

12.09.2022

The worthy Chairman is on leave, therefore, the case is adjourned to 24.10.2022 for the same.


Reader

02.06.2022

Clerk of learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

Lawyers are on general strike. Respondents have still not submitted relevant record regarding which directions were issued in order dated 05.10.2020. Vide order dated 03.01.2022, cost of Rs. 5000/- was also imposed upon the respondents but the same has also not been paid. Learned Additional Advocate General is directed to intimate the respondents to positively produce the record pertaining to PERs of the appellant on the next date. Adjourned. To come up for production of the concerned record and preliminary hearing before the S.B on 25.07.2022.



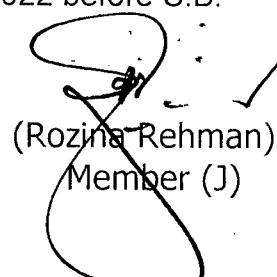
(Salah-Ud-Din)
Member (J)

Received a sum of Rs. 5000/-
in S. No. 12170/22 from dismissed
representative BSS - Ut-Mesa.
25.07.2022
Appellate - 28-7-22

Appellant alongwith his counsel present.

Naseer Ud Din Shah, learned Assistant Advocate General alongwith Aizazul Hassan Superintendent for respondents present.

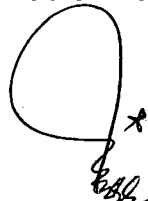
Partial record was produced. Again a request for adjournment was made on behalf of respondents. Last chance is given. Cost of Rs. 5000/- was paid to the appellant. To come up for production of concerned record and preliminary hearing on 17 / 9 / 2022 before S.B.



(Rozina Rehman)
Member (J)


02.11.2021 Appellant in person and Mr. Muhammad Adeel Butt,
Addl: AG alongwith Mr. Ijaz Khattak, SO for respondents
present.

Learned AAG seeks time to submit reply. Adjourned.
To come up for reply/preliminary hearing on 06.01.2022
before S.B.


(Mian Muhammad)
Member(E)

03.01.2022 Appellant in person and Mr. Kabirullah Khattak, Addl.
AG alongwith Rasheed Ahmad Khan, Superintendent for the
respondents present.

Respondents have not submitted the relevant record
as required on 05.10.2020 despite various opportunities
including last opportunity. Last opportunity is further
extended to the respondents, subject to payment of cost of
Rs. 5000/- to be paid to the appellant on next date. Case to
come up for record/cost and preliminary hearing on
03.03.2022 before S.B.


(Rozina Rehman)
Member (J)

3-3-2022

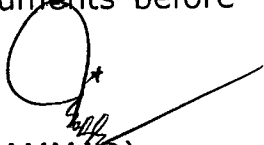
Due to retirement of the
Honorable chairman the case is adjourned
to come up for the same as
before on 2-6-2022


Reader

05.10.2021

Appellant in person present. Mr. Muhammad Zaman, Assistant Director and Mr. Fazal Subhan, Section Officer alongwith Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.

Representatives of the respondents sought short adjournment for submission of attested copies of PERs alongwith detailed of service record. Adjournment granted. To come up for record and preliminary arguments before the S.B on 12.10.2021.


(MIAN MUHAMMAD)
MEMBER (EXECUTIVE)

12.10.2021

Appellant alongwith his counsel present. Mr. Kabirullah Khattak, Additional Advocate General alongwith Mr. Rashid Ahmad, Legal Assistant and Mr. Izaz Ahmad, Assistant for respondents present. .

Learned AAG requested for a short adjournment for submission of requisite record. Last opportunity is provided to the respondents with the direction to strictly comply with the orders contained in order sheet dated 21.09.2021. Adjourned. To come up for further proceedings before the S.B on 10.11.2021.


(MIAN MUHAMMAD)
MEMBER (E)

21.09.2021

Appellant present in person.

Muhammad Adeel Butt learned A.A.G for respondents present.

Pre-admission notice had been issued to the respondents by the learned Chairman. Let this case be fixed for today before the learned Chairman, for preliminary hearing.



(Rozina Rehman)
Member (J)

21.09.2021

Appellant in person and Mr. Muhammad Adeel Butt, Addl. AG alongwith Rashid Khan, Legal Officer for the respondents present.

Vide order dated 05.10.2020, direction for issuing pre-admission notice to respondents was given requiring production of service record of appellant, more particularly, relating to his PERs. Compliance of the said direction is still awaited despite several adjournments. The production of the service record of the appellant is required for reaching to a just decision in the course of preliminary hearing. The respondents having custody of his service record in official capacity are under obligation to produce the said record in pursuance to a judicial direction which if not complied with, entails penal consequences. Let the respondents/department be afforded with another opportunity for doing the needful and copy of this order be sent to the respondents No. 3 to 5 for compliance. To come up for preliminary hearing on 05.10.2021 before S.B.



Chairman

25.02.2021

The learned Member Judicial Mr. Muhammad Jamal Khan is under transfer, therefore, the case is adjourned. To come up for the same before S.B on 15.06.2021.


Reader

30.03.2021

Appellant in person present with a request for adjournment; granted. To come up for preliminary hearing on 17/06/2021 before S.B.


(Rozina Rehman)
Member (J)

17.06.2021

Junior to counsel for the appellant and Mr. Muhammad Adeel Butt, Addl. AG for the respondents present. Senior counsel for the appellant is not in attendance due general strike.

Adjourned to 21.09.2021 for preliminary hearing before S.B. *r/w order dated 05.10.2021.*






Chairman

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 9624 /2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	27/08/2020	<p>The appeal of Syed Shahinshah presented today by Mr. Bilal-ud-Din Khattak Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR</p>
2-		<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>05/10/20</u></p> <p> CHAIRMAN</p>
	05.10.2020	<p>Counsel for the appellant present.</p> <p>Issue pre-admission notice to respondents for 07.12.2020 for production of service record of appellant more particularly relatable to his P.E.Rs.</p> <p> Chairman</p>
	07.12.2020	<p>Junior counsel for appellant present.</p> <p>Kabir Ullah Khattak learned Additional Advocate General alongwith Abdul Hameed S.O for respondents present.</p> <p>Representative of respondents submitted reply. Lawyers are on general strike. To come up for preliminary hearing on 25.02.2021 before S.B.</p> <p> (Rozina Rehman) Member (J)</p>

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR.**

Service Appeal No. 9674/2020

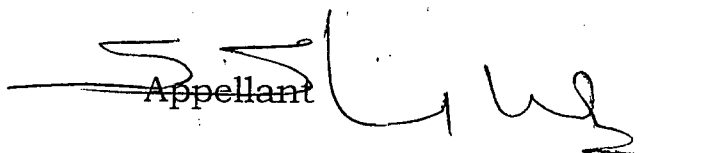
Syed Shahinshah.....(Appellant)

V E R S U S

Government of Khyber Pakhtunkhwa through Chief Secretary
and others.....(Respondents)

I N D E X

S.No	Description of Documents	Annex	Pages
1.	Service Appeal		1-5
2.	Affidavit		6
3.	Addresses of the parties		7
4.	Judgment in C.P. No. 697-P of 2019 dated 20/08/2020	A	8-9
5.	Judgment in Writ Petition No. 3146-P/2019 dated 25/09/2019	B	10-11
6.	Departmental Representation	C	12
7.	Notification of Promotion dated 12 th Oct: 2018	D	13
8.	Notification of appointment dated 22 nd April 1996	E	14
9.	Service Certificate of W.W.B Labour Department	F	15
10.	Letter of Local Government Department dated 4 th April, 1998	G	16
11.	Letter of the Establishment Department dated 16 th March 2013 with better copy	H	17-18
12.	Order of Repatriation dated 29 th July, 2013	I	19
13.	Instruction on performance Evaluation report	J	20-39
14.	Wakalat Nama		40


Appellant

Through



Dated: 26/08/2020

Bilal ud Din Khattak
Advocate, High Court,
Peshawar.
Cell: 0333-9121558

(1)

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR.**

Service Appeal No. 9624/2020

Syed Shahinshah, Deputy Director (Finance & Accounts)
Director General LG/ RDD, Phase-V, Hayatabad,
Peshawar.....(Appellant)

V E R S U S

1. Government of Khyber Pakhtunkhwa through Chief Secretary,
Civil Secretariat, Peshawar.
2. Secretary to Government, Establishment Department
Government of Khyber Pakhtunkhwa, Peshawar.
3. Secretary to Government, Local Government and Rural
Development Department, Khyber Pakhtunkhwa, Peshawar.
4. Director General Local Government and Rural Development
Department, Khyber Pakhtunkhwa, Phase-V, Hayatabad,
Peshawar.
5. Director (Administrator), LG/RDD, Khyber Pakhtunkhwa,
Phase-V, Hayatabad, Peshawar.
6. SO (PSB) Establishment Department Government of Khyber
Pakhtunkhwa, Peshawar.....(Respondents)

**SERVICE APPEAL U/S 4 OF KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT,
1974 AGAINST THE NON ACTION ON THE**

DEPARTMENTAL REPRESENTATION OF
THE APPELLANT AND NON FOLLOWING
THE RULES/ INSTRUCTION IN RESPECT OF
PERFORMANCE OF EVALUATION REPORT
(ACR)

PRAYER:

On acceptance of this Service Appeal, that the applicant may be exonerated of submitting PER as already served 25 of service or all the ACR's lost by the Department upto 2015 may further be considered as that of other officers in the Department to avoid unfitness for promotion by score and directed the respondents to follow the rules/ instruction in respect of ACRs.

Respectfully Sheweth:

1. That the appellant is highly qualified having master degree, in Business Administration, Appellant joined service on 01/07/1991 in BPS-17 as Training Manager in BPS-17 and later on selected as Account Officer BPS-17 by Public Service Commission for the Directorate General LG/RDD KPK. After that applicant remained posted in different departments of Khyber Pakhtunkhwa, the applicant was promoted

as Deputy Director (F&A) Directorate General LG & RDD through Writ Petition No. 1156/2017.

2. That, now the applicant is serving is serving as Deputy Director in the said office. That at the movement there is no senior officer than the applicant. That in each Office/ Department there shall be specific job description given main duties, recommended by the Head of Department for approval of secretary LG and Chief Secretary KP, which is not in the Applicant's case since 2013, specifically from November, 2018 till date.
3. That the situation of writing the PERs by the Junior Officers owing to their posting on higher posts became an irregular custom when the devolution of power plan, 2001 was enforced when so many other services issues remained unresolved.
4. That in the instruction of PER Section (d), it is clearly mentioned that the Reporting Officer should be of higher status. It will not be, therefore proper to allow a Section Officer to write the PER of another Section Officer will holding the current charge of Deputy Secretary i.e. Junior/ Equal scale officers cannot write the PERs. In the said instructions on PER,

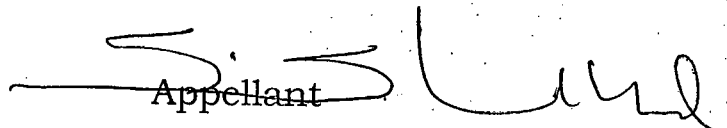
Section 1.4 (b) (i) the onus of initiating PER will on the reporting officer, and, its maintenance is the responsibility of the Administrative Department as per Section 6.81. It is also mandate in the instructions that employees with 25 years of services needs to write the PERs Section 3 of the "Instruction on PERs".

5. That respondents department had lost the ACRs of the appellant from May 1996 to 2001 and after words.
6. That respondents may be directed to evaluate the last ACRs not below of the level of very good to avoid unfitness of promotion.
7. That appellant also moved representation to the Chief Secretary through proper channel, whereby no action was taken on that on which the appellant file Writ Petition which dismissed on the ground of jurisdiction the appeal against that order was dismissed by august Supreme Court of Pakistan by directing the appellant to approach proper forum that is this Hon'ble Tribunal.


5

8. That other grounds may be forwarded with the permission of this Hon'ble Court.

It is, therefore, humbly prayed that on acceptance of this Service Appeal, that the applicant may be exonerated of submitting PER as already served 25 of service or all the ACR's lost by the Department upto 2015 may further be considered as that of other officers in the Department to avoid unfitness for promotion by score and directed the respondents to follow the rules/ instruction in respect of ACRs.


Appellant

Through


Bilal ud Din Khattak
Advocate, High Court,
Peshawar.

Dated: 26/08/2020

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BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR.

Service Appeal No. _____/2020

Syed Shahinshah.....(Appellant)

V E R S U S

Government of Khyber Pakhtunkhwa through Chief Secretary
and others.....(Respondents)

AFFIDAVIT

I, Syed Shahinshah, Deputy Director (Finance & Accounts) Director General LG/ RDD, Phase-V, Hayatabad, Peshawar, solemnly affirm and declare that the contents of the **Service Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.



S. S. Shah
DEPONENT

CNIC: 17301-9406669-3

Cell No. 0334-9006361

BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR.

7

Service Appeal No. _____/2020

Syed Shahinshah.....(Appellant)

V E R S U S

Government of Khyber Pakhtunkhwa through Chief Secretary
and others.....(Respondents)

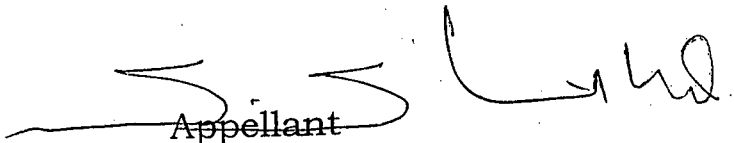
ADDRESSES OF THE PARTIES

APPELLANT:


Syed Shahinshah, Deputy Director (Finance & Accounts)
Director General LG/ RDD, Phase-V, Hayatabad, Peshawar.

RESPONDENTS:

1. Government of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat, Peshawar.
2. Secretary to Government, Establishment Department Government of Khyber Pakhtunkhwa, Peshawar.
3. Secretary to Government, Local Government and Rural Development Department, Khyber Pakhtunkhwa, Peshawar.
4. Director General Local Government and Rural Development Department, Khyber Pakhtunkhwa, Phase-V, Hayatabad, Peshawar.
5. Director (Administrator), LG/RDD, Khyber Pakhtunkhwa, Phase-V, Hayatabad, Peshawar.
6. SO (PSB) Establishment Department Government of Khyber Pakhtunkhwa, Peshawar.


Appellant

Through


Bilal ud Din Khattak
Advocate, High Court,
Peshawar.

Dated: 26/08/2020

Annex A

8

SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT:

Mr. Justice Gulzar Ahmed, CJ
Mr. Justice Ijaz ul Ahsan

C.P.No.697-P of 2019

[Against the order dated 25.09.2019, passed by the Peshawar High Court,
Peshawar in W.P.No.3146-P of 2019]

Syed Shahinshah.

...Petitioner(s)

Versus

**Government of Khyber Pakhtunkhwa through
Chief Secretary, Civil Secretariat, Peshawar
and others.**

...Respondent(s)

Petitioner

: In person.

For the Respondent(s)

: N.R.

Date of Hearing

: 05.08.2020

ORDER

Gulzar Ahmed, CJ:- We have heard the petitioner,
who has appeared in person. The petitioner had filed a writ petition
in the Peshawar High Court, Peshawar, in which he has made the
following prayer: -

"It is, therefore, humbly prayed that on
acceptance of this Writ Petition, that the
petitioner may be exonerated of submitting PER
as already served 25 years of service or the
countersigning officer may be declared as the
reporting officer as well for the petitioner and all
the ACRs, lost by the Department upto 2001
may further be considered as that of other
officers in the Department to avoid unfitness for
promotion by score."

2. The writ petition was dismissed by the impugned order
dated 25.09.2019, where the High Court noted that petitioner
being civil servant, the writ petition was not maintainable and

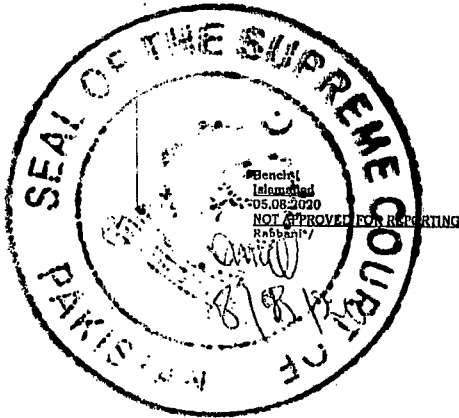
ATTESTED

Senior Court Associate
Supreme Court of Pakistan
Islamabad

9

barred under Article 212 of the Constitution, as the matter relates to his terms and conditions of service.

3. After arguing the matter at some length, the petitioner wishes to withdraw this petition and avail remedy before a proper forum. The petition is, therefore, dismissed as withdrawn.



Sd/-HCJ
Sd/-J
Certified to be True Copy

Senior Court Associate
Supreme Court of Pakistan
Islamabad

352 P/2

GR No:	Civil/Criminal
Date of Filing	6.8.20
No of Writs	1
No of Nos	1
Request	50
Copy Fee	3.5
Court Fee	8.5
Date of Completion	15/8/20
Date of Delivery	13/8/20
Compared by	
Received by	

Annex B

PESHAWAR HIGH COURT PESHAWAR
FORM "A"
FORM OF ORDER SHEET



10

Serial No. of Order or Proceedings	Date of Order or Proceedings	Order or other Proceedings with Signature of Judge or that of parties or counsel where necessary
1	2	3
	25.9.2019	<p><u>Writ Petition No. 3146-P/2019.</u></p> <p>Present:</p> <p>Mr. Bilal Ud Din Khattak, Advocate for petitioner.</p> <p>*****</p> <p><u>ROOH-UL-AMIN KHAN, J.-</u> As per averments of the writ petition, the petitioner was inducted as Training Manager in BPS-17 who was selected as Account Officer (BPS-17) through Public Service Commission in the office of DG, LG/RDD Khyber Pakhtunkhwa and presently serving as Deputy Director (F&A) Directorate General LG & RDD. The respondents' department lost the ACRs of the petitioner from May, 1996 to 2001, hence they be directed to evaluate the last ACRs not below the level of every good.</p> <p>2. In essence, the grievance of the petitioner is that he had submitted his ACRs for the year 1996 to 2001 which were lost by the department, hence he be exonerated from</p>

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ATTESTED
Handwritten signature
EXAMINER
Peshawar High Court

(11)

submitting PER as he has already served for 25 years or the countersigning officer may be declared as the reporting officer as well for the petitioner and all the ACRs lost by the department upto 2001 may further be considered as that of other officers in the department to avoid unfitness for promotion.

3. Having heard the arguments of learned counsel for petitioner, perusal of record reveals that admittedly the petitioner is a civil servant seeking (i) exoneration from submitting Performance Evaluation Report (PER) on account of 25 years service on his credit or (ii) declaring the countersigning officer as reporting officer and (iii) considering all his (Annual Confidential Reports) ACRs lost by the respondents 'department upto 2001 at par with other officers in the department to avoid unfitness for promotion. The prayer sought by the petitioner in this writ petition relate to terms and condition of service as enumerated in Chapter-II of the Civil Servants Act, 1973, wherein jurisdiction of this Court is expressly barred under Article 212 of the Constitution of Islamic Republic of Pakistan, 1973.

Looked at

ATTESTED

EXAMINER
Peshawar High Court

Annex C
12

4. Resultantly, the instant petition being not maintainable stands dismissed in limine. However, the petitioner is at liberty to approach the proper forum for the redressal of his grievance, if so desire.

Announced on;
25th of September, 2019

[Signature]
JUDGE

[Signature]
JUDGE

CERTIFIED TO BE TRUE COPY

SEWEEB NIGAM COURT
Authorised under Section 107 of
the Seweeb Nigam Act, 1982

03 OCT 2019

No.	5730
Date of Presentation of Application	25-09-19
No of Pages	234
Copying fee	
Total	15
Date of Preparation of Copy	03-10-19
Date of Delivery of copy	03-10-19
Received By	<i>[Signature]</i>



DIRECTORATE GENERAL

LOCAL GOVT. & RURAL DEV. DEPARTMENT
KHYBER PAKHTUNKHWA

13

Annex D

22-2-19

No. DG (LG) 3-1/F&A/Establishment/2018-19/
Dated Peshawar, the 22nd Feb, 2019

18798

To

The Chief Secretary, Govt. of Khyber Pakhtunkhwa,
Civil Secretariat, Peshawar.

Attested to be
True copy.
B. Qureshi

Through: PROPER CHANNEL

Subject: REPRESENTATION AS PER SECTION-22 READ WITH SECTION-23
OF CIVIL SERVANT ACT-VIII, 1973 READ FURTHER WITH APT
RULES, 1989 FOR EXEMPTION OF WRITING OF PER AS WELL AS
EXEMPTION FROM THE REPORTING OFFICER FOR THE PER
WRITING.

Dear Sir,

With due respect, it is stated that you being the Authorized Officer Head of Administrative Department as per APT Rules, 1989, therefore, the Representation is addressed on the subject. The representation is in the capacity of civil servant in BPS-18 and does not attract the condition for the Head of Department with bar to send official case direct to the Government etc. as envisaged in the Rules of Business, Section-39, 1985.

That the applicant/Undersigned was appointed vide Notification dated 2nd April, 1996 as Accounts Officer BPS-17 through Public Service Commission, Khyber Pakhtunkhwa after relieved properly by the Worker Welfare Board vide Local Government letter dated 04.04.1998. The services of the applicant/Undersigned w.e.f 01.07.1991 has been regularized/verified by the Establishment Department vide letter dated 16.03.2012 when posted in District Govt: Mardan. The annexure are attached as I, II, III & IV.

It is brought in your kind notice that at the moment there is no senior officer than applicant to be the reporting officer for writing of PER. In the guidelines for the filling of PER it is mandated that in each Office/Department there would be specific job description given main duties, approved by the Head of Department which is not in my case since 2013, specifically from November, 2018 till date.

The situation of writing the PERs by the Junior Officers owing to their posting on higher post became an irregular custom when the devolution plan, 2001 was enforced when so many other services issues remained unresolved.

In the instruction for PER Section (d), it is clearly mentioned that the Reporting Officer should be of higher status. It will not be, therefore proper to allow a Section Officer to write the PER of another Section Officer will holding the current charge of Deputy Secretary i.e. junior/equal scale officers cannot write the PERs.


In the said instructions on PER, Section 1.4(b)(i) the onus of initiating PER will on the reporting officer, and, its maintenance is the responsibility of the Administrative Department as per Section 6.81. It is also mandated in the instructions that employees with 25 years of services need not to write PERs.

It is therefore, requested that the Undersigned may be exonerated of submitting PER as already served 25 years of service or the countersigning officer may be declared as the reporting officer as well for the Undersigned and all the ACR's lost by the Department upto 2001 may further be considered as that of other officers in the Department to avoid unfitness for promotion by score.

O/c

Faithfully Yours
Thanking You.

DEPUTY DIRECTOR (F&A)
Directorate General: LG&RDD


Government of Khyber Pakhtunkhwa
Local Government, Elections and Rural Development Department

NOTIFICATION

Dated Peshawar, 12th October, 2018

Annex E
3503
14

No.SO(LG-I)2-128/2018.- The Competent Authority on the recommendations of Provincial Selection Board has been pleased to promote Syed Shahinshah, Accounts Officer (BPS-17) to the post of Deputy Director (Finance and Accounts) BPS-18 in Directorate General, Local Government and Rural Development Department, Khyber Pakhtunkhwa Peshawar with immediate effect.

2. On his promotion, the officer will remain on probation, in terms of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989.

3. Consequent upon his promotion, Syed Shahinshah is posted against the vacant post of Deputy Director (Finance & Accounts) BPS-18 in Directorate General, Local Government and Rural Development Department, Khyber Pakhtunkhwa, Peshawar with immediate effect.

SECRETARY TO GOVT.OF KHYBER
PAKHTUNKHWA, LG,E&RDD

Endst No. SO(LG-I)2-128/2018

Dated Pesh: 12th October, 2018

Copy is forwarded to:-

1. The Secretary to Government of Khyber Pakhtunkhwa, Establishment Department.
2. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
3. The Director General, LG&RDD, Khyber Pakhtunkhwa, Peshawar.
4. All Assistant Directors, LG&RDD in Khyber Pakhtunkhwa.
5. Syed Shahinshah, Accounts Officer, Directorate General, LG&RDD, KP, Hayatabad, Peshawar
6. The Manager, Government Printing Press, Peshawar.
7. Personal file of the officer concerned.
8. The PS to Secretary, LG,E&RDD.
9. Office order file.


(HAJI MUHAMMAD)
SECTION OFFICER (ESTAB)
Ph: # 091-9213224

Annex F

15

GOVERNMENT OF N.W.F.P.,
LOCAL GOVERNMENT, ELECTIONS AND RURAL
DEVELOPMENT DEPARTMENT

DATED PESHAWAR THE 22ND APRIL, 1996

N O T I F I C A T I O N

NO. SO(LG-I)2-204/96,- In pursuance of this Department Notification No. SO(LG-I)2-204/96, dated the 7th April, 1996, the Provincial Government in the Local Government, Elections and Rural Development Department are pleased to post Syed Shahin Shah S/O Aftinosh of District Peshawar as Accounts Officer in Basic Pay Scale No. 17 (3880-290-7360) in the Directorate General, Local Govt. and Rural Development Department, NWFP Peshawar against a vacant post.

SECRETARY TO GOVERNMENT OF NWFP,
LOCAL GOVT. ELECTIONS AND RURAL
DEVELOPMENT DEPARTMENT

Endst. NO. SO(LG-I)2-204/96 Dated Pesh, the 22nd April, 1996

A copy forwarded to:-

1. The Accountant General, N.W.F.P., Peshawar.
2. The Director General, LG&RDD, NWFP, Peshawar.
3. Syed Shahin Shah S/O Aftinosh r/o Jamal-ud-Din Afghani Road University Town Peshawar.
4. The Manager Govt. Printing Press Peshawar.
5. Personal file of the officer concerned.

H.M.

ALAM ZER MALIK
SECTION OFFICER-II

Annex G

Tele : -



GOVERNMENT OF N.-W.F.P.
INDUSTRIES, COMMERCE, MINERAL DEVELOPMENT,
LABOUR AND TRANSPORT DEPARTMENT.

Dated Peshawar the

16

SERVICE CERTIFICATE

It is certified that Syed Shahinshah son of Aftinosh is working as Manager Training of Vocational Training Centre under Workers Welfare Board, NWFP which is under the administrative control of Provincial Government's Labour & Industries Department since July 1st, 1991. The nature of his job is Administrative and ministerial. He has been imparting the knowledge of accounting as well.

He has also served this organization as Senior Instructor of Accounts in (BPS-16) from December 1st, 1990 upto June 30, 1991.

(Signature)
(MIAN SAHIB JAN)
Addl. Secretary
Economic Advisor.
Economic Advisor/Additional Secy
Government of N.W.F.P.
Industries, Commerce, Mineral
Development, Labour & Transport
Department.

GOVERNMENT OF NORTH WEST FRONTIER PROVINCE
DEVELOPMENT DEPARTMENT

NO. EO(LG-I)10-458/96/
Dated Peshawar the 4th April, 1998

Annex H

17

The Secretary to Govt. of NWFP,
Finance Department, Peshawar.

To
Subject:- GRANT OF EARNED INCREMENTS IN RELAXATION OF FR-22.
Sir,

I am directed to refer to the subject cited above and to state that while working as Manager Secretarial Training Centre in Workers Welfare Board, NWFP, Peshawar, Syed Shahinshah was selected through NWFP Public Service Commission and was appointed as Accounts Officer (EPS-17) in the Local Government and Rural Development Department. The above named officer was relieved properly. He had served the Workers Welfare Board NWFP w.e.f. 1-6-1991 to 5-5-1996. The above named officer request for the grant of earned increments since 6-5-1996.

2. I am therefore directed to approach the Finance Department for advice whether the above named officer is entitled for the grant of earned increments w.e.f. 6-5-1996 in relaxation of FR-22 or otherwise.

Your Obedient Servant,

(ARBAB WAHIED ALAM)
SECTION OFFICER-I

Encl. No. & Date Even.

A copy forwarded to the Director General, Local Government and Rural Development Department, NWFP, Peshawar for information pl.

SECTION OFFICER-I



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT

NO. SOE-V (E&AD)/1-10/2009
Dated Peshawar, the 16th March, 2012

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To

District Coordination Officer,
Mardan,

Subject: REGULARIZATION OF SERVICE THROUGH PROPER CHANNEL VIA PUBLIC SERVICE COMMISSION

Dear Sir,

I am directed to refer to your letter No.8791-92/DCO(M)/EA-01-A dated 03-08-2011 on the subject and to enclose herewith copy of Finance Department letter No.K/F(SR-I)12-1/20 dated 29-11-2011 with its enclosures and to request to process the case of pay protection of Syed Shahinshah, Deputy District Officer (Finance & Planning) Mardan, in consultation with Local Govt. Rural Development Department (parent department of applicant) and Labour Department (Administrative Department of Workers Welfare Board) in light of the following provision contained Finance Department letter referred to above..

However, the benefit of Pay protection will be admissible to employees of such autonomous organizations who have adopted scheme of basic Pay Scale in to-to, on their appointment in Govt. offices, provided they have applied for the post through proper channel."

Yours faithfully,


[Ghazi Khan]
SECTION OFFICER (E-V)

Endst: No. & Date Even:-

Copy forwarded for information to:-

1. Section Officer (SR-I) Finance Department w/r to his letter quoted above.
2. Section Officer (Estt) Local Govt. & Rural Dev: Department w/r to this No.SO(LG-I)10-458/2008 dated 05-03-3012.
3. Syed Shahinshah, Deputy District Officer (Finance & Planning) Mardan.


SECTION OFFICER (E-V)


13-12

GOVERNMENT OF N.W.F.P.,
LOCAL GOVT. ELECTIONS AND RURAL
DEVELOPMENT DEPARTMENT

DATED PESHAWAR THE 18TH AUGUST, 2001

Annex I

19

NOTIFICATION

No. SO(LG-I)4-116/DG/2001/KC.- Consequent upon the restructuring of the Local Government and Rural Development Department in NWFP, the competent authority has been pleased to adjust the following Officers in the Office of DCO Peshawar with effect from 1-7-2001.

1. ✓ Syed Shahinshah,
Accounts Officer (BPS-17),
Dte: General, LG & RDD,
NWFP, Peshawar.
2. Mr. Muhammad Salim,
Computer Programmer Officer (B-17),
Dte: General, LG & RDD, Peshawar.

SECRETARY TO GOVT. OF NWFP,
LOCAL GOVT. ELECTIONS & RURAL
DEVELOPMENT DEPARTMENT

Endst. No. SO(LG-I)4-116/DG/2001

Dated Peshawar 18th August, 2001

CC:

1. All the Administrative Secretaries to Government of NWFP.
2. The Accountant General, NWFP, Peshawar.
3. The District Coordination Officer, Peshawar.
4. The PS to Secretary LG & RDD, Peshawar.
5. The Director (FATA), LG & RDD, NWFP, Peshawar.
6. The Section Officer (Surplus Pool), Estt. & Admn. Department.
7. The Officers concerned.

SECTION OFFICER (ESTAB.)

Attested

S

Syed Shahinshah
ACCOUNTS OFFICER

PC



To

BETTER COPY

**GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
NO.SO.E-V (E&AD)/1-10/2009
Dated Peshawar, the 16th March, 2012**

Annex J
20

District Coordination Officer,
Mardan.

Subject: - **REGULARIZATION OF SERVICE THROUGH PROPER CHANNEL VIA
PUBLIC SERVICE COMMISSION.**

I am directed to refer to your letter No.8791-92/DCO(M)EA-01-A dated 03.08.2011 on the subject and to enclose herewith copy of Finance Department letter No.K/F(SR-I)12-1/2011 dated 29.11.2011 with its enclosures and to request to process the case of pay protection of Syed Shahinshah, Deputy Director District Officer (Finance & Planning) Mardan, in consultation with Local Govt & Rural Development Department (Parent department of applicant) and labor Department (Administrative Department of workers welfare Board)in light of the following provision contained & Finance Department letter referred to above.

“However, the benefit of pay protection will be admissible to employee of such autonomous organizations who have adopted scheme of basic pay scale in to-to on their appointment in Govt officer provided they have applied for post through proper channel.”

Yours faithfully.

(Ghazi Khan)
SECTION OFFICER

Endst: No & Date Even:-

Copy forwarded for information to:-

1. Section Officer (SR-I) Finance Department w/r to his letter quoted above.
2. Section Officer (Estt) Local Govt & rural Dev: Department w/r to this No.SO(LG-I) 10-458/2008 dated 05.03.3012.
3. Syed Shahinshah , Deputy Director District Officer (Finance & Planning),Mardan

SECTION OFFICER (E-V)



GOVERNMENT OF KHYBER PAKHTUNKHWA
LOCAL GOVERNMENT, ELECTIONS AND RURAL DEVELOPMENT DEPARTMENT

ORDER

Dated Peshawar, the 29th July, 2013

No.SO(LG-I)10-458/2008.- Consequent upon his repatriation by the Government of Khyber Pakhtunkhwa, Establishment & Administration Department Notification No.SOE-II(ED)2(5)2012, dated 31-012-2012 and approval of the Competent Authority, Syed Shahin Shah, Accounts Officer (BS-17) is hereby adjusted against the vacant post of Accounts Officer (BS-17) in Directorate General, Local Government and Rural Development Department, Khyber Pakhtunkhwa, Peshawar from the date of his arrival i.e. with effect from 04-01-2013.

SECRETARY TO GOVT.OF KHYBER
PAKHTUNKHWA, LG,E&RDD

Endst No.SO(LG-I)10-458/2008

Dated Peshawar, the 29th July, 2013

Copy is forwarded:-

1. The Secretary to Govt.of Khyber Pakhtukhwa, Establishment Department.
2. The Secretary to Govt.of Khyber Pakhtunkhwa, Finance Department.
3. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
4. The Director General, Local Government and Rural Development Department, Khyber Pakhtunkhwa, Peshawar.
5. The Director Information, Khyber Pakhtunkhwa, Peshawar.
6. All Assistant Directors, LG&RDD in Khyber Pakhtunkhwa.
7. Syed Shahinshah, Accounts Officer, Dte:General, LG&RDD, Peshawar.
8. The Section Officer (E-II), Government of Khyber Pakhtunkhwa, Establishment Department.
9. The PS to Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
10. The PS to Secretary, LG,E&RDD.
11. The PS to Special Secretary, LG,E&RDD.
12. The office order file.

(IZAZ ULLAH)
SECTION OFFICER (ESTAB)

CHAPTER-5
INSTRUCTIONS ON PERFORMANCE EVALUATION
REPORTS

O.1 Extent of Application: The instructions will apply to all Government Servants serving in connection with the affairs of the Province of Khyber Pakhtunkhwa except the following who need not reported upon:-

- a. Judges of Khyber Pakhtunkhwa High court
- b. members of Khyber Pakhtunkhwa, Public Service Commission

O. 2. How to write PER: Since the PERs constitute an aid to selection for training, appointments/transfers, promotions, confirmations or screening of officials, it is essential that these are written most carefully. A reporting Officer before he embarks on the report writing work should try to comprehend the characteristics listed in the PER Forms. The report should give a clear picture of the office reported upon viz personal qualities, Standard of performance, dealing with others, potential growth and his suitability for promotion to special posts according to individual aptitude. Similarly, the countersigning Officers should scrutinize the report scrupulously with the prescribed procedure before countersigning it.

The revised PERs form was introduced by the Establishment Division in 1982 to reflect an officer's strong and weak points more objectively and to ensure that such performance evaluation effectively serve its true purpose. The revised form is by now well understood and generally accepted to have improved the quality of reporting. The new form and the promotion policy in fact constitute the key elements in personal administration but their usefulness is ultimately dependent on objective reporting. The attention of Reporting Officers/Countersigning Officers is drawn to the deficiencies commonly noted in such reports.

O. 3 Manner of Writing the Reports: Instructions for the Reporting Officers:

(i) While reporting on your subordinate:-

- (1) Be as objective as possible
- (2) Be as circumspect as possible
- (3) Be clear and direct, not ambiguous or evasive in your remarks.
- (4) Avoid exaggeration and gross understatement.

(ii) State whether any of the defects reported have already been brought to the notice of the officer concerned and also whether he has or has not taken steps to remedy them.

(iii) Fill the form in duplicate by initiating the relevant boxes in both the original and the duplicate copies. If necessary, the R.O views under "Pen Picture" typed. In that case affix his signature at the end of the "Pen picture".

- (iv) It has been decided that PERs of the officers should be initiated only by such officers who have the opportunity of seeing the performance of the subordinate officers closely.

O. 4 Instructions for Reporting Officers:- In many cases signature of the Reporting Officers on the reports are illegible. This means that after some time it may, in such cases, be impossible to identify Reporting Officer. The name & designation of Reporting officer should, therefore, invariably be typed or written in block letters on the PERs.

O.5 Instructions for the Countersigning Officers: (i) The Countersigning Officer should weigh the remarks of the Reporting Officer against his personal knowledge of the officer being reported upon, compare him with other officers of the same Grade working under different Reporting Officers but under the same Countersigning Officer, and then give his overall assessment in part-VI (Old format) and remarks in Part VII (a). In certain categories of cases, remarks of a 2nd Countersigning Officer may be required to be recorded. In cases of Provincial Government Officers, the Establishment & Admin. Department will identify from time to time such cases and also designate an officer as the 2nd Countersigning Officer for each category.

(ii) If the Countersigning officer differs with the grading or remarks given (in parts other than part-VI) by the reporting officer, he should score it out and give his own grading in red ink. In Part-VI, he is required to give his own assessment in addition to that of the Reporting Officer. The report of the Countersigning officer will be considered as final.

(iii) The Countersigning Officer should underline, in red ink, remarks which in his opinion are adverse and should be communicated to the officer reported upon.

(iv) After countersigning the form, return it to the officer responsible for the custody of the Character Roll.

(a) The Peshawar high Court/Khyber Pakhtunkhwa Service Tribunal have *inter alia*, observed that while recording remarks in the PERs, following conditions are not fulfilled:-

(i) Reporting/Countersigning Officers do not follow the instructions given at Page-7 (last page) of PER Forms. Reporting/Countersigning Officers are required to write PERs of their subordinates in a judicious manner and instructions given at Page-7 of the PER forms should be followed/observed strictly.

(ii) While recording overall grading, the Reporting/Countersigning officers concerned, should confine themselves to the grading specified in the PER Forms i.e (V Good, Good Average, Below Average). Despite clear instructions about general gradation of the valuation report, some of the Reporting Officers assesses the conduct of the officers reported upon as "Satisfactory" which does not convey a clear picture as such may be

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(iii) In some cases, the assessment of an officer in part II, III, IV and VI (overall grading) of the PER form are not correlated. It has been noticed that in part II, III, IV and VI, an officer is assessed as "Average" whereas in Part VI (overall grading) the officer is placed in column "A" (Good). Normally these should be identical. If the major number of entries in Part II, III, and IV are Good, in overall grading in part VI, the officer may be classified as "Good".

(iv) The Reporting/Countersigning Officers sometimes record adverse remarks which are in very vague terms and do not clearly spell out as to which kind of work was under consideration. The countersigning officer, while assessing the grading in Part III of the PERs form other than that given by Reporting officer is also required to correct in red ink the grading given by Reporting Officers in Part III, IV and give detailed reasons for not agreeing with the Reporting Officers. (May be read with revised format of PER Form).

(v) The Countersigning Officers should make an unbiased evaluation on the quality of Performance Evaluation made by Reporting Officer by categorizing the reports as exaggerated, fair or biased. This would evoke a greater sense of responsibility from the Reporting Officers.

0.6 Utmost care should be taken by the Reporting Officer while assessing the qualities and work of their subordinates. Biased or evasive reports are likely to cause incalculable damage to the officers reported upon. The whole purpose of PER is defeated unless the Reporting Officer judges the performance of their subordinates from an absolutely detached and objective point of view. To achieve this objective, it has been provided in the old format that the Countersigning Officer should assess the report itself and categorize it as very good/reasonably good/strict/lenient/biased. This would be conducive to greater sense of responsibility on the part of the Reporting Officer.

0.7 (i) When the assessment on any other officer in the same grade is not known to the Reporting /Countersigning Officer and there is only one officer in a particular BPS his assessment of performance in Part III may be made independently.

(ii) In some cases the assessment of an officer in Part II and Part III of the PERs form are not co-related. This inconsistency causes a lot of inconvenience to the DPC as well the PSB while reviewing the cases of such officers for promotion to higher BPS posts. To remove this inconsistency, the assessment of an officer in Part III should, as far as possible be based on the assessment made about his personal traits and on the job performance in Part II. If the major number of entries in Part II is good and in Part III the officer is classified "average" the Reporting Officer should give detailed reasons for his average assessment. Normally these should be identical.

0.8 (i) It has been observed in a large number of cases that Reporting and Countersigning Officers award intermediate grading e.g. "between very good and good" and "between good and average" etc. Reporting and Countersigning Officers are directed to adhere to the grading provided in the PER form and not to deviate from these.

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(ii) It has also been observed that Countersigning Officers while assessing the reports given by Reporting Officer and having assessed these as strict or lenient do not give their final grading themselves which leads to complications. Countersigning Officers are advised that when they assess the report as strict or lenient, they must record their overall assessment of the officer reported upon in their remarks clearly and also preferably change the overall assessment in Part III of the report. (Replaced with new format of PERs practicable since 2000)

(iii) Many reports have been received which may have not been seen by senior officers in the department, higher than the Reporting Officers. This is clearly undesirable, they should always be countersigned by him in token that he accepts the reports if he does.

0.9. Avoidance of personal remarks in writing PERs; It may be impressed upon the Reporting Officer that, in writing such reports, they should take utmost care to ensure that personal remarks are avoided and that reports are written in an objective manner. If, subsequently, despite these instructions any Reporting officers indulge in subjective reporting, it will be open to his superior officers to report adversely on him for having failed to record his remarks in an objective manner.

1.0. When should a report be written: Para 0.2 of the instructions about PERs envisages that reports on civil servants be initiated in the first week of January each year by the initiating authority and forwarded to the higher authority in the same week. The higher authority shall give its remarks within one week, so that the report is completed within the month of January each year.

1.1 PERs are very frequently required in connection with the promotion, training, posting and transfer cases. In the absence of PERs, these cases are unduly delayed. This state of affairs has been caused resentment among the members of various service Associations of the Provincial Government. They have, therefore, been agitating for the early initiating of PERs. However, it is regretted that in certain quarters this issue has not been given importance which it deserved.

1.2. During the course of discussions with the Ministerial Committee, appointed by Government to look into the demands of this association. The members of the Association once gain voiced their concern over delay in the initiation of PERs and demanded that suitable instructions be issued to all concerned to ensure that;

(a) PERs of Government servants are written by the specified dates without fail.

(b) In case PERs in respect of some Government servants relating to past years have not been written so far, these may be written immediately and a certificate be furnished to the E & A Department to the effect that PERs of all Government servants working under their administrative control have been written up-to-date.

he nomination papers along with PERs are submitted to the members of the Provincial Selection Committee headed by Additional Chief Secretary, P&D Department with the following members:-

Secretary Establishment & Administration Department	Member
Secretary Finance	Member
Secretary, P & D	Secretary of the Committee

Nominations approved through circulation by the Provincial Selection Committee are therefore submitted for final approval. Thus, the PERs pass through various channels hence their secrecy is thus compromised.

In future, only overall grading of the PERs of the nominees may be supplied by the sponsoring Departments to the P&D Department or any other borrowing Departments with the approval of Chief Secretary.

1.4 Responsibility of the final Authority to ensure writing of PERs:

Generally the writing of PERs gets delayed, which affects the disposal of cases in which it is necessary to consult Character Rolls. This also leads to frustrating among the Government Servants. The final authority about the writing of PER will be responsible for obtaining PERs for the preceding year within the month of January each year. It would then furnish a certificate to the E & A Department that all the PERs which were due to be completed have actually been completed and placed on the Character Rolls. This certificate should reach E & A Department (Secret Section) in the first week of February. The defaulting authority shall be brought to the notice of Government for appropriate disciplinary action.

(a) Apart from the above instructions, E&AD has repeatedly re-iterated the said instructions through circular letters every year so that the concerned officers could be reminded afresh for compliance of the laid down policy instructions. However, despite these repeated instructions, it has been noticed with concern that very few officers adhere to the same and resultantly a large number of officers/officials suffer in cases of their promotions due to the laxity of Reporting/Countersigning Officers and all others who are responsible for the timely completion of their service record.

(b) The competent authority has therefore decided that the following policy guide lines for writing of PERs should be followed so that the system could be improved and complications/representations could be avoided in future:-

- i) Onus of initiating of PERS will be on the Reporting officer.
- ii) S.O (Establishment) of a Deptt/Attached Department will place a requisition for the required number of PER Forms with the Printing Press in October each year and the same should be delivered to the Deptts, as soon as possible but not later than 30th November. The Section (concerned) will send PER Forms to those officers whose records are maintained by them by 15th of December each year.

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iii) The particulars of Part 1 & 2 of the PER Forms shall be filled by the officer/official concerned to be reported upon.

iv) No PERs will be accepted by the Controlling Officer by Hand from the officer concerned. The same must be dispatched in a confidential envelope.

v) The initiating officers being reported upon will endorse an entry in his PER if he has not initiated the PERs of his immediate subordinates for his failure in doing the needful in time.

vi) The retiring officer shall be responsible for completing PERs as Reporting/Countersigning Officer and the Department/Office concerned should render a certificate to the effect before forwarding the pension papers of the retiring officers.

vi) Emphasis on safe custody of the PERs is once again reiterated with a view that in no case an officer/official should have any access to his own reports. The contents of the report will not be divulged to the Government Servant concerned.

vii) Rest of the instructions issued by this Provincial Government regarding procedure for communication of adverse remarks and other related matter shall remain in force.

1.5 Minimum period for writing of Reports: (i) The minimum period during which an officer is expected to form a judicious opinion about the work of his subordinate for the purpose of writing a report on his work and conduct have been prescribed as 3 months. The PER in respect of period less than the minimum prescribed period should be ignored.

ii) It has also been observed that some time PER is written to cover part periods covering two calendar years. It is not permissible to do so as in terms of Para 2.29 (ii) of "A Guide to Performance Evaluation", the period of two calendar years cannot be combined to form a single report for the purpose of report writing. If a civil servant has served under a Reporting Officer in two calendar years for a period aggregating to reports one each for the period of 3 months or more than in a calendar year, PERs should be written for such periods. If the period under report in one calendar year is 3 months or more and less than 3 months in the other year, the report for the former period only should be written. If the continuous period of service under a Reporting Officer is 3 months or more two PERs one each for the period of 3 months or more in a calendar year, should be written.

1.6 Action when a Reporting Officer or Subordinate is transferred: If the reporting officer is transferred during the course of calendar year he should be required to write a report if his transfer occurs more than 3 months from the date, the last report was due. Such reports must be written before relinquishing charge. The report shall be sent to the higher authority when all reports for the year have been written. If a subordinate is transferred during the course of a calendar year and he has worked for more than 3 months under the Reporting Office, then the latter shall record his opinion. In case he is being transferred from the jurisdiction of the higher authority then the views of the higher authority shall be obtained and forwarded to the Department/Office where a subordinate has been transferred.

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1.7 Special Report: If a Government Servant is placed on special report for any reason, the special report recorded on him should be placed on the Character Roll.

1.8 Placing Government Servants on Special Reports: Whenever the Head of Department is convinced, on good grounds, that the work of a particular Government servant is not satisfactory, the former could put the Government Servant concerned, with simultaneous intimation to him, on a special report. A special report on the latter's work would in such an eventuality, be drawn on the expiry of 6 months irrespective of the fact whether the PER on him becomes due during this period.

If such a special report does not indicate any improvement in the work of the Government Servant concerned it would be open to the competent authority to take such action against him as may be permissible under the existing rules.

1.9 Reporting Channel: The following principles should be kept in view:-

The report should be initiated by the next higher officer and countersigned by an officer higher than the reporting officer, both being concerned with the work of the officer reported upon; for example,

Officer reported upon	Reporting officer	Countersigning officer
i) Section Officer	Deputy Secretary concerned	Addl; Secretary concerned or Secretary, if there is no Addl; Secretary
ii) Deputy Secretary	Addl; Secretary concerned	Secretary (if there is no Addl; Secretary, report should be initiated by Secretary himself & countersigned by Chief Secretary)
iii) All other officers	Next higher officer concerned	Officer higher than the reporting officer

2.0 the PERs on the following Officers/officials need not be countersigned by the next higher officer as they are not expected to have any personal knowledge of the performance of these officials:

PERs of	Reporting Officer
Private Secretaries/ Personal Assistants/Stenographers	Concerned officer
Personal staff of the Ministers	Ministers
Staff working directly under the Secretary	Secretary concerned
Section Officer working directly under the Secretary	Secretary concerned

(d) Section Officer holding current charge of Deputy Secretary: A Reporting officer should be of higher status and concerned with the work of the officer reported upon. It will not therefore, be proper to allow a Section Officer to write PERs on other Section Officers while holding current charge of the duties of a Deputy Secretary whatever may be duration of such charge. If he gives some adverse comments on the performance on an officer and if the officer so reported upon represents challenging the authority of reporting on the ground that he is not the next higher officer, according to rules, it will be difficult to ignore such an argument. As a working arrangement the officer can give his impression informally to next senior officer who can take those into account when writing his report.

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scale posts. He need not therefore be informed of average reports, unless the Countersigning Officer decides otherwise. The cases of others whose promotion is deferred, may be reconsidered on the basis of their PERs for the next year.

II) It is clarified that if any or all entries in Part III of the existing form of BPS 17/18 are initiated in the column headed i.e. Average, the assessment does not become adverse in nature and is, therefore, not be treated and processed as an adverse report. PERs with average entries in Part III of the PER Form would continue to be treated in accordance with the instructions contained in Estt. Division O.M.No. 32/4/76-A. IV, dated, 7/7/1976. (Parts of the PER may be read with the revised format of PERs)

3.8 Advisory Remarks: Advisory remarks are not to be treated as adverse remarks for the purpose of promotion unless it has been established that the officer concerned has not been any heed to the piece of advice given to him and has failed to show any improvement. Advisory remarks communicated, cannot be represented.

3.9 PERs which are not in accordance with the instructions should be returned by the higher authority to the Reporting Officer, for revision in compliance with these instructions.

4.0 General Gradation of the PERs i.e. satisfactory: The PSB while examining promotion/Moveover cases, has observed that the PERs/synopsis of PERs do not reflect exact picture of the conduct/service record of the civil servant concerned. Besides, nothing is oftenly mentioned in the PERs/Synopsis about the communication or otherwise of the adverse remarks recorded by the Reporting Officer/Countersigning Officers. It is also not indicated whether or not the same have been represented against and if so with what result. Moreover, the board has also observed that despite clear instructions about the general gradation of the PER, some of the Reporting Officers assess the conduct of the officers reported upon as satisfactory which does not convey a clear picture and is in deviation of the laid down instructions on the subject.

The Shariat Appellate Bench of the Supreme Court have interalia made a suggestion that an entry may be made or a column inserted in the PERs and or other service papers of every state functionary of all levels, showing:

- i) Whether the person concerned has any tendency against the tenets of Islam; and
- ii) Whether there is any outstanding feature in the conduct or character indicating Islamic way of life.

The revised forms prescribed for the PERs of officers already provides for separate entries on "Knowledge of Islam" and "Attitude towards Islamic Ideology" in the part III. These entries would generally serve the purpose but where more specific material bearing on the questions reproduced at 'a' and 'b' in Para I comes to the knowledge of the Reporting and Countersigning Officers, it may be brought out in the pen picture by the Reporting or Countersigning Officer, as the case may be.

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As far forms for PERs other than referred to above, those used in respect of officials in respect of officials who are holding posts in pay scale 16 and above, the required entry may be made, where necessary in the general remarks. (May be read with revised format of PERs)

4.1 Adverse Remarks: When a report is built on the individual opinion of the Reporting and Countersigning Officers, it is only the opinion as accepted by the latter which should be communicated.

i) All adverse remarks whether remedial or irremediable should be communicated in writing to the officer reported upon and copy of the communication placed in the dossier;

ii) Countersigning Officer should underline in red ink, remarks which, in his opinion, are adverse and should be communicated to the officer concerned.

iii) Remarks in cases where the Head of a Department/ Countersigning or other higher officer suspends judgment should not be communicated.

iii) (a) When an adverse remark is made in the PER of any officer, only a copy of the adverse entries should be furnished to him at the earliest opportunity, and in any case within one month from the date the report is countersigned, with a D.O letter, a copy of which should be signed and returned by him in acknowledgement of the D.O letter. A serious view should be taken if any failure on the part of the official concerned to furnish adverse remarks of the officer reported upon, within the stipulated period. Nevertheless, the adverse remarks should be communicated to the officer concerned even at the belated stage.

b) The officers making representing against adverse remarks recorded in their PERs should not make any personal remarks against the integrity of the Reporting Officer. Violation of this rule will be considered misconduct and will render the representation liable to be summarily rejected.

i) Any remarks to the effect that the officer reported upon has not taken steps to remedy the defects pointed out to him in previous years should also be communicated.

ii) The adverse remarks should be communicated by Head of Department/office in the case of BPS 17 and above officers and by the senior officer-in-charge of the establishment matters in case of other officers (custodian of C.R Dossier).

iii) PERs containing adverse remarks should not be taken into consideration until they have been communicated in writing to the officer concerned and decision taken on his representation, if any.

4.2 Instructions regarding adverse remarks:- (i) The presumption that if any adverse entry is not underlined in red ink, it is not to be communicated, is not quite in order. Making in columns "C" Below Average and "D" "Poor" (in old format) and 'D' Below Average in new format of BS-17/18 Form to create an unfavorable impression on the members of the Selection Committee/Board while scrutinizing the service record of an

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officer. Unless an officer is informed about such entries, he will remain in the dark without making any effort for improvement and yet to suffer for the adverse entries.

ii) Entries which may tend to create an unfavorable impression about an officer should be communicated even if the Reporting/Countersigning Officers do not underline them in red ink.

iii) Remarks once recorded in PER cannot be altered. If a Reporting/Countersigning Officer changes his views about the officer reported upon, the changed views can be incorporated only in the next year's report.

4.3 The following remarks are treated as "Adverse Remarks" and should be communicated to the officer reported upon

(i) "Unlikely to progress further/unfit for further promotion,"

(ii) "Not yet fit for promotion, but likely to become fit in course of time"

iii) "Unfit for continued retention in service"

4.4 Un-finalized Departmental Proceedings:- In the case of an officer against whom departmental proceedings are in progress, no mention whatsoever should be made about it in the PER. Only when such proceedings have been finalized and the punishment, if any has been awarded/exonerated should be mentioned in his PER. In such a case complete copy of the final order may be placed, as is usually done, on his character Roll.

4.5 According to the instructions (vide Para 4.4) no mention should be made in the PER of a Government Servant of the departmental proceedings which may be in progress against him, unless proceedings have been finalized, and the punishment, if any, has been awarded. There is no bar to a Government Servant being considered for promotion during the pendency of departmental proceedings against him. However, in such cases, a copy of each charge sheet and the statement of allegations should be placed before the PSB or the DPC as the case may be.

4.6 No mention whatsoever can be made about a departmental inquiry pending against an officer in the PER. However, there should be no harm in making as mention about a criminal case pending against an officer in his C.R.

4.7 PER:- If there are any adverse remarks in the PERs prepared by NIPA, and Administrative Staff College, Lahore, on officers who received in-service training at these institutions, Departments concerned will communicate them to the officer, place a copy of the letter on the C.R. and endorse another copy of it to the Establishment Division Islamabad. In case the officer concerned makes a representation to the head of training Institution concerned for his comments in order to substantiate the correctness of the adverse remarks, After hearing from the training institute, the authority concerned should take a decision whether or not the adverse remarks occurring in the PER should be expunged. The Establishment Division Islamabad is to be informed of the decision.

4.8 It has been observed that whenever any adverse remarks are communicated to any officer, no mention is made in the next year's report whether the officer concerned has or

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The fact of communication must be recorded on the PERs and a copy of the communication to be placed in the official's dossier.

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In order to retain and save the PER System as a useful, open and dynamic system, rather than a hidden whip for harming the subordinate, it may please be ensured that

1. The instructions contained in Para 5.2 of the "Instructions about PERs" are complied with by all the officers working in the Administrative Attached Departments and subordinate officers with immediate effect in letter and spirit. Unless there are justifiable or technical reasons to the contrary, the adverse remarks must be communicated without fail to persons concerned well before the end of June each year.

2. Disciplinary action is invariably initiated against the defaulters in future under the KP Government Servants Efficiency and Disciplinary Rules, 2011

3. Steps are taken to ensure that the Dossiers of all the officers and staff working in your Administrative Departments or Attached Departments and subordinate offices under your administrative control are thoroughly checked up to ensure that they contain no uncommunicated adverse remarks otherwise steps should be taken to communicate the same to all concerned expeditiously.

4. No request for expunction of adverse remarks not communicated within prescribed period is either entertained or referred to Establishment Department in future till such time responsibility for same has been fixed and disciplinary action against the defaulter has been initiated/taken.

5. A certificate is furnished to this department not later than 30th April, 1988 that all the adverse remarks in the PERs of the civil servants working in your Department have been communicated to all concerned and no such case is pending.

5.3 Experience has, however, shown that some of the Departments do not care to communicate the adverse reports to the concerned civil servants within the period prescribed under Para 5.2 of the "Instructions about PERs", i.e. by the end of June. After expiry of years, when the case of promotion/moveover etc. of a civil servant comes up, the Department instead of ignoring these remarks not only illegally expunge them in one stroke but also fail to comply the other part of the aforesaid instructions, i.e. initiating disciplinary action against the defaulting authorities. This defeats the very purpose for which the PERs are written. Moreover, civil servants, who otherwise have been superseded, get promotion to higher posts/cadres.

5.4 The Supreme Court of Pakistan has, in a case held that adverse remarks recorded in PERs if communicated out of time shall not be ignored in the case of promotion. These would be ignored only if they were not communicated whether in time or out of time.

5.5 When a report consists of opinion of different departmental superiors in gradation, it is only the opinion as accepted by highest Reporting Officer which need be considered from the point of view of communication.

5.6 If the highest officer does not comment on any remarks of lower authority, it will be presumed that he has accepted it.

5.7 The adverse remarks should be communicated in a personal letter. It may also bring out Good points, if any.

5.8 The adverse remarks shall be communicated in writing; a duplicate copy with the acknowledgment of the officer concerned be kept on his record. The identity of the Reporting Officer should not be disclosed to the officer against whom an adverse report has been recorded.

5.9 If a person's identity is adjudged as 'Average' it shall not be construed to be adverse and shall not be communicated.

6.0 In case of retired Government Servant communication of adverse remarks is not necessary if the pension has been sanctioned. In case, however, if the pension has not been sanctioned and the remarks are of serious nature which pertain to integrity and are likely to result in reduction in pension then they should be communicated within the prescribed time limit and not otherwise.

6.1 Action in case of recording adverse remarks by same Reporting Officer for two successive years: In order to guard against personal likes and dislikes, an official receiving adverse remarks for two successive years from the same Reporting Officer should be placed under another Reporting Officer.

6.2 Representation for Expunction of Adverse Remarks:- (A) A person who is communicated adverse remarks can apply for the expunction of such remarks, but this should be done not later than one month from the date of receipt of the communication. The representation must be made in temperate and dignified language and no allegations of personal and malicious nature should be made. Indiscreet and irresponsible allegations against the Reporting Officer will result in disciplinary action.

I. The officers making representation against adverse remarks recorded in their PERs should not make any personal remark(s) against the integrity of the Reporting Officer. Violation of this will be considered misconduct and will also render the representation liable to be summarily rejected.

II. Comments of the Reporting/Countersigning officers should be obtained only after a representation has been made by the officer adversely reported upon. These comments are meant for the senior officers competent to take final decision on such representations. They are, in no case, to be divulged to the individual concerned before or after he has made a representation to avoid generating avoidable controversy between office/official and the Reporting Officer.

III. According to the existing instructions, there is scope for only one representation against adverse remarks, which should be submitted, if desired, by the officer concerned, within 30 days of the receipt of those remarks.

IV. Expunction authority in case of officials of BS-5 to BS-16 of the Secretariat will be the Secretary Establishment Department, KP (Custodian of their CR Dossiers)

6.3 Comments on Representation: A reference on these points only should be made to the Reporting /Countersigning officer giving him a reasonable time for reply, if no reply is received within the given time, it may be assumed that the officer has nothing to say against the points raised in the representation, which may then be disposed of by Administrative Authority on its merit. Representation against adverse remarks recorded by officers who have retired or have proceeded on L.P.R.; should not ordinarily be referred to them for comment, unless the representation contains certain points which, in the opinion of Administrative Authority concerned cannot be dealt with properly without inviting the views of the Reporting/countersigning Officer. In no case, a reference in connection with representation against adverse remarks should be made to a Reporting/Countersigning Officer after one year of the date of his retirement of proceeding on L.P.R.

6.4 Revised Grindings of expunged Remarks: Under the existing promotion policy, the following columns are taken into account for quantification of an officer's PER for his promotion to a higher grade.

i) Integrity ii) Quality and output iii) General Assessment (Overall Grading)

In the case of a representation against adverse remarks, a competent authority while expunging these remarks does not revise their grading. This creates problem in the quantification of such reports. It has been decided that competent authority while allowing representation against adverse remarks would give his own assessment about the expunged entries.

6.5 Review by the Successor Authority:- Cases have come to the notice of Government where the adverse remarks in the PERs of officers have been expunged after lapse of many years. In some cases the representations of the officers for expunction of remarks had been rejected by the authorities who had the occasion to see the performance of the officers and were, therefore, in an ideal position to determine whether or not the adverse remarks were justified. In spite of this, the successor authorities have reviewed the earlier decisions and expunged the remarks spreading over a number of years in one sweep, thus giving rise to claims of Proforma promotion. Government is of the view that this is not a judicious exercise of the discretion vested in the expunging authorities and have decided that the officers adversely reported upon will continue to have only one right of making a representation and absolute finally would be attached to the decision taken thereon, whether in favor of the officer or against. The decision on representation for expunction of adverse remarks should be taken expeditiously, preferably within 6 months of the making of representation. The orders of the expunging authority will not be subject to review by the successor authorities.

6.6 Competent authority for Expunction of Adverse Remarks:

i) In future all representations about expunction of adverse remarks will be made, through proper channel, to the authority next above the Countersigning officer. In

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cases, however, where the Chief Minister is the Countersigning Authority, the civil servant concerned may submit a review petition.

ii) If the final authority is dealing with a report, considers it to be biased or unjustified or inconsistent with the facts and decides that the entries should be expunged, then the adverse entries should be scored through but in such a way as to make them illegible. A marginal note should be added showing the file number and date of the orders by which the entry has been expunged; however, such a representation will not form part of Character Roll.

iii) Under no circumstances should any entry in PER be mutilated or papers physically removed from the file of PER.

6.7 Safe Custody:- Except to the extent of communicating the remarks in accordance with the above instructions, the contents of the reports should not be divulged to the Government Servant concerned. In no case should an officer have access to his own reports. In order to guard against the PERs being tampered with, the reports when filed in the Character Rolls will be page nominated in ink and entered in the index on first page after the face sheet prescribed in the form in Appendix J.

i) No Reporting officer/Countersigning Officer will hand over the PER to the officer/official concerned by hand except its proper delivery in dealing Section under sealed cover with a proper letter.

ii) The borrowing authorities should under no circumstances change the order in which the various Evolution Reports have been filed and indexed on the first page or carry out any other alteration in the Character Roll. However, such documents should be returned immediately to the lending authority.

iii) The same principles apply to borrowing authorities to which Government servants are sent on deputation.

iv) It has further been observed that Reporting Officers as well as Countersigning officers in some cases initiated revised reports on an officer with improved grading on the request of individual officer to substitute the PER written by them earlier. It clearly shows that some officers have access to other PERs in violation of the existing instructions regarding security of classified documents/information in Government Departments issued by the Cabinet Division Islamabad.

v) The Provincial Government has taken a serious note of it and it has been decided that appropriate action should be taken against these officers of the Federal as well as Provincial Government found guilty of violation of these instructions.

vi) Competent Authority has shown grave concern over the maintenance of secrecy in respect of PERs/CR. Dossiers in respect of PSB meeting cases. The copy of synopsis of PERs has been found in excess of irrelevant persons which is against the instructions on the subject.

6.8. Maintenance of Character Rolls: The C.Rs shall be maintained in duplicate except where specified otherwise. The Administrative Deptt/Head of Attached Department or the Head of office concerned shall take a decision about each class of category of posts where the original and the duplicate copy shall be maintained. The original shall be maintained at a level where it is not required to be moved whereas, the duplicate copy may move, to the appropriate authority, with each transfer of Government Servant.

6.8 (a) Copies of the Character Roll of the Officers mentioned below shall be maintained by the authorities noted against each:-

S	Name of service	No. of copies	Maintenance Authority
1	APUG Officers	2	i) Central Government ii) E & A Department
2	PSP & Provincial Police officers in senior PSP scale (except IGP)	3	i) Central Government ii) C.S. (Estt. Department) iii) I.G.P. office
2	Listed post holders, PCS(EG) other than those serving under Board of Revenue	2	C.S. (Estt. Department)
4	Head of Administrative Department	2	C.S. (Estt. Department)
5	All secretariat officers/officials	2	C.S. (Estt. Department)
6	Other than Secretariat officers	2	Administrative Department

6.9 Honor/Award Entry in the PERS: In case an officer has received Honor/Award suitable entry should be made in the Character Roll and copy of citation placed in it. The order rewarding officers/officials in connections with their suggestions found useful and worth adopting may be placed in the personal file and not in the Character Roll of the Government Servant concerned. The Reporting Officer should keep the fact in view and mention the same while recording PER. It is the duty of the Branch/Section concerned to bring to the notice of Reporting Officer, for the calendar year, that the person on whose work and conduct is to be written, has been rewarded by Government for a found useful and worth adopting.

7.0 No chits or certificates should be granted to the subordinates by any officer and the assessment of the work of Government Servant should be confined to the PER. Such chits/certificates, if still issued, will be ignored by Government for any purpose.

7.1 The letters or notes of appreciation recorded by the Minister or any other higher officer may be filed in the Character Roll of the officer if these relate to the work done by the officer concerned outside the normal sphere of duties. But if these pertain to the work connected with the normal duties, they must not be placed in the Character Roll but commented upon in the PER.

7.2 The photographs to be pasted on the folders attached to the revised forms for PERs on Gazetted officers should be furnished by the concerned officers, at their expenses.

7.3 The Reporting Officers may, if they like, to maintain a katcha register for keeping rough notes relating to the work of the subordinates including cases of outstanding, good or poor work. This will avoid writing of reports based on vague impression and will make the reports more realistic and character and will be easier to assess the performance of the subordinate from a memoranda and thus present a true picture in the report. The proforma

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of this register is at Appendix 'K'. This register will not be a permanent record but only be destroyed as soon it has outlived its utility.

7.4 The reports of officers detailed for training at various institutions, e.g Administrative Staff College, NIPA, and Village AID Academies will be placed on the Character Rolls of the officers. Similarly, the assessment reports on the officers attending training courses shall also form part of their Character Rolls.

7.5 A note may be recorded in respect of periods for which reports do not exist in the Character Rolls, due to long leave or other causes which should be stated in proper sequence of the filing of the reports.

7.6 **Preservation of Character Rolls:** The Character Rolls of retired Government Servants should be maintained for 10 years after retirement or up to the age of 65 years which is later. In the case of persons relieved from Government Service otherwise than by retirement, the Character Rolls shall be retained at least for 10 years, after the date of release from Government service. On the expiry of the prescribed period, the Character Roll will be destroyed by burning.

7.7 **Supply of Copies/Extracts from C.R.:** Supply of copies or extracts from Character Rolls is prohibited. It is, however, permissible for the Head of Attached Department or Government whichever may be the final authority, having custody of the record to give the officers who have retired, a letter in which their final record is summed up.

7.8 **Writing/Countersigning of PERS by Retired/Expired officers:** If a Government Officer, who whether voluntary or on attaining the age of superannuation retire, should be asked to write/countersign reports on the officers and staff who have worked under them for more than 3 months, before their retirement. If an officer proceeds on retirement without writing/countersigning the reports and cannot be contacted, or fails to oblige despite repeated requests, the following procedure should be adopted.

i) The officer who would have countersigned, had the report been initiated by the retired officer, should initiate the report, provided that he has seen the work of the officer reported upon, for a minimum period of 3 months. The next higher officer, if any, should countersign it.

ii) If the report has already been initiated but the Countersigning officer has retired/expired, the next higher officer has, if any, should countersign, provided that he has personal knowledge of the work of the officer concerned.

iii) If both the initiating and countersigning officers have retired/expired, the next higher than both of them if any, should initiate and the next higher officer, if any, should countersign it. In such cases both the initiating and countersigning officers must have personal knowledge of the work of the officer reported upon.

iv) In case the report cannot be initiated at all, a suitable note to this effect be recorded in the C.R. Dossier, if the report has been initiated, but has not so far been countersigned, the reasons, therefore, be recorded in respective Part of the PERS.

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7.9 Outstanding Assessment:-

a) In case the Reporting/Countersigning Officer in rare cases wish to assess performance of an officer as "Outstanding" justification must be given in the PERs form as pointed out above in the absence of which an outstanding assessment would be treated as very good carrying only 8 marks.

b) Any Reporting/Countersigning Officer may not assess more than 2 to 5% of the officers under them as "Outstanding".

c) Outstanding entry may not be printed on the PERs forms.

8.0 Filling up of PERs:- The learned Peshawar High court in writ petition filed by a Government servant have observed that in the PER for the year 1989, the petitioner was found placed in column "B" (Average) in Part-II throughout in all 6 places. However, in overall grading in the said Part, in Part-III he was placed at 10 places in column 'A' (Good) and in Part-IV he has again been placed throughout at all eight places in Column 'B' (Average). The reporting officer has still placed him in overall grading "Good" although he was to be placed in overall grading "Average". It is unfortunate that Countersigning Officer authority has also not noticed this anomaly and has simply put his signature to it as agreeing with the Reporting Officer.

I The Peshawar High court while dismissing the writ petition have inter alia observed that necessary directions be issued to the Reporting Officer and Countersigning Officers to first read the instructions incorporated in the PER forms and then to fill up the PER in accordance with the instructions:

II The P.S.B, while examining PERS in promotion cases in its meeting held from time to time have also made the following observation:-

a) While recording the overall grading, the Reporting/Countersigning Officer concerned should confine themselves to the Grading specified in the PERs forms, i.e (very Good, Good, and Average, Below Average).

b) When an officer reported upon is under enquiry, the report must indicate:-

- i) The specific charges leveled against the officer reported upon.
- ii) The result of enquiry, i.e whether he was exonerated or a penalty (to be specified) was imposed on him, may invariably be mentioned in the PERs.

c) Adverse remarks should always be underlined with red ink by Countersigning Officer and also reflected in the synopsis under the relevant column.

d) In most of the cases, the words "Adverse Remarks" expunged are written. The Department concerned must indicate the nature and contents of the expunged adverse remarks so that it could be known whether those pertained to the integrity or otherwise of the officer concerned. It may also be ensured that adverse remarks are not expunged at a belated stage i.e after expiry of the prescribed period.

8.1 PERs of Class-IV Employees who possess/acquire matriculation before joining the service will be taken into account while making their promotion to the post junior clerks quota of 33%.

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8.2 Annual Medical Examination of Officers: Every officer of the Federal/Provincial Government should be medically examined every year and the report of such examination be recorded in his PER/ service record. The Report will be disclosed to the officer, if he contests the medical category assigned to him by the Medical Officer conducting the medical examination he may be placed before a Medical Board.

The above decision is in the interest of the officer themselves so that their physical defects are discovered at an early stage and an easy treatment is assured. An officer who is completely incapacitated and placed in 'C' Category would still be given such treatment as may be possible. There will be no categorization of jobs and the Establishment Department concerned will take the medical report into account while considering particular appointment. The intention of the order is to ensure that officers are fit and as such all Grade 17 and above officers, including those reemployed after retirement, should be medically examined annually.

8.3 Maintenance of Medical Rolls with the CR Dossier: Annual Medical Reports of all BS-17 and above officers are required to be placed in the C.R Dossier of the officer concerned. The Medical Reports should be placed in a separate folder to be called "Medical Roll" attached with the C.R Dossier of the officer.

8.4 Character Roll of Retired Officer: As general principle, the C.R may not be given to the retired officers.

8.5 Character rolls of Government Servants no longer in service: In case of death or resignation of officers, The C.Rs may be preserved for 5 years after their death and resignation and in other cases for 10 years after their retirement, removal, discharge or dismissal e.t.c or until they attain the age of 65 years, whichever is earlier.

Affixing of photographs on Character Roll:- In some cases photographs become too old. Photographs should be replaced after 10 years. It may kindly be ensured that the latest photographs of all officers are affixed immediately to their Character Roll Dossier; Copies of latest Photographs may also please be supplied to the Provincial Government.

The Purdah observing officer will have the option to supply or not to supply their photographs. In respect of officers who do not like to supply their Photographs, a certificate that they observe purdah will have to be given by the Head of the Institution where they serve.

50 روپے	36369				43
ایڈوکیٹ: <u>B Q Das</u>		پشاور بار ایسوسی ایشن، خیبر پختونخواہ			
بار کونسل ایسوسی ایشن نمبر 10-79-15-BC					
رابطہ نمبر 0333 9121558					

بجراالت جناب:

منجانب <u>Appellant</u>	دعوی:
<u>سید سیتا</u>	علت نمبر:
<u>بنام</u>	مورخہ:
<u>حکومت</u>	جرم:
	تھانہ:
باعت تحریر آگے	

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ

آن مقام سید سیتا کیلئے ایڈوکیٹ B Q Das کو وکیل مقرر کر کے اتر کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی نقل کاروائی کا کمال اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ بر حلف دینے جواب دعوی اقبال دعوی اور درخواست از ہر قسم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

المرقوم:

العواہ شد

مقام کے لیے منظور ہے۔

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(1)

BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Khyber Pakhtunkhwa
Service Tribunal
Entry No. 9380
Dated 27-8-2020

Service Appeal No. 9624/2020

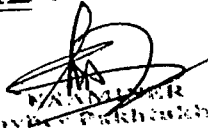
Syed Shahinshah, Deputy Director (Finance & Accounts)
Director General LG/ RDD, Phase-V, Hayatabad,
Peshawar.....(Appellant)

V E R S U S

1. Government of Khyber Pakhtunkhwa through Chief Secretary,
Civil Secretariat, Peshawar.
2. Secretary to Government, Establishment Department
Government of Khyber Pakhtunkhwa, Peshawar.
3. Secretary to Government, Local Government and Rural
Development Department, Khyber Pakhtunkhwa, Peshawar.
4. Director General Local Government and Rural Development
Department, Khyber Pakhtunkhwa, Phase-V, Hayatabad,
Peshawar.
5. Director (Administrator), LG/RDD, Khyber Pakhtunkhwa,
Phase-V, Hayatabad, Peshawar.
6. SO (PSB) Establishment Department Government of Khyber
Pakhtunkhwa, Peshawar.....(Respondents)

Filed to-day
Registrar
27/8/2020

**SERVICE APPEAL U/S 4 OF KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT,
1974 AGAINST THE NON ACTION ON THE TESTED**



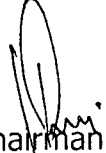


Registrar
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 9624 /2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	27/08/2020	<p>The appeal of Syed Shahinshah presented today by Mr. Bilal-ud-Din Khattak 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-	05.10.2020	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>05/10/20</u></p> <p style="text-align: right;"> CHAIRMAN</p> <p>Counsel for the appellant present.</p> <p>Issue pre-admission notice to respondents for 07.12.2020 for production of service record of appellant more particularly relatable to his P.E.Rs.</p> <p style="text-align: right;"> Chairman</p> <p style="text-align: center;">Certified to be true copy</p> <p style="text-align: center;"> EXAMINER Khyber Pakhtunkhwa Service Tribunal Peshawar</p>

WORKING PAPER FOR PROVINCIAL SELECTION BOARD

1. Department: Local Govt. & Rural Development Department
2. Nomenclature of the post/Bps: Deputy Director (BPS-18)
3. Service Group/Cadre: Provincial Civil Service in Local Government
4. Sanctioned Strength of the Cadre: 01
- 5.

		Direct	Promotion	Transfer
i.	Percentage of share		100%	
ii.	No. of Posts Allocated to Each Category		01	
iii.	Present Occupancy Position		Nil	
iv.	No. of Vacancies in Each Category		01	

6. How did the vacancy (lies) under Promotion Quota accrue and since when?

According to service Rules, Amended in 2018 and Post was created by the Provincial Govt: of Khyber Pakhtunkhwa in 2015.

7. Recruitment Rules:

DG(RWP)7(2)/73, dated 26/01/1978
(C)(1D)amended vide Notification No.SO(LG)2-188/SSRC/2018

8. Required length of service:

(05) Five Years

9. Whether to be promoted on Regular Basis or appointed on action charge basis?

Regular Basis

10. Mandatory Training, if Any:

No Mandatory Training

11. Minimum Required Score on EL:

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Signature _____

(SECRETARY)
Govt. of Khyber Pakhtunkhwa
Local Govt: Elections & Rural Dev.


Date _____

PANEL OF OFFICER FOR CONSIDERATION

S#	Seniority	Name of Officer with Qualification	Date of Birth	Date of Entry into the Govt: Service	Date of Appointment/Promotion to BS-17	Date of Regular Appointment/Promotion to the Present Scale	Whether fulfill the prescribed length of service	Qualified Score	Missing PERs (if any)	Disciplinary Proceeding (if any)	Case (if any) in any Court of law including NAB/Plea bargaining with NAB	Mandatory training for Promotion	Research Papers	Present Posting	Remarks
01	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
1	01	Syed Shahin (BBA + MBA Finance)	15/11/1962	06/05/1996 in LG&RDD from Workers Welfare Board, Labour Deptt: through Proper Channel to account for the overall service w.e.f 1/7/1991	06/05/1996 in LG&RDD from Workers Welfare Board, Labour Deptt: through Proper Channel to account for the overall service w.e.f 1/7/1991	06/05/1996 in LG&RDD from Workers Welfare Board, Labour Deptt: through Proper Channel to account for the overall service w.e.f 1/7/1991	Yes 05 Years	81	The required PERs are attached.	Nil	Nil	Nil	Nil	Accounts Officer 1/1/2013	-

Certified that the officer included in the panel are eligible for promotion in all respects (Except at S.No. _____)

Signature



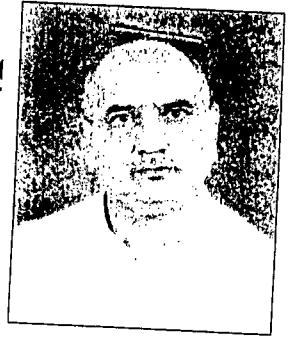
Designation

(SECRETARY)

Date

 Govt. of Khyber Pakhtunkhwa
 Secret Govt. Elections & Rural Dev.
 Department

PANEL PROFORMA FOR PROVINCIAL SELECTION BOARD



In respect of Mr. Syed Shahin Shah

Personnel No.: 00081230

Domicile: Peshawar		Service/Group: Provincial Civil Service in LG		Sen No. 01		
Educational		Date of Birth		Date of Superannuation		
BBA/MBA Finance		15/11/1962		14/11/2022		
SERVICE PARTICULARS						
Date of Joining/Service	Date of Promotion in		Length of Service		Eligibility for Consideration	
	Present Scale	Lower Rank	Total	In Present Scale		
01.07.1991		17 18				
	Not Applicable	-- --	27 Years /3M	27 Years /3M	Eligible	
Important Appointments held in the Present Rank/Post:						
1.	In Works Welfare Board, Labour Department.	1/7/1991 to 5/5/1996		Training Manager (BPS-17)		
2.	Directorate General, LG&RDD, Khyber Pakhtunkhwa before devolution plan 2001.	6/5/1996 to 30/06/2001		Accounts Officer (BPS-17)		
3.	SDO/Surplus with Local Govt. and Establishment Department KP	1/7/2001 to 31/12/2009		Accounts Officer/Planning Officer (BPS-17)		
4.	District Govt. Buner, Office of the EDO, Finance & Planning.	1/1/2010 to 31/5/2010		Deputy District Officer Finance (BPS-17)		
5.	District Govt: Mardan, Office of the EDO, Finance & Planning.	1/6/2010 to 31/12/2012		Deputy District Officer Finance (BPS-17)		
6.	Directorate General, LG&RDD, Khyber Pakhtunkhwa	1/1/2013 till date		Accounts Officer (BPS-17)		
Penalties (if any): Nothing up held by the Court of Law.						
Training Courses (Other than mandatory training): Training on KPPRA Rules etc. etc.						
Number of PERs						
Basic Scale	Outstanding	Very Good	Good	Average	Below Average	Adverse Report/Remarks in
Awaited Reports (PERs)			Additional Information (if any)			
EFFICIENCY INDEX						
Required Threshold	Score of PERs + Training Reports		Marks Awarded by PSB	Total		
RECOMMENDATIONS OF PSB						
Promoted	Deferred		Superseded			

Prepared By

Checked By SECTION OFFICER (ESTAE)
Local Govt. Elections & Rural
Development Department

PER GRADING AND QUALIFICATION FORM FOR REGULAR PROMOTION TO BS-18

Seniority No. 01

Period of PER		Pen Picture		PERs Assessment	Fitness for Promotion	Score
From	To	Reporting Officer	Countersigning Officer			
Present Scale (BS-17)						
1	01.01.2017	31.12.2017	The Officer Know his Work as per Accounting Manual.	Agreed The Reporting Officer	VERY GOOD	Yes 10
2	01.01.2016	31.12.2016	The office has achieved all targets and is an asset of this directorate	Agreed The Reporting Officer	VERY GOOD	Yes 10
3	01.01.2015	31.12.2015	The office has achieved all targets and is an asset of this directorate	Agreed The Reporting Officer	VERY GOOD	Yes 10
4	01.01.2014	31.12.2014	A honest and upright officer with hard work and consistency	Agreed The Reporting Officer	VERY GOOD	Yes 10
5	01.01.2013	31.12.2013	The Officer Know his Work as per Accounting Manual.	Agreed The Reporting Officer	GOOD	Yes 7
6	01.01.2012	31.12.2012	Honest Officer, Well Disciplined and Good Officer.	Agreed The Reporting Officer	GOOD	Yes 7
7	01.01.2011	31.12.2011	He is Hard Working Officer.	Agreed The Reporting Officer	VERY GOOD	Yes 10
8	01.01.2010	31.12.2010	He his Satisfactorily Performed his duties so far I see no weakness in him.	Agreed The Reporting Officer	VERY GOOD	Yes 10
9	01.01.2009	31.12.2009	The officer remaining without posting as OSD in Surplus Pool after devaluation were the directorate general LG was abolished.	Agreed The Reporting Officer	GOOD	Yes 7
10	01.01.2008	31.12.2008	Dismissal from service 23.01.2006 Reinstated for judgment of Supreme Court of Pakistan dated 28.08.2008			
11	01.01.2007	31.12.2007				
12	01.01.2006	31.12.2006				
13	01.01.1996	31.12.2005	The ACR's this Years is Not Available			
Total:						81
Average per Annum:						6.23

COMPREHENSIVE EFFICIENCY INDEX

PERs Quantified Score 60:40 @ 100%	Basic Scale	Aggregate Score	Weight age Factor	Points Obtained
	Present Scale	81/13	6.23/10	62.23
	Previous Scale			
	(i) Additions *	Nil		Nil
	(ii) Deletion **	Nil		Nil
	Total			62.23

Required threshold on CEI for promotion to BS-18 is 50

Average Score: Total Score/No of PERs

Quantification Formula: Average Score X Constant (A=10)=8.8X10

Total Quantified final Score:

Signature of the competent authority: _____


*2 marks shall be added for serving a Govt: Training Intuition including those meant for specialized training in any particular cadre for a period of 2 years or more.

**5, 3 & 1 marks shall be deducted for each major, minor penalty and adverse remarks respectively.

UPDATED SENIORITY LIST OF BPS-17 OFFICERS ISSUED VIDE NOTIFICATION

S#	Name of Officer with Academic Qualifications	Date of Birth & Domicile	Date of 1 st Entry into Govt. Service	Regular Appointment/Promotion to Present Posts			Present Appointment	Remarks
				Date	BPS	Method Recruitment		
1.	Syed Shahin Shah (BBA + MBA Finance)	15/11/1962 Peshawar	06/05/1996 in LG&RDD from Workers Welfare Board, Labour Deptt: through Proper Channel to account for the overall service w.e.f 1/7/1991.	06/05/1996 in LG&RDD from Workers Welfare Board, Labour Deptt: through Proper Channel to account for the overall service w.e.f 1/7/1991.	06/05/1996 in LG&RDD from Workers Welfare Board, Labour Deptt: through Proper Channel to account for the overall service w.e.f 1/7/1991.		Accounts officer	

Certificate:- Certified that the Seniority is final, notified and undisputed and only one officer i.e. Syed Shahinshah , (Accounts Officer) BPS-17 is available in the department in relevant category.


SECTION OFFICER (ESTAB)
Local Govt. Elections & Rural
Development Department KP

MEM NO (20)

LOCAL GOVERNMENT, ELECTIONS & RURAL DEVELOPMENT DEPARTMENT

(Meeting of PSB held on 17.09.2018)

SUBJECT: **PROMOTION OF ACCOUNTS OFFICER BS-17 TO THE POST OF DEPUTY DIRECTOR (FINANCE & ACCOUNTS) BS-18**

Secretary Local Government & Rural development apprised the Board that due to creation, the post of Deputy Director (Finance & Accounts BS-18) is lying vacant.

1. According to service rules, the post is required to be filled as under:-

“By promotion on the basis of seniority cum fitness from amongst Accounts Offices with at least five years; service as such”

2. The service record of the officer included in the panel was discussed as follows:

S. NO	NAME OF OFFICER	RECOMMENDATIONS OF THE BOARD
1.	Syed Shahin Shah	<p>His date of birth is 15.11.1962. He joined government service on 06.05.1996 in BS-17. The chair directed for reconstruction of service record of the officer for the missing PERs. No enquiry is pending against him. His service record upto 2017 is generally good.</p> <p>The Board recommended the officer for promotion to the post of Deputy Director (Finance and Accounts) BS-18 on regular basis. He will be on probation for a period of one year.</p>