

667/2012

13.04.2015

Counsel for the appellant and Mr. Muhammad Jan, GP with Ibrar Ali, AD for the respondents present. Arguments heard. Record perused. Vide our detailed judgment of to-day in Service Appeal No. 1687/2011, titled "Mrs. Raheela Hafiz Versus Government of KPK through Secretary Higher Education, Sports, Archives & Libraries Peshawar etc.". This appeal is also accepted as per detailed judgment. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED  
13.04.2015

  
MEMBER

  
MEMBER

28.05.2014

Clerk to counsel for the appellant and Mr. Muhammad Jan, GP with Muhammad Bashir, AD for the respondents present. Counsel for the appellant is not available. To come up for arguments on 30.10.2014.

  
MEMBER

28.05.2014

30.10.2014

Counsel for the appellant and Mr. Muhammad Adeel Butt, AAG with Khursheed Khan, SO for the respondents present. Due to incomplete Bench, case is adjourned to 25.03.2015 for arguments.

  
MEMBER

25.3.2015

Counsel for the appellant and Mr. Muhammad Jan, GP with Abrar Ali, AD for the respondents present. Arguments partly heard. To come up for further arguments on 31.3.2015, the date on which other cases of similar nature have been fixed.

  
MEMBER

  
MEMBER

31.3.2015

Counsel for the appellant and Mr. Muhammad Jan, GP with Abrar Ali, AD for the respondents present. The learned Member (Judicial) is on official tour to D.I.Khan, therefore, case is adjourned to 13.4.2015 for further arguments with similar nature cases.

  
MEMBER

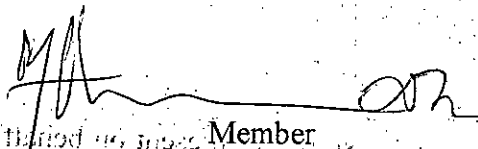
31.7.2013

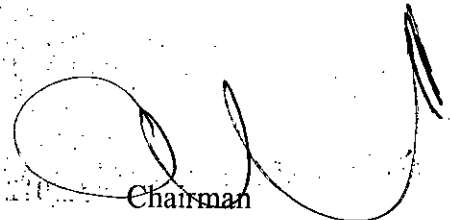
Counsel for the appellant and Mr. Aziz Khan, Assistant on behalf of the respondents present. Written reply/para-wise comments on behalf of the respondents received, copy whereof is handed over to the learned counsel for the appellant for rejoinder on 11.12.2013.

  
Chairman

11.12.2013

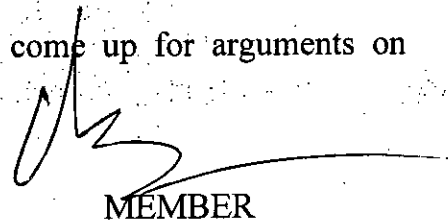
Appellant with counsel, M/S Muhammad Bashir, AD and Aziz Khan, Assistant for respondents with AAG present. Rejoinder received on behalf of the appellant, copy whereof is handed over to the learned AAG for arguments. The learned counsel for the appellant pointed out that similar nature appeals are fixed for arguments before learned bench-II on 28.1.2014. Therefore, this appeal is also entrusted to learned Bench-II for arguments alongwith connected appeals on 28.1.2014.

  
Member

  
Chairman

28.1.2014

Counsel for the appellant, Mr. Muhammad Jan, GP with Bukhari Shah, SO for the respondents present. Mr. Sultan Mahmood Khattak, learned Member is on official tour to D.I.Khan, therefore, case to come up for arguments on 28.5.2014.

  
MEMBER

Appellant deposited  
Security & Process fee  
Rs 1800 Bank receipt  
is attached with file  
Jhb

14.11.2012.

Counsel for the appellant present. Notices to the respondents could not be issued due to non-deposit of security and process fee. However, the learned counsel for the appellant stated that the security amount and process fee have already been deposited. The learned counsel could not furnish proof regarding the deposit, which may be filed within 3 days; whereafter notices be issued to the respondents for written reply/comments on 11.02.2013.

MEMBER

CHAIRMAN

11-2-13.

The Honble bench is on Bench  
Proceedings are adjourned 13.5.13.

R  
Reader

13.5.2012

No one is present on behalf of the appellant. Respondents are also not present, due to note Reader despite their service for the previous date. Therefore, fresh notices be issued to respondents for written reply/comments on 31.7.2013.

CHAIRMAN

Appeal No 667/2012

5. 24.9.2012

Counsel for the appellant present and heard on preliminary. Contended that the appellant has got Master Degree in Library Information Science in the year 1999. He was appointed as Librarian (BPS-16) on the recommendation of Public Service Commission KPK Peshawar.

Surprisingly the appellant requested for his up-gradation from the date of appointment. Counsel for the appellant referred to Appeal No. 317/1993 by Nasrullah whereby similar appeal was remanded to the department for consideration. The appellant preferred a departmental appeal on 1.1.2012 but with no response. Points raised at the bar need consideration. The appeal is admitted to full hearing, subject to all legal objections. 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 14.11.2012.

  
Member.


5. 24.9.2012

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

  
Member.

17.7.2012

Counsel for the appellant present. In this case the departmental appeal submitted by the appellant on 2.1.2012 is a photo state copy which bears no signature of the receipt clerk and no postal registration receipt. Counsel for the appellant is directed to submit proof in this respect on the next date. Pre-admission notice be issued to the AAG/respondents to clarify the position whether the appellant has submitted his departmental appeal or otherwise. Case is adjourned to 29.8.2012 for P.H.



Member.

29.8.2012

Counsel for the appellant present and requested for adjournment. To come up for preliminary hearing on 24.9.2012.



MEMBER

FORM "A"

FORM OF ORDER SHEET

Court of.....

Case No. 667/2012.....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-

15/06/2012

The appeal of Mr. Asghar Khan presented today by Mamoon Baig Advocate, may be entered in the Institution Register and put up to the Worthy Chairman for preliminary hearing.

*[Signature]*  
REGISTRAR

2-

19-6-2012

This case is entrusted to Primary Bench for preliminary hearing to be put up there on 17-7-2012.

*[Signature]*  
CHAIRMAN

BEFORE THE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL, PESHAWAR

Service Appeal No. 667 of 2012


Asghar Khan, .....Appellant

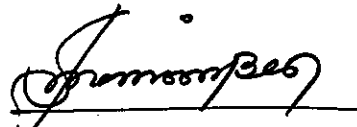
VERSUS


Govt. of Khyber Pakhtunkhwa, through Chief Secretary,  
and others.....Respondents

I N D E X

S. No.	Description of documents	Annexs	Pages
1.	Appeal		1-4
2.	Application		5-6
3.	Addresses of Parties		7
4.	Copy of the "Master Degree" of appellant	A	8
5.	Copy of the appointment order	B	9
6.	Copy of the impugned notification dated 01.01.2010	C	10-14
7.	Copy of the judgment dated 22.02.2010 <i>OF AUGUST SUPREME COURT OF PAK</i>	D	15-20 and 21
8.	Copy of the judgment of the Service Tribunal, Peshawar	E	22-25
9.	Copy of Departmental Representation	F	26
10.	Wakalat Nama		27

  
Appellant  
Through

  
Shah Mamoon Baig

&  
  
Farooq Shah Afridi  
Advocates, Peshawar



①

BEFORE THE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL, PESHAWAR

Service Appeal No. 667 of 2012

~~15-6-2012~~  
653  
15-6-2012

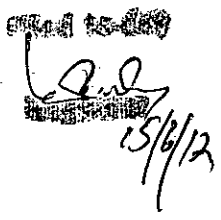
Asghar Khan, Librarian, Govt. College Dara Adam Khel, FR,  
Kohat.....Appellant

VERSUS

1. Govt. of Khyber Pakhtunkhwa, through Chief Secretary,
2. The Secretary Higher Education (Colleges) Khyber  
Pakhtunkhwa, Peshawar.
3. The Director Higher Education Govt. of Khyber  
Pakhtunkhwa, Peshawar.....Respondents

**APPEAL U/S 4 OF THE KHYBER**  
**PAKHTUNKHWA SERVICE**  
**TRIBUNAL ACT 1974.**

Respectfully Sheweth:

  
15/6/12

Brief facts giving rise to the present appeal are as under;-

1. That the appellant has got Master Degree in Library and information Science in the Year 1999. He was appointed as Librarian (BPS-16) on the recommendation of Public Service Commission and posted at Govt. College Dara Adam Khel (FR) Kohat.  
(Copy of the Degree is annexure "A" whereas copy of appointment letter is annexure "B").

2. That the posts of DPE's and Librarians (Male/ Female) of college cadre, working in BPS-16 were upgraded to BPS-17 on regular basis vide impugned notification No.SO(T)HE/17-1/2008/VOL III) dated 01.01.2010 and accordingly vide the same the appellant was awarded BPS-17 along with others, but **with immediate effect**.  
(Copy of the impugned notification dated 01.01.2010 is annexure "C").
3. That the August Supreme Court of Pakistan has also directed the competent authority to grant BPS-17 to petitioners from the date of their appointment vide its judgment dated 22.02.2010 in Civil Appeal No.1114 to 1116/2006.  
(Copy of the judgment is annexed as annexure "D").
4. That this Hon'ble Tribunal has also extended benefit of up-gradation in favour of Mr. Nasrullah Librarian G.H.S.S Kabal, Swat and others w.e.f the date of their appointment before the promulgation of Notification dated 26.06.1995.  
(Copy of the judgment is annexure "E").
5. That being aggrieved from the impugned Notification dated 01.01.2010, the appellant preferred departmental representation before respondent No.3 but no heed has been paid so far.  
(Copy of departmental representation is annexure "F").
6. That it is pertinent to mention here that the appellant was verbally told time and again that his case would be expedited soon and the appellant would be relieved after its final approval from finance department, but till date these pretexts bore no fruits for the appellant.

7. That now the appellant prefers the instant appeal on the following inter alia other grounds:-

GROUND:

- A. That the impugned notification dated 01.01.2010 is liable to be amended to the extent of its operation/ effect, as it is a settled rule that such nature of acts should be given retrospective effect, so as to give maximum benefit to those who have been effected there-under.
- B. That the appellant was duly qualified, having master degree, at the time of his induction in service and since 1993 onward up-gradation has been remained in practice on the basis of Higher Qualification (Master Degree). Thus on this score too the appellant is eligible to be given / awarded BPS-17 from the date of his appointment with all integral back benefits.
- C. That the August Supreme court of Pakistan has already granted relief by awarding back benefits to some civil servants in an identical case, where-after the dictates of justice and rule of good governance demands that the same relief / benefit should also be extended to all other civil servants, who were not party to the litigation.
- D. That even otherwise the rule of consistency also applies to the instant case as the benefit extended to similar placed employees, the remaining employees are also entitled to the same benefit.
- E. That the appellant is entitled to be dealt with in accordance with law and at the same time for the equal protection of law, hence the immediate effect of impugned notification dated, 01.01.2010 being discriminatory in

nature is very much liable to be amended to the extent of its effect.

F. That any other ground not specifically mentioned here would be advanced, with the permission of this Hon'ble Tribunal, at the time of arguments.

It is therefore prayed that on acceptance of this appeal the respondents may please be directed to grant BPS-17 to the appellant w.e.f the date of his appointment along with all back benefits.

 Appellant

Through



Shah Mamoon Baig

And

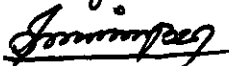


Farooq Shah Afridi  
Advocates, Peshawar

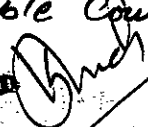
AFFIDAVIT

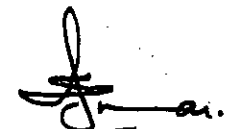
I, Asghar Khan, Librarian, Govt College Dara Adam Khel, FR, Kohat do hereby Solemnly Affirm and declare on oath that the contents of the appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.

I Identified By:

  
Shah Mamoon Baig  
Adv. Peshawar.

ATTESTED  
MALID MAHMOOD ADVOCATE  
OATH COMMISSIONER  
PESHAWAR HIGH COURT

  
15-6-12

  
Deponent

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5

BEFORE THE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL, PESHAWAR

Service Appeal No. \_\_\_\_\_ of 2012

Asghar Khan, .....Appellant

VERSUS

Govt. of Khyber Pakhtunkhwa, through Chief Secretary,  
and others.....Respondents

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**APPLCIAITON FOR CONDONATION OF DELAY.**

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*Respectfully Sheweth:*

1. That the titled appeal has been filed before this Hon'ble Tribunal and the instant application for condonation of delay be considered as part and parcel thereof.
2. That the applicant preferred departmental representation on 01.01.2012, where-after the appellant was waiting for its disposal as to come up in form of order or decision.
3. That the appellant has been verbally told time and again that his case is in process which would be expedited and positively decided soon.
4. That the appellant has been awaited long and thus could not prefer appeal before this Hon'ble tribunal.
5. That the delay in filing appeal before this Hon'ble Tribunal after the laps of statutory period was neither intentional

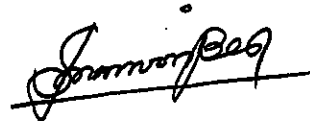
nor deliberate but due to expectancy of relief which has so far proved of no avail to the appellant.

- 6. That it would be just and fair as well as in the interest of justice that the cause of appellant be heard purely on merits rather the same be subjected to technicalities.
- 7. That even otherwise, the case of appellant falls under the ambit of financial matters and in the light of various judgments of superior courts the delay in such matters is very much condonable.

*It is therefore prayed that on acceptance of this application the delay in filing the accompanying appeal may please be condoned.*

  
Appellant

Through



Shah Mamoon Baig

&

Farooq Shah Afridi  
Advocates, Peshawar



AFFIDAVIT

I, **Asghar Khan, Librarian, Govt. College Dara Adam Khel, FR, Kohat** do hereby solemnly affirm and declare on Oath that the contents of the *application* are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.

IDENTIFIED BY:



Shah Mamoon Baig  
Advocate Peshawar

DEPONENT



ATTESTED  
WALID MAHMOOD ADVOCATE  
OATH COMMISSIONER  
PESHAWAR HIGH COURT

15-6-12

(7)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL, PESHAWAR

Service Appeal No. \_\_\_\_\_ of 2012

Asghar Khan, .....Appellant

VERSUS

Govt. of Khyber Pakhtunkhwa, through Chief Secretary,  
and others.....Respondents

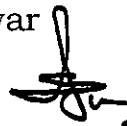
ADDRESSES OF PARTIES


APPELLANT

Asghar Khan, Librarian, Govt. College Dara Adam Khel, FR,  
Kohat  
R/O Village & P.O Badaber, Mohallah Gulbara, Tehsil and  
District Peshawar

RESPONDENTS:

1. Govt. of Khyber Pakhtunkhwa, through Chief Secretary,
2. The Secretary Higher Education (Colleges) Khyber  
Pakhtunkhwa, Peshawar.
3. The Director Higher Education Govt. of Khyber  
Pakhtunkhwa, Peshawar

 Appellant  
Through

  
Shah Mamoon Baig

&  
  
Farooq Shah Afridi  
Advocates, Peshawar



8  
بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ

# University of Peshawar (Pakistan)

Session ANNUAL 1998

ASGHAR KHAN

SON of SARWAR KHAN

and a student of the Department of Library and Information Science having passed the prescribed examination in JUNE 19 99 is this day admitted by the University of Peshawar to the Degree of

## Master of Library & Information Science

in the SECOND Division

The examination was taken as a whole / ~~in parts~~

Serial : No 000503

Registered No. 04-SP-1884

Roll No. 29

Result declared on 13TH SEPTEMBER 1999

*Attested to be*  
**ATTESTED**  
*True*



*Attested*  
**LIBRARIAN**  
Department of English  
and Applied Linguistics  
University of Peshawar.

*[Signature]*  
Registrar

Countersigned

*[Signature]*  
Vice-Chancellor

11655

*ed of ...  
1001*

DEGREE VERIFIED & FOUND CORRECT

*[Signature]*  
15/12/2009

SUPERINTENDENT DEGREE SECTION

(IFTIKHAR HUSSAIN KHAN)  
CONTROLLER OF EXAMINATIONS  
UNIVERSITY OF PESHAWAR

ANNEX: A  
Page 8

*[Signature]*  
13/12/2009

*[Signature]*  
14/12/2009

8

9

ANNEX "B"

DIRECTORATE OF HIGHER EDUCATION  
N-W.F.P., PESHAWAR

NOTIFICATION

Consequent upon the recommendation of N-W.F.P Public Service Commission, the Competent Authority is pleased to appoint the following Male Librarians (B-16) on contract basis for a period of three years with immediate effect and posted in the Colleges noted against each:-

<u>S/No</u>	<u>Name and Address</u>	<u>Place of Posting</u>	<u>Remarks</u>
1.	Muhammad Asif S/O Muhammad Rustam Vill: & PO: Jhangra via Havelian Teh: & Distt: Abbottabad.	Govt: College Havelian(Abbottabad)	Against vacant post
2.	Haroon Rashid S/O Marifat Vill: & PO: Ghalegay Teh: Barikot Distt: Swat.	Govt: College Puran(Shangla)	-do-
3.	Nasim Jan Khalil S/O Chamne Khan Vill: & PO: Fushtakhara Payan Teh: & Distt: Peshawar.	Govt: College Tajori (Lakki)	-do-
4.	Iftikhar Ali S/O Abdur Rashid Vill: & PO: Harichand Teh: Tangi Distt: Charsadda.	Govt: College Latamber(Karak)	-do-
5.	Alamzeb Khan S/O Muhammad Shafi Mch: Maroof Khel Vill: & PO: Sardheri Teh: & Distt: Charsadda.	Govt: College Nowshera	-do-
6.	Abdul Ghaffar Khan S/O Abdul Wahid Khen Vill: & PO: Julagram (Malakand Agency).	Govt: Post Graduate College Benmu	-do-
7.	Khan Said S/O Akbar Khan Vill: & PO: Regi Moh: Aftazai Teh: & Distt: Peshawar.	Govt: College Kohi Sher Haider (Khyber Agency)	-do-
8.	Muhammad Irfan S/O Lal Janan Vill: Lakki Ghundaki PO: , Teh: & Distt: Karak.	Govt: College Takht-e-Nasrati (Karak)	-do-
9.	Shaukat Ali Malik S/O Sain Mchammad Malik H.No. 264/E, 2 Phase-I St: No.10 Hayatabad Pesh:	Govt: College Landi Kotal (Khyber Agency)	-do-
10.	Asghar Khan S/O Sarwar Khan Vill: & PO: Badaber Mch: Gul Bara New Afridi Abad Teh: & Distt: Peshawar.	Govt: College Dara Adam Khel (F.R Kohat)	-do-
11.	Muhammad Tahir Jan S/O Shamshad Khan Vill: Jattibala FC: Nahagi Teh: & Distt: Peshawar.	Govt: College Ekka Ghund (Machmand Agency)	-do-

**ATTESTED**

Attested to be true

(Signature)

The appointment of the above Librarians will be subject to the following terms & conditions :

- 1) Their appointment is purely on contract basis for a period of three (03) years commencing from the date of assumption of charge of the post. The contract shall stand automatically terminated on the expiry of the initial period. In case of requirement of the job, fresh contract will be executed.
- 2) They will sign the agreement form before joining service in respective colleges.
- 3) They will not contribute any amount towards GP Fund. However, they will contribute C.P. Fund @ Rs. 5% of minimum of pay and 5% contribution will be made by the Govt.
- 4) They will not be considered for regularization at any stage.
- 5) Their services will be liable to termination on two month's notice from either side. In case of resignation without notice their two month's Pay/Allowances, if any, shall be forfeited to Government.
- 6) They will be allowed TA/DA as admissible to regular employees under the Rules.
- 7) The selectee should join their posts within 30 days of the issue of this notification. The Principals concerned should furnish a certificate to the effect that the selectees have joined the posts or otherwise, after one month of the issue of this notification.
- 8) They will be governed as per provisions contained in the agreement signed by them.
- 9) Their services can be terminated at any time in case their performance is found unsatisfactory and they will be proceeded against under the removal from service (Special Powers) Ordinance-2000 and the E&D Rules, 1973.
- 10) They will get pay i.e. initial pay of B-16 including usual allowances as admissible under the rules. They will be entitled to annual increments after completion of one year of service.

(Prof. Muhammed Nazir)

Director

Higher Education, NWFP, Peshawar

Endst. No. 5785-93 /A-1/Req:/Lib: Dated 3-3- /2003

Copy forwarded to the :

- 1) Section Officer (Trg), Govt. of NWFP, Higher Edu; Dept; Peshawar w/r to his No. SO (Trg) 17-1/2002/KC-2 dtd; 18/02/03.
- 2) Secretary, NWFP, Public Service Commission, Peshawar w/r to his letter No. 13273 dated 13/08/02.
- 3) Accountant General, NWFP, Peshawar.
- 4) District/Agency Accounts Officers concerned.
- 5) Principals concerned.
- 6) Candidates concerned.
- 7) P/Files.
- 8) M/File.

(Prof. Mumtaz Khan Khalil)  
Dy; Director Higher Edu; NWFP, Peshawar.

GOVERNMENT OF N-W.F.P  
HIGHER EDUCATION, ARCHIVES  
AND LIBRARIES DEPARTMENT

Dated Peshawar the 01-01-2010

**NOTIFICATION:**

**NO.SOT(HE/17-1/2008/VOL-III**

On the recommendation of Departmental Promotion Committee, the Competent Authority is pleased to promote the following DPE's and Librarians (Male/Female) of College Cadre who hold Master Degree, working in B-16/B-17(Personal) to B-17 on regular basis, against the upgraded posts with immediate effect:-

**DPE's (Male)**

S. #	Name of Officer	Place of Posting
1	Sharifullah	G.C. Lahore (Swabi)
2	Alli Sher Khan	G.C. Ghoriwala, Bannu
3	Sultan Mohammad	G.C. Peshawar
4	Malik Asif	Directorate of H.E Deptt. N.W.F.P. Pesh.
5	Muhammad Ismail	G.C. Kakki Bannu
6	Abdullah	Presently working at Science & Technology University, Bannu.
7	Muhammad Saeed,	G.C. D.I Khan No.01
8	Umar Bashir	G.C. Oghai
9	Sanaullah Khan	G.P.G.C. Bannu
10	Atiab Ahmad	G.P.G.C. Kohat
11	Ziaur Rehman	G.C. Dir
12	Juma Khan	G.C. Pahrpur D.I Khan
13	Hakim Khan	G.P.G.C. Mardan
14	Gul Rasim	G.C. Takht-e-Nasrati (Karak)
15	Fazle Rabbi	G.C. Kohat
16	Said Muhammad Jan	G.C. Thana (Malakand)
17	Muhammad Zaman	G.C. Timergara Dir
18	Mohsin Shah	G.C. No.02, Mardan
19	Muhammad Abid Kamal	G.S.S.C. Peshawar
20	Muhammad Abdul Latif	G.C. Kulachi
21	Manzoor Hussain	G.P.G.C. Mandian A/Abad
22	Abdur Rashid	G.C. KDA Kohat
23	Abdul Hamid	G.C. Pura
24	Rashidullah	G.P.G.C. Abbotabad
25	Noorul Amin	G.C. Khair Abad
26	Asad Jan	G.C. No.01 D.I Khan
27	Abdul Qayum	G.C. Lukky Marwat
28	Muhammad Ayaz,	G.P.G.C. Charsadda
29	Muhammad Younas Khan	G.C. No.02, D.I K
30	Azizullah,	G.D.C. Ahmed Abad (Karak)
31	Muhammad Shafiq	G.C. Mulla
32	Muhammad Ayaz Khan,	G.D.C. Laddah (S.W.A)
33	Samullah Khan	G.P.G.C. Nowshera
34	Bashir Ahmad	G.P.G.C. Mardan
35	Muhammad Ibrahim	G.C. Gul Abad Dir

**ATTESTED**  
to be true

*[Signature]*

(10)

ANNEX: C

(11)

36.	Shahid Hussain	GDC, Bannu
37.	Sabahat Ali Khan	G.C Badaber Peshawar
38.	Khalid Mehmood	G.C. Haripur
39.	Muhammad Anwar	G.C. Lakki Marwat
40.	Sartaj Khan	G.C. Lund Khawar (Mardan)
41.	Farooq Hussain	G.C. Peshawar
42.	Abdul Nahid Khan	G.C Sarai Naurang
43.	Muhammad Arif	G.C. Mingora (Swat)
44.	Faridur Rehman	G.C. Hayatabad.
45.	Anwar Khan	G.C. Batagram
46.	Musawar Khan	G.C. Toru Mardan
47.	Hayat Shah	GDC, Takht Bhai
48.	Khalid Zaman	GPGC Sawabi
49.	Ghous Muhammad	G.C. Miranshah
50.	Safdar Khan	G.C. Mathra
51.	Akhtar Ali	GJC, Saidu Sharif Swat
52.	Dilabaz Khan	G.C Sikandarkhel Bannu
53.	Bakhtairud Din	G.C. Akora Khattak
54.	Abidullah DPE	G.C. Sabirabad
55.	Muhammad Qasim	G.C. Katlang
56.	Muhammad Hafeez	G.C, KTS, Haripur
57.	Faisal Islam	G.C. Panyala DIKhan
58.	Tariq Iqbal	G.C Darra Adam Khel
59.	Haider Zaman	G.P.G.C. Bannu
60.	Jehanzeb	G.C. Daggar, Buner.
61.	Khalid Rehman	G.C. Banda Daud Shah (Karak).
62.	Arif Ali Shah	G.C. No.1 Abbottabad.
63.	Tajmali Khan	G.C. Mir Ali (Miranshah)
64.	Tahirullah	G.J.C, Saidu Sharif Swat
65.	Yousaf Ali	G.C. Yar Hussain.
66.	Ghulam Mohammad	G.C. Manselra.
67.	Irfanullah	G.C. Latamber.
68.	Ghulam Mohammad	G.C. Parova
69.	Arshad Hussain	G.C. Pabbi
70.	Noor Sher.	G.C.Kohi Sher Haider
71.	Abdul Hadi	G.C. Daggar.
72.	Mohammad Naeem	G.C. Samar Bagh
73.	Abdul Saboor	G.C. Khanpur.
74.	Javed Noor,	G.C. Saam (SWA).
75.	Ishrat Ali	G.C. Bakhshali (Mardan).
76.	Adalat Khan	G.C. Kabal, (Swat).
77.	Attaullah, DPE,	G.C. Babuzai (Mardan)
78.	Hafeezullah	G.C. Jandola.
79.	Bahar Hussain	G.C. Shawa (Swabi)
80.	Shahid Ali	GDC Zarobi, Swabi
81.	Atta-ur-Rehman	GDC Gandaf (Swabi)
82.	Niaz Hussain	GDC Dera Town Ship D.I Khan
83.	Raja Gul Faraz	GDC Pattan (Kohistan)
84.	Akhtar Nawaz	GDC Ghazi (Haripur)
85.	Muhammad Imran	GDC Nawagai (Bajure Agency)
86.	Hamid Shakeel	GDC Isak Khel
87.	Gohar Ali	GDC Jawar (Buner)
88.	Raham Niaz	GDC Domail (Bannu)
89.	Muhammad Nazir	GDC Balakot
90.	Shakeel Abdul Jabbar	GDC Ghazni Khel
91.	Muhammad Rahim Khan	GDC Thal (Hangu)

**ALLEGED**  
 Alleged to be  
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*Summings*

(12)

DPE's (Female)		
1.	Raham Bibi	G.F.C. (W) Peshawar
2.	Gulshan Ara	G.G.C, Kohat.
3.	Gulnar Begum	G.G.C Mardan.
4.	Shakila Khanum	G.G.C. Bannu.
5.	Sarwat Jabeen	G.G.C, D.I Khan No. 2.
6.	Farhad Begum	G.G.C, Nowshera.
7.	Andaleeb Firdous,	G.G.C Thana MKD, Agency.
8.	S. Nargis Abbas Bukhari	G.G.C, Lakki.
9.	Sadia Anwar	G.G.C, No.1 A/Abad.
10.	Rubina Khurshid	G.G.C, D.I.Khan No.1.
11.	Shumaila Saeed	G.G.D.C, Tank
12.	Sabrina Kousar	G.G.C, Manki (Swabi).
13.	Samina Khalil	G.G.C, Nawansher, Abbottabad
14.	Salma Naz	G.G.D.C, Kohat Road Pesh.
15.	Aysha Batool	G.G.C, Haripur.
16.	Hijab Maryam.	G.G.C, Mandan (Bannu)
17.	Naima Gul	G.G.C, Mandian.
18.	Shaista Safdar	G.G.C, Hangu.
19.	Saima Syed	G.G.C, Havelian.
20.	Saima	G.G.C, Timergara.
21.	Noor-ul-Ain Khan	G.G.C, Serai Saleh. Haripur.
22.	Afshan Nisar	G.G.C, Mansehra No. 2.
23.	Attiha Mehmood	G.G.C, Mansehra No. 1.
24.	Najma Naz Qazi	G.F.C. (W) Peshawar.
25.	Unsia Zeb	G.G.C, City Gulbahar Pesh.
26.	Nair Sultana	G.G.C, Surrani (Bannu)
27.	Aliya Khatoon	G.G.C, Ghazi Haripur.
28.	Sadaf Masud	G.G.C, KTS, Haripur.
29.	Shagufta Mehreen	G.G.C, Karak.
30.	Shakeela Jehan	G.G.C, Kohi Sher Khan.
31.	Javairia Gul	G.G.C, Ekka Ghund.
32.	Amina Bibi	G.G.C, Takht Bhai.
33.	Kokab Tabbani	G.G.C, Saidu Sharif (Swat).
34.	Sumera Gul, DPE,	G.G.C, Marguz, Swabi.
35.	Surria Mumtaz	G.G.C, Pabbi.

Librarian (Male)		
1.	Faridullah Khan	GC. No.1, DI Khan
2.	Muhammad Gul	GPGC, Charsadda
3.	Amjad Ali	GC, Thana
4.	Yousaf Shah	GC, Pabbi
5.	Fazal Wahab	GC, Gulabad Dir lower
6.	Muhammad Khalid	GC, Shabqadar
7.	Hidayatullah Khan	AD Libraries, DHE Office Pesh:
8.	Safeer Ullah	GC, Essak Khel
9.	Nihar Muhammad	GC, Takht Bhai
10.	Wajid Shabir	GC, Lahor (Swabi)
11.	Abdul Khaliq	GDC, Wadpagga, Peshawar
12.	Muhammad Hayat	GDC, Pahar Pur
13.	Hidayat-ur-Rehman	GC, Dir
14.	Muhammad Rasool	GC No.2, Mangora
15.	Imtiaz Khan	GC, Badaber (Peshawar)
16.	Ihsan Ullah	GC, Bakhshali
17.	Muhammad Rashid	GC, Kabal (Swat)
18.	Saeed Ullah	GC, Kotha (Swabi)

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19	Muhammad Sharif	GC, Serai Naurang
20	Zia Muhammad Rehman	GC, Sabirabad.
21	Rukhsar Ali	GC, Lund Khwar
22	Ikram Ullah Khan	GC, Bat Khela
23	Abdul-Latif	GC, Mathra
24	Rafiq-ur-Rehman	GC, Tall (Hangu)
25	Zahir Ullah	GC, Khan Kohi (NSR)
26	Iskhar	GC, Khairabad
27	Faiz Muhammad Khan	GC No.2 Mardan
28	Muhammad Tahir Jan	GC, Ekka Gund
29	Haroon Rashid	GC, Matta (Swat)
30	Muhammad Irfan	GPGC, Karak
31	Abdul Ghaffar	GC, Agra (Malakand)
32	Iftikhar Ali	GC, Dargai
→ 33	Asghar Khan	GC, Dara Adam Khel
34	Muhammad Asif	GC, Havelian
35	Hidayat Ullah	GC, Akora Khatak
36	Naseer Razaq	GC, Hayatabad
37	Ahmed Ali	GDC, Katlang
38	Fazal Hussain Bacha	GC, Timergra
39	Abul Kalam Ahmed	GC, Lachi
40	Zulfiqar Ali	GC, Mansehra
41	Muhammad Ali	GPGC, Bannu
42	Muhammad Shuaib Jan	GDC, Tangi
43	Dawood Shah	GPGC NO-1, Mardan
44	Muhammad Nawaz	GPGC No.1, Abbottabad
45	Muhammad Quraish	GC, Jawar (Buner)
46	Hidayat Ullah	GDC, Tajori
47	Syed Zabiullah Shah	GDC, Zaroobi (Swabi)
48	Rizwan Ullah	GDC, Toru (Mardan)
49	Karim Khan	GDC, Babu Zai, Mardan
50	Shah Khalid	GDC, Yar Hussain Swabi
51	Sher Bahadur	GPGC, Bannu
52	Atta-ur-Rehman	GDC, Ghoriwala
53	Irfan Ullah	GDC, Peshawar.
54	Hamdullah	GSSC, Peshawar.
55	Muhammad Ayaz	GPGC, Swabi
56	Shakir Masood	GPGC No.1, Abbottabad
57	Irfan Ullah Jan	GPGC No.2 Abbottabad(Mandian)
58	Shahid Ali	GDC, Hangu
59	Khan Badshah	GDC, Nawagai (Bajawar)
60	Ziaullah Khan	GDC, Totakan (Malakand)
61	Hafiz Jehanzeb Khan	GDC, Lakki Marwat
62	Ihtishamullah Khan	GDC, Parova (D.I. Khan)
63	Imtiaz Alam	GDC, Chakesser
64	Sajjad Ali	GDC, Lakaro, Mohmand Agency
65	Muhammad Qaisar	GDC, Totalai.
66	Maazullah Khan	GDC, Gandaf
67	Abdul Razaq	GDC, Khanpur

Librarian (Female)		
1.	Naz Parwar	GDC Mardan
2.	Ishrat Jehan	GDC Thana
3.	Rifat Naz	GDC Sheikh Maltoon-Mardan
4.	Mah Noor	GDC Pirpai NSR
5.	Shandana Mirza	GDC (W) Pesh.

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(14)

6.	Safina Bibi	GGC Kohat
7.	Shaheen Akhtar	GGC Havelian
8.	Rashida Begum	GGC Takht Bhai
9.	Saima Noreen	GGC, Hangu
10.	Asma Bashir	GGC Charsada
11.	Farhat Jabeen	GGC, Dargai
12.	Zakia Begum	GGC Hayatabad
13.	Kalsoom Manan	GGC No.2 DI Khan
14.	Saima Gul	GGC Lund khawar
15.	Nida Aziz	GGC Nowshera
16.	Sadia Miraj Noor	GGC Bannu.
17.	Gul Bibi	GGC Nawan shere
18.	Humera Begum	GGC Jolagram
19.	Naseem Ara	GGC Timergara
20.	Bushra Khatoon	GGC Haripur
21.	Sabrina Nasir	GGC, Kernal Sher Khan (Swabi)
22.	Hafiza Jalwa Bashir	GGC Gulshan Rehman Pesh:
23.	Shela Bashir	GGC Jamrud Khyber Agency
24.	Shaista Malik	GGC No.2, Mansehra.


SECRETARY TO GOVT. OF NWFP  
HIGHER EDUCATION, ARCHIVES  
AND LIBRARIES DEPARTMENT

Endst: NO.SO(T)HE/17-1/2007

Dated Pesh: the 01-01-2010

Copy is forwarded for information & necessary action to the:-

1. The Accountant General NWFP.
2. Secretary to Government of NWFP, Finance Department.
3. Secretary to Government of NWFP, Establishment Department.
4. P.S to Chief Minister NWFP, Peshawar.
5. P.S to Chief Secretary NWFP, Peshawar.
6. P.S to Minister Higher Education NWFP, Peshawar.
7. P.S to Secretary Higher Education Arch: & Lib:, Deptt: NWFP.
8. Director Higher Education, NWFP, Peshawar.
9. Director Information, NWFP, Peshawar.
10. Director Education, FATA.
11. All District Account Officer in NWFP.
12. All Agencies Account Officer in NWFP.
13. PA to Deputy Secretary(Admn), Higher Education Deptt. NWFP.
14. PA to Deputy Secretary-II, Higher Education Deptt. NWFP.
15. All Principals of College in NWFP.
16. Officers concerned.

  
(SAID BADSHAH)  
SECTION OFFICER (Arch: & Lib:)

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IN THE SUPREME COURT OF PAKISTAN  
(Appellate Jurisdiction)

PRESENT:  
MR. JUSTICE JAVED IQBAL  
MR. JUSTICE MUHAMMAD SAIR ALI  
MR. JUSTICE TARIQ PARVEZ

CIVIL APPEALS NO. 1114 TO 1116 OF 2006  
an appeal from the judgments dated 12.8.2005 of the West  
Service Tribunal, Peshawar passed in Appeal No. 505 of  
2000;

✓ Bibi Mussarat, Librarian  
Shahid Ali  
Nasir Khan

Appellant in CA No. 1114/06  
Appellant in CA No. 1115/06  
Appellant in CA No. 1116/06

VERSUS

Province of NWFP through  
Secretary, Education,  
Peshawar and two others

Respondents in all cases

For the Appellants in  
all cases:

Mr. Roshid Amin Khan, ASC

For the Respondents in  
all cases:

Hafiz Aman, ASC  
a/u Aziz Muhammad, Secretary

Date of hearing: 22.02.2010

JUDGMENT

TARIQ PARVEZ, J.

For the reasons that similar question of law and almost similar facts are involved in three connected appeals, therefore these are disposed of through this single judgment.

2. Short facts of the case are that the appellants herein are serving as Librarian in Education Department. In the case of Bibi Mussarat, she was last serving as Librarian in Government Degree College for Women, Mandian, Abbottabad while the appellant Shahid Ali as Librarian in

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Supintendent  
Supreme Court of Pakistan  
ISLAMABAD

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Government Higher Secondary School, Mardan and so on in the case of Nasir Khan-appellant.

They claim to be granted grade LPS-17 on regular basis from the date they have acquired higher qualifications i.e. Master's Degree in the discipline of Library Sciences.

3. The appellants on their respective ends having approached the departmental hierarchy by making various representations/appeals were finally constrained to knock at the door of the NWFP Service Tribunal, Peshawar but their such approach for seeking relief proved abortive, they, therefore filed three separate petitions before this Court.

4. All the three petitions of the appellants were heard on 28.6.2006 and with the leave to appeal granted by the Court, petitions were converted into appeals, inter-alia, on the ground to consider effect of two judgments delivered by this Court, whether they were in conflict with each other, judgments referred to in the leave granting order are Government of NWFP etc. v. Muhammad Aslam Khan (C.A No. 172 of 1998) decided on 16.10.2002 and Government of NWFP etc. v. Gul Aslam and others (C.Ps. No.52-P to 58-P of 1003) decided on 12.3.2003 and against the above referred judgments another case of Deputy Director Technical Education, Peshawar v. Muhammad Ikram and others (CP Nos.395-P to 398-P, 415-P to 419-P of 2001).

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Superintendent  
Supreme Court of Pakistan  
ISLAMD

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In the former two judgments relief of granting grade BPS-17 on the basis of higher qualifications was given to the appellants therein whereas relief were denied in the later judgment.

5. From the perusal of the judgment referred to above as were read out and cited before us, the latter judgment of this Court has referred to notification dated 4.8.1993 of the Finance Department of the Government of NWFP, Peshawar where the provincial Government had held that post of Librarian in grade BPS-16 in junior scale and BPS-17 in senior scale are separate posts under the relevant recruitment rules and the initial recruitment is to be made through the Public Service Commission, because there is no provision in the rules for granting higher pay scale on the basis of acquiring higher education i.e. Master's Degree. It was therefore, that this Court refused to grant prayer for upgradation of Librarian from BPS-16 to 17 on the ground of procuring higher qualification.

6. The former two judgments, this Court had pressed into the service, principle of discrimination on the ground that the Librarian who was working in the Colleges and had acquired higher qualifications were given grade BPS-17 but those who were working in the Schools were denied grant of grade BPS-17 despite having acquired Master's Degree. This Court concluded that whether performing functions in a

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CA No. 111/1995

College or in a School but as Librarian and when both the incumbents are having acquired higher Master's Degree they are to be considered at par with each other and refusal on the ground that grade BPS 17 can only be given to Librarian working in the Colleges was an act of discrimination based on no logic and was therefore, unreasonable.

7. Today, learned counsel appearing for the appellants has produced before us a copy of notification dated 20.6.1995 of Government of NWFP Peshawar Education Department, where the Governor of the province was pleased to accord sanction in special case to the up-gradation of 113 posts of Librarian from BPS-16 to BPS-17 to persons whose names appeared in the annexure to the notification of 1995.

There is no bar under the Rules rather there appears to be consistent practise which was applied in favour of Librarian in the past and they were given the higher grade from BPS-16 to BPS-17 on acquiring Master's Degree in the Library Sciences including notification dated 20.6.1995, but denial by the Government and not accepted by NWFP Service Tribunal, Peshawar, would be against the rules of discrimination amongst equals and similarly placed employees.

8. An impression taken from the leave granting order that the two judgments of this Court are at variance would be

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...of force because in the case of Government of NWFP  
 vs. Muhammad Nizam and others (supra) reliance was  
 placed on notification of year 1993 which is itself does not  
 contain any statutory backing but a policy or desire.  
 Subsequently in the year 1995 despite notification of 1993  
 the Government of NWFP had upgraded 113 posts of  
 Librarian, from BPS-16 to BPS-17 the denial to the present  
 appellants the grant of grade BPS-17 would be a case of  
 discrimination and therefore, their cases would squarely fall  
 in the category of cases as were decided by this Court in Civil  
 Appeal No. 172 of 1998 and Civil Petitions No. 52-P to 58-P of  
 2003 and not the case of Deputy Director Technical  
 Education (supra).

9. Very recently in Civil Petitions No. 491-P to 500-P of  
 2006, decided on 3.4.2009 by this Court and relying on the  
 judgment passed in Civil Petitions No. 52-P/2003 etc. (supra)  
 similar view was maintained and in addition, it was ruled  
 that the appellants therein will be entitled to grade BPS-17,  
 not with immediate effect but from the date they acquired  
 higher qualifications.

In view of judgments cited above favouring the  
 present appellants and because of notification of 1995, if not  
 followed, would discriminate the present appellants. These  
 appeals are therefore, allowed. The judgment of the NWFP  
 Service Tribunal, Peshawar is set aside and the respondents

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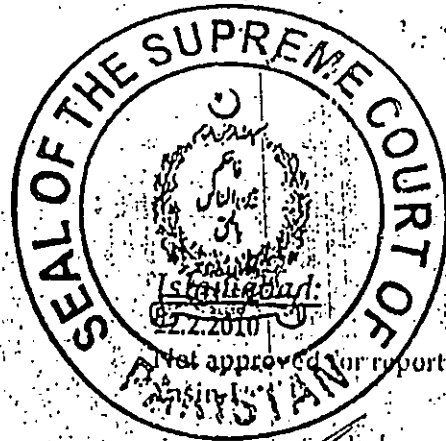
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CAs No. 114, 115, 116 etc

are directed to grant BPS-17 to the appellants with effect from the date of their Master's Degree acquiring requisite qualifications. However, there is no order as to costs.

*(Sd/-) Javed Akhter*  
*(Sd/-) Muhammad*  
*(Sd/-) Taslim*



Not approved for reporting

Certified to be True Copy

*(Sd/-)*  
Superintendent  
Supreme Court of Pakistan  
ISLAMABAD

1986/10  
GN No: \_\_\_\_\_ Civil/Criminal  
Date of Presentation: 4.3.10  
No. Of Words: \_\_\_\_\_  
No. Of Follies: 180  
Requisition Fee Rs: 5.00  
Copy Fee In: 11.76  
Court Fee stamps: 16.76  
Date of Completion of Copy: 24/03/10  
Date of delivery of Copy: 5-3-10  
Compared by: Prepared by: *(Sd/-)*  
Received by: *(Sd/-)*

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GOVERNMENT OF KHYBER PAKHTUNKHWA  
HIGHER EDUCATION, ARCHIVES AND LIBRARIES  
DEPARTMENT

Dated 31<sup>st</sup> August 2010

NOTIFICATION

No. SO(T)HE/17-2/2010 In pursuance of Supreme Court of Pakistan decision dated 04/03/2010, the Competent Authority, is pleased to grant BPS-17 (regular) to Bibi Mussarat, Librarian (Retd), Directorate of Higher Education, Khyber Pakhtunkhwa, with effect from 03.10.1993, on acquiring Master Degree in Library Science.

SECRETARY HIGHER EDUCATION, ARCHIVES  
AND LIBRARIES DEPARTMENT,  
GOVT OF KHYBER PAKHTUNKHWA

Endsl. No. & Date Even.

Dated Peshawar the 31-8-2010

Copy forwarded to the :-

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. District Accounts Officer, Abbottabad.
3. Director Higher Education, Khyber Pakhtunkhwa, Peshawar.
4. Principal Government Girls Degree College Mandian, Abbottabad.
5. Bibi Mussarat, Ex. Librarian, Government Girls Degree College Mandian, Abbottabad.

SECTION OFFICER (ARCH: & LIB)

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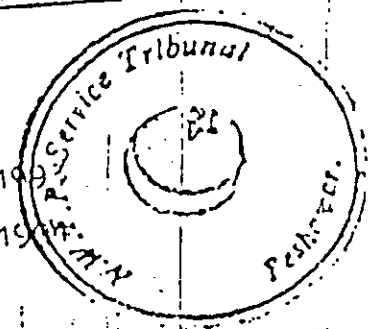
ANNEX: "E"

BEFORE THE NWFP SERVICE TRIBUNAL, NWFP, PESHAWAR.

APPEAL NO. 317/1993

date of institution... 13.10.1993

date of decision..... 26.09.1994



Nasrullah S/O Muzaffar R/O Nuwan Kili  
Mingora Swat, Presently Librarian  
G.H.S.S, Kabal, Swat....

... APPELLANT

VERSUS

1. The Provincial Government through Secretary, Education NWFP, Peshawar.
2. The Ex-Secretary, Prof: Rashid Ahmad to Government of NWFP Education Department, and Now a days Member of Provincial P.S.C. Fort Road, Peshawar.
3. The Director Schools NWFP, Peshawar.
4. The Deputy Director (Schools) NWFP.
5. Principal, G.H.S.S, Kabal Swat...

... RESPONDENTS

MR. RAFIQ-UD-DIN, ... For appellant  
Advocate,

MR. MUHAMMAD SHAFI, ... For respondents  
Government Pleader,

MR. JUSTICE SAZI HAMID-UD-DIN, CHAIRMAN  
MR. HIDAYATULLAH KHAN, MEMBER

JUDGMENT:

SAZI HAMID-UD-DIN-J, CHAIRMAN:- This appeal has been filed by Nasrullah, Librarian, Government Higher Secondary School, Kabal, Swat against the respondents, who have not taken any action on the departmental appeal of the appellant dated 27.6.1993 regarding grant of BPS-17. The prayer of the appellant is that he be placed in BPS-17 on the basis of acquiring Master Degree in Library Science.

The facts leading to the present appeal are that the appellant, who has acquired the Master Degree in Library Science in 1989 (Annexure-A), was appointed as Librarian in BPS-16 in Government Higher Secondary School, Kabal, Swat.

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*[Handwritten notes and signatures on the left margin]*

through Public Service Commission vide annexure/B on the file on 16.9.1990 and is still working as such. The appellant contends that two persons namely Gul Tayaz and Aurangzeb, who have been appointed through annexure-B on the file along with the appellant have been placed in BPS-17 on the basis of acquiring Master Degree in Library Science according to rules, whereas the appellant is still working in BPS-16. The appellant approached the department through a departmental appeal (Annexure-C on the file) for the grant of BPS-17 on the basis of possessing qualification of Master Degree in Library Science which appeal has not been decided so far, hence the present appeal for the redress of his grievance.

Ex-parte arguments heard and record perused.

The learned counsel for the appellant contends that the application for setting aside ex-parte proceedings is not supported by any affidavit. Moreover the applicant is not authorised to file the application for setting aside ex-parte order. As no power of attorney or document entitling him to represent the respondent department has been filed, therefore, the application is rejected.

The case of the appellant is that according to the NWFP Civil Services Pay Revision Rules, 1978 no pay scale for the Librarian of the Higher Secondary School has been provided. The pay scale of Librarian falls under the heading: 'C-Colleges' and there is no concept in the rules regarding Librarian in the Higher Secondary Schools. If the rules as such promulgated on 31st May, 1978 are applied then the posts of those Librarian in the Higher Secondary School who hold the Master degree in Library Science at S.No. 16 would be placed in BPS-17, but no such provision regarding the post of Librarian in the Higher Secondary School has been provided in the Pay Revision Rules, 1978 and the said rules (Annexure on the file) is, therefore, defective to that extent. The Tribunal is of the view that the Librarian in the Higher

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Secondary School also performs duties akin to the post of Librarian in the Colleges because the Librarian in the Higher Secondary School has to maintain the Library and books upto the faculty of science and faculty of arts and these fall within the purview of the Library in the Colleges where too the Librarian has to maintain the books in the faculty of science and faculty of arts. Therefore, it would have been in the fitness of things to have brought the Librarian in the Higher Secondary School at par with the Librarian in the College in the Pay Revision Rules of 1978 and by not doing so, the authority have failed to cater for the post of Librarian in the Higher Secondary School. The appellant has relied on the precedent of the respondent department wherein people recruited alongwith the appellant have been placed in BPS-17 as is evident from Notification No. GO(S)142/87, dated 13th March, 1990 (Annexure-G on the file) and it does not transpire from the record as on what basis they have been awarded BPS-17 when according to Government Pleader, whose assistance have been sought by the Tribunal in this ex-parte order, concedes that BPS-17 have been given to the incumbents though Grade-17 has not been provided in the rules for Higher Secondary School for the post of Librarian and if the present appellant is given BPS-17 then the post of Librarian in BPS-17 in the Higher Secondary School has to be created. Therefore, presently the Tribunal feels it proper to remand the case to the respondent department to consider the case of the Librarian in the Higher Secondary School but they shall take into consideration the nature of duties of the Librarians in the Higher Secondary Schools because the Tribunal is of the view that their duties can be equated to the Librarians working in the Colleges. The respondent department shall decide the fate of the appellant within the shortest possible time because the Tribunal has observed that through notification (Annexure-G on the file) a discrimination has been

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created between the appellant and those mentioned in Annexure-A by giving them BPS-17. The Tribunal would recommend to the respondent department (i) to cater for the post of Librarian in the Pay Revision Rules, 1978 as no pay scale of Librarian in the Higher Secondary School has been provided in these rules; (ii) to remove the discrepancy cropped in, due to issuance of notification dated 13th March, 1990 (Annexure-G) and (iii) to consider the rights of the appellant to the higher scale in BPS-17 for the reason that his functions would be to maintain the Library upto the standard of faculty of science and faculty of arts. With these observations the case is remanded to the respondent department. This remanding of the case is also necessiated because of the fact that the Finance Department has not been impleaded as respondent in the appeal. This ex-parte order shall also dispose of the following appeals because in all the appeals similar question of law is involved:-

1. Appeal No. 318/1993 "Essa Khan-Vs-Secretary Education and others.
2. Appeal No. 319/1993 "Muhammad Aslam-Vs-Secretary Education and others.
3. Appeal No. 320/1993 "Abdul Janan-Vs-Secretary Education and others.
4. Appeal No. 321/1993 "Samiullah-Vs-Secretary Education and others.

File be consigned to the record.

ANNOUNCED

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*Dr. Hamid-Uz-Zaman*  
(JUSTICE QAZI HAMID-UZ-ZAMAN)  
CHAIRMAN

(CHIEF JUSTICE KIAN)  
MEMBER

Certified to be true Copy.

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MEMBER

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26

ANNEX: "F"

The Secretary Higher Education,  
Govt; of Khyber Pakhtunkhwa, Peshawar

Through:- The Director Higher Education,  
Khyber Pakhtunkhwa Peshawar.

Subject:- APPEAL FOR AWARD OF BPS-17 W.E.FROM 03.03.2003 ON THE  
BASIS OF MASTER DEGREE IN LIBRARY & INFORMATION SCIENCE.

R/Madam:-

With due reverence, the following few lines are submitted  
for your kind perusal and favourable consideration that:

1. I have been working under your kind patronage as Librarian in the higher education department w.e.from 03.03.2003 and presently posted at Govt; Degree College Darra Adam Khel FR, Kohat.
2. Prior to joining the higher education department as Librarian, I had qualified my Master Degree in the subject of Library & Information Science.
3. It has been a permanent practice of the higher education department to award BPS-17 to Librarians on the basis of Master Degree which was stopped after 1993 for some reasons or the others.
4. Now the department of higher education Archives & Libraries vide Notification No. 80(T)HE/17-1/2008/Vol-III dated; 01.01.2010, has awarded BPS-17 to all the Librarians on the basis of Master Degree, which clarifies the discrimination and I have been deprived of the basic right for award of BPS-17 since my inception in Govt; service as Librarian, it is further added that honourable Courts has decided such cases favourably (photo copy of the decisions of the courts enclosed).

I appeal your great honour to kindly grant/award me BPS-17 w.e.from 03.03.2003 instead of 01.01.2010 and oblige.

Yours Obediently,

(Asghar Khan) Librarian  
Govt; Degree College Darra Adam  
Khel (FR, Kohat).

Office of the Principal Govt; Degree College Darra Adam Khel FR, Kohat.

Endst; No. 769/1

Dated:- 02/01/2012.

Forwarded in original to the Director Higher Education Khyber Pakhtunkhwa, Peshawar for onward submission to the quarter concerned please.

Principal,  
Govt; Degree College Darra Adam Khel  
(FR, Kohat).  
Govt; Degree College  
Darra Adam Khel  
(FR, Kohat)

ATTEST:-

*[Signature]*  
Assisted to be

True

(27)

# WAKALATNAMA

(Power of Attorney)

IN THE Service Tribunal K.P.K, Peshawar Appel No: 667/2012

Asgar Khan (Librarian)

(Petitioner)  
(Plaintiff)  
(Applicant)  
(Appellant)  
(Complainant)  
(Decree Holder)

VERSUS

Govt of K.P.K through Chief Sect.

(Respondent)  
(Defendant)  
(Accused)  
(Judgment Debtor)

I/ We,

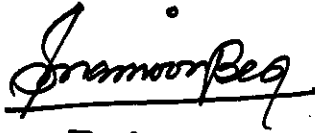
"The undersigned" Appellant

\_\_\_\_\_ in the above noted \_\_\_\_\_, do hereby appoint and constitute

**Shah Mamoon Baig & Farooq Shah Afridi**

Advocates Peshawar to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel in the above noted matter, without any liability for their default and with the authority to engage/ appoint any other Advocate/ Counsel at my/ our matter.

Attested & Accepted.




**Shah Mamoon Baig,**

&

**Farooq Shah Afridi**

Advocates,  
B-3, Haroon Mansion, Khyber Bazar,  
PESHAWAR.  
Office: 091-2566969

CLIENT 

اصغر خان  
لائبریرین ٹورنمنٹ کالج  
درہ آدم خیل (الف اے اے)  
کوٹھا  
سائین ٹاؤن بڈھ بٹ  
محمد گل بابر تحصیل و ضلع  
سوات

CRIC 17301-1472226-7

(1)

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

**Service Appeal No. 667/2012**

Asghar Khan ..... (Appellant)

VS

Government of Khyber Pakhtunkhwa, through Chief Secretary and 03 others.  
(Respondents)

**Para-Wsie Comments On Behalf Of Respondent No.1 To 3**

**Preliminary Objections: -**

- I. The Appellant has no *locus standi* to institute the present Appeal.
- II. The Appellant has not come to this Hon'ble Tribunal with clean hands; by concealing/ suppressing material facts from this Hon'ble Tribunal, hence the appeal is liable to dismissal.
- III. The appellant is estopped by his own conduct to institute the present appeal.
- IV. The appeal in hand is misconceived in law hence not maintainable.
- V. That the Departmental Appeal of the Appellant has been filed on 02/01/2012 whereas the Notification of promotion had been issued on 01/01/2010(**Annex-A**), thus Departmental appeal was time barred for almost 02 years and was hit by the provision of Section – 22 of the Civil Servant Act 1973(**Annex-B**). The provision of Section – 22 of the Civil Servant Act 1973 which requires that the appeal or representation should be made within 30 days from the date of order relating to the terms and conditions of service of which the Appellant feels aggrieved. As the Appellant appealed before the Departmental Authority was time barred, therefore, the service appeal before the Service Tribunal is not maintainable under Section-4 of the Service Tribunal Act-1974(**Annex-C**).

**On Facts: -**

1. Relates to the record of the appellant, hence call for no comments.
2. Correct to the extent that the posts of Librarians /Director Physical Education (DPEs) were upgraded from BS-16 to BS-17 (Regular) w.e.f. 09/10/2007 for the existing incumbent who hold Master Degrees in the relevant subjects in the Higher Education Archives and Libraries Department vide Notification dated 21/01/2008 (**Annex-D**) with the following 05 conditions:-
  - i. "Promotion against the upgraded posts (from BS-16 to BS-17) shall be made in the prescribed manner, and in accordance with the service rules to be framed as per relevant provisions of the NWFP Civil Servants (Appointment, Promotion and Transfer) Rules 1989 read with the NWFP Civil Servants Act, 1973.
  - ii. The Librarians and DPEs, who hold the diploma in the relevant subject will stay in BS-16 till the time, they acquire Master Degrees in the respective subject. On acquiring Master Degrees in the relevant subjects, their posts will



be upgraded on case to case basis from BS-16 to BS-17 (Regular) and promotion (from BS-16 to BS-17) would be given as per laid down procedure and in accordance with the Service Rules to be framed. However, their existing seniority will remain intact.

- iii. All the vacant posts of Librarians and D.P.Es in Higher Education, Archives & Libraries Department in BS-16 are hereby upgraded to BS-17, appointments against which would be made from amongst the persons who hold Master Degree in the relevant subject, in the prescribed manner.
- iv. In future Librarians and D.P.Es will initially be recruited on the basis of Master Degree in the relevant subject in BS-17 (Regular).
- v. ....”

In pursuance of the aforesaid Notification, the existing Rules vide Notification No. SO (Colleges)XI-11 of 2000 dated 30-01-2002 (**Annex-E**) were amended/framed vide Notification No.SO(ARCH:&LIB)HE/17-1/2008/VOL:II dated 01-08-2009 (**Annex-F**).

Thereafter, on the recommendations of Departmental Promotion Committee, the competent Authority was pleased to promote the appellant to BS-17 vide Notification dated 01/01/2010 with immediate effect against the upgraded post. It is pertinent to be mentioned that the promotion of the appellant with immediate effect is fully covered by the Civil Servant Promotion Policy 2009 (**Annex-G**).

3. The Judgement of the Hon'ble Supreme Court of Pakistan in Civil Appeal No. 1114/2006 announced on 22/02/2010 is distinguished from the present case and hence not attracted to the case of the appellant. Moreover, the judgement of the Supreme Court becomes the law of the land from the date it is declared /announced and has no retrospective effect. It is pertinent to be mentioned that the Notification of promotion of the appellant was issued on 01/01/2010 before the announcement of the judgement.

Handwritten initials or mark.

*Incorrect:*

- 4. The case of Mr. Nasrullah has no nexus with the case of the present appellant hence, denied.
- 5. The Departmental Appeal of the appellant was time barred for 02 years and hence it was not maintainable, was therefore, rightly rejected.
- 6. Incorrect, hence denied.
- 7. No comments.

**Grounds: -**

- A. Incorrect. Hence denied. Promotions are always made with immediate effect.
- B. Incorrect. The post of librarian has been upgraded as explained in Para-2 above. Promotion could be made only with immediate effect.

C. Calls for no comments.


D. Calls for no comments.


E. The appellant has been treated in accordance with law and he alongwith other hundreds of librarians have been promoted to BS-17 vide notification dated 01/01/2010 with immediate effect.


F. Calls for no comments.

**Prayer: -**

In view of the above submissions, it is humbly prayed that the Appeal in hand may be graciously dismissed.

*for*  
  
Chief Secretary Khyber Pakhtunkhwa  
**(Respondent No.1)**  
Secretary Higher Education  
Khyber Pakhtunkhwa

  
Secretary Higher Education  
**(Respondent No.2)**  
Secretary Higher Education  
Khyber Pakhtunkhwa

  
Director Higher Education  
**(Respondent No.3)**

(10)

ANNEX: A  
[PP-5-9]GOVERNMENT OF N-W.F.P  
HIGHER EDUCATION, ARCHIVES,  
AND LIBRARIES DEPARTMENT

Dated Peshawar the 01-01-2010

**NOTIFICATION:**

No. SO(T)HE/17-1/2008/VOL-III. On the recommendation of Departmental Promotion Committee, the Competent Authority is pleased to promote the following DPE's and Librarians (Male/Female) of College Cadre who hold Master Degree, working in B-16/B-17(Personal) to B-17 on regular basis, against the upgraded posts with immediate effect:-

DPE's (Male)		
S. #	Name of Officer	Place of Posting
1.	Sharifullah	G.C. Lahore (Swabi)
2.	Ali Sher Khan	G.C. Ghoriwala, Bannu
3.	Sultan Mohammad	G.C. Peshawar
4.	Malik Asif	Directorate of H.E Deptt: NWFP Pesh:
5.	Muhammad Ismail	G.C. Kakki Bannu
6.	Abidullah	Presently working at Science & Technology University, Bannu.
7.	Muhammad Saeed	G.C. D I Khan No.01
8.	Umar Bashir	G.C. Oghai
9.	Sanaullah Khan	GPGC, Bannu
10.	Aftab Ahmad	GPGC, Kohat
11.	Ziaur Rehman	G.C. Dir
12.	Juma Khan	G.C. Paharpur DIKhan
13.	Hakim Khan	GPGC, Mardan
14.	Gul Razim	G.C. Takht-e-Nasrati (Karak)
15.	Fazle Rabbi	G.C. Kotla
16.	Said Muhammad Jan	G.C. Thana (Malakand)
17.	Muhammad Zaman	G.C. Timergara Dir
18.	Mohsin Shah	G.C. No.02, Mardan
19.	Muhammad Abid Kamal	GSSC, Peshawar
20.	Muhammad Abdul Latif	G.C. Kulachi
21.	Manzoor Hussain	GPGC, Mandian A/Abad
22.	Abdur Rashid	G.C. KIDA Kohat
23.	Abdul Hamid	G.C. Puran
24.	Rashidullah	GPGC, Abbottabad
25.	Noorul Amin	G.C. Khair Abad
26.	Asad Jan	G.C. No.01 DIKhan
27.	Abdul Qayum	G.C. Lucky Marwat
28.	Muhammad Ayaz	GPGC, Charsadda
29.	Muhammad Younas Khan	G.C. No.02. DIK
30.	Azizullah	GDC, Ahmed Abad (Karak)
31.	Muhammad Shafiq	G.C. Matta
32.	Muhammad Ayaz Khan	GDC Laddah (S.W.A)
33.	Samiullah Khan	GPGC, Nowshera
34.	Bashir Ahmad	GPGC, Mardan
35.	Muhammad Ibrahim	G.C. Gul Abad Dir

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to be true

36.	Shahid Hussain	GDC, Bannu
37.	Sabahat Ali Khan	G.C Badaber Peshawar
38.	Khalid Mehmood	G.C. Haripur
39.	Muhammad Anwar	G.C. Lakki Marwat
40.	Sartaj Khan	G.C. Lund Khawar (Mardan)
41.	Farooq Hussain	G.C. Peshawar
42.	Abdul Nahid Khan	G.C Sarai Naurang
43.	Muhammad Arif	G.C. Mingora (Swat)
44.	Faridur Rehman	G.C. Hayatabad.
45.	Anwar Khan	G.C. Batagram
46.	Musawat Khan	G.C. Toru Mardan
47.	Hayat Shah	GDC. Takht Bhai
48.	Khalid Zaman	GPGC Sawabi
49.	Ghous Muhammad	G.C. Miranshah
50.	Safdar Khan	G.C. Mathra
51.	Akhtar Ali	GJC, Saidu Sharif Swat
52.	Dilabaz Khan	G.C Sikandarkhel Bannu
53.	Bakhtairud Din	G.C. Akora Khattak
54.	Abidullah DPE	G.C. Sabirabad
55.	Muhammad Qasim	G.C. Katlang
56.	Muhammad Hafeez	G.C. KTS, Haripur
57.	Faisal Islam	G.C. Panyala DIKhan
58.	Tariq Iqbal	G.C Darra Adam Khel
59.	Haider Zaman	G.P.G.C. Bannu
60.	Jehanzeb	G.C. Daggar, Buner.
61.	Khalid Rehman	G.C. Banda Daud Shah (Karak).
62.	Arif Ali Shah	G.C. No.1 Abbottabad.
63.	Tajmali Khan	G.C. Mir Ali (Miranshah)
64.	Tahirullah	G.J.C, Saidu Sharif Swat
65.	Yousaf Ali	G.C. Yar Hussain.
66.	Ghulam Mohammad	G.C. Manshra.
67.	Irfanullah	G.C. Latamber.
68.	Ghulam Mohammad	G.C. Parova
69.	Arshad Hussain	G.C. Pabbi
70.	Noor Sher.	G.C.Kohi Sher Haider
71.	Abdul Hadi	G.C. Dargai.
72.	Mohammad Nacem	G.C. Samar Bagh
73.	Abdul Saboor	G.C. Khanpur.
74.	Javed Noor.	G.C. Saam (SWA).
75.	Ishrat Ali	G.C. Bakhshali (Mardan).
76.	Adalat Khan	G.C. Kabal, (Swat).
77.	Attaullah. DPE,	G.C. Babuzai (Mardan)
78.	Hafeezullah	G.C. Jandola.
79.	Bahar Hussain	G.C. Shawa (Swabi)
80.	Shahid Ali	GDC Zarobi, Swabi
81.	Atta-ur-Rehman	GDC Gandaf (Swabi)
82.	Niaz Hussain	GDC Dera Town Ship D.I Khan.
83.	Raja Gul Faraz	GDC Pattan (Kohistan)
84.	Akhtar Nawaz	GDC Ghazi (Haripur)
85.	Muhammad Imran	GDC Nawagai(Bajure Agency)
86.	Hamid Shakeel	GDC Isak Khel
87.	Gohar Ali	GDC Jawar (Buner)
88.	Raham Niaz	GDC Domail (Bannu)
89.	Muhammad Nazir	GDC Balakot
90.	Shakeel, Abdul Jabbar	GDC Ghazni Khel
91.	Muhammad Rahim Khan	GDC Thal (Hangu)

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true

*[Signature]*

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DPE's (Female)		
1.	Raham Bibi	G.F.C. (W) Peshawar
2.	Gulshan Ara	G.G.C, Kohat.
3.	Gulnar Begum	G.G.C Mardan.
4.	Shakila Khanum	G.G.C. Bannu.
5.	Sarwat Jabeen	G.G.C, D.I Khan No. 2.
6.	Farhad Begum	G.G.C, Nowshera.
7.	Andaleeb Firdous,	G.G.C Thana MKD, Agency.
8.	S. Nargis Abbas Bukhari	G.G.C, Lakki.
9.	Sadia Anwar	G.G.C, No.1 A/Abad.
10.	Rubina Khurshid	G.G.C, D.I.Khan No.1.
11.	Shumaila Saecd	G.G.D.C, Tank
12.	Sabrina Kousar	G.G.C, Manki (Swabi).
13.	Samina Khalil	G.G.C, Nawansher, Abbottabad.
14.	Salma Naz	G.G.D.C, Kohat Road Pesh.
15.	Aysha Batool	G.G.C, Haripur.
16.	Hijab Maryam.	G.G.C, Mandan (Bannu)
17.	Naima Gul	G.G.C, Mandian.
18.	Shaista Safdar	G.G.C, Hangu.
19.	Saima Syed	G.G.C, Havelian.
20.	Saima	G.G.C, Timergara.
21.	Noor-ul-Ain Khan	G.G.C, Serai Saleh. Haripur.
22.	Afshan Nisar	G.G.C, Mansehra No. 2.
23.	Attiha Mehmood	G.G.C, Mansehra No. 1.
24.	Najma Naz Qazi	G.F.C. (W) Peshawar.
25.	Unsia Zeb	G.G.C, City Gulbahar Pesh.
26.	Nair Sultana	G.G.C, Surrani (Bannu)
27.	Aliya Khatoon	G.G.C, Ghazi Haripur.
28.	Sadaf Masud	G.G.C, KTS, Haripur.
29.	Shagufta Mehreen	G.G.C, Karak.
30.	Shakeela Jehan	G.G.C, Kohi Sher Khan.
31.	Javairia Gul	G.G.C, Ekka Ghund.
32.	Amina Bibi	G.G.C, Takht Bhai.
33.	Kokab Tabbani	G.G.C, Saidu Sharif (Swat).
34.	Sumera Gul, DPE,	G.G.C, Marguz, Swabi.
35.	Surria Mumtaz	G.G.C, Pabbi.

Librarian (Male)		
1.	Faridullah Khan	GC. No.1, DI Khan
2.	Muhammad Gul	GPGC, Charsadda
3.	Amjad Ali	GC, Thana
4.	Yousaf Shah	GC, Pabbi
5.	Fazal Wahab	GC, Gulabad Dir lower
6.	Muhammad Khalid	GC, Shabqadar
7.	Hidayatullah Khan	AD Libraries, DHE Office Pesh.
8.	Safeer Ullah	GC, Essak Khel
9.	Nihar Muhammad	GC, Takht Bhai
10.	Wajid Shabir	GC, Lahor (Swabi)
11.	Abdul Khaliq	GDC, Wadpagga, Peshawar
12.	Muhammad Hayat	GDC, Pahar Pur
13.	Hidayat-ur-Rehman	GC, Dir
14.	Muhammad Rasool	GC No.2, Mangora
15.	Imtiaz Khan	GC, Badaber (Peshawar)
16.	Ihsan Ullah	GC, Bakhshali
17.	Muhammad Rashid	GC, Kabal (Swat)
18.	Saeed Ullah	GC, Kotha (Swabi)

*Sumera Gul*  
to be true

*to be true*

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19	Muhammad Sharif	GC, Serai Naurang
20	Zia Muhammad Rehman	GC, Sabirabad.
21	Rukhsar Ali	GC, Lund Khwar
22	Ikram Ullah Khan	GC, Bat Khela
23	Abdul-Latif	GC, Mathra
24	Rafiq-ur-Rehman	GC, Tall (Hangu)
25	Zahir Ullah	GC, Khan Kohi (NSR)
26	Iskhar	GC, Khairabad
27	Faiz Muhammad Khan	GC No.2 Mardan
28	Muhammad Tahir Jan	GC, Ekka Gund
29	Haroon Rashid	GC, Matta (Swat)
30	Muhammad Irfan	GPGC, Karak
31	Abdul Ghaffar	GC, Agra (Malakand)
32	Ifkhar Ali	GC, Dargai
→ 33	Asghar Khan	GC, Dara Adam Khel
34	Muhammad Asif	GC, Havelian
35	Hidayat Ullah	GC, Akora Khatak
36	Naseer Razaq	GC, Hayatabad
37	Ahmed Ali	GDC, Katlang
38	Fazal Hussain Bacha	GC, Timergra
39	Abul Kalam Ahmed	GC, Lachi
40	Zulfiqar Ali	GC, Mansehra
41	Muhammad Ali	GC, Bannu
42	Muhammad Shuaib Jan	GC, Tangi
43	Dawood Shah	GC NO-1, Mardan
44	Muhammad Nawaz	GPGC No.1, Abbottabad
45	Muhammad Quraish	GC, Jawar (Buner)
46	Hidayat Ullah	GDC, Tajori
47	Syed Zabiullah Shah	GDC, Zaroobi (Swabi)
48	Rizwan Ullah	GDC, Toru (Mardan)
49	Karim Khan	GDC, Babu Zai, Mardan
50	Shah Khalid	GDC, Yar Hussain Swabi
51	Sher Bahadur	GPGC, Bannu
52	Atta-ur-Rehman	GDC, Ghoriwala
53	Irfan Ullah	GDC, Peshawar.
54	Hamdullah	GSSC, Peshawar.
55	Muhammad Ayaz	GPGC, Swabi
56	Shakir Masood	GPGC No.1, Abbottabad
57	Irfan Ullah Jan	GPGC No.2 Abbottabad(Mandian)
58	Shahid Ali	GDC, Hangu
59	Khan Badshah	GDC, Nawagai (Bajawar)
60	Ziaullah Khan	GDC, Totakan (Malakand)
61	Hafiz Jehanzeb Khan	GDC, Lakki Marwat
62	Ihtishamullah Khan	GDC, Parova (D.I. Khan)
63	Imtiaz Alam	GDC, Chakesser
64	Sajjad Ali	GDC, Lakaro, Mohmand Agency
65	Muhammad Qaisar	GDC, Totalai.
66	Maazullah Khan	GDC, Gandaf
67	Abdul Razaq	GDC, Khanpur

**Librarian (Female)**

1.	Naz Parwar	GGC Mardan
2.	Isirat Jehan	GGC Thana
3.	Rifat Naz	GGC Sheikh Maltoon Mardan
4.	Mah Noor	GGC Pirpai NSR
5.	Shandana Mirza	GFC (W) Pesh.

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be true

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6.	Safina Bibi	GGC Kohat
7.	Shaheen Akhtar	GGC Havelian
8.	Rashida Begum	GGC Takht Bhai
9.	Saima Norcen	GGC, Hangu
10.	Asma Bashir	GGC Charsada
11.	Farhat Jabcen	GGC, Dargai
12.	Zakia Begum	GGC Hayatabad
13.	Kaloom Manan	GGC No.2 DI Khan
14.	Saima Gul	GGC Lund khawar
15.	Nida Aziz	GGC Nowshera
16.	Sadia Miraj Noor	GGC Bannu.
17.	Gul Bibi	GGC Nawan shere
18.	Humera Begum	GGC Jolagram
19.	Naseem Ara	GGC Timergara
20.	Bushra Khatoon	GGC Haripur
21.	Sabrina Nasir	GGC, Kernal Sher Khan (Swabi)
22.	Hafiza Jalwa Bashir	GGC Gulshan Rehman Pesh:
23.	Shela Bashir	GGC Jamrud Khyber Agehcy
24.	Shaista Malik	GGC No.2, Manshra.

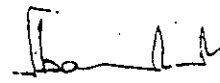
SECRETARY TO GOVT. OF NWFP  
HIGHER EDUCATION, ARCHIVES  
AND LIBRARIES DEPARTMENT

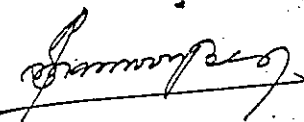
Endst: NO.SO(T)HE/17-1/2007

Dated Pesh: the 01-01-2010

Copy is forwarded for information & necessary action to the:-

1. The Accountant General NWFP.
2. Secretary to Government of NWFP, Finance Department.
3. Secretary to Government of NWFP, Establishment Department.
4. P.S to Chief Minister NWFP, Peshawar.
5. P.S to Chief Secretary NWFP, Peshawar.
6. P.S to Minister Higher Education NWFP, Peshawar.
7. P.S to Secretary Higher Education Arch: & Lib:, Deptt: NWFP.
8. Director Higher Education, NWFP, Peshawar.
9. Director Information, NWFP, Peshawar.
10. Director Education, FATA
11. All District Account Officer in NWFP.
12. All Agencies Account Officer in NWFP.
13. PA to Deputy Secretary(Admin), Higher Education Deptt: NWFP.
14. PA to Deputy Secretary-II, Higher Education Deptt. NWFP.
15. All Principals of College in NWFP.
16. Officers concerned.

  
(SAID BADSHAH)  
SECTION OFFICER (Arch:&Lib:)

  
Requested  
to be  
true

THE NWFP CIVIL SERVANTS ACT, 1973  
(N.W.F.P. Act No. XVIII of 1973)

PP[10-12]

An Act to regulate the appointment of persons to, and the terms and conditions of service of persons in, the service of the North West Frontier Province.

**Preamble- WHEREAS** it is expedient to regulate by law, the appointment of persons to, and the terms and conditions of service of persons in, the service of the North West Frontier Province, and to provide for matters connected therewith or ancillary thereto;

It is hereby enacted as follows:-

**1. Short title, application and commencement:-** (1) This Act may be called the North West Frontier Province Civil Servants Act, 1973.

(2) This section and section 25, shall apply to persons employed on contract, or on work charged basis, or who are paid from contingencies, and the remaining provisions of this Act including this section, shall apply to all civil servants wherever they may be.

(3) It shall come into force at once.

CHAPTER-I

PRELIMINARY

**2. Definitions:-** (1) In this Act, unless the context otherwise requires the following expressions shall have the meanings hereby respectively assigned to them, that is to say-

- (a) "ad hoc appointment" means appointment of a duly qualified person made otherwise than in accordance with the prescribed method of recruitment, pending recruitment in accordance with such method,
- (b) "civil servant" means a person who is a member of a civil service of the Province, or who holds a civil post in connection with the affairs of the Province, but does not include-
  - (i) a person who is on deputation to the Province from the Federation or any other Province or other authority;
  - (ii) a person who is employed on contract, or on work charged basis, or who is paid from contingencies; or
  - (iii) a person who is a "worker" or "workman" as defined in the Factories Act, 1934 (Act XXV of 1934), or the Workman's Compensation Act, 1923 (Act VIII of 1923);
- (c) "Government" means the Government of the North-West Frontier Province.



(11)

- (d) "Initial appointment" means appointment made otherwise than by promotion or transfer;
- (e) "Pay" means the amount drawn monthly by a civil servant as pay, and includes special pay, personal pay and any other emoluments declared by the prescribed authority to be paid ;
- (f) "Permanent post" means a post sanctioned without limit of times;
- (g) "Prescribed" means prescribed by rules;
- (h) "Province "means the North West Frontier Province;
- (i) "rules" means rules made or deemed to have been made under this Act ;
- (j) "Selection authority" means the North-West Frontier Province Public Service Commission, a departmental selection board, departmental selection committee or other authority or body on the recommendations of, or in consultation with which any appointment or promotion, as may be prescribed, is made;
- (k) "temporary post" means a post other than a permanent post.

(2) For the purpose of this Act, an appointment, whether by promotion or otherwise, shall be deemed to have been made on regular basis if it is made in the prescribed manner.

CHAPTER-II

TERMS AND CONDITIONS  
OF SERVICE OF CIVIL SERVANTS

3. **Terms and Conditions:-** The terms and conditions of service of a civil servant shall be as provided in this Act and the rules.

4. **Tenure of office of civil servants:-** Every civil servant shall hold office during the pleasure of the Governor.

5. **Appointment:-** Appointment to a civil service of the Province or to a civil post in connection with the affairs of the Province shall be made in the prescribed manner by the Governor or by a person authorized by the Governor in that behalf.

6. **Probation:-** (1) An initial appointment to a service or post referred to in section 5, not being an ad hoc appointment, shall be on probation as may be prescribed.

(2) Any appointment of a civil servant by promotion or transfer to a service or post may also be made on probation as may be prescribed.

(3) Where, in respect of any service or post, the satisfactory completion of probation includes the passing of a prescribed examination; test or course or successful completion of any training, a person appointed on probation to such service or post who,

allowed, an account of such compassionate allowance, a sum not exceeding two-third of Government contributions in his account.

(4) If the determination of the amount of pension or gratuity admissible to a civil servant is delayed beyond one month of the date of his retirement or death, he or his family, as the case may be, shall be paid provisionally such anticipatory pension or gratuity as may be determined by the prescribed authority, according to the length of service of the civil servant which qualified for pension or gratuity and any over payment on such provisional payment shall be adjusted against the amount of pension or gratuity finally determined as payable to such civil servant or his family.

**20. Provident Fund:-** (1) Before the expiry of the third month of every financial year, the Accounts Officer or other officer required to maintain provident fund accounts shall furnish to every civil servant subscribing to a provident fund the account of which he is required to maintain a statement under his hand showing the subscriptions to including the interest accruing thereon, if any, and withdrawals or advances from his provident fund during the preceding financial year.

(2) Where any subscription made by a civil servant to his provident fund has not been shown or credited in the account by the Accounts Officer or other officer required to maintain such account, such subscription shall be credited to the account of the civil servant on the basis of such evidence as may be prescribed.

**21. Benevolent Fund and Group Insurance:-** All civil servants and their families shall be entitled to the benefits admissible under the West Pakistan Government Employees Welfare Fund Ordinance, 1969 (W.P Ord.I of 1969), or the North-West Frontier Province Government Servants Benevolent Fund Ordinance, 1972 (NWFP Ordinance VII of 1972), and the rules made thereunder.

**22. Right of Appeal or Representation:-** (1) Where a right to prefer an appeal or apply for review in respect of any order relating to the terms and conditions of his service is provided to a civil servant under any rules applicable to him, such appeal or application shall, except as may be otherwise prescribed, be made within thirty days of the date of such order.

(2) Where no provision for appeal or review exists under the rules in respect of any order or class of orders, a civil servant aggrieved by any such order may, within thirty days of the communication to him of such order, make a representation against it to the authority next above the authority which made the order;

Provided that no representation shall lie on matters relating to the determination of fitness of a person to hold a particular post or to be promoted to a higher post or grade.

PP[13-

**NWFP SERVICES TRIBUNAL ACT, 1974.**  
**(NWFP ACT NO. I OF 1974)**

First published after having received the assent of the Governor of the North-West Frontier Province in the Gazette of North-West Frontier Province.

AN

<sup>132</sup>ACT

to provide for the establishment of Service Tribunal to exercise jurisdiction in respect of matters relating to the terms and conditions of service of civil servants.

**Preamble:**-WHEREAS it is expedient to provide for the establishment of Administrative Tribunals, to be called Service Tribunal, to exercise exclusive jurisdiction in respect of matters relating to the terms and conditions of service of civil servants, and for matters connected therewith or ancillary thereto;

It is hereby enacted as follows:-

1. **Short title, commencement and application:**-(1) This Act may be called the North-West Frontier Province Services Tribunal Act, 1974.

(2) It shall come into force at once.

(3) It applies to all civil servants wherever they may be.

2. **Definitions:**-In this Act, unless the context otherwise requires the following expressions shall have the meanings hereby respectively assigned to them, that is to say-

<sup>133</sup>[" (a) "Civil Servant" means a person who is, or has been, a civil servant within the meaning of the North-West Frontier Province Civil Servants Act, 1973 (NWFP Act NO. XVIII of 1973)"];

(b) "Government" means the Government of the North-West Frontier Province

(c) "Province" means the North-West Frontier Province; and

(d) "Tribunal" means a Services Tribunal established under Section 3.

3. **Tribunal:**-(1) The Governor may, by notification in the official gazette, establish one or more Service Tribunals and, where there are established more than one Tribunal, the Governor shall specify in the notification the class or classes of civil servants in respect of whom or the territorial limits within which, each such Tribunal shall exercise jurisdiction under this Act.

<sup>132</sup> Published in the NWFP Government Gazette, Extraordinary, dated 28.3.1974 at Pages 600-606.

(2) A Tribunal shall have exclusive jurisdiction in respect of matters relating to the terms and conditions of service of civil servants, including disciplinary matters.

(3) A Tribunal shall consist of-

(a) a Chairman, being a person who <sup>134</sup>[is], has been, or is qualified to be, Judge of High Court; and

(b) not less than two and not more than four members each of whom is a person who has for a period of not less than fifteen years held a Class-I or an equivalent post under the Federal Government or a Provincial Government.

(4) The Chairman and members of a Tribunal shall be appointed by the Governor on such terms and conditions as he may determine.

(5) The Chairman or a member of a Tribunal may resign his office by writing under his hand addressed to the Governor.

(6) The Chairman or a member of a Tribunal may be appointed by name or by designation.

<sup>135</sup>3.A. **Ad hoc Appointment:-** The Governor, may if necessary or expedient, for a particular case or cases, make an ad hoc appointment on the Tribunal of person qualified to be "Chairman or a member as the case may be".

(4) **Appeal to Tribunal:-** Any civil servant aggrieved by any final order, whether original or appellate, made by a departmental authority in respect of any of the terms and conditions of his service may, within thirty days of the communication of such order to him <sup>136</sup>or within six months of the establishment of the appropriate Tribunal, whichever is later, prefer an appeal to the Tribunal having jurisdiction in the matter:

Provided that

(a) where an appeal, review or a representation to a departmental authority as provided under the North-West Frontier Province Civil Servants Act, 1973, or any rules against any such order, no appeal shall lie to a Tribunal unless the aggrieved civil servant has preferred an appeal or application for review or representation to such departmental authority and a period of ninety days has elapsed from the date on which such appeal, application or representation was preferred;

(b) no appeal shall lie to a Tribunal against an order or decision of a departmental authority determining-

<sup>134</sup> The word inserted by HWFP Ordinance No. XV of 1982 Section 2

<sup>135</sup> Section "3A" inserted by NWFP Act No. XIII of 1976.

<sup>136</sup> The words inserted by NWFP No. IV of 1974.

- (i) the fitness or otherwise of a person to be appointed to or hold a particular post or to be promoted to a higher post or grade; or
- (ii) the quantum of departmental punishment or penalty imposed on a civil servant as a result of a departmental inquiry, except where the penalty imposed is dismissal from service, removal from service or compulsory retirement<sup>137</sup> (and).

<sup>138</sup> (c) no appeal shall lie to a Tribunal against an order or decision of a departmental authority made at any time before the 1st July, 1969.

**Explanation:-** In this section, "departmental authority" means any authority, other than a Tribunal, which is competent to make an order in respect of any of the terms and conditions of service of civil servants.

5. **Constitution of Benches:-**(1) There may be constituted one or more Benches, each consisting of-

- (a) the Chairman alone; or
- (b) the Chairman and one or more members; or
- (c) one or more members,

to be nominated by the Chairman for the purpose of admitting appeals for hearing, or dismissing appeals in limini on grounds to be recorded in writing after having heard the applicant or his counsel;

Provided that, notwithstanding anything to the contrary contained in this Act, the Bench consisting of the Chairman and one or more members<sup>139</sup> (or two or more members), may finally hear and dispose of appeal on merits;

Provided further that no orders shall be made by the Bench under this sub-section before giving the appellant or, as the case may be, the parties and their counsel an opportunity of being heard.

(2) In case a Bench consisting of more than one member is unable to arrive at a unanimous decision, its decision shall be expressed in terms of the view of majority.

Provided that where no majority view can be formed, the appeal shall be referred to other member, to be nominated by the Chairman, and the decision of the Bench shall be expressed in terms of the view of the majority.

(3) The Chairman may, at any stage, transfer cases from one Bench to another Bench or to the Tribunal.

<sup>137</sup> The full stop replaced by semicolon and the word "and" inserted by NWFP Act No IX of 1974

<sup>138</sup> Clause (c) substituted by NWFP Act No. IX of 1974.

<sup>139</sup> The words inserted by act No XII of 1976.

(1) Any decision made by the Bench shall be deemed to be the decision of the Tribunal.

6. **Hearing of Appeals and their disposal:-**(1) Except as otherwise provided, the appeals admitted for hearing shall be heard and decided by the Tribunal, after giving the parties and their counsel an opportunity of being heard.

(2) If any member of the Tribunal is, for any reason, unable to take part in the proceedings of the Tribunal, the Chairman and the other member or members <sup>140</sup>(or, as the case may be two or more members) may hear or continue to hear and finally dispose of the appeal.

(3) If a Tribunal is unable to arrive at a unanimous decision, its decision shall be expressed in terms of the view of the majority.

(4) In case of difference of opinion between the Chairman and member <sup>141</sup>(,) or members, when the appeal is heard under sub-section(2) and no majority view can be formed, the appeal shall be referred to other member, and the decision of the Tribunal shall be expressed in terms of the view of the majority.

7. **Power of Tribunals:-**(1) A Tribunal may, on appeal, confirm, set aside, vary or modify the order appealed against.

(2) A Tribunal or a Bench constituted under Section 5 shall, for the purpose of deciding any appeal, be deemed to be a civil court and shall have the same powers as are vested in such court under the Code of Civil Procedure 1908(Act V of 1908), including the powers of-

- (a) enforcing the attendance of any person and examining him on oath;
- (b) compelling the production of documents;
- (c) issuing commission for the examination of witnesses and documents.
- <sup>142</sup>(d) execution of its decisions.

(3) No court-fee shall be payable for preferring an appeal to, or filing, exhibiting or recording any document in, or obtaining any document from, a Tribunal.

8. **Abatement of suits and other proceedings:-**(1) Save as otherwise provided in section 10, all suits, appeals, or applications regarding any matter within the jurisdiction of a Tribunal pending in any court immediately before the commencement of this Act shall abate forthwith;

<sup>140</sup>The words inserted by Act No.XIII of 1974 Section.4(a).

<sup>141</sup>Comma inserted by NWFP Act No.XIII of 1976 Section 3(b)

<sup>142</sup>Clause (d) added by NWFP Service Tribunal (Amendment Act, 2010) NWFP Act No.IV of 2010, Notification No.PA/NWFP BILL/7787, dated 26.2.2010

Provided that any party to such a suit, appeal or application may, within ninety days of the commencement of this Act, prefer an appeal to the appropriate Tribunal in respect of any such matter which is in issue in such suit, appeal or application.

(2) Where any suit, appeal or application regarding any matter within the jurisdiction of a Tribunal has been disposed of by any court other than the Supreme Court before the commencement of the North-West Frontier Province Service Tribunal Ordinance, 1973 (N.W.F.P Ordinance No.1 of 1974), any party feeling aggrieved by the decision of such suit, appeal or application may, if such decision has not become final, within ninety days of the commencement of this Act prefer an appeal to the appropriate Tribunal in respect of any such matter which was in issue in such suit, application.

9. **Limitation:**-The provisions of section 5 and 12 of the Limitation Act, 1908 (Act IX of 1908), shall apply for the purpose of appeals under this Act.

10. **Repeal and transfer of cases:**-(1)The North-West Frontier Province Civil Servants(Appellate Tribunals) Ordinance, 1971(N.W.F.P Ordinance II of 1971), is hereby repealed.

(2) All appeals pending before the Tribunal constituted under the North-West Frontier Province Civil Services (Appellate Tribunals), Ordinance, 1971 (N.W.F.P Ordinance II of 1971), shall, with effect from the date of the commencement of this Act, stand transferred to the appropriate Services Tribunal established under this Act and be deemed as instituted under this Act.

11. **Power to make Rules:**-Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

12. **Repeal:**-The North-West Frontier Province Services Tribunal Ordinance, 1973 (N.W.F.P Ordinance No.1 of 1974), is hereby repealed.

GOVERNMENT OF N.W.F.P.  
HIGHER EDUCATION ARCHIVES &  
LIBRARIES DEPARTMENT

Dated, Peshawar the 21 /01/2008.

**NOTIFICATION.**

**No. SO(T)/HE/17-1/2003:** Sanction of the competent authority is hereby accorded to the upgradation of the posts of Librarians and Directors Physical Education (D.P.Es) from BS-16 to BS-17 (Regular) for the existing incumbents who hold Master Degree in the relevant subject in the Higher Education, Archives & Libraries Department NWFP with effect from 09-10-2007 as per following details:-

- 1) Promotion against the upgraded posts (from BS-16 to BS-17) shall be made in the prescribed manner, and in accordance with the service rules to be framed as per relevant provisions of the NWFP Civil Servants (Appointment, Promotion and Transfer) Rules 1989 read with the NWFP Civil Servants Act, 1973.
- 2) The Librarians and D.P.Es who hold the diploma in the relevant subject will stay in BS-16 till such time, they acquire Master degree in the respective subject. On acquiring Master Degree in the relevant subject, their posts will be upgraded on case to case basis from BS-16 to BS-17 (Regular) and promotion (from BS-16 to BS-17) would be given as per laid down procedure and in accordance with the service rules to be framed. However their existing seniority will remain intact.
- 3) All the vacant posts of Librarians and D.P.Es in Higher Education, Archives & Libraries department in BS-16 are hereby upgraded to BS-17, appointments against which would be made from amongst the persons who hold Master degree in the relevant subject, in the prescribed manner.
- 4) In future Librarians and D.P.Es will initially be recruited on the basis of Master degree in the relevant subject in BS-17 (Regular).
- 5) Henceforth no appointment of Librarians and D.P.Es in BS-16 shall be made on the basis of diploma, being declared as "Dying Cadre".

SECRETARY TO GOVERNMENT OF NWFP  
HIGHER EDUCATION ARCHIVES &  
LIBRARIES DEPARTMENT.

**Endst:No. FD (SOSR-II) 10-7 / 2007 Dated, Peshawar the. 21 /01/2008**

Copy is forwarded for information and necessary action to :-

- 1) The Accountant General, NWFP, Peshawar.
- 2) All District Accounts Officers in NWFP.
- 3) All Agency Accounts Officers in NWFP.

(MUNAWAR KHAN)  
SECTION OFFICER (SR-11)  
FINANCE DEPARTMENT  
GOVERNMENT OF NWFP.



Encl:No. & Date Even.

Copy is forwarded to:-

- 1) Secretary to Government of NWFP, Establishment Department.
- 2) Secretary to Government of NWFP, Finance Department.
- 3) P.S to Chief Minister NWFP, Peshawar.
- 4) P.S to Chief Secretary NWFP, Peshawar.
- 5) Director Higher Education, NWFP, Peshawar.
- 6) Director, Archives & Libraries NWFP, Peshawar.
- 7) P.S to Minister of Education, NWFP, Peshawar.
- 8) P.S to Secretary Higher Education Archives & Libraries NWFP Peshawar.
- 9) P.A to Deputy Secretary Higher Education Archives & Libraries Department
- 10) Office File of the officers concerned.



(SAID BAD SHAH)  
SECTION OFFICER (TRG)  
HIGHER EDUCATION DEPARTMENT

PP [19-22]

GOVERNMENT OF THE NORTH-WEST FRONTIER PROVINCE,  
 PUBLIC INSTRUCTION SPORTS ARCHIVES  
 GENERAL SERVICE DEPARTMENT

30,17

REVISION.  
 (SCHEDULES) XI-11/2000. In exercise of the powers conferred by sub rule (2) of rule-3 of the North-West Frontier Province Civil Servants (Appointment, Promotion and Transfer) Rules, 1939, and in supersession of this Department notification No. SO(C)5-270(E), dated 09-5-1973, the Secretary, Higher Education, Sports, Archives and Libraries Department consultation with the Establishment and Administration Department and the Finance Department hereby lays down the methods of appointment, qualifications and other conditions specified in columns 3 to 5 of the Appendix to this notification, which shall be applicable to posts in the Men/Women Sections of the Collegiate Branch of the Department specified in column 2 of the appendix.

APPENDIX.

No. Nomenclature of the posts.	Minimum qualification for appointment by initial recruitment or by transfer.	Minimum qualification for appointment by promotion	Age limit	Method of recruitment
2. Director Higher Education.	3.	4.	5.	6. By transfer, from amongst the persons holding the posts of Professors and Principals in the Postgraduate Degree Colleges.
2. Principal Postgraduate Degree College.				By transfer, from amongst the persons holding the post of Professors in the Collegiate Branch.

(Continued on Page-2-)

2002

~~10~~

Amex-E

By promotion, on the basis of selection of merit, from amongst the persons holding the post in (SPS-19) in the College, at least 17 years service in (SPS-17) and above; provided that in case persons initially appointed in SPS-19 or SPS-19, their length of service for promotion in their cases shall at least be 12 years in SPS-19 and above or 5 years in SPS-19, as the case may be.

(i) 20% by initial recruitment; and  
 (ii) 80% by promotion, on seniority-cum-fitness basis, from amongst the persons holding the post of Assistant Professors with at least 12 years service in SPS-17 and above; provide that in case of persons initially appointed in SPS-19, the minimum length of service for promotion in their cases shall be 7 years.

(i) Ph.D. or equivalent qualification in the relevant subject with nine years teaching/research experience in a recognized College/University or Professional experience in the relevant field in a national or international organization and distinguished research publication as a principal author in a standard journal recognized by the University/University Grants Commission; or  
 (ii) M.Phil in the relevant subject with eleven years teaching/research experience in a recognized College/University or Professional experience in the relevant field in a national or international organization and distinguished research work with at least 4 research publications as a principal author in a standard journal recognized by the University/University Grants Commission.

4. Associate Professor

30-45

Continued on Page-3-

Assistant Professors	<ul style="list-style-type: none"> <li>(i) Sh.D. in the relevant subject from a recognized University with two years teaching/research experience in a recognized College/University or</li> <li>(ii) M.Phil in the relevant subject from a recognized University with five years teaching/research experience in a College/University or</li> <li>(iii) Second Class Master Degree in the relevant subject from a recognized University with seven years teaching experience in a College/University or in Education Administration Management.</li> </ul>	25-40 Years	<ul style="list-style-type: none"> <li>(i) 20% by initial recruitment; and</li> <li>(ii) 80% by promotion, on seniority-cum-fitness basis, from amongst the persons holding the post of lecturers having at least five years service in Basic Pay Scale 17 as such.</li> </ul>
Lecturer	<ul style="list-style-type: none"> <li>(a) Second Class Master's Degree in the relevant subject or equivalent qualification from a recognized University, or</li> <li>(b) Third Class Master's Degree in English from a recognized University for teaching English subject with Postgraduate Diploma in English Language from All India Open University; or</li> <li>(c) Second Class L.L.B. Degree from a recognized University for Lecturer in Law.</li> </ul>	21-30 Years	By initial recruitment.

Continued on Page-4-

7	Librarian (Junior Scale)	Diploma in Library Science from a recognized University.	21-30 years.	By initial recruitment.
8	Director of Physical Education (Senior Scale)	Master's Degree in Physical Education from a recognized University.	21-30 years.	By initial recruitment.
9	Director of Physical Education (Junior Scale)	Senior Diploma in Physical Education from a recognized University.	21-30 years.	By initial recruitment.
10	Demonstrator	Second Class Bachelor Degree from a recognized University, with one of the subjects in the relevant field.	21-30 years.	By initial recruitment.
11	Hostel Superintendent (Female for Girls College)	Bachelor Degree from a recognized University.	21-30 years.	By initial recruitment.

SECRETARY TO GOVERNMENT OF THE NORTH-WEST FRONTIER PROVINCE  
HIGHER, EDUCATION, SECTS, ARCHIVIS AND LIBRARIES DEPARTMENT

(Continued on Page-5-)

B.

Annex - F  
PPE-03

**GOVERNMENT OF NORTH-WEST FRONTIER PROVINCE  
HIGHER EDUCATION, ARCHIVES & LIBRARIES DEPARTMENT**

**NOTIFICATION**

Dated Peshawar, the 01-08-2009

**No:SO(ARCH:&LIB)HE/17-1/2008/VOL:II.** In exercise of the Powers conferred by Sub Rule (2) of Rule-3 of the North-West Frontier Province Civil Servants (Appointment, Promotion and Transfer) Rules 1989, the Higher Education, Archives & Libraries Department in consultation with the Establishment Department and the Finance Department hereby directs that in this department Notification No:SO(COLLEGES)/HE/XI-II/2000 dated 30.1.2002, the following amendments shall be made namely:

**AMMENDMENTS**

In the Appendix:-

(i) for the existing entries, against serial No.8, the following shall be substituted, namely:

1.	2.	3.	4.	5.	6.
"8.	Librarian (Senior Scale).				By promotion, on the basis of seniority-cum-fitness, from amongst Librarians (Junior Scale) with at least five years service as such."

(ii) for the existing entries in column 3, 5 and 6 against Serial No.9, the following shall be substituted, namely:

3.	5.	6.
"At least Second Class Master Degree in relevant subject from a recognized university	21 to 35 years	By initial recruitment."

24  
(iii) for the existing entries, against Serial No.10, the following shall be substituted, namely:

1.	2.	3.	4.	5.	6.
"10.	Director Physical Education (Senior Scale)		-	-	By promotion on the basis of seniority cum fitness from amongst the Director Physical Education (Junior Scale) with at least five years service as such and

(iv) for the existing entries, against Serial No.11, the following shall be substituted, namely:

1.	2.	3.	4.	5.	6.
"11.	Director Physical Education (Junior Scale)	At least Second Class Master Degree in relevant subject from a recognized university.	-	21 to 35 years	By initial recruitment.

SECRETARY TO GOVERNMENT OF NORTH-WEST FRONTIER PROVINCE  
HIGHER EDUCATION, ARCHIVES & LIBRARIES DEPARTMENT  
Dated Peshawar the 01-08-2009

Endst.No.SO(T)HE/17-1/2008/Vol:III

Copy forwarded for information and necessary action to:-

1. All Administrative Secretaries to Govt; of NWFP.
2. Accountant General, NWFP.
3. All Head of Attached Departments in NWFP.
4. Director Higher Education NWFP, Peshawar.
5. Registrar Peshawar High Court Peshawar.
6. Secretary Public Service Commission NWFP, Peshawar.
7. All District Accounts Officers in NWFP.
8. PS to Chief Minister NWFP.
9. PS to Chief Secretary NWFP.
10. PS to Minister for Higher Education, NWFP.
11. PS to Secretary Higher Education Department, NWFP, Peshawar.
12. PA to Deputy Secretary (Admn), Higher Education Department, NWFP, Peshawar.
13. PA to Deputy Secretary-II, Higher Education Department, NWFP, Peshawar.
14. Librarian Establishment & Admn: Department, NWFP, Peshawar.
15. Manager Govt; Printing Press Peshawar for publication in the next Govt; gazette. He is requested to please provide 12 printed copies of the notification to this department.

  
(SAID BADSHAH)  
SECTION OFFICER (Arch. & Lib.)



Annex-G  
PP 25-

## Promotion Policy

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

### I. Length of service.

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

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

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

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

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

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

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

### II. Linking of promotion with training:

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

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

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

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

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

MCMC	60
SMC	70
NMC	75

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

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

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

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

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

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

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

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

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

(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 PERs 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:

		Upto 11 <sup>th</sup> June, 2008	From 12 <sup>th</sup> June, 2008
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 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 scores 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) <sup>78</sup>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. The officers on deputation to projects shall be considered for promotion. However, after promotion they will have to actualize their promotion within their cadre.
- d) The civil servants on deputation to Federal Government, Provincial Government, autonomous/semi-autonomous organization shall be considered for promotion and informed to actualize their promotion within their cadres. They shall have to stay and not be allowed to go back immediately after promotion. Such stay shall be not less than a minimum of two years. If he/she declines his/her actual promotion will take place only when he/she returns to his/her parent cadre. His/her seniority in the higher post shall, however, stand protected.
- e) The cases of promotion of civil servants who have not successfully completed the prescribed mandatory training (MCMC, SMC & NMC) or have not passed the departmental examination for reasons beyond control, shall be deferred.
- f) Promotion of officers still on probation after their promotion in their existing Basic Scales shall not be considered.
- g) A civil servant initially appointed to a post in a Government Department but retaining lien in a department shall not be considered for promotion in his parent department.

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

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 forum 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.

ANNEX: I**First Step**

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

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

**Where**

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

$N_y$  = Number of CRs recorded in year 'y', and  $\sum$  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 ACRs; and

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

**Third Step**

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

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

**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.

## 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
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## B. Deductions:

(i)	for each major penalty imposed under the Government Servants (Efficiency and Discipline) Rules, 1973	5 marks
(ii)	for each minor penalty imposed under the Government Servants (Efficiency and Discipline) Rules, 1973	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 CR containing adverse remarks



ANNEX: II

**Example:** Suppose an officer is being considered for promotion to BS-20. He has served for seven years in BS-17, six years in BS-18 and five years in BS-19. His score of PER is as under:

Overall Assessment

BS-17.	1 Very Good, 5 Good, 3 Average of which 2 Good and 1 Average grading are earned in one calendar year. The other gradings cover full calendar year.	
BS-17:	Mean for 2 Good and one Average grading earned in one calendar year.	$\frac{(2 \times 7) + (1 \times 5)}{3} = 6.33$
	Average marks	$\frac{(1 \times 10) + (3 \times 7) + (2 \times 5) + 6.33}{7} = 6.76$
BS-18.	5 Good, 2 Average of which 1 Good and 1 Average gradings are earned in one calendar year.	
BS-18	Mean for 1 Good And 1 Average gradings earned in one calendar year.	$\frac{(1 \times 7) + (1 \times 5)}{2} = 6$
	Average marks	$\frac{(4 \times 7) + (1 \times 5) + 6}{6} = 6.50$
BS-19.	1 Very Good, 4 Good and 1 Average of which 1 Very Good and 1 Average are earned in one calendar year.	
BS-19:	Mean for 1 Very Good and 1 Average earned in a calendar year	$\frac{(1 \times 10) + (1 \times 5)}{2} = 7.50$
	Average marks	$\frac{(4 \times 7) + 7.5}{5} = 7.10$

Quality and Output of Work

BS-17:	2 Very Good, 6 Good and 1 Average grading of which 2 Good and 1 Average gradings are earned in one calendar year.
--------	---

$$\text{Mean for 2 Good and 1 Average grading} = \frac{(2 \times 7) + (1 \times 5)}{3} = 6.3$$

$$\text{Average Marks} = \frac{(2 \times 10) + (4 \times 7) + 6.3}{7} = 7.76$$

BS-18:	1 Very Good, 5 Good and 1 Average grading of which 1 Good and 1 Average grading are earned in one calendar year.
--------	--

$$\text{Mean for 1 Good and 1 Average grading} = \frac{(1 \times 7) + (1 \times 5)}{2} = 6$$

$$\text{Average Marks} = \frac{(1 \times 10) + (4 \times 7) + 6}{6} = 7.11$$

BS-19:	5 Very Good and 1 Average grading of which 1 Good and 1 Average grading are earned in one calendar year.
--------	--

$$\text{Mean for 1 Good and 1 Average grading} = \frac{(1 \times 7) + (1 \times 5)}{2} = 6$$

$$\text{Average Marks} = \frac{(4 \times 7) + 6}{5} = 6.8$$

**Moral Integrity**

BS-17:	2 Very Good, 5 Good and 1 Average grading of which 1 Good and 1 Average grading are earned in one calendar year.
--------	--

$$\text{Mean for 1 Good and 1 Average grading} = \frac{(1 \times 7) + (1 \times 5)}{2} = 6$$

$$\text{Average Marks} = \frac{(2 \times 10) + (4 \times 7) + 6}{7} = 7.71$$

BS-18:	1 Very Good, 5 Good and 1 Average grading of which 2 Good grading are earned in one calendar year.
--------	--

$$\text{Mean for 2 Good grading} = \frac{(1 \times 7) + (1 \times 7)}{2} = 7$$

$$\text{Average Marks} = \frac{(1 \times 10) + (3 \times 7) + (1 \times 5) + 7}{6} = 7.16$$

BS-19:	1 Very Good, 5 Good of which 2 Good grading are earned in one calendar year.
--------	--

$$\text{Mean for 2 Good grading} = \frac{(1 \times 7) + (1 \times 7)}{2} = 7$$

$$\text{Average Marks} = \frac{(1 \times 10) + (3 \times 7) + 7}{5} = 7.6$$

**Intellectual Integrity**

BS-17:	1 Very Good, 4 Good and 4 Average grading of which 1 Good and 2 Average gradings are earned in one calendar year.
--------	---

$$\text{Mean for 1 Good and 2 Average grading} = \frac{(1 \times 7) + (2 \times 5)}{3} = 5.67$$

$$\text{Average Marks} = \frac{(1 \times 10) + (3 \times 7) + (2 \times 5) + 5.67}{6} = 6.67$$

BS-18:	5 Good and 2 Average grading of which 2 Good grading are earned in one calendar year.
--------	---

$$\text{Mean for 2 Good grading} = \frac{(2 \times 7)}{2} = 7$$

$$\text{Average Marks} = \frac{(3 \times 7) + (2 \times 5) + 7}{6} = 6.33$$

**BS-19:** 2 Very Good, 3 Good and 1 Average grading of which 1 Very Good and 1 Good grading are earned in one calendar year.

$$\text{Mean for 1 Very Good and 1 Good grading} = \frac{(1 \times 10) + (1 \times 17)}{2} = 8.5$$

$$\text{Average Marks} = \frac{(1 \times 10) + (2 \times 7) + (1 \times 5) + 8.5}{5} = 7.5$$

#### Quantified Score

$$\text{BS-17: } \frac{6.76 + 6.76 + 7.71 + 7.76}{4} = 7.22$$

$$\text{BS-18: } \frac{6.50 + 6.33 + 7.16 + 7.33}{4} = 6.83$$

$$\text{BS-19: } \frac{7.50 + 7.50 + 7.60 + 6.80}{4} = 7.35$$

#### Quantification

$$\begin{aligned} &= (5 \times 7.35) + (3 \times 6.83) + (2 \times 7.22) \\ &= 36.75 + 20.49 + 14.44 \\ &= 71.68 \end{aligned}$$

#### Deduction

$$\text{On account of adverse entry in BS-18} = 1$$

$$\text{Net quantified score} = 71.68 - 1 = 70.68$$

**Note:** For purpose of efficiency Index, the negative marks shall be deducted from the quantified score of the relevant grade (in the instant case from BS-18 i.e.  $20.49 - 1 = 19.49$ ).

**QUANTIFICATION FORM**

SENIORITY NO. \_\_\_\_\_

NAME \_\_\_\_\_

NPS No	YEAR	O.A	Q&OW	INTEGRITY		NPS NO	YEAR	O.A	Q&OW	INTEGRITY	
				MORAL	INTEL					MORAL	INTEL
	1965										
	1966						1978				
	1967						1979				
	1968						1980				
	1969						1981				
	1970						1982				
	1971						1983				
	1972						1984				
	1973						1985				
	1974						1986				
	1975						1987				
	1976						1988				
	1977						1989				
							1990				

**QUANTIFICATION**

**OVER ALL ASSESSMENT**

**QUALITY & OUTPUT OF WORK**

NPS NO.	No. of Gradings				Mean Score of broken periods	No. of Gradings				Mean Score of broken periods
	VG	G	A	BA		VG	G	A	BA	
17										
18										
19										
20										
Average Marks:					Score					
B - 17					INTEGRITY (GENERAL/MORAL)					
B - 18					No. of Gradings				Mean Score of broken periods	
B - 19					VG	G	A	BA		
B - 20										
Score					Score					
Marks for ACRS:					INTEGRITY (INTELLECTUAL)					
Addition for					No. of Gradings				Mean Score of broken periods	
Serving in a					VG	G	A	BA		
Training institution										
From to					Score					
Deduction for					No. of Gradings				Mean Score of broken periods	
Penalty/adverse					VG	G	A	BA		
Remarks										
Final Score					Score					

To be signed by the competent authority

ANNEX: IV

Efficiency Index in case of the given example will be as under:-

Marks for quantification of PERs			
42 @ 60% for present grade		70%	
28 @ 40% for preceding grades			
Quantified score for BS-17 and BS-18 =	14.44+19.49 = 33.93		
Score out of 28 @ 40%	= $\frac{33.93 \times 28}{50}$	= 19.00	
Quantified score for BS-19	= 36.75		
Score out of 42 @ 60%	= $\frac{33.75 \times 42}{50}$	= 30.87	
Marks for quantification of PERs =	19.00+30.87 = 49.87		
<u>Total Marks for quantification of PERs</u>	=	<u>49.87</u>	

<u>Marks for Training Evaluation Reports</u>		
(9 @ 60% for training in the present grade		15%
and 6 @ 40% for trainings in the preceding grades)		

If an officer has earned good reports for SMC, MCMC and pre-service training his marks for training evaluation will be:

Marks for training in BS-19 @ 60%	=	6.53	(As per Table-A of Instructions)
Marks for trainings in BS-18 & BS-17 @ 40%	=	4.35	(As per Table-A of Instructions)
<u>Total score for training evaluation</u>	=	6.53+4.35 = 10.88	
<u>Evaluation by PSB</u>		15%	

If an officer is awarded 10 marks by the PSB, his efficiency Index shall be as under:-

$$49.87+10.88+10 = 70.75$$

The minimum required threshold of marks for promotion to BS-20 is 70.

(Authority: letter No. SOE-III (E&AD)I-3/2008 dated 28<sup>th</sup> January, 2009)

### INSTRUCTIONS FOR GUIDANCE

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

- (i) The annual confidential reports carry marks as under:-

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

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