

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR**

Khyber Pakhtunkhwa  
Service Tribunal

**Service Appeal No. 7890/2021**

Case No. 4938

Dated 19/4/2023

Mr. Asad Ullah Khan (PMS Officer BS-19).....Appellant

**Versus**

Govt. of Khyber Pakhtunkhwa & Others.....Respondents

**PARAWISE REPLY ON BEHALF OF RESPONDENTS**

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Deponent

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**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR**

**Service Appeal No. 7890/2021**

Mr. Asad Ullah (PMS, BS-19).....Appellant

**VERSUS**

Govt. of Khyber Pakhtunkhwa & others.....Respondents

**PARAWISE COMMENTS ON BEHALF OF RESPONDENTS**

Respectfully Sheweth,

**PRELIMINARY OBJECTIONS:**

1. This Honourable Services Tribunal has no jurisdiction to entertain the instant appeal U/S 4(b)(i) of the Service Tribunal Act, 1974. Reliance is placed on 2001 SCMR 1446.
2. That the appellant has got no cause of action/locus standi to file the instant appeal against the respondents.
3. That the present appeal is not maintainable. Promotion is neither a vested right nor it can be claimed with a retrospective effect. Reliance is placed on 2005 SCMR 1742, 2002, SCMR 1056, 1992 SCMR 77, 1989 SCMR 23, PLD 1997, SC 351(d) and 1995 SCMR 567.
4. That the appellant has presented the facts in manipulated form which disentitles him of any relief whatsoever.
5. That the appellant has not come to this Honourable Services Tribunal with clean hands.
6. That the appeal is bad for mis-joinder and non-joinder of necessary parties.
7. That the appeal is hit by laches.

**ON FACTS:**

1. Pertains to record.
2. Pertains to record.
3. Pertains to record.
4. Incorrect as his juniors were appointed in PMS BS-19 on acting charge basis on 03.10.2019 instead of regular promotion to PMS BS-19.
5. Pertains to record.
6. Pertains to record.
7. Correct. In pursuance of the Judgement, passed by the Khyber Pakhtunkhwa Service Tribunal, Peshawar in Service Appeal No. 946/2018 dated 27.07.2021, the Appellant was granted proforma promotion to PMS BS-18 w.e.f 13.01.2017, subject to final decision of CPLA (filed against the said judgment) pending in the Supreme Court of Pakistan (**Annex-A**).
8. Correct. PSB in its meeting held on 31.07.2021 did not find the Appellant eligible for promotion to BS-19 as he neither completed the required length of service nor completed probation period because he was promoted to PMS BS-18 on just 06-months ago 21.01.2021. Besides, he had not undergone Mid Career Management Course (MCMC), which is a pre-requisite for promotion according to Promotion Policy, 2009 (**Annex-B**).
9. No comments.

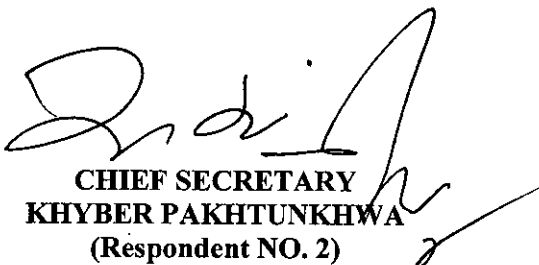
10. The Appellant has got no cause of action to file the instant appeal.

**ON GROUNDS**

- A. Correct. When the Appellant completed the required length of Service, therefore, the Provincial Selection Board (PSB) in its meeting held on 07.04.2022 recommended him for promotion to PMS BS-19, on regular basis according to the prevailing Promotion Policy, 2009.
- B. Correct. The Appellant has undergone 32<sup>nd</sup> MCMC, therefore, the Provincial Selection Board (PSB) in its meeting held on 07.04.2022 recommended him for promotion to PMS BS-19, on regular basis.
- C. Reply of Ground A & B are sufficient to dispose off this Service Appeal as the member of service, who completed 12 years length of service against BS-17 & above posts and also undergone MCMC, shall be eligible for promotion to PMS BS-19.
- It merits mentioning here that when the Appellant fulfilled the pre-requisite for promotion i.e completion of probation period on 20.01.2022 and also undergone mandatory training of MCMC on 31.12.2021. He was thus promoted in its first meeting of PSB on regular basis on 07.04.2022.
- On 03.10.2019, no PMS BS-18 officer junior to him promoted to PMS BS-19 on regular basis.
- D. Incorrect. The Appellant has been treated according to prevailing law/rules and the Appellant has not been deprived of his rights.
- E. Needs to no comments.
- F. No discrimination has been committed by respondents.
- G. As explained vide Ground "C".
- H. As explained vide Ground "C".

It is, therefore, most humbly prayed that the instant petition, being devoid of merit, may very graciously be dismissed with costs.

  
**SECRETARY ESTABLISHMENT**  
**KHYBER PAKHTUNKHWA**  
**(RESPONDENT NO. 1)**

  
**CHIEF SECRETARY**  
**KHYBER PAKHTUNKHWA**  
**(Respondent NO. 2)**

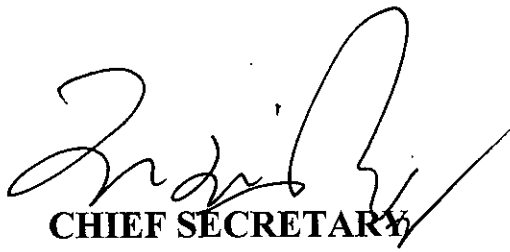
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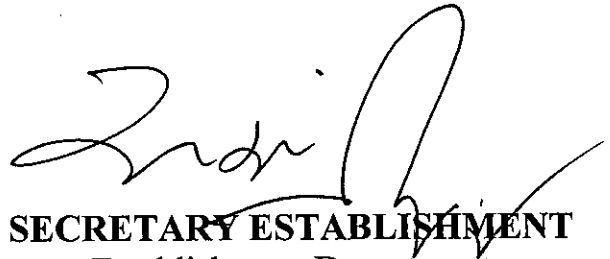
**GOVERNMENT OF KHYBER PAKHTUNKHWA**  
**ESTABLISHMENT & ADMINISTRATION DEPARTMENT**

**AUTHORITY LETTER**

Mr. Sultan Shah, Superintendent Litigation Section-I, Establishment Department, Government of Khyber Pakhtunkhwa is hereby authorized to submit Parawise Comments before the Khyber Pakhtunkhwa Service Tribunal, Peshawar in Service Appeal No. 7890/2021 titled Mr. Asad Ullah (PMS, BS-19) Versus Govt. of Khyber Pakhtunkhwa, on behalf of Respondents.



**CHIEF SECRETARY**  
Khyber Pakhtunkhwa  
(Respondent No. 02)



**SECRETARY ESTABLISHMENT**  
Establishment Department  
(Respondent No. 01)

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR**

**Service Appeal No. 7890/2021**

Mr. Asad Ullah Khan (PMS Officer BS-19).....Appellant

**Versus**

Govt. of Khyber Pakhtunkhwa & Others.....Respondents

**PARAWISE REPLY ON BEHALF OF RESPONDENTS**

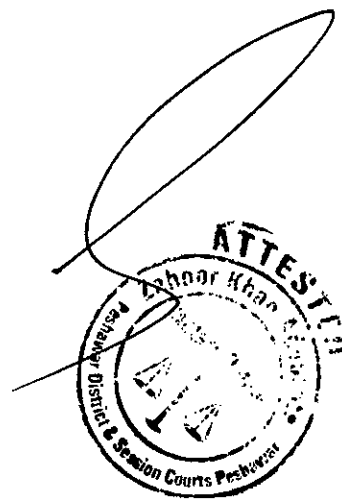
**AFFIDAVIT**

I Sultan Shah Superintendent (Litigation) Establishment Department do hereby solemnly declare that contents of the Reply are correct to the best of my knowledge and record and nothing has been concealed from this Honourable Tribunal.

**Deponent**



**(Sultan Shah)  
Superintendent (Lit)  
E & A Department  
CNIC.17301-1286739-5  
Mobile No. 0333-9391493**



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**IN THE SUPREME COURT OF PAKISTAN**  
**(Appellate Jurisdiction)**

CPLA NO. 641-P /2021

Government of Khyber Pakhtunkhwa through Secretary  
Establishment Department, Peshawar & Others

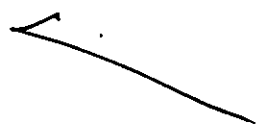
PETITIONERS

**VERSUS**

Asad Ullah Khan

RESPONDENT

<i>Appeal from</i>	:	<i>Khyber Pakhtunkhwa Service Tribunal, Peshawar</i>
<i>Counsel for Petitioner</i>	:	<i>Advocate General, KPK, Peshawar</i>
<i>Instituted by</i>	:	<i>Moin-ud-Din Humayun, AOR</i>



ITEM NO. (03)

**ESTABLISHMENT DEPARTMENT**

(Meeting of PSB held on 31.07.2021)

SUBJECT: **PROMOTION OF PCS (PMS) OFFICERS FROM BS-18 TO BS-19**

Secretary Establishment apprised the Board that number of scheduled posts in BS-19 falling to the share of PMS are One Hundred and Twelve (112) against which Ninety Five (95) officers are already working. Thus, seventeen (17) posts in BS-19 are lying vacant due to retirement, creation and promotion. Seventeen (17) officers have been recommended for promotion to BS-20. Total clear vacancies for promotion are thirty four (34).

2. According to the Provincial Management Service Rules, 2007, the posts of PMS in BS-19 are required to be filled as under:-

*"By promotion on the basis of seniority cum fitness from amongst PMS officers holding posts in BS-18 and having at least 12 years service against posts in BS-17 and above and have passed the prescribed Departmental Training/Examination".*

*However, exemption from training is allowed to officers who is likely to retire within two years from service on attaining the age of superannuation.*

3. The service record of the officers included in the panel were discussed as follows: -

S.#	NAME OF OFFICER	RECOMMENDATIONS OF THE BOARD
1.	Syed Muhammad Suhail.  <i>For court proceedings</i> <i>Attested</i> <i>Rijaz</i>  Senior Officer (PSB) Govt. of Khyber Pakhtunkhwa Establishment Department	His date of birth is 29.10.1967. He joined government service on 19.11.1990 and was promoted to BS-17 on 27.05.2008. He has already been appointed to BS-19 on acting charge basis since 13.05.2019. He has completed prescribed length of service for promotion. No enquiry is pending against him. His PER dossier is complete. His service record upto 2020 is generally good. His quantified score is 63 and the Board awarded him 9 out of 15 marks.  The Board recommended the officer for promotion to BS-19 on regular basis. He will be on probation for a period of one year.
2.	Mr. Javedullah Mehsood.	His date of birth is 15.10.1967. He joined government service on 01.07.1995 and was promoted to BS-17 on 07.11.2008. He has already been appointed to BS-19 on acting charge basis since 03.10.2019. He has completed prescribed length of service for promotion. No enquiry is pending against him. His PER dossier is complete except PER for the year 2020 which is in process. His service record upto 2020 is generally good. His quantified score is 64 and the Board awarded him 5 out of 15 marks.  The Board recommended the officer for promotion to BS-19 on

		<p>superannuation on the scheduled date of commencement of training shall be exempted from MCMC. The officer has attained 58 years, therefore, she is exempted from mandatory training. No enquiry is pending against her. Her PER dossier is complete. Her service record upto 2020 is generally good. Her quantified score is 73 and the Board awarded her 9 out of 15 marks.</p> <p>The Board recommended the officer for promotion to BS-19 on regular basis. She will be on probation till her retirement.</p>
7.	Mr. Abdul Kabir Khan.	<p>His date of birth is 25.04.1965. He joined government service on 29.04.1998 and was promoted to BS-17 on 03.03.2009. He has already been appointed to BS-19 on acting charge basis on 03.10.2019. He has completed prescribed length of service for promotion. No enquiry is pending against him. His PER dossier is complete. His service record upto 2020 is generally good. His quantified score is 64 and the Board awarded him 9 out of 15 marks.</p> <p>The Board recommended the officer for promotion to BS-19 on regular basis. He will be on probation for a period of one year.</p>
8.	Mr. Abdul Hameed Khan.	<p>His date of birth is 09.02.1972. He joined government service on 29.04.1998 and was promoted to BS-17 on 03.03.2009. He has already been appointed to BS-19 on acting charge basis since 07.07.2020. He has completed prescribed length of service for promotion. He has undergone mandatory training for promotion. No enquiry is pending against him. His PER dossier is complete. His service record upto 2020 is generally good. His quantified score is 65 and the Board awarded him 9 out of 15 marks.</p> <p>The Board recommended the officer for promotion to BS-19 on regular basis. He will be on probation for a period of one year.</p>
9.	Mr. Asadullah.	<p>His date of birth is 12.03.1969. He joined government service on 14.07.1998 and was promoted to BS-17 on 25.01.2011. He was promoted to BS-18 on 21.01.2021. He has not yet completed prescribed length of service for promotion and probation period. He has also not undergone mandatory training for promotion.</p> <p>The Board did not consider his promotion.</p>
10.	Mr. Javed Ali.	<p>His date of birth is 15.08.1969. He joined government service on 15.07.1998 and was promoted to BS-17 on 03.03.2009. He has already been appointed to BS-19 on acting charge basis since 03.10.2019. He has completed prescribed length of service for promotion. He has undergone mandatory training for promotion. No enquiry is pending against him. His PER dossier is complete. His service record upto 2020 is generally good. His quantified score is 65 and the Board awarded him 9 out of 15 marks.</p>

For court proceedings  
 Attested  
 R. J. J. J.  
 Section Officer (PSB)  
 Govt. of Punjab  
 Establishment Department





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

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

Dear Sir,

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

**I. Length of service.**

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

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

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

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

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

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

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

**II. Linking of promotion with training:**

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

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

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

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

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

MCMC	60
SMC	70
NMC	75

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

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

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

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

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

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

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

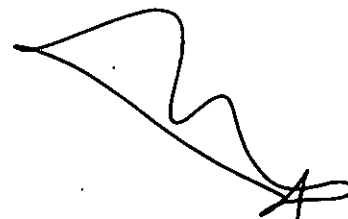
- (ii) A panel of two senior most officers shall be placed before the Provincial Selection Board for each vacancy in respect of promotion to BS-18 & 19. Similarly, a panel of three senior most officers shall be submitted to the Provincial Selection Board for each position in respect of promotion to BS-20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

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

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

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

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



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

**TABLE-A**  
**Old PASC & NIPAs**

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

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

**TABLE-B**  
**NATIONAL DEFENCE UNIVERSITY**

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

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

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

(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.

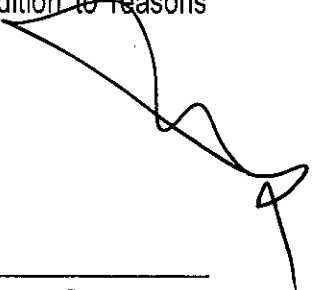
**IV. Promotion of officers who are on deputation, long leave, foreign training:**

- 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.

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

V. Deferment of Promotion:

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



- (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.

Yours faithfully,

*Muhammad Abid Majeed*  
25 Jan, 09

(MUHAMMAD ABID MAJEED)  
Special Secretary (Regulations)



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VI. **Date of Promotion:**

Promotion will always be notified with immediate effect.

VII. **Notional Promotion:**

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

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

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

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

IX. **Promotion in case of pending investigations by NAB:**

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

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

Yours faithfully,

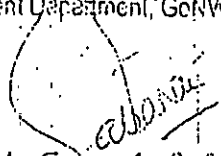
( MUHAMMAD ABID MAJEED )  
Special Secretary (Regulations)

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.

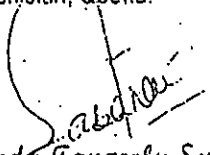
  
( Syeda Tanzeela Subhanat )  
Section Officer (E-III)

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

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

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

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

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

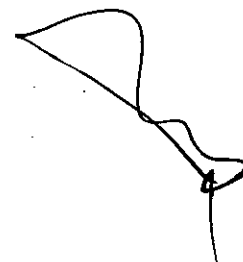
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( *Syeda Tanzeela Sabahat* )  
*Section Officer (E-III)*

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ANNEX: I**First Step**

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

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

Where

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

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

and  $\Sigma$  stands for summation.

**Second Step**

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

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

Where

$M$  = Marks for PERs; and

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

**Third Step**

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

- |       |                                     |                   |
|-------|-------------------------------------|-------------------|
| (i)   | to post carrying basic pay scale 18 | 10xA              |
| (ii)  | to post carrying basic pay scale 19 | (6xB)+(4xA)       |
| (iii) | to post carrying basic pay scale 20 | (5xC)+(3xB)+(2xA) |
| (iv)  | to post carrying basic pay scale 21 | (5xD)+(3xC)+(A+B) |

Where

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

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

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

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

**Fourth Step**

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

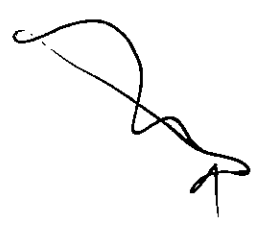
**A. Additions:**

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

**B. Deductions:**

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

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



ANNEX: IIINSTRUCTIONS 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.

