

STANDARD OPERATING PROCEDURES FOR ON-LINE ELECTRONIC FILING (E-FILING)

1. Applicability

These Standard Operating Procedures (SOPs) will apply to on-line e-filing and e-filing through Designated Counters and facilities provided for e-filing, including e-Service Centers. The SOPs will apply to such categories of cases as would be notified by the Chairman of the Khyber Pakhtunkhwa Service Tribunal from time to time

2. Definitions

2.1. **Action:** includes all proceedings instituted in the Tribunal such as Service Appeals, Replies, Objections, Applications, Implementation Petitions, Contempt Petitions, additional documents, authority letters, power of attorney, wakalatnama etc falling within the jurisdiction of the Tribunal.

2.2. **Administrator:** means the official/officer appointed by the Chairman for administering and dealing with matters connected with or relating to e-filing.

2.3. **Bench:** means and includes one or more Members assigned to adjudicate upon Actions or the presiding officer of the Tribunal as the case may be.

2.4. **Physical Filing:** means Actions and pleadings filed as hard copies.

2.5. **Designated Counters:** means and includes those counters which find mention in Appendix-I and those that may be included or excluded from Appendix -I from time to time.

2.6. **Electronic Filing (e-filing):** means e-filing as prescribed through the Internet (at the web portal of the Tribunal) and through the internet/intranet at Designated Counters, unless the context requires otherwise.

2.7. **Evidence:** means and includes evidence as defined under the Qanun-e-Shahadat Order, 1984.

2.8. **Office Objections:** means and includes deficiencies and errors pointed out by the Office in relation to the Actions instituted in the Tribunal.

2.9. **Opposite Party:** means respondents, judgment debtor(s) and non-applicant(s).

2.10. **Party:** means appellant(s), petitioner(s) and applicant(s).

2.11. **Pleadings:** means pleadings filed in support or defence of an Action including affidavits, additional affidavits and supplementary affidavits.

2.12. **PDF:** means an electronic document filed in a portable document format.

2.13. **Statement of Defence:** means and includes written statements, replies, counter affidavits and additional or supplementary affidavits.

2.14. **Technical failure:** means a failure of the Tribunal's hardware, software, and/or telecommunications facility which results in the impossibility of submitting a file electronically. Technical failure does not include malfunctioning of the equipment of the person submitting an e-file.

2.15. **Third Party:** means and includes any person or entity seeking to become a party or to intervene in an Action.

2.16. **Working Day:** means and includes a day when the Registrar of the Tribunal is working under the Calendar published or as directed by the Tribunal.

3. **General Instructions** 3.1. On-line e-filing shall be made by visiting the web portal of the Tribunal, namely:

3.2. Except as provided in these SOPs, Actions, whether in fresh, pending or disposed of appeals etc, will be filed electronically by an advocate or litigant in person from their home, office or other remote location in the manner provided in these SOPs.

3.3. Any person who is unable to access the e-filing portal would be entitled to make use of the facilities provided at the Designated Counters for that purpose upon payment of charges if stipulated.

3.4. The size of the e-file should not exceed 8 MBs. In case the file size exceeds 8 MBs, the Advocate or litigant should visit any one of the Designated Centers for enabling e-filing through the internet.

4. Steps for Registration

4.1. Persons other than Advocates and litigants in person who are already registered on the Court web portal will take the following steps to register themselves.

i) Advocates

a) Should visit the web portal (https://_____) to view the form.

b) Click the registration link.

c) Fill the form with requisite details.

d) Submit the filled-up form along with a self-attested copy of the Bar Council Registration Certificate or Bar Council I-card (in pdf format only).

ii) Litigants in person

a) Should visit the web portal (https://_____) to view the form.

b) Click the registration link.

c) Fill the form with requisite details.

d) Submit the filled-up form along with the self-attested copy of any identity document issued by the Government (in pdf format only).

4.2. Litigants in person shall submit an affidavit/undertaking that they have not engaged an Advocate in the Action. A litigant in person who subsequently engages an Advocate, shall make an application before the Administrator for transferring the data in respect of the Action to the Advocate's account in. Once the Administrator allows the application, the data in the Action shall be transferred in the user account of the Advocate. The litigant in person will not be in a position to modify the data of the subject Action, without the permission of the Administrator.

4.3. A login ID will be allotted on the next working day if the application is found complete in all respects. The procedure for registration is set out in Appendix-II.

5. Frame of Pleadings The pleadings should be as provided in rule 6 (2) of the Khyber Pakhtunkhwa Service Tribunal SOPs, 1974. Opposite parties should also file their replies under sequentially numbered paragraphs and headings (such as Preliminary Objections and Objections on Merits).

6. Formatting 6.1. All the original typed text material including notice of motion, memorandum of parties, main petition or appeal, interlocutory application(s), reply,

status report, affidavit, documents, will be prepared electronically using the following formatting style:

- Paper size : A-4 □ Top Margin : 1.5” □ Bottom Margin : 1.5” □ Left Margin : 1.75” □ Right Margin : 1.0” □ Alignment : Justified □ Font : Times New Roman
- Font size : 14 □ Line spacing : 1.5 □ If any document is typed in a local language in Trial Courts, it must be in prepared using xxx Unicode Font 14

6.2. The document should be converted into Optical Character Recognition (OCR) searchable Portable Document Format (PDF) or PDF/A using any PDF converter or in built PDF conversion plug-in provided in the software. PDF/A is the preferred format.

6.3. A document which is not a text document and has to be enclosed with the Action, should be scanned using an image resolution of 300 dpi (Dots per inch) in OCR searchable mode and saved as a PDF document. The procedure for converting a document into an OCR searchable PDF as mentioned above.

7. Dos and Don't's

7.1. The text documents and scanned documents set out in clauses 6.3 should be merged as a single OCR searchable PDF file and should be book-marked as per the Master Index, duly approved by the Bench. The procedure in this behalf is set out in Appendix -V.

7.2. The merged documents should be uploaded at the time of on-line e-filing. Screenshots of the manner of accessing the on-line e-filing portal and for the filing of the main case and documents including written statements, replies, replications, rejoinders, affidavits and evidence in a pending case are set out in Appendix - I.

7.3. Once e-filing is accepted, the filing or registration number shall be notified to the Advocate or litigant in person.

7.4. In case on-line e-filing includes audio and/or video files, the Administrator shall generate a hash value.

7.5. Special Characters are not allowed while e-filing Memo of Parties and Advocate remarks.

7.6. Document Binary File Name Standards

The following special characters are not allowed in a file name:

- A quotation mark (")
- A number sign/Pound (#)
- Per cent (%)
- Ampersand (&)
- Asterisk (*)
- Colon (:)
- Angle brackets (less than, greater than) (<>)
- A question mark (?)
- Backslash (\)
- Forward slash (/) Braces (left and right) ({ })
- Pipe (|)
- A tilde (~)
- The period (.) character used consecutively in the middle of the file name or at the beginning or end of the file name.

File names should not exceed 45 characters in length, including spaces. Single space must be counted as one character each. 8.7. On-line e-filing shall not be watermarked or encrypted. The e-filed documents shall not contain any virus, malware, spamware, trojan horse or the like. All the e filed documents shall be legible and free of markings, track changes or annotations.

9. Payment of Court Fees/Other Charges

Instructions/Order regarding payment of Court fees/Other charges will be separately notified in due course of time.

10. Retention of Originals

10.1. Originals of the documents that are scanned and digitally signed by the Advocate or the litigant in person at the time of e-filing should be preserved, for production or inspection, as may be directed by the Bench.

10.2. The responsibility of producing the originals and proving their genuineness shall be of the party that has electronically filed scanned copies of the document.

11. Exemption from e-filing Exemption from on-line e-filing of the entire pleading or a part of the pleadings and/or documents may be permitted by the Bench upon an application being made for that purpose in the following circumstances:

- i) where on-line e-filing is for reasons set out in the application not feasible; or
- ii) where there are concerns about confidentiality and protection of privacy; or
- iii) where the document cannot be scanned or filed electronically because of its size, shape or condition; or
- iv) where the on-line e-filing portal is either inaccessible or not available for some reason; and/or
- v) for a just and sufficient cause.

12. Service of Electronic Documents

In addition to the prescribed mode of service, notices, documents, pleadings that are filed electronically may also be served through the designated e-mail IDs of Bench officials to the e-mail address of the advocates or parties, if available. E-mail IDs of Bench officials will be published on the Court website to enable the recipients to verify the source of the e-mail.

13. Computation of Time

13.1. Wherever limitation/time limits apply, it will be the responsibility of the party concerned to ensure that the filing is carried out well before the cut-off date and time. The date of e-filing will be taken as that date when the Action is electronically received in the Bench within the prescribed time on any working day. For computing the time at which e-filing is made, Pakistan Standard Time (PST) will apply.

13.2. E-filing through Designated Counters will be permissible up to 1600 hours on any court working day. On-line e-filing carried out after 1600 hours on any day, will be treated as the date which follows the actual filing date provided it is a court working day. Actions filed on a day declared as gazetted holiday or on a day when the court is closed, will be regarded as having been filed on the next working day. For the computation of limitation, on-line e-filing shall be subject to the same legal regime as applicable to physical filing, save and except as provided herein above.

13.3. The facility for on-line e-filing through the web portal shall be available during

all twenty four hours of each day, subject to breakdown, server downtime, system maintenance or such other exigencies. Where on-line e-filing is not possible for any of the reasons set out above, parties can either approach the Designated Counters for e filing between 0900 to 1600 hours on court working days or take recourse to physical filing. No exemption from limitation shall be permitted on the ground of a failure of

the web based on-line e-filing facility.

13.4. Provisions for limitation governing on-line e-filing will be the same as those applicable to physical filing. The period of limitation for such actions will commence from the date when e-filing is made as per the procedure prescribed in these SOPs.

14. Procedure for Filing Caveat

Caveats can also be filed on-line. The procedure for this purpose is set out in Appendix–VI.

15. Hard Copies of Pleadings and Documents filed Electronically Advocates, as well as parties, may print hard copies of all pleadings and documents filed electronically for their use in the court or elsewhere. The Bench will wherever required prepare hard copies for official use.

16. Storage and Retrieval of e-Filed Documents and Pleadings

E-filings will be stored on an exclusive server maintained under the control and directions of the Court. Each such filing will be separately labelled and encrypted for facilitate easy identification and retrieval. The security of such filings will be ensured.

17. Residuary provisions

17.1. The e-filing made by an Advocate/litigant in person will be rejected if they do not follow the protocol mandated by these SOPs or practice directions.

17.2. Subject to such further directions as may be issued, it would not be obligatory on the part of the opposite party to accept pleadings and documents by email. In such an eventuality, hard copies of pleadings and documents will have to be provided to the opposite party. In such circumstances, the plaintiff/ petitioner can be called upon to deposit the charges calculated on the basis of the number of pages per defendant/respondent which are required to be photocopied. This facility will be

provided by the Bench on a written request being made by the defendant(s)/respondent(s).

17.3. The Office will communicate the objections, if any, regarding the cases filed by email/SMS/web hosting to the concerned Advocate/litigant in person. After the objections are cleared the case will be processed for listing and the Advocate/litigant in person will be informed including by email/SMS.

Appendices

APPENDIX – I

Screenshots showing the procedure for accessing the on-line portal, electronic filing of documents and list of Designated Counters.

APPENDIX – II

Screenshots showing the procedure for registration.

APPENDIX – III

Screenshots showing the procedure for converting a document into an OCR searchable PDF.

APPENDIX – IV

Screenshots showing the procedure for appending single or multiple digital signatures.

APPENDIX – V

Screenshots showing the procedure for book-marking.

APPENDIX – VI

Screenshots showing the procedure for filing caveat.