

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

Service Appeal No. 7395/2021

Naseema Bibi D/O Noor Alam Khan, Currently posted at GGPS
Harchin, District Chitral Upper.. (Appellant)


Versus

1. Secretary, Elementary and secondary Education Khyber
Pakhtunkhwa Peshawar
2. Director, Elementary and secondary Education Khyber Pakhtunkhwa
Peshawar.
3. District Education Officer (F) Chitral Upper.

(Respondents)

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District Education Officer Female
District Chitral Upper
Respondent No.5

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

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Peshawar.
3. District Education Officer (F) Chitral Upper.

(Respondents)

PARA WISE COMMENTS ON BEHALF OF RESPONDENT No. 1 to 3.

Respectfully sheweth:-

PRELIMINARY OBJECTIONS

1. That the Appellant is not the "aggrieved" persons within the meaning of Article 212 of the Constitution of the Islamic Republic of Pakistan 1973.
2. That the Appellant has got no cause of action /locus standi to file this Service Appeal because the Appellant did not come on merit.
3. That the Appellant has not come to this Honorable court with clean hands rather than the instant appeal is mainly based on Malafide intentions just to put pressure on the respondent department for illegal restoration of service.
4. That the Appellant is estopped by his own conduct.
6. That the instant Service Appeal suffers from laches, hence not maintainable in the present form.
7. That the appeal in hand is barred by the relevant provision of Law/Rules/Policy in Field.
8. That the appellant was on deputation for a period of five years up to 19-01-2016, and after expiry of her deputation she did not return back to her parent department on time.
9. That after promotion of the appellant to PSHT BPS-15 she did not ~~take~~ take over charge with in time.

ON FACTS.

1. Para -1 of the facts pertains to the appellant service record, hence need no comments.
2. Para -2 of the facts pertains to record, hence need no comments
3. Para-03 of the facts is correct to the extent of placement of services of the appellant at the disposal of the Federal Directorate of Education Islamabad on deputation basis for a period of three years.
4. Para-04 of the facts pertains to records needs no comments.
5. Para-05 of the facts is correct that the appellant was promoted from PST BPS-12 to PSHT BPS-15 on the basis of seniority cum fitness, however she did not take over charge of her Post within time and remained on deputation for further four years. She was demoted back to BPS-12 on 18.08.2020 when she completed her one colander year service she was promoted to BPS-14. Recently her file is already being put up from BPS-14 To BPS -15 purely on seniority based.
6. Para-06 of the facts is incorrect, it is submitted that the appellant was on deputation for a period of three years and as per deputation rules, later on was extended for another two years w.e.f 20-01-2014 to 19-01-2016 . After expiry of the deputation period of five years she was bound to return and join her parent department in which she failed. It is also pertinent to mention here that the appellant remained absent w.e.f 19-01-2016 till re adjustment dated 07-08-2020, for which proceeding has been initiated against her.**(Copy of the letter dated 11-10-2022 for inquiry officer regarding the deputation period and promotion of the appellant is attached as "A")**
7. Para-07 of the facts is incorrect, hence denied in fact she was required to join her parent department after expiry of her deputation period i.e 19-01-2016. she did not return back, meanwhile requested Federal Directorate of Education for another extension which was against law and rules, and vide letter dated 03-09-2019, the request was rejected with the

direction that the lady teacher had already been completed her five years deputation period and there is no provision to further extend her deputation period as per deputation policy of this province. It is also pertinent to mention here that the appellant remained will full absent and did not joined her parent department within time. However after rejection of third extension she requested for re adjustment in her parent department and in compliance of the letter dated 21-07-2020 she was adjusted while in compliance of letter dated 02-09-2020 she was also directed to provide the relevant records of deputation as well as of the intervening period. **(Copy of the letter dated 21-07-2020 is attached as "B", copy of the letter dated 02-09-2020 is attached as "C" and Copy of letter dated 10-09-2020 for providing of relevant record is attached as "D" copy of the letter dated 03-09-2019 regarding rejection for extension of deputation of the appellant is attached as "E").**

8. Para-8 of the facts Pertain to record, however her promotion order was withdrawn as per law, as she was promoted to the post of PSHT vide promotion order dated 26-12-2012 and she did not join nor took over charge of her post with in time. Resultantly her promotion order of the appellant order was withdrawn.
9. Detail reply has been submitted in the above Para's.
10. The appellant has got no cause of action to file instant appeal.

GROUND

A) In correct, hence denied. The respondent always followed rules and policies in letter and spirit, whereas the appellant did not ~~took~~ take over of her charge well on time and there is no rules or policy for charge taking after laps of about 9 years. And as per section IV sub section "d", the civil service on deputation to federal government, provincial government, and autonomous/semi A autonomous organization shall be considered for promotion and to informed to actualize their promotion within cadres. They shall have to stay and

not be allowed to go back immediately after promotion. Such stay shall, not less than a minimum of two years. If he/she declines his /her actual promotion will take place only when he/she returns to his /her parent cadre. His /her seniority in the higher post shall, however stand protected. **(Copy of the relevant pages of NWFP, Promotion policy 2009 is attached as "F").**

B) Incorrect, hence denied. The appellant has been treated as per law and rules.

C) Incorrect hence denied. Details have been submitted in the facts Above.

D) Incorrect hence denied. Details have been submitted above.

E) Incorrect hence denied. The appellant was on deputation as well as after expiry of her deputation period she willfully did not return her parent department on time, that's why she was demoted back to PST BPS-12.

F) Legal, However the respondents also seek permission for additional grounds during arguments.


It is, therefore, humbly prayed that on acceptance of the above submission, the instant Service Appeal may very graciously be dismissed in favor of the answering respondents with cost.


Secretary,

Elementary and secondary education
Peshawar Khyber Pakhtoon Khwa Peshawar
Respondent No. 1


Director,

Elementary and secondary education
Peshawar Khyber Pakhtoon Khwa Peshawar
Respondent No. 2


District Education Officer Female
District Chitral Upper.
Respondent No.3

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

Service Appeal No. 7395/2021

Naseema Bibi D/O Noor Alam Khan, Currently posted at GGPS
Harchin, District Chitral Upper.. (Appellant)

Versus

4. Secretary, Elementary and secondary Education Khyber
Pakhtunkhwa Peshawar
5. Director, Elementary and secondary Education Khyber Pakhtunkhwa
Peshawar.
6. District Education Officer (F) Chitral Upper.

(Respondents)

Affidavit

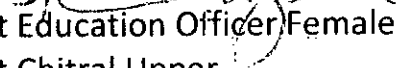
I, Muhammad Ikram Uddin , ADEO O/O THE DEO
(F) Chitral Upper **solemnly affirm and state on oath that the whole
contents of this reply are true and correct to the best of my knowledge
and belief and nothing has been concealed from this August court.**


Deponent
Muhammad Ikram Uddin

AUTHORITY LETTER

Mr. Muhammad Ikram Uddin, ADEO O/O the DEO (F) Chitral Upper is hereby authorized to submit the comments / reply in the Service Appeal No. 7395/2021.

Title: Naseema Bibi D/o Noor Alam Khan VS Govt etc on behalf of the undersigned.


District Education Officer Female
District Chitral Upper
Respondent No.3



OFFICE OF THE DISTRICT EDUCATION OFFICER
(FEMALE) UPPER CHITRAL.
PHONE NO.0943470363
Email Address:deofchitralupper@gmail.com



A (7)

No. _____/inquiry-01

Dated the Chitral: _____/10/2022.

To,

The District Education Officer Male,
Upper Chitral.

Subject:

**REQUEST FOR AN INQUIRY OFFICER FOR PROMOTION/POSTING
OF MST: NASIMA BIBI GGPS HARCHINE**

Memo,

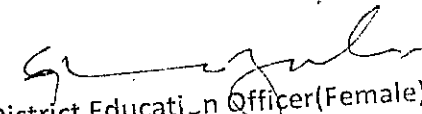
It is stated that this office requires the services of an impartial inquiry officer to conduct inquiry in to the promotion of Mst: Nasima Bibi from PST BPS -12 to PSHT BPS-15. In this connection you are requested kindly to nominate any of your officer for the purpose. It is further requested that the matter may kindly be taken as urgent and on priority basis, please.

District Education Officer(Female)
Upper Chitral

Dated the Chitral: 11/10/2022.

No. 3361/inquiry-01
Copy forwarded to the:

1. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar for his kind information.
2. Deputy Commissioner Upper Chitral.
3. District Monitoring Officer Upper Chitral.
4. Head Teacher GGPS Harchine.


District Education Officer(Female)
Upper Chitral

(11) B (8)

GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT
No. SO(PE)5-2//IPT/ Chitral/Mst. Naseema Bibi PSHT/2014
Dated Peshawar the 21.07.2020

✓
The District Education Officer (Female),
Upper Chitral.

Subject: -

OFFICE ORDER AND APPLICATION IN RESPECT OF MRS. NASEEMA BIBI

Dear Madam,

I am directed to refer to the subject noted above and to enclose herewith a copy of an Office Order bearing No. F.1-9/168-EST (D) FDE dated 06.03.2020 alongwith her application and other necessary documents in respect of Mrs. Naseema Bibi, PSHT (BS-15), GGPS Harchina, District Chitral.

You are requested to adjust her in her home district Upper Chitral on repatriation from Federal Directorate of Education, Islamabad immediately. The salaries of the above said teacher may be adjusted as per last pay certificate.


Yours faithfully,


SECTION OFFICER (PRIMARY)

Encl: as above.

Copy for information to:

1. Director General, Federal Directorate of Education, Islamabad.
2. The Director E&SE Khyber Pakhtunkhwa, Peshawar, for similar necessary action.
3. The Admin Officer (HR-II F), FDE, Islamabad w/r to his/her letter quoted above.
4. Headmistress, Islamabad Model School for Girls (I-VIII), Bain Nala (F.A), Islamabad.
5. PS to Secretary, Elementary & Secondary Education Department, Peshawar.
6. The teacher concerned.


SECTION OFFICER (PRIMARY)

Dated: 23/07/2020

The District Education Officer
(Female) Under Central

Subject: APPLICATION FOR TRANSFER IN NO-NASEEM BIBLEESHTI TO
DISTRICT BESHAWAR

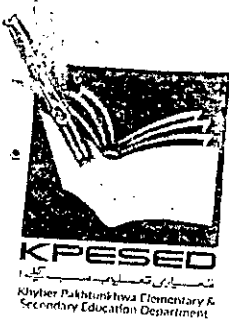
With reference to your letter No. 730 dated 12/07/2020, the subject cited above in respect of Mrs. Naseem Bibi, SGT, District Under Central and to be posted in the vacant position of her original school in District Central. She may be asked to provide the record pertaining to the subject in Form No. 1941-C, 1941-D and 1941-E.

Yours faithfully,
Director (Female)
(E&SE) Khyber Pakhtunkhwa

Encl: No. 2

Copy of the above is forwarded to the
PA to Director, E&SE, KP, Peshawar.

Yours faithfully,
Director (Female)
(E&SE) Khyber Pakhtunkhwa



OFFICE OF THE DISTRICT EDUCATION OFFICER
(FEMALE) UPPER CHITRAL.
PHONE NO.0943470363
Email Address:deofchitralupper@gmail.com



No. 8044 /EB(F)Ex-01

Dated the Chitral: 10 / 09 /2022.

To,

Ms:Nasima Bibi PST
GGPS Harchine.


Subject:

**PROVISION OF RECORDS REGARDING EXTENSION IN
DEPUTATION PERIOD.**

Memo,

Reference Directorate of Elementary & Secondary Education Khyber
Pakhtunkhwa Peshawar No.2048/P.File Nasima Bibi PST Dated Peshawar the 02.09.2020.

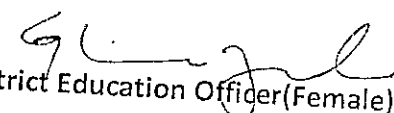
You are hereby directed to provide and submit to this office all the records
pertaining to your extension in deputation period in Federal Directorate beyond three years at
the earliest possible.



District Education Officer (Female)
Upper Chitral

No. 845-47 / EB(F)Exten-01
Copy forwarded to the:

Dated the Chitral: 10 / 09 /2022.

1. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar for his kind information.
2. District Monitoring Officer Upper Chitral.
3. Head Teacher GGPS Harchine.


District Education Officer (Female)
Upper Chitral


Female)

SECTION OFFICER (PRIMARY)
No. 263-641
FORWARDED TO
1: SD EOE (MASH) 2/16
2: SD EOE (Jor Khan) 2/16

Find of even number & date
Copy for information to:
1. The District Education Officer, District
2. The District Education Officer, District
3. To Secretary, East Department, Peshawar

SECTION OFFICER (PRIMARY)

The above mentioned...

NOT FOR EXTENSION IN THE DEPARTMENT

The Administrative Secretary,
Federal Government of Punjab,
Government of Punjab,
Lahore.



GOVERNMENT OF PUNJAB
DEPARTMENT OF EDUCATION
Lahore, Punjab, India



ESTA CODE

**ESTABLISHMENT CODE KHYBER PAKHTUNKHWA
(REVISED EDITION) 2011**

**A COMPENDIUM OF LAWS, RULES AND INSTRUCTIONS
RELATING TO THE TERMS AND CONDITIONS
OF PROVINCIAL CIVIL SERVANTS**

**COMPILED BY;
(O&M) SECTION
ESTABLISHMENT & ADMINISTRATION DEPARTMENT**

اس فیصلے کا اطلاق نئی بھرتی اور مخصوص شدہ پوسٹوں پر ہوگا جس کی منظوری محکمہ خزانہ دے گا۔ اور اس مقدمہ کیلئے بجٹ مخصوص کرے گا۔ مزید وضاحت کیلئے محکمہ خزانہ کا مراسلہ نمبر B1/1-22/94-95/FD/Vol-II مورخہ ۲۳ جولائی ۱۹۹۹ء ملاحظہ ہو۔ سال ۲۰۰۲ء میں محکمہ خزانہ نے پالیسی کی ایک بار پھر وضاحت کرتے ہوئے بذریعہ مراسلہ نمبر BI 1-70/2003-04/FD مورخہ ۱۴ اپریل ۲۰۰۳ء تمام محکمہ جات کو یہ یاد دہانی کی کہ محکمہ جات میں مخصوص شدہ سکیلیں ایک کی باقاعدہ پیشیں ثانی ہونے پر ختم کر دی جائیں اور محکمہ خزانہ سے ان کی فکسڈ تنخواہ پر تحقیق کا معاملہ جواز کے ہمراہ اٹھایا جائے گا۔ ساتھ ہی ساتھ یہ وضاحت بھی کی گئی کہ مخصوص محکمہ جات میں سکیلیں ۲۰ اوراد پر کی تمام آسامیاں اور ریٹرنٹوں میں سکیلیں ایک اور اوپر کی آسامیوں کو فکسڈ تنخواہ میں بدلنے کی ضرورت نہیں ہے۔ محکمہ خزانہ نے مراسلہ نمبر B1/1-22/2001-2002/FD/Vol-II مورخہ ۳۱ مارچ ۲۰۰۵ء کے ذریعے وضاحت بھی کر دی ہے کہ مخصوص محکمہ جات میں مخصوص آسامیاں بھی باقاعدہ سرپلس ملازمین کی Adjustment تک فکسڈ تنخواہ میں تبدیل نہیں کی جائیں گی۔ نئی بھرتی اگر ماگزیر ہو تب سرپلس پول سے NOC لینا ضروری ہے۔ اگر صوبائی یا شملی سرپلس پول میں مطلوبہ تالیفیت کے حامل باقاعدہ ملازمین میسر نہ ہوں تو متعلقہ محکمہ سرپلس پول سے این او بی (NOC) حاصل کرنے کے بعد کنٹریکٹ کی بنیاد پر بھرتی محکمہ خزانہ کی کنٹریکٹ پالیسی جو کہ مراسلہ نمبر FD(SORSR-III)12-1/2002 مورخہ ۱۲۶ اکتوبر ۲۰۰۲ء کے ذریعے جاری کی گئی کے تحت کریں گے۔

(ii) چونکہ سکیلیں ایک ناپانچ تک بھرتی پر پابندی ہے لہذا وزیر اعلیٰ صاحبہ سرحد سے بھرتی پر پابندی میں تیزی کی منظوری بھی حاصل کی جائے گی۔

(iii) جہاں تک نئی بھرتی کے طریقہ کار کا تعلق ہے تو محکمہ عملہ نے (تعمیناتی، تبادلہ ورتی) کروڑ 1989 میں ترمیم کر دی ہے جس کے مطابق محکمہ خزانہ سے منظوری اور ریٹرنٹوں کے بعد سکیلیں ایک تا چار آسامیوں پر تعیناتی کیلئے حکمانہ چناؤ کمیٹی شملی ایسپلائمنٹ ایکٹیو کے ذریعے تعیناتی عمل میں لائیگی۔ اور جس اضلاع میں ایسپلائمنٹ ایکٹیو موجود نہ ہوں وہاں پر شملی سطح کی حکمانہ چناؤ کمیٹی معروف اخبارات میں تشہیر کے بعد تعیناتی عمل میں لائے گی۔ فکسڈ تنخواہ والے ملازمین کی تعیناتی کیلئے بھی یہی طریقہ کار اپنایا جائے گا۔

(iv) اگر مخصوص محکمہ جات میں سے کسی بھی محکمہ نے مخصوص شدہ پوسٹ کو فکسڈ تنخواہ والی پوسٹ میں تبدیل کر دیا ہو تو بعد میں باقاعدہ سرپلس ملازم یا تنظیم عدالت بحال ہونے والے باقاعدہ ملازم کو اس پر ایڈجسٹ کرنے کیلئے ایسی آسامیوں کو Case to case بنیاد پر محکمہ خزانہ سے باقاعدہ پوسٹوں پر تبدیل کرایا جائے گا۔

(تقریبی) مراسلہ نمبر فیض ضوابط ۲ (ای ای اے) (ی) ۱-۵۷۱-۲۰ مورخہ ۹ مئی ۲۰۰۲ء

Promotion Policy

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

I. Length of service.

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

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

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

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

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

Basic Scale 19 : 7 years' service in BS-18

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

II. Linking of promotion with training:

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

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

(b) This condition will not be applicable to civil servants in specialized cadres such as Doctors, Teachers, Professors, Research Scientists and incumbents of purely

technical posts for promotion within their own line of specialization as envisaged in the existing Promotion Policy.

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

MCMC	60
SMC	70
NMC	75

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

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

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

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

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

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

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

(ii) A panel of two senior most officers shall be placed before the Provincial Selection Board for each vacancy in respect of promotion to BS-18 & 19. Similarly, a panel of three senior most officers shall be submitted to the Provincial Selection Board for each position in respect of promotion to BS-20 and 21 and the officer with the requisite score on the Efficiency Index shall be recommended for promotion.

(iii) The senior most officer(s) on the panel securing the requisite threshold of the Efficiency Index shall be recommended by the Provincial Selection Board for promotion unless otherwise deferred. In case of failure to attain the requisite threshold, he (she)/they shall be superseded and the next officer on the panel shall be considered for promotion.

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

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

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

- a) The civil servants who are on long leave i.e. one year or more, whether within or outside Pakistan, may be considered for promotion on their return from leave after earning one calendar PER. Their seniority shall, however, remain intact.
- b) The civil servants who are on deputation abroad or working with international agencies within Pakistan or abroad, will be asked to return before their cases come up for consideration. If they fail to return, they will not be considered for promotion. They will be considered for promotion after earning one calendar PER and their seniority shall remain intact.
- c) ⁷⁸In case of projects partially or fully funded by the Federal or Provincial Government, where PERs are written by officers of Provincial Government, the condition of earning one calendar PER shall not be applicable. The officers on deputation to projects shall be considered for promotion. However, after promotion they will have to actualize their promotion within their cadre.
- d) The civil servants on deputation to Federal Government, Provincial Government, autonomous/semi-autonomous organization shall be considered for promotion and informed to actualize their promotion within their cadres. They shall have to stay and not be allowed to go back immediately after promotion. Such stay shall be not less than a minimum of two years. If he/she declines his/her actual promotion will take place only when he/she returns to his/her parent cadre. His/her seniority in the higher post shall, however, stand protected.
- e) The cases of promotion of civil servants who have not successfully completed the prescribed mandatory training (MCMC, SMC & NMC) or have not passed the departmental examination for reasons beyond control, shall be deferred.
- f) Promotion of officers still on probation after their promotion in their existing Basic Scales shall not be considered.
- g) A civil servant initially appointed to a post in a Government Department but retaining lien in a department shall not be considered for promotion in his parent department.

⁷⁸ para 1 (iv)(c) substituted vide circular letter No. SORIV/E&AD/1-16/2006, dated 19.4.2010

However, in case he returns to parent department, he would be considered for promotion only after he earns PER for one calendar year.

- h) A civil servant who has resigned shall not be considered for promotion no matter the resignation has yet to be accepted.

V. Deferment of Promotion:

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

within a period of six months from such recommendations, they would lapse. The case of such civil servant would require placement before the PSB/DPC afresh.

VI. Date of Promotion:

Promotion will always be notified with immediate effect.

VII. Notional Promotion:

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

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

- (a) The question of promotion to BS-18 and above in case of civil servants who have been awarded minor penalties has been settled by the adoption of quantification of PERs and CEI which allows consideration of such cases for promotion subject to deduction of 5 marks for each major penalty, 3 marks for each minor penalty and 1 mark for each adverse PER from the quantified score and recommendation for promotion on attaining the relevant qualifying threshold.
- (b) However, the CEI policy is not applicable to civil servants in BS-16 and below. In this case, the concerned assessing authorities will take into consideration the entire service record with weightage to be given for recent reports and any minor penalty will not be a bar to promotion of such a civil servant.

IX. Promotion in case of pending investigations by NAB:

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

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