORS/SDEOs FEMALE.

Respected Sir,

It is stated with due respect that most of posts of management cadre are lying vacant in the province which is badly affecting the official business.

Sir we were appointed through Khyber Pakhtunkhwa Public Service Commission in 2011 at the post of Assistant District Education Officers in various Districts of Khyber Pakhtunkhwa. In the year 2019 we were promoted to the Posts of SDEOs/Assistant Directors (BPS-17) MC on the inter seniority provided by KPPSC.

Sir the rules for length of service by the Establishment & Administration Department (Establishment Wing) are as follows.

(a) Minimum length of service for promotion to posts in various basic scales.

1. Basic Scale 18 : 5 years' service in BS-17
2. Basic Scale 19 : 12 years' service in BS-17 & Above
3. Basic Scale 19 : 17 years' service in BS-17 & Above

No proposal for promotion shall be entertained unless the condition of the prescribed length of service is fulfilled.

(b) Service in the lower pay scales for promotion to BP-18 shall be counted as follows:

- i. Half of the service in BS-16 and one fourth in Basic Scales lower than 16, if any, shall be counted as service in Basic Scale 17.
- ii. Where initial recruitment takes place in Basic Scale 18 and 19, the length of service prescribed for promotion to higher Basic Scales shall be reduced as indicated below:
Basic Scale 19 : 7 years' service in BS-18
Basic Scale 20 : 10 years' service in BS- 18 and above or 3 years' service in BS-19

Sir as per the rules for promotion from BPS 17 to BPS 18 five-year service is required. Furthermore, a year served in BPS 16 counts as half a year of BPS 17 according to the policy we have served almost 7 years at BPS 17 and are eligible for promotion on regular basis.

We have already submitted our case for promotion on acting charge basis and your good office have responded to the Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar vide letter No. SO(S/F) E&SED/4-24/2021/Seniority Dated Peshawar the October 14th, 2021 with the direction to process the pending seniority cases of the officers. At the earliest.

Therefore, your good self is requested that the DDEOs/Deputy Directors BS 18 may be promoted as District Education Officers/Additional Director BPS-19 and vice versa on regular basis so that all the posts of DEOs/Additional Directors and DDEOs should be filled for smooth functioning of official business. Moreover, the authorities i.e. Director, E&SE Khyber Pakhtunkhwa may be directed to furnish the promotion cases of Additional Directors/ DEOs, Deputy Director/ DDEOs And Assistant Directors/SDEOs Female to your good officer.

SECRETARY DIARY

No. 392

Dated 16/11/2021

Yours's obediently

All Management Cadre officers
Elementary & Secondary
Education Khyber Pakhtunkhwa.

Nizatul Tabassum

Mst Gulrooj Khan
15/11/2021

15/11/2021

AMIR NAWAZ KHAN
Advocate High Court Peshawar
14-A, Haroon Mansion Khyber Bazaar
Peshawar 033-72-22607

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03. Shakila Anjum [Signature]
04. Nadia Begum [Signature]
05. Saima Bashir [Signature]
06. Bibi Ayesha Naz [Signature]
07. Faiza Noreen [Signature]
08. Saima Bashir [Signature]
09. Noor Rahat Yaseen [Signature]
10. Asfia Amin [Signature]
11. Nancey Begum [Signature]
12. Naseem Bukhari [Signature]
13. Tahira Jabeen [Signature]
14. Shahida Parveen [Signature]
15. Iffat Jabeen [Signature]
16. Nageena Bibi [Signature]
17. Surriya Taj [Signature]
18. Sajida Sakhi [Signature]
19. Saeeda Bano [Signature]
20. Shabana Bibi [Signature]
21. Shamshad Bibi [Signature]
22. Musarrat Jamal [Signature]
23. Nighat Shaheen [Signature]
24. Farhat Yasmeen [Signature]
25. Malik Taja [Signature]
26. Maher Sani [Signature]
27. Samina Iftikhar [Signature]
28. Zahida Khanum [Signature]
29. Zubaida Khanum [Signature]
30. Naila Naz [Signature]
31. Fozia Parveen [Signature]

SECRETARY DIARY
No. 392
Dated 16/11/2021



GOVERNMENT OF KHYBER PAKHTUNKHWA

ESTABLISHMENT DEPARTMENT

No. SO (PSB) ED/1-25/2021/KC
Dated Peshawar, the January 17, 2022

To

All Administrative Secretaries
to the Govt. of Khyber Pakhtunkhwa.**Subject: - STREAMLINING OF PROVINCIAL SELECTION BOARD (PSB) MEETINGS.**

Dear Sir,

I am directed to refer to this Department letter of even No. dated 23.12.2021 on the subject and to say that the PSB meeting has been scheduled to be held in 1st week of March 2022. The working papers (complete in all respects) for promotion to be placed before the PSB meeting may be furnished well before the cut off date which is fixed as 18.02.2022. Most importantly, working papers of the officers who are at the verge of retirement and falling in the promotion zone must be forwarded on priority basis.

2. I am further directed to say that no working paper will be received after the mentioned cut off date and that the Administrative Department will be responsible for any delay in submission of working papers and the resultant deprivation of any officer from promotion/consideration.

ATTESTED

AMEER NAWAZ KHAN
Advocate High Court - Peshawar
14-A, Haroon Mansion Khyber Bazar
Peshawar 0333-9142007

Yours faithfully,

17.1.2022
SECTION OFFICER (PSB)

ENDST. EVEN NO. & DATE.

copy is forwarded to

1. All Section Officers in Regulation Wing of Establishment Department.
2. PS to Secretary Establishment, Govt. Khyber Pakhtunkhwa
3. PS to Special Secretary Regulation Establishment Department.
4. PAs to Additional Secretaries (Reg-I, & II), Establishment Department.
5. PAs to Deputy Secretaries (Reg-I, II & III), Establishment Department.

17.1.2022
SECTION OFFICER (PSB)



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT

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No. SO(PSB)ED/1-25/2020/(1)
Dated Peshawar, the 05.03.2020

To,

All Administrative Secretaries,
to the Government of Khyber Pakhtunkhwa

Subject:- **DOCUMENTS REQUIRED WITH THE WORKING PAPERS OF
PROMOTION TO BE PLACED BEFORE PSB.**

Dear Sir,

I am directed to refer to the subject and to say that the following eligible attested documents are required to be attached with the working paper of promotion to be placed before PSB for its consideration.

- i. Availability of post (s).
- ii. Budgetary proof for confirmation of total sanctioned strength.
- iii. Details of incumbents with posting presently working in a cadre to which promotion is made.
- iv. Notified seniority list of the current year.
- v. Service Rules.
- vi. Reasons of missing PER(s) reflected against a panelist officer in PSB-II proforma.
- vii. Details of enquiry /NAB/VR /Departmental cases of a panelist officer in PSB-II proforma with latest position.
- viii. Courts judgment (if any), including details of CPLA/Scrutiny Committee minutes, etc.
- ix. Presentation to PSB in soft alongwith the working paper.
- x. Photos/ profile of the panelist officer(s) on the relevant proforma.
- xi. Certificates of training/examination mandatory for promotion according to the Service Rules.
- xii. Research papers with a list-containing name of the officer, title of the research paper and the year in which it has been published and Evaluation Report of the Research paper where required.
- xiii. Any other document which the department considers necessary for perusal of the Board.

2. It is requested that any working paper received without any of the above documents shall not be entertained.

Your's faithfully,

[Signature]
SECTION OFFICER (PSB)

ATTESTED

[Signature]
AMEER NAZKI KHAN
Advocate High Court - Peshawar
14-A, Haroon Mansion Khyber Bazar
Peshawar (0333-9142007)

WORKING PAPER FOR PROVINCIAL SELECTION BOARD

DEPARTMENT: ELEMENTARY & SECONDARY EDUCATION, GOVT OF KHYBER PAKHTUN KHAWA.

- i. Nomenclature of the post/Basic Scale: Deputy District Education Officer / Deputy Director BS-18 (Female)
- ii. Service/Group/Cadre: Provincial Education Service Group B-18 Officers of Management Cadre (Women Section)
- iii. Sanctioned strength of the Cadre: Total Sanctioned posts of Deputy DEOs / Deputy Director (BS-18) = 42 (Annexure-A)

		Direct	Promotion	Transfer
i	Percentage of Share	20%	80%	---
ii	No. of posts allocated to each category	8	34	---
iii	Present Occupancy	05	23	---
iv	No. of Vacancies in each category	03	11 (for appointment on acting charge basis)	---

v. How did the vacancy (ies) under promotion quota occur and since when?

- i) Post vacant due to the Death of Jameela Rana EX-DDEO (F) Kohat in BS-18 = 1 (Annexure-B)
- ii) Newly created / sanctioned posts of Deputy DEOs BS-18 in NMAs W.e.f.01.07.2020 = 08 (Annexure-C)
- iii) Newly created / Sanctioned Posts of Deputy DEO Swat Upper Female and Lower Female = 01 (Annexure-D)
- iv) Vacant posts since creation = 1

a) 80% by promotion on the basis of seniority cum fitness from amongst the sub-Divisional Education Officers / Assistant Directors (Male / Female) with at least 05 years' service as such and such officers shall undergo 06 weeks post promotion training on the following modules.

- i) Financial Management.
- ii) HR Management.
- iii) Information Technology.
- Provided that if no suitable officer is Available for promotion then by transfer of BS-18 officers.

b) Twenty Percent by initial recruitment Annex-E

05 years' service in BPS-17

on acting charge basis

vi. Recruitment Rules


vii. Required length of service.


viii. Whether to be promoted on regular basis or appointment on acting charge basis?

ix. Mandatory training, if any.

x. Minimum required score on EI.

N.A
50


Director
Elementary & Secondary Education
Provincial Education Service Group
Khyber Pakhtunkhwa Province


Secretary
Government of Khyber Pakhtunkhwa Khyber
Elementary & Secondary Education

- i. Nomenclature of the post/Basic Scale. Deputy District Education Officer / Deputy Director BS-18 (Female)
- ii. Service/Group/Cadre: Provincial Education Service Group B-18 Officers of Management Cadre (Women Section)
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vii. Required length of service.

viii. Whether to be promoted on regular basis or appointment on acting charge basis?

ix. Mandatory training, if any.
Minimum required score on EI.

N.A
50

WAKALAT NAMA

Before the Services Tribunal Khyber Pakhtunkhwa Peshawar.

Service Appeal No. _____ 2022.

Gulraj Bibi & Others
(Appellants)



Government of KP & Others
(Respondents)

From: We, Gulraj Bibi & Others (Appellants) in the captioned Title Service Appeal do hereby appointed & constitute Advocates as my/our Counsel in subject proceedings and authorize him to appear plead etc. Compromise withdraw or refer the matter for arbitration for me/us without any liability of his default and receive all sums and amounts payable to me/us and do all such acts which he may deem necessary for protecting my/our interests in the matter. He is also authorized to file appeal, Revision, Review, Application for Restoration or application for setting aside ex-parte decree proceedings on my/our behalf.

In case if the parties arrives in compromise or any other proceedings, which puts an end to the litigation, fee paid to the counsel as a whole or in installment shall not be refundable.

My/our counsel shalln't is responsible for the consequences of any of my/our illegal act or acts. This Wakalat Nama is signed by me/us after having read fully and understood the contents of it. Moreover there is no agreement.

Dated. 22/02/2022.

Attested & Accepted by

NOROZ KHAN (A.S.C)

AMBER NAWAZ KHAN

Advocates High Court Peshawar

Office:

14-A Haroon Minsion Khyber Bazar Peshawar. 0333-9159998, 0333-9142007

- ① Gulraj Bibi (Client)
- ② Shabir Khan
- ③ Nadia Bibi
- ④ Hameed Bibi
- ⑤ Fozia Bibi
- ⑥ Gulraj Bibi
- ⑦ Nazam Khan
- ⑧ Hameed Bibi
- ⑨ Nurrahman Khan
- ⑩ Hafiz Bibi
- ⑪ Nansi Bibi
- ⑫ Nansi Bibi
- ⑬ Zahid Bibi
- ⑭ Shabir Khan
- ⑮ Hafiz Bibi
- ⑯ Sajid Bibi
- ⑰ Gulraj Bibi
- ⑱ Hafiz Bibi