


Form- A
FORM OF ORDER SHEET

Court of _____

Implementation Petition No. 1157/2024

| S.No. | Date of order proceedings | Order or other proceedings with signature of judge |
|-------|---------------------------|---|
| 1 | 2 | 3 |
| 1 | 10.10.2024 | <p>The implementation petition of Dr. Javeria Haroon received today by registered post. It is fixed for implementation report before touring Single Bench at A.Abad on 31.10.2024. Original file be requisitioned. AAG has noted the next date. Appellant has been informed telephonically.</p> <p>By order of the Chairman  REGISTRAR</p> |

BEFORE THE HONOURABLE KHYBER PAKHTOONKHTWA SERVICE TRIBUNAL

PESHAWAR

In Re:

Execution Petition No. 1157/2024

In Service Appeal No. ~~222/2023~~

727/2023

Decided on: 25-04-2024

IN THE MATTER OF:

Dr. Javeria Haroon (Ph.D.), Assistant Professor of Chemistry (BPS-18), Govt. Girls Degree College (GGDC) Kot Najibullah, Haripur.

.....Petitioner

VERSUS

1-Secretary Higher Education, Khyber Pakhtoonkhwa, Civil Secretariat, Peshawar.

2-Director of Higher Education and Controlling officer of ACRs/PERs, Department of Higher Education (Colleges), Khyber Pakhtoonkhwa, Peshawar.

.....Respondents

INDEX

| S# | Description of Documents | Annex | Pages |
|----|---|-------|-------|
| 1. | Execution Petition | | 1-2 |
| 2. | Affidavit | | 3 |
| 4. | Addresses of Parties | | 4 |
| 6. | Copy of Service Tribunal Judgement dated 25-07-2023 | "A" | 5-8 |
| 7. | Copy of Departmental Appeal dated 26-07-2024 | "B" | 9-15 |
| 8. | Copy of Departmental Appeal dated 02-09-2024 | "C" | 16-20 |

Execution Petitioner (by self)



Dr. Javeria Haroon (Ph.D.),
Assistant Prof. of Chemistry (BPS-18),
Govt. Girls Degree College,
Kot Najibullah, Haripur.

Dated: 08-10-2024

①

**Before The Honourable Khyber Pakhtunkhwa
Service Tribunal Peshawar.**

In Re:

Khyber Pakhtunkhwa
Service Tribunal

Execution Petition No. 1157/2024

Diary No. 16576

In Service Appeal No. 327/2023

Dated 10-10-2024

Decided on: 25-04-2024

IN THE MATTER OF:

Dr. Javerla Haroon (Ph.D.), Assistant Professor of Chemistry (BPS-18), Govt. Girls Degree College (GGDC) Kot Najibullah, Haripur.

.....Petitioner

VERSUS

1-Secretary Higher Education, Khyber Pakhtoonkhwa, Civil Secretariat, Peshawar.

2-Director of Higher Education and Controlling officer of ACRs/PERs, Department of Higher Education (Colleges), Khyber Pakhtoonkhwa, Peshawar.

.....Respondents

**EXECUTION PETITION FOR IMPLEMENTATION AND COMPLIANCE WITH THE
JUDGEMENT OF THIS HONOURABLE SERVICE TRIBUNAL DATED 25-07-2024,
UPON THE EXECUTION PETITIONER**

MOST RESPECTFULLY SHEWETH:

That the petitioner earnestly craves the permission of the Honourable Service Tribunal to submit as under:

1. That abridgely, the facts giving rise in the instant petition are that the Petitioner is highly qualified, a law abiding and taxpaying citizen of Pakistan and has a good antecedents in her credit.
2. That Petitioner is working in Higher Education Department, Khyber Pakhtoonkhwa for the last 16 years and as such she is well conversant with the facts and circumstances of the case.
3. That being aggrieved, the Petitioner moved a Service Appeal No. 272/2023 before this Honourable Court which was heard on 25-07-2024, and Honourable Service Tribunal pleased to announce the Order dated 25-07-2024 for the expunge and upgradation of ACRs for the years 2017, 2020 and 2021 of Appellant due to lack of even a single factual evidence matching and supporting the remarks in the said ACRs along with non-compliance of rules and guidelines for filling ACRs. Order of this Honourable Court is annexed with this Execution Petition (Annexure "A").
4. That humble submission of the Petitioner is that the Honourable Service Tribunal rendered its Judgement dated 25-07-2024, but, the Respondents did not implement the Judgement dated 25-07-2024 and the steps taken as complete silence by the Respondents towards ensuring effective implementation of this Honourable Service Tribunal Order as well as rules and regulations (Annexure "B") are far from adequate.

BEFORE THE HONOURABLE COURT OF WORTHY CHAIRMAN
KHYBER PAKHTOONKHWA SERVICE TRIBUNAL PESHAWAR

In Re:

Execution Petition No. _____/2024

In Service Appeal No. 272/2023

Decided on: 25-04-2024

IN THE MATTER OF:

Dr. Javeria Haroon (Ph.D.), Assistant Professor of Chemistry (BPS-18), Govt. Girls Degree College (GGDC) Kot Najibullah, Haripur.

.....Petitioner

VERSUS

1-Secretary Higher Education, Khyber Pakhtoonkhwa, Civil Secretariat, Peshawar.

2-Director of Higher Education and Controlling officer of ACRs/PERs, Department of Higher Education (Colleges), Khyber Pakhtoonkhwa, Peshawar.

.....Respondents

AFFIDAVIT

I, **Dr. Javeria Hroon, Assistant Professor of Chemistry, Higher Education Department (Colleges), Khyber Pakhtoonkhwa**, do hereby solemnly affirm and declare on oath that the contents including facts and circumstances of accompanying **Execution Petition** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Service Tribunal.

ATTESTED BY
Sobla Rashid (Advocate High Court)
Oath Commissioner
D.B.A/Judicial Complex Haripur

Ju
8/10/24

DEPONENT
*Javeria**

CNIC# 13101-6504896-4

Cell# +92316-1899064

Dated: 08-10-2024

REFERENCE BOOKS

1. A Guidance to Performance Evaluation (2004). Pakistan Public Administration Research Centre, Management Services Wing, Establishment Division, Cabinet Secretariat, Islamabad: 1-138.
2. ESTACODE (2021). Pakistan Public Administration Research Centre, Establishment Division, Cabinet Secretariat, Islamabad: 1-1044.
3. Chapter 11 Service Tribunal, FST Act; page No. 1049-1051.

ADDRESSES OF PARTIES

- 1) Secretary Higher Education, Khyber Pakhtoonkhwa, Civil Secretariat, Peshawar.
- 2) Director of Higher Education, Directorate of Higher Education (Colleges), Near Northern By Pass, Rano Garhi, Peshawar.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
CAMP COURT, ABBOTTABAD



Service Appeal No. 727/2023

BEFORE: MRS. RASHIDA BANO ... MEMBER (J)
MISS FAREEHA PAUL ... MEMBER (E)

Dr. Javeria Haroon, Assistant Professor of Chemistry (BPS- 18) Government
Girls Post-Graduate College (GGPGC) No. 1, Haripur.
.....(Appellant)

Versus

1. Secretary Higher Education, Khyber Pakhtunkhwa Civil Secretariat Peshawar.
 2. Director Higher Education, Khyber Pakhtunkhwa, Peshawar.
-(Respondents)

Appellant ... In person
Mr. Asif Masood Ali Shah, ... For respondents
Deputy District Attorney

Date of Institution..... 26.06.2023
Date of Hearing..... 25.07.2024
Date of Decision..... 25.07.2024

JUDGEMENT

FAREEHA PAUL, MEMBER (E): The service appeal in hand has been instituted under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the adverse remarks recorded in PERs of the appellant for the years 2017, 2020, 2021 and no action taken on her departmental appeals to the extent of upgradation and expunction of adverse remarks. It has been prayed to set aside all the impugned actions and grant compensation for all grievances, unfairness and mishandling of appellant's departmental appeals, alongwith any other remedy which the Tribunal deemed appropriate.

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Brief facts of the case, as given in the memorandum of appeal, are that the appellant joined Higher Education Department as Lecturer (BPS- 17) in the year 2009. She was later on promoted as Assistant Professor on

Director Higher Education Department
Khyber Pakhtunkhwa
Peshawar

14.07.2017. Certain adverse remarks were given to the appellant in her PER for the year 2017, communicated to her on 09.04.2021, PER of 2020 communicated to her on 01.07.2021 and PER of 2021 communicated to her on 14.10.2022. Feeling aggrieved, she preferred departmental appeals on 19.04.2021 and 19.10.2022 which were not responded; hence the present service appeal.

3. Respondents were put on notice who submitted written reply. We heard the appellant in person as well as learned Deputy District Attorney for the respondents and perused the case file with connected documents in detail.

4. The appellant, while presenting her case, stated that adverse remarks were communicated to her at belated stages against which she preferred departmental appeals but the same were not responded. She argued that no prior counseling had been given, neither she was asked to appear for any personal hearing before the Reporting Officer or the Countersigning Officer. She further argued that no finding or material evidence in support of the adverse remarks were recorded in her PERs. She argued that for the year 2019 she was given very good remarks in her PER and that it was purely malafide on the part of the Reporting Officer as well as Countersigning Officer that she was given adverse remarks in her PERs for the years 2017, 2020 and 2021. She requested that the appeal might be accepted and adverse remarks in her PERs be expunged.

Prof. Dr. P. S. Khanna
Higher Education
Khanna

5. Learned Deputy District Attorney, while rebutting the arguments of the appellant, argued that the appellant was habitual absentee and in that regard warnings were issued to her to mend her behavior but she failed to

Well
true copy
[Signature]

ATTESTED
[Signature]
EXAMINER
Cyber Pakhtunkhwa
Service Tribunal
Peshawar

[Signature]

comply with the directions and hence the adverse remarks were recorded in her PERs. He requested that the appeal might be dismissed.

6. From the arguments and record presented before us, it transpires that the appellant was given adverse remarks in her PERs for the years 2017, 2020 and 2021. Record presented before us shows that the remarks in the year 2017 were conveyed to her in 2021 whereas the remarks of 2020 and 2021 were conveyed in 2021 and 2022 respectively. Perusal of the remarks given in the PER of 2017 by the Reporting Officer showed that the appellant lacked the flexibility in her attitude and also she was not good at her communication and interpersonal skills. Overall grading was given as "below average" and she was declared "not yet fit for promotion". PER of 2020 was graded as "average". In the PER for the year 2021, the Reporting Officer mentioned, "Emotionally unstable, tries to perform her duties but due to some attitude problems other members of the team feel uncomfortable." Overall grading by the Countersigning Officer in that period was given as "average" by declaring her "Not yet fit for promotion". The Countersigning Officer in Part-V of the PER agreed with the Reporting Officer by stating, "Needs to improve her attitude with colleagues and superiors".

7. After going through the entire record presented before us, a point that became clear was that the guidelines for filling up of the PERs were not adhered to. Those guidelines clearly mentioned that the Reporting Officer should ensure that proper counseling was given to the officer under report before adverse remarks were recorded. The guidelines further provided that the Reporting Officer and Countersigning Officer should be clear, direct, objective and unambiguous in their remarks and that vague impressions based

Higher Education Department
Khyber Pakhtunkhwa
Islamabad

attested true copy
[Signature]

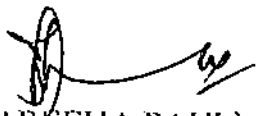
ATTESTED
[Signature]
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
29/10/2024


[Signature]


on inadequate knowledge or isolated incidents should be avoided. In the case in hand, it was noted that the Reporting Officer used terms like "emotionally unstable" and "attitude problems" but did not elaborate why such remarks were being recorded for her. It was further noted that no proper counseling was given to the appellant before adverse remarks were recorded in her PER. The respondents in their reply referred to the habitual absenteeism of the appellant but did not provide any documentary evidence in support of their argument. The explanations/warnings to which they referred were a 07 days leave, without permission, in the month of January 2017, which was converted into casual leave by the competent authority. Then there was an absence for just one day, on 11th January 2021, for which the appellant stated at the bar that she marked her attendance in the register and that she was not absent, to which the learned Deputy District Attorney did not deny. In short, the remarks in the PERs of the appellant did not match with the reply submitted by the respondents in response to the service appeal as well as the statement given by the learned Deputy District Attorney before the Bench.

8. In view of the above discussion, the appeal in hand is allowed and the adverse remarks in the PERs of the appellant for the years 2017, 2020 and 2021 are expunged. Cost shall follow the event. Consign.

9. Pronounced in open court at camp court, Abbottabad and given under our hands and seal of the Tribunal this 25th day of July, 2024.


 (FAREEHA PAUL)
 Member (E)
 (Camp Court, Abbottabad)

TESTED

 29/8/24
 EXAMINER
 Khyber Pakhtunkhwa
 Service Tribunal
 Peshawar


 (RASHIDA BANO)
 Member (J)
 (Camp Court, Abbottabad)

Sup. Dy. Secy
Higher Education Department
Khyber Pakhtunkhwa
Islamabad
29/8/24
Javed

Fazle Subhan PS

Annexure B(9)

To,

The Director General,

Higher Education Department,

Khyber Pakhtoonkhwa, Peshawar.

For,

The Secretary,

Higher Education Department,

Khyber Pakhtoonkhwa, Peshawar.

Through Proper Channel

Subject: Appeal For Action Against Reporting Officer For Unjust Adverse And Downgraded ACRs (2017, 2020, 2021, 2022, 2023) Along with Consideration of My Promotion From 18th November, 2022 With Clearance of My Character Dossier

Respected Sir,

I am writing to respectfully request a review and appropriate action concerning the adverse and downgraded Performance Evaluation Reports (PERs) for the years 2017, 2020, 2021, 2022, and 2023 recorded against me by my Reporting officer (Ms. Nighat Shaheen) (countersigning officers had got retired) along with consideration of my promotion from 18th November, 2022 with clearance of my character dossier.

As per standard rule, no officer can write ACRs of their sub-officers after their retirement (attached as Annexure 4) and I submitted my all ACRs including ACR for the year 2017 to Ms. Nighat Shaheen as per order (attached as Annexure 5). Ms. Nighat Shaheen also hid related departmental letters officially sent to convey me as devoiding my receiving signatures resulting in condonation of delay.

Despite my successful legal challenge resulting in the expungement with upgradation of these ACRs, I have endured significant defamation, mental distress, depletion of honour, time, money and energy, and the loss and supercession of my promotion in grade 19.

According to standard ACR rules (attached as Annexure 6) (which we are also taught in mandatory departmental HEART training continuously), being a knowledgeable authorized person, a reporting officer who sets downgraded and adverse ACRs without following proper procedures or providing valid related evidences is subject to adverse ACRs themselves, as a penalty.

Given that my reporting officer's actions were unjust and non-compliant with established rules, I kindly request that the relevant measures be taken against her in line with the standard regulations to avoid continuous suffering of sub-officers by hands of seniors which are malafide in mind as well as malafide in law both along with consideration of my promotion from 18th November, 2022 with clearance of my character dossier in the best interest of justice.

Thanking you with appreciation in anticipation for your attention, understanding and consideration to this matter and looking forward to a resolution that upholds fairness and accountability..

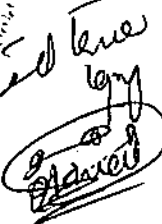
Yours Sincerely,


Dr. Javeria Haroon,

A/P Chemistry,

Dated: 26th July, 2024

GGDC, Kot Najibullah, Haripur.

City: Peshawar, Khyber Pakhtoonkhwa
Higher Education Department
Khyber Pakhtoonkhwa
26/07/2024
Received here
by




Amend B(10)

Amend (1)

(ii) A question has arisen whether officers retired compulsorily under Efficiency and Discipline Rules or on completing 25 years of service or under FR 10-A should not be allowed to write or countersign the PERs of their subordinates. Officers can write PERs during the leave preparatory to retirement. After due consideration it has been decided that such officers, if allowed leave preparatory to retirement, should not be allowed to write/countersign PERs of their subordinates. In that case the procedure laid down in this Division's O.M. No. 6/1/70-A, II, dated 17th June, 1972 and No. 43/1/78-CP I, dated 21st December, 1978 may be followed for writing of the PERs of the affected officials.

[c.f. O.M. No. 6/1/70-A, II, dated 17th June, 1972.]

(iii) A question has arisen whether officers retired under article 13(i) of Civil Servants Act, 1973 can initiate/countersign Performance Evaluation Reports of their subordinates or not. After a careful consideration it has been decided that officers so retired may not be allowed to write Annual Evaluation Reports of their subordinates. For writing of PERs of affected subordinates procedures laid down in this Division's Office Memoranda No. 6/1/70-A, II, dated 17th June, 1972 and No. 43/1/78-CP-I, dated 21st December, 1978 may be followed.

[c.f. O.M. No. 6/1/70-A, II, dated 17th June, 1972.]

2.53. (i) *Writing/ countersigning of PERs by retired or expired Officers.* - It has been decided that as in the case of Government Officers who are transferred, the officers proceeding on retirement, whether voluntary or on attaining the age of superannuation, should be asked to write/countersign reports on the officers and staff who have worked under them for more than three months, before their retirement. If an officer proceeds on retirement without writing/ countersigning the reports and cannot be contacted or fails to oblige despite repeated requests, the following procedure should be adopted:

- (1) The officer who would have countersigned, had the report been initiated by the retired officer, should initiate the report provided he has seen work of the officer reported upon, for a minimum period of three months. The next higher officer, if any, should countersign it.
- (2) If the report has already been initiated but the countersigning officer has retired, the next higher officer, if any, should countersign, provided he has personal knowledge of the work of the officer concerned.
- (3) If both the initiating and the countersigning officers have retired, the officer next higher than both of them, if any, should initiate and the next higher officer, if any, should countersign it. In such cases both the initiating and countersigning officers must have personal knowledge of the work of the officer reported upon.

Handwritten notes and signatures: "op", "ment", "Submitted true copy", "Official".

Annexure B (ii)

To,
The Principal,
Govt. Post Graduate College for Women,
Haripur.

Annexure B (ii)

Subject: Submission of PERS-Dr. Javeria Haroon

Respected Madam,

With due respect, w.r.t. HED, KPK, Peshawar kind letter # 4807-24 dated 03-03-2021, it is an honour to submit my PERS for the years 2017 and 2020. Kindly, furnish and forward them for completion of record/promotion case please.

Thanking you in anticipation,

Yours Sincerely,
Javeria
Dr. Javeria Haroon,
Assistant Prof. of Chemistry,
GPCCW,
Haripur.

Received
Javeria
Principal
Govt. Post Graduate College for Women
Haripur

Dated: 4th March, 2021

all classes
verified
copy
Javeria
Principal
Govt. Post Graduate College for Women
Haripur

Annexure B(12)
Annexure B(12)



DIRECTORATE OF HIGHER EDUCATION
KHAYDER PAKHTUNKHWA
Rafiq Garhi, Chamskani Stop, Near Govt. Poly Technical Institute
PESHAWAR

No. 1107 / 2021 /ADI/ACR.

Tel # 091-2850016

Dated: 13.1.2021

To

Office of the Concerned Officers

Subject: **NOTY SUBMISSION OF PERS.**

Respected Sir / Madam, السلام عليكم

I am directed to refer to the subject cited above and to state that your PER/PERS of the mentioned year / period are not available in this office till date.

You are therefore, requested that kindly contact your reporting officer personally under whom you have worked / working and request her to furnish the same direct to this office immediately for completion of record / promotion case.

| # | Name | Desig: | SUBJECT | PERS MISSING. | College |
|----|-------------------|-----------|------------|---|--------------------------------|
| 1 | Sana Fazal | Asstt.Pro | Geo | 2020 | GFCW, Peshawar |
| 2 | Razla Afridi | Asstt.Pro | Botany | 2016, 2017 | GGDC, EKKA Ghurd, Mohmand |
| 3 | Aliya Liaqat | Asstt.Pro | Botany | 2020 | GFCW, Peshawar |
| 4 | Javeria Haroon | Asstt.Pro | Chem | 2017, 2020 | GGDC Haripur |
| 5 | Mehwish Khan | Asstt.Pro | Pol sci | 2018 | GGDC, No.2 Mansehra |
| 6 | Alia | Asstt.Pro | Psychology | 2020 | GGDC, Nabaqi Peshawar |
| 7 | Saima Zahoore | Asstt.Pro | Psychology | 2020 | KDA KOHAT |
| 8 | Saidaf Saeed | Asstt.Pro | Philosophy | 14.7.2017 to 31.12.2017, 2019, 2020 | GFCW, Peshawar |
| 9 | Syeda Wajeeda | Asstt.Pro | Pak strl | 1.1.2017 to 13.7.2017 & 1.1.2018 to 30.7.2018, | GGDC Havelian |
| 10 | Nadia Jamshed | Asstt.Pro | Comp sci | 2020 | GGDC, Pabbi, Nowshera |
| 11 | Fazeelat Tabassum | Asstt.Pro | Comp sci | 2020 | GFCW, Peshawar |
| 12 | Somayya Bibi | Asstt.Pro | Zoology | 2020 | GGDC, Dargai, Malakand |
| 13 | Shakeela Naz | Asstt.Pro | Islamiyat | 2020 | GGDC KDA KOHAT |
| 14 | Aisha Rizwana | Asstt.Pro | Islamiyat | 2020 | GFCW, Peshawar |
| 15 | Saima Begum | Asstt.Pro | Islamiyat | 2017, 2020 | GGDC, YAR HUSSAIN |
| 16 | Neelam Shamim | Asstt.Pro | Islamiyat | 20.8.2016 to 31.12.2016 | GGDC, Nawansher AT(1) |
| 17 | Parveen | Asstt.Pro | Islamiyat | 2017, 2018, 2020 | GGDC, Dara Adam Khel, Kohat |
| 18 | Asma Hayat | Asstt.Pro | English | 2020 | GGDC Panjpir, Swabi |

Note: PER's must be countersigned from the competent authority of the mentioned.

Midna
ASSISTANT DIRECTRESS (ACR)

of
Retired to me copy
Handwritten signature

← DOC-20230330-WA0008.



Annexure B

14

3. It is requested that the above clarifications may also be brought to the notice of offices under administrative control of Ministries/Divisions.

[C.f. Establishment Division O.M. No. 1/10/2000 D.S. (Coord), dated 11-04-2001.]

Rating of Performance Evaluation Reports as "Outstanding" and "Very Good"

2.19 Reference Establishment Division O.M. of even number dated 11th April, 2001. During the review of Performance Evaluation System held by the Chief Executive, the competent authority was pleased to direct that the 'outstanding' and 'very good' rating in the Performance Evaluation Reports should be given under exceptional circumstances and only after due justification has been provided by the Reporting/Countersigning Officers.

2. The above instructions may also be brought to the notice of offices under administrative control of Ministries/Divisions.

[C.f. Establishment Division O.M. No. 1/10/2000 D.S. (Coord), dated 04-09-2001.]

2.20 Reference Establishment Division O. M. No. 1/10/2000, DS (Coord) dated 11-4-2001. It has been decided to withdraw with immediate effect, the condition of three months prior notice for rating an officer in exceptional cases as "Outstanding" in the PER of an officer by his Reporting/Countersigning Officers. It is however, further clarified that the Reporting/Countersigning Officer shall fully justify such assessment in the PER of the officer concerned.

2. Ministries/Divisions/Departments and Provincial Governments are requested to bring these instructions to the notice of the offices under their administrative control.

[C.f. Establishment Division's O.M. No. 1/10/2000 D.S. (Coord) CP, 9, dated 01-06-2004.]

2.21 Avoidance of personal remarks in writing PERs. It may be impressed upon the reporting officers that, in writing such reports, they should take utmost care to ensure that personal remarks are avoided and that reports are written in an objective manner. If, subsequently, despite these instructions, any reporting officer indulges in subjective reporting, it will be open to his superior officers to report adversely on him for having failed to record his remarks in an objective manner.

[C.f. D.O. letter No. 94754-SE III, dated 5-10-1954.]

attested true copy
[Signature]
13/09/2023
13/09/2023

← DOC-20230330-WA0008.



2.22 Dealing with the public and interest in socio-economic reforms - The merit of an officer for promotion will henceforth be judged, apart from other considerations from the manner in which the Government servant conducts himself in his dealings with the public and zeal and enthusiasm which he shows in carrying out Government's programme of reforms. The reporting officer should make special mention in the "Pen Picture" of the Evaluation report very clearly and specifically, about the Government servant's dealing with the public and his attitude towards Government's socio-economic reforms.

[G.O. No. 100 of 1972 dated 12.4.1972]

2.23 Maintenance of a 'Katcha' Register: A 'Katcha' register should be maintained by every reporting officer for keeping rough notes relating to the work of his subordinates including cases of outstanding good or poor work. Another advantage of this register will be that the officer concerned will be able to comment on the representations against adverse remarks and quote instances of poor work.

2.24 A proforma of this register is given below. The register will not be a permanent record but will be destroyed as soon as it has fulfilled its utility.

Page No.

Name of officer

Date

Remarks

[G.O. No. 115 of 1972 dated 20.6.1972]

2.25 Placing Government servants on Special Reports: Whenever the Head of Ministry/Division/Department is convinced, on good grounds, that the work of a particular Government servant is not satisfactory, the former could put the Government servant concerned, with simultaneous intimation to him, on a special report. A Special Report on the latter's work would, in such an eventuality, be drawn on the expiry of six months, irrespective of the fact whether the annual report on him becomes due during this period.

2.26 If such a special report does not indicate any improvement in the work of the Government servant concerned it would be open to the competent authority to take such action against him as may be permissible under the existing rules.

[G.O. No. 115 of 1972 dated 20.6.1972]

When to write the Reports

2.27 General Instructions - The reports should be prepared annually at the close of each calendar year also on the departure of the Government servants/reporting officer concerned on transfer, if this occurs more than three months after the annual report has been recorded.

[G.O. No. 115 of 1972 dated 20.6.1972]

2.28 (i) The words "more than three months" occurring in the preceding paragraph include a period of just three months under a particular reporting officer for the purpose of calculating the period of three months.

420/138

[G.O. No. 115 of 1972 dated 20.6.1972]

attested true copy

[Signature]

Higher Edu. Officer

2. If you consider that a particular remark of the Reporting Officer is wrong and should be expanded, score it out in red ink. Initial the scoring and any other remark which you may consider appropriate. If you do not wholly agree with remark, give your own remarks either against the relevant entry in the "Remarks" column in Part-II or under "Remarks of the Countersigning Officer" in Part-IV.
3. See whether any adverse remarks were communicated to the officer in a previous year and, if so, whether or not he has taken steps to remedy the defects pointed out in his Comment on this aspect unless the Reporting Officer has already done so.
4. Underline in red ink remarks which, in your opinion, are adverse and should be communicated to the officer concerned. Please see also instructions 3 to 5 under A-Instructions for Ministers, Department etc.
5. After countersigning the form, return it to the officer responsible for the custody of the character roll.

Handwritten notes:
 1. 2. 3. 4. 5.
 1. 2. 3. 4. 5.
 1. 2. 3. 4. 5.

1. Weigh the remarks of the Reporting Officer against (a) your personal knowledge, if any, of the officer reported upon; (b) the previous reports in his character roll and then give your own remarks in Part-IV.
- D. INSTRUCTIONS FOR THE COUNTERSIGNING OFFICER**
1. Fill this form in duplicate by insulating the relevant boxes in both the original and the duplicate copies. You may, if necessary, have your name in words "Pen Picture" typed out in that case, affix your signature at the end of the "Pen Picture".
 2. Where two or more qualities are bracketed together in Part II and the officer reported upon possesses only one of them, bring this fact out in "Remarks" column, e.g. if an officer is competent but not tactful, say so.
 3. After completing Part II and III, send the form to the officer having custody of the relevant character roll in your office.

C. INSTRUCTIONS FOR THE REPORTING OFFICER

1. While reporting on your subordinates:
 - (i) Be as objective as possible.
 - (ii) Be as circumstantial as possible.
 - (iii) Be clear and direct, not ambiguous or evasive in your remarks.
 - (iv) Avoid exaggeration and give substantiation.
2. State whether any of the defects reported have already been brought to the notice of the officer concerned and also whether he has or has not taken steps to remedy them.
3. Fill this form in duplicate by insulating the relevant boxes in both the original and the duplicate copies. You may, if necessary, have your name in words "Pen Picture" typed out in that case, affix your signature at the end of the "Pen Picture".
4. Where two or more qualities are bracketed together in Part II and the officer reported upon possesses only one of them, bring this fact out in "Remarks" column, e.g. if an officer is competent but not tactful, say so.
5. After completing Part II and III, send the form to the officer having custody of the relevant character roll in your office.

DOC-20230330-WA0008.

Handwritten: Amwus 08



Handwritten: Amwus B 15

The Director General,
Higher Education Department,
Khyber Pakhtunkhwa.

Subj: Implementation of Court Order w.r.t. Service Infringement
of Case 729/2023

and Consideration of Application in BPS-19 w.r.t. 18-11-2022

Respected Sir,

With due respect, it is on how to submit
correct judgment of case 729/2023 in Service Infringement,
Khyber Pakhtunkhwa as part for my application
dated 26-07-2024 which is still pending for
implementation and may lead to contempt of court.
It is highly requested to send me prof & implementation
with consideration of my petition (BPS-19) w.r.t. 18-11-2022, please
yours sincerely,

Dr. Javeed Iqbal
ATP Chemistry,
GPO, Kohat,
Khyber Pakhtunkhwa

Date: 02-09-2024

Higher Education Department
Khyber Pakhtunkhwa
GPO Kohat

Amrullah
(16)

1027

CHAPTER 11

SERVICE TRIBUNALS

| Sl. No(s). | Chapter Contents | Page No(s). |
|------------|---|-------------|
| 1 | Constitutional Provisions | 1029 |
| 2 | The Service Tribunals Act, 1973 (Act No. LXX of 1973) | 1030 |
| 3 | The Service Tribunals (Procedure) Rules, 1974 | 1035 |
| 3.1 | Delegation of Powers to Deputy Registrar, Service Tribunal, Lahore | 1044 |
| 3.2 | The Service Tribunals (Qualifications of Members) Rules, 1974 | 1044 |
| 3.3 | Permanent Seat of the Service Tribunal | 1044 |
| 4 | Method, Qualifications and Other Conditions for Appointment of the Assistant Registrar (Grade-16) and Administrative Officer (Grade-17) in the Service Tribunal. | 1045 |
| 4.1 | Method, Qualifications and other Conditions for Appointment of Administrative Officer in Service Tribunal | 1045 |
| 4.2 | Method, Qualifications and Other Conditions for Appointment of the Deputy Registrar (Judicial) Grade-17 in the Service Tribunal | 1046 |
| 5 | Defence of Cases in the Tribunal and Law Courts | 1047 |
| 5.1 | Implementation of Judgements/Orders Passed by the Federal Service Tribunal. | 1048 |
| 5.2 | Implementation of Orders of the Federal Service Tribunal and High Courts Appealed Against in Supreme Court of Pakistan. | 1049 |
| 5.3 | Letter of Attorney General of Pakistan Regarding Implementation of Orders of the Federal Service Tribunal and High Courts Appealed Against in Supreme Court of Pakistan | 1049 |
| 5.4 | Implementation of Federal Service Tribunals Order Wherever Appeals Not Filed | 1050 |

10/11/2011
 Director General
 Federal Service Tribunal
 Islamabad
 Member Ed
 10/11/2011

any substantial question of law of public importance for moving a CPSLA before the Supreme Court of Pakistan, the order should be implemented forthwith under intimation to the Registrar, Federal Service Tribunal, Islamabad.

2. The Ministries/Divisions are also requested kindly to inform the departments under their administrative control to follow the above instructions.

[Authority - Estt. Division's O.M.No.F.10/14/92-Lit.I, dated 4-5-1993].

5.2 Implementation of Orders of the Federal Service Tribunal and High Courts Appealed Against in Supreme Court of Pakistan

Copy of letter No. 1(5)2006-AGP, dated 2-3-2006, received from the Attorney General of Pakistan is enclosed herewith with the request that the instructions contained in the enclosed letter may be complied with in letter and spirit.

2. The above instructions may also be circulated to the attached departments/ organizations under the administrative control of each Ministry/Division.

[Authority: Estt. Div.'s OM No. 9/4/2006-Lit-4, dated 16th March, 2006]

✓ **5.3 Letter of Attorney General of Pakistan Regarding Implementation of Orders of the Federal Service Tribunal and High Courts Appealed Against in Supreme Court of Pakistan**

It has been observed that orders passed in service matters by the Federal Service Tribunal decided against the government are not implemented as per directions given in the respective orders. The government departments postpone the implementation of the orders of the Federal Service Tribunal on the grounds that CPLA is preferred against the order and wait for the disposal of the matter by the Honorable Supreme Court of Pakistan. The government departments are hereby informed that unless the order of FST is suspended specifically by an order of the Supreme Court, the same must be implemented forthwith. However, a clause may be added in the implementation orders that it shall be subject to the final decision of the matter by the Honorable Supreme Court of Pakistan. This eventuality of informing the government departments has arisen because recently the Honorable Supreme Court of Pakistan has started taking a very serious note of this fact and in some of the cases, heavy costs up to Rs. 50,000/- has been imposed by the Honorable Supreme Court of Pakistan simply for the reason that the government department has not implemented the orders during the pendency of the CPLA, without there being any order of suspension of the orders appealed against. The matter must be attended to

Muhammad Ijaz
Secretary
Ministry of Labour

urgently in order to avoid any further financial loss to the national exchequer. Thus all the matters which are decided by the FST or which are pending in the Honorable Supreme Court of Pakistan or which may be instituted before the Honorable Supreme Court of Pakistan against any order passed by the FST, directing the reinstatement or granting some other relief to a civil servant, be complied with forthwith, unless the order appealed against is specifically suspended by the Honorable Supreme Court of Pakistan.

2. The Secretary Establishment is further requested to convey this message to all the departments concerned of the government in respect of which the service matters crop up before the FST or before the Honorable Supreme Court of Pakistan for necessary action.

[Authority:- Office of the Attorney General for Pakistan's DO No. 1(5)2006-AGP; dated 2-3-2006]

✓ 5.4 Implementation of Federal Service Tribunals Order Wherever Appeals Not Filed

1.Omitted.....

2. It is brought to the notice of the Ministries/ Divisions/ Departments that the Federal Service Tribunal was constituted in 1973 and enjoys the powers of a civil court under the Civil Procedure Code and can, if it so desires, initiate proceedings against the defaulting Ministries/Divisions/ Departments for non-implementation of its orders if they have not been appealed against in the higher courts. It is, therefore, mandatory for the Ministries/Divisions/Departments to implement the Federal Service Tribunal's orders wherever appeals have not been filed and strict compliance with this legal provision is requested forthwith.

3. The Tribunal has also complained about the lack of assistance being rendered by the Ministries/Divisions/Departments by having their viewpoints represented by officials of the contesting Ministry/Division/Department at very low level and for not contacting government counsel/advocate who is supposed to defend the government position. Many instances relating to some Ministries and Departments have been cited by the Chairman, Federal Service Tribunal which are being separately addressed on the subject.

4. In view of the above, the attention of the Ministries/Divisions/ Departments is invited to the Establishment Division's policy O.Ms. No.10/14/92-Lit.1, dated 4.5.1993, 2/19/93-Lit.3, dated 28.5.1994 and 1/23/94-Lit.2, dated 3.11.1994 which stress that:

- (a) the government departments should assure that no case goes unrepresented before any court/tribunal. A responsible officer well conversant with the case, alongwith government counsel should always be deputed to represent the government and assist the

Handwritten signature and stamp: Higher Education Khuzdar

court/tribunal on the basis of departmental record and the policy stand taken in the case;

- (b) where a judgment is passed against the government the possibility of filing an appeal against it should be examined well within time in consultation with the Law & Justice Division; and
- (c) where a judgment is not desired to be challenged the same should be implemented forthwith.

5. The Ministries/Divisions/Departments are requested to strictly comply with the government instructions referred to above. The government functionaries, found negligent or responsible for mishandling the cases, should invariably be proceeded against under the E&D Rules, 1973.

[Authority.- Paras 2 to 5 of Estt. Division's O.M.No.1/1/95-Lit.2/Misc. dated 30-8-1995].

*Submitted to
C. Anand*