
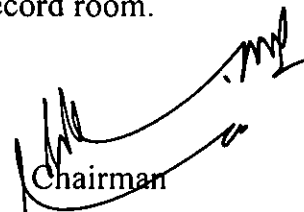


31.10.2017

None is present on behalf of the appellant. Even on previous date also none was present on behalf of the appellant. Called several times till last hours of the court but none appeared on behalf of the appellant. Mr. Ziaullah, Deputy District Attorney for the respondents present.

In view of the above, the present appeal is dismissed for want of prosecution. File be consigned to the record room.

  
Member

  
Chairman

ANNOUNCED  
31.10.2017

*Handwritten initials*

*Handwritten mark*

10.11.2016

None for the appellant present. Mr. Ziaullah, GP for respondents present. Notices be issued to the appellant and his counsel. To come up for arguments on 21.03.2017.

  
(MUHAMMAD AMIR NAZIR)  
MEMBER

  
(PIR BAKHSH SHAH)  
MEMBER

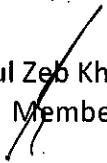
21.03.2017

Agent to counsel for the appellant and Mr. Muhammad Jan, GP for respondents present. Due to non-availability of D.B arguments could not be heard. Adjourned. To come up for arguments on 21.07.2017 before D.B.

  
Chairman

21.07.2017


None present on behalf of the appellant. Mr. Mukhtiar Ali, Assistant Secretary alongwith Mr. Kabirullah Khattak, Assistant AG for the respondents present. Notice be issued to appellant and his counsel for attendance for 31.10.2017 before D.B.


  
(Gul Zeb Khan)  
Member

  
(Muhammad Amin Khan Kundi)  
Member

09.10.2015

None present on behalf of the appellant. Mr. Mukthiar Ali, Supdt: alongwith Mr. Muhammad Jan, GP for respondents present. To come up for arguments on 5.4.16

  
Member

  
Member


05.042016

Clerk to counsel for the appellant and Mr. Ziaullah, GP for respondents present. Clerk to counsel for the appellant requested for adjournment. To come up for arguments on 18.07.2016.

  
Member

18.07.2016

None for the appellant present. Mr. Muhammad Jan, GP for respondents present. Notices be issued to the appellant/counsel for the appellant. To come up for arguments on 10.11.2016.

  
Member

  
Member

678/2012

2.5.2014

Appellant with junior counsel and Mr. Ziaullah, GP with Mukhtiar Ali, Supdt. for the respondents present. Counsel for the appellant requested for time to file rejoinder. To come up for rejoinder on 23.6.2014.

  
MEMBER

  
MEMBER

23.6.2014.

Appellant with counsel and Mr. Muhammad Jan, GP with Mukhtiar Ali, Supdt. for the respondents present. Rejoinder received. Copy handed over to the learned GP. To come up for arguments on 16.10.2014.


  
MEMBER

16.10.2014.

Neither appellant nor his counsel is present. However, Mr. Mukhtiar Ali, Supdt. with Mr. Muhammad Adeel Butt, AAG for the respondents present. Notices be issued to appellant and his counsel through registered post for further proceedings/arguments on 13.3.2015.

  
MEMBER

*Sio Note for  
13-3-2015*

  
13.3.2015

Junior to counsel for the appellant and Mr. Muhammad Jan, GP with Mukhtiar Ali, Supdt. for the respondents present. The learned Member-II of the Bench is on leave, therefore, case is adjourned to 09.10.2015 for arguments.

  
MEMBER

*Mukhtiar Ali  
Adv  
31-10-2014*

15.02.2013.

Appellant in person, Mr. Arshad Alam, GP with Attaullah, Supdt for the respondents present. Written reply received on behalf of the respondents, copy whereof is handed over to the appellant. To come up for arguments on 01.07.2013. Rejoinder, if any, in the mean time.

MEMBER

MEMBER

2.7.2013

Clerk to counsel for the appellant and Mr. Muhammad Jan, GP with Mukhtiar Ahmad, Supdt. , for the respondents present. The Tribunal is incomplete, therefore, case to come up for the same on 15.11.2013.

READER

19.11.2013

Since 15.11.2013 has been declared as public holiday on account of Moharramul Moharram, therefore, case to come up for the same on 29.1.2014..

READER

29.1.2014

Counsel for the appellant and Mr. Muhammad Adeel Butt, AAG with Mukhtiar Ali, Supdt. for the respondents present. Mr. Sultan Mahmood Khattak, learned Member is on official tour to D.I.Khan, therefore, case is adjourned to 2.5.2014 for arguments.

MEMBER

Appeal No. 678/2012  
Justice Ahmad

30.11.2012

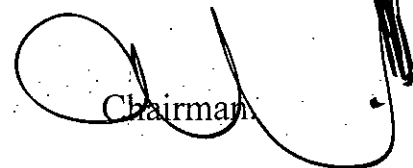
Counsel for the appellant present and heard. Contended that the appellant was appointed in 1988 as Assistant. Later on, in due course of time, he was posted as Superintendent in his own pay scale in the office of DOR&E Swabi. The appellant kept on performing of his duties and was promoted as Superintendent BPS-16 on regular basis with immediate effect vide order dated 14.4.2012. Counsel for the appellant further contended that the appellant has been performing his duties against the post of Superintendent. He is senior most among the Assistants and eligible and qualified for promotion but his promotion was delayed for no good reason. Counsel for the appellant relied on 2006-SCMR-938 and stated that the appellant has the right to be promoted from the date of his appointment as Superintendent in own pay scale i.e. 17.9.2008 and not with immediate effect. The appellant filed a departmental appeal on 14.5.2012 but the same was rejected on 28.5.2011. Hence, the instant appeal. The contentions raised at the Bar need consideration. The appeal is admitted to full hearing. The appellant is directed to deposit the security amount and process fee within 10 days. Thereafter, notice be issued to the respondents for submission of written reply on 15.2.2013.

Appellant deposited  
Process fee Security  
Rs-200/- Bank Receipt  
attached with file

  
Member.

7. 30.11.2012

This case be put before the Final Bench II for further proceedings.

  
Chairman

3. 9.2012

Notice be issued to the appellant and his Counsel.

Case adjourned to 18.10.2012 for preliminary hearing.

Member.

4. 18.10.12

Appellant in person present  
and requested for adjournment.  
Case adjourned to 13-11-2012 for  
P.H

Member.

5. 13-11-12

Munshi to Counsel for the appellant  
present and requested for adjournment  
Case adjourned to 30-11-2012, for P.H.

Member.

FORM "A"

FORM OF ORDER SHEET

Court of.....


Case No. 678/2012.....of.....

Serial No. of Order or Proceedings 1	Date of Order or Proceedings 2	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary 3
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1-

20/06/2012

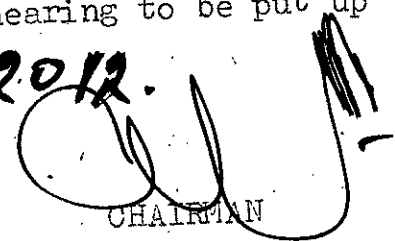
The appeal of Mr. Imtiaz Ahmad presented today by Mr. Amjid Ali Advocate, may be entered in the Institution Register and put up to the Worthy Chairman for preliminary hearing.

  
REGISTRAR

2-

26-7-2012.

This case is entrusted to Primary Bench for preliminary hearing to be put up there on 4-9-2012.

  
CHAIRMAN



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,

PESHAWAR

Service Appeal No. 678 /2012

Imtiaz Ahmad Superintendent DOR&E Swabi.....Appellant

Versus

Govt. of KPK through Secretary Revenue and others.....Respondents

INDEX

S.No.	Description of documents.	Annexure	Dated
1.	Memo of appeal with affidavit.		1-3
2.	Stay application with affidavit.		4
3.	Copy of order dated 17.09.2008	A	5
3	Copy of order	B	6
4	Copy of appeal and order dated 28.05.2012	C-D	7-9
5	Copies of Seniority list	E	10-15
6	Copy of policy 2009	F	16-21
9	Wakalatnama.		22

Appellant

Through

Amjad Ali  
Advocate  
Supreme Court of Pakistan  
Cell: 0321-9882434

Dated: 01.06.2012

①

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR

Service Appeal No. 678 /2012

**A. V. J. Peshawar**  
**General Manager**  
**20/6/12**

Imtiaz Ahmad Superintendent DOR&E Swabi

.....Appellant

VERSUS

- 1) Govt. of KPK through Secretary Revenue Peshawar.
- 2) Senior Member Board of Revenue Peshawar.

.....Respondents

SERVICE APPEAL U/S 4 OF SERVICE TRIBUNAL ACT, 1974.

**Respectfully Sheweth:-**

Appellant humbly submits as under

- 1) That appellant was appointed as Assistant in the year 1988 and continued Assistant till appellant was posted as Superintendent in his own pay and scale in the office of District Officer Revenue & Estate, Swabi vide order dated 17.09.2008 with the approval of competent authority. (Copy of order dated 17.09.2008 is attached as Annex "A")
- 2) That appellant worked to the entire satisfaction of his superior officers and there is not complainant whatsoever against the appellant.
- 3) That appellant has remained in one pay scale i.e. BPS-14 with the designation of Assistant for about 24 years, whereas as per rules, the required length of service as Assistant for promotion to post of Superintendent in 5 years only.
- 4) That post of Superintendent was available and worked/ services were taken from the appellant against the post of Superintendent as visible from order dated 17.09.2008 and appellant was the senior most,

**Imtiaz Ahmad**  
**20/6/12**

possessing outstanding ACRs and M.Com qualified. (Copy of order is attached as Annex "B")

- 5) That as per judgment of Honourable Supreme Court of Pakistan reported in 2006 SCMR 1938 and 2006 PLC (CS) 1159 plus qualified , if the post is available and the omission/ delay in holding Departmental Promotion Committee is on the part of department then the appellant/ incumbent cannot be deprived of the benefits of higher post against which he is performing functions.
- 6) That justice demands that, appellant be given promotion w.e.f. 17.09.2008 with all back benefits instead of immediate effect as per judgment of Supreme Court of Pakistan mentioned ibid.
- 7) That appellant filed departmental appeal dated 14.05.2012 which in dismissed vide order dated 28.05.2012 (Copy of appeal is Annex "C", order dated 28.05.2012 is Annex "D")
- 8) That order dated 14.04.2012 needs to be modified with effect from 17.09.2008 with all back benefits and order dated 28.05.2012 is illegal against law and facts on following grounds.

**GROUND.**

- A. Because appellant is at S.No.1 of Seniority lists. (Copies of Seniority lists is Annex "E")
- B. Because all ACR's of appellant are outstanding.
- C. Because post of Superintendent is available since 17.09.2008 as appellant has been promoted against the same sine 17.09.2008.
- D. Because appellant has worked satisfactorily against the same and there is no complaint against appellant.
- E. Because the policy referred to in the appellate order is irrelevant and against the judgment of Supreme Court of Pakistan.

- F. Because the policy of promotion is of 2009 and can not be applied retrospectively to case of 2008 as appellant is due for promotion in 2008 and not in 2009.
- G. Because Para-VI of so called policy is also not applicable to case of appellant as it reads as under.

“promotion will always be notified with immediate effect”

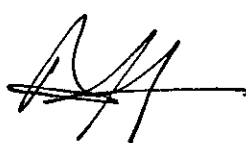
So promotion of appellant needed w.e.f. 17.09.2008 when post was available, appellant was fit for promotion and shoulder the responsibility of higher post satisfactorily and not in 2012 as it is also well settled that no one can be punished for the wrong of others. So non-holding of D.P.C is a fault on the part of respondent and appellant can not be punished for the same. (Copy of policy 2009 is Annex “F”)

- H. Because Junior most from the same seniority lists were appointed on acting charge basis as Naib Tehsildar and appellant like Umar said and numerous other others but appellant has been ignored for no good reason. Numerous representations, so much so writ petition in Hon’ble High Court were filed but respondent turned a deaf year.


It is therefore, humbly prayed on acceptance of this appeal, impugned order dated 14.04.2012 may please be modified w.e.f. 17.09.2008 and order dated 14.04.2012 may please be set-aside.

Any other relief deemed fit may also be graciously granted.

Dated: 15.06.2012

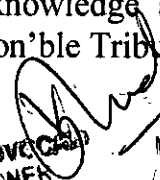
Appellant 

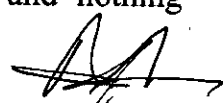
Through

Amjad Ali  
Advocate  
Supreme Court of Pakistan  
At Mardan 

**AFFIDAVIT**

I, do hereby affirm and declare on oath that the contents of the appeal are true and correct to the best of my knowledge and belief and nothing material has been concealed from this hon’ble Tribunal.

  
20-6-12  
**ATTESTED**  
HALID MAHMOOD ADVOCATE  
OATH COMMISSIONER  
PESHAWAR HIGH COURT

  
Deponent

(4)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR

Service Appeal No. \_\_\_\_\_/2012

Imtiaz Ahmad Superintendent DOR&E Swabi.....Appellant

Versus

Govt. of KPK through Secretary Revenue and others.....Respondents

**ADDRESSES OF PARTIES**

**APPELLANT:**


Imtiaz Ahmad Superintendent DOR&E Swabi

**RESPONDENTS**

- 1) Govt. of KPK through Secretary Revenue Peshawar.
- 2) Senior Member Board of Revenue Peshawar.

Appellant

Through

Amjad Ali  
Advocate   
Supreme Court of Pakistan  
At Mardan

Attested  
Amjad Ali Ana A  
Adm DJ  
GOVERNMENT OF NWFP  
REVENUE & ESTATE DEPARTMENT. (5)

Peshawar dated the 17/09/2008

ORDER

No /Admn:II /KC with the approval of Competent Authority Mr. Imtiaz Ahmad Assistant (BPS-14) of the office of District Officer (Revenue & Estate)/Collector, Swabi is hereby posted as Superintendent in his (Own Pay & Scale) in the office of District Officer (Revenue & Estate)/Collector, Swabi against the vacant post with immediate effect.

By Order of  
Competent Authority

No 22992-95/Admn:II /KC.

Copy forwarded to the:-

1. District Officer (Revenue & Estate)/Collector, Swabi. With reference to his letter No. 486/Supdt, dated 18.08.2008.
2. District Accounts Officer, Swabi.
3. Official concerned.
4. Office Order File.

Assistant Secretary (Admin)  
Board of Revenue NWFP

Ina B

Attested  
Amir  
Adar

6  
D.D.

FROM :

PHONE NO. :

APR. 24 2012 01:30 PM P1

05/5

GOVERNMENT OF KHYBER PAKHTUNKHWA  
BOARD OF REVENUE  
REVENUE & ESTATE DEPARTMENT

Peshawar dated the 14 /04/2012

NOTIFICATION

No.Estt:II/Supdt:/ 9108 On the recommendation of Departmental Promotion Committee the following Assistants (BPS - 14) of Mardan Division are promoted as Superintendent (BPS - 16) on regular basis with immediate effect.

S.No	Name of Official	Present post held by the official	Promoted to the next higher post.
1.	Mr. Imtiaz Ahmad	Assistant (BPS - 14)	Superintendent (BPS - 16) on regular basis.
2.	Mr. Abdur Rahim	Assistant (BPS - 14)	Superintendent (BPS - 16) on regular basis.

Sd/-  
Secretary to Government of Khyber Pakhtunkhwa  
Revenue & Estate Department

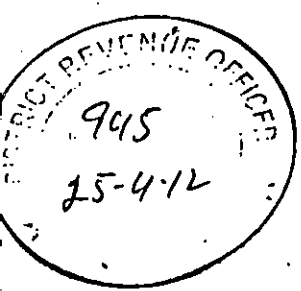
No.Estt:II/Supdt:/ 9109-15

Copy forwarded to the:-

1. Accountant General Khyber Pakhtunkhwa.
2. Commissioner, Mardan Division Mardan. He is requested to post the above officials with in the Division.
3. District Officer (R&E)/Collector, Mardan & Swabi.
4. District Accounts Officer, Mardan & Swabi.
5. Officials concerned.

BC  
FW M A.

Deputy Secretary  
Revenue & Estate Department.



District Revenue Officer  
25/4/12

To,

The Worthy Senior Member Board of Revenue/  
Secretary Revenue & Estate,  
KPK, Peshawar

*Jur C.*  
*(D) Sir*

(7)  
2609  
14/5/12

Subject: Departmental appeal/ representation against the order dated 14.04.2012 received on 24.04.2012, wherein appellant has been promoted as Superintendent BPS-16 with immediate effect instead of 17.09.2008 as appellant was already working against the post of Superintendent Swabi in the office of DOR & E, Swabi w.e.f. 17.09.2008, but in his own pay and scale, thus the impugned order is illegal and unlawful to the extent of immediate effect and needs to be modified as w.e.f. 17.09.2008.

Sir,

The appellant humbly submits as under:

*Attested*  
*Amir Ali*  
*For*  
*(D)*

1. That appellant was appointed as Assistant in the year 1988 and continued Assistant till appellant was posted as Superintendent in his own pay and scale in the office of District Officer Revenue & Estate, Swabi vide order dated 17.09.2008 with the approval of competent authority. (Copy of order dated 17.09.2008 is attached).
2. That appellant worked to the entire satisfaction of his superior officers and there is no complainant whatsoever against the appellant.
3. That appellant has remained in one pay scale i.e. BPS-14 with the designation of Assistant for about 24 years, whereas as per




81

rules, the required length of service as Assistant for promotion to the post of Superintendent is 5 years only.

4. That post of Superintendent was available and worked/ services were taken from the appellant against the post of Superintendent as visible from order dated 17.09.2008 and appellant was the senior most, possessing outstanding ACRs and M.Com qualified. (Copy of order is attached).
5. That as per judgment of Honourable Supreme Court of Pakistan reported in 1996 SCMR, if the post is available and the omission/ delay in holding Departmental Promotion Committee is on the part of department then the appellant/ incumbent cannot be deprived of the benefits of higher post against which he is performing functions.
6. That justice demands that, appellant be given promotion w.e.f. 17.09.2008 with all back benefits instead of immediate effect as per judgment of Supreme Court of Pakistan mentioned ibid.

It is, therefore, humbly requested that, the impugned order dated 14.04.2012 of promotion of appellant as Superintendent BPS-16 on regular basis may please be modified as w.e.f. 17.09.2008 (when he took over the charge of post of Superintendent) instead of immediate effect with all back benefits.

Appellant

  
**Imtiaz Ahmad**  
Superintendent,  
DOR & E, Swabi  
Cell: 0313-9426691

Dated: 14/05/2012

91

*Sub D.*  
*[Signature]*  
*Am*

GOVERNMENT OF KHYBER PAKHTUNKHWA  
BOARD OF REVENUE  
REVENUE & ESTATE DEPARTMENT

No.Estt:II/Supdt/Prom/11398  
Peshawar dated the 28/05/2012

To

Mr. Imtiaz Ahmad,  
Superintendent Office of the  
District Officer (R&E)/Collector, Swabi.

*Attestation*  
*Imtiaz Ahmad*  
*[Signature]*

SUBJECT: DEPARTMENTAL APPEAL/ REPRESENTATION AGAINST THE ORDER DATED 14.04.2012 RECEIVED ON 24.04.2012, WHEREIN APPELLANT HAS BEEN PROMOTED AS SUPERINTENDENT BPS-16 WITH IMMEDIATE EFFECT INSTEAD OF 17.09.2008 AS APPELLANT WAS ALREADY WORKING AGAINST THE POST OF SUPERINTENDENT W.E.F. 17.09.2008, BUT IN HIS OWN PAY AND SCALE, THUS THE IMPUGNED ORDER IS ILLEGAL AND UNLAWFUL TO THE EXTENT OF IMMEDIATE EFFECT AND NEEDS TO BE MODIFIED AS W.E.F. 17.09.2008.

I am directed to refer to your application dated 14.05.2012 on the subject and to state that your request for promotion with retrospective effect instead of with immediate effect has been examined which cannot be acceded to under Para-VI of Civil Servants Promotion Policy, 2009.

*[Signature]*  
Assistant Secretary (Estt.)  
*[Signature]*

Annex "E"

(10)

OFFICE OF THE COMMISSIONER,  
MARDAN DIVISION, MARDAN.

NO. 2964 /2/19/EA/ACR.

Dated Mardan, the 03 /11/2010.

To,  
The Assistant Secretary (Estt),  
Revenue & Estate Department,  
Khyber Pakhtunkhwa, Peshawar.

*Attended  
Amirul Haq  
F&P*

Subject:- NOTIFICATION - SENIORITY LIST OF ASSISTANTS, AND SENIOR SCALE STENOGRAPHERS OF THE OFFICES OF COMMISSIONERS, ADDITIONAL COMMISSIONERS, DCOS, DORS, EDO (F&P) AND POLITICAL AGENTS.

*QW*

MEMO:

I am directed to refer to your letter No.17425/Admn:II/Seniority List dated 22-09-2010 on the above noted subject and to enclose herewith a copy of Joint Seniority List of Assistants of this office as well as Additional Commissioner, DCOs, Mardan/Swabi, DORs Mardan/Swabi, EDO (F & P), Mardan/Swabi for your further necessary action as desired please.

*Bill clerk  
23/11/10  
200/15*

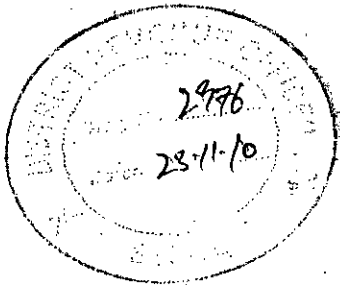
Assistant to Commissioner (Rev),  
Mardan Division, Mardan.

*S. S. S. S. S.*

No & Date Even:

Copy forwarded for information to:

- 1- The District Coordination Officer, Mardan.
- 2- The District Coordination Officer, Swabi.
- 3- The District Officer (R & E), Mardan.
- 4- The District Officer (R & E), Swabi.
- 5- The Executive District Officer (F & P), Mardan.
- 6- The Executive District Officer (F & P), Swabi.
- 7- PS to Commissioner, Mardan Division, Mardan.



*(E-3)*

Assistant to Commissioner (Rev),  
Mardan Division, Mardan.

*S. S. S. S. S.*

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JOINT SENIORITY LIST OF SENIOR SCALE STENOGRAPHERS & OF MARDAN DIVISION,  
MARDAN. -

S #	Name of official	Qualification	Dt: of birth	Dt: of 1st Appointment	Dt: of selection/promotion to the present post.	Remarks
01	Mr. Murad Ali Shah	BA	27-05-1964	30-10-1983	10-09-1988	Add: Commr: Mardan.
02	Mr. Samin Jan	MA	01-12-1954	01-01-1981	14-09-1988	DCO Office Mardan.
03	Mr. Muhammad Qamar	BA	09-03-1970	16-03-1992	08-07-2009	Commr: Office, Mardan.

Assistant to Commissioner (Rev),  
Mardan Division, Mardan.

*S. S. S. S.*

**SENIORITY LIST OF OFFICE ASSISTANT (BPS-14) MARDAN DIVISION STOOD ON 31-12-2009**

121

S.#	Name of Official	Qualification	Date of Birth	Date of 1 <sup>st</sup> Appointment	Date of Appointment on the present post	Remarks
1	Mr. Imtiaz Ahmad	M.Com	09-06-1962	28-08-1988	28-08-1988	EDO (F & P), Swabi
2	Mr. Abdur Rahim	M.A	07-01-1959	28-08-1988	28-08-1988	Commr. Office Mdn
3	Mr. Mohammad Ali	B.A	01-10-1955	02-01-1983	02-01-1983	Commr. office Mdn
4	Mr. Sardar Ali	B.A	06-07-1960	28-08-1988	28-08-1988	DO(R&E), Mardan.
5	Mr. Jahan Said	M.Com	01-11-1964	28-08-1988	28-08-1988	EDO (F & P)Mdn
6	Mr. Sajjad Ahmad	B.A	01-05-1965	02-10-1988	02-10-1988	DCO Mdn
7	Mr. Tariq Khan	B.A	04-04-1965	28-11-1989	28-11-1989	DCO Mdn
8	Mr. Farooq Shah	B.A	01-04-1961	12-01-1984	30-09-1993	EDO (F & P)Mdn
9	Mr. Mushtaq Ali	B.A	08-03-1967	01-02-1984	30-09-1993	DCO Swabi
10	Mr. Saifoor Khan	Matric	11-05-1963	16-09-1982	03-01-1994	DCO Mdn
11	Mr. Shamas Gul	D.Com	15-03-1966	28-08-1988	30-05-1995	EDO (F & P)Mdn
12	Mr. Wilayat Ali	F.A	10-05-1954	29-09-1975	31-03-2001	DCO Mdn
13	Mr. Said Anwar	D.Com	25-10-1965	11-03-1985	02-04-2001	EDO (F & P)Mdn
14	Mr. Abdul Aziz	B.A	11-12-1958	02-08-1978	18-04-2001	DCO Mdn
15	Mr. Javid Akhtar	B.A	02-03-1963	30-11-1981	18-04-2001	DCO Mdn
16	Mr. Qamar Zaman	B.A	01-04-1962	10-11-1986	08-01-2001	EDO (F & P) Swabi
17	Mr. Fazal Wadood	Matric	01-01-1957	02-08-1978	30-05-2005	DCO Swabi
18	Mr. Nisar Mohammad	F.A	10-09-1956	05-08-1978	30-05-2005	DCO Swabi
19	Mr. Mohammad Quresh	Matric	02-12-1956	05-09-1978	30-05-2005	EDO (F & P) Swabi
20	Mr. Ali Zaman	B.A/LLB	01-12-1955	22-07-1978	30-05-2005	Tehsildar OPS
21	Mr. Anwar Ahmad	Matric	03-01-1957	06-02-1980	30-05-2005	DO (R & E), Swabi
22	Syed Jahanzib Shah	B.A	15-10-1960	05-07-1981	30-05-2005	EDO (F & P) Swabi
23	Mr. Bakhtiar Ullah	M.A	10-03-1960	10-03-1985	30-05-2005	DCO Swabi
24	Mr. Said bacha	M.Com	14-04-1980	09-05-2007	09-05-2007	DCO Swabi
25	Mr. Pir Kamil Shah	Matric	20-04-1960	01-07-1979	11-06-2008	DO (R & E) Mdn
26	Mr. Fida Hussain	B.A	12-05-1962	01-04-1980	13-06-2008	DO (R & E) Mdn
27	Mr. Fazal Ghani	Metric	18-01-1951	28-08-1988	20-09-2008	DO (R & E), Swabi
28	Mr. Sahib Zada	F.A	28-02-1968	28-08-1988	20-09-2008	DO (R & E), Swabi
29	Mr Asfandiar Khan	B.A	08-11-1981	06-01-2009	06-01-2009	Commr. Office Mdn
30	Mr. Umair Khan	B.Sc	02-03-1983	06-01-2009	06-01-2009	-do-

(13)

31	Syed Mustafa Shah	MBA	29-07-1983	29-06-2009	29-06-2009	-do-
32	Mr. Javid Inam Khan	BCS	12-04-1984	29-06-2009	29-06-2009	-do-
33	Mr. Ashfaq ur Rahman	B.A	24-03-1978	30-06-2009	30-06-2009	-do-
34	Mr. Mohammad Uzair	M.A	01-03-1980	30-06-2009	30-06-2009	-do-
35	Mr. Shahid Mehmood	B.A	01-10-1980	30-06-2009	30-06-2009	-do-
36	Mr. Khalid Perviz	M.A	12-06-1953	14-10-1991	31-08-2009	-do-
37	Mr. Mohammad Moazzam Ali	B.A	06-04-1981	17-09-2009	17-09-2009	-do-
38	Mr. Tahir Ali	B.A	20-03-1982	06-09-2010	06-09-2010	-do-

Assistant to Commissioner (Rev),  
Mardan Division, Mardan.

*Mustafa*  
E - S

Annex: "B"

14

**OFFICE OF THE COMMISSIONER  
MARDAN DIVISION, MARDAN.**

No. 2283 /EA/ACR/2-19/V-2

Dated Mardan the 25 /07/2011

To,

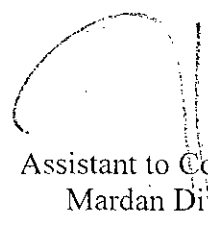
The Assistant Secretary (Estb),  
Board of Revenue, Revenue & Estate Deptt,  
Government of Khyber Pakhtunkhwa, Peshawar.

Subject:- **JOINT SENIORITY LIST OF OFFICE ASSISTANT (BPS-14) MARDAN  
DIVISION MARDAN AS STOOD ON 31-12-2010**

**Memo:-**

I am directed to refer to the subject noted above and to enclose herewith a joint seniority list of Office Assistant (BPS-14) Mardan Division Mardan as stood on 31-12-2010 for your further necessary action please.

CE-2)


  
Assistant to Commissioner (Rev),  
Mardan Division, Mardan.

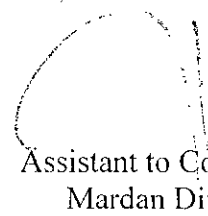
No & Date Even:

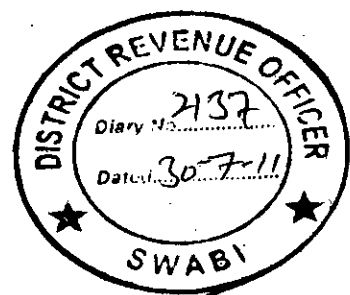
Copy forwarded for information to:

- 1- The District Coordination Officer, Mardan.
- 2- The District Coordination Officer, Swabi.
- 3- The District Officer (Rev & Estate), Mardan.
- ✓ 4- The District Officer (Rev & Estate), Swabi.
- 5- The EDO (F & P), Mardan.
- 6- The EDO (F & P), Swabi.

Supdt

  
Distt: Officer B&E  
Swabi

  
Assistant to Commissioner (Rev),  
Mardan Division, Mardan.



**SENIORITY LIST OF OFFICE ASSISTANT (BPS-14) MARDAN DIVISION STOOD ON 31-12-2010**

S.#	Name of Official	Qualification	Date of Birth	Date of 1 <sup>ST</sup> Appointment	Date of Appointment on the present post		Remarks
1	Mr. Imtiaz Ahmad	M.Com	09-06-1962	28-08-1988	28-08-1988	EDO (F & P), Swabi	
2	Mr. Abdur Rahim	M.A	07-01-1959	28-08-1988	28-08-1988	Commr. Office Mdn	
3	Mr. Abdul Muqsit	M.A	20-01-1965	28-08-1988	28-08-1988	DO (R&E), Nowshera	With reference BOR letter No Esst:- II/(SL/Muqsit)/9602 dated 01-03-2011
4	Mr. Sardar Ali	B.A	06-07-1960	28-08-1988	28-08-1988	DO (R&E), Mardan.	
5	Mr. Jahan Said	M.Com	01-11-1964	28-08-1988	28-08-1988	EDO (F & P)Mdn	
6	Mr. Sajjad Ahmad	B.A	01-05-1965	02-10-1988	02-10-1988	DCO Mdn	
7	Mr. Tariq Khan	B.A	04-04-1965	28-11-1989	28-11-1989	DCO Mdn	
8	Mr. Farooq Shah	B.A	01-04-1961	12-01-1984	30-09-1993	EDO (F & P)Mdn	
9	Mr. Mushtaq Ali	B.A	08-03-1967	01-02-1984	30-09-1993	DCO Swabi	
10	Mr. Saifoor Khan	Matric	11-05-1963	16-09-1982	03-01-1994	DCO Mdn	
11	Mr. Shamas Gul	D.Com	15-03-1966	28-08-1988	30-05-1995	EDO (F & P)Mdn	
12	Mr. Wilayat Ali	F.A	10-05-1954	29-09-1975	31-03-2001	-do-	
13	Mr. Said Anwar	D.Com	25-10-1965	11-03-1985	02-04-2001	-do-	
14	Mr. Abdul Aziz	B.A	11-12-1958	02-08-1978	18-04-2001	DCO Mdn	
15	Mr. Javid Akhtar	B.A	02-03-1963	30-11-1981	18-04-2001	-do-	
16	Mr. Qamar Zaman	B.A	01-04-1962	10-11-1986	08-01-2001	EDO (F & P) Swabi	
17	Mr. Fazal Wadood	Matric	01-01-1957	02-08-1978	30-05-2005	DCO Swabi	
18	Mr. Nisar Mohammad	F.A	10-09-1956	05-08-1978	30-05-2005	-do-	
19	Mr. Mohammad Quresh	Matric	02-12-1956	05-09-1978	30-05-2005	EDO (F & P) Swabi	
20	Mr. Ali Zaman	B.A/LLB	01-12-1955	22-07-1978	30-05-2005	Tehsildar OPS	
21	Mr. Anwar Ahmad	Matric	03-01-1957	06-02-1980	30-05-2005	D O (R & E), Swabi	
22	Syed Jahanzib Shah	B.A	15-10-1960	05-07-1981	30-05-2005	EDO (F & P) Swabi	
23	Mr. Bakhtiar Ullah	M.A	10-03-1960	10-03-1985	30-05-2005	DCO Swabi	
24	Mr. Said bacha	M.Com	14-04-1980	09-05-2007	09-05-2007	-do-	
25	Mr. Pir Kamil Shah	Matric	20-04-1960	01-07-1979	11-06-2008	D O (R & E) Mdn	
26	Mr. Fida Hussain	B.A	12-05-1962	01-04-1980	13-06-2008	-do-	
27	Mr. Fazal Ghani	Metric	18-01-1951	28-08-1988	20-09-2008	D O (R & E), Swabi	
28	Mr. Sahib Zada	F.A	28-02-1968	28-08-1988	20-09-2008	-do-	
29	Mr. Mohammad Ali	B.A	01-10-1955	02-01-1983	16-12-2008	Commr: office Mdn	
30	Mr Asfandiar Khan	B.A	08-11-1981	06-01-2009	06-01-2009	-do-	
31	Mr. Umair Khan	B.Sc	02-03-1983	06-01-2009	06-01-2009	-do-	
32	Syed Mustafa Shah	MBA	29-07-1983	29-06-2009	29-06-2009	-do-	
33	Mr. Javid Inam Khan	BCS	12-04-1984	29-06-2009	29-06-2009	-do-	
34	Mr. Ashfaq ur Rahman	B.A	24-03-1978	30-06-2009	30-06-2009	-do-	
35	Mr. Mohammad Uzair	M.A	01-03-1980	30-06-2009	30-06-2009	-do-	
36	Mr. Shahid Mehmood	B.A	01-10-1980	30-06-2009	30-06-2009	-do-	
37	Mr. Khalid Perviz	M.A	12-06-1953	14-10-1991	31-08-2009	-do-	
38	Mr. Mohammad Moazzam Ali	B.A	06-04-1981	17-09-2009	17-09-2009	-do-	
39	Mr. Tahir Ali	B.A	20-03-1982	06-09-2010	06-09-2010	-do-	

Assistant to Commissioner (Rev),  
Mardan Division, Mardan.





Attested  
Amirul Haq  
A.M.  
[Signature]

Amrod F

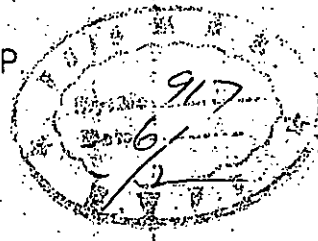
16

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.

To

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



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

Dear Sir,

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

I. Length of service.

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

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

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

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

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

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

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

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[Signature]

Section Officer E-3  
Establishment Deptt.

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[Handwritten notes and signatures]

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:

Section Officer E-3  
Establishment Deptt.

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

18

- (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,

Section Officer E-3  
Establishment Deptt.

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 PERs and 30% marks shall be at the disposal of the PSB.

Section Officer E-3  
Establishment Deptt.  
10/10/05

(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.

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

V. Deferment of Promotion:

(a) Promotion of a civil servant will be deferred, in addition to reasons given in para-IV, if

(i) His inter-se-seniority is disputed/sub-judice.

Section Officer E-3  
Establishment

- (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

be brought before the PSB/DPC afresh

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Section Officer E-3  
Establishment Deptt.

201A

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,

*Amir* 28 Jan, 09  
( MUHAMMAD ABID MAJEED )  
Special Secretary (Regulations).

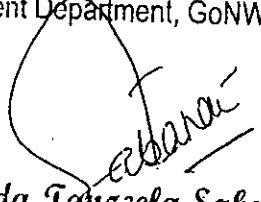


Endst: No. SOE-III(E&AD)1-3/2008

21  
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.

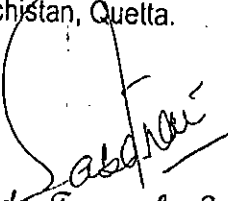
  
( Syeda Tanzeela Sabahat )  
Section Officer (E-III)

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)

بعدالت سروس ٹریبونل ایس او

19/6/2012

2012ء منجانب

مورخہ:

مقدمہ:

دعویٰ:

جرم:

ملکوت

بنام:

امتیاز احمد

سروس ایس او

باعث تحریر آفندہ

مقدمہ مندرجہ عنوان بالا اپنی طرف سے واسطے پیروی و جواب دہی وکل کارروائی متعلقہ

آن مقام سیٹور کیلئے امجد علی ایڈووکیٹ، سپریم کورٹ آف پاکستان ایس او

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقررات و فیصلہ

برحلف دیئے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء و وصولی چیک و روپیہ عرضی دعویٰ اور درخواست ہر قسم کی تصدیق زاریں پر

دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا

اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختیار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار

ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا ساختہ پرواختہ منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ و جانہ

التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی مذکور کریں۔

لہذا وکالت نامہ لکھ دیا کہ سند رہے۔

2012ء

ماہ جون

19

المرقوم:

العبد

گواہ

العبد

بمقام سیٹور کے لیے منظور ہے۔

Attested and Accepted

Amjad Ali Advocate  
Mardan

(Signature)

امجد علی ایڈووکیٹ سپریم کورٹ آف پاکستان، ڈسٹرکٹ کورٹس، مردان

0321-9882434 0321-9870175

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No: 678/2012

Imtiaz Ahmed Superintendent .....Appellant

VERSUS

Senior Member Board of Revenue and others .....Respondent

PARAWISE COMMENTS REPLY ON BEHALF OF RESPONDENTS NO. 1 IS AS UNDER:-

PRELIMINARY OBJECTIONS.

1. The Appellant has no locus standi to bring the present Service Appeal
2. The Appellant is estopped by his own conduct to bring the present Services Appeal
3. The appellant has no grounds in support of his Appeal and no cause of action.
4. Appeal of the appellant is badly time bard.
5. That the appeal is not maintainable and bad for mis-joinder & non-joinder.

RESPECTFULLY SHEWETH.


ON FACTS.

1. Correct.
2. No comments.
3. No comments.
4. No comments.
5. Each and every case has its own merit. The judgment of S.C is not applicable in the instant case. The request of Petitioner cannot be acceded to under Para – VI of Civil Servant Promotion policy – 2009 (copy enclosed).
6. As above para-5.
7. Correct.
8. Incorrect. As in para 5 above.

ON GROUNDS

- A. Correct.
- B. Pertains to record.
- C. Incorrect he was posted Superintendent in his (Own Pay & Scale).
- D. No comments
- E. Incorrect.
- F. Incorrect. Promotion policy notified by Establishment Department is applicable on each case.
- G. As in Para – 5 of the facts.
- H. Incorrect. So far case of Umer Said Naib Tehsildar is concerned, he was promoted as Naib Tehsildar through Administrative order which is under Review in the Department.

In view of the above, it is prayed that the appeal may be dismissed.

  
Senior Member  
Board of Revenue  
(Respondent No. 1)

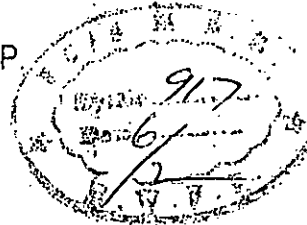


GOVERNMENT OF N.-W.F.P.  
ESTABLISHMENT & ADMINISTRATION  
DEPARTMENT  
(ESTABLISHMENT WING)

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

To

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



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

Dear Sir,

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

**i. Length of service.**

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

Basic Scale 18	:	5 years' service in ES-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.

*Signature*  
↓  
*SMWR*  
*6/2/2009*  
*AB*  
*Aug 9/2*

Section Officer E-3  
Establishment Dept.  
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r
- (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

Section Officer E-3  
Establishment Deptt.

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,*

*Amir 28 Jan, 09*

( MUHAMMAD ABID MAJEED )  
Special Secretary (Regulations)