

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR
Service Appeal No.7602 of 2021

Fazli Ahmad
(Ex-Senior Clerk of C&W Department, KP)
Presently Divisional Accounts Officer
O/O Accountant General, Gilgit Baltistan, Gilgit.

.....**APPELLANT**

Versus

1. Government of Khyber Pakhtunkhwa through Secretary C&W Department.
2. Chief Engineer (Centre) C&W Department, Peshawar.
3. Administrative Officer O/O Chief Engineer (Centre) C&W Department, Peshawar.

.....**Respondents**

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.....**Respondents**

COMMENTS OF OFFICIAL RESPONDENTS

Respectfully Sheweth!

PRELIMINARY OBJECTIONS

1. That instant Service Appeal before this Honorable Tribunal is not maintainable because neither final orders nor Appellate orders have been passed by the Authorities till yet, hence under Section-4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974, this appeal is not entertainable.
2. That Appellant has misconceived the Tribunal and has not brought the real facts of the case in knowledge of the Court.
3. That instant appeal is bad for mis-joinder and non-joinder of necessary parties e.g. the Accountant General, Khyber Pakhtunkhwa and others who has promulgated the promotion policy of the Provincial Government in alike cases.
4. That Appellant has got no locus standi and cause of action.
5. That Appellant has deliberately concealed material fact and the prevalent policy of the Provincial Government described in memo No.SOE/E&AD/1-3/2008 dated 28-01-2009 from the Court particular Sub Para (b) (d) & (g) **(Annexed-I)**.
6. That instant Appeal is frivolous/vexatious. The Appellant has not brought that very action to which the Appellant says "impugned/illegal and unlawful" on the part of Respondents.

ON FACTS

1. Pertains to record and the entries in the service documents, which are in the custody of Appellant.
2. Incorrect. The Annex-B with the instant Appeal, narrates:-
 - (i) "The following officers/officials have qualified the Divisional Accounts Officer Part-I Examination. They are attached with the Divisions mentioned against each for Six Months practical training w.e.f 25-02-2013 to 25-08-2013. They will draw pay & allowances against the posts, they are presently holding"

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EXTRACT FORMAT

S.No.	Name/Father Name/Designation	Roll No.	Present place of posting	Name of Division where training to be imparted	Remarks
1 to 24					
25.	Fazli Ahmad S/O Mulvi Abdul Khaliq Senior Clerk	1232	Building Division-I, Peshawar.	Main office (WAD-VI Section)	He will lookafter his seat work during training.
26 to 32					

The said memo seems endorsed to others alongwith Chief Engineer Works & Services (C&W)/Public Health Engineering & Irrigation. However, it shall be assumed as Training Programme charted out by the Accountant General and has no concern with the Department, except informatory. The paper filed with this Appeal at Page-14 has not been endorsed or brought into the notice of Chief Engineer being employer of the staff of the C&W Department. That orders dated 20-08-2013 denotes:

“Appointment as Divisional Accounts officer in Divisions”.

It is without consultation with Respondent No.2, being employer of the Appellant, hence illegal/unlawful.

- (ii) Neither the O/O Accountant General nor the Appellant himself bothered to have informed, got proper relieving or to have tendered Resignation (as defined in the substituted Para-251 of the Auditor General’s Manual of Standing Orders, as endorsed to all the Accountant General/ Director General/Director **(Annexed-II)**. Where it was classified, “to include a clause in the offer of Appointment of Divisional Accounts Officer (renamed) to the effect:-

“They would have to resign their appointment under the Provincial Government in terms of Article-418 (b) of the C.S.R in order to take-up the appointments as Divisional Accounts Officer.”

It depicts that the Appellant was in great hurry to join his new assignment as Divisional Accounts officer, being more attractive/lucrative post than his prevalent post of Senior Clerk. Till date terms & conditions have not been settled between the Employer (C&W Department) and the Accountant General’s Khyber Pakhtunkhwa (Borrowing agency). Recently, when the case of all Divisional Accounts Officers was taken for their repatriation, the O/O Accountant General, Khyber Pakhtunkhwa termed their services, **“Borrowed”** vide letter No.Admn.I-34/DAO/PF/1293, dated 22-11-2021 **(Annexed-III)**.

- 3. No comments, however the replying Respondents have reservations, when the Appellant claim his-self, employees of the C&W Department, then under what rules his services have been placed on “Deputation” for a period of 03-years by the Accountant General’s office, Khyber Pakhtunkhwa to the O/O Accountant General, Gilgit Baltistan through office order No. AC(5)203, dated 23-02-2021 and relieving the Appellant alongwith two others. This action on part of the Accountant General, Khyber Pakhtunkhwa depicts that the Appellant is on the role of Accountant General, Khyber Pakhtunkhwa and not on the strength of C&W Department.

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4. Para-4 of the instant Appeal is ambiguous, frivolous and not clear. The Appellant should have annexed documentary proof instead to base it on accumulation.
5. Incorrect. From the plain reading of the application dated 20-05-2021 (already Annex-D with the Service Appeal) the subject application depicts "Request for Report in Promotion Zone....." cannot be termed as a Departmental Appeal. On the other hand, this application is also not routed through proper channel, although in the opening, stated "Proper Channel."
6. Incorrect. Respondent No.2, the Chief Engineer, being competent authority, responded the request of Appellant and informed vide memo No.177-E/36/CEC/C&WD, dated 11-08-2021 (**Annex-IV**) through the O/O Accountant General, Gilgit Baltistan within the stipulated period of 90-days. Besides, his said application was also sent to the Accountant General, Khyber Pakhtunkhwa vide letter No.177-E/29/CEC/C&WD, dated 11-08-2021 (**Annex-V**) with the recommendations that all the staff/officials pertaining to C&W Department and working with Accountant General office as Divisional Accounts Officers (Emergency Cadre) should be repatriated to the Parent Department (C&W) so that those who are falling in promotion zone, their cases are processed according to the prevalent rules/policies of the Provincial Government. However, their repatriation is still awaited.

GROUNDS

- A. Incorrect assumption, "impugned/illegal/unlawful/ void and ineffective actions on the part of Respondents". No Final or Appellate orders have been passed, hence conceiving the Tribunal in this state.
- B. The same as replied in Para-A, above.
- C. The Promotion Policy of the Provincial Government incepted on 28-01-2009 and as expressed in Para-5 of Preliminary Objection, the Appellant should come back to the Parent Department (C&W) and get himself repatriated from the O/O Accountant General's Khyber Pakhtunkhwa. His case, if eligible and fulfill the conditions, defined in the Promotion Policy in Sub-Para (b) (d) & (g) will be considered by the Departmental Promotion Committee after his repatriation back to C&W Department. In a reference, an advice was sought from the Establishment Department in alike case, the Establishment Department vide letter No.SOR-V(E&AD)/Gen/C&W/ dated 30-03-2015 & No.SOR-V(E&AD)1-1/C&W/17/Vol-IV, dated 09-05-2019 (**Annex-VI/VII**), advised "to consider the promotion on his turn in light of Para-IV(b) and (d) of the Promotion Policy and recall the official for further duty."
- D. The same as replied in Para-C, above.
- E. Incorrect, Para-254 of Central Public Works Accounts Code (C.P.W.A) Code has no attraction in the instant case which's meaning is different (extract of Para is **Annexed-VIII**). As far as paragraph 249/257 as quoted in the Para-E of Appeal, probably these are some instructions of the Controller General of Accounts, Islamabad on the matters pertaining to the Policy, Rules/Regulation for "Appearing in the Divisional Accounts Officers Examination, which also not attracts the present case of the Appellant.

F. Baseless accumulation, Respondent No.2 (Chief Engineer/Appointing Authority) for the class/cadre which the Appellant holds, is bound to observe the Provincial Government's Rules/Regulations and Policies in its true prospective/spirit. As expressed in above para of reply, it rest with the Appellant to come back and get himself repatriated back to Parent Department i.e. C&W and then to avail the progressive promotion under the settled law/policies of the Provincial Government.

In light of the above stated facts, circumstances and keeping in view the Government Policy on the matter as prayed and adjudicated by the Appellant, the Service Appeal in the present state is void of merit, which may graciously be dismissed on this score only. On the others, as no Final/Appellate orders have been passed, therefore, the instant Appeal does not meet the requisite ingredients as defined in Section-4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974, hence this Appeal is liable to rejection in limine.

**Secretary to Govt. of Khyber Pakhtunkhwa
C&W Department
(Respondent No.1)**

**Chief Engineer (Centre)
C&W Department
(Respondent No.2)**

**Administrative Officer
O/O Chief Engineer (Centre)
C&W Department
(Respondent No.3)**

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Fazli Ahmad
(Ex-Senior Clerk of C&W Department, KP)
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.....**APPELLANT**

Versus

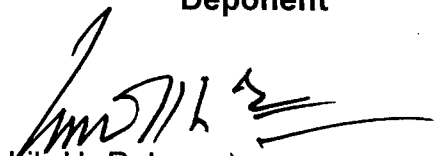
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.....**Respondents**

AFFIDAVIT

I, Habib-Ur-Rehman, Administrative Officer (BS-17) O/O Chief Engineer (Centre) C&W Department, Peshawar, do hereby solemnly state that the accompanying comments in the instant Service Appeal, drawn are correct to the best of my knowledge, belief and nothing has been kept secret/concealed from this Honorable Service Tribunal.

Deponent



(Habib-Ur-Rehman)
Administrative Officer
O/O Chief Engineer (Centre)
C&W Department, Peshawar.



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

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

To

1. The Additional Chief Secretary, GoNWFP.
2. The Additional Chief Secretary (FATA), Peshawar.
3. The Senior Member, Board of Revenue, N.-W.F.P.
4. All Administrative Secretaries to Government of N.-W.F.P.
5. The Secretary to Governor, N.-W.F.P.
6. The Principal Secretary to Chief Minister, N.-W.F.P.
7. All Divisional Commissioners in NWFP.

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.

Senior Officer E-3
Establishment Deptt.

Signature

Signature

Serial No.	2249
Date	09/02/09
Signature	[Signature]

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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:

- 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:

Station Officer E-3
Establishment Deptt.
A
MS

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

(ii) 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.

Section Officer E-3
Establishment Deptt.

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

(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,

Saction Officer E-3
Establishment Deptt.
A.O.C.

(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.

Section Officer E-3
Establishment Dept.
[Signature]

- (H)
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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.

Section Officer E-3
Establishment

Sabir

- (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.

Section Officer E-3
Establishment Dept.

Signature

(g) *When the Board considers the record as incomplete, or wants to further watch the performance of the officer or for any other reason to be recorded in writing*

*Authd Sr 2-VI (REV AD) N-16/2008/vol-21
dt 23/06/09*

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.

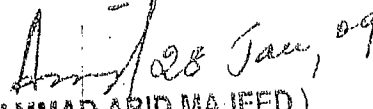
(b) However, the CEI policy is not applicable to civil servants in BS-16 and below. In this case, the concerned assessing authorities will take into consideration the entire service record with weightage to be given for recent reports and any minor penalty will not be a bar to promotion of such a civil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

(13) 17

CORRECTION SLIP NO 80 TO PARA 251
OF AUDITOR-GENERAL'S MANUAL OF STANDING ORDERS

Existing para 251 may be substituted by the following:-
Appointments to the cadre of Divisional Accountants shall be created as direct recruitment for all purposes to be governed by the terms and conditions of service laid down in the Civil Servants Act, 1973 and rules and orders issued thereunder by the Federal Government. Clerks employed in the P.W.D or other Departments of Provincial Governments will be required to resign their appointment in terms of Article 418 (b) of the C.S.R in order to take up the appointment as Divisional Accountant. They would not, therefore, maintain lien on previous appointments but their past service would count towards pay and pension.

Authority:- Auditor-General's orders dated 1.7.86 in para 71/N of file No. NGE.I/49-85

Sd/d-(DASHIR AHMAD)
Asstt: Auditor General (R&D)

OFFICE OF THE AUDITOR-GENERAL OF PAKISTAN
CENTRAL GOVT: OFFICES BUILDING
GULBERG-III LAHORE.

No. 187-20/Coord. II/C/69

Dated 2.9.1986

Copy is forwarded to all Accountant's General/Director General/Directors for information. It may kindly be ensured that the terms and conditions of offer of appointment of Divisional Accountants include a clause to the effect that they would have to resign their appointment under the Provincial Government in the terms of Article 418(b) of the C.S.R in order to take up the appointment as Divisional Accountant.

Sd/-x- -x(ABDUL LATIF)
Asstt: Accounts Officer,
Dated 2.9.86

No. 188-20/Coord. II/C/69

Copy also forwarded for information and necessary action to the following:-

1. All Heads of Training Institutes.
2. All Supervisory officers.
3. All Branch Officers and Sections of this office.
4. P.S to Auditor-General/Dy: Auditor General (Coord)/Dy: Auditor General (C.A).

Sd/- -x(ABDUL LATIF)
Asstt: Accounts Officer

1486

1086

No. Admn. I/45(9)/2615-22

Dated 16/10/1986

- Copy forwarded for information and necessary action to:-
1. The Secretary to Govt of NWFP C&W Deptt: Peshawar
 2. The Secretary to Govt of NWFP PHE Irrg: Deptt: Peshawar
 3. The Chief Engineer, C&W Deptt: Peshawar.
 4. The Chief Engineer C&W Development Peshawar
 5. The Chief Engineer PHE Deptt: Peshawar.
 6. The Chief Engineer Irrg: Deptt: Peshawar
 7. The Chief Engineer Small Hydel Project Peshawar.
 8. All Executive Engineers, of C&W, Irrigation & Public Health Departments.

Asstt: Accounts Officer,
Admn) NWFP, Peshawar.

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OFFICE OF THE CHIEF ENGINEER (CENTRE)
COMMUNICATION & WORKS DEPARTMENT
KHYBER PAKHTUNKHWA PESHAWAR

No. 177-E / 36 / CEC / C&WD

Dated Peshawar the 11 / 08 / 2021

To

Mr. Fazli Ahmad,
Divisional Accounts Officer (On Deputation),
B&R Division, Ghauche Skardu,
Gilgit Baltistan.
C/O Accountant General, Gilgit Baltistan,
Gilgit.

Subject: **REQUEST FOR REPORT IN PROMOTION ZONE FROM SENIOR CLERK TO ASSISTANT.**

Reference:- Your Application dated 20.05.2021.

It is to state that in the past one of your colleague Mr. Attaullah Khan Junior Clerk of C&W Department who was inducted and posted as Divisional Accounts Officer, Emergency Cadre, purely on Temporary Basis as Stop Gap Arrangement, on the basis of passing DAO Part-I Exam under the Accountant General Khyber Pakhtunkhwa order dated 13.05.1998 was approaching for his further promotion as Senior Clerk under the relevant Appointment/Promotion Rules of the C&W Department.

He was informed of the Govt Policy on the matter of promotion as described in a circular letter of Establishment Department No. SOE-III/E&AD/1-3/2008 dated 28.01.2009 (already appearing at Page 52-58 (particular page-56-57) of Esta Code (Revised Edition, 2011) and was given an opportunity to get himself repatriated to C&W Department, then his promotion as per the instructions contained in sub para(d) and sub para (g) of the aforesaid Policy will be considered through Departmental Promotion Committee.


Leaving it aside, another ambiguity/ irregularity has been noticed that you alongwith your other colleagues inducted as Divisional Accounts Officer (Emergency Cadre)/Temporarily as Stop Gap arrangement were inducted for which the Accountant General's office placed proper requisition nor made reference for the borrowing of concerned staff. At the same time no terms and conditions of the staff have been settled with this office as Employer of their parent Department.

Further you have informed that your services have been placed on deputation for a period of 03-years at the office of Accountant General, Gilgit Baltistan, annexing Notification No. 1(8)/2013/F-II/GBC dated 15.02.2021, while you have been relieved by the O/O Accountant General Khyber Pakhtunkhwa vide Office Order No. AC (5)/203 dated 23.02.2021. Without necessary consultation with this Department. It was your duty to have asked for the fulfillment of codal formalities first and then join the post with Accountant General Khyber Pakhtunkhwa and what to say of your further deputation.

You are therefore directed in your own interest to get your-self repatriated back to C&W Department and then wait for your promotion under the principal as defined in sub para (d) and sub para (g) of the Promotion Policy. On the other hand you should have routed your request through the O/O Accountant General Khyber Pakhtunkhwa, who according to his view point have borrowed the services of all such Divisional Accounts Officer, Emergency Cadre.


CHIEF ENGINEER (CENTRE)

Copy to the Accountant General Khyber Pakhtunkhwa for information and in continuation of this office letter No. 177-E/29/CEC/C&WD dated 11.08.2021.


CHIEF ENGINEER (CENTRE)

OFFICE OF THE CHIEF ENGINEER (CENTRE)
COMMUNICATION & WORKS DEPARTMENT
KHYBER PAKHTUNKHWA PESHAWAR
No. 177-E / 29 / CEC / C&WD
Dated Peshawar the 11 / 08 / 2021

To

The Accountant General
Khyber Pakhtunkhwa Peshawar

Subject: **REQUEST FOR REPORT IN PROMOTION ZONE FROM SENIOR CLERK TO ASSISTANT**
Ref'nce: Application/ Request of Mr. Fazli Ahmad Senior Clerk/ Divisional Accounts Officer (Emergency Cadre) dated 20/05/2021

Enclosed please find herewith a copy of application in respect of Mr. Fazli Ahmad Senior Clerk posted as Divisional Accounts Officer (Emergency Cadre) vide Accountant General Khyber Pakhtunkhwa Order No.AC(5)351 dated 20/08/2013 and to state that the said official is the employee of C&W Department. As per his application, he has been posted on deputation basis to Gilgit Baltistan vide Accountant General Khyber Pakhtunkhwa Notification No.Admn-1-23/DAO/PF/306 dated 16/02/2021. However, the consent of C&W Department has not been obtained for the referred deputation, being parent department. Now the said official has requested for his promotion to the rank of Accounts Clerk with retrospective effect from which his juniors have been promoted to the next higher post.

Similarly 10-Other officials of C&W Department have also been posted as Divisional Accounts Officers (Emergency Cadre) (copy enclosed). All of them as well as your good office were informed, if they are willing to avail the facility of promotion then they shall report to C&W Department, enabling them to avail the facility of promotion but no response has been received so far. Owing to this way, this department faces difficulties in reserving posts for the said officials.

Moreover, from the perusal of attached application it seems that Part-II examination has not been conducted since 2013 due to which their services were not confirmed by Accountant General Khyber Pakhtunkhwa. From the last 08-Years, the C&W Department had reserved posts for the referred officials, resultantly the promotion of junior officials were affected

In view of above, this office strongly recommends to repatriate all officials of C&W Department presently working in Accountant General Khyber Pakhtunkhwa Office as Divisional Accounts Officers (Emergency Cadre) to their parent department i.e C&W Department to process their promotion cases under the existing rules & policy.

DAI As above

o/c
CHIEF ENGINEER (CENTRE)



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT & ADMN: DEPARTMENT
(REGULATION WING)

Amr 2

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No.SOR-V(E&AD)/Gen:C&W/11
Dated 30th March, 2015.

The Secretary to Govt. of Khyber Pakhtunkhwa,
C&W Department.

Subject: APPEAL FOR PROMOTION.

Dear Sir,

P-37/c
I am directed to refer to your letter No.SOE/C&WD/24-60/2014/DHO/JC dated 23-1-2015 and to state that the case of promotion of Mr. Attaullah Khan Junior Clerk office of the Chief Engineer (Central) C&W presently working as (emergency cadre) Divisional Accounts Officer on deputation may be processed under Rule-IV(b) & d) of Promotion Policy.

6563
Date: 31-3-2015
Secretary C&W Deptt.
Khyber Pakhtunkhwa
31.5.15
D/H

A-S/BSA

Yours faithfully,

~~Shabbir Ahmad~~
30/3/15
(SHABBIR AHMAD)
SECTION OFFICER (REG-V)

Endst: of even No. & Date.

Copy forwarded for information to the:-

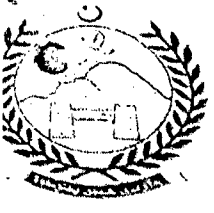
1. Accountant General, Khyber Pakhtunkhwa w/r to his letter No.Admn-34/DAO/PF/373 dated 11-3-2015.
2. PA to Deputy Secretary (R-III) Establishment Department.

(E)

SECTION OFFICER (REG-V)

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GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT & ADMN: DEPARTMENT
(REGULATION WING)

No.SOR-V(E&AD)/I-1/C&W/17/Vol.IV

Dated 9th May, 2019

Diary No. 4875
Date 10-5-19
Secretary C&W Deptt.

The Secretary to Govt. of Khyber Pakhtunkhwa,
C&W Department.

AS/DSA

Subject: CLARIFICATION OF PROMOTION OF JUNIOR CLERK TO THE
POST OF SENIOR CLERK OF PUBLIC WORKS DEPARTMENT
POSTED PURELY ON CONTRACT BASIS AND AS A STOP-GAPE
ARRANGEMENT TILL FURTHER ORDER.

Dear Sir,

I am directed to refer to C&W Department letter No.SOE/C&WD/24-2014 Jc/DAD dated 15-04-2019 on the subject noted above and to say that Administrative Department may consider his promotion on his turn in light of Para-IV(d) Promotion Policy and recall the official for further duty.

Your faithfully,

SECTION OFFICER (REG-V)

dst: of even No. & Date.

Copy forwarded to the PA to Deputy Secretary (R-III) Establishment Department.

SECTION OFFICER (REG-V)

SOE

J
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on file PA

Supt.

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to No.

- 022

COMBINED SET OF THE CENTRAL PUBLIC WORKS

DEPARTMENT CODE, ACCOUNT CODE
&
BOOK OF FORMS

APPLICABLE TO ALL CONCERNED IN PAKISTAN

Corrected & Modified

by

ZAKA ALI
(ADVOCATE HIGH COURT)

REVISED EDITION

2021

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(c) *Verification of unused Balances.*

22

252. Unused balances of materials charged direct to works should be verified at least once a year in the manner prescribed in paragraph 131 of the Central Public Works Department Code. Whenever this verification is made, a report of verification of the materials should be prepared by the Subdivisional Officer in Form 37 and submitted to the divisional office. The following instructions should be observed in preparing the report :-

- (a) As no continuous account is maintained of the materials actually used in construction, it is necessary first to calculate the quantities of principal items probably used. This should be done in the detailed statement at the top of the form, on the basis of the "progress" of work done on each sub-head, such authorised formulae being adopted as may be in general use locally.
- (b) Deducting these quantities from the total quantities of the materials issued to the work as per Form 35, the paper balances of the unused materials should next be arrived at and set forth against line C.
- (c) The actual balances should be entered against line D, and the differences between the actual and paper balances should be set forth against line E. These differences should be priced at the actual rate of cost which should be deduced from the total value and quantity recorded in the Detailed Statement of Materials, Form 35.
- (d) The report should then be completed by recording against line F remarks explaining action taken (1) to adjust the differences as per line E and (2) if the work has been completed, to dispose of the surplus balances as per line D, and by signing the printed certificates applicable to the case and scoring out the others.
- (e) The differences as per line E may be due to (i) the adoption of formulae for determining the actual consumption, (ii) unreasonable wastage, or (iii) shortage in some other form. All these differences should be investigated and dealt with in accordance with paragraph 289 (b), (c) and (d).

253. A similar verification of the unused balances of materials must invariably be made on the completion of a work, but on or before the completion of a work, when no more materials are required for use in construction, steps should first be taken to dispose of all surplus materials by transfer or sale, so that (1) the accounts of the work may promptly receive such credits as may be admissible under paragraph 251, (2) the balance at debit of the suspense head "Materials" may, as far as possible, represent the net cost of the materials actually used in construction, and (3) the surplus balances awaiting clearance may be reduced to a minimum.

The report in Form 37 should in this case set forth both quantities and values throughout.

254. If the Gazetted officer or subordinate in direct charge of a work, the accounts of which are kept by sub-heads, is transferred before the accounts of it are closed, the unused materials at site of the work should be verified by the relieving officer in company with the relieved officer and the report prescribed in paragraph 252 should be prepared by the Subdivisional Officer and submitted to the divisional office.