

**Before the Khyber Pakhtunkhwa Service Tribunal, Peshawar**

**Execution petition No.514/2022**

**In accepted appeal No.1705/2019**

**Amanullah V/s Government Khyber Pakhtunkhwa**

Khyber Pakhtunkhwa  
Service Tribunal

Entry No. 35/6

13-2-2023

Objection from the Petitioner, Amanullah on the implementation Notification No. SO(Estt)FD/1-55/2022 dated 24.08.2022 and No. SO(Estt)/FD/1-55/2022 dated 17.10.2022, as such issuance of two notifications reveals mollified its self on the part of respondents.

That the conditional promotion on regular basis w.e.f. 07.05.2019 is not relevant unless the respondents are complied the terms and condition as per my accepted appeal No.1705/2019 in which this Honorable Tribunal accepted with all back and consequent benefits, due to that respondents, Plea that two enquires were pending against me, which were not pending in factual circumstances and even today could not be produced any documentary proof. Therefore only someone managed to deprived me from , due service perks and privileges on the baseless statement before the proper forum of PSB and So as got advancement in favor of some Junior officers , than me on such misleading , Hence the differed from promotion was not my fault, may accordingly be entitled for not only seniority over the juniors but, pay and allowances shall be paid under the provision and mandate of their promotion policy at para- V(d), and FR 17(1).

That para -V(d) itself provided that any Government Servant, as and when founded deem fit for promotion , on the basis of differed from promotion , he will be treated cleared for promotion from the early PSB meeting, when juniors were promoted. Hence the case of ~~my~~ promotion with pay and allowances as proforma be granted from 03.07.2017 when junior Mr. Muhammad Hanif was, granted appointed on acting charge basis and 07.05.2019, on regular basis, erstwhile Junior Mr. Nawab Khan.

It is settled principle of Law, in light of judgment of the Supreme Court of Pakistan in case 1997-PLC(CS) 512- Muhammad Jan Marwat Vs Government in as such cases, that a differed Government , Servant as and when cleared for promotion he will be entitled for proforma promotion along with Seniority on his junior and the same issue also been settled in another judgement 2011 SCMR-389.

Keeping in view as stated above and in light of Judgment in my appeal No.1705/2019, the respondents may kindly be directed for implementation of Judgement of this Honorable Service Tribunal in letter & spirit without further, delay and accordingly , I may be paid Pay and allowances w.e.f 03.07.2017 when junior Mr. Muhammad Hanif was appointed on acting charge basis and w.e.f 07.05.2019 on regular basis, when Mr. Nawab Khan was promoted on regular basis please.

( Amanullah )

Petitioner

(Copies attached)

1. Promotion policy 2009 Para-V(d) - P-6
2. Judgement 1997 PLC (CS)512. - P-10 to 12
3. FR-17 (1). - P-14 ;

Through

(S. Noman Ali Shah)  
Advocate



# GOVERNMENT OF KHYBER PAKHTUNKHWA FINANCE DEPARTMENT

Finance Department Civil Secretariat Peshawar

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Dated Pesh: the 24-08-2022

## NOTIFICATION

**No.SO (Estt-I)/FD/1-55/2022** Consequent upon the approval granted by Hon'ble Chief Minister, Khyber Pakhtunkhwa to the recommendation of Provincial Selection Board, in its meeting held on 06.7.2022, **Mr. Amanullah**, District Accounts Officer (BS-18) is hereby promoted to the post of District Comptroller Accounts (BS-19) on regular basis **subject to the final outcome of CPLA**, with immediate effect.

2. The officer, on promotion, shall remain on probation for a period of one year, extendable to another one year in terms of Section-6 (2) of Khyber Pakhtunkhwa Civil Servants Act, 1973 read with Rule-15(1) of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989.

3. In term of Para-7 of the Establishment & Administration Department letter No. SORI (S&GAD)/1-29/75 dated 13-04-1987, the officer is hereby allowed to regain his seniority w. e. f 07-05-2019 when his erstwhile junior Mr. Nawab Khan was promoted as District Comptroller of Accounts BS-19 on regular basis, **while** the intervening period can be counted towards increments under FR-26 (c) but without arrears.

4. The officer upon his promotion to BS-19 is allowed to actualize his promotion against already occupied post of District Comptroller of Accounts, Peshawar.

**SECRETARY TO GOVERNMENT  
KHYBER PAKHTUNKHWA  
FINANCE DEPARTMENT**

### Endst: No: & Date even

Copy forwarded for information & necessary action to: -

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- ✓ 2. The Director, Treasuries & Accounts, Khyber Pakhtunkhwa.
3. All DCAs/DAOs in Khyber Pakhtunkhwa.
4. PS to Minister for Finance.
5. PS to Secretary Finance Department.
6. PS to Special Secretary (A&R), Finance Department.
7. PA to Add: Secretary (Admin) Finance Department.
8. Officer concerned.
9. Office Order file.

  
**SECTION OFFICER (E-I)**



**GOVERNMENT OF KHYBER PAKHTUNKHWA  
FINANCE DEPARTMENT**

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2. The officer, on promotion, shall remain on probation for a period of one year, extendable to another one year in terms of Section-6 (2) of Khyber Pakhtunkhwa Civil Servants Act, 1973 read with Rule-15(1) of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989.

3. In term of Para-V (d) of the promotion policy 2009, the officer is hereby allowed to regain his seniority w. e. f 07-05-2019 when his erstwhile junior Mr. Nawab Khan was promoted as District Comptroller of Accounts BS-19 on regular basis.

4. The officer upon his promotion to BS-19 is allowed to actualize his promotion against already occupied post of District Comptroller of Accounts, Peshawar.

**SECRETARY TO GOVERNMENT  
KHYBER PAKHTUNKHWA  
FINANCE DEPARTMENT**

**Dated 17.10.2022**

**Adst: No. & Date even.**

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2. The Director, Treasuries & Accounts, Khyber Pakhtunkhwa.
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7. PA to Add: Secretary (Admin) Finance Department.
8. Officer concerned.
9. Office Order file.



**SECTION OFFICER (E-I)**



GOVERNMENT OF N.W.F.P.  
ESTABLISHMENT & ADMINISTRATION  
DEPARTMENT

(ESTABLISHMENT WING)

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

Dated Peshawar the 28<sup>th</sup> January, 2009

3

To

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

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

Dear Sir,

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

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-19s

876

Officer E-3  
Establishment Dept  
NWFP

Basic Stage	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) may be superseded and the next officer on the panel shall be considered for promotion.

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

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

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

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

Secretary, Office of E-1  
Government of Punjab

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

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

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

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

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

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

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

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

Section Officer E-3  
Establishment Deptt.

Sabbir

- (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 along with the officers junior to him who were considered in the earlier meeting of the Provincial Selection Board/Departmental Promotion Committee. Such an officer, on his promotion will be allowed seniority in accordance with the proviso of sub-section (4) of Section 8 of the North-West Frontier Province Civil Servants Act, 1973, whereby officers selected for promotion to a higher post in one batch on their promotion to the higher post are allowed to retain their inter-se-seniority in the lower post. In case, however, the date of continuous appointment of two or more officers in the lower post/grade is the same and there is no specific rule whereby their inter-se-seniority in the lower grade can be determined, the officer older in age shall be treated senior.

(e) If a civil servant is superseded he shall not be considered for promotion until he earns one PER for the ensuing one full year.

(f) If a civil servant is recommended for promotion to the higher basic scale/post by the PSB/DPC and the recommendations are not approved by the competent authority within a period of six months from such recommendations, they would lapse. The case of such civil servant would require placement before the PSB/DPC afresh.

Section Officer E-3  
Establishment Deptt.

6

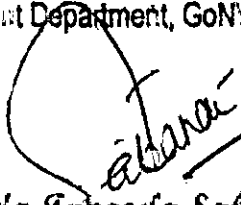
Pora-V(d)

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

Dated Peshawar the 28<sup>th</sup> January, 2009

Copy forwarded to:

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

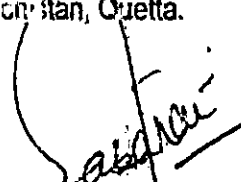
  
( Syeda Tanzeela Sabahat )  
Section Officer (E-III)

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

Dated Peshawar the 28<sup>th</sup> January, 2009

Copy forwarded to:

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


  
( Syeda Tanzeela Sabahat )  
Section Officer (E-III)

OFFICE OF THE ACCOUNTANT GENERAL NWFP PESHAWAR

No. 11-24(113)/RBPS-2008-09/Prov: Corresponds File No. 1063 Dated: 17/02/2009

Copy of the above is forwarded for information and necessary action to all concerned.

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2. All Payrolls Section (L).
3. Admin-I Section.
4. Pension (M).

  
Accounts Officer (HAD)  
NWFP Peshawar



**First Step**

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

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

**Where**

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

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

and  $\Sigma$  stands for summation.

**Second Step**

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

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

**Where**

$M$  = Marks for PERs; and

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

**Third Step**

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

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

Section Officer E-3  
Establishment Dept. Where

- A = Average marks for reports in posts carrying basic pay scale 17  
 B = Average marks for reports in posts carrying basic pay scale 18  
 C = Average marks for reports in posts carrying basic pay scale 19  
 D = Average marks for reports in posts carrying basic pay scale 20

*S. S. S.*

INSTRUCTIONS FOR GUIDANCE

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

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

9

Action Officer E-3  
Establishment Dept.

20/11/20

1997PLC(C.9)512

[Supreme Court of Pakistan]

Present: Saiduzzaman Siddiqui and Muhammad Bashir Khan Jehangiri, JJ

MUHAMMAD JAN MARWAT and another

versus

NAZIR MUHAMMAD and 17 others

Civil Petition No. 76-P of 1996, decided on 15th December, 1996.

(On appeal from the judgment of N.-W.F.P. Service Tribunal, Peshawar, dated 10-1-1996 passed in Appeal No. 123/94).

**(a) North-West Frontier Province Civil Servants Act (XVIII of 1973)---**

----Ss. 8 & 9---Constitution of Pakistan (1973), Art.212(3)---Promotion--Seniority---Civil servant's case was deferred by Departmental Promotion Committee while his juniors were promoted---Civil servant was subsequently promoted with effect from the date when his juniors were promoted---Civil servant's claim to seniority was accepted by Service Tribunal and he was assigned seniority to his juniors---Validity---Nothing was on record to indicate that civil servant was superseded when his juniors were promoted to Grade-18---Civil servant's case having been deferred when his juniors were promoted and he having been subsequently promoted, he would rank senior to all those persons who were promoted earlier to him but ranked junior to him in lower grade when they were promoted---Service Tribunal had, thus, rightly found civil servant to be senior to petitioners who were admittedly junior to him in Grade-17.

**(b) North--West Frontier Province Service Tribunals Act (XVIII of 1973)---**

----S. 4---Constitution of Pakistan (1973), Art.212(3)---Appeal before Service Tribunal---Competency---Departmental representation/appeal filed by civil servant remained un disposed of for a long time---Secretary of concerned department, however, informed Head of civil servant's department through letter, that representation/appeal of civil servant had been turned down--Copy of such letter was endorsed to civil servant, who admittedly filed appeal before Service Tribunal within 30 days from the date of such letter--Appeal filed before Service Tribunal was, thus, within time---Departmental appeal of civil servant having not been dismissed on ground of limitation, Service Tribunal could not have dismissed such appeal as not competent ---No exception could be taken to order of Service Tribunal deciding appeal of civil servant on merits--Leave to appeal was refused in circumstances.

Zafar Iqbal v. WAPDA 1995 SCMR 16 and Anwar Muhammad v. General Manager, Pakistan Railways 1995 SCMR 950 rel.

10

11

Qazi Attiqur Rehman, Advocate Supreme Court and Abdul Hamid Qureshi, Advocate-on-Record for Petitioners.

M. Sardar Khan, Advocate Supreme Court and M.S. Khattak, Advocate-on-Record for Respondent No. 1.

Date of hearing: 15th December, 1996.

11

## JUDGMENT

**SAIDUZZAMAN SIDDIQUI, J.**---The petitioners are seeking leave to appeal against the judgment of N.-W.F.P. Service Tribunal dated 10-1-1996 whereby the learned Tribunal accepted service appeal filed by respondent No.1 against the departmental authority and held respondent No. 1 eligible for pro forma promotion with effect from 15-9-1985 and also declared him senior to respondents Nos.5 to 18.

2. The admitted position in the case is that respondent No. 1 was senior to the petitioners in the lower grade namely, Grade-17. The respondent No. 1 was considered for promotion alongwith the petitioners and others but his case was deferred by the Departmental Promotion Committee (D.P.C.) while his juniors were promoted to the next grade on 15-9-1985. The respondent No.1 was also subsequently promoted to Grade-18 with effect from 26-3-1987 vide Notification dated 26-10-1987. The respondent No.1 made a representation to the departmental authority to give effect to his promotion in Grade-18 either from 10-8-1982 or 15-9-1985, the dates on which persons junior to him were promoted to Grade-18. The departmental authority finally communicated respondent No. 1 on 6-2-1994 that his representation for ante-dating his promotion has not been accepted whereafter respondent No. 1 preferred appeal before the Service Tribunal which has been accepted.

3. In seeking leave to appeal, the learned counsel for the petitioners raised two-fold contentions. It is firstly, contended that respondent No. 1 was considered by the D.P.C. and he was superseded when his juniors were promoted to next grade namely Grade-18. The second contention of the learned counsel for the petitioners is that respondent No. 1 failed to prefer service appeal before the Service Tribunal within limitation prescribed for filing of appeal as he could at the most wait only for 120 days after filing departmental representation for submitting his service appeal before the Service Tribunal. The contentions raised by the learned counsel for the petitioners have not impressed us.

4. The learned Tribunal categorically held in the impugned judgment after perusing the minutes of Provincial Selection Board held on 3-8-1985 which were summoned in the case, that the case of respondent No. 1 for promotion to Grade-18 was deferred. The learned counsel for the caveator has also drawn our attention to the parawise comments filed by the department before the learned Tribunal wherein the allegation of respondent No.1 that his- case for promotion to Grade-18 was only deferred by the Provincial Selection Board was not denied. There is nothing on record before us to show that respondent No.1 was superseded when his juniors were promoted to Grade-18. As the case of respondent No.1 was deferred by D.P.C. and he was subsequently promoted, according to well-settled principles of seniority, respondent No.1 would rank senior to all those persons who

were promoted earlier to him but ranked junior to him in the lower grade from where they were promoted. We, therefore, do not find any error in the order of Tribunal in declaring respondent No.1 senior to the petitioners and other private respondents as admittedly respondent No. 1 was senior to them in the next lower grade namely, Grade-17. The second contention of the learned counsel for the petitioners is that the appeal before the learned Tribunal was incompetent as it was filed long after making the representation to departmental authority by the respondent No. 1. It is contended that under the law, respondent No. 1 should have approached the Service Tribunal within 30 days of the expiry of the period of 90 days from the date of filing of the departmental representation/appeal, if the same was not decided. The record produced before us indicates that the departmental representation/appeal filed by respondent No. 1 remained un-disposed of for a long time. However, in reply to a letter sent by the Chief Conservator of Forests, N.-W.F.P. to the Secretary, Forestry, Fisheries and Wildlife Department, Government of N.-W.F.P. on 6-2-1994, the latter informed the Chief Conservator of Forests that the appeal representation of respondent 8 No.1 has been turned down. The copy of this letter was endorsed to respondent No.1 on 29-3-1994. It is not disputed that from the date of this letter the appeal filed by respondent No.1 before the Tribunal, was within time. In the case of Zafar Iqbal v. WAPDA (1995 SCMR- 16), this Court while considering the period of limitation within which an aggrieved civil servant could file appeal before the Service Tribunal observed as follows:--

"3. It seems that section 4, Service Tribunals Act, prescribes two periods of limitation for preferring appeals to the Tribunal. An aggrieved civil servant can come to the Tribunal after his appeal for representation before the department has been disposed of, or, he can wait for the decision on his departmental appeal for 90 days and then file an appeal before the Tribunal without waiting any further; in this case the appellant chose to wait for the final decision on his departmental appeal and he filed the appeal before the Tribunal within 30 days of the communication of the order of the rejection of his appeal. It is to be noticed that even though his appeal was rejected on 30-9-1986 the order of rejection was not communicated to him till 21-11-1986 and he preferred the appeal before the Tribunal on 4-12-1986. In the circumstances his appeal could not be dismissed on the ground of limitation. Accordingly, we accept this appeal, set aside the judgment of the learned Tribunal and direct that the appellant's appeal should be disposed of in accordance with law.

Similarly, as the departmental authority has not dismissed the representation appeal of respondent No.1 on the ground of limitation, the Tribunal could not dismiss the appeal of respondent No. 1 as not competent, see Anwar Muhammad v. General Manager, Pakistan Railways (1995 SCMR 950). Therefore, no exception could be taken to the order of Tribunal deciding the appeal of respondent No. 1 on merits.",

5. No case is made out for interference with the order of Service Tribunal. The petition is, accordingly, dismissed and leave is refused.

A.A./M-3342/S

Leave refused

3

**GOVERNMENT OF PAKISTAN**  
**FINANCE DIVISION**

~~RS~~ X  
13 ✓



**COMPILATION**  
**OF THE**  
**FUNDAMENTAL RULES**  
**AND**  
**SUPPLEMENTARY RULES**

**MADE BY**

The President including Orders etc.

issued by the Federal Government, Auditor General, etc.

**VOLUME I**

**UPDATED EDITION**

2018

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~~P 6 X~~

*Government decision.*—Permanent transfers from a higher to a lower scale in anticipation of the abolition of a post are not transfers within the meaning of F. R. 15.

(G.I., F.D., letter No.F-452-RI/27, dated the 1<sup>st</sup> February, 1928.)

✓ 14

**F. R. 16.** A Government servant may be required to subscribe to a provident fund, a family pension fund or other similar fund in accordance with such rules as the<sup>21</sup>President may by order prescribe.

**F. R. 17.** (1) Subject to any exceptions specifically made in these rules and to the provisions of sub-rule (2), an officer shall begin to draw the pay and allowances attached to his tenure of a post with effect from the date when he assumes the duties of that post and shall cease to draw them as soon as he ceases to discharge those duties. <sup>22</sup>[:]

<sup>23</sup>[Provided that the <sup>24</sup>[appointing authority] may, if satisfied that a civil servant who was entitled to be promoted from a particular date was, for no fault of his own, wrongfully prevented from rendering service to the Federation in the higher post, direct that such civil servant shall be paid the arrears of pay and allowances of such higher post through proforma promotion or up-gradation arising from the ante-dated fixation of his seniority.]

(2) The date from which a person recruited overseas shall commence to draw pay on first appointment shall be determined by the general or special orders of the authority by whom he is appointed.

[For Administrative Instructions issued by the <sup>25</sup>President regarding "CHARGE OF OFFICE" and "LEAVING JURISDICTION", See Part II of Appendix No. 3 in Volume II of this Compilation.]

*Orders issued by the <sup>26</sup>President under Fundamental Rule 17(2).*—With reference to clause (2) of this rule, the <sup>27</sup>President has decided that the pay of officers recruited overseas who are entitled to a first class passage to Pakistan, shall commence from the date of disembarkation, subject to their proceeding to take up their duties without avoidable

<sup>21</sup>Substituted by Ministry of Law Notification No.F.13(1)/59-D&L, dated 24-1-1961, Gaz. Of Pak., Extra., Pp.102-103, as issued vide their Notification No.F.2(18)/60-Lagis., dated 24-1-1961, Gaz. Of Pak., Pp.71-72.

<sup>22</sup>In sub-rule (1) at the end full stop subs, by colon & thereafter proviso added by S.R.O. 1092 (I)/95 [No.F.3(1)R.II/94], dated 6<sup>th</sup> November, 1995, Gaz. of Pak., Extr., Pt. II, Page No.2521, dated Nov. 13, 1995.

<sup>23</sup>In sub-rule (1) at the end full stop subs, by colon & thereafter proviso added by S.R.O. 1092 (I)/95 [No.F.3(1)R.II/94], dated 6<sup>th</sup> November, 1995, Gaz. of Pak., Extr., Pt.II, Page No.2521, dated Nov. 13, 1995.

<sup>24</sup>In the proviso substituted for "President" by the S.R.O.106 (I) /2001 [No.F.3(1)R.2/94], dated 13-02-2001, Gaz. of Pak., Extr., Pt. II, Page No.375, dated 17<sup>th</sup> Feb. 2001.

<sup>25</sup>Substituted by Ministry of Law Notification No.F.13(1)/59-D&L, dated 24-1-1961, Gaz. Of Pak., Extra., Pp.102-103, as issued vide their Notification No.F.2(18)/60-Lagis., dated 24-1-1961, Gaz. Of Pak., Pp.71-72.

<sup>26</sup>Substituted by Ministry of Law Notification No.F.13(1)/59-D&L, dated 24-1-1961, Gaz. Of Pak., Extra., Pp.102-103, as issued vide their Notification No.F.2(18)/60-Lagis., dated 24-1-1961, Gaz. Of Pak., Pp.71-72.

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