

BEFORE THE SERVICES TRIBUNAL KHYBER PAKHTUNKHWA,
PESHAWAR

Mr. Amanullah

Objection Petition in Execution Petition No. 514/2022 in Service Appeal No. 1705/2019

Versus

1. The Government of Khyber Pakhtunkhwa through Chief Secretary to Govt: of Khyber Pakhtunkhwa
2. The Chief Secretary to Govt: of Khyber Pakhtunkhwa.
3. The Secretary to Govt: Finance Department Khyber Pakhtunkhwa, Peshawar
4. The Director, Treasuries & Accounts Khyber Pakhtunkhwa.

INDEX

S#.	Subject	Annexure	Page No.
01	Objection Petition	-----	01-03
02	Affidivit		04
03	Appeal no. 607/2023	Annex-I	05-09
04	Notification dated : 24-08-2022	Annex-II	10
05	Office order dated : 12-05-2022	Annex-III	11
06	Promotion policy 2009	Annex-IV	12-18
07	Authority Letter		19

19-2-24
Peshawar

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Execution Petition No.514/2022 in Service Appeal
No. 1705/2019

Mr. Amanullah, District Comptroller of Accounts BS-19 Khyber Pakhtunkhwa Peshawar.

(PETITIONER)

VERSUS

1. The Government of Khyber Pakhtunkhwa through Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
2. The Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
3. The Secretary Finance Department, Khyber Pakhtunkhwa, Peshawar.
4. The Director, Treasuries & Accounts Khyber Pakhtunkhwa Peshawar.

(RESPONDENTS)

Khyber Pakhtunkhwa
Service Tribunal

OBJECTION PETITION ON BEHALF OF OBJECTORS

Diary No. 10955

Respectfully Sheweth:

Dated 1-2-2022

The objectors, inter alia, most reverently raise the following objections on the Execution Petition No.514/2022 filed by the petitioner before this Hon'ble Tribunal as under:

1. That the petitioner has not approached this hon'ble Tribunal with clean hand as initially, the Petitioner filed appeal for consideration of his promotion w.e.f 2019, which was allowed vide Judgement dated 20.10.2021. In the said appeal, the Petitioner on one hand filed Execution Petition No.381/2021 in Service Appeal No. 1705/2019, while on the other hand, the same Petitioner again questioned his promotion as he prayed for its anti-dation his promotion w.e.f 2017 (**Annex-I**) which sums up his above-board conduct.
2. As in the Judgement dated 20.10.2021, the appeal was allowed as prayed for. It is pertinent to mention that the Petitioner sought direction of his consideration for promotion to BS-19 from his due date, since his Juniors were promoted. Hence, the objectors considered him for promotion to the post of District Comptroller of Accounts BS-19 on regular basis with immediate effect on 24.8.2022 by allowing him to regain his seniority as in light of Promotion Policy, 2009.
3. That the petitioner has got no cause of action and locus standi to file the instant execution petition against the objectors as judgement of this hon'ble Tribunal in appeal No.1705/2019 has already been implemented as per policy of the Provincial Government in light of the decision of the competent forum.

4. That the instant execution petition is not maintainable in its present form because the judgement of the hon'ble Tribunal in Service Appeal No.1705/2019 has already been honored and the petitioner has been promoted to the post of District Comptroller of Accounts (BS-19) on regular basis as per his eligibility in light of the Khyber Pakhtunkhwa Government Civil Servants Promotion Policy, 2009 **(Annex-II)**.
5. That the petitioner is quoting irrelevant instructions dated 14.02.1969, letter dated 07.01.1969 and 20.06.2008 that only a minor penalty of Censure and recovery of the amount is pending against him while the exact position is that out of the two inquiries, in one, the petitioner was awarded minor penalty of censure and recovery of the amount while the other inquiry was still in the field with the charges of drawl in pay & allowances over and above the level of admissibility, by mis-using his authority as custodian of provincial exchequer and penalized in the second inquiry with minor penalty of "withholding of 02 increments for 02 years along-with recovery of Rs.44,894/-". Hence, the reason for his deferment ceased on 12.05.2022 **(Annex-III)**.

Moreover, the Khyber Pakhtunkhwa Government Civil Servants Promotion Policy, 2009 and Government Servants (Efficiency & Discipline) Rules, 2011 are promulgated which have superseded all the previous instructions in that regard as clearly depicted in Para-2 of the policy ibid as **"all the existing instructions on the subject shall stand superseded"** **(Annex-IV)**.

6. That according to SCMR 269 of 2015, **"Neither promotion nor criteria for promotion can be termed as a right"**. In addition to that, the petitioner's contention of ante-dated promotion is not covered under the prevailing rules/policy or any corner of the law. Hence, the objectors have treated the petitioner according to law, rules, policy while he tried to misled this Honorable Tribunal by giving this false impression that all the inquiry proceedings were struck down by the Peshawar High Court Peshawar and only minor penalty of censure is imposed upon him which may not be treated as a bar for promotion. However, the true picture is that he has been penalized in the second inquiry and the petitioner has been considered for promotion after ceasing the reason for his deferment on 12.05.2022.
7. That The petitioner has been treated in accordance with the prevailing rules/policy of the provincial government and no discrimination has been done to him. As the Provincial Government has a vivid policy namely the Khyber Pakhtunkhwa Government Civil Servant Promotion Policy, 2009 where no such provision is available to grant the petitioner all back and

consequential benefits. As per para-VI of the Policy, promotion will always be notified with immediate effect hence, the petitioner has been promoted to the post of District Comptroller of Accounts (BS-19) on 24.08.2022 by allowing him to regain his seniority as per Para-V (d) of the policy which stipulates as under:

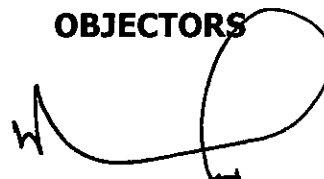
"If and when an officer, after his seniority has been correctly determined or after he has been exonerated of the charges or his PER dossier is complete, or his inadvertent omission for promotion comes to notice, is considered by the Provincial Selection Board/ Departmental Promotion Committee and is declared fit for promotion to the next higher basic scale, he shall be deemed to have been cleared for promotion along-with the officers junior to him who were considered in the earlier meeting of the Provincial Selection Board/Departmental Promotion Committee. **Such an officer, on his promotion will be allowed seniority in accordance with the proviso of sub-section (4) of Section 8 of the North-West Frontier Province Civil Servants Act, 1973**, whereby officers selected for promotion to a higher post in one batch on their promotion to the higher post are allowed to retain their inter-se-seniority in the lower post."

It is once again placed on record that owing to pending inquiry, the promotion of the petitioner to the higher post was deferred in light of Para-V (a) (ii) which states that promotion shall be deferred if "**Disciplinary or departmental proceedings are pending against him**".

- 8. That the main judgement of the hon'ble Tribunal is implemented as the petitioner has been promoted to the post of District Comptroller of Accounts (BS-19) on regular basis according to his eligibility in light of the Khyber Pakhtunkhwa Government Civil Servant Promotion Policy, 2009. So far the question of all back benefits/ante-dated promotion is concerned, the same matter is placed before the Apex Court for determination through a CPLA.

In view of the above, it is humbly prayed for that the instant execution petition, being devoid of merit & bar by law, may graciously be dismissed with cost or adjourned sine die till the decision of the Apex Court.

OBJECTORS



**Amer Sultan Tareen
(Secretary Finance)**

Through:

Addl: Advocate General/Law Officer

BEFORE THE SERVICES TRIBUNAL KHYBER PAKHTUNKHWA,
PESHAWAR

Mr. Amanullah

Objection Petition in Execution Petition No. 514/2022 in Service Appeal No. 1705/2019

Versus

1. The Government of Khyber Pakhtunkhwa through Chief Secretary to Govt: of Khyber Pakhtunkhwa
2. The Chief Secretary to Govt: of Khyber Pakhtunkhwa.
3. The Secretary to Govt: Finance Department Khyber Pakhtunkhwa, Peshawar.
4. The Director Treasuries & Accounts Khyber Pakhtunkhwa, Peshawar.

OBJECTION PETITION ON BEHALF OF OBJECTORS

AFFIDAVIT

I, Amer Sultan Tareen Secretary to Govt. of Khyber Pakhtunkhwa Finance Department do hereby solemnly affirm and declare on oath that the contents of objection Petition in Execution Petition No. 514/2022 in Service Appeal No.1705 /2019 on behalf of Respondents is true and correct to the best of my knowledge and belief and that nothing has been concealed from the Honourable Tribunal.



Deponent

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

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APPEAL NO. 607 /2023

Mr. Amanullah, District Comptroller of Accounts BPS-19
, Khyber Pakhtunkhwa Peshawar.

(Appellant)

VERSUS

1. The Govt of KP through Chief Secretary, KP, Peshawar.
2. The Chief Secretary, Khyber Pakhtunkhwa Peshawar.
3. The Secretary Finance Deptt: KP, Peshawar.
4. The Director, Treasuries & Accounts Khyber Pakhtunkhwa Peshawar.

(Respondents)

APPEAL UNDER SECTION 4 OF THE KP SERVICES TRIBUNAL ACT, 1974 AGAINST THE ORIGINAL ORDER DATED 24/08/2022 AND SUBSTITUTED ORDER DATED 17/10/2022 WHEREBY THE APPELLANT WAS PROMOTED TO THE POST OF BS-19 ON REGULAR BASIS W.E.FROM 07/05/2019, WHILE ON SENIORITY WAS ALLOWED TO APPELLANT BUT WITHOUT ARREARS AND NOT DECIDING DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN STATUTORY PERIOD OF 90 DAYS.

PRAYER:

THAT ON THE ACCEPTANCE OF THIS APPEAL THE IMPUGNED NOTIFICATION DATED 24/08/2022, WHEREBY THE APPELLANT WAS PROMOTED FROM BPS-18 TO BPS-19 WITH EFFECT FROM 07/05/2019 MAY BE DECLARED AS ILLEGAL, UNLAWFUL AND THE RESPONDENT MAY BE DIRECTED TO MODIFY THE IMPUGNED NOTIFICATION AND PROMOTED THE APPELLANT W.E.FROM 03/10/2017.

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FROM THE DATE JUNIOR NAWAB KHAN WAS PROMOTED WITH ALL BACK AND CONSEQUENTIAL BENEFITS INCLUDING SENIORITY, INCREMENT, MONTHLY PAY AND ALLOWANCES OF BPS-19 W.E.FROM 03/10/2017 AS PER JUDGMENT DATED 20/10/2021. ANY OTHER REMEDY WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT MAY ALSO BE AWARDED IN FAVOUR OF APPELLANT.

RESPECTFULLY SHEWETH:

FACTS:

1. That the appellant was joined the Deptt: in 1985 and was promoted to BPS-17 on 10.02.2007 and further promoted to BPS-18 on 21.04.2012, presently working as District Account Officer Torghar. Appellant had performed his duties assigned to him with zeal and devotion and up to entire satisfaction of his superiors. All the entries made in the service book of the appellant.
2. That The deptt conducted the PSB meeting held on 25.09.2017 and 17.09.2018 for the promotion of BSP-19 district comptroller Accounts, but the appellant was deferred on the ground that the two inquiries was pending against the appellant. Thereafter, another PSB meeting was conducted on 19.04.2019 for BPS-19 in which appellant was again deferred on the same point despite that the inquiry was already conducted and the show cause notice was served upon the appellant which was properly replied further it is added that the show cause notice was also suspended by the Peshawar high court Peshawar letter on decided by the High court in favor of appellant.
3. That the appellant feeling aggrieved filed departmental appeal against the illegal, inaction and omission of the respondents which was rejected vide order dated 09.10.2019 received by the appellant on 28.10.2019 is against the law and rules. Copy of departmental appeal and rejection order is attached as Annexure-A & B.
4. That the appellant being feeling aggrieved filed an appeal bearing No.1705/2019 for consideration of promotion to the post of BPS-19. The said appeal was finally heard by the Honorable Tribunal on 20.10.2021 and the Honorable Tribunal was kind enough to accept the appeal as prayed for. (Copy of judgment is attached as Annexure-C).
5. That appellant filed execution petition no. 381/2021 for implementation. Which was disposed of vide order dated 07.07.2022 on the point that SO(PSB) assured the tribunal that the notification

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would be issued in terms of judgment. In response The respondent issued the notification dated 24.08.2022 wherein the appellant was promoted w.e.from 07/05/2019 instead from 03/10/2017, while the intervening period can be counted towards increment under Fr-26 (c) without arrears. The promotion order is not accordance with the terms of judgment and also in violation of order dated 07/07/2022. The appellant challenge the same but thereafter, The said order was substituted on 17/10/2022 by even no. & date and only seniority was restored to the appellant. **Copy of the impugned notification dated 24/08/2022 and 17/10/2022 are attached as annexure-D & E.**

6. That the impinged order was received to appellant on 25/11/2022 and appellant feeling aggrieved filed departmental appeal against the impugned notification which was not responded within statutory period of 90 days. **Copy of the departmental appeal is attached as annexure-F.**
7. That now the appellant comes to this august Tribunal on the following grounds amongst the others.

GROUNDS:

- A. That not promoting the appellant to the post of District Comptroller Officer BS-19 w.e.from 03/10/2017 with all back and consequential benefits is against the law, facts, norms of justice and material on record, therefore, not tenable in the eye of law.
- B. That the post of promotion for the appellant is availability since 2017 but deferred three time mere on the basis of pendency of inquiry. Therefore, the appellant is legally entitled to be considered for promotion from his due date with all back and consequential benefits.
- C. That the appellant was fully eligible according to rules and also in seniority list of District Account Officer BS-18 at S.no.3 but despite that three time deferred on the ground of inquiry. It is the duty of deptt: to complete the proceedings in time. So all the actions od deptt: is against the law and rules.
- D. That the ground mentioned in the departmental attached here with the instant appeal may also be consider integral part of this main appeal
- E. That admittedly no fault could be attributed to appellant for delayed promotion as it was respondent No. 3, who considere attached weight to an illegal ground i.e pendency of inquiry a appellant could not be made to suffer for the same.

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F. That according to Supreme Court Judgment cited as 1985 SCMR 1394, when the appellant was preclude from the promotion then in case of promotion the appellant is entitled for all the back benefits.

G. That by now it is an establishment law that an ante-date promotion could be granted if at the relevant time, the case of the employee is not deficient on his part and as against this, if any illegality and irregularity is committed by the authority, the employee could not suffer and thus who would be entitled for ante-date promotion with all back benefits but the appellant was illegally deprived from the back benefits. In this regard wisdom can be drawn from 2011 SCMR PAGE 389 AND 2016 SCMR PAGE 1784.

H. That the appellant promoted to BPS-19 not in time, it is fault of the department not of the appellant, so any irregularities committed by the department not held the appellant responsible according to superior courts judgment.

I. That if the grievance of the appellant is not resolved then the appellant will face huge financial loss even it will affect the pension of the appellant.

J. That the relevant authorities restrain the appellant from performance of duty due there improper exercise of official power, therefore, the appellant cannot be deprived from his legal right of salary.

K. That the apex Court has already clearly held in case of Anita Turab (PLD-2013 Supreme Court Page No. 195) that matter of tenure, appointment, posting, transfer and promotion, of service could not be dealt with in an arbitrary manner but could only be sustained if it was in-accordance with law. Whenever there was statutory provision or rules or regulation of government the matter of appointment of Civil Servants that must be followed honestly and scrupulously and discretionary must be exercised and structured, transparent and reasonable manner, thus the verdict of the Honorable Supreme Court fully favours the appellant's case.

L. That as there is no any order regarding the stoppage of promotion of appellant, therefore, the appellant has legal vested rights to be considered for promotion from the date when post is available for him in his quota w.e.from 03/10/2017. (97-SCMR--515), 1997 PLC CS 512. copy of order is attached as annexure-G

M. That the appellant was entitled to be promoted from the date junior was promoted with all back benefits through proforma promotion as per proviso of FR-17. Copy of the relevant rules is attached as

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N. That the Honorable Apex Court is also given the verdict that every civil servant is the legal right to be dealt with in accordance with the law and rules under the which is legal service rights are protected. Thus the appellant has legal and genuine claim.

O. That the appellant was not treated according to law and rules.

P. That the appellant seeks permission to advance the other ground and proof at the time of hearing.

It is, therefore most humbly prayed that the appeal of the appellant may be accepted as prayed for.

~~APPELLANT~~

~~Ammanullah~~

THROUGH:

7/12/12
SYED NOMAN ALI BUKHARI
(ADVOCATE HIGH COURT)

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10.02.2012

Hence operation of adverse

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TO BE SUBSTITUTED FOR THE NOTIFICATION BEARING SAME NUMBER & DATE



**GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT**

Finance Department Civil Secretariat Peshawar

<http://www.finance.gkp.pk>

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Dated Pesh: the 24-08-2022

NOTIFICATION

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

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

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

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

**SECRETARY TO GOVERNMENT
KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT**

Dated 17.10.2022

Endst: No. & Date even.

(2) *[Handwritten Signature]*
18/10

Copy forwarded for information & necessary action to: -

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

[Handwritten Signature]

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SECTION OFFICER (E-I)

[Handwritten Signature]



**GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT**

Finance Department Civil Secretariat Peshawar

<http://www.finance.gkp.pk>

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Dated Pesh: the 12-05-2022

OFFICE ORDER

No.SO (Estt)/FD/5-14/Amanullah. Whereas, Mr. Amanullah DAO (BS-18), while working as District Comptroller of Accounts, D. I Khan in his own pay & scale was proceeded against Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, for the charges mentioned in the charge sheet & Statement of Allegations dated 16.12.2016.

AND WHEREAS, the said Officer served with the charge sheet / Statement of Allegations under the said Rules, also given an opportunity of personal hearing on 21.04.2022.

AND WHEREAS, the Inquiry Committee consisting of Syed Alamgir Shah (PCS SG BS-20) Ex-Secretary Labour, Govt. of Khyber Pakhtunkhwa and Mr. Asmatullah Shah (BS-19) Ex-Additional Secretary (Development) Finance Department in its report declared the officer as guilty of the charges mentioned in the Charge Sheet & Statement of Allegation.

AND WHEREAS, a Show cause notice containing imposition of minor penalty of "withholding of 02 increments for 02 years alongwith recovery of Rs.156000/-" was served upon the said officer under Rule-5 of the ibid Rules and given an opportunity of personal hearing.

NOW THEREFORE, after going through the record and reply of the accused officer, as well as, verification/authentication of pay fixation by the Accountant General, Khyber Pakhtunkhwa and views of Finance Department, the undersigned is therefore satisfied that the charge of irregular drawl of Rs. 44894/- has been proved against him. Therefore, being competent authority in this case and in exercise of the powers conferred upon me under Section-14, sub-rule (5) (ii) of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, the minor penalty of "withholding of 02 increments for 02 years alongwith recovery of Rs. 44,894/" upon Mr. Amanullah, the District Accounts officer (BPS-18) while working as District Comptroller of Accounts D.I Khan (BPS-19) in his own pay & scale now DCA Peshawar (OPS).

Amanullah

O/E

CHIEF MINISTER
KHYBER PAKHTUNKHWA

No.SO (Estt) FD/5-14/Amanullah

Dated Pesh: the 12-05-2022.

Copy forwarded for information and necessary action to:-

1. The Accountant General Khyber Pakhtunkhwa Peshawar.
2. The Director, Treasuries and Accounts, Khyber Pakhtunkhwa, Peshawar.
3. PS to Chief Minister, Khyber Pakhtunkhwa.
4. PS to Finance Secretary, Finance Department, Peshawar.
5. Mr. Amanullah, District Comptroller of Accounts, Peshawar (OPS).

(04)
12-5-2022

SECTION OFFICER (E-I)

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:-

Length of service.

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.

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

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.

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:

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

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

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

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.

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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%

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:-

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.

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

H. Q. Q.

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

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.

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 specialty. 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.

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).

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.

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

		Upto 11 th June, 2008	From 12 th 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

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

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

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

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.

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.

⁷⁸In 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.

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.

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.

Promotion of officers still on probation after their promotion in their existing Basic Scales shall not be considered.

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.

para 1 (iv)(c) substituted vide circular letter No. SORIV/E&AD/1-16/2006, dated 19.4.2010

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However, in case he returns to parent department, he would be considered for promotion only after he earns PER for one calendar year.

A civil servant who has resigned shall not be considered for promotion no matter the resignation has yet to be accepted.

Deferment of Promotion:

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

His inter-se-seniority is disputed/sub-judice.

~~Disciplinary or departmental proceedings are pending against him.~~

The PER dossier is incomplete or any other document/ information required by the PSB/DPC for determining his suitability for promotion is not available for reasons beyond his control.

The civil servant whose promotion has been deferred will be considered for promotion as soon as the reasons for deferment cease to exist. The cases falling under any of the above three categories do not warrant proforma promotion but the civil servant will be considered for promotion after determining his correct seniority over the erstwhile juniors.

If an officer is otherwise eligible for promotion but has been inadvertently omitted from consideration in the original reference due to clerical error or plain negligence and is superseded, he should be considered for promotion as soon as the mistake is noticed.

If and when an officer, after his seniority has been correctly determined or after he has been exonerated of the charges or his PER dossier is complete, or his inadvertent omission for promotion comes to notice, is considered by the Provincial Selection Board/ Departmental Promotion Committee and is declared fit for promotion to the next higher basic scale, he shall be deemed to have been cleared for promotion alongwith the officers junior to him who were considered in the earlier meeting of the Provincial Selection Board/Departmental Promotion Committee. Such an officer, on his promotion will be allowed seniority in accordance with the proviso of sub-section of Section 8 of the North-West Frontier Province Civil Servants Act, 1973, whereby officers selected for promotion to a higher post in one batch on their promotion to the higher post are allowed to retain their inter-se-seniority in the lower post. In case, however, the date of continuous appointment of two or more officers in the lower post/grade is the same and there is no specific rule whereby their inter-se-seniority in the lower grade can be determined, the officer older in age shall be treated senior.

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

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

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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.

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.

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

IX. Promotion in case of pending investigations by NAB:

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

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





**GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT**

**MOST IMMEDIATE
COURT MATTER**

AUTHORITY LETTER.

Mr. Hashmatullah, Superintendent (Litigation-II) Section Government of Khyber Pakhtunkhwa Finance Department is hereby authorized to submit Objection Petition in Execution Petition No. 514/2022 in Service Appeal No.1705/2019 titled Amanullah versus Government of Khyber Pakhtunkhwa and others before the Service Tribunal Khyber Pakhtunkhwa Peshawar.

**(Amer Sultan Tareen)
SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA,
Finance Department**