

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

EP No.811 /2023 in Service Appeal No. 1021/2019

Munir Akhtar Naib Tehsildar (ACB).....Appellant

V E R S U S

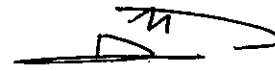
Senior Member Board of Revenue & others.....Respondent

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Dated /12/2023

RESPONDENT



**Senior Member Board of Revenue
Khyber Pakhtunkhwa Peshawar
Respondent No. 01.**

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

EP No.811 /2023 in Service Appeal No. 1021/2019

Munir Akhtar Naib Tehsildar (ACB)..... **Appellant**

VERSUS

Senior Member Board of Revenue & others..... **Respondent**

AFFIDAVIT

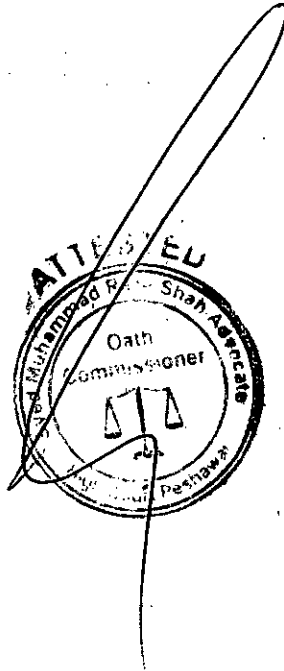
I, Senior Member Board of Revenue, do hereby solemnly affirm and declare on oath that the contents of the accompanying implementation report in the subject Execution Petition noted above are true and found correct and noting has been concealed from the Honorable Service Tribunal. Hence, it is further stated that in the Execution Petition, the answering respondents have neither been placed ex-parte nor their defense have been struck off cost.

DEPONENT



**Senior Member Board of Revenue
Respondent No. 01.**


Haramullah



Implementation Report in Execution Petition No. 811/2023.Munir Akhtar Naib Tehsildar (ACB)..... **Khyber Pakhtunkhwa Service Tribunal** Appellant.**VERSUS**Senior Member Board of Revenue and other..... **Diary No. 9829** Respondents.**Dated 12-12-23**

Fact of the case are that the appellant namely Munir Akhtar initially joined the Revenue Department as Junior Clerk on 13.01.1992 and subsequently was promoted to the post of Senior Clerk on 29.6.2010. As per service rules, notified on 23.01.2015, (Annex-A) 15% quota was reserved for promotion, to the post of Naib Tehsildar on the basis of joint seniority cum fitness from amongst the Senior Clerks of the office of Board of Revenue, Commissioners and Deputy Commissioners of the Province. Rules were again amended in the year 2016 and 12% quota was reserved for Senior Clerks and Stenographer offices of Commissioners and Deputy Commissioners of the Province and 03% quota was reserved for Senior Clerks and Stenographers of Board of Revenue. On 13.05.2019 rules were amended and quota for promotion of Senior Clerk / JSS to the post of Naib Tehsildar was omitted/deleted. Feeling aggrieved, the appellant filed departmental appeal, which was rejected on 11.07.2019. Aggrieved by the same, the appellant filed appeal before Service Tribunal which was accepted on the following terms: **“ In view of the forgoing discussion, the instant appellants are accepted. The appellants are held entitled for promotion to the post of Naib Tehsildar from the dates, when they became eligible for promotion”.** (Annexure-B). The appellant has also filed execution petition. This office filed comments in light of execution petition . In the order sheet dated 30.11.2022 the honorable court held that :- **“Learned counsel for the petitioner present. Mr. Muhammad Adeel Butt, Addl: AG alongwith Mr. Syed Masood Shah, Addl: Secretary, Board of Revenue and Mr. Ihasanullah, Member Board of Revenue for respondents present and sought some time to come up with proper implementation report 15.12.2022 before S.B at Camp Court Abbottabad (Annex-C).** The Departmental Promotion Committee meeting held on 09.12.2022 promoted Mr. Munir Akhtar Senior Clerk office of the Commissioner Hazara Division to the post of Naib Tehsildar (BS-14) on provisional/conditional basis with immediately effect till the outcome of pending CPLA before the Supreme Court of Pakistan minutes of the DPC meeting and promotion order are at (Annex--D&E). The stance taken by the appellant is against Section-VI of the Promotion Policy as the said section revealed that :- **“Promotion will always be notified with immediate effect”.** (Annexure-F).

In view of the above, the execution petition filed by the appellant may be dismissed please.


 8/12/2023
 Senior Member
 Board of Revenue

3

GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE /REVENUE AND ESTATE DEPARTMENT.

NOTIFICATION
Peshawar, dated 23-01-2015

No. 1942/Estt:V/135/SSRC. In pursuance of the provisions contained in sub-rule (2) of rule 3 of the North West Frontier Province Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 read with the Cabinet Division Notification No. SRO. 457(1)/2001 dated 28th June, 2001 and in supersession of all previous rules issued in this behalf, the Revenue and Estate Department, in consultation with the Establishment and the Finance Department, hereby lays down the method of recruitment, qualification and other conditions specified in column 3 to 7 of the Appendix to this Notification and applicable to posts born on the cadre strength of Revenue and Estate Department specified in column 2 of the said appendix:-

APPENDIX

1	2	3	4	5	6	7
S.No	Nomenclature of the post	Appointing Authority	Minimum Qualification for appointment by initial recruitment or by transfer	Minimum Qualification for appointment by promotion	Age limit	Method of recruitment
1.	Tehsildar (BPS 16)	Administrative Secretary (SMBR)	Second class Graduation from any University recognized by the Higher Education Commission	Deleted	21 - 30 years For initial recruitment	(a) Twenty percent by initial recruitment; and (b) Sixty percent by promotion, on the basis of joint seniority-cum-fitness from amongst Naib Tehsildars, District Revenue Accountants, District Kanungos and Sub-Registrar with at least five years service. (c) Twenty percent by promotion on the basis of joint seniority-cum-fitness from amongst Assistants of the office of Board of Revenue, offices of Commissioners, Deputy Commissioners and Political Agents having five years service as such.

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	2	3	4	5	6	7
	Member to Senior Member / Members Board of Revenue	Administrative Secretary (SMBR)				By transfer from amongst the Tehsildars
"1-B	Inspector of Stamps	Administrative Secretary (SMBR)				By transfer from amongst the Tehsildars
2.	Naib Tehsildar (BPS 14)	Administrative Secretary (SMBR)	Second class Graduation from any University recognized by the Higher Education Commission	Deleted	21 - 30 years For initial recruitment	(a) Fifty percent by initial recruitment, through NWFP Public Service Commission based on the result of a Competitive Examination conducted by it in accordance with syllabus, and (b) twenty five percent by promotion on the basis of Seniority - cum - fitness from amongst Kanungos with at least Five Years Service as such, who have passed the Departmental Examination of Naib Tehsildar. (c) fifteen percent by promotion, on the basis of joint Seniority - cum - fitness from amongst Senior Clerks of the office of Board of Revenue, Commissioners and Deputy Commissioners Offices in the Division concerned; and (d) Ten percent by promotion on the basis of seniority cum fitness from amongst Junior Clerks as Political Muharrirs of the offices of Political Agents with atleast ten years service.”;
3:	District Kanungo (Saddar Kanungo) (BPS 14)	Administrative Secretary (SMBR)				By promotion on the basis of seniority-cum-fitness, from amongst the Kanungo of the concerned District with at-least three years service as such
4.	Head Clerk Revenue (BPS - 14)					By transfer from amongst Naib Tehsildar (Deleted) (Post has been abolished)

Attushe

Abdul Qadir

2	3	4	5	6	7
District Revenue Accountant (BPS 14)	Administrative Secretary (SMBR)	-	-	-	By promotion, on the basis of seniority-cum-fitness, from amongst the Tehsil Accountant of the district with at least three years service as such.
6. Kanungo (BPS - 11)	District Collector	-	-	-	By promotion, on the basis of seniority-cum-fitness, from amongst the Patwaris and Naib Office Kanungos of the district concerned with three years service as such and who have passed the Departmental examination of Kanungo.
7. Tehsil Accountant	District Collector	-	-	-	By promotion on the basis seniority-cum-fitness from amongst the Naib Tehsil Accountants having three (03) years service as such.
8. Patwari (BPS - 09)	District Collector	Intermediate or equivalent qualification, who have passed the Patwar Examination.	-	18 to 35	"By initial appointment from amongst the Patwar passed candidate entered in the Tehsil patwar candidate register maintained by District Collector of the district concerned.
9. Naib Tehsil Accountant / Naib Tehsil Office Kanungo	District Collector	-	-	-	By transfer from amongst the Patwaris.

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Sd/-
 SECRETARY TO GOVERNMENT
 REVENUE AND ESTATE DEPARTMENT

Copy forwarded for information and necessary action to the:-

1. Secretary to Government of Khyber Pakhtunkhwa Establishment Department.
2. Secretary to Government of Khyber Pakhtunkhwa Finance Department.
3. Secretary to Government of Khyber Pakhtunkhwa Law Department.
4. Secretary Khyber Pakhtunkhwa Public-Service Commission.
5. Registrar Peshawar High Court.
6. Accountant General Khyber Pakhtunkhwa.
7. All Commissioners / Political Agents in Khyber Pakhtunkhwa.
8. All Deputy Commissioners, Khyber Pakhtunkhwa.
9. Private Secretary to Minister for Revenue Khyber Pakhtunkhwa.
10. Controller, Government Printing Press Peshawar with the request to publish the above notification in the official Gazette and supply 50 printed copies thereof to the undersigned for record.


DEPUTY SECRETARY TO GOVERNMENT OF KHYBER PAKHTUNKHWA
REVENUE & ESTATE DEPARTMENT

Attended

Abdul Qasim

Annex-B⁷

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR
AT CAMP COURT ABBOTTABAD.**

Service Appeal No. 1021/2019

Date of Institution ... 05.08.2019

Date of Decision ... 22.09.2021



Abdul Qayyum Tahir S/O Qari Aziz-ur-Rehman, Senior Clerk,
Office of the Commissioner Hazara Division, Abbottabad.

... (Appellant).

VERSUS

Government of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat,
Peshawar and two others.

... (Respondents)

MR. MOHAMMAD ASLAM TANOLI,
Advocate

... For Appellant

MR. RIAZ AHMED PAINDAKHEL
Assistant Advocate General

... For Respondents

SALAH-UD-DIN
ATIQU-UR-REHMAN WAZIR

MEMBER (JUDICIAL)
MEMBER (EXECUTIVE)

JUDGMENT

ATIQU-UR-REHMAN WAZIR MEMBER (E):- This single judgment shall dispose of the instant service appeal as well as the connected Service Appeal No 1022/2019 titled "Munir Akhtar Versus Government of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat, Peshawar and two others", as common question of law and facts are involved therein.

2. Brief facts of the case are that the appellants namely Abdul Qayyum Tahir and Munir Akhtar initially joined the Revenue Department as Junior Clerks and subsequently were elevated to the post of Senior Clerk on 02-02-1983 and


ATTESTED

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10 respectively. As per service rules, notified on 23-01-2015, 15% was reserved for promotion on the basis of joint seniority cum fitness from amongst the Senior Clerks of the office of Board of Revenue, Commissioners and Deputy Commissioners offices, for their further promotion to the post of Naib Tehsildar. Cases of promotion of the appellants were under process for quite some time, but could not materialize well in time and in the meanwhile, the respondents vide another notification dated 13-05-2019 amended the service rules and deleted the reserved quota of 15% for promotion of ministerial staff to the post of Naib Tehsildar. Feeling aggrieved, the appellants filed departmental appeals, which were filed without any consideration vide order dated 11-07-2019, hence the instant service appeals with prayers that the impugned order dated 11-07-2019 may be set aside and notification dated 13-05-2109, may be declared as illegal, void ab-initio and ineffective upon the appellants promotion rights and the appellants may be promoted to the post of Naib Tehsildar against the 15% quota reserved for ministerial staff, from the date when the appellants became eligible for such promotion and posts had fallen vacant in Hazara Division with all consequential benefits.

Wah

3. Learned counsel for the appellant has contended that the appellants were fully eligible for promotion to the post of Naib Tehsildar based on seniority cum fitness, but it was due to the lethargic and reckless attitude of the respondents that cases of promotion of the appellants lingered for years in the offices of respondents, which finally were refused under the pretext that the respondents has brought amendments in service rules vide notification dated 13-05-2019, thereby deleting the 15% quota reserved for ministerial staff; that by virtue of issuance of impugned notification dated 13-05-2019, the amendments has been made in Rules, 2008, whereas after issuance of Rules, 2015 in supersession of all previous rules, the rules, 2008 stands non-existent, therefore has no legal impact on the already accrued rights of promotion of appellants nor on the basis of such amendments in the non-existent rules, any reserved quota for promotion of ministerial staff can be deleted; that posts of Naib Tehsildar were lying vacant in Hazara Division, working paper for which were also submitted and cases of promotion in respect of the appellants were also included, which were also placed before the Departmental Promotion Committee(DPC); that again in 2015 cases of promotion in respect of the appellants came under consideration of the DPC, but were again ignored by the respondents due to their lethargic

ATTESTED


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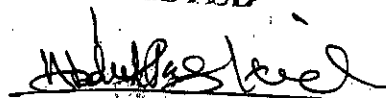
ur; that in 2019, the Commissioner Hazara Division vide letter dated 27-02-2019, requested the board of revenue for promotion of the senior clerks to post of Naib Tehsildar and in response, the board of revenue demanded for requisite documents of the senior clerks concerned, which were also provided, but in the meanwhile rules were amended and the appellants were not promoted, which was illegal unlawful and contrary to the norms of natural justice; that in the light of judgments of the superior courts, any change in the terms and condition of service of the civil servant with retrospective effect by depriving them of their vested rights cannot be done while the appellants remained eligible for considerable period of 20 years, but through impugned notification dated 13-05-2019, their right of promotion has been taken away which is not sustainable in the eye of law; that the respondents have not treated the appellants in accordance with law, departmental rules, regulation and policy on the subject and have acted in violation of Article-4 of the constitution and unlawfully issued the impugned order and notifications, which are unjust, unfair and are liable to be set at naught.

4. Learned counsel for respondents has contended that in 2015, under 15% quota reserved for senior clerks, cases of the appellants were placed before the DPC, but their cases were not considered for such promotion due to non-availability of post of Naib Tehsildar in their share at that time; that it is correct that the appellants were otherwise eligible for promotion on the basis of seniority cum fitness for promotion to the post of Naib Tehsildar, but in the meanwhile amendments were brought in the service rules and 15% quota reserved for their promotion was deleted.

5. We have heard learned counsel for the parties and have perused the record.

6. Record reveals that the appellants were otherwise fit for promotion based on seniority cum fitness and their cases were submitted for promotion more than once, but were not considered. Stance of the respondents to the effect that the appellants were not considered due to non-availability of posts is not correct, as record reveals that Commissioner Hazara vide letter dated 27-02-2019 had submitted cases of the appellants for convening meeting of DPC as well as mentioned that there are many vacancies available in the division to be filled in through promotion from amongst the senior clerks at the ratio of 15%, but the

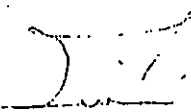
ATTESTED

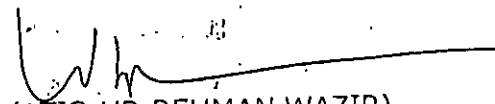


respondents as usual lingered the cases and finally refused on the grounds of amendments in service rules, which was not warranted. We are of the considered opinion that the appellants were fit for promotion in every respect and vacancies to that effect were also available, but it was due to malafide of the respondents that the appellants were kept deprived of their right of promotion. The amendments in service rules at a later stage, cannot deprive the appellants of their right of promotion already accrued to them as making the relevant amended rules applicable to the appellants would be against the law and natural justice.


7. In view of the foregoing discussion, the instant appeals are accepted. The appellants are held entitled for promotion to the post of Naib Tehsildar from the dates when they became eligible for promotion. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED
22.09.2021


(SALAH-UD-DIN)
MEMBER (JUDICIAL)
CAMP COURT ABBOTTABAD


(ATIQ-UR-REHMAN WAZIR)
MEMBER (EXECUTIVE)
CAMP COURT ABBOTTABAD

Certified to be true copy

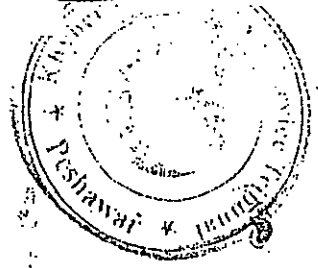

KHAYYAT
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Date of Presentation of Application 06-10-21
Number of Words 2000
Copying Fee 25/-
Urgent 5/-
Total 26/-
Name of Copyist _____
Date of Completion of Copy 06/10/21
Date of Delivery of Copy 06/10/21

Atiq-ur-Rehman

Atiq-ur-Rehman

(Annex - e)



B.P. No. 385/22
Munir Akhtar vs Govt

15th Dec, 2022

Petitioner in person present. Mr. Muhammad Ajmal, Assistant Secretary and Mr. Imran Akbar, Assistant alongwith Muhammad Adeel Butt, Additional Advocate General for the respondents present.

2. Although the compliance of the judgment of the Tribunal has been made but learned counsel for the petitioner submits that promotion order was made with immediate effect whereas it ought to have been made from the date of DPC i.e from 25.03.2019 when the petitioner was to be promoted but despite being considered, he was not promoted for want of vacancy, therefore, the respondents are directed to modify the order to bring that in conformity with the judgment and giving effect to the same from the date, other colleagues/juniors, of the petitioner, were promoted. The exercise shall be done within 10 days, failing which the petitioner may come for further proceedings. This petition is accordingly filed. Consign.

3. Pronounced in open court in Abbottabad and given under my hand and seal of the Tribunal on this 15th day of December, 2022.

Attested
Abdul Rasheed

Certified to be true copy
EXAMINED
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

(Kalim Arshad Khan)
Chairman
Camp Court Abbottabad

Date of Presentation of Application 07-2-23
Number of pages 1
Copying Fee 5/-
Urgent 5/-
Total 10/-
Name _____
Date of _____ 07-2-23
Date of Delivery of Copy 07-2-23

12-1

(Annex-D)

GOVERNMENT OF KHYBER PAKHTUNKHWA
BOARD OF REVENUE
REVENUE & ESTATE DEPARTMENT

MINUTES OF THE DEPARTMENTAL PROMOTION COMMITTEE MEETING REGARDING PROMOTION OF MUNIR AKHTAR SENIOR CLERK OFFICE OF THE COMMISSIONER HAZARA DIVISION TO THE POST OF NAIB TEHSILDAR (BS-14) IN LIGHT OF SERVICE TRIBUNAL KHYBER PAKHTUNKHWA JUDGMENT DATED 22.09.2021 EXECUTION PETITION NO. 347/2021 TITLED MUNIR AKHTAR VERSUS GOVERNMENT OF KHYBER PAKHTUNKHWA ETC HELD IN THE OFFICE OF SENIOR MEMBER BOARD OF REVENUE ON 09.12.2022 AT 2.00 PM.

Meeting regarding Departmental Promotion Committee was held on 09.12.2022 in the office of Senior Member Board of Revenue, under his chairmanship in light of Service Tribunal Judgment dated 22.09.2021 and Execution Petition No. 347/2021, to consider the appointment/promotion of Mr. Munir Akhtar Senior Clerk office of the Commissioner Hazara Division to the post of Naib Tehsildar. The following attended: -

- | | | |
|----|---|--------|
| 1 | Mr. Atta Ul Munim,
Secretary-I. Board of Revenue, | Member |
| 2 | Mr. Jawad Ali
Deputy Secretary-I
Board of Revenue | Member |
| 3. | Mr. Noor Khan,
Assistant Secretary (Estt;).
Board of Revenue, | Member |

During the discussion it was observed that as per service rules notified vide Notification dated 25.01.2016, 12% quota was reserved for promotion to the post of Naib Tehsildar on the basis of joint seniority cum fitness from amongst the Senior Clerks and Junior Scale Stenographers of the offices of Commissioners and Deputy Commissioners of the province. On 13.05.2019 rules were amended and quota for promotion of Senior Clerk / JSS to the post of Naib Tehsildar was omitted/deleted. Feeling aggrieved, the appellant filed departmental appeal, which was rejected on 11.07.2019. Aggrieved by the same, the appellant filed appeal before Service Tribunal which was accepted on 22.9.2021 and it has been held in the operational para that;-

In view of the forgoing discussion, the instant appeals are accepted. The appellants are held entitled for promotion to the post of Naib Tehsildar from the dates, when they became eligible for promotion.

In the year 2019, there were total 20 sanctioned posts of Naib Tehsildar in Hazara Division out of which 02 posts comes under promotion quota of Senior Clerks/Junior Scale Stenographers, offices of the Deputy Commissioners and Commissioner Hazara. The appellant was at Serial N. 9 of the Joint Seniority List of Senior Clerk/Junior Scale Stenographers of Hazara Division. Therefore, this department has filed CPLA against the Judgment dated 22.09.2021 of Khyber Pakhtunkhwa Service Tribunal and early hearing application is also filed. However, the case is still pending for arguments/final judgment.

The Service Tribunal time and again issued directions in execution Petition No.347/2021 to submit proper implementation report. On 19.10.2022 the Hon'ble Khyber Pakhtunkhwa Service Tribunal Peshawar issued Show Cause Notice, wherein the court directed that:-

Ms. J. J. J.

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The court in its judgment held that the appellant eligible for promotion, whereas the minutes of the meeting has written that the petitioner was not so eligible which is clear violation of the court order. Therefore, show cause notices be issued to the respondents to appear in person and show cause as to why they should not be proceeded under the relevant law.

This office submitted reply to the Hon'ble Service Tribunal that a Judgment of the Service Tribunal Khyber Pakhtunkhwa has already been implemented, as in light of the said judgment dated 22.09.2021, Departmental Promotion Committee Meeting was called, but during discussion it was found that the appellant was at Serial No. 9 of the Joint Seniority List of Senior Clerks and Junior Scale Stenographers, offices of the Commissioner / Deputy Commissioners of Hazara Division therefore, the appellant was not considered for promotion to the post of Naib Tehsildar. But report of this department was not accepted by Khyber Pakhtunkhwa Service Tribunal and in the Order Sheet dated 15.11.2022 the Hon'ble Court again directed that :-


Coercive measures shall be initiated in case of failure of the officers to appear in person and submit provisional/conditional implementation report on the next date. Adjourned. To come up for further proceedings before S.B on 30.11.2022.

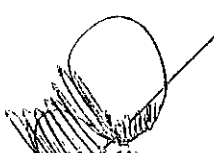
On 30.11.2022 Mr. Masood Shah Additional Secretary, Board of Revenue and Mr. Ihsan Ullah Member Board of Revenue attended the court and explained the case. However, the court again directed that:-

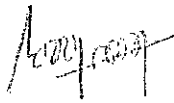
Learned counsel for the petitioner present Mr. Muhammad Adeel Butt, Additional AG alongwith Mr. Syed Masood Shah, Additional Secretary Board of Revenue and Mr. Ihsanullah, Member Board of Revenue for respondents present and sought some time to come up with proper implementation report 15.12.2022 before S.B at camp court Abbottabad.

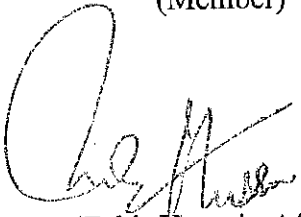
After detailed discussion and in light of the repeated directions of the Service Tribunal, Khyber Pakhtunkhwa, the forum unanimously decided to promote the appellant (Mr. Munir Akhtar) office of the Commissioner Hazara Division, provisional / conditional to the post of Naib Tehsildar (BS-14) subject to the final outcome of pending CPLA, before the Hon'ble Supreme Court of Pakistan.

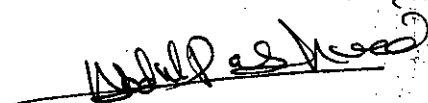
The meeting was ended with a vote of thanks by/from by the chair.


(Atta Ul Munim)
Secretary-I,
(Member)



(Jawad Ali)
Deputy Secretary-I
(Member)


(Noor Khan)
Assistant Secretary (Estt.)
(Member)


(Zakir Hussain Afridi)
Senior Member
(CHAIRMAN)



(Annex-E)

	GOVERNMENT OF KHYBER PAKHTUNKHWA, BOARD OF REVENUE, REVENUE & ESTATE DEPARTMENT.	
	091-9213989	Peshawar Dated the <u>18/12/2022</u>

To be substituted with same No. and date.

NOTIFICATION

No.Estt:V/DPC/2022/_____ Consequent upon the directions of the Service Tribunal Khyber Pakhtunkhwa in judgment dated 22.09.2021 and in execution petition No. 347/2021, the Competent Authority is pleased to promote Mr. Munir Akhtar Senior Clerk office of the Commissioner Hazara Division to the post of Naib Tehsildar (BPS – 14) on provisional/conditional basis with immediate effect till the outcome of the pending CPLA before the Supreme Court of Pakistan.

The official will complete mandatory Revenue & Settlement training of 02 months which will be commencing from 19.12.2022 (copy attached).


**By order of
Senior Member**

No.Estt:V/DPC/2022/ 34706-14

Copy forwarded to the:-

1. Commissioner Hazara Division
2. Deputy Commissioner Mansehra
3. Settlement Officer Mansehra.
4. District & Account Officer Abbottabad
5. Senior Private Secretary to Senior Member Board of Revenue Khyber Pakhtunkhwa
6. P.S to Secretary – I, Board of Revenue Khyber Pakhtunkhwa.
7. Official concerned.
8. Office Order File.
9. Personal File.

Attended
W.A. D. Khan


(Noor Khan)
Assistant Secretary (Estt;)

(Annex-F) 15

Pakhtunkhwa Civil Servants Act, 1973, whereby officers selected for promotion to a higher post in one batch on their promotion to the higher post are allowed to retain their inter-se-seniority in the lower post. In case, however, the date of continuous appointment of two or more officers in the lower post/grade is the same and there is no specific rule whereby their inter-se-seniority in the lower grade can be determined, the officer older in age shall be treated senior.

- (e) If a civil servant is superseded he shall not be considered for promotion until he earns one PER for the ensuing one full year.
- (f) If a civil servant is recommended for promotion to the higher basic scale/post by the PSB/DPC and the recommendations are not approved by the competent authority within a period of six months from such recommendations, they would lapse. The case of such civil servant would require placement before the PSB/DPC afresh.

VI. Date of Promotion:

Promotion will always be notified with immediate effect.

VII. Notional Promotion:

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

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

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

IX. Promotion in case of pending investigations by NAB:

ESTABLISHMENT CODE

If there are on foot of such promotion for

2. All the existing above extent with immediate effect

Final Step

Arithmetic mean more PERs to

Where

Maximum marks for

and 5 marks for

Second Step

Maximum

Average marks

Minimum

Maximum

Minimum

Final Step

Weightage for

Aggregating marks

to post

to post

to post

to post

Where

Average marks

Average marks

Average marks

Average marks

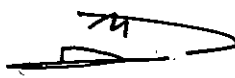
~~Attest~~

~~M. P. P. P. P.~~

GOVERNMENT OF KHYBER PAKHTUNKHWA
REVENUE AND ESTATE DEPARTMENT

AUTHORITY LETTER

Mr. Ghulam Shabir Ahmad, Assistant Secretary, Litigation-II (BS-17) Board of Revenue, is hereby authorized to attend and submit implementation report on the part of respondent No.1 before the Khyber Pakhtunkhwa Service Tribunal in Exestuation Petition No. 811/2023 filed by Munir Akhtar Naib Tehsildar (ACB) Deputy Commissioner office Mansehra.


Senior Member Board of Revenue
Respondent No. 01

H. Kamelullah