



PESHAWAR HIGH COURT

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Volume-II

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**CHAPTER-II
DISTRICT JUDICIARY**

SECTION-I

LEGAL FRAMEWORK OF DISTRICT JUDICIARY

C.No. 1(2-1)

CONSTITUTIONAL AND LEGAL PROVISIONS.

Article 175 of the Constitution of Islamic Republic of Pakistan, 1973. (1)
There shall be a Supreme Court of Pakistan, a High Court for each Province and such other courts as may be established by law.

Article 240. Subject to the Constitution, the appointments to and the conditions of service of persons in the service of Pakistan shall be determined-

- (a) in the case of the services of the Federation, posts in connection with the affairs of the Federation and All-Pakistan Services, by or under Act of Majlis-e-Shoora (Parliament); and
- (b) in the case of the services of a Province and posts in connection with the affairs of a Province, by or under Act of the Provincial Assembly.

Explanation. -In this Article, “All-Pakistan Service” means a service common to the Federation and the Provinces, which was in existence immediately before the commencing day or which may be created by Act of Majlis-e-Shoora (Parliament).

Article 241. Until the appropriate Legislature makes a law under Article 240, all rules and orders in force immediately before the commencing day shall, so far as consistent with the provisions of the Constitution, continue in force and may be amended from time to time by the Federal Government or, as the case may be, the Provincial Government.

C.No. 2(2-1)

**THE [KHYBER PAKHTUNKHWA]¹ CIVIL SERVANTS ACT,
1973 ACT NO.XVIII OF 1973]**

An Act to regulate the appointment of persons to, and the terms and conditions of service of persons in, the service of the [Khyber Pakhtunkhwa]²

¹ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

² Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

Preamble- **WHEREAS** it is expedient to regulate by law, the appointment of persons to, and the terms and conditions of service of persons in, the service of the [Khyber Pakhtunkhwa]¹, and to provide for matters connected therewith or ancillary thereto;

It is hereby enacted as follows: -

1. **Short title, application and commencement:** - (1) This Act may be called the ²[Khyber Pakhtunkhwa] Civil Servants Act, 1973.

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

(3) It shall come into force at once.

CHAPTER-I PRELIMINARY

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

- (a) **“ad hoc appointment”** means appointment of a duly qualified person made otherwise than in accordance with the prescribed method of recruitment, pending recruitment in accordance with such method,
- (b) **“civil servant”** means a person who is member of a civil service of the Province, or who holds a civil post in connection with the affairs of the Province, but does not include-
 - (i) a person who is on deputation to the Province from the Federation or any other Province or other authority;
 - (ii) a person who is employed on contract, or on work charged basis, or who is paid from contingencies;

¹ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

² Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

- (iii) a person who is a “worker” or “workman” as defined in the Factories Act, 1934 (Act XXV of 1934), or the Workmen’s Compensation Act, 1923 (Act VIII of 1923);
- (c) **“Government”** means the Government of the North-West Frontier Province
- (d) **“initial appointment”** means appointment made otherwise than by promotion or transfer
- (e) **“pay”** means the amount drawn monthly by a civil servant as pay, and includes special pay, personal pay and any other emoluments declared by the prescribed authority to be paid
- (f) **“permanent post”** means a post sanctioned without limit of time
- (g) **“prescribed”** means prescribed by rules
- (h) **“province”** means the [Khyber Pakhtunkhwa]¹
- (i) **“rules”** means rules made or deemed to have been made under this Act
- (j) **“selection authority”** means the [Khyber Pakhtunkhwa]² Public Service Commission, a departmental selection board, departmental selection committee or other authority or body on the recommendations of, or in consultation with which any appointment or promotion, as may be prescribed, is made;
- (k) **“temporary post”** means a post other than a permanent post.
- (2) For the purpose of this Act, an appointment, whether by promotion or otherwise, shall be deemed to have been made on regular basis if it is made in the prescribed manner.

CHAPTER-II

TERMS AND CONDITIONS OF SERVICE OF CIVIL SERVANTS

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

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

¹ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

² Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

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

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

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

(3) Where, in respect of any service or post, the satisfactory completion of probation includes the passing of a prescribed examination, test or course or successful completion of any training, a person appointed on probation to such service or post who, before the expiry of the original or extended period of his probation, has failed to pass such examination or test or to successfully complete course or the training shall, except as may be prescribed otherwise-

- (a) if he was appointed to such service or post by initial recruitment, be discharged; o
- (b) if he was appointed to such service or post by promotion or transfer, be reverted to the service or post from which he was promoted or transferred and against which he holds a lien or, if there be no such service or post, be discharged:

Provided that in the case of initial appointment to a service or post, a civil servant shall not be deemed to have completed his period of probation satisfactorily until his character and antecedents have been verified as satisfactory in the opinion of the appointing authority.

7. Confirmation: - (1) A person appointed on probation shall, on satisfactory completion of his probation, be eligible for confirmation in a service or, as the case may be, a post as may be prescribed.

(2) A civil servant promoted to a post ¹[...] on regular basis shall be eligible for confirmation after rendering satisfactory service for the period prescribed for confirmation therein.

(3) There shall be no confirmation against any temporary post.

(4) A civil servant who, during the period of his service, was eligible to be confirmed in any service or against any post retires from service before being confirmed shall not, merely by reason of such retirement, be refused confirmation in such service or post or any benefits accruing therefrom.

(5) Confirmation of a civil servant in a service or post shall take effect from the date of occurrence of permanent vacancy in that service or post or from the date of continuous officiation, in such service or post, whichever is later.

8. Seniority: - (1) For proper administration of a service, cadre or ²{post}, the appointing authority shall cause a seniority list of the members for the time being of such service, cadre or ³{post} to be prepared, but nothing herein contained shall be construed to confer any vested right to a particular seniority in such service, cadre or ⁴{post} as the case may be.

(2) Subject to the provisions of sub-section (1), the seniority of a civil servant shall be reckoned in relation to other civil servants belonging to the same service or ⁵[cadre] whether serving the same department or office or not, as may be prescribed.

(3) Seniority on initial appointment to a service, ⁶[cadre] or post shall be determined as may be prescribed.

⁷ [(4) Seniority in a post, service or cadre to which a civil servant is promoted shall take effect from the date of regular appointment to that post;

¹ Omitted by Khyber Pakhtunkhwa Ord. No.IV of 1985.

² Substituted by Khyber Pakhtunkhwa Ord. No.IV of 1985.

³ Substituted by Khyber Pakhtunkhwa Ord. No.IV of 1985.

⁴ Substituted by Khyber Pakhtunkhwa Ord. No.IV of 1985

⁵ Substituted by Khyber Pakhtunkhwa Ord. No.IV of 1985

⁶ Substituted by Khyber Pakhtunkhwa Ord. No.IV of 1985

⁷ Substituted by Khyber Pakhtunkhwa Ordinance No.IV of 1985

Provided that civil servants who are selected for promotion to a higher post in one batch shall, on their promotion to higher post, retain their inter-se-seniority as in the lower post.”]

¹ [“(5) The Seniority lists prepared under sub-section (1), shall be revised and notified in the official Gazette at least once in a calendar year, preferably in the month of January”].

9. Promotion: - (1) A civil servant possessing such minimum qualifications as may be prescribed shall be eligible for promotion to a ²[higher] post for the time being reserved under the rule for departmental promotion in ³[...] the service or cadre to which he belongs.

(2) A post referred to in sub-section (1) may either be a selection post or a non-selection post to which promotion shall be made as may be prescribed-

- (a) in the case of a selection post, on the basis of selection on merit; and
- (b) in the case of a non-selection post, on the basis of seniority-cum-fitness.

10. Posting and Transfer: - Every civil servant shall be liable to serve anywhere within or outside the province, in any post under the Federal Government, or any Provincial Government or Local authority, or a corporation or body set up or established by any such Government:

-

Provided that nothing contained in this section shall apply to a civil servant recruited specifically to serve in a particular area or region;

Provided further that, where a civil servant is required to serve in a post outside his service or cadre, his terms and conditions of service as to his pay shall not be less favourable than those to which he would have been entitled if he had not been so required to serve.

11. Termination of service: - (1)The service of a civil servant may be terminated without notice-

- (i) during the initial or extended period of his probation:

¹ Added by Khyber Pakhtunkhwa Act No.1 of 1989

² Inserted by Khyber Pakhtunkhwa Ord. No.IV of 1985

³ Omitted by Khyber Pakhtunkhwa Ord. No.IV of 1985

Provided that, where such civil servant is appointed by promotion on probation or, as the case may be, is transferred from one ¹[service], cadre or post to another ²[service], cadre or post, his service shall not be so terminated so long as he holds a lien against his former post in such ³[service] or cadre, but he shall be reverted to his former ⁴[service], cadre or post, as the case may be;

- (ii) on the expiry of the initial or extended period of his employment; or
- (iii) if the appointment is made adhoc terminable on the appointment of a person on the recommendation of the selection authority, on the appointment of such person.

(2) Where, on the abolition of a post or reduction in the number of posts in a cadre or grade, the services of a civil servant are required to be terminated, the person whose services are terminated shall ordinarily be the one who is the most junior in such cadre or grade.

(3) Notwithstanding the provisions of sub-section (1), but subject to the provisions of sub section (2), the service of a civil servant in temporary employment or appointed adhoc shall be liable to termination on fourteen days' notice or pay in lieu thereof.

⁵[11-A Absorption of civil servants rendered surplus:- Notwithstanding anything contained in this Act, the rules made thereunder, any agreement, contract or the terms and conditions of service, a civil servant who is rendered surplus as a result of re-organization or abolition of a department, office or abolition of a post in pursuance of any Government decision may be appointed to a post, carrying basic pay scale equal to the post held by him before such appointment, if he possesses the qualifications and fulfils other conditions applicable to that post:

Provided that where no equivalent post is available, he may be offered a lower post in such manner and subject to such conditions as may be prescribed, and where such civil servant is appointed to a lower

¹ Substituted by Khyber Pakhtunkhwa Ordinance No.IV of 1985

² Substituted by Khyber Pakhtunkhwa Ordinance No.IV of 1985

³ Substituted by Khyber Pakhtunkhwa Ordinance No.IV of 1985

⁴ Substituted by Khyber Pakhtunkhwa Ordinance No.IV of 1985

⁵ Inserted by Khyber Pakhtunkhwa Ordinance No. VI of 2001

post, the pay being drawn by him in the higher post immediately preceding his appointment to a lower post shall remain protected.]

12. Reversion to a lower ¹(post): - A civil servant appointed to a higher post or ²[before the commencement of the (Khyber Pakhtunkhwa)³ Civil Servants (Amendment) Ordinance, 1985 to a higher] grade on adhoc or on temporary or officiating basis, shall be liable to reversion to his lower post ⁴[...] without notice.

⁵ [12A. **Certain persons to be liable to removal or reversion:-** Notwithstanding anything contained in his terms and conditions of service, a civil servant appointed or promoted during the period from first day of January, 1972 to the fifth day of July, 1977 may be removed from service or reverted to his lower post ⁶[] as the case may be, without notice, by the Governor or a person authorized by him in this behalf, on such date as the Governor or, as the case may be, the person so authorized may, in the public interest, direct].

⁷ [13. **Retirement from service. - (1)** A civil servant shall retire from service on the completion of sixtieth (60th) year of age.

(2) A Civil Servant may opt to retire early from service, after completion of twenty-five (25) years of qualifying service or attaining the age of fifty-five (55) years, whichever is later

(3) Notwithstanding anything contained in sub-section (1) and (2), the competent authority may in the public interest, direct that a Civil Servant may retire from service, from such date, as may be determined by the competent authority, after he has completed twenty (20) years of service, qualifying for pension or other retirement benefits, in the manner as may be prescribed;

Provided that no direction under this sub-section shall be made until the Civil Servant has been informed in writing of the grounds on which it is proposed to make the direction, and has been given a reasonable opportunity of showing cause against the said direction.

¹ Substituted by Khyber Pakhtunkhwa Ord. No.IV of 1985.

² Inserted by Khyber Pakhtunkhwa Ord. No.IV of 1985.

³ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

⁴ Omitted by Khyber Pakhtunkhwa Ord. No.IV of 1985.

⁵ Inserted by the Khyber Pakhtunkhwa Ord. No.IX of 1978

⁶ Omitted by Khyber Pakhtunkhwa Ord No. IV of 1985

⁷ Substituted vide the Khyber Pakhtunkhwa Civil Servants (Amendment) Act, 2021. Act. No. XI of 2021

Explanation: In this section, the expression “competent authority” means the appointing authority prescribed in rule 4 of the Khyber Pakhtunkhwa Civil Servants (Appointment Promotion and Transfer) Rules, 1989]

¹[13-A. Protection of certain acts. --- (1) All the Civil Servants who were conditionally retired from service on or after 31st day of July, 2019 shall, for all intents and purposes, be deemed to have been regularly retired from service on the date of attaining sixtieth (60th) years of age.

(2) Any Civil Servant who has completed sixty (60) years of age but is not retired from service, by virtue of or in pursuance of the Khyber Pakhtunkhwa Civil Servant (Amendment) Act, 2019, shall be deemed to have been retired from service from the date when such Civil Servant has completed sixty (60) years of age.

(3) Any salary, allowances and other ancillary benefits received or drawn by such Civil Servant under this section on or after 31st day of July, 2019 shall be deemed to be validly received and drawn]

14. Employment after retirement:-(1) A retired civil servant shall not ordinarily be re-employed under Government, unless such re-employment is necessary in the public interest and is made with the prior approval of the authority next above the appointing authority:

Provided that, where the appointing authority is the Governor, such re-employment may be ordered with the approval of the Governor.

(2) Subject to the provision of sub-section (1) of section 3 of the Ex-Government Servants (Employment with Foreign Governments) (Prohibition) Act, 1966 (Act XII of 1966), a civil servant may, during leave preparatory to retirement, or after retirement from Government service, seek any private employment:

Provided that, where employment is sought by a civil servant while on leave preparatory to retirement or within two years of the date of his retirement, he shall obtain the prior approval of the prescribed authority.

15. Conduct: - The conduct of a civil servant shall be regulated by rules made, or instructions issued, by Government or a prescribed

¹ Inserted vide the Khyber Pakhtunkhwa Civil Servants (Amendment) Act, 2021. Act. No. XI of 2021

authority, whether generally or in respect of a specified group or class of civil servants.

16. Disciplinary action: -A civil servant shall be liable to prescribed disciplinary action and penalties in accordance with the prescribed procedure.

17. Pay: - A civil servant appointed to a post ¹[...] shall be entitled, in accordance with the rules, to the pay sanctioned for such post ²[...]:

Provided that, when the appointment is made on a current-charge basis or by way of additional charge, his pay shall be fixed in the prescribed manner:

Provided further that where a civil servant has, under an order which is later set aside, been dismissed or removed from service or reduced in rank, he shall, on the setting aside of such order, be entitled to such arrears of pay as the authority setting aside such order may determine.

18. Leave: - A civil servant shall be allowed leave in accordance with the leave rules applicable to him; provided that the grant of leave will depend on the exigencies of service and be at the discretion of the competent authority.

³**19. Pension and gratuity.** - (1) On retirement from service, a civil servant appointed on regular basis in the prescribed manner before the commencement of the [Khyber Pakhtunkhwa]⁴ Civil Servants (Amendment) Act, 2005 (hereinafter referred to as the said Act), shall be entitled to receive such pension or gratuity as are admissible to him under the West Pakistan Civil Servants Pension Rules:

Provided that in the event of death of such a civil servant, whether before or after retirement, his family shall be entitled to receive such pension, or gratuity, or both, as admissible under the said rules.

(2) A person though selected for appointment in the prescribed manner to a service or post on or after the 1st day of July, 2001, till the commencement of the said Act, but appointed on contract basis, shall, with effect from the commencement of the said Act, be deemed to

¹ Omitted by Khyber Pakhtunkhwa Ord. No.IV of 1985

² Omitted by Khyber Pakhtunkhwa Ord. No.IV of 1985

³ Substituted by Khyber Pakhtunkhwa Act No. IX of 2005

⁴ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

have been appointed on regular basis. All such persons and the persons appointed on regular basis to a service or post in the prescribed manner after the commencement of the said Act shall, for all intents and purposes be civil servant except for the purpose of pension or gratuity. Such a civil servant shall in lieu of pension and gratuity, be entitled to receive such amount contributed by him towards the Contributory Provident Fund, along with the contributions made by Government to his account in the said Fund, in the prescribed manner:

¹[Provided that where a civil servant appointed to a pensionable post on regular basis before the 1st day of July, 2001, is appointed to another post after the 1st day of July, 2001, without any service break, he shall be given an option either to retain the benefit of pension and gratuity as allowed to him under his previous terms of appointment or to avail the benefit of Contributory Provident Fund allowed to him under his new appointment].

Provided ²[further] that in the event of death of such a civil servant, whether before or after retirement, his family shall be entitled to receive the said amount, if it has already not been received by such deceased civil servant.

(3) No pension to a civil servant, who is otherwise entitled to it, shall be admissible to him, if he is dismissed or removed from service for reasons of discipline, but Government may sanction compassionate allowance to such civil servants, not exceeding two-third of the pension or gratuity which would have been admissible to him had he been invalided from service on the date of such dismissal or removal:

Provided that a civil servant referred to in sub-section (2), in case of such dismissal or removal, may, in addition to his own contributions to the Contributory Provident Fund, be allowed, on account of such compassionate allowance, a sum not exceeding two-third of Government contributions in his account.

(4) If the determination of the amount of pension or gratuity admissible to a civil servant is delayed beyond one month of the date of his retirement or death, he or his family, as the case may be, shall be paid provisionally such anticipatory pension or gratuity as may be determined

¹ Added vide the Khyber Pakhtunkhwa Civil Servants (Amendment) Act, 2009 (Khyber Pakhtunkhwa Act No. VIII of 2009)

² Added vide the Khyber Pakhtunkhwa Civil Servants (Amendment) Act, 2009 (Khyber Pakhtunkhwa Act No. VIII of 2009)

by the prescribed authority, according to the length of service of the civil servant which qualified for pension or gratuity and any over payment on such provisional payment shall be adjusted against the amount of pension or gratuity finally determined as payable to such civil servant or his family.]

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

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

21. Benevolent Fund and Group Insurance: - All civil servants and their families shall be entitled to the benefits admissible under the West Pakistan Government Employees Welfare Fund Ordinance, 1969. (W.P Ord. I of 1969), or the [Khyber Pakhtunkhwa]¹ Government Servants Benevolent Fund Ordinance, 1972 (²Khyber Pakhtunkhwa Ord. VII of 1972.), and the rules made thereunder.

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

(2) Where no provision for appeal or review exists under the rules in respect of any order or class of orders, a civil servant aggrieved by any such order may, within thirty days of the communication to him of such

¹ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

² Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

order, make a representation against it to the authority next above the authority which made the order:

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

CHAPTER-III (MISCELLANEOUS)

23. Saving: - Nothing in this Act or in any rule shall be construed to limit or abridge the power of the Governor to deal with the case of any civil servant in such manner as may appear to him to be just and equitable:

Provided that, where this Act or any rule is applicable to the case of a civil servant, the case shall not be dealt with in any manner less favorable to him than that provided by this Act or such rules.

¹**[23-A-Idemnity ---** No suit, prosecution or other legal proceedings shall lie against a civil servant for anything done or intended to be done in good faith in his official capacity under this Act or the rules, instructions or direction made or issued thereunder.

23-B. Jurisdiction barred --- Save as provided under this Act and the Service Tribunal Act, 1974 ²(Khyber Pakhtunkhwa Act No. 1 of 1974), or the rules made thereunder, no order made or proceedings taken under this Act, or the rules made thereunder by the Governor or any officer authorized by him shall be called in question in any court and no injunction shall be granted by any Court in respect of any decision made, or proceedings taken in pursuance of any power conferred by or under Act or the rules made thereunder]

24. Removal of difficulties: - If any difficulty arises in giving effect to any of the provisions of this Act, the Governor may make such order, not inconsistent with the provisions of this Act, as may appear to him to be necessary for the purpose of removing the difficulty:

Provided that no such power shall be exercised after the expiry of one year from the coming into force of this Act.

¹ Inserted by Khyber Pakhtunkhwa Ord. No. XIV of 2002

² Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

25. Appointment of persons on contract, etc: - The Governor or any person authorized by the Governor in that behalf may, on such terms and conditions as he may specify in each case, appoint persons on contract basis, or on work-charged basis, or who are paid out of contingencies:

Provided that all such employees who were working in any such capacity immediately before the commencement of this Act shall continue to be so employed on the same terms and conditions on which they were appointed.

***26. Rules: - (1)** The Governor or any person authorized by the Governor in this behalf, may make such rules as appear to him to be necessary or expedient for carrying out of the purposes of this Act.

(2) Any rules, orders or instructions in respect of any terms and conditions of service of civil servants duly made or issued by an authority competent to make them and in force immediately before the commencement of this Act shall, in so far as such rules, orders or instructions are not inconsistent with the provisions of this Act, be deemed to be rules made this Act.

27. Repeal: - The ¹[Khyber Pakhtunkhwa] Civil Servants Ordinance, 1973 (²Khyber Pakhtunkhwa Ordinance No.VI of 1973), is hereby repealed.

C.No. 3(2-1)

THE ³[KHYBER PAKHTUNKHWA] JUDICIAL SERVICE RULES, 2001 (SUBSTITUTED)

TO BE SUBSTITUTED FOR THE NOTIFICATION
BEARING THE SAME NO. & DATE

* The Governor has authorized the Chief Minister Khyber Pakhtunkhwa to make rules vide Notification No.SORI(S&GAD)1-206/74/Vol.V dated 18.4.1989 which reads as under:-

“In exercise of the powers conferred by sub-section (1) of Section 26 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act XVIII of 1973), the Governor North West Frontier Province is pleased to authorize the Chief Minister, North West Frontier Province to make rules for carrying out of the purposes of the said Act”

¹ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

² Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

³ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

GOVERNMENT OF THE [KHYBER PAKHTUNKHWA]¹
ESTABLISHMENT DEPARTMENT

NOTIFICATION

Dated Peshawar the 05/03/2002

No. SOR-IV (E&AD)/3-11/2002. In exercise of the powers conferred by Section 26 of the [Khyber Pakhtunkhwa]² Civil Servants Act 1973 [(Khyber Pakhtunkhwa)³ Act No. XVIII of 1973] read with Cabinet Division, Government of Pakistan, Notification No. SOR 475 (1)/ 2001 dated the 28th June, 2001, the Governor of the North West Frontier Province is pleased to make the following rules regulating recruitment to the Judicial Service and prescribing the terms and conditions of service of persons appointed thereto namely.

THE [KHYBER PAKHTUNKHWA]⁴
JUDICIAL SERVICE RULES 2001

PART-1
GENERAL

1. **Short title and commencement:** (1) These rules may be called the [Khyber Pakhtunkhwa]⁵ Judicial Service Rules, 2001.

(2) They shall come into force at once.

2. **Definitions:** In these rules, unless there is anything repugnant in the subject or context:

- (a) “Administration Committee of the High Court” means Committee constituted under High Court Rules and Orders, volume-V, Chapter 10-A.
- (b) “Appointment on contract basis” means appointment made for a specified period in accordance with the policy of Govt: applicable to appointment on contract basis.
- (c) “Chief Justice” means the Chief Justice of Peshawar High Court Peshawar.

¹ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

² Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

³ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

⁴ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

⁵ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

- (d) “Commission” means the [Khyber Pakhtunkhwa]¹ Public Service Commission.
- (e) “Departmental promotion committee” means the Committee constituted under High Court Rules and Orders Volume-V, chapter 10-A.
- (f) “Government” means the Government of [Khyber Pakhtunkhwa]²
- (g) “High Court” means Peshawar High Court Peshawar.
- (h) “Initial appointment” means appointment made otherwise than by promotion or transfer from another service, department or post;
- (i) “Provincial Judicial Selection Board” means a Board comprising the Administration committee or such number of Judges of the High Court as may be nominated by the Administration Committee;
- (j) “Recognized University” means the University established by or under a law in Pakistan or any other University which may be declared by Government to be a recognized University for the purpose of these rules;
- (k) “Selection Authority” means the Commission or, as the case may be, the Provincial Judicial Section Board; and
- (l) “Service” means the [Khyber Pakhtunkhwa]³ Judicial Service.

PART-II RECRUITMENT

3. Constitution of Service: - The Service shall comprise the posts of:

- (a) District and Sessions Judge/Zilla Qazi
- (b) Additional District and Sessions Judge/Izafi Zilla Qazi
- (c) Senior Civil Judge-cum Magistrate, empowered under section 30 Cr.P.C/ Aala Alaqa Qazi
- (d) Civil Judge cum Judicial Magistrate /Alaqa Qazi

Note – The designation of Zilla Qazi, Izafi Zilla Qazi, Aala Alaqa Qazi and Alaqa Qazi wherever used in these rules, shall be deemed to be relevant only to the Provincially Administered Tribal Areas of the [Khyber Pakhtunkhwa]⁴.

¹ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

² Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

³ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

⁴ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

4. Appointing Authority: -Appointment to a post shall be made by the High Court.

5. Method of Recruitment: -Appointment to Service shall be made in the following manner:

- (a) appointment to a post of Civil Judge-cum-judicial Magistrate/Alaqa Qazi shall be made by initial recruitment;
- (b) appointment to a post of Senior Civil Judge cum Judicial Magistrate empowered under section 30 Cr.P.C/Aala Alaqa Qazi shall be made on seniority cum-fitness basis from amongst the Civil Judges-cum-Judicial Magistrate/Alaqa Qazi on the recommendation of Departmental Promotion Committee.
- (c) Appointment to a post of Additional District and Sessions Judge/Izafi Zilla Qazi shall be made to the extent of-
 - (i) not less than two-third by promotion, on the recommendation of Departmental promotion committee from amongst the holders of the post of Senior Civil Judge-cum-Judicial Magistrate, empowered under section 30 Cr.P.C./Aala Alaqa Qazi, and;
 - (ii) not more than one-third by initial recruitment, from amongst the members of the Bar, Public Prosecutors/Government Pleaders and Additional Public Prosecutors/Additional Government Pleaders;
- (d) Appointment to a post of District and Sessions Judge/Zila Qazi shall be made by promotion, on the recommendation of the Departmental Promotion Committee, on the basis of seniority-cum-fitness, from amongst the holders of the post of Additional district and sessions Judge/Izafi Zilla Qazi;
- (e) Appointment by initial recruitment to a post of Civil Judge-cum-Judicial magistrate/Alaqa Qazi shall be made on recommendations of the commission based on the result of a competitive examination to be conducted by it in the subjects specified in the Appendix to these rules;

Provided that the High Court may make appointment by initial recruitment on contract basis on the recommendations of the Provincial Judicial Selection Board in accordance with the policy of Government applicable to appointment on contract basis.

- 6. Age – (1)** No person shall be appointed to the Service if;
- (i) In case of initial recruitment as Civil Judge cum Judicial Magistrate /Alaqa Qazi he/she is less than twenty-three years and more than thirty-two years of age.¹
 - (ii) in case of initial recruitment as Additional District and Sessions Judge/Izafi Zilla Qazi, he/she is less than thirty-five years or more than forty-five years of age.
- (2) For the purpose of this rule, age shall be reckoned as on the last date fixed for submission of applications for appointment.

7. Qualification :-(1) No person shall be appointed to a post in the service by initial recruitment unless he/she;

- (a) in case of appointment to a post of Civil Judge cum-Judicial-Magistrate / Alaqa Qazi, possesses a degree in law from a recognized University entitling him/her to practice the profession of law or is a Barrister of England or Ireland or is a Member of the Faculty of Advocates of Scotland [and have practiced the profession of law in the High Court or in the Courts subordinate thereto, for a period not less than two (2) years after enrollment as an advocate]²

Explanation – For the purpose of this clause, the expression “practiced the profession of law” shall include any period of government service by a person as Government Pleader, Public Prosecutor, Additional Government Pleader or Additional Public Prosecutor on behalf of Government;

- (b) in case of appointment to a post of Additional District and Sessions Judge/ Izafi Zilla Qazi, apart from possessing the qualification in clause (a), is also a practicing Advocate of High Court and/or the Courts subordinate thereto with a minimum practice of eight years.

¹ Provisos (a), (b) & (c) deleted vide Notification No.SOE-III(E&AD)2-1/2007 Dated 3rd September, 2008

² Added vide Notification No E&A/LD/2-2/14/VOL-VII; Dated the August 26 2015

Provided that the experience of practicing as an Advocate shall also include the service rendered as Public Prosecutor, Government Pleader, Additional Public Prosecutor or Additional Government Pleader.

8. Eligibility :- (1) No person shall be initially appointed to the service unless he/she-

- (a) is a citizen of Pakistan and is bonafide resident of the [Khyber Pakhtunkhwa]¹.
- (b) produces a certificate of character from the Principal Academic Officer of the academic institution last attended and also certificates of character from two other respectable persons, not being his/her relatives, who are well acquainted with his/her character and antecedents, and
- (c) is declared to be physically fit by a Board of Medical Officers, appointed by the Government.

PART-III CONDITIONS OF SERVICE

9. Probation: (1) A person appointed to a post against a substantive vacancy shall remain on probation for a period of two years, if appointed by initial recruitment, and for a period of one year, if appointed otherwise.

Explanation: Officiating service and service spent on deputation to a corresponding or a higher post may be allowed to count towards the period of probation.

- (2) If the work or conduct of a member of the service during the period of probation has been unsatisfactory, the High Court may, notwithstanding that the period of probation has not expired, dispense with his/her services.
- (3) On completion of the period of probation of a member of the service, the High Court may, subject to the provisions of sub-rule (4), confirm him/her in his/her appointment, or if his/her work or conduct has, in the opinion of the High Court, not been satisfactory;
 - (a) dispense with his/her services, if he/she was not an employee of a department/organization before his/her appointment as above or his/her lien was not retained by his/her parent Department/Organization, or may revert him/her to the parent

¹ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

- Department/Organization if he/she was an employee of a department/ organization and his/her lien has been retained by the parent department/organization or
- (b) extend the period of probation by a period not exceeding two years in all, and during or on the expiry of such period pass such orders as it could have passed during or on the expiry of the initial period of probation.

Explanation-I- If no order has been made by the day following the completion of the initial period of probation, the period of probation shall be deemed to have been extended.

Explanation-II- If no order has been made by the day on which the maximum period of probation expires, the probationer shall, subject to sub - rule (4), be deemed to have been confirmed in his/her appointment from the date on which the period of probation was last extended or may be deemed to have been so extended.

- (4) No person shall be confirmed in the service unless he/she successfully completes such training and passes such departmental examination as may be prescribed by the High Court from time to time.
- (5) If a member of the Service fails to complete successfully any training or pass any departmental examination prescribed under Sub-Rule (4), within such period or in such number of attempts as may be prescribed by the High Court, then the High Court may dispense with his/her services, if he/she was not an employee of a department/organization or his/her lien has not been retained by his/her parent department/organization, or may revert him/her to the parent department/organization if he/she was an employee of a department/organization and his/her lien has been retained by the parent department/organization.

10. Seniority: The seniority inter-se of the members of the service in the various pay scales thereof shall be determined by the High Court, subject to the following conditions:

- (a) In the case of members appointed by initial recruitment, in accordance with the order of merit assigned by the Selection Authority as mentioned in Rule-5; provided that persons selected for the service in an earlier selection shall rank senior to the persons selected in a later selection.

- (b) In the case of members appointed by promotion, seniority in a post, service or cadre to which a Civil Servant promoted shall take effect from the date of regular appointment to that post; provided that Civil Servants who are selected for promotion to a higher post in one batch shall, on their promotion to higher post, retained their inter-se seniority as in the lower post.

Explanation-I If a Jr. officer in a lower grade is promoted temporarily to a higher grade in the public interest, even though continuing later permanently in the higher grade, it would not adversely affect the seniority in the interest of his/her senior officer in the fixation of his/her seniority in the higher grade.

Explanation-II If a Jr. Officer in a lower grade is promoted to a higher grader by superseding a Sr. officer and subsequently that officer is also promoted, the officer promoted first shall rank senior to the officer promoted subsequently.

11. **Selection Grade: -**

- (i) Not less than 33% of the posts of: -
- a) District & Sessions Judges/Zilla Qazis
 - b) Additional District & Sessions Judges/Izafi Zilla Qazis
 - c) Senior Civil Judges/Magistrates, empowered under Section-30 Cr.P.C/Aala Alaqa Qazis.
 - d) Civil Judges cum Judicial Magistrates/ Alaqa Qazis
 - e) Including members of the Service serving against ex-cadre posts.

Shall be placed in the next higher basic pay scale

- ii) Selection Grade of officers shall be made by the High Court on the recommendations of the Departmental Promotion Committee from amongst the senior most incumbents.

12 **Liability to Transfer and Serve:** Members of the Service shall be liable to:

- (a) transfer anywhere in the [Khyber Pakhtunkhwa]¹;

¹ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

- (b) serve in any department of Government or any local authority or statutory body set up or established by Government; and
- (c) serve anywhere in Pakistan under the Federal Government.

13. **General Rules:** In all matters not expressly provided for in these rules, members of the Service shall be governed by such rules as have been or may hereafter be prescribed by Government and made applicable to their employees, with such modifications and changes as the High Court may prescribe.

14. **Repeal and Saving:** - The West Pakistan Civil Service (Judicial Branch) Rules, 1962, and the North West Frontier Province Senior Judicial Officers (Terms and Conditions of Service) Rules, 1979, are hereby repealed.

APPENDIX

SYLLABUS AND STANDARD FOR THE [KHYBER PAKHTUNKHWA]¹. JUDICIAL SERVICE COMPETITIVE EXAMINATION

1. The Competitive Examination shall be in the subjects as listed below and each candidate shall take all the subjects.
2. A candidate shall answer the papers in English, unless otherwise directed.
3. The subjects and maximum marks fixed for each subject/paper shall be such as shown below in column 2 and 3 respectively;

SUBJECTS / PAPERS

Serial Number	Subjects	Maximum Marks
1	2	3
1.	English General and English Essay	100
2.	Urdu/Pushto Essay and General Urdu/Pushto Paper	100
3.	General Knowledge: a. Current Affairs and Everyday Science. b. Pakistan Studies	100 50
4.	Civil Law-I	100
5.	Civil Law-II	100
6.	Criminal Law.	100
7.	Islamic Jurisprudence	100
8.	Qanun-e-Shahadat 1984 and Pleading	100
9.	Viva-Voce	100

Note: All papers shall be of three hours duration.

4. Qualifying marks in the aggregate of written papers and viva voce shall respectively be 425 and 30.
5. No candidate shall be summoned for viva voce test unless he/she has obtained at least 33 percent marks in each individual written paper and 50 percent marks in the aggregate. No candidate shall be considered to have

¹ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

qualified in the examination unless he/she also obtained at least 30 percent marks in viva voce, failure in or absence from viva voce shall mean that the candidate has failed to qualify for appointment and his/her name will not be included in the merit list.

6. Deleted vide No. SOR-IV(E&AD)5-4/2006 dated 21st January, 2010.

7. If a candidate's handwriting is not easily legible, deduction which may be considered suitable may be made on this account from the total marks secured by him/her.

8. Credit will be given for good English including orderly, effective and exact expression combined with the economy of words, in all subjects of the examination and not only in subjects which are specially devoted to English.

9. Names of the candidates who qualify shall be arranged in order of merit according to the aggregate marks obtained in the examination.

10. In the event of a tie, the order of merit shall be determined in accordance with the highest marks secured in the viva-voce. Should the marks in the viva voce of the candidates who tie be equal then the candidate who is older in age shall be placed senior.

DETAILED SYLLABUS FOR THE [KHYBER PAKHTUNKHWA]¹. JUDICIAL SERVICE COMPETITIVE EXAMINATION

1. English General and English Essay. This paper is intended to test the candidate's command of the English language and may include precise writing usage of idioms, with an essay in English on one of the several specified subjects and is intended to test the candidate's ability to compose.

2. Essay and General Paper in Urdu/Pushto. This paper is intended to test the candidate's to write the language fluently and to translate from English into it. Candidate's will be expected to have a grasp of the language and to understand poetry and prose. Knowledge of literature as such will not form part of this paper.

3. General Knowledge including every day science and Pakistan Studies. This paper is intended to test the candidate's knowledge of current world affairs and also of broad facts of historical, political, geographical and economic importance. A section will be included to test the candidate's knowledge and understanding of matters of every day observation and experience in the scientific aspect. Eighty marks will be allowed for General Knowledge, Current Affairs and twenty marks for every day Science. Paper of Pakistan studies will be of Degree standard.

4. Details of subject with respect to certain paper. The following papers shall comprise the subject noted against each:

- | | |
|-----------------------------|---|
| a Civil Law Paper-I | <ul style="list-style-type: none"> (i) Civil Procedure Code 1908; (ii) West Pakistan Civil Court Ordinance, 1962. (iii) Contract Act 1872; (iv) Sales of Goods Act, 1930. |
| b Civil Law Paper-II | <ul style="list-style-type: none"> (i) Muhammadan Law / Islamic Law; (ii) Registration Act, 1908; (iii) Limitation Act, 1908; (iv) Specific Relief Act, 1877. |
| c Criminal Law | <ul style="list-style-type: none"> (i) Pakistan Penal Code, 1860; (ii) Criminal Procedure Code, 1898; |

¹ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

- | | |
|---|---|
| d Islamic Jurisprudence | <ul style="list-style-type: none"> (iii) Hudood Ordinances, 1979. (i) Pre-Islamic Arab Society Evolution of the Islamic Legal system and sources of Islamic Law; (ii) Importance of Qiyas, Istehsan, Istidlal, Ijtehad and Taqlid; (iii) Acts, Rights and Obligations; (iv) Ownership and Possession; (v) Contracts, Torts and Crimes; (vi) Procedure and Evidence; (vii) Constitutional and Administrative Laws and Relations between Muslims and Non-Muslims. |
| (e) Qanun-e-Shahadat 1984 and Pleading | <ul style="list-style-type: none"> (i) Qanun-e-Shahadat 1984. (ii) Particulars of Plaints. (iii) Particulars of written statements; (iv) Drafting of Plaints and Written Statements. |

Note: Except in case of Muhammadan Law/Islamic Law, Hudood Ordinances, Islamic Jurisprudence and Pleadings, bare copies of the relevant Acts will be provided to the candidates.

5. The object of the Examination is to test the practical ability of the candidates rather than the range of their theoretical knowledge. For this purpose the kind of questions that will be asked will be to give the facts of a typical case and ask the candidate to frame issues, to write a Judgment and to discuss the admissibility of evidence.

6. Viva Voce: The viva voce will be a test of the personal qualities of the candidates. This examination will be in matters of general interest and is intended to test the candidates alertness, intelligence and general outlook. Consideration will also be paid to these bearing and physique of the candidate.

C.No. 4(2-1)

THE ¹[KHYBER PAKHTUNKHWA] SUBORDINATE JUDICIARY SERVICE TRIBUNAL ACT, 1991

1. Short title application and commencement: - (1) This Act may be called the ²[Khyber Pakhtunkhwa] Subordinate Judiciary Service Tribunal Act, 1991.

(2) It shall apply to all members of subordinate Judiciary wherever they may be.

(3) It shall come into force at once.

2. Definition: In this Act, unless the context otherwise requires: -

(a) “Chairman” means the Chairman of the Tribunal;

(b) “Government” means the Government of the ³[Khyber Pakhtunkhwa];

(c) “Governor” means the Governor of the ⁴[Khyber Pakhtunkhwa];

(d) “Member” means a Member of the Tribunal and includes the Chairman;

(e) “Members of Subordinate Judiciary” means and includes all the Judicial Officers under the administrative control of the Peshawar High Court;

(f) “Tribunal” means the Service Tribunal established by this Act and includes a Bench thereof.

3. Tribunal: - (1) The Governor may by Notification in the Official Gazette establish a Service Tribunal for the ⁵[Khyber Pakhtunkhwa].

(2) The Tribunal shall have exclusive jurisdiction in respect of matters relating to terms and conditions of the service of members of Subordinate Judiciary including disciplinary matters.

(3) The Tribunal shall consist of four sitting Judges of the Peshawar High Court to be nominated by the Chief Justice of whom the senior most shall be the Chairman.

¹ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

² Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

³ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

⁴ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

⁵ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

Provided that Judge against whose orders an appeal is preferred shall not be member of the Tribunal.

4. **Constitution of Benches:** - (1) Notwithstanding anything contained in Section 3, Chairman may constitute a Bench consisting of two Members with or without the Chairman and when so constituted a Bench shall be deemed to be a Tribunal.

(2) If a Bench is unable to arrive at an unanimous decision in an appeal, the matter shall be referred to any one of the remaining two Members of the Tribunal as the Chairman may determine and the decision of the Tribunal shall be expressed in terms of the opinion of the majority.

(3) The Chairman may at any stage of hearing of an appeal withdraw it from the Tribunal and entrust it to a Bench or may withdraw any appeal pending before a Bench and make it over to another Bench or to the Tribunal.

5. **Appeal to Tribunal:** -Any member of Subordinate Judiciary aggrieved by any final order, whether original or appellate, made by a departmental authority in respect of any of the terms and conditions of his service may, within thirty days of the communication of such order to him or within six months of the establishment of the Tribunal, whichever is later, prefer an appeal to the Tribunal.

Provided that-

(a) where an appeal, review or representation to a departmental authority is provided under the [Khyber Pakhtunkhwa]¹.Civil Servants Act, 1973 (²Khyber Pakhtunkhwa Act XVIII of 1973), or any rules against any such orders, no appeal shall lie to the Tribunal unless the aggrieved person has preferred an appeal or application for review or representation to such departmental authority and a period of ninety days has elapsed from the date on which such appeal, application, or representation was so preferred;

³[(b) no appeal shall lie to the Tribunal against an order or decision of a departmental authority determining, the quantum of departmental punishment or penalty imposed on a member of Subordinate judiciary as a result of departmental inquiry except where the penalty imposed

¹ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

² Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

³ Substituted vide Khyber Pakhtunkhwa Act No. X of 2015

is dismissal from service, removal from service or compulsory retirement or any minor penalty as defined in the rules.]

Explanation: -In this section “Departmental Authority” means the authority, other than a Tribunal which is competent to make an order in respect of any of the terms and conditions of service of members of Subordinate Judiciary.

6. Powers of Tribunal: - (1) The Tribunal may, on appeal, confirm, set aside, vary or modify the order appealed against.

(2) The Tribunal shall for the purpose of deciding any appeals, be deemed to be a Civil Court and shall have the same powers as are vested in civil court under the Code of Civil Procedure, 1908(Act V of 1908), including the powers of-

- (a) enforcing the attendance of any person and examining him on oath.
- (b) compelling the production of documents; and
- (c) issuing commission for the examination of witnesses and documents.

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

7. Limitation: - The provisions of Section 5 and 12 of the Limitation Act, 1908 (IX of 1908), shall apply to appeals under this Act.

8. Transfer of Appeal: -All appeals pending before the Tribunal established under the [Khyber Pakhtunkhwa]¹. Service Tribunal Act, 1974 (²Khyber Pakhtunkhwa Act I of 1974), relating to members of Subordinate Judiciary shall stand transferred to the Tribunal established under this Act.

9. Rules: - The Government may, by Notification in the Official Gazette, make rules for carrying out the purposes of this Act.

10. Repeal: - The ³Khyber Pakhtunkhwa Subordinate Judiciary Service Tribunal Ordinance, 1991 (⁴Khyber Pakhtunkhwa Ord. No.III of 1991) is hereby repealed.

¹ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

² Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

³ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

⁴ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

C.No. 5(2-1)

¹[KHYBER PAKHTUNKHWA] SUBORDINATE JUDICIARY SERVICE TRIBUNAL RULES, 1992

1. Short title and commencement: - (1) These rules may be called the ²[Khyber Pakhtunkhwa] Subordinate Judiciary Service Tribunal Rules, 1991.

(2) They shall come into force at once.

2. Definition: - In these rules, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, that is to say-

- (a) “Act” means the ³[Khyber Pakhtunkhwa] Subordinate Judiciary Service Tribunal Act, 1991 (⁴Khyber Pakhtunkhwa Act No. VIII of 1991);
- (b) “Chairman” means the Chairman of the Tribunal.
- (c) “Member” means a member of the Tribunal.
- (d) “Registrar” means the Registrar of the Tribunal, and includes any other person authorized by the Tribunal to perform the duties and functions of the Registrar under these rules; and
- (e) “Tribunal” means the Tribunal established under section 3 of the Act and includes a Bench constituted under section 4 thereof.

3. Working hours: - The Tribunal shall observe such hours of sitting as it may determine.

4. Holidays: - The Tribunal shall observe such holidays as are notified by Government, and such local holidays as are observed by the Peshawar High Court, Peshawar.

5. Sitting of Tribunal: - The Tribunal shall hold its sitting at Peshawar.

6. Procedure to prefer Appeal: - (1) An appeal to the Tribunal may be sent by Registered post or presented to the Registrar personally or through an advocate, during working hours.

¹ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

² Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

³ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

⁴ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

- (2) Every memorandum of appeal shall-
- (a) be legibly, correctly and concisely written or printed;
 - (b) be divided into paragraphs numbered consecutively, each paragraph containing as nearly as may be separate allegation;
 - (c) containing the full name, official designation and place of posting of each party;
 - (d) clearly set out the relief claimed;
 - (e) be accompanied by-
 - (i) a copy of the seniority list or other order of the competent authority fixing seniority, or in order cases, copy of the impugned order; against which the appeal is directed;
 - (ii) copies of rules, orders and other documents on which the appellant proposed to rely in support of his claim;
 - (f) be signed by the appellant;
 - (g) be accompanied by four spare copies of the memorandum of appeal and as many other copies thereof, complete in all respects, signed by the appellant and accompanied by the documents referred to in clause(e), as there are respondents;

Provided that where the Tribunal is satisfied that it is not possible for an appellant to produce any document referred to in clause (e), it may waive the provision of the said clause.

Note: For the purposes of sub-clause (i) of clause (e), the appointing authority or any other authority to whom the powers to make decision regarding seniority of a member of the Subordinate Judiciary have been delegated shall prepare and notify in the official Gazette a list of seniority of the members of the subordinate Judiciary under its administrative control and the list so prepared shall be maintained up to date and shall be revised at least once a year preferably in the month of January.

(3) Every memorandum of appeal shall be presented to the Registrar in the covers and be accompanied by a typed or printed index of papers failing which the appeal may not be entertained.

(4) In every memorandum of appeal, the competent authority whose order is challenged shall be shown as Respondent No.1 and every civil servant who may be affected by the relief claimed, shall also be shown as respondent;

Provided that if the competent authority whose order is challenged is the Chief Justice or a Judge of the Peshawar High Court through the Registrar, Peshawar High Court shall be shown as Respondent No.1.

(5) Where an appeal is presented after the period of limitation prescribed in the Act, it shall be accompanied by a petition supported by an affidavit setting forth the cause of delay.

7. Security of appeals: -The Registrar shall scrutinize every memorandum of appeal received by post, or presented to him and shall-

- (a) if it be in order and drawn up in accordance with forgoing provisions, cause it to be registered in the Registrar of Appeals to be maintained by the Tribunal;
- (b) if it is not drawn up in the manner herein before prescribed, return it to the appellant or his advocate for amendment, within a time to be specified in an order to be recorded by him on the memorandum of appeal, pointing out the deficiency;
- (c) where the memorandum of appeal is not drawn up in the manner herein before prescribed and the appellant or his advocate fails to amend the same within the period specified by the Registrar, the Tribunal may pass such order as it may deem fit.

8. Admission of the time barred appeals: - Any appeal may be admitted after expiry of the period of limitation prescribed thereof when the appellant satisfies the Tribunal that he had sufficient cause for not preferring the appeal within such period and the decision of the Tribunal as to the sufficiency of cause shall be final.

9. Fixation of date of hearing:-(1) The Tribunal may, after fixing a day for hearing the appellant, and hearing him or where he is represented by an advocate, hearing the advocate, dismiss the appeal in limine.

(2) If the appeal is not dismissed in limine, notices of admission of appeal and of the day fixed for its hearing, issued under the signature of

the Registrar or any other official authorized by him in this behalf, shall, subject to the provisions of Rule 10, be served on the appellant and the respondents, or on their advocates if they are so represented, and on such other persons as the Tribunal may deem proper.

(3) Except as otherwise directed by the Tribunal, for reasons to be recorded in writing, the cases shall be fixed for hearing on their own turn, according to the dates of their admission.

10. Deposit of Security etc: - (1) If the appeal is admitted, the appellant shall deposit with the Registrar: -

- (a) cash security for costs in the sum of Rs.100.00 (rupees one hundred only); and
- (b) such cost of service of notices on the respondents as may be determined by the Registrar, including the cost of publication, if it is desirable to serve the notices by publication in the newspapers.

(2) If within 10 days of the admission of appeal, the appellant does not deposit the security and the cost of service of notices, the appeal may be dismissed.

11. Service of Notices: - (1) A notice under sub-rule (2) of Rule 9 may be served by registered post or in any other manner as the Tribunal may direct.

(2) The notices to the respondents shall be accompanied by a copy of the memorandum of appeal and all the documents appended therewith.

(3) The Tribunal may, where the number of respondents is large or where otherwise the Tribunal considers it appropriate or desirable to do so, direct that in addition to sending a copy of the notice to the respondents by registered post, the notice shall be published in one or more daily newspapers having circulation in the areas where the respondents ordinarily reside or are serving.

(4) Service of notice in accordance with the provisions of this Rule shall be as effected as if it had been made on the respondents personally, and it shall not be necessary to prove that a party has actually received the notice.

12. Submission of objections by respondents: - (1) A respondents on whom a notice of appeal has been served under the provisions of Rule 11

shall send his written reply by registered post (A.D) to the Registrar, or deliver the same to the Registrar personally or through an advocate, not later than seven days before the date specified in the notice for the hearing of the appeal.

(2) The reply shall be correctly and concisely written, type written or printed, shall be signed by the respondent and shall be accompanied by a copy of every seniority list, or order or other documents on which the respondent wishes to rely in support of his case.

(3) The written reply shall be accompanied by 4 spare copies thereof, complete in all respects and containing copies of the lists, order and documents referred to in sub-rule (2), for use of the Tribunal.

13. Determination of questions: - (1) Questions arising for determination by the Tribunal shall be decided ordinarily upon affidavits and documents proved by affidavits, the Tribunal may direct that such questions as it may consider necessary be decided on such other evidence and in such manner as it may deem fit.

(2) The party affected by an affidavit may be permitted by the Tribunal to cross-examine the deponent with reference to the statements in the affidavit.

14. Summoning of Witnesses:- (1) A list of witnesses shall be presented to the Tribunal, and application for summoning witnesses before the Tribunal shall be made, within 10 days after the service of notice of appeal under Rule 11 which shall state whether they are required to give evidence or to produce any documents, shall give, where a witness is required to give evidence, a brief resume of the evidence he is expected to give, and where a witness is required to produce a document, give a brief description of the documents so as to identify it.

(2) If Tribunal is of the opinion that the evidence of any witness specified in the list of witnesses given under sub-rule(1) will be of material assistance in the disposal of an appeal before it, it shall direct him to be summoned on a date to be fixed by the Tribunal, and direct that the daily allowance and travelling charges of such witness, at the rates admissible to witnesses appearing in the High Court, should be deposited by the person calling him, within the period to be specified by the Tribunal.

(3) If a person applying for the summoning of a witness fails to deposit the requisite costs of the witness, within the period specified by the Tribunal under sub-rule (2), or within any extension thereof that may be

granted by the Tribunal, the application for summoning of witnesses, so far as it relates to such witness, shall be deemed to have been rejected.

(4) If the Tribunal is of the opinion that the evidence of any witness is necessary for the disposal of an appeal before it, it may direct that the witness be summoned.

(5) Where a Tribunal summons a witness under the provisions of sub-rule (4)-

(a) if such witness is a Government servant, his travelling and daily allowance, if any, shall be borne by Government; and

(b) if such person is a private person, his travelling and daily allowance shall be borne by the appellant.

(6) Process for service on witnesses of high rank shall be sent in the form of a letter

(7) Except in urgent cases or as otherwise ordered by the Tribunal, a summon requiring a public officer to give evidence or to produce a document shall be served through the Head of his office.

15. Evidence of Witnesses: - (1) The evidence of witnesses examined by the Tribunal shall be taken down under the superintendence of the Tribunal, ordinarily in the form of a narrative and shall form part of the record.

(2) The Tribunal may record such remarks as it thinks material respecting the demeanour of any witness while under examination.

16. What may be urged by an appellant; -- The appellant shall not, except by the leave of the Tribunal, urge, or be heard in support of any ground of objections not set forth in the memorandum of appeal, but the Tribunal, in deciding, the appeal shall not be confined to grounds of objections set-forth in the memorandum of appeal or taken by leave of the Tribunal under these rules:

Provided that the Tribunal shall not rest its decisions on any other ground unless the party who may be affected thereby has had a sufficient opportunity of contesting the appeal on that ground.

17. Notice Board: - (1) A cause list shall be prepared under the orders of the Registrar, which shall be affixed on the notice board of the court room of the Tribunal.

(2) Except as otherwise directed by the Tribunal cases to be set down in the cause list shall be in the order of the date of admission.

18. Hearing of Appeal: - (1) On the day fixed, or on any other day to which the hearing may be adjourned, the appellant or his advocate shall be heard in the support of the appeal.

(2) The Tribunal shall then, if it does not dismiss the appeal at once hear the respondent or his advocate against the appeal and in such case, the appellant shall be entitled to reply.

19. Consequence of Non-appearance of the Appellant or Respondent: - (1) Where on the day fixed for the hearing of an appeal or any other day to which the hearing may be adjourned the appellant or his counsel, if any, does not appear when the appeal is called for hearing, the Tribunal may make an order that the appeal stands dismissed.

(2) Where the appellant or his counsel, if any, appears and the respondent or his counsel, if any, does not appear, the appeal shall be heard ex-parte.

(3) Where an appeal is dismissed under sub-rule (1) or an ex-parte order made under sub-rule (2), the Tribunal may for sufficient cause on an application made within 15 days restore the appeal or as the case may be set aside the ex-parte order on such terms as to costs or otherwise as it thinks fit.

Provided that no order of restoration of an appeal dismissed in default or setting aside the ex-parte order shall be made unless notice of the application has been served on the opposite party.

20. Adding Respondent: - When it appears to the Tribunal at the hearing that any person who has not been made a respondent in the appeal is interested in the result of the appeal, the Tribunal may adjourn the hearing to a further day to be fixed by the Tribunal and direct that such person be made respondent.

21. Pronouncement of Order: - The Tribunal shall pronounce order in open court, either at once on the conclusion of arguments or on some future date of which notice shall be given to the parties or their advocates.

22. Order regarding costs, etc: - (1) The Tribunal may make such order as to the costs of proceedings before it as it deems fit.

(2) Any cost awarded by a Tribunal which cannot be paid out of the cash security deposited by the appellant under Rule 10, if not paid by the appellant within one month of the order awarding the costs, shall, on the certificate of the Tribunal, be recoverable from the appellant as arrears of land revenue.

23. No entertainment of appeal in certain cases: - The Tribunal shall not entertain any appeal in which the matter directly and substantially in issue has already been finally decided by a court or a Tribunal of competent jurisdiction.

24. Appellant precluded from bringing another appeal in certain cases: - Where an appeal has been withdrawn by the appellant and is in consequence dismissed by the Tribunal, the appellant shall, unless otherwise directed by the Tribunal, be precluded from bringing another appeal in respect of the same cause of action.

25. Administrative functions of the Tribunal to vest in the Chairman: - The administrative functions of the Tribunal except the appointment of staff shall be performed by the Chairman on behalf of the Tribunal.

26. Constitution of Benches: - Where the amount of work so justifies the Chairman may, for the purpose of admission of appeals, constitute one or more benches, each bench consisting of two members to be nominated by the Chairman.

27. Additional powers of the Tribunal: - Nothing in these rules shall be deemed to limit or otherwise affect the powers of a Tribunal to make such orders as may be necessary for the ends of justice or to prevent abuse of the process of the Tribunal.

28. Furnishing of copy of final adjudication order by the Tribunal to the competent authority: - A copy of every order of final adjudication on an appeal shall be furnished by the Registrar, free of cost, to the competent authority concerned which shall forthwith give effect to it.

29. Inspection of Records: - The provisions contained in the High Court Rules and Orders as applicable to the Peshawar High Court, in regard to copies of inspection of record, shall mutatis mutandis and to the extent practicable apply to proceedings before a Tribunal.

C.No. 6(2-1)

**GOVERNMENT OF [KHYBER PAKHTUNKHWA]
FINANCE DEPARTMENT.**

NOTIFICATION

15th July, 1980.

No. FD. SO(SR-IV) 1-10478. -- --In exercise of the powers conferred by section 26 of the ¹[Khyber Pakhtunkhwa] Civil Servants Act, 1973 (²Khyber Pakhtunkhwa Act XVIII of 1973), the Governor of the ³[Khyber Pakhtunkhwa] is pleased to make the following rules namely:

**THE ⁴[KHYBER PAKHTUNKHWA] TRAVELLING
ALLOWANCES RULES.**

CHAPTER I—GENERAL

1.1. Short title.----These rules may be called the ⁵[Khyber Pakhtunkhwa] Travelling Allowances Rules, 1980.

1.2. Commencement.--*They* shall come into effect on the fourteenth day of July, 1980.

1.3. Repeal.—*The* Travelling Allowances Rules in force in any part of the ⁶[Khyber Pakhtunkhwa] immediately before the coming into force of these rules shall stand rescinded; provided that any order issued by competent authority under those rules shall, if not repugnant to these rules, continue to apply until expressly rescinded, r modified by a competent authority under these rules.

1.4. Extent of application. –These rules shall apply

- (i) all civil servants;
- (ii) all officers belonging to All Pakistan Unified Grades in respect of whom the Governor of ⁷[Khyber Pakhtunkhwa] has been delegated the powers to frame the rules regulating their Travelling Allowances; and

¹ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

² Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

³ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

⁴ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

⁵ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

⁶ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

⁷ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

(iii) officers on deputation with the Government of the ¹[Khyber Pakhtunkhwa] Province from the Federal Government or other Provincial Governments unless otherwise determined in any particular case.

1.5. Definitions. —In these rules, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, that is to say:

"Audit Officer" means the head of Office of Audit and Accounts subordinate to the Auditor-General of Pakistan, who keeps the accounts of the ²[Khyber Pakhtunkhwa] or a part thereof and exercises audit functions in relation to those accounts on behalf of the Auditor-General of Pakistan.

"Authorized Medical Attendant" means a Medical Officer of Government required to attend on a civil servant or his family under the rules relating to medical attendance on civil servants.

"Chief Public Office" means, at the Headquarters of a District the office of the Deputy Commissioner, at an out-post or Tehsil, the Office of the Officer-in-Charge of the post or Tehsil and at other places the Police Station or, if there be no Police Station the Post Office or, if there be no Post Office the point designated as such by a competent authority,

"Civil Servant" means the civil servants as defined in the ³[Khyber Pakhtunkhwa] Civil Servants Act, 1973 (⁴[Khyber Pakhtunkhwa]. Act XVIII of 1973), and for the purposes of these rules shall include the officers, specified in clauses (ii) and (iii) of Rule 1.4, unless otherwise determined in respect of any officer or class of officers.

"Competent Authority in relation to the exercise of any power means the Administrative department concerned acting in consultation with Finance Department, or any other authority to which such power; may have been delegated.

¹ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

² Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

³ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

⁴ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

"Controlling Officer" means an officer declared as such for exercising supervision over the Travelling Allowance claims of a civil servant or a class of civil servants.

"Day" means a calendar day beginning and ending at midnight.

"Family" means a civil servant's—

- (i) wife or wives, or husband as the case may be if residing with or wholly dependent upon him;
- (ii) legitimate children and step-children under 12 years of age;
- (iii) legitimate children and step-children not more than 24 years old, if residing with and wholly dependent upon him; and
- (iv) adopted child not more than 24 years old subject to the following conditions:--
 - (a) the civil servant has no legitimate or step-child of his own;
 - (b) prior approval of the Government is obtained for having adopted the child;
 - (c) Government's liability will be restricted to one adopted child only;
 - (d) adopted child will cease to be a member of the family if, after his adoption the civil servant has a legitimate or step-child of his own; and
 - (e) adopted child is residing with and wholly dependent upon the civil servant.

"Finance Department" means the Finance Department of the Government of the ¹[Khyber Pakhtunkhwa].

"Government" means the Government of the ²[Khyber Pakhtunkhwa].

"Head of Department" means any authority whom Government may declare to be the Head of Department for the purposes of these rules and includes all Secretaries to Government and Heads of Attached Departments.

"Head of Office" means any officer designated as Disbursing Officer or any other civil servant declared to be the Head of Office by a competent authority.

"Headquarters" of a civil servant is the station which has been declared as such by a competent authority or in the absence of such a declaration, the station where the records of his office are kept.

"Local Authority" means a municipal corporation, municipal committee, a district committee, a union council, a town committee. Body of port trustees

¹ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

² Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

or Commissioners, or other authority legally entitled to, or entrusted by Government with the control or management of municipal or local fund.

"Month" means a month reckoned according to the British Calendar.

"Pay" includes special pay, qualifications pay, personal pay, technical pay, overseas pay and any other emoluments which may be specially classed as pay by a competent authority and in case of a re-employed civil servant whose pension is not wholly held in abeyance, pay includes the pension drawn by him; provided that if the total of pay and pension exceeds the maximum of the pay scale of the post held during re-employment, the maximum pay of such scale shall be deemed to be the pay.

"Public Conveyance" means a railway train, steamer, bus or other conveyance which plies regularly on a given course for the conveyance of passengers.

"prescribed" means prescribed under these rules.

"transfer" means the movement of a civil servant from one headquarters station to another such station either to take up duties of a new post or in consequence of a change in his headquarters

1.6. Nature of travelling allowance. — (1) Travelling Allowance is granted to a civil servant, to cover the expenses which he incurs in travelling in the interest of public service.

(2) A civil servant's claim to travelling allowance shall be regulated by the rules in force at the time the journey in respect of which the claim is made, is undertaken.

1.7. Functions of Controlling Officers. —A Controlling Officer in order to ensure that travelling allowance is not turned into a source of Profit and that travelling is resorted to only when it is necessary in the interest of public service may: -

- (a) issue instructions limiting the extent of touring to be done by a subordinate officer;
- (b) if the subordinate officer is in receipt of a conveyance allowance or a permanent travelling allowance and has done inadequate touring, may reduce the amount of such permanent travelling allowance or conveyance allowance; and
- (C) issue instructions to a subordinate civil servant to regulate his touring in such a way as to minimize unnecessarily large claims for travelling allowance.

1.8. Signature of Controlling Officer on Travelling Allowance Bill:- No bill for travelling allowance other than permanent travelling allowance or conveyance allowance shall be paid, unless it be signed or countersigned by the Controlling Officer.

1.9. Bar on delegation of duty of countersignature: - Unless expressly permitted by a competent authority, a Controlling Officer shall not delegate to a subordinate his duty of countersignature.

1.10. Duties of Controlling Officer: - Before signing or counter. signing a travelling allowance bill, the Controlling Officer shall: —

(a) scrutinize the necessity, frequency and duration of journey and halts for which travelling allowance is claimed, and disallow the whole or any part of the travelling allowance claimed for any journey or halt if he considers that a journey or halt was unnecessary or unduly protracted, or that a halt was of excessive duration;

(b) scrutinize carefully the distances entered in travelling allowance bills and satisfy himself by maintaining proper check registers of bills signed or countersigned by him, that a double payment for one and the same journey is not passed;

(c) satisfy himself that, where the actual cost of transporting personal effects, etc, is claimed under these rules the scale on which such personal effects, were transported was reasonable and to disallow any claim which, in his opinion, does not fulfil that condition;

(d) exercise care that there is no evasion or breach of the fundamental principle of travelling allowance, viz, that the allowance is not to be a source of profit;

(e) observe any subsidiary rules or orders which a competent authority may make for his guidance;

(f) Judge on the circumstances of each case whether the officer making the journey could or could not have purchased a return ticket and to allow travelling allowance accordingly when he considers that the officer making the journey could have purchased a return ticket;

(g) satisfy himself that the mileage allowance for journeys by railways or steamer or other public conveyance has been claimed at the rate applicable to the class of accommodation actually used.

1.11. Preparation of bill connected with Local Fund:- When a civil servant paid from the [Khyber Pakhtunkhwa] Provincial

Consolidated Fund travels on duty connected with the affairs of a Local Authority (for which the travelling allowance is payable from the Local Fund), he should prepare a separate bill for such journeys but should forward such bill with the bill for the same month, if any, payable from the [Khyber Pakhtunkhwa] Provincial Consolidated Fund, to the Controlling Officer for the latter bill, who will scrutinize the bills, and forward the bill payable by a local body to the local body concerned for necessary actions under the rules of the Local Fund.

1.12 Journeys for which travelling allowance may be drawn, — Travelling Allowance may be drawn in respect of a journey performed for any of the following purposes: --

- (a) for the purpose of tour;
- (b) on transfer;
- (c) on joining a first appointment;
- (d) on retirement; suspension, dismissal, death or termination of employment;
- (e) to attend a course of training or to appear at an examination;
- (f) to give evidence in a court or to attend an inquiry or conference;
- (g) to obtain or furnish medical advice or treatment;
- (h) to attend a Darbar or an official function; and
- (i) any other purpose authorized by a competent authority.

1.13. Journeys within sixteen kilometers— The pay of a civil servant is supposed to include the cost of maintaining a conveyance proper to his status, and therefore, ordinarily he is not to be paid any travelling allowance for journeys within sixteen kilometers of his headquarters, nor is he to be paid for journeys from his residence to his office. A competent authority may, however, sanction a monthly conveyance allowance to a civil servant under the following circumstances: —

- (i) when he does intensive tour within sixteen kilometers of his headquarters;
- (ii) when on account of shortage of residential accommodation in a particular locality, a civil servant has to reside at a considerable distance from his office.

1.14. Conveyance allowance: - Conveyance allowance is of two kinds:

- (i) that sanctioned on the condition that a particular type of conveyance will be maintained by the civil servant;
- (ii) that sanctioned without any such condition being imposed.

1.15. Conveyance allowance during leave or joining time: -

(1) Conveyance allowance falling under rule 1.14 (i) may be drawn only for the period the required conveyance is actually maintained on a certificate being furnished by the Officer concerned that this requirement has, in fact, been met.

Such a conveyance allowance may be drawn during leave or joining time at full rates, if the conveyance in question is an animal or an animal drawn vehicle and at half rates, in case of any other conveyance.:

Provided that the post held by the civil servant immediately prior to the leave or joining time carried the allowance:

Provided further that the conveyance is actually maintained by the civil servant during the leave or, as the case may be, joining time

(2) Conveyance Allowance falling under rule 1.14 (ii) will be admissible only for the period during which the civil servants held the post to which the conveyance allowance is attached and will not be admissible during leave of joining time.

**CHAPTER –II
TRAVELLING ALLOWANCE FOR JOURNEYS ON TOUR**

**SECTION – I
GENERAL**

2.1. Definition of Tour. —a civil servant is on tour when he is absent on duty from his headquarters, either within or, with proper sanction, beyond his sphere of duty.

2.2. Absence on duty. —in doubtful cases, a competent authority may decide whether an absence from headquarter, whether in a particular case or in any specified class of cases is absence on duty for the purpose of rule 2.1.

Note: When power is exercised under this rule a copy of the sanction briefly giving the grounds of sanction should be sent to the Audit officer concerned.

2.3.Civil Servants who are not entitled to travelling allowance for journeys on tour.—where a competent authority has declared that the pay of the particular civil servant or class of civil servants has been so fixed as to compensate him or them for the cost of all journeys, other than journey by rail or steamer within the civil servant's sphere of duty, such a civil servant may not draw travelling allowance for such journeys though he may draw mileage allowance for journeys by rail or steamer.

Such Civil Servant or servants may, however, draw travelling allowance calculated under the ordinary rules for the entire journey, including such part of it as it within his sphere of duty, when travelling with proper sanction beyond his or their sphere of duty.

2.4.Distance to be travelled before travelling allowance is admissible. —Travelling allowance may not be drawn for any journey during which a civil servant does not reach a point outside the radius of sixteen kilometers from his headquarters. The radius of sixteen kilometers will be calculated within reference to the nearest practicable route.

2.5.Kinds of travelling allowance. —the following are the different kinds of travelling allowances, which may be drawn by civil servants for journeys on tour:

- (a) Permanent travelling Allowance.
- (b) Mileage and Daily Allowance.

2.6.Permanent travelling allowance. —A permanent monthly travelling allowance may be granted by competent authority to any civil servant whose duties require him to travel extensively. Such an allowance is granted in lieu of all other forms of travelling allowance or journeys within the civil servant's sphere of duty and is drawn all the year round, whether the civil servant is absent from his headquarter or not.

2.7. A permanent travelling allowance may be sanctioned on condition that a particular conveyance is maintained or without the imposition of any such condition.

2.8. Admissibility of permanent travelling allowance. — In case a permanent travelling allowance is sanctioned subject to the condition that a conveyance is maintained, it may be drawn only for the period for which it is certified by the civil servant concerned that a conveyance was in fact maintained by him.

Such allowance may be drawn during leave or joining time at full rates, if the conveyance in question is an animal or an animal-drawn vehicle, and at half rates, in case of any other conveyance.

Provided that the post held by the civil servant immediately prior to the leave or joining time carried the allowance:

Provided further that the conveyance is actually maintained by the civil servant during the leave or joining time, as the case may be.

2.9. Permanent Travelling Allowance, which is sanctioned without imposition of any conditions to the maintenance of a conveyance, is admissible only for the period during which the charge of a post to which it is attached is held, and it not admissible during leave or joining time.

2.10. A civil servant deputed to undergo a course of training may draw a conveyance allowance or permanent travelling allowance for maintaining a conveyance during the course of training; provided he actually maintains the conveyance and the authority sanctioning the deputation is satisfied that on expiry of the training he is likely to return to the post of which the allowance is attached.

2.11. Permanent travelling allowance for two or more posts. — When a civil servant holds two or more posts, to each of which a permanent travelling allowance is attached, he may be granted such permanent travelling allowance not exceeding the total or the permanent travelling allowances attached to such posts, as the competent authority may consider to be necessary in order to reimburse him for the travelling expenses which he has to incur.

2.12. **Permanent travelling allowance to cover cost of all journeys within sphere of duty.** —Permanent travelling allowance is intended to cover the cost of all journeys within the sphere of duty of the civil servant, who draws it, and such civil servant may not draw any other travelling allowance for any such journeys. If, however, the civil servant travels outside the sphere of his duty, he may draw ordinary travelling allowance for such journeys in addition to permanent travelling allowance.

¹[2.13 **Grades of civil servants for purposes of mileage allowance.** —For the purposes of calculating mileage allowance, civil servants are divided into grades as follows: -

CATEGORIES

- a) Category-I Civil servants in B-17 and above.
- b) Category-II Civil servants in B-11 to B-16
- c) Category-III Civil servant in B-3 to B-10
- d) Category-IV Civil servants in B-1 to 2]

2.14. **Determination of grade of civil servant in transit.** — (1) A civil servant in transit from one post to another ranks in the grade to which the holding of the lower of the two posts would entitle him.

(2) If the initial order of transfer is modified while the civil servant is in transit, his travelling allowance shall be regulated in accordance with the initial or the final orders of transfer, whichever entitles him to rank in the lower grade; provided that if the initial order entitled him to travelling allowance admissible according to that grade on his certifying that he actually travelled by the mode of conveyance of the class admissible to an officer of the higher grade.

2.15. **Grade of part-time civil servants.** —A civil servant whose whole time not retained for the public service, or who is remunerated wholly or partly by fees, ranks in such grade as a competent authority may declare.

2.16. **Revision of travelling allowance due to retrospective promotion or reversion.** —The travelling allowance of a civil servant who is promoted or reverted or is granted an increased rate of pay with retrospective effect should not be revised in respect of

¹ No. FD/SR-II/8-52/2002 dated: 20-09-2002

the period intervening between the date of promotion, or reversion and date on which it is ordered, except when the promotion or reversion or increase in salary implies a change of duties. In the case of travelling allowance bills audited before the order is issued, the Audit Officer should be guided by the facts known officially at the time of the audit, but, in the case of travelling allowance bills not presented or audited before the promotion is ordered, the Audit Officer should recognize the retrospective effect of the order.

- 2.17. When a civil servant is permitted for his own convenience to perform his duties at a station other than his headquarters, he is not entitled to draw any travelling allowance for the journeys to or daily allowance for halts at such station. A Competent Authority may decide what should be considered to be the place of duty of a civil servant for the purposes of these rules.
- 2.18. The rate admissible for the road mileage shall be 125 per cent the rate admissible for road mileage under Section II, of this Chapter, if the journey is performed in the following areas: -
1. The Provincially Administered Tribal Area
 2. The Federally Administered Tribal Area

2.19. Competent Authority may prescribe higher rates of travelling allowance for expensive localities.—A Competent Authority may prescribe a higher rate of daily allowance and mileage for a particular class of civil servants or generally for travelling in a particular expensive area, or for any other special reasons to be recorded in writing.

SECTION-II MILEAGE ALLOWANCE

2.20. Definition and principles of calculation.—A mileage allowance is an allowance calculated on the distance travelled, which is given to meet the cost of particular journey, and is governed by the following principles:

1. For the purpose of calculating mileage allowance, a journey between two places shall be deemed to have been performed by the shortest of two or more

practicable routes or by the cheapest of such routes as may be equally short.

2. The shortest route is that by which the traveler can most speedily reach his destination by the ordinary modes of travelling. In case of doubt, a competent authority may decide which shall be regarded as the shortest of two or more routes.
3. If a civil servant travels by a route, which is not the shortest, but is cheaper than the shortest, his mileage allowance should be calculated on the route actually used.

2.21. Point of commencement and end of journey. —Mileage allowance shall be admissible from the residence of the civil servant to the railway station or the airport, or the sea/river-port, as the case may be, at his headquarters and from the railway station or the airport or the sea/river-port to the place of his temporary residence at the outstation, instead of from and upto the Chief Public Officer.

Note: - Mileage allowance shall also be admissible where road journey is performed by public transport plying for hire on single-sea basis from the residence of the civil servant to the bus/minibus/taxi stand at his headquarters and from such stand to the place of temporary residence at the outstation and vice versa.

2.22. Different rates for different classes of journeys. —Mileage allowance differently calculated according as the journey is, or could be, performed railway, by sea or river steamer, by road or by air.

The following are the authorized modes of travelling:-

1. Rail;
2. Sea or river steamer;
3. Road—
 - (i) Car;
 - (ii) Taxi;
 - (iii) Passenger Bus;

- (iv) Motor cycle.
 - (v) Cycle or foot.
 - (vi) On animal back or on an animal-driven carriage
4. Air.

2.23. Mileage allowance for journey by railway:- For the purpose of calculating mileage allowance, civil servants when travelling by railway are considered to be entitled to accommodation according to the following scales.

- | | |
|--------------|---|
| Category-I | Accommodation of the highest class by whatever name be it called. |
| Category-II | First Class (sleeper) Accommodation, if travelling on a line which does not provide 1 st class (sleeper), the next lower class. |
| Category-III | First class (sitter) accommodation. If travelling on a line which provides no 1 st class (sitter) accommodation, the next lower class. |
| Category-IV | Lowest class by whatever name be it called. |

2.24. The mileage allowance for a journey by railway admissible to a civil servant is the fare actually paid for the journey in a class of accommodation to which he is entitled or in a lower class plus half of the fare of the class of accommodation to which he is entitled:

Provided that a civil servant drawing pay exceeding Rs.2,150 per mensem may draw for any journey or part of journey by rail in respect of which he certifies that he took a private servant with him, an additional lowest class fare.

Note: - (1) Any tax or surcharge, if actually paid with the fare, should be included in the mileage allowance.

Note: - (2) A civil servant who reserves his seat in a train for official business but subsequently due to an unexpected change in programme, gets the reservation cancelled, may be allowed reimbursement of the reservation fee and any deduction made by Railway Authorities before refunding the price of the tickets out of contingencies; provided that it is certified by the Controlling Officer that ---

- (i) Cancellation was unavoidable and in the public interest; and
- (ii) The booking was cancelled at the earliest opportunity.

Note: - (3) The provisions contained in note (2) shall mutatis mutandis apply where a civil servant on his transfer reserves his seat but due to unexpected change in the programme gets reservation cancelled. The said provision shall apply and the concession of re-imburement shall be admissible also in the case of cancellation of the reservation of seats for the members of the family of the civil servants; provided that the reservation of seats for the members of family was made along with the reservation of the seat for the civil servant concerned.

Note: - (4) Reservation charges, if actually paid by a civil servant are included in the terms 'the fare actually paid' in Rule 2.24

2.25. When through booking involves the payment, for part of a journey of rates for accommodation for a higher class than that to which the civil servant concerned is entitled, the civil servant may draw mileage allowance based on the higher rates for that part of the journey.

2.26. Mileage allowance for journey by sea or by River Steamer.
—For the purpose of calculating mileage allowances by sea or by river steamer, Civil servants are entitled to the class of accommodation according to the following scale.

Category-I	Highest class.
Category-II	if there be two classes only on the steamer, the higher class, and if there be more than two classes, the second class.
Category-III	(i) if there be two classes only on the steamer, the lower class, or (ii) if there be three classes, the second class, or (iii) if there be four classes, the third class.
Category-IV	Lowest class.

2.27. The mileage allowance for journeys by sea or river steamer, admissible to a civil servant is the amount actually paid, exclusive of diet, for travelling in the class of accommodation to which he is entitled.

2.28. If owing to the arrangements of classes on a steamer, the provisions of rule 2.26, if strictly construed, involves hardship, a competent authority may, in respect of particular journey or journey generally, decide to what class of accommodation a civil servant is entitled, and when so deciding may direct whether the civil servant should be granted the full or part allowance admissible for the higher class in which he is permitted to travel.

2.29. Mileage allowance for journeys by road.—For journeys by road mileage allowance is admissible at the following rates according to the different modes of travel—

(i) **Personal Car**

To a civil servant of the _____ at the rate of **Rs 5** per KM
First Grade.

Note:- (1) Civil servants drawing pay less than Rs 1,250 per month are not allowed to maintain cars. They will, however, be eligible to claim mileage allowance in respect of the cars being maintained prior to 1st May, 1997.

Note (2)—A personal car is a car registered in the name of the civil servant or his wife or her husband, as the case may be.

Note (3) – Whereas government vehicle is provided for use by, and made available to an officer, such officer shall not be entitled to any road mileage. However, if at any time the government vehicle provided to an officer is not in order, under repair or is otherwise not available to the officer for a particular journey, it should be construed that the government vehicle is not available and the use of personal car will then be permissible. The officer concerned may draw mileage allowance as admissible under these rules, after according a certificate on the T.A bill indicating therein why the government vehicle could not be used by him for the journey.

b. **Borrowed Car** – A civil servant travelling in a borrowed motor car may charge mileage allowance at the rate of 1.50 per kilometer if he incurs the cost of propulsion himself. In the bill claiming the travelling allowance in such a car, the civil

servant should give the number of the car and the name and occupation of its owner and record a certificate to the effect that he paid the cost of propulsion himself.

- c. **Taxi.** —To an officer of the first Grade for a journey between places not connected by rail, Rs.2 per kilometer, provided that all accommodation in the taxi is reserved by such officer;

Note (1) -- A taxi, for the purposes of this rule means a motor vehicle plying on hire and authorized to carry not more than eight persons.

Note (2) – This facility is not admissible to civil servant of the second, third and fourth Grades.

- d. **Public Transport.** – Plying for hire on single seat basis:
Civil servant in B-7 & above – “ Rs 0.50 per KM.
Civil Servant in B-6 & below – “ Rs 0.30 per KM.

- e. **Motor, Cycle /Scooter** - Mileage allowance is admissible to civil servant of the first and second grades at the rate of Rs. 1/ per kilometer.

Note (1) – No mileage allowance is admissible for travelling in any borrowed means of transport, except a borrowed car.

Note (2) – Where two or more civil servants travel in the same conveyance only that officer who either owns the conveyance or has hired it may draw mileage and daily allowance, while the rest may draw only daily allowance. A note showing the circumstances of such journey should be made on the travelling allowance bill of each such officer.

Note (3) -- Where a civil servant, while travelling on duty, is required to pay and pays toll, he shall be entitled to recover the amount in addition to the mileage allowance admissible to him.

Note (4) – No mileage allowance is admissible for journeys within the Municipal limits or cantonment limits of the town of halt.

Instruction-1 – Vouchers should be attached to every travelling allowance bill presented for payment, particularly in respect of claims for hiring a whole vehicle, but where vouchers cannot be obtained, the controlling officer should certify that to the best of his knowledge the claim is correct.

Instruction-2 – The nature of the conveyance used should be certified on the travelling allowance bill.

Instruction-3 – All controlling officers should maintain in their office a record of rates of hire of conveyance of all kind within the track in which the civil servants subject to their control ordinarily travel.

Instruction-4 – Head of Departments are not required to attach vouchers to their travelling allowance bills, but should certify that the amount claimed was actually paid by them.

2.30. Fractions of Kilometer to be omitted—In calculating mileage allowance for journeys by road, fractions of kilometer should be omitted from the total of the amount claimed for a complete journey but not from the various items which make up the completed journey.

Each complete journey on tour ends when the civil servant returns to headquarter or to a place in which his headquarters are situated, whether he halts there or not

2.31. Where a civil servant claims a road mileage for journey performed by road in his personal car between places connected by rail, the Controlling officer may at his discretion accept the claim if he is satisfied that journey by road had to be performed in the public interest.

2.32. Air Travel. —For the purposes of these rules, travel by air means journey performed in the machines of public air transport companies regularly plying, for hire. It does not include journeys performed in private airplanes or air taxis.

2.33. A Civil Servant (B-17) and above including those in receipt of pay exceeding Rs. 5400/- per month or entitled to travel by air and any other officer authorized by competent authority to travel

by air if the journey is urgent and in the interest of public service may draw mileage allowance equal to the fare charge for the air journey.

Note-I: An officer drawing pay of less than Rs.5400/- is not entitled to travel by air in the first class.

Note-II: wherever available a return ticket at reduced rate should always be purchased when an Officer expects to perform the return journey by air within the period for which a return ticket is valid.

Note-III: The provisions of the notes below ruled 2.24 also apply in case of air journeys.

Note-IV: Civil servants in BPS-20 and above shall be entitled to travel by air in 1st class on duty outside Pakistan. For the portion of journey, if any, lying in Pakistan such civil servants shall travel in economy class. Journey within Pakistan will be continued to be performed where admissible by air in economy class, irrespective of pay and status.

2.34. Mileage allowance for a civil servant not authorized to travel by air. —A civil servant who is not authorized to travel by air but performs journey by air can draw (i) traveling allowance that would have been admissible to him under rule 2.33 if he had been authorized to travel by air or (ii) allowance to a journey by rail, road or steamer whichever is less.

SECTION-III DAILY ALLOWANCE

2.35. (I) A daily allowance is a uniform allowance for each day of absence from headquarters which is intended to cover the extra daily expenditure incurred by a civil servant in consequence of such absence.

(II) A day is to be reckoned from mid night.

(III) A part of the day, at the commencement or end of the tour, is to be reckoned as a day for which daily allowance will be admissible; provided that if the commencement or end of the tour falls on the same day, only one daily allowance will be admissible.

- (IV) In case of journey by rail, no daily allowance shall be admissible for journey day; but for the day of arrival at and of departure from the place of temporary duty, half the normal daily allowance shall be admissible.
- (V) In the case of departure from headquarters the rate of daily allowance during transit will be the same as admissible at the station of immediate destination and in the case of return to headquarters, the rate will be the one admissible at the last station of temporary duty before return to headquarters.

2.36. Rate of Daily Allowance. — (1) the rate of daily allowance shall be as below w.e.f. 01.07.2017¹:

BPS	Existing Ordinary Rates	Special Rates	Revised Ordinary Rates	Special Rates
1-4	310	500	496	800
5-11	390	550	624	880
12-16	700	900	1120	1440
17-18	1250	1600	2000	2560
19-20	1550	2050	2480	3280
21	1750	2500	2800	4000
22	1750	3000	2800	4800

(2) Specified stations as notified from time to time are Hyderabad, Karachi, Sukkar, Bahawalpur, Multan, Quetta, Sargodha, Sialkot, Lahore, Gujranwala, Rawalpindi, Islamabad, Faisalabad, Peshawar, Northern Areas, Muzaffarabad & Mirpur AJ&K.

(3) Daily allowance will be admissible only for the actual night(s) at the out station for which daily allowance is claimed. Where night stop is not involved and if absence from headquarters exceeds 6 hours half daily allowance will be allowed.

(a). Daily allowance on domestic tours where stay for a night or more is involved will admissible only for the night(s) spent at out stations.

(b). Half daily allowance will be admissible only in those cases where the absence from headquarters does not involve stay for the night and no daily allowance is drawn for any

¹ No.FD/SOSR-II/8-52/2017 dated Peshawar the 14/07/2017

night stay. It cannot be drawn in addition to any daily allowance drawn for night stay.

(4) Government servants in BPS-1 to 19 may stay in Govt. Guest Houses, Public Sector Corporations, Rest Houses and Motels and Hotels (minus 5-star hotels). They can claim actual room rent charges on production of receipts subject to a maximum of 3 daily allowances in specified stations (i.e. localities where special rate of DA is admissible) and 1 ½ daily allowances at non-specified stations (i.e. Localities where ordinary rate of DA is admissible)

Provided that such governments servants shall not be provided to produce receipt for claiming actual room rent charges for staying in Hotels/Motels.

(5) i) Govt. Servants in BPS-20 and above may stay in Hotels and claim room rent charges on production of receipts subject to a maximum of three daily allowances for a specified stations, and 1 ½ daily allowance at non-specified stations. If, however, the room rent charges are in excess of the maximum ceiling aforementioned, the government will pay 50% of the additional amount. These orders shall take immediate effect.

Provided that such governments servants shall not be provided to produce receipt for claiming actual room rent charges for staying in Hotels/Motels.

Provided further that in cases where the actual room rent charges are in excess of the maximum ceiling aforementioned, 50% of the additional amount will be paid by Government on production of receipt for payment of room charges.

- i) Room rent means actual single room rent which includes taxes duties and service charges.
- ii) Special rate of daily allowance shall be admissible at Islamabad, Karachi, Lahore, Quetta, Rawalpindi, Peshawar, Hyderabad, Multan, Faisalabad, Saidu Sharif/Mingora, Abbottabad and Chitral.
- iii) In case of non-availability of single room, the touring civil servant may be allowed to book a double room for his exclusive use provided the rent thereof does not exceed the maximum permissible limit for a single room. If it happens to be more than one's entitlement, the re-imburement shall be restricted to his one's entitlement only, while two officials on

tour at the same station, may be allowed to book a double suite in a hotel and share it. In such a case, either of them shall jointly certify that separate single accommodation was not available for them and that each one of them is claiming not more than one-half of the room-rent restricted to each individual entitlement. This certificate shall be appended to the T.A bill of either official.

2.37. Period for which allowance may be withdrawn. —Daily allowance may be drawn for the entire period of absence from headquarters i.e. for the time spent on a journey, a halt on tour or on a holiday occurring during a tour.

Note-I: A Civil servant who takes casual leave when on tour is not entitled to draw daily allowance during such leave.

Note-II: A civil servant who during the course of his tour returns temporarily to headquarters on Friday or a public holiday to attend to his private business is not entitled to draw daily allowance for the day(s) spent at headquarters.

2.38. (a). Except as specified in Rule 2.38(b) below, daily allowance at full rate shall be admissible for the entire period of continuous halt at temporary duty, without any special sanction or subject to reduction in rate.

(b). In case of temporary duty at a hill station exceeding thirty days, Heads of Departments shall have full power to sanction daily allowance for the entire period of continuous halt of a civil servant.

Note: - A civil servant who takes casual leave immediately on the conclusion of temporary duty will draw daily allowance for the day of departure from the out-station to which he would have been entitled had he not proceed on casual leave.

TRAVELLING ALLOWANCE FOR JOURNEYS ON TRANSFER.

3.1 General condition of admissibility. - Travelling allowance may not be drawn under this Chapter by a civil servant on transfer from one station to another unless he is transferred for the public convenience and is entitled to pay during the period occupied by the journey. A transfer at his own request should not be treated as a transfer for the public convenience unless the authority sanctioning the transfer, for special reasons which should be recorded, otherwise directs.

3.2. When a civil servant is transferred otherwise than for the public convenience, a copy of the order of transfer shall be sent to the Audit Officer of the circle of audit in which he is serving, with an endorsement stating the reasons for the transfer. In the absence of such an endorsement the Audit Officer shall assume that the civil servant has been transferred, for the public convenience. In the case of civil servants in grade 1 to 15 a certificate from the head of office may be accepted in lieu of the copy of the order referred to above.

3.3. A competent authority may depute a civil servant on duty outside his headquarters and order him to reside at a temporary headquarters for a period not exceeding three months. In such circumstances travelling allowances as on transfer will not be admissible and the civil servant in question will only draw travelling allowance as on tour.

3.4. Elements of the travelling allowance on transfer. - Travelling allowance for a journey on transfer is meant to cover: -

- (a) The cost of transportation of the civil servant and his family;
- (b) Expenditure incidental to the travelling of the civil servant and his family;
- (c) Transportation cost of the personal effects of the civil servant and his family; and
- (d) In certain cases, the cost of the transportation of a conveyance or conveyances of a civil servant.

3.5. Travelling allowance will be admissible in respect of all items of expenditure specified in rule 3.4; provided that the transportation in question took place not earlier than one month and not later than six months of the date on which the civil servant took over charge of the new post.

3.6. Travelling allowance for journeys on transfer includes. -

- (a) mileage allowance for the civil servant and his family to cover the cost of their transportation;
- (b) daily allowance for the civil servant and his family to cover incidental expenses;
- (c) cost of transportation of the personal effects of the civil servant subject to certain limits; and
- (d) cost of moving motor car, other conveyance under certain circumstances.

3.7. Mileage and daily allowance. - A civil servant is entitled under clauses (a) and (b) of rule 3.6 to mileage and daily allowances as under: -

(I) In the case of journey by rail: -

(a) Mileage allowance for himself and for each member of his family equal to the fare actually paid for journey in a class of accommodation to which he is entitled, or in a lower class; plus half of the fare of the class of accommodation to which he is entitled.

(b) Transfer grant equivalent to one month's pay of the civil servant subject to a maximum of Rs. 2,000.00, if he possesses, a family, or, equivalent to half a month's pay subject to a maximum of Rs. 750.00, if he does not possess a family:

Provided that the transfer grant within the district in the case of a civil servant possessing a family shall be equal to one half of pay subject to a maximum of Rs. 500 and in the case of civil servants not possessing a family equal to one half of pay subject to a maximum of Rs. 350;

(c) One daily allowance at special rate shall be payable to the civil servant for every 480 kilometers of road distance; and

(d) One daily allowance at the rate applicable to the station shall be payable in respect of the civil servant and in respect of each member of his family above 12 years and one half of the full rate for every child above the age of 12 months, for the day of arrival at the new place of his posting.

(II) In the case of journey by modes other than rail: -

(a) Mileage allowance and daily allowance for himself and for each member of his family at the rates to which he is entitled while on tour;

Provided that only half of the daily allowance will be admissible for the child less than twelve years of age:

Provided further that where mileage is charged for a journey by personal car or by taxi, only a single mileage will be admissible

(b) Transfer grant equal to one month's pay of the civil servant subject to a maximum of Rs. 2,000.00, if he possesses a family, or, equivalent to half a month's pay subject to a maximum of Rs. 750.00, if he does not possess a family.

Provided that the transfer grant within the District in the case of a civil servant possessing a family shall be equal to one half of pay subject to a maximum of Rs. 500 and in the case of civil servant not possessing a family equal to one half of pay subject to a maximum of Rs. 350.

Provided further that if the civil servant is transferred within one year of his continuous posting at a station except in the case of transfer on promotion, he will not be entitled to receive the transfer grant but will draw two extra fares of the class of accommodation to which he is entitled in the case of journey by rail and two extra mileage allowance in the case of journey by modes other than rail.

Explanation. -For the purpose of the above proviso, the period of one year will be counted from the date on which the civil servant relinquished charge on the occasion of the transfer for which transfer grant was last paid to him.

Note (1): Transfer grant is admissible in cases only where travelling allowance on transfer is admissible.

Note (2): In the case of transfer between two stations: -

- (a). Transfer travelling allowance is admissible where change of residence is involved, in consequence of change of head quarter; and
- (b) Transfer travelling allowance is not admissible where: -
 - (i) Change of residence is not involved in consequence of change of headquarter; or
 - (ii) Change of residence takes place otherwise than in consequence of the change of headquarter.

3.8 (a) A civil servant shall be entitled under clause (c) of rule 3.6 to the cost of transportation of his personal effects not exceeding the following maxima:

-

Grade of Civil Servant	If possessing a family	If not possessing
Grade-I	4500	2240
Grade-II	3000	1500
Grade-III	1500	760
Grade-IV	560	380

- (b) Cost of carriage of personal effects upto the maximum weight permissible under clause (a) above shall be allowed at the rate of paisa 0.05 per kilometer per kilogram (or one paisa per kilometer per unit of 20 Kilograms), from the residence of the civil servant at the old station to his residence at the new station, irrespective of the mode by which the personal effects are carried. It will not be necessary to call for receipts in support of his claim of cost of transportation of personal effects.
- (c) A civil servant claiming the cost of transportation of personal effects is required inter alia-
- (1) To render a certificate to the effect that the actual expenses incurred are not less than the amount claimed, and
 - (2) To indicate, in that certificate, the weight of personal effects actually carried and the amount actually paid for their transport.

The controlling officer has also to exercise the usual scrutiny of the claim.

3.9. Subject to the provisions of rules 3.14 to 3.16 a civil servant shall be entitled under clause (d) of rule 3.6 to draw the actual cost of transportation by rail or steamer, at own risk, of conveyance at the following scale: -

Grade of the civil servant	Conveyance which he may transport.
First.	Two horses, and in addition a motor car or a carriage or a motor cycle or an ordinary cycle.
Second.	A horse, and in addition, a motorcar or a carriage or a motor cycle or an ordinary cycle.
Third.	A horse or motor cycle or an ordinary Cycle.
Fourth.	An ordinary cycle.

3.10. When a civil servant transports more than the maximum kilograms admissible, he may draw actual expenses not exceeding the amount admissible for the maximum kilograms prescribed in rule 3.8 (a).

3.11. For the purposes of these rules, the actual physical weight of personal effects carried by steamer should be taken into account, and not the theoretical weight as arrived by the shipping companies according to their own formula for calculating the charge.

3.12. subject to the prescribed maximum number of kilograms a civil servant may draw the actual cost of transporting personal effects to his new station from a place in Pakistan other than his old station (e.g. from a place where they are purchased en route, or have been left on the occasion of his previous transfer) or from his old station to a place in Pakistan other than his new station; provided that the total amount which he may draw for transporting personal effects shall not exceed the amount which would have been admissible had all his personal effects been transported from his old to the new station direct.

3.13. Motor cars and other conveyance shall be deemed a part of personal effects for the purposes of this rule in all cases where a civil servant is not entitled to travelling allowance for their transport under rule 3.9.

3.14. In the case of transportation of motor car, the cost of transporting a driver or cleaner and in the case of transportation of horses, cost of transportation of syce may be drawn.

3.15. The allowance to cover cost of transportation of a car or a motor cycle would be admissible only if the distance travelled exceeds 160 kilometers.

3.16. When a civil servant transports his motor car, motor cycle, horse, or horse and carriage by road under its own power between stations connected by rail, he may draw an allowance of 60 paise per kilometer in respect of a motor car and 30 paise per kilometer in respect of a motor cycle, a horse or horse and carriage:

Provided that if the civil servant or a member of his family travels by the conveyance, he may draw mileage allowance as for

journeys on tour and no additional allowance under this rule will be admissible.

3.17. Procedural matters. - A civil servant who claims higher travelling allowance on the ground that members of his family accompanied him on transfer must support his claim by a certificate showing the number and relationship of the said members.

3.18. Civil servant taking over charge or handing over charge at a place other than his headquarters. __ A civil servant transferred from one post to another who is permitted to hand over charge of his post or to take over the charge of the new post at a place other than the headquarters is entitled to:

(i) Travelling allowance as on tour for the journey to the place of taking over or handing over and also for the journey from such a place to his new headquarters; and

(ii) Travelling allowance as on transfer, except his own mileage and daily allowance for the journeys from his old headquarter to the new headquarters.

3.19. Deputation for training.-- A civil Servant who in consequence of his transfer or deputation on a course of training, in which travelling allowance as on transfer is admissible, is obliged to send his family to a station other than his new headquarter or place of training he may draw travelling allowance for his family to that other station, subject to the condition that it does not exceed the travelling allowance which would have been admissible if the family had accompanied him to his new headquarters or place of training.

3.20. Civil servant appointed to a new post while in transit.__ A civil servant appointed to a new post while in transit from one post to another, is entitled to draw traveling allowance as on transfer for so much of the journey as he has accomplished when he receives the fresh orders and for the journeys from the place at which he receives such orders to his new station.

3.21. Civil servant transferred after enjoying leave.__ A civil servant who goes on leave after he has had handed over charge of his old post and before he has taken charge of his new post, is entitled, whether the order of transfer is received before or after the

commencement of his leave, to travelling allowance as on transfer from his old to his new post.

3.22. when a civil servant under the administrative control of the Government of [Khyber Pakhtunkhwa], is transferred to the control of another Government, his travelling allowance for the journey to join his post under that Government and for the journey on reversion to a post under the Government of [Khyber Pakhtunkhwa], will be governed by the rules regulating travelling allowance on transfer of that Government.

Note: The controlling officer for the purposes of travelling allowance for the journey of civil servant to join his post under another Government as well as for the journey on reversion to a post shall be the Controlling Officer in regard to his post under that Government.

3.23. The travelling allowance of a civil servant both when proceeding on transfer to a foreign service and when reverting to duty under Government shall be borne by the foreign employer.

Note: The above rule applies even in cases in which a civil servant in Foreign Service takes leave before returning to duty under Government.

3.24. A local body employee transferred to officiate in a post under Government is entitled to travelling allowance for the journey, to join his post under Government and also for return journey under these rules.

CHAPTER-IV

TRAVELLING ALLOWANCE FOR JOURNEYS OTHER THAN THOSE ON TOUR OR TRANSFER.

SECTION-I.

JOURNEYS ON FIRST APPOINTMENT TO GOVERNMENT SERVICE AND ON RETIREMENT, DISMISSAL OR TERMINATION OF AN APPOINTMENT.

4.1. (1) Unless a competent authority by special or general order so permits, travelling allowance is not admissible to any person appointed to a post in Government service, who is not at the time holding any appointment under Government, for the journey to join his post.

(2) Travelling Allowance is not admissible for a journey undertaken to procure medical certificate required on first appointment to Government service.

4.2 A person holding a permanent post substantively under another Government, may be granted travelling allowance to join a post under the Government of the North-West Frontier Province and while reverting to his parent Government:

Provided that no such allowance will be admissible on reversion, if the reversion is at the request of such person.

4.3. Unless a competent authority so permits, no person is entitled to any travelling allowance for a journey made after dismissal from Government service or after termination of his service under Government.

Provided that:

- (i) A civil servant retiring from the Government service may draw travelling allowance as on transfer from his last headquarters to the place where the Controlling Officer certifies he is due to settle but, in that case, he shall also be entitled to the transfer grant as admissible to other Civil servants;
- (ii) The family of a civil servant who dies while in service shall be entitled, from the last headquarter to the place where the Controlling Authority certifies that the family is due to settle, to the travelling allowance, etc, as under:
 - (a) Actual fare by rail or steamer (to which the civil servant was entitled before his death) for each member of his family, for journey by road between places not connected by rail or steamer, mileage allowance shall be allowed;
 - (b) Cost of transportation of personal effects to the extent admissible to the deceased civil servant on transfer;
 - (c) Transfer grant to the extent admissible to the deceased civil servant on transfer from one station to another.
- (iii) The expenditure incurred by the family of a deceased civil servant on the transportation of dead body of such civil servant may be met by Government to the extent and in the manner indicated below:

- (a) Where the dead body is transported by rail, actual cost of transportation from the last station of duty of the deceased civil servant to his home-town.
- (b) Where the dead body is transported by road, actual cost of transportation subject to the maximum of Rs. 1.20 per road kilometer. The distance shall be calculated from the residence of the deceased at the last station of duty to his home-town.
- (c) Where the dead body is transported by air actual cost of transportation; provided that transportation by air shall be permissible only in cases where transportation by rail or road would take more than 24 hours to reach the destination.

Explanation. Actual cost of transportation of dead body shall also include, where necessary, the charges on crating not exceeding Rs. 400/-.

- (iv) When the dead body is transported by air, one single fare by economy class will also be allowed for the attendant, if any, accompanying the dead body:

Provided that in the case of death of the wife of a civil servant (only one wife), her dead body shall also be allowed to be transported to the home-town of the civil servant concerned at Government expense in addition to the facility of an attendant:

Provided further that such attendant may be only a member of the family of the deceased civil servant, as defined in Supplementary Rule 2 (8):

Provided further that any claim on this account shall be in lieu of, and not in addition to, the attendant's normal entitlement under rule 4.3. (ii).

- (v) The cost of transportation of dead bodies should in all cases be allowed on the application of the family of the deceased civil servants only. If applied for, advances may also be allowed to the bereaved family in accordance with the rules applicable for the advance of travelling allowance, which shall ultimately be adjusted as usual. The application should contain the following particulars:
 - (1) Name of the deceased civil servant;
 - (2) His/her designation and the name of the office in which he/she was working at the time of his/her death;
 - (3) Name and address of the applicant;

- (4) His/her relationship with the deceased;
 - (5) Home-town of the deceased civil servant or the place where the family intends to proceed;
 - (6) Names of family members along with age of each of them; and
 - (7) Approximate weight of personal effects.
- (vi) In the event of the death abroad of a civil servant deputed outside Pakistan in connection with temporary official duty or on a course of training financed entirely by Government, the expenditure connected with the death, to the extent supported by the relevant vouchers in original and certified as the minimum by the Head of Pakistan Embassy or Pakistan Mission in the country concerned, will be borne by Government, as follow:
- (a) If the dead body is buried/cremated locally in the country where the civil servant was deputed, the total cost of that local burial/cremation; or
 - (b) If the dead body is transported to Pakistan, the total cost of such transportation including incidental expenses incurred for preparation of the body for transportation, such as embalming and local transportation charges, etc.

4.4. Travelling allowance under rule 4.3 will be admissible in respect of all items of expenditure; provided that the journey and transportation took place either during leave preparatory to retirement or one month before the date of actual retirement but not later than six months of the date of actual retirement from Government service.

4.5. Except as other-wise provided, travelling allowance under this section should be calculated as for a journey on tour, but no daily allowance may be drawn for halts. The rate admissible in case of a new recruit is the rate prescribed for the grade to which he will belong after joining his post.

SECTION-II

JOURNEY ON A COURSE OF TRAINING.

4.6. When a civil servant, or a student not already in Government service, is selected to undergo a course of training, the competent authority may decide the scale, if any, on which he shall draw:

- (a) Travelling allowance for the first journey to, and the last journey from, the place of training and for halts at such place;

- (b) In the case of training at a school, college or similar institution, travelling allowance for similar journey on the occasion of holidays and vacation; and
- (C) Travelling allowance for a journey during the course of training:
Provided that the scale so fixed shall not exceed that admissible to civil servants of similar status on duty at the place of training.

Note: When a civil servant is deputed to receive training at any of the Pakistan Army Schools of instructions, he should be permitted to draw, instead of house-rent or local allowance, daily allowance equal to messing charges levied by the Army Institutions, in accordance with his status. This note will apply when it is certified by the authorities of the Institution concerned that it is compulsory for a trainee to lodge and board at the Institutions or that it is not possible to make any cheaper arrangement outside.

SECTION-III

JOURNEY TO GIVE EVIDENCE IN A COURT, TO ATTEND AN INQUIRY OR CONFERENCE.

4.7. (1) A civil servant permitted at his request to attend a meeting or conference held in Pakistan, and if any Government interest is served thereby, may be paid a single return railway fare for the journey without any road mileage or daily allowance, if the meeting or conference is held in [Khyber Pakhtunkhwa], and tourist class air fare between Lahore, Karachi and Quetta in addition to railway fare for the rest of journey, if the meeting or conference is held in other Provinces of Pakistan.

(2) Mileage and daily allowance, etc, as for a journey on tour, are, however, admissible when an Officer is officially deputed to attend a meeting.

4.8. (a) A civil servant appointed as a member of a Committee, Commission or Board constituted by Government, may draw travelling allowance as for journeys on tour.

- (b) A civil servant appointed to assist at a departmental enquiry or at a preliminary investigation into charges of corruption or misconduct on the part of an official and under-takes any journey in connection with such enquiry or investigation is entitled to travelling allowance as for a journey on tour.

- 4.9.** (1) A civil servant summoned to give evidence:
- (a) in a civil or criminal case, a case before a court martial or a departmental enquiry held by a properly constituted authority in Pakistan or before a court in a merged State or in foreign territory, provided the facts as to which he is to give evidence have come to his knowledge in the discharge of his public duties; or
 - (b) Before a committee appointed by Government;
may draw travelling allowance as for a journey on tour attaching to his bill a certificate of attendance given by the Court or other authority which summoned him:

Provided that if the court by which he is summoned is situated within 16 kilometers of his headquarters or within municipal limits of the town where his headquarters are located, whichever may be farther, he may, if not in receipt of any permanent travelling allowance or conveyance allowance, accept such payment of actual travelling expenses as the Court may make.

(2) When a civil servant draw travelling allowance under sub-rule (1).

- (i) if the court or authority by which he was summoned be in Pakistan, he may not accept any payment of his expenses in connection with the journey from such court or authority, and any fees which may be deposited in the court or with the authority for the travelling and subsistence allowance of the witness must be credited to Government; and
- (ii) if the Court or authority by which he was summoned be in a merged State or in foreign territory, he may receive from the court or the authority such payment of his expenses as may be admissible to him under the rules of the court and credit the amount to Government, stating in his travelling allowance bill the amount received, the treasury in which it has been credited and the date of credit and where no amount is paid to him by the court he should ascertain the reasons therefore and state them in his travelling allowance bill.

Note (1) -If the Court in which he gives evidence is situated within 16 Kilometers of his headquarters or within municipal limits, whichever may be farther, and no travelling allowance, is therefore admissible for the journey, he may, if he be not in receipt of permanent travelling allowance or conveyance allowance, accept such payment of actual travelling expenses as the Court may make.

Note (2) -A civil servant summoned to give evidence while on leave or on vacations is entitled to travelling allowance under this rule from and to the place from which he is summoned as if he were on duty.

Note (3) --When a civil servant summoned as witness in a criminal case, or a civil case claims travelling allowance under this rule, a certificate from the court should be attached to the bill showing the amount of travelling or subsistence allowance which he has been paid under the rules of the Court.

Note (4)-This rule applies also to a civil servant in foreign service, provided the facts to which he is to give evidence have come to his knowledge in the discharge of his duties while in the service of Government.

4.10. Other cases. --A civil servant summoned to give evidence in circumstances other than those specified in rule 4.9, is not entitled, by reason of his position as a civil servant to any payment other than that admissible by the rules of the court. If the court pays him any sum as subsistence allowance or compensation apart from payment for travelling expenses, he must credit that sum to Government before drawing full pay for the day or days of absence.

4.11. A competent authority may sanction travelling allowance as for a journey on tour in a case in which a civil servant has to undertake journey to answer a criminal or civil case brought against him in respect of an act done by him in the discharge of his official duty and in which Government has decided to undertake his defence at public cost.

1.12. Travelling allowance as for a journey on tour is admissible to a civil servant proceeding in his official capacity to a police station to lodge a complaint or give information of an offence but no allowance is admissible to a civil servant summoned by a police officer to give evidence before him.

4.13. Persons attending Commissions of Inquiry, etc. (a) When any person, not being a civil servant, but including an employee of the Government of Pakistan or the Government of other Provinces is required to attend any meeting of a commission of inquiry or of a board, conference, committee, or departmental inquiry convened under proper authority or is required to perform any public duties in an honorary capacity, a competent authority may grant him travelling allowance for the journey calculated under the ordinary rules for the journey of a civil servant on tour, and for such purpose may declare, by general or special order, the grade to which such person shall be deemed to belong:

Provided that a competent authority may, in its discretion, grant to the person concerned his actual travelling, hotel and carriage expenses, instead of travelling allowance, where it considers that such allowance would be inadequate.

- (b) A competent authority may delegate the power conferred upon it by clause (a) of this rule to the civil servant presiding over the meeting of the Commission or other body which the person concerned is required to attend.
- (c) Travelling Allowance is not admissible to private Legal Practitioners employed in cases on behalf of Government unless they are officiating as public prosecutors,
- (d) Non-officials may be allowed by a competent authority travelling allowance (including daily allowance and conveyance allowance) according to their status for helping Government in its various activities.

SECTION-IV

JOURNEY TO GIVE OR OBTAIN MEDICAL ADVICE

4.14. (1) when the place at which a civil servant falls ill is not the headquarters of the authorised medical attendant—

- (a) The patient shall be entitled to travelling allowance for the journey to and from such headquarters; or
- (b) If the patient is too ill to travel and under the rules applicable to him is, in such circumstances, entitled to the attendance of the authorised medical attendant at his residence, the authorised medical attendant shall be entitled to travelling allowance for the journey to and from the place where the patient is.

(2) A claim for travelling allowance under clause (a) above shall be accompanied by a certificate from the authorised medical attendant stating that medical attendance was necessary, and where the claim is under clause (b) above, that the patient was too ill to travel.

4.15. (1) If the authorised medical attendant is of the opinion that the case of a patient entitled to treatment under the rules relating to medical attendance on civil servants, and their families is of such a serious or special nature as to require medical attendance by some person other than himself, or that the patient requires anti-rabic treatment, he may with the approval of the Director

of Health Services (which shall be obtained beforehand, unless the delay involved entails danger to the health of the patient):

- (a) Send the patient to the nearest specialist or other medical officer in [Khyber Pakhtunkhwa], by whom in his opinion medical attendance is required for the patient, and in the case of anti-rabic treatment, to the nearest station in [Khyber Pakhtunkhwa] where such treatment is available, or
- (b) If the patient is too ill to travel and is under the rules applicable to him entitled to medical attendance at his residence, summon such specialist or other medical officer to attend upon the patient.

(2) A patient sent to a specialist or anti-rabic station under clause (a) of sub-rule (1) shall, on production of a certificate from the authorised medical attendant in this behalf, be entitled to travelling allowance for the journey to and from the headquarters of the specialist or other medical officer or, as the case may be, the place of anti-rabic treatment.

(3) A specialist or other medical officer summoned under clause (6) sub-rule (1) shall, on production of a certificate from the authorised medical attendant in this behalf be entitled to travelling allowance for the journey to and from the place where the patient is.

4.16. When a civil servant is required under the orders of the Head of his office to obtain the countersignature of a medical board or a medical officer upon a certificate pronouncing him fit to return to duty from leave granted on medical certificate, he may draw travelling allowance for the journey undertaken to appear before such Board or Medical Officer.

4.17. If a civil servant, being stationed at a place where there is no medical officer of Government, is required to obtain a medical certificate from a medical officer of Government in support of an application for an initial grant of leave he may draw travelling allowance for the journey undertaken to obtain that certificate.

Note: -Travelling allowance is not admissible for a journey to obtain a medical certificate in support of an application for an extension of leave.

4.18. If a civil servant, having obtained a medical certificate in support of an application for an initial grant of leave, is required to appear before a medical

board, or to appear before a nominated medical board, or to appear before a nominated medical officer of Government for further opinion as to the necessity for the leave recommended in that certificate, he may draw travelling allowance for the journey undertaken to obtain that opinion.

Note: -Travelling allowance is not admissible for a journey to obtain a further medical opinion in support of an application for an extension of leave.

4.19. A civil servant directed by his Officer superior, in the interests of the public service, to apply for an invalid pension may, if he be required to undertake a journey in order to appear before a Medical Board, draw travelling allowance as on tour;

Provided that his travelling allowance bill is supported by a certificate that he was directed to apply for an invalid pension in the interest of the public service.

4.20. A civil servant who has been directed to apply for or is in receipt of a wound or disability pension from Government, may draw travelling allowance for journeys to obtain a certificate from a Medical Board for the grant of or the continuance of such pension.

4.21. A competent authority may allow travelling allowance to a civil servant who voluntarily applied for an invalid pension; provided that the authority is satisfied that the circumstances of the applicant are such as to justify the concession.

4.22. (1) When a civil servant suspected to be suffering from tuberculosis is required, after examination by the Medical Superintendent District Health Officer of the District in which he is serving or if he is too ill to go to the district headquarters, by the Medical Officer-in-charge of the focal or nearest hospital or dispensary, to proceed for X-Ray, Laboratory or other examination to the nearest station where such facilities are available, he may, on production of a certificate from the Medical Superintendent or District Health Officer or as the case may be, the Medical Officer draw travelling allowance for the journey performed by him to and from the place of examination as on tour.

(2) The journey under this rule should not be undertaken without the previous permission of the Controlling Officer, if such permission can be obtained without risk to the life of civil servant.

4.23. Travelling allowance under Rules 4.14, 4.15 and 4.20 should be calculated as for a journey on tour, provided that no allowance shall be drawn for halts on the journeys, while travelling allowance under other rules of this section may be allowed as for journeys on tour.

4.24. (1) A Medical Officer of Government who considers that a civil servant on whom it is his duty to attend professionally should leave his station to obtain medical advice or treatment or to proceed on leave, and that is unsafe for him to travel unattended, may, if he does not himself accompany him, arrange for an attendant to do so; and the attendant:

- (a) if a civil servant, shall be deemed to have been travelling on duty and may draw travelling allowance for the outward and return journey as for a journey on tour; and
- (b) if not a civil servant, may draw actual expenses.

(2) When the Medical Officer's opinion as to the necessity for the journey and for an attendant during it cannot be obtained before its commencement, a certificate from him that the journey with an attendant was necessary is sufficient for the purpose of this rule.

Note: --An Overseer, Nurse, or other person, attending on or escorting an insane or a sick civil servant, should, when travelling in the same compartment with him, be allowed to draw the actual fare of the class in which he travels plus daily allowance to which he may be entitled.

SECTION-V **JOURNEYS TO ATTEND DARBARS AND CEREMONIAL** **FUNCTIONS, ETC.**

4.25. A civil servant who is required to attend investiture ceremony or Darbar or levee else-where than at the headquarters may draw travelling allowance for the journey as for a journey on tour.

Note: - No travelling allowance is admissible to a civil servant for attending a function with which he is not officially connected, though he may have received a courtesy invitation for the same. It is for the Head of the Attached Department concerned or where he is the Head of the Attached Department, the Administrative Secretary of the Department concerned to see, while permitting a civil servant to be present at a function, if he is really required to attend it in the public interest, and if so whether travelling allowance should be permitted for the journey as for a journey on tour. If several civil servants

of one and the same department attend a particular function, it should also be seen whether the same conveyance cannot be shared by all of them.

4.26. When a Commissioned Officer belonging to the Defence Forces of Pakistan, whether on the active or the retired list, is invited to attend a Darbar or levee at a place other than at which he is stationed or has his residence, a competent authority may grant him travelling allowance for the journey, subject to the following limits:

- (i) for the journey from his station or place of residence to the place at which the darbar or levee is held and back to his starting point, single railway and steamer fares actually paid, plus actual travelling expenses for journeys by road subject to the maximum admissible to a civil servant of the first grade when on tour.
- (ii) for halts at the place at which the darbar or levee is held, a daily allowance, as admissible in the case of Officers of First Grade.

4.27. Journeys in connection with Local Fund (a) Except as provided in clause (b), the travelling allowance to civil servants for journeys performed in connection with the affairs of a Local Authority is governed by the rules of the Local Fund, and is payable from the Local Fund.

(b) When a civil servant, who is an ex-officio member of a local body, travels to attend meeting of the local body or when a civil servant travels for purposes of supervision or control of the affairs of a local body as a part of his regular duties, his travelling allowance shall be paid by Government and shall be governed by these rules.

Note: The instruction, contained in rule 1.11 should be carefully observed when preparing travelling allowance bills under this act.

CHAPTER-V**TRAVELING ALLOWANCE WHEN THE MEANS OF TRANSPORT ARE PROVIDED WHOLLY OR PARTLY FREE OF COST.**

5.1. H.O.R. facilities --- A competent authority may grant to any civil servant, the general right to reserve by requisition an inspection carriage, an eight wheeled tourist car, an ordinary first-class carriage of two compartments, or an ordinary first-class compartment when travelling by railway on tour.

5.2. The procedure to be followed in submitting a requisition for reserved accommodation shall be such as may be prescribed by the railway Authorities.

5.3 When a civil servant travels in a carriage reserved by requisition, the carriage is entirely at his disposal and may be detached and detained at any railway station at his request.

5.4 When a civil servant for whom special railway accommodation is provided, or who is entitled under these rules to reserve railway accommodation by requisition, travels in such reserved accommodation on tour: ---

- (i) The entire cost of haulage is borne by Government;
- (ii) Unless it be otherwise expressly provided in these rules, any person travelling with the civil servant in the reserved accommodation must pay usual fares to the railway by the purchase of first class tickets, and in every bill for travelling allowance in respect of a journey performed in reserved accommodation the civil servant reserving the accommodation, must specify the number of persons who travelled with him and certify that necessary tickets were purchased by them

Note (1)--- The civil servants reserving the accommodation shall, before beginning the journey, have the numbers and other details of the tickets purchased for the persons travelling with him in the reserved accommodation entered on the requisition form by the Station Master of the station from which the journey is commenced, in order to enable an adjustment to be made between the Civil and Railway Departments in respect of the fare realized by the Railway.

Note (2) ---Where only debits are received by the Audit officer on account of railway requisitions in respect of which no travelling allowance bill has been preferred, the audit officer will obtain a certificate from the civil servant who

has travelled in the reserved railway accommodation to the effect that the journey covered by the requisition was performed in the interest of public service.

Note (3) ----A Personal Assistant, a Stenographer or a clerk holding a ticket for the class of accommodation in which he is entitled to travel according to his grade may travel with the higher official in his reserved accommodation but in that case the higher official will have to certify in the bill for travelling allowance that it was in the interest of public service that the Personal Assistant, Stenographer or clerk should have travelled with him in the reserved accommodation and that the Personal Assistant, Stenographer, or clerk actually purchased a ticket for the class of accommodation to which he was entitled. In such a case, the cost of the said ticket will not be deducted from the charge of account of haulage of reserved accommodation payable to the Railway.

Note (4) --- A civil servant who is entitled to reserve by requisition a first-class compartment may recover, when travelling by railway in such a compartment his actual travelling expenses up to maximum of one half of first-class fare.

5.5 The amount of luggage which may be transported free of cost by a civil servant travelling in reserved accommodation is the amount covered by the number of tickets which a member of the public would have to purchase in order to reserve such accommodation.

5.6 *Free transit otherwise than in accommodation reserved by requisition.*---When a civil servant is entitled to or is allowed free passage by steamer whether on a free pass or otherwise, or travels by road in a staff car or other conveyance provided by the Government or a local authority, he is not entitled to any mileage for the journey, except where the journey is performed by Railway in which case the civil servant may draw mileage allowance equal to $\frac{1}{2}$ of the railway fare he is entitled to.

Note (a) This will not be applicable to:-

- (i) Officers and men of Railway Police;
- (ii) Medical Officers lent to the Railway Department; and
- (iii) Any other civil servant or class or civil servants, whose duties involve constant travelling by railway, except in cases where the competent authority may declare it to be applicable.

(b) When such a civil servant makes a journey by railway on tour:--

- (i) he is entitled either to a free pass under the free pass rules of the Railway or to the fares for himself and the servants and baggage accompanying with him which a free pass would cover;
- (ii) he may draw daily allowance for any day on which he is absent from his headquarters for more than 8 consecutive hours;
- (iii) he may not exchange for mileage allowances admissible under sub clause (i) and (ii);
- (iv) He may, if he combines with a railway journey the journey by steamer or road, and travels to a place distant at least 16 kilometers from the points where he leaves the railway or returns to the railway from a place similarly distant, draw mileage allowance for the journey by steamer or road in addition to daily allowance, if any, admissible under the rule; provided that the time spent on the journey by steamer or road shall be deducted in calculating the duration of the absence from his headquarters.

5.7. When a civil servant in receipt of permanent travelling allowance uses a free pass on a railway or steamer within his sphere of duty, or travels by road in a free conveyance, the allowance of the mileage to which he would have been entitled if he had not travelled free, shall be deducted from his permanent travelling allowance for the month during which he so uses a free pass or a free conveyance.

5.8. *Civil servants entitled to travel in a higher class on payment of a lower fare.* ---When a civil servant is permitted to travel by railway in a higher class on payment of a lower fare, his mileage allowance must be limited to the amount of the fare actually paid.

5.9. The following rules have been prescribed in respect of the drawing of travelling allowance by civil servants who accompany the Governor of the [Khyber Pakhtunkhwa]:

- (i) if the civil servants travel in the Governor's special train the travelling allowance which they would ordinarily draw shall be reduced by the amount of the fare which, but for such free passage, they would have paid.

Note: ---No refund to the Governor's Tour Fund is necessary, as no extra expenditure is incurred out of the grant on this account.

(ii) If the civil servants travel in an ordinary train, they should purchase their own tickets and draw the ordinary travelling allowance.

Note: ---No recoveries are necessary in this case unless their fares are in their first instance advanced from the Tour Fund, in which case the accounts of the Fund should be adjusted by the Military Secretary.

(iii) In all cases where full travelling allowance is claimed by the civil servants, it should be certified on the bills that the journey was performed by an ordinary train, or in an extra carriage attached to the Governor's special train. On the authority of such a certificate, and on the understanding that the account of the Governor's Tour Fund will (if necessary) be adjusted by the Military Secretary, the travelling allowance charged by the civil servants will be passed in full.

CHAPTER-VI

RULES GOVERNING TRAVELING ALLOWANCE AND HILL STATION ALLOWANCE ADMISSIBLE TO THE OFFICERS AND STAFF OF THE GOVERNOR'S SECRETARIAT ACCOMPANYING THE GOVERNOR TO A HILL STATION IN SUMMER SEASON.

SECTION-I.

6.1. The rules in this Chapter shall be applicable only to the officers and the staff of the Governor's Secretariat accompanying the Governor to the Hill Station.

Explanation:—For the purposes of this Chapter “Hill Station” means Nathiagali or any other Hill station specified by the Governor in this behalf.

6.2. A civil servant to whom the rules in this Chapter apply, who is required to move to a Hill Station may draw for the initial journey to and the final return journey from the Hill Station mileage and daily allowance as follows:—

(i) mileage and daily allowance for himself and for each member of his family.

(ii) one extra mileage allowance, as for himself to cover miscellaneous expenses of the journey provided that if he is holding a ministerial post and travels with his family, two additional mileage allowances as for himself will be allowed.

Note (1)—For the purpose of this rule a member of a civil servant’s family should be held to have accompanied the civil servant if he/she arrives at the Hill Station two months before or one month after the civil servant, or arrives at the Headquarters one month before or after the civil servant’s arrival.

Note (2)—Members of the family of the civil servant moving to the Hill Station who are entitled to draw Traveling Allowance will do so only on the first move to the Hill Station and the final move down. Beyond these two journeys they will not be entitled to any Traveling Allowance.

Note (3)—In case the civil servant’s children are at a school or college of which the term begins or ends more than two months before of one month after the civil servant moves to the Hill Station, the limit of two months or of one month, as the case may be, may on the production of the following certificate be exceeded to cover the date of beginning or end of the term and for the examinations which may fall immediately or very soon after the conclusion of term. The certificate shall be recorded by the officer in the following form:

CERTIFICATE

I certify ----- that son/daughter of -

-----is a student in -----School

College, which closes on ----- and re-opens on -----

The last date on his/her examination at the close of the terms is/was

(Signature)
Drawing/Controlling Officer,

Dated _____

Note (4)—The claim for travelling allowance on account of the members of family should be supported by a certificate signed by the officer himself and in other cases countersigned by the Controlling Officer, stating: —

- (a) the number and age of the members of the family and their relationship with the civil servant;
- (b) that they are wholly dependent and residing with him; and
- (c) that they accompanied the civil servant [within the meaning of this rule read with Note (1)] to the Hill Station on his final return therefrom.

Note (5)—For the special reason to be recorded on the travelling allowances bills, the Controlling Office may apply these rules to other members of the family as included in the definition of family as given in rule 1.5.

6.3. A Military Officer on the personal staff of the Governor required to move to the Hill Station may draw charges for the conveyance of his horses according to his rank under the rules in force for Military Officers.

6.4. If a civil servant to whom the rules in this Chapter apply for any reason (e.g having travelled in a special train) does not pay for any of his travelling expenses such as rail fare, cost of conveyance or baggage or personal attendants, etc; the amount of the travelling allowance admissible to him under these rules should be reduced to the extent to expenses which he would otherwise have incurred on such journey.

6.5. If a civil servant in cases other than that provided in the foregoing rule, or any member of his family for whom travelling allowance is admissible under this Chapter, proceeds to the Hill Station or returned from a Hill Station to the Headquarters, by a route other than the normal route, he may draw travelling allowance for such journey limited to that normally admissible to him.

6.6. If a civil servant to whom the rules in this Chapter apply, while at the Hill Station obtains leave on medical certificate and is obliged to travel to Headquarters for treatment, he may draw his actual travelling expenses to Headquarters and back, limited to what is absolutely necessary, and not exceeding in any case the amount admissible under these rules for the normal journeys.

SECTION-II HILL STATION ALLOWANCE

6.7. (1) A civil servant to whom the rules in this Chapter apply shall be entitled to the following Hill Station Allowance for the period of his residence at the Hill Station and for the joining time allowed for moving to and from the Hill Station:—

- | | | |
|-----------------------------------|----|---|
| (a) Civil Servants in NPS-1 and 2 | .. | 1/2 of their pay. |
| (b) Other Civil Servants— | | |
| (i) if without a family | .. | Rs. 40 per mensem. |
| (ii) if with a family | .. | 1/2 of the pay, subject to inimum of Rs. 40 per mensem and a maximum of Rs. 150 per mensem. |

Note— Pay together with Hill Station Allowance should not exceed Rs. 850/- per mensem and where it exceeds, the allowance shall stand automatically reduced to the extent of the amount in excess.

(2) When both husband and wife (or wives) are civil servants and both of them move to the Hill Station, each of them draw Hill Station allowance on their respective pay at the rate admissible under sub-rule (1) to a civil servant who has no family.

(3) The higher rate allowance admissible to a civil servant who has a family shall ordinarily be drawn for the period his family or the dependents are actually residing with him at the Hill Station, but it may be drawn for the full period of resident at the Hill Station if his family or the dependents follow or precede him to or from the Hill Station within one month of the move.

Note (1)—Subject to the condition that he returns to the Hill Station to resume his residence there, a civil servant who is in receipt of an allowance under rules may be allowed to draw the

allowances admissible under this rule in addition to the travelling allowance admissible under the rules when they accompany officers on tour or on other duties away from the Hill Station.

Note (2)—A civil servant in receipt of house-rent allowance at the headquarters shall continue to draw that allowance in addition to the Hill Station Allowance during his stay at the Hill Station, provided he certifies that he had to undertake the payment of rent for a house at headquarters which remained unoccupied or that some members of his family or persons wholly dependent on him stayed at headquarters for the period for which the house rent allowance is claimed.

6.8. The allowance admissible under rule 607 may be drawn for the whole period of residence at the Hill Station and for the joining time allowed for moving to or from the Hill Station, subject as regards joining time, to a maximum of four days in each case. For special reasons of public convenience to be certified by the Controlling Officer, the allowance may be drawn for not more than ten days prior and ten days subsequent to the above dates.

6.9. A civil servant on leave on medical certificate at Hill Station, if no extra expense (other than the medical facilities provided under the Medical Attendance Rules) is caused to the Government, draw the Hill Station Allowance in full during such leave.

SECTION-III GENERAL

6.10. A civil Servant residing at Hill Station may draw his pay and the allowances admissible under these rules either at the Hill Station or at his Headquarters or partly at the Hill Station and partly at the Headquarters.

Note: — A last pay certificate is not required to enable pay to be drawn under this rule.

6.11. *Advance of pay and travelling allowance.* —A civil servant to whom the rules in this Chapter are applicable, when proceeding to or from the Hill Station, may: —

- (a) if he be in grade 16 and above draw an advance of pay (including allowances) for the month in which he leaves the Headquarters or the Hill Station, as the case may be, and of his travelling allowance and that of his family on written sanction of the Controlling Authority; and
- (b) if he be in grade 15 and below draws the pay (including allowances) for the month in which he leaves the Headquarters or the Hill Station, as the case may be, and be advanced his traveling allowance and that of his family by, or on the countersignature of the Head of the office.

Note: — Temporary civil servants are not entitled to advances of pay, travelling allowance and other allowances under this rule unless the sanctioning authority is satisfied that the advances would be recovered from the civil servant concerned before his term of appointment expires.

6.12. (1) Advances of travelling allowances under clauses (a) and (b) of rule 6.11 must be adjusted by bill within a fortnight after the civil servant's arrival at his destination.

- (2) Recovery towards the advance of pay from such civil servants should be made from their pay in three equal monthly installments

RULES REGULATING TRAVELING ALLOWANCE AND HILL STATION ALLOWANCE ADMISSIBLE TO THE OFFICERS AND STAFF OF THE OFFICE OF THE POLITICAL AGENT, SOUTH WAZIRISTAN AGENCY ACCOMPANYING THE POLITICAL AGENT TO HILL STATION IN SUMMER SEASON.

7.1. The rules in this chapter shall be applicable only to the Political Agent, South Waziristan Agency, Assistant Protocol Officer, South Waziristan Agency, and their staff accompanying them to the Hill Station.

EXPLANATION --- For the purposes of this chapter "Hill Station" means Wana (South Waziristan Agency) and "Summer Season" means the period from 15th May to 15th September of the year.

7.2. A civil servant, to whom the rules in this chapter apply, and who is required to move to the Hill station may draw for the initial journey to and the final return journey from the Hill Station, mileage and daily allowance as follows:

- (i) Mileage and daily allowance for himself and for each member of his family.
- (ii) One extra mileage allowance, as for himself, to cover miscellaneous expenses of the journey; provided that if he is holding a ministerial post and travels with his family; two additional mileage allowance for himself will be allowed.

Note (1) For the purpose of this rule, a member of civil servant’s family should be held to have accompanied the civil servant if he/she arrives at the Hill Station two months before or one month after the civil servant’s arrival, or arrives at the Headquarters one month before or after the civil servant’s arrival.

Note (2) Members of the family of the civil servant moving to the Hill Station who are entitled to draw travelling allowance under this chapter will do so only on their initial move to the Hill Station and the final move down. Beyond these two journeys they will not be entitled to any traveling allowance.

Note (3) In case of the civil servant’s children are at school or College of which the term begins or ends more than two months before or one month after the civil servant moves to the Hill Station, the limit of two months or of one month, as the case may be, on production of the following certificate, be exceeded to cover the date of beginning or ending of the term and/or the examinations which fall immediately or very soon after the conclusion of the term. The certificate shall be recorded by the civil servant himself if he is in grade 16 and above, and in any other case, by the Controlling Officer.

CERTIFICATE

I certify ----- that son/daughter of -
 -----is a student in -----
 School College, which closed on ----- and re-opened on ---
 -----.

The last date on his/her examination at the close of the terms
is/was

(Signature)
Drawing/Controlling Officer,

Dated -----

Note (4) The claim for travelling allowance on account of members of the family should be supported by a certificate signed by the civil servant himself; provided that of the civil servant is in grade 15 or below, the certificate shall also be countersigned by the Controlling Officer, stating----

- (a) The number and age of the members of the family and their relationship with the civil servant
- (b) That they are wholly dependent and residing with him; and
- (c) That they accompanied the civil servant within the meaning of this rule read with notes (1) and (3) to the Hill Station and or on his final return therefrom.

7.3. If a civil servant or any other member of his family to whom travelling allowance is admissible under this chapter, proceeds to or returns from a Hill Station to the Headquarters, by a route other than the normal route (Tank to Jandola-Serwakai and Wana and *Vice versa*) he may draw travelling allowance for such journey limited to that admissible by the normal route.

7.4 (1) A civil servant to whom the rules in this Chapter apply shall be entitled to the following Hill Station Allowance for the period of his residence to the Hill Station and for the joining time allowed for moving to and from the Hill Station:-

- | | |
|-----------------------------------|---------------------------|
| (a) Civil Servants in NPS-1 and 2 | Half of their monthly pay |
| (b) Other civil servants:- | |
| (i) if without a family | Rs 40 per mensem |
| (ii) if with family | Half of the monthly |

pay subject to minimum of Rs 40.00 and a maximum of Rs 150.00 per mensem

Note: - Pay together with Hill Station Allowance should not exceed Rs 850/- Per mensem and where it exceeds the allowance shall stand automatically reduced to the extent of the amount in excess.

(2) The higher rate of allowance admissible to a civil servant who has a family shall ordinarily be drawn for the period his family or the dependents are actually residing with him at the Hill Station, but it may be drawn for the full period of residence at the Hill Station if his family or the dependents follow or precede with him to and from the Hill Station within one month of the move.

(3) For purposes of calculating the Hill Station Allowance under sub-rule (1), pay shall mean the pay drawn by the official at Tank excluding Cis-Frontier Allowance, i.e. the Hill Station Allowance shall be calculated on basic pay as defined in rule F.R.9 (21).

The officials who are in receipt of Cis- Frontier Allowance at Tank, may however continue to draw this allowance in addition to the Hill Station Allowance, but the Compensatory Allowance sanctioned under Government of North-West Frontier Province Finance Department's letter No.6/8-75 (FATA) II/FA, dated 27th August, 1978 shall not be admissible in addition to the Hill Station Allowance, under this rule.

Note (1) ---- Subject to the condition that he returns to the Hill Station to resume his residence there a civil servant who is in receipt of an allowance under his rule may be allowed to draw the same in addition to the travelling allowance admissible under ordinary travelling allowance rules when he accompanies an officer on tour or on other duties away from the Hill Station.

Note (2) ---- A civil servant in receipt of hose rent allowances at the Headquarters shall continue to draw that allowance in addition to the Hill Station allowance during his stay at the Hill Station; provided that he certifies that he had to undertake the payment of rent for a house at Headquarters which remained unoccupied, or that some members of his family or persons wholly dependent on him stayed at

the Headquarters for the period for which the house rent allowance is claimed.

7.5 The allowance admissible under rule 7.4 may be drawn for the whole period of residence at the Hill Station and for the joining time allowed for moving to or from the Hill Station. The Hill Allowance during joining time will, however be admissible for a maximum period of four days in each case. For special reasons of public convenience to be certified by the Controlling Officer, the allowance may be drawn for not more than ten days prior and ten days subsequent to the above dates.

7.6 A civil servant on leave on medical certificate at Hill Station may, if no extra expense other than the medical facilities provided under the Medical Attendance Rules) is caused to Government, draw the Hill Station Allowance in full during such leave.

7.7 A civil servant to whom the rules in this Chapter are applicable, proceeding to and from the Hill Station may: --

- (a) if he be in grade 16 or above, draw an advance of pay (including allowances) for the month in which he leaves the Headquarters or the Hill Station, as the case may be, and of his travelling allowance and that of his family on written sanction of the Controlling Authority; and
- (b) if he be in grade 15 or below, draw the pay (including allowances) for the month in which he leaves the Headquarters or the Hill Station, as the case may be, and be advanced his travelling allowance and that of his family by, or on the countersignature of the Head of the office.

Note: --- Temporary civil servants are not entitled to advances the pay, travelling allowance or other allowances under this rule unless the sanctioning authority is satisfied that the advance should be recovered from the civil servant concerned before his term of appointment expires.

7.8 (1) Advance of travelling allowance under clauses (a) and (b) of rule 7.7 must be adjusted by bill within a fortnight after the civil servant's arrival at the destination.

(2) Recovery towards the advance of pay to civil servants should be made in three equal monthly installments.

TA/DA ADVANCE

I am directed to refer to the subject noted above, and say that it has come to the notice that officers/officials are being sanctioned TA/DA advance in excess of the limit prescribed under Rule 265 of GFR i.e., an amount not exceeding one-month substantive pay plus the traveling allowance sanctioning exorbitant amount is clear violation of the rule resulting in financial loss to the Government Treasury.

In view of the above, you are hereby directed to strictly follow the rules at the time of sanctioning TA/DA advance to officers/officials on their transfer.

(PHC Letter No.2818-73/B&A Dated 26th April, 2010)

C.No. 1(2-2)

SECTION-II
SECRETARIAT OF DISTRICT JUDICIARY

In exercise of the powers conferred by Article 202 of the Constitution of Islamic Republic of Pakistan, 1973, Hon'ble the Chief Justice and Judges of this Court are pleased to make and add Rule-17 in Part A, Chapter 10-A, Volume-V of the Peshawar High Court Rules and Orders as herein below

Rule 17 Secretariat of the District Judiciary. On all matters pertaining to the District Judiciary, the Administration Committee shall be supported by a Secretariat called the Secretariat of the District Judiciary. The Chief Justice and the Administration Committee shall be an oversight body for the Secretariat. The Oversight, Structure, Key Functions, Detailed Functions and Standard Procedures are Appendix I, II, III, IV and V respectively

(PHC Endst No.14720-770/Admn Dated:14th September, 2018)

C.No. 2(2-2)

(Appendix-I)
Oversight

The Hon'ble Chief Justice, Peshawar High Court, Peshawar and the Administration Committee of the High Court, as per the existing law, shall act as Authority/ Competent Authority and the Appellate Authority, respectively.

The Registrar of Peshawar High Court, Peshawar shall act as a Coordinator between the Secretariat of the District Judiciary (SDJ) and the High Court. The Hon'ble Chief Justice of the High Court shall be the overall In charge of SDJ for the purpose of day-to-day affairs and the matters submitted before him through Registrar, Peshawar High Court, Peshawar.

C.No. 3(2-2)

(Appendix-II)
Structure

The SDJ shall comprise of four wings as under:

I. Regulation Wing

Detailed Nomenclature: Ethics, Integrity Management, Drafting & Legislation Wing (EDW)

Head: Legal draftsman

II. Operation Management Wing

Detailed nomenclature: Operations Management, Administration, Finance and P&D Wing (OMW))

Head: Registrar

III. Inspection Wing

Detailed nomenclature: Service Delivery Monitoring, Evaluation and Inspection Wing (MIW))

Head: MIT/Judicial Officer

IV. Human Resource Wing

Detailed nomenclature: Human Resource and Welfare Wing (HR/WW)

Head: Professional Expert

C.No. 4(2-2)

(Appendix-III)
Key Functions

I. Regulation Wing: Consists of the following four Units

A. Integrity Management Unit

Deals with:

- Updating the code of conduct, (financial code-already exists, e.g. GFR, etc; (Overall a holistic approach)
- making officials aware of the new code of conduct, if any
- assisting and ensuring compliance with financial code of conduct (cross cutting function)
- providing assistance to the worthy Administration Committee on financial matters

Team: one Chartered Accountant or ACCA assisted by the Internal Audit unit, on need basis (with support staff)

B. Internal Auditor Unit

Deals with:

- compliance monitoring and reporting, who can be involved in running a compliance management plan
- collecting data, making analysis and proposing suggestions regarding financial matters
- conducting audit and follow up streams

Team: 2 Chartered Accountants or ACCAs with 5 years audit experience (with support staff)

C. Drafting and Legislation Unit

Deals with:

- Legal drafting
- Opinion about legal issues
- Cross cutting role providing legal support to other wings/units

Team: 3 Professional Experts (with support staff)

D. National Judicial Policy Implementation Unit

Deals with:

- implementation of the decisions of National Judicial Policy Making Committee
- Quarterly Inspection Reports
- Jail inspection Reports

Team: 3 Professional Experts (with support staff)

II. Operation Management Wing

Consists of the following three Units

A. Administration, Coordination and Logistic Support Unit

Deals with:

- Administration
- Overall coordination with other wings, units and teams
- Logistic support
- Coordination with Federal and Provincial Governments

Team: 2 or 3 Professional Expert (with support staff)

B. Finance and Accounting Unit

Deals with:

- Revenues
- Budgets and expenditures of the district judiciary
- Internal Audit and coordination with audit practitioners
- Adherence of law and policy and value for money analysis
- Identification of areas for improvements in internal control

The internal audit unit, having a cross-cutting role will assist this team

Team: 3 Professional Experts (with support staff)

C. Planning & Development Unit

Deals with:

- Planning for financial and infrastructure development
- Processing development and maintenance & repair schemes of SDJ (Districts and Special courts)
- Looking after the implementation of schemes

III. Inspections Wing

Consists of the following six Units

A. Knowledge Management (KM) and Information and Communication Technology (ICT) Unit

Deals with:

- manage all data and documents, information and knowledge like an asset
- arrange and organize that asset for easy retrieval, navigation and use
- update and implement the Code of conduct for Judicial Officers
- manage manual records, digital records, data and statistics and IT system to support compliance management and facilitation processes

Team: 2 Professional Experts (with support staff)

B. Citizen Services, Human Rights, Communication and Outreach Unit

Deals with:

- design and implement communication plan between Peshawar High Court on
- District Judiciary and other stake-holders particularly bar associations, police, prosecution, revenue and citizens,
- manage grievance redress linked with the e-Citizen portal of PHC

Team: 1 or 2 Professional Experts (with support staff)

C. Technical Service Delivery Monitoring Unit

Deals with:

- ensuring compliance with statutory, NJP and any other policy requirement(s),
- setting disposal standards (quantitative and qualitative)
- Case disposal data

Team: 2 or 3 Professional Experts (with support staff)

D. Grievance Redress Unit

Deals with:

- staff redress
- dispute resolution
- resolving issues about recruitment and promotion

Team: 3 or 4 Professional Experts (with support staff)

E. Strategy, Reform and Business Plan Review Unit

Deals with:

- assistance to the Administration Committee on integrity related issues
- Make investigation and proposing action on integrity related issues
- define and improve processes
- devise strategy for better delivery

Team: 2 or 3 Professional Experts (with support staff)

F. Confidential Unit:

Deals with:

- Performance Evaluation Reports
- Declaration of Assets
- Complaints against the Judicial Officers and Staff
- Confidential matters

Team: 3 or 4 Professional Experts (with support staff)

IV. Human Resource and Welfare Wing

Consists of the following two Units

A. HR Unit:

Deals with

- Chalk out policy and process
- Hire, train and fire

Team: 2 or 3 Professional Experts (with support staff)

B. Welfare Unit:

Deals with:

- Chalk out and implement a welfare policy for Judicial Officer, Court Staff and their families from recruitment till retirement and post-retirement

Team: 3 or 4 Professional Experts (with support staff)

C.No. 5(2-2)

XIII. (Appendix-IV) Detailed Functions

I. Regulation Wing (Consisting of the following four Units)

Legal Drafting and Legislation Unit:

Detail Functions:

- Drafting of delegated legislation as envisaged in the constitution and law
- Supporting rules framing committees in PHC
- Providing legal assistance to HCJ, worthy Administration Committee and all wings
- Maintaining frequent interface with Inspection, Finance & HR for exchanging input on performance of District Judiciary and updating concerned laws and manuals within its competence

- Providing legal assistance in updating Code of Conduct and suggesting ways and means for compliance
- Giving input to HR for training needs on new laws, rules & code of conduct
- Proposing research on justice issues on new laws, regulations and policies and amendments in existing laws, etc
- Providing legal support in matters concerning Law & Justice Commission

Integrity Management Unit:

Detail Functions:

- Establishing and enforcing proper ethical standards, based on international benchmark for employees from recruitment till retirement
- Implementing the code of conduct
- Encouraging the observance of ethical standards
- Taking measures for eradication of corruption
- Reviewing and appraising the soundness, adequacy and application of accounting, financial and other controls to determine whether, so far as is reasonable, they provide assurance to management that:
 - Established policies and procedures are complied with
 - The Authority's assets and interests are properly safeguarded from losses of all kinds
- Ensuring that complete and reliable data, financial and performance, is provided to the management for proper decision making
- Advising and assisting operational management by issuing individual audit reports which:
 - Evaluate systems and identify inadequate or excessive controls
 - record whether systems of control have been designed, and are operated, to achieve the most effective, efficient and economic use of resources
 - Recommend any necessary improvements
- Drawing attention to any apparently unsatisfactory situation flowing from a decision or from an established policy or practice

- Following up on the decision taken by the Administration Committee

Internal Audit Unit:

Detail functions:

- Devising and implementing Audit strategy and policies, procedures and planning for all types of audit, including single issue audits, audit standards, coverage, compliance management with systems and procedures for the collection of arrears and related legal issues
- Enforcing audit strategies and methodologies
- Developing regular review and updating of risk based system for the selection of districts for audit
- Developing audit Standard Operating Procedures for ensuring compliance with standards
- Monitoring of plan implementation and evaluation of audits and audit performance against targets
- Suggesting remedial actions to remove bottlenecks, solve problems and address performance deficiencies
- Feeding back results of monitoring and evaluation into planning and policy formulation

Drafting and Legislation Unit:

Detail Functions:

- Drafting of delegated legislation
- Supporting rules framing committees in PHC
- Providing legal assistance to HCJ, worthy Administration Committee and all wings
- Maintaining frequent interface with Inspection, Finance & HR for exchanging input on performance of District Judiciary and updating concerned laws and manuals within its competence
- Providing legal assistance in updating Code of Conduct and suggesting ways and means for compliance
- Giving input to HR for training needs on new laws, rules & code of conduct
- Proposing research on justice issues on new laws, regulations and policies and amendments in existing laws, etc

- Providing legal support in matters concerning Law & Justice Commission
- Other relevant function and duties

National Judicial Policy Implementation Unit:

Detail Functions:

- Monitoring the disposal trend from judicial statistical data
- Keeping liaison with the NJPMC
- Following and implementing the decisions of the NJPM
- Supervising overseas Pakistanis Cell for speedy disposal of cases
- Receiving Jail reports and suggest action plan
- Receiving reports of the District Criminal Justice Coordination Committees and follow up their recommendations
- Receiving quarterly inspection reports and suggesting action

II. Operation Management Wing (Consisting of the following three units)

Administration Unit:

Detail functions:

- Conducting general administration
- Confirming policy and procedure compliance and their reporting
- Ensuring follow up on implementation of the decisions and policies
- Preparing of the Annual Operational Performance Report
- Ensuring policy assessment for internal and external risk potentials judicial administration
- Managing logistics
- Coordination within the SDJ
- Distribution of business
- Control over administrative matters
- Ensuring proper administrative, financial and physical security

Finance Unit:

Detail functions:

- Budgeting, accounting and auditing
- Safeguarding of assets

- Maintaining reliable financial data
- Ensuring optimal use of resources
- Providing guidance to the Districts for procuring goods per rules and procurement for the SDJ
- Reporting on financial matters
- Managing and acquiring assets, buildings and goods
- Maintaining, renewing and disposing of assets per rules
- Preventing misuse of official property for personal use
- Making effective province-wide planning and budgeting for ICT
- Ensuring at all levels efficient and effective implementation of Financial codes: FR, SR, GFR, Accounts Manual, Budget Manual, Treasury Rules, KPPRA and others

Planning and Development Unit:

Detail Functions:

- Making planning and development for finance and infrastructure
- Looking after the affairs related to foreign aid and technical assistance to facilitate the administration
- Processing of all development schemes, programs and proposals submitted by Districts and special courts
- Monitoring the progress and evaluation of development schemes and writing their critical appraisal
- Looking after the implementation of schemes
- Maintaining liaison with the National/Provincial Technical Agencies for quality assurance
- Keeping vigilant eye on economy measures in the planning and implementation of schemes
- Managing the affairs related to Access to Justice Development Fund

III. Inspections Wing (Consisting of the following six units)

Knowledge Management and Information Technology Unit

Detail functions:

- Finding, mapping, gathering, and filtering relevant data and information

- Developing new knowledge (identifying relations among variables)
- Converting personal knowledge into shared knowledge resources
- Understanding and learning
- Adding value to information to create knowledge
- Enabling action through knowledge (performance and management)
- Processing shared knowledge resources; delivering (transferring) explicit knowledge
- Building adequate technical infrastructures for better delivery

Information and Communication Technology Unit:

Detail functions:

- Proposing an ICT strategy for Districts, special courts and SDJ
- Creating, processing and manipulating case load databases
- Developing reliable data
- Devising an e-payment system
- Creating public interface for facilitating public through various processes regarding the steps involved in litigation
- Proposing training in information systems
- Creating litigants/citizens (case management) databases for providing relevant information about case progress; Management of information systems
- Creating coordination with other justice sector actors for redress (to manage through Provincial Justice Committee)
- Devising a data processing strategy with an indigenous backup system
- Procuring the relevant hardware, software and power and telecom back up
- Putting in place a plan for security and access control to system and data regarding:
 - Citizens / case registration, e-payment and assistance
 - Awareness, guidance, education and information for expected users and other interested in the justice services
 - Publication (including uploading and dissemination) of instructions(brochures), books and manuals for citizens / litigants and other key stakeholder

- Providing technical support to the District and Special courts in realization of their ICT strategies in relation to:
 - Province-wide planning and budgeting for ICT
 - Hardware and software procurement and control
 - Features and functions of the main data center
 - Arrangements for backup and business continuity in the cases of disasters and service
 - Interruptions such as power and telecom services
 - Plans for security and access control: to system and data
 - Troubleshooting in the ICT operations
- Facilitating the case-flow management through various steps, including:
 - Registry (case registration and database of registered cases) and Revenue (e-payment) management
 - Identification and removal of bottlenecks in service delivery for ensuring:
 - correct case filing
 - registration
 - payment of official dues [in litigation], and
 - timely processing of cases to ensure compliance with a statutory, NJP or any other standard
- Designing of case-filing, registration and other related forms
- Monitoring case-load
- Reviewing of filing systems and processes and how to improve efficiency;
- Feeding back results of monitoring and evaluation into planning and policy formulation

Citizen Services, Human Rights, Communication and Outreach Unit

Detail functions:

- Providing litigants/citizens the assistance, services and education through materials, in soft and hard regarding:
 - case registration and general assistance
 - available instructions, informative and educative material
- Managing Interaction with citizens and other key-stakeholders (Bar association, legal fraternity, Other Government Agencies particularly related to the Criminal Justice System, Media, etc.)

-
- Developing external communication strategy

Technical Services Delivery Monitoring Unit

Detail functions:

- Setting standards for quantitative and qualitative disposal per the National Judicial Policy or any other
- Devising long-, mid-, and short-term strategy in context of disposal and service delivery
- Monitoring Districts and Special courts to ascertain that they correctly and uniformly apply established policies, rules, regulations, and procedures
- Collecting and analysing data on case-load, disposal and compliance levels, patterns and trends
- Ascertaining compliance burden and risks and of motives for non-compliance
- Assessing internal and external risks potentially affecting the delivery, reputation and efficacy of the District Judiciary
- Developing and updating of district judiciary performance indicators in the perspective on in vogue policy, DPEP, (such indicators will also help in devising a new policy)
- Gauging the trends in litigation juxtaposed with performance
- Providing technical advice and guidance on policy matters to district judiciary for better disposal and up to the mark service delivery
- Monitoring:
 - Court, Case and Time Management
 - Compliance with SOPs and
 - Conformity to checklist(s)
- Evaluating:
 - Case disposal
 - Target achievement
 - Performance deficiencies
 - Corrective measures for efficiency

Grievance Redress Unit

Detail functions:

- Enforcing and ensuring (through an independent) equity, efficiency and fair play to Judicial Officers and court staff

- Redressing grievances of litigants and citizens
- Resolving the issues related with grievances rooted in recruitment and promotion
- Ascertaining the trends in resolving grievances; on the basis of such trends propose remedies to the Regulation wing through proper channel for devising and updating the grievance redress policy
(The Team may resort to Alternate Dispute Resolution)

Strategy, Reform and Business Plan Review Unit

Detail functions:

- Ascertaining the adequacy of judicial performance
- Setting directions for effective judicial service delivery in line with public needs and expectations
- Determining difficulties in compliance with performance standards and proposing rectification
- Conducting SWOT analysis in assigned area
- Based on comparative study of performance in other countries, set business benchmarks
- Carrying out a value for money analysis

Confidential Unit

Detail functions:

- Timely dispatch of PER Forms
- Organizing timely completion of steps involved in performance evaluation reports
- Collection and safe custody of PER Forms
- Sensitizing the Judicial Officers and Staff about the submission of Declaration of Assets
- Timely submission of Tax Return
- Complaints against the Judicial Officers and Staff
- Creating and maintaining authentic data of PERs, integrity, financial matters, record of disciplinary proceedings
- Ensuring timely communication regarding confidential matters, including adverse entries in PERs, notices, summonses, decisions and judgments

IV. HR & Welfare Wing (Consisting of the following two Units)

HR Unit

Detail functions:

- Proposing a recruitment, promotion, posting/transfer, training and incentive & reward policy
- Looking after disciplinary matters
- Preparing full job descriptions of Judicial Officer, court staff and staff of the SDJ
- Liaising with:
 - Public Service Commission for recruitment
 - Academies for trainings and their follow up
 - Concerned departments at home, embassies and training institutes abroad for international exposure and training
- Hiring and firing of human resources
- Developing rules for personnel management
- Suggesting policy for career progression
- Devising a retirement plan for timely and efficient processing of pension case
- Post-retirement plan including re-employment, job opportunity, and possibility of utilization of past experience
- Determining suitability for various postings
- Suggesting periodic review of emoluments for in-service and retired

Welfare Unit

Detail functions:

- Planning a program for providing periodic incentive on the pattern of Pakistan Army
- Resolving the educational problems of staff's children, including:
 - Facilitation of admission into institutions of high repute
 - Provision of health care facilities at renowned healthcare units
 - Housing, plot, and construction
- Club(s) membership
- Post retirement welfare

C.No. 6(2-2)

XVI. (Appendix-V) Standard Procedures

1. ORGANIZATIONAL SETUP

a. Structure

- i. The Secretariat shall consists of the Wings as mentioned in Appendix-I. The Chief Justice may change the functions and numbers of the Wings.
- ii. A wing shall be led by a Director. It shall comprise of the staff as mentioned in Appendix-II and/or as the Chief Justice may determine.
- iii. A Wing shall be composed of the Units mentioned in Appendix-II and/or as the Chief Justice may determine.

b. Work Distribution

- i. The business of the Secretariat shall be distributed in accordance with Appendix-II. The Chief Justice/Administration Committee may change the pattern of distribution of the business. A special task may be assigned by the Chief Justice/Administration Committee to any Wing.
- ii. The business of the Wing shall be distributed in accordance with Appendix-II. The Director may change the pattern of distribution of the business. A special task may be assigned by the Director to any Unit.
- iii. The business of the Unit shall be looked after by the head of the Unit (Deputy Director) in accordance with Appendix-II.

c. Line of Communication

- i. All external communication from and to the Secretariat shall be through Registrar.
- ii. The line of communication, within the Secretariat from higher to the lower and vice versa, shall be: Registrar to Director to DD and so on.

- iii. All communication pertaining to a complaint against a Judicial Officer or court staff, statement of declaration of assets, P.E.R forms, Representation, Departmental Appeal, etc. shall be sent to Director Inspections for initiation of action.
- iv. Line of Communication for secret and sensitive matters shall be determined by the Competent Authority.
- v. The Chief Justice or the Administration Committee may determine a particular line of communication in appropriate cases.

2. GENERAL PROCEDURE FOR DISPOSAL OF BUSINESS

- (1) The Secretariat, besides the specified functions in Appendix-II, shall be responsible for implementation of the policies approved by the High Court.
- (2) The Director shall cause a track-able digital copy to be prepared at the time the file is initiated or received in the Wing.
- (3) The Director or the DD, according to the work distribution, shall be responsible for suggesting a definite line of action while submitting a case for orders of the Chief Justice or the Administration Committee.
- (4) An order shall be in written form. The oral order shall be reduced into writing. In either case written approval of the Competent Authority shall be necessary.
- (5) The illegality or the extent of illegality of an order, irrespective of the fact whether it is final, shall be communicated by the officer who notices it, to the higher authority according to the line of communication.
- (6) The Chief Justice may determine the extent of authorizing other officer(s) in addition to the Registrar to sign specific executive orders, directives, instructions, guidelines, instruments or deeds etc. On behalf of the High Court.

3. DUTIES, FUNCTIONS AND POWERS OF THE REGISTRAR

The Registrar, besides the functions, duties and powers already assigned to him by law, rules and standing orders, shall:

- i. Coordinate the work of all the Wings of the Secretariat, and
- ii. Keep the Chief Justice/Administration Committee updated about the performance of the Secretariat.

4. COMMITTEE OF THE DIRECTORS

- (1) The committee shall be chaired by the Registrar with all the Directors as members. Director Regulation shall be ex-officio Secretary of the Committee. A Deputy Director(s) may be invited as observer to the meeting.
- (2) The committee shall meet regularly once a month. The Chairperson himself or on request of a Director may convene a special meeting.
- (3) Decisions of the committee shall be advisory unless approved by the Competent Authority for implementation.
- (4) The Secretary of the Committee shall provide secretarial support by recording the minutes, maintaining the files and making correspondence.
- (5) The Committee shall:
 - i. Develop policy proposals and implementation plans,
 - ii. Ensure Coordination amongst the wings,
 - iii. Provide guidance on policy matters and its implementation,
 - iv. Formulate advice on matters referred by the Chief Justice or the Administration Committee,
 - v. Afford forum for discussion and decision on matters brought before it by a Director, a member of the District Judiciary, a member of judicial staff or any other stakeholder,
 - vi. Review the working and progress of the Secretariat.
 - vii. Make proposals for communications to be made public or classified
 - viii. In addition to the relevant law the committee may propose a class of documents to be public or classified.

5. CONSULTATION BETWEEN DIFFERENT WINGS

- (1) All the Wings of the Secretariat shall work as a team to enable the District Judiciary for achievement of the core objective “**to provide inexpensive and expeditious justice to the citizens**”.
- (2) The Director shall make consultation with other Wing(s) when he considers a matter to be relevant with that wing— wing(s) required to be consulted.
- (3) The Wing sending a case for consultation to another Wing shall prepare a memo explaining all the relevant facts necessitating the consultation.
- (4) Consultation with Regulation and Operation Management Wings shall be mandatory in the matters concerning the legal and financial matters, respectively.

6. DISPOSAL OF CASES BY A WING

(1) RECEIPT AND DISTRIBUTION OF PAPERS

- (a) There shall be a receipt and issue branch in the office of the Registrar which shall be responsible for receipt and distribution of all written communications (communications) meant for the Secretariat.
- (b) The Receipt Clerk of Registrar’s office, after receiving the communications, shall pass the same immediately to the Superintendent.
- (c) The Superintendent shall enter all the communications in the relevant register, maintained both in hard and soft form. He shall open all the communications and affix the stamp “A” shown below, except those sealed or addressed by name to a particular officer.
- (d) He shall sort and make a note of omissions, if any, in the margin of the communications except complaints.
- (e) He shall distribute the communications relevant to different Wings through the issue clerk.
- (f) The Receipt Clerk of the Wing after receiving the communications shall make entries in the relevant columns of the stamp “A” and shall also acknowledge the receipt by putting his signature in the relevant column of the register— register of the office of Registrar.
- (g) He shall also maintain a register of record, for the Wing, similar to the one maintained by the Superintendent. [better language].

- (h) A soft/scanned copy of the communication shall also be caused by the receipt clerk. He shall also maintain digital track record of the communication within the Wing. The communication shall be converted into a proper file also called a Case.
- (i) The case shall be put up before the Director, who shall:
- i. Finally dispose of the same himself, if in his competence, or
 - ii. Before the disposal may send the case to a Unit of his Wing for processing or may send it for consultation to another Wing(s), or
 - iii. Submit the case to the Competent Authority along with a self-explanatory note suggesting action for an appropriate orders; need not to say that cases shall be disposed of by a Director, Registrar, Administration Committee or the Chief Justice.
- (j) All the communications sealed or addressed to an officer by name shall be sent unopened to the concerned officer, who shall receive it himself or through his PA or PS.
- (k) The officer concerned shall himself open the communication, put his signature as acknowledgment. He shall initiate proceedings. If communication is not relevant with his office, shall transmit it immediately to the relevant office.

Figure-A:

First receiving office						
S.No	Nature of document	Sender details	Received in the office of	Sent to the office of	date	Time
Second receiving office						
S.No	Nature of document	Sender details	Received in the office of	Sent to the office of	date	Time

(2) Maintenance of files

- a) The file cover should have the following information:

Bar Code
 File No: _____ Year
 Wing Name: *e.g. HRD*
 Subject: *e.g. HR*
 Sub-subject(s): *e.g. Transfer & Posting/Civil Judges*
 (sub-subjects to be separated by “/”)

Previous Reference:	Later Reference:

- b) A proper card board file cover shall be used for correspondence and other documents.
- c) A file shall be maintained in volumes. Each volume shall consist of 200 pages.
- d) A file after completion shall be properly indexed and cosigned to a record room specially meant for the official record.

7. MOVEMENT AND CUSTODY OF FILES

- a) There shall be two types of files, Sensitive and Ordinary. The former shall include those declared as top secret, secret and confidential. The latter shall include all others.
- b) Each type shall be labeled as: Most Urgent, Urgent, Important and Ordinary, based on specific timeline for processing and disposal.
- c) The timeline shall be developed by the Wing itself.
- d) A file’s movement shall be recorded in a proper register as well as in a computer-based track record.
- e) The Diary receipts of all sensitive files shall be signed, in addition to a staff member, by the concerned office as well.

8. REFERENCES FROM THE FEDERAL AND THE PROVINCIAL GOVERNMENT

- a) All-important references received from the Federal or Provincial Government shall be attended to promptly.
 - i. Such cases shall be put up immediately by the officer dealing with them to the next higher officer;
 - ii. If a superior officer directs that a reply should be sent straight away or that the case should be further examined, he should indicate the lines on which the reply should be sent or the examination made;
 - iii. Where it is expected that the issue of a final reply to a reference would take some time, an interim reply should be sent indicating the approximate time by which a final reply is expected to be given; and
 - iv. Draft replies to the Federal Government and Provincial Government should be issued after approval of the Chief Justice.

9. REFERENCES TO THE FEDERAL AND THE PROVINCIAL GOVERNMENT

- a) References to Federal or Provincial Government shall be in the form of self-contained communication stating the fact of the case, the points for decision/resolution with specific recommendation.
- b) References shall be made only in the cases where an input or decision of Federal or Provincial Government is required.

10. COMPLAINTS AND PETITIONS BY THE JUDICIAL OFFICERS AND STAFF TO THE CHIEF JUSTICE

- a) All such complaints and petitions shall be marked to Inspection Wing.
- b) The Director Inspection Wing may:
 - I. Decide the matter within his Wing,
 - II. Propose an action/decision to the Authority,
 - III. Seek the opinion of the Regulation and/or any Wing(s) at any stage, prior to final decision or making a proposal.

11. DISPOSAL OF COMPLAINTS AGAINST THE JUDICIAL OFFICERS AND STAFF

All complaints against the judicial officers and staff shall be disposed of according to the procedure prescribed under Notification of 8th October, 2002 of the Peshawar High Court {SECTION-5¹ (inspections) JUDICIAL ESTACODE}.

12. NOTING AND DRAFTING

- a) The notifications, instruments and other documents having legal effects shall be vetted through the Regulation Wing at appropriate stage.
- b) Notes shall ordinarily be recoded on cases which have to be put up to Higher Officers for orders.
- c) When a case is put up to a higher Officer, it shall always be presumed that the paper under consideration will be read by the officer to whom it is submitted. Paraphrasing of the contents of the paper under consideration or reproduction of verbatim extracts from it in a note should, as a rule, be avoided. A précis may, however, be made if the paper under consideration is of a great length and complexity.
- d) The object of a note is to supply in the most concise, correct and clear from the relevant information required for the disposal of paper under consideration. In some cases, a mere perusal of the paper under consideration will be sufficient and no further elaboration will be needed beyond a brief suggestion for action. When a note is needed, it shall be a presentation of the case in the following sequence: -
 - i. The question for consideration;
 - ii. The circumstances leading up to it, with brief background and full facts of the case. (The noting officer should point out any error or miss-statement of facts in the paper under consideration or in the notes of other Wings);
 - iii. Any rule, regulation, precedent or policy having bearing on the case. (The noting officer should discuss their

¹ Now Section 6 of the Third Edition

- application or otherwise to the question under consideration);
- iv. The points for decision; and
 - v. The suggestions for action.
- e) All notes should be legibly written on note sheets. No note should be written on the receipt itself. If a higher officer has already made any remarks on a receipt, they should be copied out on the note sheet below the red ink entry relating to the receipt before subsequent notes are recorded.
 - f) Notes exceeding half a page may be neatly type-written, but if hand-written they should be easily legible.
 - g) Notes should be broken up, as much as possible, into short connected paragraphs, each dealing with a particular point. Long sentences and discursive style should be avoided.
 - h) All notes shall be temperately worded and shall be free from personal remarks. If apparent errors are to be pointed out, or if an opinion has to be criticized, it shall be done in sober and restrained language.
 - i) The officer recording the note should affix his signature and date on the right side of the note sheet at the end of his note with his full name.
 - j) The designation of the officer to whom a case is submitted should be indicated on the left margin below the signature of the officer submitting the note.
 - k) When an officer agrees with the preceding note or recommendations, he should append his signature and nothing more. Marginal notes or notes to emphasize specific points may, however, be made. Where officers are required to pass orders on notes they should do it in away so as to be directly convertible into a draft.

13. SUMMARY FOR THE PROVINCIAL & FEDERAL GOVERNMENT

- a) A summary to the provincial or federal government shall be in the following manner:-
 - i. Brief history of the case containing all relevant facts.
 - ii. Properly explained issue involved.

- iii. Points for consideration
 - iv. Views of the high court.
 - v. Recommendations with reasons.
 - vi. Date on which it is submitted.
 - vii. Supportive documents if any be properly flagged.
- b) A few blank sheets be attached to the summary.

14. DISPOSAL OF “SPEAK” OR “DISCUSS” CASES

The Senior Officer shall properly reflect the reasonable details regarding the outcome of “Speak” or “Discuss” in his note.

15. DISSEMINATION OF INFORMATION THROUGH MEDIA

The Registrar or any other Officer authorized by the Authority may communicate with the Media.

16. PREPARATION AND SUBMISSION OF CASES

- 1) Every file shall consist of two distinct parts via;
 - (a) The correspondence part; and
 - (b) The notes part.

The thick cardboard covers bearing two punched holes shall be used for the correspondence part of the file and the thinner folded file covers shall be used for the notes part.

- 2) Thick correspondence part of the file shall contain a docked sheet (Figure “B”) and all communications including demi-official reference, received or issued. The correspondence part shall be arranged strictly in the chronological order and shall be firmly laced through the punched holes of the hard.
- 3) All pages of the correspondence part of the file, should be serially numbered. The number should be written clearly and legibly and if the numbering has to be changed due to error or interpolation of some material, the original serial number should not be erased or over-written but simply scored out by a line drawn across it and the new number written thereunder. Necessary correction should also be made in the notes.
- 4) Each communication in the correspondence portion of the file shall be properly cross-referenced to facilitate prompt reference to the connected documents.
- 5) The latest communication on which action is being taken shall also be placed on the correspondence portion of the file at the end and page numbered. It may be flagged with a “PUC” (Paper under Consideration) label and referred to in the Note portion of the file as

- “PUC” at page ____/C”.
- 6) Reference to correspondence shall always be made page-wise as “at PP 13-14/C”.
 - 7)
 - a. The note-sheet in the note-part of the file should be tagged inside the file cover at the left-hand top corner so that it becomes possible to fold them backwards and bring the last portion of the note on the top; and
 - b. It shall be ensured that one or two blank sheets are added to the note portion of the file.
 - 8) The note portion of the file should not be page numbered, but shall be serially paragraph numbered continuously. References to notes shall always be made paragraph-wise as “Para ____/N”.
 - 9) Red Entry: - All incoming and outgoing communications shall be entered in red ink in the Note portion of the file at the appropriate stage and given a paragraph number. Such entries shall be separated from the running Notes by horizontal lines drawn across the page before and after each entry as under: -

From

The District & Sessions Judge, Peshawar
 No-----/-----dated----- page-----/

- 10) The file papers comprising a case under submission shall be placed on file boards or bands, preferably the former, and arranged in the following order reading from the top downward: -
 - (a) Note on the case, the last portion of the Note with the signature of the officer submitted the note facing upward;
 - (b) Draft for approval (DFA) if any;
 - (c) Correspondence file with the PUC fixed at the end and page numbered;
 - (d) File of previous proceedings, latest upper-most;
 - (e) File containing precedents, if any; and
 - (f) File containing approved policy on the subject.
- 11) No case shall be submitted to an officer without adding and referencing the previous papers to which references may have been made in the fresh receipt or in the Notes.

17. CATEGORIZATION OF FILES:

- a) **Category 'A' Permanent files.** These are files of permanent utility which are used for references time and again over a long period of time. All such files should be printed. Original file should be preserved whereas printed copy should be used for reference. This category shall normally contain: -
 - i) Matters relating to policy, rules & regulations
 - ii) Orders establishing procedures or conveying instructions of general nature.
 - iii) Any other file which in the view of the management needs to be printed and kept for future needs.
- b) **Category 'B'** these are also permanent files but of limited utility these shall also be preserved but not printed. Service record of the employees falls under this category.
- c) **Category 'C'** all other files of temporary nature shall include in this category preservation period of these files shall depend upon the discretion of the wing in charge or the unit head as to for how much period he deems its preservation necessary.
- d) **Secret and Confidential Files:** - All files classified as secret or confidential shall be kept in safe custody preferably in the strong room if any, if not in the personal custody of the officer specially authorized to deal with such files.

18. CONSIGNMENT TO THE RECORD ROOM

- a) A complete file after disposal shall be consigned in the Record Room of the Wing.
- b) The Receipt Clerk of the Wing shall be responsible for preparing the file for consignment.
- c) Shall prepare a C.D of the digital file or shall copy it on a Hard Disk/Databank specially maintained for the purpose.
- d) Recording: - Where a communication issued finally disposes of a case, the Deputy Director shall take the following further action before passing it on to the Receipt Clerk (for consignment): -
 - i. Read through the notes and correspondence and verify that no further action remains to be taken on the case.
 - ii. Take extracts of important orders, decisions, advice, etc; for incorporation in the reference register;

- iii. Check and satisfy himself that all pages are complete and intact;
 - iv. Remove and destroy all unimportant papers, routine notes and slips and other papers not material to the case;
 - v. Remove and destroy drafts or papers which have been printed or typed (except copies initialed by officers), proofs and any other duplicates of papers otherwise appearing in full on the record;
 - vi. Remove all pins, clips and tags, if any;
 - vii. Transfer notes to the correspondence file (Notes at the bottom following the correspondence) and lace them together securely, changing the file cover, if necessary, in case the existing one is mutilated; and
 - viii. The index card already prepared may be appropriately revised where necessary.
- e) On receipt of a file marked for record, the Receipt Clerk, shall:-
- i. Note the recording date and the classification of the file in the relevant columns of the file register (Figure “B”). Shall also maintain an annual register of recorded file as shown in (Figure “C”);
 - ii. Enter the serial number of the file on the relevant page of the Register of Files due for destruction (Figure “D”). This register should contain at least one page for each calendar year and the serial number of files due for destruction in a particular year should be entered on the relevant page;
 - iii. Place the file among other recorded files in its appropriate place; and
 - iv. The Deputy Director/Receipt Clerk shall also perform the following duties: -
 - Note the number of connected File(s) or previous reference(s) on the file cover of the file being recorded and also on the cover of the file under reference;
 - Have all torn pages mended and twisted pages straightened;

- See that all marginal references both in the notes and correspondence are either available on the file or in Appendix at the end of the file or are duly referenced so as to make them readily traceable. (In this process flags shall be clearly identified with or replaced by names or relevant document, number of files, page numbers, Para numbers, etc);
- Write or type the full names of officers (who deal with the file) with correct spelling and their designation below signature where-signatures of the officers are not legible; and
- Having completed the above action, place the file among other recorded files in its appropriate place or stamp the file “Recorded” in the margin of the last Para of the Notes, initial it and mark the file to the Record Room.

19. INSPECTION OF THE SECRETARIAT

- a) Hon’ble the Chief Justice/Judge In charge of the Secretariat may make inspection of the Secretariat annually.
- b) Registrar shall make inspection of the Secretariat twice-yearly.
- c) Director of each wing shall make inspection of his Wing quarterly.
- d) The objective of the inspection shall be correction, improvement and guidance.
- e) The scope of inspection shall include:
 - i. Compliance with relevant rules,
 - ii. Compliance with timeline,
 - iii. Proper categorization of files,
 - iv. Adequacy of staff and office equipment,
 - v. Personal hygiene and office cleanliness,
 - vi. Safety and security of office and equipment,
- f) An inspecting officer shall record an inspection note. The correction, improvement and guidance in light of inspection shall be implemented at appropriate level.

20. INSPECTION OF ACCOUNTS AND FINANCE

The inspection of accounts and financial matters by the Regulation Wing shall be conducted in light of the functions mentioned in Appendix-II.

21. INSPECTION OF COURTS

The Inspection Wing shall conduct inspections of courts according to the relevant High Court Rules & Orders and such other directions issued by the High Court.

22. MEETING WITH THE STAFF

- a) The Director should endeavor to convene meetings of all officers in the Wing once a month or once every quarter to discuss:-
 - i. Important pending cases;
 - ii. Specific problems calling for general expression of views or exchange of ideas; and
 - iii. Question of general interest concerning the Department as a whole.
- b) The Director should hold periodical meetings with the Deputy Directors.
- c) All meetings shall be business-like. Brief minutes shall be recorded mentioning only the silent points considered and decisions taken. Individual points should not be recorded except on request.

FIGURE "B"

DOCKET SHEET

Subject:-

File No.....

_____ Department
_____ Section/Branch

Reference:
(Previous and subsequent papers)

_____ Classification
_____ Year

Signature
Superintendent

Date	To whom sent
------	--------------

FIGURE "C"

FILE REGISTER

Section/Branch.....Year.....

Attached Department
 (Previous)

Subject/Heading
 (15-Recruitment of staff)

Serial No.	Sub-Head	Date on which		Classification	Date of Destruction
		Opened	Recorded		
1	2	3	4	5	6

FIGURE "D"

REGISTER OF RECORDED FILES

Serial No	File No.	Subject	Classification assigned	Period of Preservation	Date of destruction	Remarks
1	2	3	4	5	6	7

FIGURE "E"

REGISTER OF FILES DUE FOR DESTRUCTION

Year of Destruction _____
 (New Page for every year)

Serial No.	File No.	Subject	Classification assigned	Date of destruction	Remarks
1	2	3	4	5	6

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CHAPTER-III
HUMAN RESOURCES OF DISTRICT JUDICIARY

SECTION-I
ESTABLISHMENT OF THE DISTRICT COURTS ...
TERMS AND CONDITIONS OF SERVICE

C.No. 1(3-1)

Section 27(3) NWFP Courts Regulation I of 1931: Every appointment under this section shall be subject to such rules as the Judicial Commissioner may make in this behalf, and, in dealing with any matter under this section, a Judge of a Court of Small Causes shall act subject to the control of the District Judge

C.No. 2(3-1)

***RULES FRAMED BY THE JUDICIAL COMMISSIONER UNDER SECTION 27 (3) OF THE NORTH-WEST FRONTIER PROVINCE COURTS REGULATION, I OF 1931, FOR SUBORDINATE SERVICES ATTACHED TO CIVIL COURTS OTHER THAN THE JUDICIAL COMMISSIONER'S COURT**

Application

I. These rules shall come into force on the 1st January 1937 and shall apply to the following: --

- (a) Ministerial and menial establishment of District and Sessions Judges, including establishment of Record Offices and Sessions Houses.
- (b) Ministerial and menial establishment of Sub-Judges, Stipendiary and Honorary.

Note.—The term “menial” used in this rule and the other rules includes all inferior Government servants other than process-servers who have been classed as ministerial officers for the purpose of these rules.

* These rules are effective save their inconsistency with all the rules framed under section 26(1) of the Khyber Pakhtunkhwa Civil Servants, Act, 1973, including Peshawar High Court (Subordinate Courts Staff) Recruitment Rules, 2003

¹ [II. (a). The following officers, together with such others as the Judicial Commissioner may from time to time direct, shall be considered as ministerial officers: --

- (1). Clerks of Court;
- (2). Readers;
- (3). Record keepers;
- (4). English and Vernacular Clerks (Ahlmads and Muharris, paid candidates and Leave Reserve Clerks);
- (5) Stenographers;
- (6) Translators and Assistant Translators;
- (7) Copy Clerks, English and Vernaculars;

- (8) District and Sessions Judges' Nazirs;
- (9) Civil Nazirs, Naib-Nazirs and Madad Naib-Nazirs;
- (10). Execution Bailiffs;
- (11). Process-servers.

Nos. (1). to (8) shall be classed as General Line; Nos. (9) to (11) shall be classed as Process-serving Establishment.

(b). The ministerial officers serving in each civil division shall form a separate cadre. Provided that in those divisions, where one District and Sessions Judge has charge of more than one Revenue District, the following practice shall be observed: -

Unpaid candidates shall be recruited from each District separately. A joint list shall be kept in the office of the District and Sessions Judge, in which the name of the District to which candidates belong shall be clearly mentioned. As a general rule, a post in a particular district shall be given to an unpaid candidate of the District. This rule may, however, be departed from in those cases where it is considered that such an appointment will be prejudicial to the interests of the senior most unpaid candidate of the other district. In such cases, the later may be appointed in the district other than his own till his turn comes for appointment in his own district, when he should be sent back, and an unpaid candidate belonging to the other district appointed in his place. The prospects of a candidate shall not be prejudiced through his declining an appointment in a district other than his own.

¹ Substituted vide No. 23999 – HGA(Governor, NWFP) dated 2nd June, 1947

Notes. (1). The process serving Establishment in each district shall for the purpose of promotion be treated as separate from the general line up to the post of Civil Nazir. The Civil Nazir shall be treated in the same way as an officer of the same grade in the general line for purposes of promotion to higher grades.

(2) The term “ministerial” used in this rule is not intended to overrule the definition of a ministerial Government servant given in Fundamental Rule 9 (17). Bailiffs and process-servers will, therefore, continue to be regarded as non-ministerial and inferior Government servants, respectively, for the purpose of the rules relating to retirement, as contained in Fundamental Rule 56 for Bailiffs and Articles 481 to 485 of the Civil Service Regulations for process-servers.]

Qualifications

III. (1). No. person shall be accepted as a candidate for the clerical ministerial staff if he is over 25 years of age, or if there is no prospect of his getting a permanent Government post, or a post of paid candidate, or a post of section copyist, before attaining the age of 25 years.

(2). No person shall be appointed to or accepted as a candidate for, any clerical ministerial post, unless he has passed the Matriculation Examination or an equivalent examination:

Provided that a member of the non-clerical ministerial staff, who joined service before the 1st January 1937 may be appointed to a post of Madad Naib Nazir, Naib Naib Nazir or Civil Nazir if he has shown special ability, has a working knowledge of English and is able to examine and keep accounts:

Provided further that a non-Matriculate who joined service before the 1st January 1937, may be appointed to a post of Judicial Moharrir or Ahlmad in any of the Courts other than those of a District Judge, or Senior Sub-Judge, if he was actually accepted as a candidate for a clerical post and is otherwise fit for such appointment and if he has passed or has been exempted from passing the examination prescribed for appointment of Readers, may be appointed to any of the posts enumerated in Schedules I and II to this part.

(3). Preference shall be given in the recruitment of new candidates to those who are competent stenographers, and such candidates should be freely employed as court stenographers, while working as unpaid candidates.

(4). No person shall be appointed substantively as a Reader unless he has passed the examination prescribed for appointment of Readers or LL.B exam: of a reorganized university.

(5). No person shall be appointed as process-server or execution Bailiff unless he has passed the Lower Middle School Examination; provided that the Judicial Commissioner's Court may relax this rule in the case of ex-soldiers, provided further that a process server who joined service before 1st January 1937, may be appointed execution Bailiff if he is considered otherwise fit for promotion, although may not have passed Lower Middle School Examination.

(6). No person shall be appointed civil Nazir, Naib Nazir or Madad Naib Nazir who is not able to keep and examine accounts both in English and in Urdu.

(7). No person who is sickly, old or incapable of much physical exertion, and has not a good knowledge both of Urdu and of the language current in the district of his employment shall be appointed as execution Bailiff or process-server.

(8). For posts of menials the officers empowered to make appointments shall appoint the best man, provided that preference be given to ex-soldiers competent to do the duties required. Literacy should be regarded as a desirable though not essential qualification.

(9). All appointments shall be subject to a medical certificate of fitness.

First appointments

*IV. First appointments shall be made as follows: --

(1). By the District Judge—

(a). Ministerial officers in his own Court and in all Courts controlled by the District Court.

(b). Menials in his own Court.

(2). By the Senior Sub-Judge—

* Now vide No. DR Peshawar dated 14.11.2002 Chief Justice, District & Sessions Judge and Senior Civil Judge have been authorized to be as appointing authorities for various posts of the establishment of District Courts.

Minerals in his own Court and the Courts of other Sub-Judges in the same district.

Note.—A District Court may under the provisions of Section 29 of the North-West Frontier Province Courts Regulation with the previous sanction of the Judicial Commissioner delegate the power of appointment given above to any Sub-Judge, to be exercised by him in any specified portion of the district, subject to the control of the District Court.

Note.— This delegation has been made to the Senior Sub-Judge, 1st Class, in each district in regard to the process-serving establishment of all Courts in the districts.

Recruitment

V.(1). Recruitment to ministerial posts shall ordinarily be made either by open competition or by selection from a list of qualified candidates or apprentices accepted by the District Judge, or Sub-Judge to whom powers of appointment have been delegated, as the case may be. Any departure from either of these methods should be reported to the Judicial Commissioner for confirmation.

(2). No person shall be admitted to work in any Court as an apprentice unless his name is entered on the register of candidates by the written order of the District and Sessions Judge or Senior Sub-Judge, as the case may be, who shall in addition to the qualifications specified above satisfy himself by personal inspection that each candidate is otherwise qualified and suitable and has adequate means of subsistence. Each apprentice shall have his place and duty distinctly assigned to him in the office and shall work under the supervision of a recognized superior clerk.

(3). When appointment to a permanent post is made from candidates, preference must be given to the senior candidate unless he has shown himself unfit; provided that when candidates possessing higher educational qualifications for a post, for which an examination standard is fixed, such as graduates, are available they should be given preference over less well qualified candidates.

Promotion

VI. Appointment to the higher grades of the ministerial establishment should ordinarily be made by seniority from lower grades, provided that the official who would thus receive promotion possesses the prescribed educational qualifications and is otherwise fit to perform the duties to which he will be

promoted, for which purpose tests may be imposed. This rule does not apply to such posts as that of stenographer for which special qualifications are needed; but preference should be given to officers with such qualifications who are already working in the lower grades; provided that permanent vacancies in the Rs. 70—5—125 grade shall be filled by the District and Sessions Judges in the following rotation:-

- (i) By Selection on merit out of graduates who have at least two years' experience in the work of the office, if there is no suitable graduate who fulfils this condition an "outsider" graduate may be appointed, but he must be one who normally resides within the jurisdiction of the District and Sessions Judge.
- (ii) and (iii) By normal promotion in the office, i.e., the appointment of the next senior man whether graduate or non-graduate subject to his fitness:

Provided further that the rotation may be modified in very exceptional cases when the direct appointment of a graduate would mean the ousting of a man, who had been officiating quasi-permanently in the post concerned for an appreciable period. What is an appreciable period will depend on the circumstances of each case. After such a modification, the rotation should be restored as soon as possible.

Note.—For the purpose of complying with the provisions of this rule it is necessary that District and Sessions Judges should recruit graduates freely as candidates giving preference to those residing within their jurisdiction.

Security

VII. All officers having any dealings with public money or holding posts of particular trust shall on appointment give such security as the Judicial Commissioner may from time to time prescribe.

Conditions of service

VIII. (1). The establishment other than process-servers mentioned in Rule II in each district shall consist of so many posts as the Judicial Commissioner may fix from time to time by an order under this rule. The number of posts and the rates of pay of such posts as they stood on the 1st January 1937, are as enumerated in Schedules I and II annexed to these rules.

(2). The remuneration of process-servers and the number of the appointments are governed by rules issued by the Judicial Commissioner under Sections 20 and 22 of the Court Fees Act, 1870.

(3). Subject to Rule XI, service in grades the maximum pay of which is less than Rs. 125 shall be within the revenue district within which the officer was first appointed; thereafter it shall be within the civil division in which that revenue district is situated.

(4). Members shall be governed by the provisions of the Fundamental and the Supplementary Rules as framed from time to time.

Discipline, Penalties and Appeals

¹[IX. In matter relating to discipline, punishment and appeals persons to whom these rules apply shall be governed by the [Khyber Pakhtunkhwa]² Civil Services (Punishment and Appeal) Rules, 1943, which will hereafter be referred to as the Punishment and Appeal Rules.]

³ [IX-A (1) The Presiding Officer of a Court may impose the penalty mentioned in clause (I) of Rule 4 of the Punishment and Appeal Rules on any official of his own Court.

(2) The Senior Subordinate Judge may inflict any of the penalties mentioned in Rule 4 of the Punishment and Appeal Rules on any menial of his own Court or the Courts of other Subordinate Judges in the same district.

(3) Subject to the provisions of Rule XI the district Judge may impose any of the above penalties on the ministerial officers of the District Court or of any Court subordinate to him, and on the menials of the District Court.

(4) The District Judge, may, with the previous sanction of the Judicial Commissioner, delegate to a Senior Subordinate Judge the powers to inflict all or any of the penalties mentioned in Rule 4 of the Punishment and Appeal Rules on the ministerial officers or any class of ministerial officers serving in the Courts of the Senior Subordinate Judge and the other Subordinate Judges in the same district.]

¹ Substituted vide Governor NWFP Notification NO. 15 920-H Judl Dated 18.06.1943

² Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

³ Same as 1

¹ [X. (1) An appeal from a penalty inflicted by a Subordinate Judge under clause (1) of Rule IX-A shall lie to the Senior Subordinate Judge.

(2) An appeal from a penalty inflicted by the Senior Subordinate Judge, otherwise than on appeal, or from an order passed by him regarding any of the matters referred to in clauses (b) to (e) of Rule 8 of the Punishment and Appeal rules shall lie to the District Judge. The District Judge may transfer such appeal to an Additional Judge and in disposing of it the Additional Judge shall exercise the same powers as the District Judge.

(3). An appeal from a penalty inflicted by the District Judge, or an Additional Judge, otherwise than on appeal, or from an order passed by the District Judge, otherwise than on appeal regarding any of the matters referred to in clauses (b) to (e) of Rule 8 of the Punishment and Appeal Rules shall lie to the Judicial Commissioner.

(4). A further appeal under Rule 10 of the Punishment and Appeal Rules shall lie to-

- (a) The Judicial Commissioner from an appellate order passed under sub-rules (1) and (2) of this rule.
- (b) The Governor from an appellate order passed by the Judicial Commissioner under sub-rule (3) of this rule.

(5) An application for revision under Rule 11 of the Punishment and Appeal Rules may be made to the Judicial Commissioner.

(6) An appeal shall lie to the Governor from an order passed by the Judicial Commissioner in the following cases: --

- (i) When in exercise of the powers conferred upon him by Rule 12 of the Punishment and Appeal Rules the Judicial Commissioner increases a penalty imposed by a Subordinate Authority, or himself inflicts a penalty in a case in which no penalty was inflicted.
- (ii). When otherwise than on appeal or revision he interprets to the disadvantage of a person any rule by which such person's conditions of service are regulated, or terminates such person's appointment otherwise than upon his reaching the age fixed for superannuation.]

¹ Same as 1

Appointments and Transfers in Special Cases.

XI. (1). All orders in regard to the appointment, suspension or removal of Clerks of Court attached to District and Sessions Judges' Offices should be reported to the Judicial Commissioner for confirmation.

(2). Notwithstanding Rule VIII (3) the Judicial Commissioner may transfer any ministerial officer or menial to any place within his jurisdiction.

General Orders regarding Discipline, etc

XII. Whenever any official (whether paid or unpaid) is personally interested in a case to be heard by the Court to which he is attached he must bring the fact to the notice of the presiding officer.

Conduct

XIII. Members shall observe the Government Servants Conduct Rules, and such other rules as may be framed by the Local Government from time to time.

Delegation of Powers

XIV. Any or all of the powers of the Judicial Commissioner under these rules may be delegated by him by general or special order to any Additional Judicial Commissioner.

SCHEDULE NO. I
ESTABLISHMENT OF COURTS OF DISTRICT AND
SESSIONS JUDGES

Posts	Rate of pay	Number		Total
		Peshawar	Dera Ismail Khan	
<i>Clerical</i>				
Clerks of Court	150-5-225	1	1	2
Readers	100-5-175	2	1	3
Stenographers	100-8-160*	...	1	1
Stenographers	50-5-95/5-125 plus 30% Special pay	2	...	2
Translators and Clerks	70-5-95/5-125	7	4	11
Clerks and Muharrirs	40-2-80/2-90	7	2	9
Clerks and Muharrirs	30-1-1/2-60/2-70	...	2	2
<i>Process Serving Establishment.</i>				
Nazirs	40-2-80/2-90	1	1	2
<i>Record Office Fund Establishment.</i>				
Muharrirs	plus 20% Special pay. 40	2	..	2
Muharrirs	16	...	1	1

*Old Grade for the present incumbent only

Note. - The above rates of pay are subject to 15 percent cut in the case of new entrants.

SCHEDULE NO. II
ESTABLISHMENT OF COURT OF SUBORDINATE JUDGES

Posts	Rate of pay	Total Number	Peshawar	Mardan	Hazara	Kohat	Bannu	Dera Ismail Khan
<i>Clerks</i>	Rs.	6	1	1	1	1	1	1
Clerk of Court	75-5-100/5-150	1	1	...	...	...	...	...
Assistant Clerk of Court	70-5-95/5-125	1	1	...	...	...	...	...
Stenographers	7-5-95/5-125	6	1	1	1	1	1	1
	Plus 30 Special pay	14	5	1	2	1	2	3
Readers ...	70-5-95/5-125	20	6	2	3	2	3	4
Readers ...	40-2-80/2-90							
Muharris ...	30-1½-60/2-70							
<i>Process Serving Establishment.</i>								
Nazir ...	70-4-110*	1	1	...				
Nazirs ...	30-1-50	4	...	...		
		2	...	...		
Senior Naib-Nazirs ...	Plus 20 Special pay	33	9	...	1	1	1	1
Naib Nazirs ...	Ditto	41	7	5	6	5	4	4
Bailiffs ...	30-1-50			5	10	6	5	8
	20							

* Old grade for the present incumbent only.

Note. 1. The above rates of pay are subject to 15 percent, cut in the case of new entrants except in the case of Bailiffs.

Note. 2. In addition to above there will be temporary posts of two Readers on Rs.40-2-80/2-90 and two Muharris on Rs.30-1½ -60/2-70 for Court of Sub-Judges borne on the leave reserve.

C.No. 3(3-1)

**THE [KHYBER PAKHTUNKHWA]¹ CIVIL SERVANTS
(APPOINTMENT, PROMOTION & TRANSFER) RULES, 1989.**

**PART-I
GENERAL**

1. Short title and commencement: - (1) These rules may be called the [Khyber Pakhtunkhwa]² Civil Servants (Appointment, Promotion and Transfer) Rules, 1989.

(2) They shall come into force at once.

2. Definitions: - (1) In these rules, unless the context otherwise requires: -

(a) **“Appointing Authority”** in relation to a post, means the person authorized under rule 4 to make appointment to that post;

(b) **“Basic Pay Scale”** means the Basic Pay Scale for the time being sanctioned by Government, in which a post or a group of posts is placed:

(c) **“Commission”** means the [Khyber Pakhtunkhwa]³ Public Service Commission.

⁴ [(d) **Departmental Promotion Committee:** means a committee constituted for making selection for promotion or transfer to such posts under a Department, or offices of Government which do not fall within the purview of the Provincial Selection Board].

⁵ [(dd) **“Departmental Selection Board”** means a Board constituted for the purpose of making selection for initial recruitment / appointment to posts under a Department or office of Government in Basic Pay Scale 17 not falling within the purview of the Commission].

Provided that more than one such committee may be constituted for civil servants holding different scales of pay”.

(e) **“Departmental Selection Committee”** means a committee constituted for the purpose of making selection for initial appointment

¹ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

² Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

³ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

⁴ Substituted by vide Notification No.SOR.I(S&GAD)4-1/80(Vol.II), dated 14.1.1992

⁵ Added and substituted by Notification No. SOR.III(S&GAD)2-7/86, dated 8.12.1994

to post under a department, or office of Government ¹[in Basic Pay Scale 17 and below not falling within the purview of the Commission]:

(f) **“Post”** means a post sanctioned in connection with the affairs of the Province, but not allocated to all Pakistan Unified Grades; and

²[(g) **“Provincial Selection Board”** means the Board constituted by Government for the purpose of selection of civil servants for promotion or transfer to posts in respect whereof the appointing authority under rule 4 is the Chief Minister and shall consist of such persons as may be appointed to it by Government from time to time].

(2) Words and expressions used but not defined in these rules shall have the same meanings as are assigned to them in the *Khyber Pakhtunkhwa*³ Civil Servants Act, 1973[(Khyber Pakhtunkhwa)⁴ Act XVIII of 1973] or any other statutory order or rules of Government for the time being in force.

3. Method of Appointment: - (1) Appointment to posts shall be made by any of the following methods, namely:-

- (a) by promotion or transfer in accordance with the provisions contained in Part-II of these rules; and
- (b) by initial recruitment in accordance with the provisions contained in Part-III of these rules.

(2) The method of appointment, qualifications and other conditions applicable to a post shall be such as laid down by the Department concerned in consultation with the Services and General Administration Department and the Finance Department.

4. Appointing Authority: - The authorities competent to make appointment to posts in various basic pay scales shall be as follows:-

S.No	Posts	Appointing Authority
⁵ 1. (a)	Posts in Basic Pay Scale 18 and above including posts in Basic Pay Scale 17 borne on any of the following services;	Chief Minister

¹ Added and substituted by Notification No. SOR.III(S&GAD)2-7/86, dated 8.12.1994

² Substituted by Notification No. SOR.I(S&GAD)4-1/80/Vol.II dated 14.1.1992

³ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

⁴ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

⁵ Substituted by Notification No, SORDI(S&GAD)4-1/75 (Vol.I) dated 22.8.1991

<p>¹[(b)</p> <p>(c)</p>	<p>(i) Former Provincial Civil Service (Executive Branch)</p> <p>(ii) Former Provincial Civil Service (Judicial Branch); and</p> <p>(iii) Provincial Civil Secretariat Service.</p> <p>Posts in Basic Pay Scale 17 other than those covered by (a) above and the post of Deputy Superintendent of police; and</p> <p>²Posts of Deputy Superintendent of Police]</p>	
<p>2.</p>	<p>Posts in Basic Pay Scale 16</p>	<p>Chief Secretary</p> <p>(a) In the case of Secretariat of the Government of ³[Khyber Pakhtunkhwa], the Chief Secretary.</p> <p>(b) In case of High Court, the Chief Justice; and</p> <p>(c) In the case of Attached Department:</p> <p>(i) the Head of Attached Department concerned; and</p> <p>(ii) In any other case the Secretary of the Department concerned.</p>
<p>3.</p>	<p>Posts in Basic Pay Scale ⁴[6 to 15].</p>	<p>(a) In the case of civil Servants borne on ministerial establishment of Civil Courts subordinate to High Court, the officer authorized as such by the Chief justice; and</p> <p>(b) In other cases</p>

¹ Added by SORIII-(E&AD)2(144)03 dated 22-09-2003

² Inserted by Notification No. SOR-III(E&AD)2(144)03 dated 16-09-2003

³ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

⁴ Substituted vide Notification No. SOR-VI (E&AD)1-3/03/2015 dated 19-04-2016

		<p>(i) an officer declared under the relevant Delegation of Powers Rules, which shall to this extent be deemed as operative; or</p> <p>(ii) Where no such appointing authority has been declared, the Secretary to Government or the Head of an Attached Department /Office as the case may be.</p>
4.	Posts in Basic Pay Scale [3 and 5] ¹	Deputy Secretary In charge of Administration or office, as the case may be.

5. ² [Departmental Promotion & selection Committee/Board] – (1) In each Department or office of Government there shall be one or more Departmental Promotion Committee and Departmental Selection Committee ³(or, as the case may be, Departmental Selection Board), the composition of which shall be determined by the Services and General Administration Department or the Department in consultation with the Services and General Administration Department.

(2) Each such Committee ⁴(“or the Board, as the case may be), shall consist of at least three members, one of whom shall be appointed as Chairman.

⁵[6. **Procedure when recommendation is not accepted:** - When an appointing authority for Basic Pay Scale 17 or below does not accept the recommendation of a Departmental Promotion or Selection Committee, or the Departmental Selection Board, as the case may be, it shall record its reasons and obtain order of the next higher authority].

PART-II

APPOINTMENT BY PROMOTION OR TRANSFER

7. **Appointment by Promotion or Transfer.** ⁶[(1) Except as otherwise provided in any service rules for the time being in force, appointment by promotion or transfer to posts in respect whereof the appointing authority

¹ Substituted by Notification No.SOR.VI/E&AD/1-3/2015 dated 19-04-2016

² Substituted by Notification No.SORI(S&GAD)2-7/86, dated 8.12.1994

³ Inserted by Notification No.SORIII(S&GAD)2-7/86, dated 8.12.1994

⁴ Inserted by Notification No.SORIII(S&GAD)2-7/86, dated 8.12.1994

⁵ Substituted by Notification No.SORIII(S&GAD)2-7/86, dated 8.12.1994

⁶ Substituted by Notification No. SORI(S&GAD)4-1/80 (Vo.II) dt:14.1.1992

under rule 4 is the Chief Minister shall ordinarily be made on the recommendation of the Provincial Selection Board and promotion and transfer to posts other than those falling within the purview of the Provincial Selection Board shall ordinarily be made on the recommendation of appropriate Departmental Promotion Committee].

(2) Appointment by transfer shall be made from amongst the persons holding appointment on regular basis in the same basic pay scale, in which the posts to be filled, exists.

(3) Persons possessing such qualifications and fulfilling such conditions as laid down for the purpose of promotion or transfer to a post shall be considered by the Departmental Promotion Committee or the Provincial Selection Board for promotion or transfer, as the case may be.

¹ [(4) No promotion on regular basis shall be made to posts in Basic Pay Scale 18 to 21 unless the officer concerned has completed such minimum length of service as may be specified from time to time, or, in case of posts in Basic Pay Scale 19 to 21, the officer, besides having the minimum length of service for the time being required for promotion has also attended such training and passed such departmental examination as may be prescribed from time to time.]

[(5) Deleted vide Notification No.SO(Policy)(E&AD)/1-3/2020 Dated 06/08/2020]

8. Inter-Provincial Transfer:- (1) Persons holding appointment in BPS 1 to 15 under Federal Government and other Provincial Government may, in deserving cases, be transferred to equivalent posts under these rules:-

Provided that:-

- (i) the Federal Government or the Government of the Province concerned, as the case may be, has no objection to such a transfer;
- (ii) the person seeking transfer possesses the requisite qualification and experience and the post to which his transfer is intended can, under the rules, be filled by transfer
- (iii) the person concerned holds appointment to the post in his parent Department on regular basis
- (iv) the person concerned is a bonafide resident of the ²[Khyber Pakhtunkhwa
- (v) a vacancy exists to accommodate the request of such a transfer; and

¹ Substituted by Notification No. SORI(S&GAD)4-1/80(Vol-III) dated 30.12.1999

² Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

(vi) provided further that in most deserving cases, the merit of which shall be determined on case to case basis and the decision of the Competent Authority in that behalf shall be final, Government may allow transfer of a civil servant in BPS-16 and above, subject to the aforesaid conditions.

(2) A person so transferred shall be placed at the bottom of the cadre strength which he joins for the purposes of determining his seniority vis-à-vis other members borne on the cadre.

(3) It will be the sole discretion of the appointing authority to accept or refuse a request of transfer under this rule and any decision made in this behalf shall be final and shall not be quoted as precedence in any other case.

9. Appointment on Acting Charge or current Charge Basis. (1) Where the appointing authority considers it to be in the public interest to fill a post reserved under the rules for departmental promotion and the most senior civil servant belonging to the cadre or service concerned, who is otherwise eligible for promotion, does not possess the specified length of service the authority may appoint him to that post on acting charge basis;

¹Provided that no such appointment shall be made, if the prescribed length of service is short by more than ²{three years}.

(2) Deleted vide Notification No.SOR-I(S&GAD)1-3/2009/Vol-VIII dated 22-10-2011

(3) In the case of a post in Basic Pay Scale 17 and above, reserved under the rules to be filled in by initial recruitment, where the appointing authority is satisfied that no suitable officer drawing pay in the basic scale in which the post exists is available in that category to fill the post and it is expedient to fill the post, it may appoint to that post on acting charge basis the most senior officer otherwise eligible for promotion in the organization, cadre or service, as the case may be, in excess of the promotion quota.

(4) Acting charge appointment shall be made against posts which are likely to fall vacant for period of six months or more. Against

¹ Added by Notification No. SOR(S&GAD) 4-1/80(V.II), Dated 20.10.1993

² Substituted by Notification SOR(S&GAD) 4-1/80(V.III), Dated 14.03.1996

vacancies occurring for less than six months, current charge appointment may be made according to the orders issued from time to time.

(5) Appointment on acting charge basis shall be made on the recommendations of the Departmental Promotion Committee or the Provincial Selection Board, as the case may be.

(6) Acting charge appointment shall not confer any vested right for regular promotion to the post held on acting charge basis.

PART-III INITIAL APPOINTMENT

10. Appointment by Initial Recruitment: - (1) Initial appointment to posts ¹{in various basic pay scales} shall be made-

- (a) if the post falls within the purview of the Commission, on the basis of Examination or test to be conducted by the Commission; or
- (b) if the post does not fall within the purview of the Commission, in the manner as may be determined by Government.

²[(2) Initial recruitment to posts which does not fall within the purview of the Commission shall be made on the recommendation of the Departmental Selection Committee, after vacancies have been advertised in newspapers].

³[Provided that nothing contained in this sub-rule shall apply to the household staff of the Chief Minister's House Peshawar, Frontier House Islamabad, Frontier Rest Houses Bannu, Swat and Abbottabad, Frontier House Nathiagali and Shahi Mehman Khana, Peshawar and any other House to be established by the Government].

⁴ [Provided further that the appointment in Grade [3 to 5]⁵ shall be made on the recommendations of the Departmental Selection Committee through the District Employment Exchange concerned], ⁶{or, where in a

¹ Substituted by Notification No.SORI(S&GAD)1-117/91 (c), Dated 12.10.1993.

² Substituted by Noti: No. SORI(S&GAD)1-117/91(C), Dated: 12.10.1993

³ Added by Notification No. SOR-VI (E&AD)1-3/2003 (Vol.V) Dated 03.07.2003.

⁴ Added by Notification No. SOR-VI (E&AD) 1-3/2003/ Vol. VI Dated. 16.03.2004

⁵ Substituted vide Notification No. SOR-VI (E&AD)1-3//03/2015 dated 19-04-2016

⁶ Inserted by Notification No. SOR-VI (E&AD) 1-3/2003/ Vol. VI Dated. 23.01.2006

District, the office of the Employment Exchange does not exist, after advertising the posts in the leading newspapers]. ¹[]

(3) A candidate for initial appointment to a post must possess the educational qualification or technical qualifications and experience and except as provided in the rules framed for the purpose of relaxation of age limit, must be within the age limit as laid down for the post, provided that-

² [(i) where recruitment is to be made on the basis of written examination, then, notwithstanding anything to the contrary contained in any other rules for the time being in force, age shall be reckoned on 1st January of the year in which the examination is proposed to be held];

(ii) in other cases as on the last date fixed for submission of applications for appointment.

³ [(4) Where a civil servant dies or is rendered incapacitated or invalidated permanently during service or retired on medical board, notwithstanding the procedure provided for in sub-rule (2), the appointing authority may appoint one of the children of such civil servant, or if the child has not attained the age prescribed for appointment in Government service, the widow or wife, as the case may be, of such civil servant, to a posts in any of the Basic Pay Scales No. 3 to 11 in Provincial cadre post and basic pay scale 3 to 12 in District cadre posts:

Provided that the child or the widow or wife, as the case may be, possesses the minimum qualification prescribed for appointment to the post:

Provided further that if there are two widows or wives of the deceased civil servant, as the case may be, preference shall be given to the elder widow or wife:

Provided also that the appointment under this sub rule is subject to availability of a vacancy and if more than one vacancies in different pay scales are available at a time, and the child or the widow or wife, as the case may be, possesses the qualifications eligible for appointment in more than one post, such child or the widow or wife, as the case may be, shall ordinarily be appointed to the post carrying higher pay scale.

Provided also that the provision of this shall not be applicable to posts falling within the purview of the Commission]

1 Second proviso in sub rule (2) was deleted vide Notification No. SOR-VI(E&AD)1-3/2008 on 09-05-2008 and added again vide Notification No. SOR-VI(E&AD)1-3/2008 dated 03-11-2008.

2 Substituted by Noti: No. SORI(S&GAD)4-1/80, Dated: 17.05.1980

3 Substituted vide Notification No. SOR-VI (E&AD)1-3//03/2015 dated 19-04-2016

¹ [(5) Notwithstanding anything contained in any rule for the time being in force, two percent of all posts in each basic pay scale to be filled in by initial recruitment shall be reserved for disabled candidates and ten percent of all posts meant for initial recruitment shall be reserved for female candidates:

Explanation-I: - For the purposes of reservation under this sub-rule “disability” does not include such disability which hampers in the smooth performance of duties required of a disabled candidate].

Explanation-II: - Ten percent quota reserved above shall be in addition to the posts exclusively reserved for female candidates.

²[Notwithstanding anything contained in any rule for the time being in force, five per cent of all posts in each basic pay scale to be filled in by initial recruitment shall be reserved for candidates hailing from earthquake affected areas of District Mansehra, Battagram, Shangla, Kohistan and Abbottabad (Calamity hit area) for a period of three years commencing from 1st February, 2006.]

³(7) Notwithstanding anything contained in any rule for the time being in force, five⁴ percent of all posts in each basic pay scale to be filled in by initial recruitment shall be reserved for candidates belonging to minorities in addition to their participation in the open merit:

Provided that, the reservation shall not apply to-

- i. the percentage of vacancies reserved for recruitment on merit;
- ii. short term vacancies likely to last for less than one year; and
- iii. isolated posts in which vacancies occur only occasionally.]

11. Eligibility. (1) A candidate for appointment shall be a citizen of Pakistan and bonafide resident of the ⁵[Khyber Pakhtunkhwa].

Provided that for reasons to be recorded in writing, Government may, in a particular case, relax this restriction.

¹ Substituted by Notification No.SOR-VII(E&AD)1-10/03 (VI), Dated: 04.12.2007

² The provision stands ineffective vide circular Letter No.SOR-VI(E&AD)1-3/2005 dated 17-06-2015

³ Added vide Notification No. SOR-VI(E&AD)1-3/08 , Dated: 06.01.2009

⁴ Added vide Notification 47No.SO (Policy)E&AD/1-11/2019 Dated 02-08-2019

⁵ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

¹[(2)]

Provided that this restriction may be relaxed by Government in the case a person who has married a citizen of India [(or Bangladesh)]

Provided further that a person already in Government Service shall not marry a foreign national without prior permission of Government obtained in that behalf

(3) No person, not already in Government service, shall be appointed to a post unless he produces a certificate of character from the principal academic officer of the academic institution last attended and also certificates of character from two responsible persons, not being his relatives, who are well acquainted with his character and antecedents.

(4) Notwithstanding anything contained in sub-rule (3), an appointment by initial recruitment shall be subject to the verification of character and antecedents of the candidate or the person appointed, to the satisfaction of appointing authority.

(5) No candidate shall be appointed to a post unless he is found, after such medical examination as Government may prescribe, to be in good mental and bodily health and free from physical defect likely to interfere in the efficient discharge of his duties.

12. Zonal and Divisional representation: - (1) Except as otherwise specifically provided in any rule for the time being in force, initial recruitment to posts in Basic Pay Scales 16 and 17 and other posts in Basic Pay Scales 3 to 15 borne on Provincial cadre shall be made in accordance with the Zonal quota specified by Government from time to time.

²[Provided that initial recruitment to the post of Civil Judge/Judicial Magistrate/Allaqa Qazi (BPS-18) shall also be made in accordance with the zonal quota specified by the Government from time to time.]

(2) Initial recruitment to posts in Basic Pay Scales 3 to 15 borne on divisional or district cadre shall be made from amongst bonafide residents of the division or district concerned, as the case may be.

¹ Deleted vide Notification No. SOR-VI(E&AD)1-3/08, dated 17-06-2008.

² Added vide Notification No. SOR-VI(E&AD)1-27/08, dated 03-07-2008

(3) Initial recruitment to posts in Basic Pay Scales [3 and 5]¹ or equivalent shall ordinarily be made on local basis.

PART-IV

ADHOC APPOINTMENT

13. Requisition to Commission: - When under any rule for the time being in force, a post is required to be filled in through the Commission, the appointing authority shall forward a requisition on the prescribed form to the Commission immediately after it is decided to fill in the post, or if that is not practicable and the post is filled on adhoc basis as provided in rule 14, within two months of the filling of the post.

14. Adhoc Appointment:- (1) When the appointing authority considers it to be in the public interest to fill in a post falling within the purview of the Commission urgently, it may, pending nomination of a candidate by the Commission, proceed to fill in such post on adhoc basis for a period not exceeding ²[one year] by advertising the same in accordance with the procedure laid down for initial appointment in Part-III of these rules.

(2) Short term vacancies in the posts falling within the purview of the Commission and vacancies occurring as a result of creation of temporary posts for a period not exceeding six months, may be filled in by appointing authority otherwise than through the Commission on a purely temporary basis after advertising the vacancy.

PART-V

PROBATION AND CONFIRMATION

³[**15. Probation:** - (1) Persons appointed to posts by initial recruitment, promotion or transfer shall be on probation for a period of one year.

(2) On the successful completion of probation period, prescribed in sub-rule (1), the appointing authority may extend the probation for another year by specific order within two months of the expiry of first year of probation period.

¹ Substituted vide Notification No. SOR-VI (E&AD)1-3//03/2015 dated 19-04-2016

² substituted vide Notification No.SOR-VI(E&AD)1-3/08 dated 17-1-09

³ Substituted vide Notification No. SO (Policies) E& AD/1-3/2017 dated 07-12-2017

(3) In case no specific order of extension of probation period under sub-rule (2), is issued on the expiry of one year within two months, the probation shall stand automatically terminates

(4) In case of extension of probation period, through specific order for another year, under sub-rule (2), the probation shall stand automatically terminated on the completion of extended period

16. Confirmation:- After satisfactory completion of the probationary period, a civil servant shall be confirmed; provided that he holds a substantive post, provided further that a civil servant shall not be deemed to have satisfactorily completed his period of probation, if he has failed to pass an examination, test or course or has failed to complete successfully a training prescribed within the meaning of sub-section(3) of Section 6 of the ¹[Khyber Pakhtunkhwa] Civil Servants Act, 1973.

PART-VI SENIORITY

17. Seniority: - (1) The seniority inter se of civil servants ²(appointed to a service, cadre or post) shall be determined:-

- (a) in the case of persons appointed by initial recruitment, in accordance with the order of merit assigned by the Commission ³{or as the case may be, the Department Selection Committee;} provided that persons selected for appointment to a post in an earlier selection shall rank senior to the persons selected in a later selection; and
- (b) in the case of civil servants appointed otherwise, with reference to the date of their continuous regular appointment in the post; provided that civil servants selected for promotion to a higher post in one batch shall, on their promotion to the higher post, retain their inter se seniority as in the lower post.

Explanation-I: - If a junior person in a lower post is promoted to a higher post temporarily in the public interest, even though continuing later permanently in the higher post, it would not adversely affect the interest of his seniors in fixation of his seniority in the higher post.

¹ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

² Substituted by Notification No.SOR-I(S&GAD) 4-1/80, dated 17.5.1989

³ Inserted by Notification No. SORI(S&GAD)4-1/80(V.II), dated 4.2.1996

Explanation-II:- If a junior person in a lower post is promoted to a higher post by superseding a senior person and subsequently that senior person is also promoted the person promoted first shall rank senior to the person promoted subsequently; provided that junior person shall not be deemed to have superseded a senior person if the case of the senior person is deferred for the time being for want of certain information or for incompleteness of record or for any other reason not attributing to his fault or demerit.

Explanation-III:- A junior person shall be deemed to have superseded a senior person only if both the junior and the senior persons were considered for the higher post and the junior person was appointed in preference to the senior person.

(2) Seniority in various cadres of civil servants appointed by initial recruitment vis-a-vis those appointed otherwise shall be determined with reference to the dates of their regular appointment to a post in that cadre; provided that if two dates are the same, the person appointed otherwise shall rank senior to the person appointed by initial recruitment.

¹[(3) In the event of merger / restructuring of the departments, attached departments or subordinate offices, the inter se seniority of Civil Servants affected by the merger / restructuring as aforesaid shall be determined in accordance with the date of their regular appointment to a cadre or post]

²[(4) The inter-se-seniority of civil servants in a certain cadre to which promotion is made from different lower posts, carrying the same pay scale shall be determined from the date of regular appointment/promotion of the civil servants in the lower post.

Provided that if the date of regular appointment of two or more civil servants in the lower post is same, the civil servants older in age, shall be treated senior.]

18. General Rules: - In all matters not expressly provided for in these rules, civil servants shall be governed by such rules as have been or may hereafter be prescribed by Government and made applicable to them.

19. Repeal: - The ³[Khyber Pakhtunkhwa] Civil Servants (Appointment, Promotion and Transfer) Rules, 1975, are hereby repealed.

¹ Added by Notification No. SOR-I(E&AD)4-1/80(Vol-IV), Dated 28.05.2002.

² Added vide Notification No. SOR-VI(E&AD)1-3/2008, dated 19-11-2009

³ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

C.No. 4(3-1)

**PESHAWAR HIGH COURT (SUBORDINATE COURTS
STAFF) RECRUITMENT RULES, 2003**

NOTIFICATION

Dated Peshawar the 26.3.2003

No. 39-J In pursuance of the provisions contained in Sub Rule (2) of Rule 3 of the [Khyber Pakhtunkhwa]¹ Civil Servants (appointment, Promotion and Transfer) Rules, 1989, and in supersession of all previous rules, issued in this behalf, the Competent Authority is pleased to lay down the method of recruitment, qualifications and other conditions specified in column 3 to 5 of the Appendix to this Notification, which shall apply to posts in Subordinate Courts in the [Khyber Pakhtunkhwa]² specified in column # 2 of the said Appendix.

APPENDIX

Peshawar High Court (Subordinate Courts Staff) Recruitment Rules, 2003.

1	2	3	4	5
S No	Nomenclature of Post	Minimum qualification for appointment by initial recruitment	Age Limit	Method of recruitment
1	Superintendent BPS-17 ³			By promotion, on the basis of seniority-cum-fitness, from amongst holders of the posts of Assistant/Reader, Assistant/Clerk of Court, Assistant/Assistant Clerk of Court, Assistant/Accountant and Assistant/Civil Nazir at serial # 4 to 8 (all BPS-16) ⁴ with at least five years' service as such:

¹ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

² Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

³ Basic pay scale upgraded vide Notification No.FD/SO(FR)10-22/2014 Dated 20th May, 2014

⁴ Basic pay scale upgraded vide Notification No.FD/SO(FR)10-22/2014 Dated 20th May, 2014

				Provided that a common seniority list of holders of the posts at serial # 4 to 8 below shall be maintained for the purpose of promotion to the post of Superintendent BPS-17 ¹ .
2	Senior Scale Stenographer BPS-16 ²	<p>i. Bachelor's Degree from a recognized University and speed of 100 words per minute in Shorthand and 40 words per minute in typing in English. Preference will be given to the candidates having knowledge of MS Office.</p> <p>ii. In the Districts where Urdu is the Court language, speed of 30 words per minute in typing in Urdu as well.</p>	18 – 30 years	<p>i. Twenty five percent by initial recruitment; and</p> <p>ii. seventy five percent by promotion, on the basis of seniority-cum-fitness, from amongst holders of the post of Steno typist (BPS-14)³ with at least three years' service as such.</p>
3	Steno typist BPS-14 ⁴	<p>i. Intermediate or equivalent qualification from a recognized board; and</p>	18 – 30 years	By initial recruitment.

¹ Basic pay scale upgraded vide Notification No.FD/SO(FR)10-22/2014 Dated 20th May, 2014

² Basic pay scale upgraded vide Notification No.FD/SO(FR)10-22/2012 Dated 19th June 2012

³ Basic pay scale upgraded vide Notification No.FD/SO(FR)10-22/2014 Dated 20th May, 2014

⁴ Substituted vide Notification No.13-J dated 26th November, 2019

		<p>ii. a speed of ¹[50] words per minute in shorthand and 35 words per minute in typing in English. Preference will be given to the candidates having knowledge of MS Office.</p> <p>iii. In the Districts where Urdu is the Court language, speed of 30 words per minute in typing in Urdu as well.</p>		
4	Assistant/Reader. BPS-16 ²	Bachelor's Degree from a recognized University.	18 – 30 years	<p>i. Twenty five percent by initial recruitment; and</p> <p>ii: seventy five percent by promotion, on the basis of seniority-cum-fitness, from amongst holders of the posts of Senior Clerks at serial # 10 to 12 (all BPS-14)³ with at least three years service as such.</p>
5	Assistant/Clerk Of Court BPS-16 ⁴	Bachelor's Degree from a recognized University.	18 – 30 years	<p>i. Twenty five percent by initial recruitment; and</p> <p>ii: seventy five percent by promotion, on the basis of</p>

¹ Substituted vide notification No.130 of Peshawar High Court Dated 6th October, 2004

² Basic pay scale upgraded vide Notification No. FD/SO(FR)10-22/2014 Dated 20th May, 2014

³ Basic pay scale upgraded vide Notification No.FD/SO(FR)10-22/2014 Dated 20th May, 2014

⁴ Basic pay scale upgraded vide Notification No. FD/SO(FR)10-22/2014 Dated 20th May, 2014

				seniority-cum-fitness, from amongst holders of the posts of Senior Clerks at serial # 10 to 12 (all BPS-14) with at least three years service as such.
6	Assistant/Assistant Clerk of Court BPS-16 ¹	Bachelor's Degree from a recognized University.	18 – 30 years	i. Twenty five percent by initial recruitment; and. ii: seventy five percent by promotion on the basis of seniority-cum-fitness, from amongst holders of the posts of Senior Clerks at serial # 10 to 12 (all BPS-14) with at least three years service as such.
7	Assistant/Accountant BPS-16 ²	Bachelor's degree from a recognized University. Preference will be given to Bachelor's degree with Commerce, Economics or Mathematics/Statistics as Special subject.	18 – 30 years	By initial recruitment.
8	Assistant/Civil Nazir BPS-16 ³			By promotion, on the basis of seniority-cum-fitness, from amongst holders of the post of Junior Clerk/Naib Nazir (BPS-11 ⁴), capable of keeping and examining accounts in English and Urdu, with five years service as such.

¹ Basic pay scale upgraded vide Notification No. FD/SO(FR)10-22/2014 Dated 20th May, 2014

² Basic pay scale upgraded vide Notification No. FD/SO(FR)10-22/2014 Dated 20th May, 2014

³ Basic pay scale upgraded vide Notification No. FD/SO(FR)10-22/2014 Dated 20th May, 2014

⁴ Finance department Rectification No.BO-II/FD/SNE/PHC/2020-21 Dated 07th July 2020

9	Computer Operator BPS-16 ¹	² [] M.Sc/BIT/BCS or equivalent from recognized university	18 – 30 years	By initial recruitment.
10	Senior Clerk/Reader BPS-14 ³			By promotion, on the basis of seniority-cum-fitness, from amongst holders of the posts of Junior Clerk/Nazir, Junior Clerk/Copyist, Junior Clerk/Copy Clerk, Junior Clerk/Examiner, Junior Clerk/Muharrir and Junior Clerk/Typist at serial # 13 to 18 (all BPS-11) with at least three years' service as such: Provided that a common seniority list of the holders of the posts from serial # 13 to 18 below shall be maintained for the purpose of promotion to the post of Senior Clerk/Reader.
11	Senior Clerk/Record Keeper BPS-14 ⁴			By promotion, on the basis of seniority-cum-fitness, from amongst holders of the posts of Junior Clerk/Nazir, Junior Clerk/Copyist, Junior Clerk/Copy Clerk, Junior Clerk/Examiner, Junior Clerk/Muharrir and Junior Clerk/Typist at serial # 13 to 18 (all BPS-11) with at least three years' service as such:

¹ Substituted vide Peshawar High Court Notification No.22993 Dated 26th November, 2019

² Words "First Class" stand omitted vide Corrigendum dated 28th January 2021

³ Basic pay scale upgraded vide Notification No. FD/SO(FR)10-22/2014 Dated 20th May, 2014

⁴ Basic pay scale upgraded vide Notification No. FD/SO(FR)10-22/2014 Dated 20th May, 2014

				Provided that a common seniority list of the holders of the posts from serial # 13 to 18 below shall be maintained for the purpose of promotion to the post of Senior Clerk/Record Keeper.
12	Senior Clerk/English Clerk BPS-14 ¹			By promotion, on the basis of seniority-cum-fitness, from amongst holders of the posts of Junior Clerk/Nazir, Junior Clerk/Copyist, Junior Clerk/Copy Clerk, Junior Clerk/Examiner, Junior Clerk/Muharrir and Junior Clerk/Typist at serial # 13 to 18 (all BPS-11) with at least three years' service as such: Provided that a common seniority list of the holders of the posts from serial # 13 to 18 below shall be maintained for the purpose of promotion to the post of Senior Clerk/English Clerk.
12 A	Telephone Operator ² BPS-7	Secondary School Certificate or equivalent qualification from a recognized Board with one year experience in any recognized organization	18-30	By initial recruitment

¹ Basic pay scale upgraded vide Notification No. FD/SO(FR)10-22/2014 Dated 20th May, 2014

² Added vide Notification No.152-J Dated 18th May, 2012

13	Junior Clerk/Nazir BPS-11 ¹	<p>i. Secondary School Certificate Examination or equivalent qualification from a recognized Board, preference will be given to holders of additional qualifications in Accounts; and</p> <p>ii. a speed of 30 words per minute in typing.</p>	18 – 30 years	<p>i. Not less than 70 percent by initial recruitment; and</p> <p>ii. not more than 30 percent by promotion, from amongst the holders of the posts of Daftari and Record Lifter with Matric and three years' service as such; and in case no suitable candidate from amongst holders of the posts of Daftari and Record Lifter is available, then from amongst holders of the posts of Chowkidar, Naib Qasid, Sweeper, Chowkidar-cum-Mali, Mali and Water Carrier who have passed Secondary School Certificate Examination and have at least five years' service as such.</p> <p>Note. For the purpose of promotion, separate common seniority lists of (i) the holders of the posts of Daftari and Record Lifter; and (ii) the holders of the posts of Chowkidar, Naib Qasid, Sweeper, Chowkidar-cum-Mali, Mali and Water Carrier shall be maintained with reference to the date of their acquiring the Secondary School Certificate: Provided that:</p> <p>a. if two or more officials have acquired the Secondary School Certificate in the same session, the official having longer service shall rank senior to other officials; and</p>
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¹ Basic pay scale upgraded vide Notification No. FD/SO(FR)10-22/2014 Dated 20th May, 2014

				<p>b. where a senior official does not possess the requisite experience at the time of filling up a vacancy, the official next junior to him possessing the requisite experience shall be promoted in preference to the senior official.</p>
14	Junior Clerk/Copyist BPS-11 ¹	<p>i. Secondary School Certificate Examination or equivalent qualification from a recognized Board; and</p> <p>ii. a speed of 30 words per minute in typing.</p>	18 – 30 years	<p>i. Not less than 70 percent by initial recruitment; and</p> <p>ii. not more than 30 percent by promotion, from amongst the holders of the posts of Daftari and Record Lifter with Matric and three years’ service as such: and in case no suitable candidate from amongst holders of the posts of Daftari and Record Lifter is available, then from amongst holders of the posts of Chowkidar, Naib Qasid, Sweeper, Chowkidar-cum-Mali, Mali and Water Carrier who have passed Secondary School Certificate Examination and have at least five years’ service as such.</p> <p>Note. For the purpose of promotion, separate common seniority lists of (i) the holders of the posts of Daftari and Record Lifter; and (ii) the holders of the posts of Chowkidar, Naib Qasid, Sweeper, Chowkidar-cum-Mali, Mali and Water Carrier shall be</p>

¹ Basic pay scale upgraded vide Notification No. FD/SO(FR)10-22/2014 Dated 20th May, 2014

				<p>maintained with reference to the date of their acquiring the Secondary School Certificate: Provided that:</p> <p>a. if two or more officials have acquired the Secondary School Certificate in the same session, the official having longer service shall rank senior to other officials; and</p> <p>b. where a senior official does not possess the requisite experience at the time of filling up a vacancy, the official next junior to him possessing the requisite experience shall be promoted in preference to the senior official.</p>
15	Junior Clerk/Copy Clerk BPS-11 ¹	<p>i. Secondary School Certificate Examination or equivalent qualification from a recognized Board; and</p> <p>ii. a speed of 30 words per minute in typing.</p>	18 – 30 years	<p>i. Not less than 70 percent by initial recruitment; and</p> <p>ii. not more than 30 percent by promotion, from amongst the holders of the posts of Daftari and Record Lifter with Matric and three years’ service as such: and in case no suitable candidate from amongst holders of the posts of Daftari and Record Lifter is available, then from amongst holders of the posts of Chowkidar, Naib Qasid, Sweeper, Chowkidar-cum-Mali, Mali and Water Carrier who have passed Secondary School Certificate Examination</p>

¹ Basic pay scale upgraded vide Notification No. FD/SO(FR)10-22/2014 Dated 20th May, 2014

				<p>and have at least five years' service as such.</p> <p>Note. For the purpose of promotion, separate common seniority lists of (i) the holders of the posts of Daftari and Record Lifter; and (ii) the holders of the posts of Chowkidar, Naib Qasid, Sweeper, Chowkidar-cum-Mali, Mali and Water Carrier shall be maintained with reference to the date of their acquiring the Secondary School Certificate: Provided that:</p> <p>a. if two or more officials have acquired the Secondary School Certificate in the same session, the official having longer service shall rank senior to other officials; and</p> <p>b. where a senior official does not possess the requisite experience at the time of filling up a vacancy, the official next junior to him possessing the requisite experience shall be promoted in preference to the senior official.</p>
16	Junior Clerk/Examiner BPS-11 ¹	i. Secondary School Certificate Examination or equivalent qualification from a	18 – 30 years	<p>i. Not less than 70 percent by initial recruitment; and</p> <p>ii. not more than 30 percent by promotion, from amongst the holders of the posts of Daftari and Record</p>

¹ Basic pay scale upgraded vide Notification No. FD/SO(FR)10-22/2014 Dated 20th May, 2014

		<p>recognized Board; and ii. a speed of 30 words per minute in typing.</p>		<p>Lifter with Matric and three years' service as such: and in case no suitable candidate from amongst holders of the posts of Daftari and Record Lifter is available, then from amongst holders of the posts of Chowkidar, Naib Qasid, Sweeper, Chowkidar-cum-Mali, Mali and Water Carrier who have passed Secondary School Certificate Examination and have at least five years' service as such.</p> <p>Note. For the purpose of promotion, separate common seniority lists of (i) the holders of the posts of Daftari and Record Lifter; and (ii) the holders of the posts of Chowkidar, Naib Qasid, Sweeper, Chowkidar-cum-Mali, Mali and Water Carrier shall be maintained with reference to the date of their acquiring the Secondary School Certificate: Provided that: if two or more officials have acquired the Secondary School Certificate in the same session, the official having longer service shall rank senior to other officials; and where a senior official does not possess the requisite experience at the time of filling up a vacancy, the official next junior to him possessing the requisite experience shall be promoted in preference to the senior official.</p>
17	<p>Junior Clerk/Muharrir/Reader BPS-11¹</p>	<p>i. Secondary School Certificate Examination or equivalent</p>	<p>18 – 30 years</p>	<p>i. Not less than 70 percent by initial recruitment; and ii. not more than 30 percent by promotion, from amongst the holders of the</p>

¹ Basic pay scale upgraded vide Notification No. FD/SO(FR)10-22/2014 Dated 20th May, 2014

		<p>qualification from a recognized Board; and</p> <p>ii. a speed of 30 words per minute in typing.</p>	<p>posts of Daftari and Record Lifter with Matric and three years' service as such: and in case no suitable candidate from amongst holders of the posts of Daftari and Record Lifter is available, then from amongst holders of the posts of Chowkidar, Naib Qasid, Sweeper, Chowkidar-cum-Mali, Mali and Water Carrier who have passed Secondary School Certificate Examination and have at least five years service as such.</p> <p>Note. For the purpose of promotion, separate common seniority lists of (i) the holders of the posts of Daftari and Record Lifter; and (ii) the holders of the posts of Chowkidar, Naib Qasid, Sweeper, Chowkidar-cum-Mali, Mali and Water Carrier shall be maintained with reference to the date of their acquiring the Secondary School Certificate: Provided that:</p> <p>a. if two or more officials have acquired the Secondary School Certificate in the same session, the official having longer service shall rank senior to other officials; and</p> <p>b. where a senior official does not possess the requisite experience at the time of filling up a vacancy, the official next junior to him possessing the requisite experience shall be promoted in preference to the senior official.</p>
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18	Junior Clerk/Typist BPS-11 ¹	i. Secondary School Certificate Examination or equivalent qualification from a recognized Board; and ii. a speed of 30 words per minute in typing.	18 – 30 years	<p>i. Not less than 70 percent by initial recruitment; and</p> <p>ii. not more than 30 percent by promotion, from amongst the holders of the posts of Daftari and Record Lifter with Matric and three years' service as such: and in case no suitable candidate from amongst holders of the posts of Daftari and Record Lifter is available, then from amongst holders of the posts of Chowkidar, Naib Qasid, Sweeper, Chowkidar-cum-Mali, Mali and Water Carrier who have passed Secondary School Certificate Examination and have at least five years' service as such.</p> <p>Note. For the purpose of promotion, separate common seniority lists of (i) the holders of the posts of Daftari and Record Lifter; and (ii) the holders of the posts of Chowkidar, Naib Qasid, Sweeper, Chowkidar-cum-Mali, Mali and Water Carrier shall be maintained with reference to the date of their acquiring the Secondary School Certificate: Provided that:</p> <p>a. if two or more officials have acquired the Secondary School Certificate in the same session, the official having longer service shall rank senior to other officials; and</p> <p>b. where a senior official does not have the requisite service at the time of filling up a vacancy, the official next junior to him having the requisite</p>
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¹ Basic pay scale upgraded vide Notification No. FD/SO(FR)10-22/2014 Dated 20th May, 2014

				service and qualification shall be promoted in preference to the senior official.
18-A	Female Support Assistant ¹ -BPS-11	Secondary School Certificate Examination or Equivalent qualification from a recognized Board. Preference will be given to candidates having experience in the field of Child care/Day care centers/shelter house of the government recognized institutions	18-30 years	By initial recruitment
19	Junior Clerk/Naib Nazir BPS-11 ²			By promotion, on the basis of seniority-cum-fitness, from amongst holders of the posts of Bailiff, who have passed Secondary School Certificate Examination, with at least three years' service as such: Provided that in case no suitable candidate from amongst holders of the post of Bailiff is available, then by promotion, on the basis of seniority-cum-fitness, from amongst holders of the post of Process Server who have passed Secondary School

¹ Added vide Notification No.233-J Dated 15th October 2020

² Finance department Rectification No.BO-II/FD/SNE/PHC/2020-21 Dated 07th July 2020

				<p>Certificate Examination with at least five years' service as such.</p> <p>Note. Seniority of the officials in the same BPS shall be reckoned with reference to the date of their acquiring Secondary School Certificate:</p> <p>Provided that:</p> <p>a. if two or more officials have acquired the Secondary School Certificate in the same session, the official having longer service shall rank senior to other officials; and</p> <p>b. where a senior official does not have the requisite service at the time of filling up a vacancy, the official next junior to him having the requisite service and qualification shall be promoted in preference to the senior official</p>
19-A	Pesh Imam ¹ BPS-5	<p>i) A candidate of successful completion of Dars-i-Nizami or equivalent qualification from a recognized institution.</p> <p>ii) Proficiency in Tafseer and Hadith.</p> <p>iii) Free from sectarian bias.</p>	30-45	By initial recruitment

¹ Added vide Notification No.152-J Dated 18th May, 2012

		iv) Unblemished good moral character.		
20	Driver BPS-6 ¹	Middle standard and in possession of; i. HTV license or; ii. LTV License in case of light duty vehicle with at least five years' experience as such.	30 -- 45 years	By initial recruitment.
21	Daftari BPS-04 ²			By promotion, on the basis of seniority-cum-fitness, from amongst holders of the posts of Chowkidar, Naib Qasid, Sweeper, Chowkidar-cum-Mali, Mali and Water Carrier (all BPS-1) with at least two year service as such and having passed Middle Standard examination: Provided that a common seniority list of holders of the posts at serial # 25 to 30 below shall be maintained for the purpose of promotion to the post of Daftari.
22	Record Lifter BPS-4 ³			By promotion, on the basis of seniority-cum-fitness, from amongst holders of the posts of Chowkidar, Naib Qasid, Sweeper, Chowkidar-cum-Mali, Mali and Water Carrier (all BPS-1) with at least two year service as such and having passed Middle Standard examination:

¹ Basic pay scale upgraded vide Notification No.FD/SO(FR)7-20/2015 Dated 30th June, 2015

² Basic pay scale upgraded vide Notification No.FD/SO(FR)7-20/2015 Dated 30th June, 2015

³ Basic pay scale upgraded vide Notification No.FD/SO(FR)7-20/2015 Dated 30th June, 2015

				Provided that a common seniority list of holders of the posts at serial # 25 to 30 below shall be maintained for the purpose of promotion to the post of Daftari.
23	Bailiff BPS-6 ¹			By promotion, on the basis of seniority-cum-fitness, from amongst holders of the post of Process Server.
23 A	Lift Operator BPS-4 ²	Middle standard with one year experience in any recognized organization.	18-30	
24	Process Server BPS-5 ³	Matric	18 – 35 years	By initial recruitment.
25	Chowkidar BPS-3 ⁴	Preferably Literate	25 – 40 years	By initial recruitment.
26	Naib Qasid BPS-3 ⁵	Preferably Literate	18 – 40 years	By initial recruitment.
27	Sweeper BPS-3 ⁶	Preferably literate	18 – 40 years	By initial recruitment.
28	Chowkidar-cum-Mali BPS-3 ⁷	Literate	25 – 40 years	By initial recruitment.
29	Mali BPS-3 ⁸	Preferably literate	18 – 40 years	By initial recruitment.
30	Water Carrier	Preferably Literate	18-40 years	By initial recruitment

¹Basic pay scale upgraded vide Notification No.FD/SO(FR)7-20/2015 Dated 30th June, 2015

²Added vide Peshawar High Court Notification No.152-J Dated 18-5-2012

³Basic pay scale upgraded vide Notification No.FD/SO(FR)7-20/2015 Dated 30th June, 2015

⁴Basic pay scale upgraded vide Notification No.FD/SO(FR)7-20/2015 Dated 30th June, 2015

⁵Basic pay scale upgraded vide Notification No.FD/SO(FR)7-20/2015 Dated 30th June, 2015

⁶Basic pay scale upgraded vide Notification No.FD/SO(FR)7-20/2015 Dated 30th June, 2015

⁷Basic pay scale upgraded vide Notification No.FD/SO(FR)7-20/2015 Dated 30th June, 2015

⁸Basic pay scale upgraded vide Notification No.FD/SO(FR)7-20/2015 Dated 30th June, 2015

C.No. 5(3-1)

WEST PAKISTAN CIVIL SERVICES (APPLICATIONS FOR POSTS) RULES, 1957.

In exercise of the powers conferred by sub- clause(b) of clause(2)of Article 182 of the Constitution of Pakistan and in supersession of all previous orders on the subject, the Governor of West Pakistan, is pleased to make the following rules:-

1. **Short title:** - These rules may be called the West Pakistan Civil Services (Applications for Posts) Rules,1957.
2. **Eligibility:** - No Government Servant shall be eligible for appointment to any service of the Province or to any post in connection with the affair of the Province, other than the service of the post to which he is for the time being appointed, unless he applies with the permission, in writing of the head of office or department in which he is employed.
3. **Application for competitive examinations:** -If any Government servant applies for permission and is otherwise eligible to appear at a competitive examination to be held by a Provincial (or the Central) Public Service Commission, his application shall be forwarded:
 - (a) always, if it is in connection with an examination for recruitment to a ministerial service; and
 - (b) twice, but not more than twice, if it is in connection with any other examination
4. **Release on Selection for Appointment to a post for which application has been forwarded:** -When a person whose application has been forwarded to the appointing authority or a Public Service Commission in accordance with these rules, is selected for appointment, he shall ordinarily be released.
5. **Application made before joining Government Service:**-If any person, who before appointment to any service of the Province or to any post in connection with the affairs of the Province, has appeared at any competitive examination or has applied for a post elsewhere and is, as a result, offered a post higher than the one to which he is for the time being appointed, he shall be released to join such service or post.
6. **Employment in other Departments of Government or under another Government:-** A Government servant shall not apply for any appointment in another office or department of Government or under

another Government unless the head of such office or department or such other Government has invited applications for the post, provided that in the case of an appointment for which applications are not ordinarily invited, a Government servant may inform the authority, which makes the appointment, by a letter submitted through the appointing authority of his own post or service, that he wishes his name to be considered.

7. **Temporary Government servants:** - If a temporary Government servant (other than an Accountant or Stenographer or employee of the Health, Irrigation, Electricity or Building and Road Department who is not likely to be employed permanently in the office or department in which he is employed, applies for a permanent post elsewhere his application shall not be withheld.

8. **Permanent Government Servants and Certain Temporary Government Servants:-**A permanent Government servant employed in any service of the Province, who is not covered by any of the foregoing rules and a temporary Accountant, Stenographer or employee of the Health, Irrigation, Electricity or Building and Road Department may ordinarily be permitted to apply twice, and not more than twice, in any calendar year for a post to appear in an examination for a post or for the transfer of his services to a post in the Central Government or a Statutory Corporation constituted by the Government of West Pakistan or any other Provincial Government or the Central Government, unless the head of that office or department in which he is employed considers that the grant of permission would be inconsistent with the public interest.

9. **Circumstances in which advance copies of application may be sent:** -Ordinarily an application for a post in respect of which selection is to be made by a Provincial (or the Federal Public Service Commission shall be accompanied by permission in writing of the authority referred to in Rule (2). When however, there is likelihood that the last date prescribed for the submission of applications will expire before such permission can be obtained an advance copy may be submitted to the Commission. The candidature of such applicant will be treated as provisional until permission has been accorded under these rules. In the event of such permission not being granted, the Public Service Commission concerned will be informed immediately of the decision, so that the Commission may cancel the candidature of the applicant

10. **Application for a higher post in the service or department:** -If a Government Servant, whether permanent or temporary, applies for a post advertised by the West Pakistan Public Service Commission, which

is included in the same service in which he is for the time being employed or in a higher service of the same nature, his application shall not be withheld.

10A. Application for service in Local bodies:-A permanent Government servant employed in any service of the Province to any post in connection with the affairs of the Province, and a temporary Accountant, Stenographer or employee of the Health, Irrigation, Electricity or Building and Roads Department may ordinarily be permitted to apply for service under Local bodies unless the head of the office or Department in which he is employed considers the grant of permission would be inconsistent with the public interest.

11. Application for private employment :-(1) A Government servant shall not apply or accept private employment, without the previous permission, in writing of the appointing authority.

(2) An application for permission to apply for private employment shall not be entertained unless the appointing authority is satisfied, that no such employment having been secured, the resignation of the applicant can be accepted without detriment to the public service.

(3) If a Government servant who is refused permission to apply for private employment wishes to resign his appointment under the Government, the authority competent to accept his resignation, subject to any general or special law or order on the subject, may ordinarily accept the resignation but, where the authority is satisfied that the Government servant in securing the private employment has taken advantage of his official position, it shall not accept the resignation.

(4) A Government servant who is permitted to apply for private employment, must, on accepting it, resign his appointment under Government. After such acceptance, he shall not be allowed any leave, nor shall be permitted to retain his lien on his appointment under Government.

C.No. 6(3-1)

INITIAL APPOINTMENTS TO CIVIL POSTS (RELAXATION OF UPPER AGE LIMIT) RULES, 2008

**GOVERNMENT OF [KHYBER PAKHTUNKHWA]¹
ESTABLISHMENT & ADMINISTRATION DEPARTMENT
(Regulation Wing)**

NOTIFICATION

Peshawar, dated the 01st March, 2008

No. SOE-III/(E&AD)2-1-2007.- In pursuance of the powers granted under Section 26 of the [Khyber Pakhtunkhwa]² Civil Servants Act, 1973 (³Khyber Pakhtunkhwa Act XVIII of 1973), the competent authority is please to make the following rules, namely:-

PART-I – GENERAL

1. (1) These rules may be called the Initial Appointment to Civil Posts (Relaxation of Upper Age Limit) Rules, 2008.

(2) These shall come into force with immediate effect.

2. ⁴[(1) Nothing in these rules shall apply to the appointment in BS-17 and the posts of Civil Judges cum Judicial Magistrates/Illaqa Qazi, BS 18 to be filled through the competitive examination of the Public Service Commission, in which case two years optimum relaxation shall be allowed to:

- a) Government servants with a minimum of 2 years' continuous service;
- b) Disabled persons; and
- c) Candidates from backward areas.

(2) For appointment to the post of Civil Judge-cum-Judicial magistrate/Illaqa Qazi, the period which a Barrister or an Advocate of the High Court and / or the Courts subordinate thereto or a Pleader has practiced in the Bar, shall be excluded for the purpose of upper age limit subject to a maximum period of two years from his/her age.]

¹ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

² Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

³ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

⁴ Amended vide Notification No. SOE-III(E&AD)2-1/2007 Dated 3rd September 2008

PART-II – GENERAL RELAXATION

¹ [3. (i) Maximum age limit as prescribed in the recruitment rules shall be relaxed in respect of the candidates mentioned in column No. 2 to the extant mentioned against each in column No. 3 of the Table below:

TABLE

S. No.	Category of candidates	Age Relaxation admissible
1	2	3
i.	Government Servants who have completed 2 years' continuous service	Up to 10 years automatic relaxation
ii.	Candidates belonging to backward areas as specified in the Appendix attached herewith.	Three years automatic relaxation
iii.	General Candidates	Up to two years by the appointing authority and exceeding two years up to five years by the Establishment Department ² [and beyond five years up to ten years by the Chief Minister of the Khyber Pakhtunkhwa]
iv.	Widow, son or daughter of a deceased civil servant who died during service and son/brother in case of a shaheed of Police Department; and	Discretion of the appointing authority.
v.	Disabled persons/divorced woman/widow]	Ten years automatic relaxation
vi.	(a) ³ Employees or ex-employee of development projects of the Government of [Khyber Pakhtunkhwa] ⁴ ; and (b) Employee or ex-employee of development projects of the Federal Government under the administrative control of the	Equal to the period served in the projects, subject to a maximum limit of ten years.”

¹ Added vide Notification No.SOE-III/(E&AD)2-1/2007 Dated 09-12-2010

² Added vide Notification No. SOE-III/(E&AD)2-1/2007 Dated 26-10-2011

³ Added vide Notification No.SOE-III(E&AD)2-1/2007 Dated 29-01-2011

⁴ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

	Government of [Khyber Pakhunkhwa]	
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¹[Provided that the age relaxation at serial No. VI shall not be available in conjunction with any other provisions of these rules.]

- (ii) ²[In case of divorced woman or widow, the following certificates shall be produced by the applicant at the time of applying for age relaxation.
- (a) in case of widow, death certificate of husband;
- (b) in case of divorced woman, divorce certificate from the District Coordination Officer of the District concerned;
- (c) certificate from the District Coordination Officer of the District concerned to the fact that the applicant whether divorced or widow has not remarried at the time of submitting application.”]

4. A candidate shall only be allowed relaxation in age in one of the categories specified in rule 3:

Provided that the candidates from backward areas, in addition to automatic relaxation of three years under category (ii) specified in rule 3, shall be entitled to one of the relaxations available to Government Servants, general or disabled candidates, whichever is relevant and applicable to them.

5. ³[The age relaxation specified in column 3 against S.No (iii) of the TABLE of rule 3, shall be subject to cogent reasons and sound justification of the case.]

6. Age relaxation in respect of overage candidates shall be sought prior to their appointment.

7. For the purposes of these rules, age of a candidate shall be calculated from the closing date of submission of applications for a particular post.

¹ Added by Notification No.SOE-III(E&AD)2-1/2007 dated 29-1-2011

² Added vide Notification No. Added vide Notification No.SOE-III/(E&AD)2-1/2007 Dated 09-12-2010

³ Added vide Notification No.SOE-III(E&AD)2-1/2007dated 26-10-11

8. The cases of age relaxations, beyond the competence of Administrative Departments, shall be sent to the Establishment Department through the Administrative Department concerned.

9. All existing instructions, relating to age relaxation, issued from time to time shall stand superseded.

¹ [Appendix]

[See Rule 3 (ii)]

- i. Khyber Agency
- ii. Kurram Agency
- iii. Orakzai Agency
- iv. Mohmand Agency
- v. North Waziristan Agency
- vi. South Waziristan Agency
- vii. Malakand Agency including protected areas (Swat Ranizai and Sam Ranizai) and Bajaur.
- viii. Tribal Areas attached to Peshawar, Kohat and Hazara Division.
- ix. Tribal Areas attached to D.I. Khan and Bannu Districts.
- x. Shirani Area.
- xi. Merged areas of Hazara and Mardan Division and upper Tanawal.
- xii. Swat District.
- xiii. Upper Dir District.
- xiv. Lower Dir District.
- xv. Chitral District.
- xvi. Buner District.
- xvii. Kala Dhaka Area.
- xviii. Kohistan District.
- xix. Shangla District.
- xx. Gadoon Area in Swabi District.
- xxi. Backward areas of Mansehra and District Batagram.
- xxii. Backward areas of Haripur District, i.e. Kalanjar Field Kanungo Circle of Tehsil Haripur and Amazi Field Kanungo Circle of Tehsil Ghazi.

¹ Replaced Vide letter No.SOE-III(E&AD)2-1/2007 Dated 12th March 2008

C.No. 7(3-1)

APPOINTING AUTHORITIES, CONSTITUTION OF DEPARTMENTAL SELECTION AND DEPARTMENTAL PROMOTION COMMITTEES

The Honorable Chief Justice has been pleased to direct that for all the District Courts the Officers specified in column 3 of the table below shall perform the functions of Chairman and Members of the Departmental Promotion Committee (DPC) and Departmental Selection Committee (DSC), respectively, for the purposes of making selection and recommendations to the appointing authorities authorized and specified in column 4 of the said table for appointment, by promotion and initial recruitment, to posts specified in column 2 of the said table:

TABLE

S#.	POSTS	CHAIRMAN/MEMBERS OF DPC & DSC	APPOINTING AUTHORITY
1	2	3	4

I. SESSIONS COURTS (DISTRICT & SESSIONS JUDGES) ESTABLISHMENT

1.	1) Superintendent	1. Hon'ble Chief Justice-Chairman 2. Registrar-Member 3. District & Sessions Judge concerned-Member	Hon'ble Chief Justice
2.	2) Senior Scale Stenographer 3) Assistant 4) Reader 5) Key Punch Operator 6) Record Clerk 7) Senior Clerk 8) Copiest 9) Copy clerk 10) Junior Clerk 11) Moharrir	1. District & Sessions Judge/Zila Qazi concerned-Chairman 2. Nominee of High Court- Member 3. Nominee of District & Sessions Judge/Zila Qazi concerned-Member	District & Sessions Judge/Zila Qazi Concerned

12) Moharrir/ Clerk		
13) Nazir		
14) Driver		
15) Daftari		
16) Record Lifter		
17) Water Carrier		
18) Chowkidar		
19) Chowkidar Cum Mali		
20) Mali		
21) Naib Qasid		
22) Sweeper		

II. CIVIL COURTS (CIVIL JUDGES) ESTABLISHMENT

1	2	3	4
3.	1) Junior Scale Stenographer 2) Steno typist 3) Stenographer 4) Assistant 5) Key Punch Operator 6) Reader 7) Senior Clerk 8) Civil Moharrir 9) Junior Clerk 10) Moharrir 11) Typist ¹ [12) Driver]	1. District & Sessions Judge/Zila Qazi concerned-Chairman 2. Nominee of High Court- Member 3. Nominee of District & Sessions Judge/Zila Qazi concerned-Member	District & Sessions Judge/Zila Qazi Concerned

¹ Added vide PHC No. 7060/Admn dated 25-06-2008

4.	1) Chowkidar 2) Naib Qasid 3) Sweeper 4) Mali 5) Water Carrier	1. Senior Civil Judge/Aa'la A'laqa Qazi concerned-Chairman 2. Nominee of High Court- Member 3. Nominee of Senior Civil Judge/Aa'la A'laqa Qazi concerned-Member	Senior Civil Judge/Aa'la A'laqa Qazi concerned
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III. Process Serving Establishment

5	1) Assistant 2) Civil Nazir 3) Junior Clerk 4) Bailiff 5) Process Server	1. Senior Civil Judge/Aa'la A'laqa Qazi concerned-Chairman 2. Nominee of High Court- Member 3. Nominee of Senior Civil Judge/Aa'la A'laqa Qazi concerned-Member	Senior Civil Judge/Aa'la A'laqa Qazi concerned
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(No. D.R Peshawar dated the 14th November, 2002.)

C.No. 8(3-1)

ANTI TERRORISM COURTS APPOINTING AUTHORITIES, CONSTITUTION OF DEPARTMENTAL SELECTION AND DEPARTMENTAL PROMOTION COMMITTEES

PESHAWAR HIGH COURT NOTIFICATION

Dated Peshawar the 26th January, 2010

No. 21-J: In exercise of the powers conferred by Rule 2 read with Rule 5 of the ¹[Khyber Pakhtunkhwa] Civil Servants (Appointment, Promotion & Transfer) Rules, 1989, Hon'ble the Chief Justice is please to

¹ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

authorize all the Judges, Anti-Terrorism courts in the ¹[Khyber Pakhtunkhwa] as Appointing Authority for the posts from BPS-01 to 15 borne on the ministerial establishment of their respective Courts.

The composition of Departmental Promotion Committee and Departmental Selection Committee shall be as follow:-

- | | | |
|----|--------------------------------------|-------------|
| 1. | Judge Anti-Terrorism Court concerned | CHAIRPERSON |
| 2. | Nominee of Peshawar High Court | MEMBER |
| 3. | Nominee of Judge ATC concerned | MEMBER |

C.No. 9(3-1)

ANTI TERRORISM COURTS' JUDGES AS APPOINTING AUTHORITIES, FOR THE POSTS OF BPS-01 TO 16.

**PESHAWAR HIGH COURT
NOTIFICATION**

Dated Peshawar the 24th November. 2015

No.194-J: In partial modification of this Court's Notification No.21-J dated 26.01.2010, the Competent Authority is pleased to authorize all the Judges of Anti-terrorism Courts in the Khyber Pakhtunkhwa as Appointing Authority for the posts from BPS-01 to 16 borne on the ministerial establishment of their respective Courts.

C.No. 10(3-1)

**ANTI-TERRORISM COURTS STAFF RECRUITMENT RULES, 2020
NOTIFICATION**

Peshawar, dated the 29th September, 2020

No. SO(Prosecution) / HD/1-5/2020/Vol-I: In pursuance of the provisions contained in sub rule (2) of the rule 3 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the Home and Tribal Affairs Department in consultation with the Establishment Department and the Finance Department, hereby lays down the method of recruitment, qualification and other conditions, specified in column NOs.3 to 5 of the Appendix to this Notification, which shall be applicable to various posts of Anti-terrorism Courts, as specified in column No.2 of the said Appendix.

APPENDIX

1.	2.	3.	4.	5.
S.#	Nomenclature of posts.	Minimum qualification for appointment by initial recruitment.	Age limit	Method of recruitment

¹ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

1.	Superintendent	--	--	By promotion, on the basis of seniority-cum-fitness, from amongst Assistant, Senior Scale Stenographer and Computer Operators, with at least five year service as such. Note: For the purpose of promotion there shall be maintained a joint seniority list of Assistants, Senior Scale Stenographer and Computer Operators.
2.	Senior Scale Stenographer	(a) At least second class Bachelor's Degree, from a recognized University; (b) A speed of seventy (70) words per minute in shorthand and forty given (45) words per minute in typing; (c) In the districts where Urdu is the Court language, speed of thirty (30) words per minute in typing in Urdu as well; as (d) Knowledge of computer in using MS Word, MS Excel.	20-32 years	By Initial Recruitment.
3.	Assistant	At least second class Bachelor's Degree from a recognized University.	20-32 years	(a) Seventy five percent (75%) by promotion, on the basis of seniority-cum-fitness from amongst Senior Clerks with at least five year service as Junior and Senior Clerks; and (b) Twenty five (25%) by initial recruitment (c)
4.	Computer Operator	At least:- a. Second class Bachelor's Degree in Computer Science /	20-32 years	By initial recruitment.

		<p>Information Technology (BCS / BIT four years) from a recognized University; or</p> <p>(a) Second class Bachelor's Degree from recognized University with one year Diploma in Information Technology from a recognized Board of Technical Education.</p>		
5.	Senior Clerk	--	--	By promotion on the basis of seniority cum fitness from amongst junior clerks with at least two year service as such.
6.	Junior Clerk	<p>At least:-</p> <p>(a) FA/F.Sc with second division or its equivalent qualification from a recognized Board; and</p> <p>(b) A speed of thirty (30) words per minute in typing.</p>	18-30 years	<p>(a) Fourth percent (40%) by promotion, on the basis of seniority-cum-fitness from amongst the Naib Qasids, Chowkidars and Sweepers including holders of other equivalent posts, who have passed FA/F.Sc Examination or its equivalent qualification from a recognized Board, with two year service as such; and</p> <p>(b) Sixty (60%) percent by initial recruitment.</p> <p>Note: For the purpose of promotion, there shall be maintained a common</p>

			<p>seniority list of Naib Qasids, Chowkidars, Sweepers etc. with reference to the dates of their acquiring the FA/F.Sc qualification.</p> <p>Provided that-</p> <p>(i) If two or more officials have acquired the FA/F.Sc qualification in the same session, the inter se seniority in the lower post shall be maintained for the purpose of determining seniority in the higher post;</p> <p>(ii) Where a senior official does not possess the requisite qualification at the time of filling up a vacancy, the official next junior to him possessing the requisite qualification shall be promoted in preference to the senior official or officials.</p> <p>Provided further that the condition of FA/F.Sc or its equivalent qualification from a recognized Board, as laid down at clause (a) shall not apply for a period of four years from the date of commencement of this Notification to the existing matriculate incumbents of the post of Naib Qasid, Chowkidar and sweeper including holders of other equivalent posts for promotion to the post</p>
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				of Junior Clerk (BPS-11)
7.	Driver	(a) Secondary School Certificate or equivalent qualification from a recognized board; and (b) LTV license in case of light duty vehicle with at least five years' experience as such.	18-40 years	By initial recruitment.
8.	Naib Qasid	Preferably literate	18-40 years	By initial recruitment.
9.	Chowkidar	Preferably literate	18-40 years	By initial recruitment.
10.	Sweeper	Preferably literate	18-40 years	By initial recruitment.

C.No. 11(3-1)

APPOINTING AUTHORITIES AND CONSTITUTION OF DEPARTMENTAL SELECTION COMMITTEES

Honourable the Chief Justice has been pleased to direct that for all the District Courts, the Officers specified in Column 3 of the table below shall perform the functions of Chairman and Members of the Departmental Selection Committee (DSC), respectively, for the purposes of making selection and recommendations to the Appointing Authorities authorized and specified in Column 4 of the said table for appointment by initial recruitment to posts specified in Column 2 of the table.

S#	Posts	Chairman / Members of DSC	Appointing Authority
1	2	3	4
1.	1) Female Support Assistant (BPS-11) 2) Telephone Operator (BPS-07) 3) Pesh Imam (BPS-05) 4) Lift Operator (BPS-02)	1. District & Sessions Judge/Zilla Qazi - Chairman 2. Nominee of the Peshawar High Court – Member 3. Nominee of the District & Sessions Judge concerned – Member	District & Sessions Judge/Zilla Qazi concerned

(PHC letter No.10707-75/SDJ/HRW/Admn dated Pesh 16th July, 2021)

SECTION-II
RECRUITMENT POLICY

C.No. 1(3-2)

**FILLING OF VACANCIES IN
THE MINISTERIAL ESTABLISHMENT OF
SUBORDINATE COURTS THROUGH INITIAL RECRUITMENT**

I am directed to refer to this Court letter bearing endorsement # 4313-4360/Admn dated 19th April, 2003 on the subject noted above and to say that the competent authority has been pleased to lay down the following criteria for appointments against the subject vacancies: -

1. For posts in BPS-1 to 4: -

Such method and procedure as may be adopted by the concerned Departmental Selection Committee, subject, however, to the minimum prescribed qualification.

2. For posts in BPS-5 and above: -

The total marks shall be 100 as per detail below: -

(a)	Prescribed qualification	30
(b)	Higher qualifications	10
(c)	Experience	10
(d)	Test	25
(e)	Interview	25

Comparative grading of the marks above shall be according to Annexure "A"

3. For the posts in BPS-5 and above, candidates shall have to undergo screening test, before the aforesaid test and interview, in case their number exceeds four times the number of vacancies to be filled in.

4. I am, accordingly directed to request you to kindly ensure strict adherence to the aforesaid criteria. Working papers as per enclosed Annexure "B" be also prepared and columns # 1 to 8 thereof be filled up accordingly for placing before the respective Departmental Selection Committee.

ANNEXURE-A

COMPARATIVE GRADING OF QUALIFICATIONS/EXPERIENCE

A. Minimum prescribed Qualification: - Total Marks 30

Sr No	Qualification	1 st Division	2 nd Division	3 rd Division
i.	Matric	30	20	10
ii.	Matric	15	10	05
	F.A/F.Sc.	15	10	05
¹ [iii.	BA/B.SC/M.Sc/MA/BCS/BIT/B A (Hon)	30	20	10

B. HIGHER QUALIFICATION: -

(Higher qualification than prescribed under the rules).

One stage above05 Marks.

Two stages above07 Marks.

Three or more stages above10 Marks.

C. EXPERIENCE: -

Experience up to one year04 Marks.

Experience up to two years07 Marks.

Experience up to three years and above.....10 Marks.

ILLUSTRATIONS: -

- (a) Where qualification prescribed in the rules is Matric, comparative grading of candidates shall be done as shown at "A"(i) above. Where typing is prescribed in the rules as a part of the qualifications after Matric, all persons possessing the prescribed speed shall be considered as equal.
- (b) Where the prescribed qualification is Intermediate, grading shall be done as indicated at "A"(ii) above. To illustrate; if the candidate is a 2nd Divisioner in Matric and 1st Divisioner in Intermediate, he shall get 10 plus 15 marks out of the total of 30 reserved for prescribed qualification.

¹ Substituted vide PHC Letter No.2831-98/SDJ/HRW/ADMIN Dated 22nd February, 2021

- (c) ¹[Where the prescribed qualification is Graduation or above the comparative grading shall be done as shown at “A” (iii) above]
- (d) The above gradings are applicable only where academic qualifications are Matric and above. In cases where technical qualifications (like Diploma or Certificate) are also prescribed in addition to basic qualifications, then in such cases 30 marks for comparative grading shall be calculated as below: -

1	Total Marks	30
2	Basic qualification like Matric, Intermediate, Graduation as prescribed by the rules	20
3	Additional Technical qualification.	10

The method for further distribution of 10 marks shall be laid down on the analogy of the principles Indicated above. 20 marks shall be distributed for the basic qualifications by necessary modification in the formula indicated at “A” above. To illustrate, if the basic qualification is Matric, 20 marks shall be distributed as below: -

1 st Division	20
2 nd Division	13
3 rd Division	07

- (e) the equation of grades vis-à-vis Division shall be as follows: -

Grade A & B	1 st Division
Grade C.	2 nd Division
Grade D.	3 rd Division

- (f) In case where no Division/grade is given in the respective Certificates, it shall be worked out on the basis of marks secured by the candidate as follows: -

(a)	60% and above marks.	1 st Division
(b)	45% - 59% marks	2 nd Division
(c)	Below 45% marks	3 rd Division

¹ Substituted vide PHC Letter No.2831-98/SDJ/HRW/ADMIN Dated 22nd February, 2021

(g) If not specifically provided otherwise, “experience” shall mean experience gained in the respective field after acquiring the basic prescribed qualifications.

A candidate securing less than 12 marks each in the test and interview shall not be considered for appointment.

**Annexure-B
Working Paper**

WORKING PAPER FOR INITIAL RECRUITMENT											Annexure 'A'							
NAME OF THE ESTABLISHMENT:																		
POST & SCALE:											NUMBER OF VACANCIES:							
1	2	3	4	5	7						8	9	10	11	12	13		
S.No.	Name	Father's Name	Domestic	Date of Birth	Nationality	Total of Qualifications on Marks	Experience Minimum 10 Marks						Test (25 Marks)	Interview (25 Marks)	Total (100 Marks)	Remarks	Distances	
							Prescribed (8)		Higher (5.7 or 10)		Experience							Total Marks for Qualification & Experience (5+7)
							Graduation down to Matric	Intermediate and Matric	One stage above (5 Marks)	Two stages above (7 Marks)	Three or more stages above (10 Marks)	1 year (4 Marks)						

(No. 4454-450/Admn: Dated Peshawar the 24th April, 2003)

WAITING LIST OF ELIGIBLE CANDIDATES

C.No. 2(3-2)

CHANGE IN THE RECRUITMENT POLICY REGARDING MAINTENANCE OF WAITING LIST OF THE ELIGIBLE CANDIDATES JUDGEMENT OF THE SUPREME COURT OF PAKISTAN

Enclosed find herewith copy of circular letter No. SOR. VI(E&AD), 1-10/2010 dated 19.03.2013, on the subject noted above, received from the Section Officer (Reg-VI), Government of Khyber Pakhtunkhwa, Establishment Department, Peshawar, for information and compliance.

(PHC Letter No. 3187-245/DSC-DPC/Admn Dated 27th March, 2013)

CHANGE IN THE RECRUITMENT POLICY REGARDING MAINTENANCE OF WAITING LIST OF THE ELIGIBLE

CANDIDATES JUDGEMENT OF THE SUPREME COURT OF PAKISTAN

1. I am directed to refer to this department circular letter No. SOR/VI&AD/1-10/05/Vol: IV dated 31.12.2008 and to state that the maintenance of the waiting list of eligible candidates for a period of 06 months in initial recruitment were stopped in pursuance of the Judgement of the Supreme Court of Pakistan in a case titled MUSA WAZIR & OTHERS VS NWFP PUBLIC SERVICE COMMISSION AND OTHERS.
2. However in pursuance of a recent judgement of the Supreme Court of Pakistan in case titled NIAMATULLAH AND OTHERS vs NWFP PUBLIC SERVICE COMMISSION AND OTHERS dated 05.10.2010, the said policy has been reviewed and it has been decided by the competent authority that from now onwards, the public Service Commission or Departmental Selection Committee as the case may be, may maintain a waiting list of eligible candidates in the respective zones up to the commencement of the pre-service training of the candidates of the same selection or till expiry of 03 months, where no such pre-service training is prescribed. The public Service Commission or the Departmental Selection Committee may in case of non-joiners recommend the next eligible candidate on the top of the merit list from the respective zones up to the commencement of the training of the appointees of the same selection or for three months where no such training is prescribed provided that the process does not in any way affect the rights of any other selectee or appointee.
3. I am therefore directed to request that above policy decision may kindly be brought into the notice of all concerned for strict compliance.

(Letter No.SOR.VI(E&AD)1-10/2010 Dated 19th March 2013)

SECTION-III**INSTRUCTIONS ON IMPLEMENTATION OF DIFFERENT
QUOTAS**

C.No. 1(3-3)

**RESERVATION OF QUOTA FOR APPOINTMENT OF CHILDREN
OF RETIRING CLASS-IV GOVT. SERVANTS ON
SUPERANNUATION**

I am directed to refer to the subject cited above and to state that in supersession of all instructions issued in this behalf, the competent authority has been pleased to direct that a quota of 25% falling to the share of initial recruitment in BPS-1 to BPS-4 shall be reserved for appointment of one of the children of a “retiring Class-IV Civil Servants¹” on superannuation /invalidation; provided that:-

- 1) the appointment shall be made subject to the availability of vacancy;
- 2) a waiting list showing the name, designation and date of retirement/invalidation of retiring civil servant shall be maintained in the department/office. The merit shall be determined from the date of retirement/invalidation of the civil servant;
- 3) the child possesses qualification prescribed for the post;
- 4) in case, the date of retirement/invalidation of two civil servants is the same, the child of the civil servant older in age shall be considered first for appointment;
- 5) under age child of the said civil servant shall be included in the waiting list from the date of retirement/invalidation. However, he shall be considered for appointment after he attains the age prescribed for the post.

2. The competent authority has further been to pleased authorize the Chief Secretary, NWFP to exercise the power of grant of relaxation of ban for initial appointment in cases of appointment of one of the children of retired/invalid civil servant and deceased civil servant died during the service as required in rule 10(4) of the NWFP Civil Servant (Appointment, Promotion and Transfer) Rules, 1989.

¹ Substituted vide SOR.VI (E&AD) 1-3/2010 Dated Peshawar 29th, November, 2012. Circulated vide PHC Letter No.14986-15033/DSC-DPC/Admn Dated 14th December, 2012

3. I am, therefore, directed to request that the above policy instructions should be followed strictly in letter and spirit.

(No. SOR-I(S&GAD)4-1/80 (Vol.III) Dated Peshawar the 23rd May, 2000)

C.No. 2(3-3)

QUOTAS FOR DIFFERENT CLASSES BY INITIAL RECRUITMENT

I am directed to refer to the subject noted above and to say that under NWFP Civil Servants (Appointment, Promotion & Transfer) Rules, 1989 a quota of two percent for disabled candidates and ten percent for female candidates is fixed for initial recruitment. Similarly, 25% quota is also fixed for children of retired government servants vide Government of NWFP letter No. SOR-I(S&GAD)4-1/80(Vol.III) dated 23.05.2000 for posts from BPS 1 to BPS 4. But none of the quotas is being observed by the Appointing Authorities nor advertised in the newspapers at the time of inviting applications.

You are, therefore, impressed upon to observe all the quotas in future and also advertise the same at the time of inviting applications for initial recruitment.

(PHC letter No.6298-9414/Admn Dated Peshawar, 05th April, 2010)

C.No. 3(3-3)

QUOTA FOR SPECIFIC CLASSES IN RECRUITMENT; OBSERVANCE OF SCHEDULE

I am directed to invite your attention to the above noted subject and to state that observance of quota is essential regarding recruitment to various posts and vacancies. To make the calculation convenient the following table may be considered for guidance which shows stage to stage fixation of percentage of quota to be worked out accordingly out of total strength of a post; a balance should be achieved taking in to consideration the adjustment of quota, if already observed.

S. No.	Nature of the Class	Initial % of Quota with date (from which Calculation is to be made)	Change in % of Quota with date (from which Calculation is to be made)	Relevant BPS
1	Retired Employee Son	10 % ; 27/10/1981	25% ; 23/5/2000	1-4

2	Female	2% ; 12/10/1993	10% ; 25/7/2007	All
3	Disabled	1% ; 12/10/1993	2% ; 19/2/1999	All
4	Minorities	1.0 % ; 6/1/2009	As initial	All

The calculation about the quota may be made at very preliminary stage when vacancies become available and the same be accordingly reflected in advertisement. For instance, if the total strength of cadre/ post is 3 then hardly any quota vacancy/ seat can be offered to **Disabled**; such facts may also be reflected in advertisement so that the specific class is aware of the fact, beforehand, that the quota is observed but no seat can be curved out for them in the circumstances.

Moreover, for the recruitment of a Driver, Daftari, Record Lifter, Naib Qasid etc the annexed Table format, showing the relevant details about the applicants, should be observed.

Under the rules it is required that after advertisement, a minimum period of 30 days should be allowed for receipt of applications.

Attention is also drawn to the fact that the Working Paper and Table about the candidates/ applicants should invariably to reach this court at least a week prior to the committee meeting. For the purpose, the closing dates of submission of application and request for nomination of the representative of High Court may be scheduled accordingly.

The judicial officers working under your administrative control, vested with power of appointing authority, should also be informed.

TABLE SHOWING THE APPLICANTS FOR POSTS OF DRIVER, DAFTARI, RECORD LIFTER, NAIB QASID ETC

S. No	Name	Father's Name	Domicile	Date of Birth	Whether Within required age limit		Educational Qualification	Experience in Relevant Field, if any	Remarks of the Committee
					Yes	No			

(PHC letter No.9662-9706/Admn Dated Peshawar, 28th May, 2010)

C.No. 4(3-3)

RESERVATION OF QUOTA FOR APPOINTMENT OF CHILDREN OF RETIRING CLASS-IV SERVANTS ON SUPERANNUATION.

I am directed to refer to the subject noted above and document C-No.8(2-2) page 252 in the judicial Estacode 2011 and to say that certain instances have come to the notice of Hon'ble the Chief Justice where courts grant temporary injunctions/status quo in favor of those retired government servants whose names appear far below in the waiting list maintained for the purpose. It is brought to the notice of all the courts that every retired government servant does not become entitled for appointment of his son under the quota unless his name appears at serial No.1 in the seniority list. The court should, therefore, be cautious in granting interim remedy by keeping the spirit of the subject circular.

This directive may be circulated amongst all the judicial officers under your control.

(PHC Letter No. 3145-68/Admn, Dated 07th March, 2012)

C.No. 5(3-3)

FILING OF VACANCIES/OBSERVANCE OF DIFFERENT QUOTAS.

I am directed to invite your attention to this court circular letter No. 9662-9706/Admn: dated 28.05.2010 (copy enclosed), with the remarks that compliance of the said instructions be ensured in letter & spirit, please.

(PHC Letter No. 4948-5012/Admn Dated 02nd May, 2016)

C.No. 6(3-3)

APPOINTMENT AGAINST RETIRED EMPLOYEE'S SON QUOTA.

In continuation of all previous instructions of this Court on the subject matter and in order to facilitate the appointments of the deserving candidates against the retired employee's son quota, Hon'ble the Chief Justice of this Court has been pleased to direct that such like cases be considered in their respective domiciled districts.

It is, therefore, advised that compliance of these directions be ensured in letter & spirit, please.

(PHC Letter No.10266-316/Admn Dated 20th September,2016)

C.No. 7(3-3)

APPLICATION FOR APPOINTMENT AGAINST RETIRED EMPLOYEES' SON QUOTA.

The Hon'ble Administration Committee of this Court, in its meeting on 23rd & 24th January, 2017, has directed that waiting list of the retired employees' sons for appointment against the subject quota be displayed by each District & Sessions Judge outside their Court.

It is, therefore, requested that compliance of the directions be ensured in letter & spirit.

(PHC Letter No. 4022-46/Admn, Dated 03rd March, 2017)

C.No. 8(3-3)

GUIDANCE IN 25% QUOTA OF CLASS-IV

Reference your Endst No. 1265 dated: 14.06.2017 and to inform that the children of Class-IV civil servants i.e. Bailiff and Process Server are still entitled to avail the 25% quota irrespective of the up-gradation of such positions, please.

(PHC letter No. 13198/Admn dated Peshawar 16.07.2017)

C.No. 9(3-3)

APPOINTMENT AGAINST RETIRED EMPLOYEES SON'S QUOTA

In continuation of all previous instructions on the subject, now the Hon'ble Administration Committee vide its meeting dated: 05.06.2017, has further clarified that the policy of retired employees' sons' quota is applicable to Class-IV employees only.

This is for compliance, please.

(PHC Letter No.11952-12015/Admn, Dated 21st July, 2017)

C.No. 10(3-3)

INSTRUCTIONS REGARDING GOVERNMENT SERVANTS (BS-03 TO BS-05) CHILDREN'S QUOTA.

Attached please find herewith a copy of provincial government circular NO. SOR-VI/E&AD/1-3/2012/APT Rules dated: 08.11.2017, on the subject, along with enclosure, for information and strict compliance.

(PHC Letter No. 19188-19248/Admn Dated 27th November2017)

INSTRUCTIONS REGARDING GOVERNMENT SERVANTS (BS-03 TO BS-05) CHILDREN'S QUOTA.

I am directed to refer to this department's circular letter No. SOR-I(S&GAD)4-1/80(Vol.III) dated: 01.07.2000 and to state that instances have come to the notice of the competent authority that a large number of cases of recruitment/appointment against the subject quota are being delayed on one pretext or the other in government offices. Resultantly, the families of retired government employees are suffering.

I am therefore, directed to request that the following measures may be adopted for processing appointment cases of children of retired government employees in (BS-3 to BS-5) on urgent basis so that suffering on their families be mitigated.

- a) All the departments should immediately work out detail of total posts in BS-3 to BS-5 and 25% quota for appointment of the children of retired employees.
- b) Number of posts already filled/held by members of quota/category.
- c) Balance posts available in this quota.
- d) Seniority/order of merit on which applications are to be appointed against available vacancies/future quota.

For transparency, it is suggested that all the above information be publicized on notice board of the department at conspicuous place in the formats annexed.

I am further directed that any objection against the order of merit be sought within a week's time and properly disposed of. Likewise, fresh applications against the quota must be obtained if someone has not applied earlier due to lack of information or omission and placed at appropriate order/seriatim, for which advertisement in press should be made. The competent authority has directed to finalize the appointments within 30 days.

(Letter NO. SOR-VI/E&AD/1-3/2012/APT Rules dated: 08.11.2017)

TABLE-A (FOR S.No. A, B AND C ABOVE)

TABLE-A: DETAILS OF RETIRED EMPLOYEES' SONS QUOTA

Total posts in BS(3-05)	Quota of retired employees (25% of Col#1)	Posts already filled out of quota (list be displayed in table B with copy to the performance monitoring & Reform Unit (Chief Secretary Office)	Balance post to be filled.

1	2	3	4

TABLE-B (See Col.#3 of Table A)**TABLE-B: LIST OF CLASS-IV APPOINTED AGAINST THE RETIRED GOVERNMENT EMPLOYEE'S SONS QUOTA AND DETAIL OF VACANCIES.**

S. No	Name of the applicant	Father's Name	Date of appointment	Particulars of the retired government servant			
				Date of retirement of the father (Govt Servant)	Post last held	Office last attended	Pay scale
1		2	3	4	5	6	7

TABLE-C (for Sr.#d of para 2)**TABLE-C: ORDER OF MERIT FOR APPOINTMENT AGAINST AVAILABLE VACANCIES OF EMPLOYEES' SONS QUOTA OR SUCH FUTURE VACANCIES**

S.No.	Name of the applicant	Father name	Date of retirement of the father (Govt Servant)	Post last held	Office of last posting	Pay scale
1	2	3	4	5	6	7

C.No. 11(3-3)

RESERVATION OF QUOTA FOR APPOINTMENT OF CHILDREN OF RETIRING DRIVER (CIVIL SERVANTS) ON SUPERANNUATION.

I am directed to forward herewith copy of Circular No. SO(Policy)/E&AD/1-3/2012/APT Rules dated: 26.12.2018, on the subject noted above, received from the Section Officer (Policy), Government of Khyber Pakhtunkhwa, Establishment Department, Peshawar.

Hon'ble the Chief Justice has been pleased to extend the same quota for drivers working in the establishment of Peshawar High Court, Peshawar, its benches as well as in the District judiciary of Khyber Pakhtunkhwa, on the terms and conditions enumerated in the circular referred to above.

(PHC Letter No. 1257-1315/Admn, Dated 19th January, 2019)

RESERVATION OF QUOTA FOR APPOINTMENT OF CHILDREN OF RETIRING DRIVER (CIVIL SERVANTS) ON SUPERANNUATION.

I am directed to refer to the subject noted above and to state that the Competent Authority has been pleased to direct that a quota of 25% falling to the share of initial recruitment of the posts of Drivers shall be reserved for appointment of one of the children of a retiring Driver (Civil Servant) on superannuation; provided that:

- i. The appointment shall be made subject to the availability of vacancy.
- ii. A waiting list showing the name, designation and date of retirement of retiring civil servant shall be maintained in the department/office. The merit shall be determined from the date of retirement of civil servant.
- iii. The child possesses the required criteria prescribed for the post of driver.
- iv. In case, the date of retirement of two civil servants is the same, the child of the civil servant older in age shall be considered first for appointment.
- v. Under age Child of the said civil servant shall be included in the waiting list from the date of retirement. However, he shall be considered for appointment after he attains the age prescribed for the post.
- vi. Other recruitment criteria would be the same as admissible for drivers (Civil Servants).

I am, therefore, directed to request that the above policy instructions should be followed strictly in letter and spirit.

(LetterNo.SO (Policy)/E&AD/1-3/2012/APT Rules, Dated 26thDecember,2018)

C.No. 12(3-3)

PERMISSION TO INITIATE PROCESS FOR RECRUITMENT TO FILL UP THE VACANT POSTS THROUGH EDUCATIONAL TESTING AND EVALUATION AGENCY (ETEA) KHYBER PAKHTUNKHWA

I am directed to refer to your letter # 2045/DSJ/Admn, Dated 17.07.2019 on the subject noted above and to say that the Competent Authority has been pleased to direct that the recruitment process has to be in line with Peshawar High Court (Subordinate Courts) Rules, 2003 read with recruitment policy already circulated vide letter No.4454-450/Admn, Dated 24th April, 2003 (Judicial Estacode pa 246-249) and all directives of this Court in this regard. Therefore, hiring services of any testing agency be avoided.

(PHC Letter Endst No.SDJ/PHC/REG/94-V-II-(1-33)/4722-87 Dated 23rd August, 2019)

C.No. 13(3-3)

OBSERVANCE OF 2% QUOTA RESERVED FOR DISABLED PERSONS

Enclosed find herewith copy of letter No. SO(Policy)E&AD/3-2/2012/2018 dated: 21.10.2019, on the subject, received from the Section officer (Policy), Government of Khyber Pakhtunkhwa, Establishment Department, Peshawar, for information and compliance, please.

(PHC Letter No.21164-21264/Admn, dated Peshawar the 30-10-2019)

OBSERVANCE OF 2% QUOTA RESERVED FOR DISABLED PERSONS.

I am directed to this department letter No.SOR-VI/E&AD/3-2/2014 dated 8.7.2015 on the subject noted above and to say that while taking serious notice of non-observance of 2% quota reserved for disabled persons, the competent authority has directed that instructions may be issued to all concerned **for strict observance of 2% quota in employment reserved for disabled persons by the Provincial Government.**

2. I am further directed to request that the said instructions may be brought into the notice of all concerned for strict compliance, please.

(Letter No.SO(Policy)/E&AD/3-2/2012/2018 Dated 21st October, 2019)

C.No. 14(3-3)

OBSERVANCE OF 2% QUOTA RESERVED FOR PERSON WITH DISABILITIES

Enclosed find herewith copy of letter No. SO-VI/SWD/1-34/Disability quota/2560-2700 dated: 18.11.2019, on the subject, along with enclosures, received from the Section officer –VI, Government of Khyber Pakhtunkhwa, Zakat, Ushr, Social Welfare, Special Education & women Empowerment Department, Peshawar, for information and compliance, please.

(PHC Letter No. 22993-23075/Admn, Dated 02nd December, 2019)

OBSERVANCE OF 2% QUOTA RESERVED FOR PERSON WITH DISABILITIES

I am directed to refer to the subject noted above and to state that the office of the Prime Minister of Pakistan has conveyed a policy for persons with Disabilities (PWDs) for implementation by all concerned Ministries/Divisions/Departments of Federal as well as Provincial Governments on ground implementation of 2% employment quota. The Prime Minister office has observed that the quota for PWDs is calculated against the posts being advertised/fixed at a particular point in time, which leads to negligible appointment against disable quota, whereas the quota needs to be worked out against the total strength of the department.

Moreover, as per provision of Section-10 of the Ordinance-1981 as well as the Civil Servant (Appointment, Promotion & Transfer) Rules, 1973 compulsory Employment of the Disabled persons which stated “Establishment to employ disabled person (1) Not less than two percent of the total numbers of person employed by an ‘Establishment at any time shall be disabled person’ while as per section-10(5) of the APT Rules -1989 @2% of all posts in each Basic Pay Scale are given to PWDs in all tiers of initial recruitment.

It is further stated that mechanism has also been circulated by the establishment division’s OM No.21.1.90-R-5 Islamabad, dated: 12th November 2015 on the direction of the Honorable Supreme Court of Pakistan vide Order dated: 26.11.2018 in Constitution Petition No.64/2013 title Dr. Shah Nawaz Monami Vs Federal Govt & Others.

The above roster/mechanism has been circulated vide this Department Notification No. SO-VI/SWD/1-34/PCRD/2018/2368-2421 dated: 23.07.2019, but instances have come to fore indicating that the same are not being followed.

I am therefore directed to request you to make sure that provision of the aforementioned roster/ mechanism, being a legal right of the Disabled persons and legal obligation on part of the state as well, are followed in letter and spirit.

In view of the above, it is requested to kindly direct all concerned working under your administrative control workout the quota fixed for Disabled persons against the total sanction strength in each basic pay scale/cadre instead of calculating the same against the posts being advertised and also ensure share to PWDs through initial recruitment.

(Letter No. SO-VI/SWD/1-34/Disability quota/2560-2700 Dated: 18th November, 2019)

C.No. 15(3-3)

RECRUITMENT POLICY FOR THE PROVINCIAL SERVICES

Attached please find herewith a copy of the updated recruitment policy of the provincial government for further necessary action

Hon'ble the Chief Justice has directed that sub-clause (ii) of clause (j) of the ibid policy shall be complied with in letter & spirit wherein 10% quota has been fixed for female candidates in all the provincial services which are to be filled through initial recruitment in addition to their participation in the open merit.

(PHC Letter No.14838-14898/DSC-DPC/Admn, Dated 16th September 2017)

C.No. 16(3-3)

APPLICATION FOR APPOINTMENT OF WIDOW, SON OR DAUGHTER OF A DECEASED/RETIRED CLASS-IV EMPLOYEES.

I am directed to invite your attention to Rule 10(4) of the Khyber Pakhtunkhwa Civil Servants (Appointment, promotion & Transfer) Rules, 1989 and to say that the Competent Authority has directed to prepare and maintain computerized updated list of subject officials in accordance with respective seniority in future corresponding to prescribed quota and consider such applications strictly in accordance with the rules ibid with no deviation thereto, please.

(PHC Letter No. 11231-11331/Admn Dated 20th October, 2016)

C.No. 17(3-3)

**FILLING OF VACANCIES UNDER RULE 10(4) OF THE
KHYBER PAKHTUNKHWA (APT), RULES, 1989.**

I am directed to refer to the cited subject and to say that the Competent Authority has been pleased to direct that standing committees comprising District & Sessions Judge, a senior most Additional District & Sessions Judge and Senior Civil Judge (Admn) be constituted to ascertain Physical and mental fitness of the candidates, scrutinize their academic record and verify eligibility (requirement of skill in case of junior clerk) while making appointments against the subject quota.

(PHC letter No. 4898-937/SDJ/HRW/Admn Dated 03rd April, 2021)

SECTION-IV
INSTRUCTIONS REGARDING DSC/DPC

C.No. **1**(3-4)

**DEPARTMENTAL SELECTION AND PROMOTION
COMMITTEE; PREPARATION OF WORKING PAPER**

I am directed to invite your attention to the above noted subject and to state that selection and promotion to various posts and vacancies in systematic manner is vital for ensuring merit. In this regard the preparation of working paper should be considered as prerequisite for making request for nominee of the High Court. Therefore, such request should invariably to come with the working paper prepared on the attached proforma, at least a week prior to the date of meeting of the committee. The Judicial Officer under your administrative control vested with power of appointing authority should also be informed.

(PHC letter No.7564-7604/Admn Dated Peshawar, 28th April, 2010)

C.No. **2**(3-4)

FORMAL APPROVAL PRIOR TO FILLING OF VACANCIES

1. I am directed to refer to the subject note above and to say that formal approval shall be required prior to filling of vacancies through initial recruitment or promotion. The 'approval request' should clearly show the bifurcation of seats for initial recruitment, further divided into quotas, and promotion. A tentative time line for completion of various steps may also be indicated. The ensuing steps, including publication of advertisement, preparation of working paper or dissemination of information about posts and vacancies, may be taken after authorization by the Peshawar High Court.
2. The gap between advertisement and last date of receipt of application should be not less than a month. A complete working paper in respect of all candidates, is to be sent to High Court with sufficient time to allow for deliberations and preparations.
3. It shall be mandatory that all recommendations of Departmental Selection and/ or Promotion Committees be made unanimously.
4. The concerned judicial officers, under your administrative control, having power of appointing authority, may also be informed.

(PHC letter No.19926-75/Admn Dated 06th December, 2010)

C.No. 3(3-4)

MEETING OF DEPARTMENTAL PROMOTION / SELECTION COMMITTEE.

I am directed to inform you that Hon'ble the Chief Justice has been pleased to direct that the meetings of DPC/DSC of your respective establishment shall be scheduled only on Saturday in future, please.

(PHC Letter No. 2859-2918/DSC-DPC/Admn, Dated 09th February, 2017)

C.No. 4(3-4)

PROMOTION OF CLASS-IV TO JUNIOR CLERK IN DISTRICT JUDICIARY

The Competent Authority has been pleased to direct that henceforth promotion of Class-IV employees to the post of junior Clerk shall be made in accordance with rules on the basis of "Seniority-cum-Fitness". In order to sift competent from incompetent, a test may be taken from Class-IV employees like dictation and few essay questions like abbreviations and common general knowledge about Pakistan.

This is for compliance, please.

(PHC Letter No.19657-19706/DSC-DPC/Admn, Dated 9th December, 2017)

C.No. 5(3-4)

GUIDELINES FOR THE PURPOSE OF PROMOTION TO THE POST OF JUNIOR CLERK (BPS-11)

I am directed to refer to the subject noted above and to say that as a result of different queries from the District Judiciary about method of promotion to the post of Junior Clerk (BPS-11) from the holders of the post of Daftari, Record Lifter, Naib Qasid, Sweeper, Chowkidar, Mali and Water Carrier against the promotion quota, the Competent Authority has been pleased to approve the guidelines for appointing authority as enumerated herein below:-

1. To avoid the ambiguity having crept due to splitting of the post of junior clerk into seven categories in the appendix to Peshawar

High Court (Subordinate Courts Staff) Recruitment Rules, 2003, the appointing authorities in District judiciary are advised to treat the post of Junior Clerk in their establishments as a single category as against its five categories reflected at S. No. 14 to 18 in the said appendix. In turn, a common seniority list of holders of the post of Daftari, Record Lifter, Naib Qasid, Sweepers, Chowkidar, Mali and Water Carrier be maintained with reference to the dates of their acquiring Secondary School Certificate (SSC), for the purpose of promotion against 30% reserved quota in posts of Junior Clerk. In order to avoid any further doubt on account of the expression “dates of acquiring SSC”, it would be in the fitness of things to provide that the said expression refers to two different cases. In one case, it refers to those persons who are appointed in one batch and among them, one who acquired SSC prior in time will stand senior in common seniority list to the other who acquired SSC later in time. In the second case, it will refer to those persons who at the time of appointment did not possess such qualification and acquired in during service. In this case, the person who acquired SSC prior in time will stand senior to the other in common seniority list irrespective of their seniority in terms of date of appointment.

2. A Class-IV employee having got promotion as Daftari will not be stripped off his right accrued to him on the basis of common seniority maintained for promotion to the post of Junior Clerk. So, he will carry his original seniority with him at the time of promotion to the post of Daftari for the purpose of promotion to the post of Junior Clerk.

(PHC Letter No. 2315-49/SDJ/REG Dated 29th April, 2019)

C.No. 6(3-4)

PRE-REQUISITES FOR MAKING REQUEST FOR NOMINEE OF DEPARTMENTAL SELECTION COMMITTEE MEETING.

I am directed to refer to the subject noted above and to say that several discrepancies have been observed in requests for nomination of representative of this Court for the subject meeting, resulting into different anomalies pertaining to compliance of the rules, regulations and recruitment policy of this Court in letter and spirit.

I am therefore, directed to say that the competent authority has been pleased to direct that following information be furnished along

with the working paper while making requests for nominee of this Court:

1. Number of sanctioned and vacant posts
2. Details of quota of each category i.e. number of quota seats, appointment so far made and vacant posts thereof.
3. Copy of advertisement.

Such information along with the working paper must reach this Court at least a week prior to the date of subject meeting.

(PHC Letter No. 19642-75/Admn Dated 02nd October, 2019)

C.No. 7(3-4)

PRE-REQUISITES FOR MAKING REQUEST FOR NOMINEE OF DEPARTMENTAL SELECTION COMMITTEE MEETING.

I am directed to refer to the subject noted above and to say that divergent practice is prevailing in the province regarding working out of female, disable and minority quota during the process of recruitment, which stems out from misinterpretation of sub-rule (5) of Rule 10 of the KPK Civil Servants (Appointment, Promotion & Transfer) Rules, 1989.

The “Basic pay scale” is a general term which includes post or group of posts whereas the “Post” is a restricted term. The posts of Chowkidar, Naib Qasid, Sweeper, Mali are group of posts in same basic pay scale, therefore quota of disable (2%) and minority (5%) will be carved out from aggregate of sanctioned post of same basic pay scale. Contrary in case of female quota, the legislature in order to empower women and to give them share in each post had intentionally omitted the term “in each basic pay scale” and used the restricted term “of all Posts” in ibid Rule which means that female quota is to be carved out from each post meant for initial recruitment, irrespective of BPS i.e. to say 10% of the posts of Steno, Assistants, Computer Operator, Junior clerk, Chowkidar, Naib Qasid Sweeper, etc.

In view of the above stated legal position, the competent authority has been pleased to direct you to carve out the quota of minority and disable candidates on the basis of aggregate

sanctioned strength of posts of same BPS and female quota be carved out from sanction strength of each post.

(PHC LetterNo.1-68/SDJ/HRW/05-V.I-2019,Dated 02nd January, 2020)

C.No. 8(3-4)

TEMPLATES FOR THE SENIORITY LISTS

I am directed to refer to the subject noted above and to enclose herewith approved format of maintaining the common seniority lists for the post of Superintendent, Senior Clerk and Junior Clerk and similarly the format for maintaining the seniority lists for other posts.

FINAL COMMON SENIORITY LIST FOR PROMOTION TO THE POST OF JUNIOR CLERK (BS ___) DISTRICT _____ AS STOOD ON _____

Sr.No	Name of official	Academic Qualification	Date of Birth	Date of acquiring SSC	Date of 1 st entry in Dist. Judiciary on regular basis	Date of appointment in present position (BS___)	Remarks

FINAL COMMON SENIORITY LIST OF SUPERINTENDENTS (BS___) DISTRICT _____ AS STOOD ON _____

S.No	Name of official	Academic Qualification	Date of Birth	Date of 1 st entry in Dist. Judiciary on regular basis	Date of appointment in present position (BS___)	Date of appointment in present position (BS_)	Remarks

FINAL SENIORITY LIST FOR PROMOTION TO OTHER POSTS (BS___) DISTRICT _____ AS STOOD ON _____

S.No	Name of official	Academic Qualification	Date of Birth	Date of 1 st entry in Dist. Judiciary on regular basis	Date of Regular Promotion as ___(BS___)	Date of appointment in present position (BS___)	Remarks

(PHC letter No. 12900-968/PHC/SDJ/HRW dated Peshawar 24.07.2020)

C.No. 9(3-4)

MEETING OF DEPARTMENTAL PROMOTION / SELECTION COMMITTEE.

I am directed to refer to this Court's letter No. 2859-2918/DSC-DPC/Admn, dated: 09.02.2017 (copy enclosed) on the subject cited above and to say that the directives stand withdrawn to the extent of meeting of DSC.

(PHC Letter No. 1416-96/SDJ/HRW/Admn, Dated 20th January, 2021)

SECTION-V
INSTRUCTIONS ON BOWL POLICY

C.No. 1(3-5)

APPOINTMENT OF CLASS-IV EMPLOYEES

In order to bring more transparency, fairness to the candidates, the following procedure shall now be followed in appointing Class-IV employees: -

- i. List of registered people be obtained from respective employment exchange office and suitable candidates be called for screening test/driving skills tests (where needed) and short list be prepared.
- ii. Where local Employment Exchange office does not exist, notices be displayed at visible place in Court premises to inform aspiring candidates.
- iii. Interview of most suitable candidates be held to determine physical and psychological suitability.
- iv. A draw through lots (bowl policy) wherein names of all the eligible and physically fit candidates be put in a bowl and in the presence of almost all the candidates, the senior most person available should pick the ticket/name against the number of posts and the candidate(s) getting successful should be given letter of appointment.

The entire process is aimed at creating good will amongst the general public and creating a healthy precedent for other to emulate.

The instructions were passed earlier verbally but are again notified for compliance. Deviation from above will be viewed seriously.

The above is for approval of Hon'ble the Chief Justice.

(PHC Letter No.13607-656/Admn, Dated 22nd August, 2017)

C.No. 2(3-5)

APPOINTMENT OF CLASS-IV

In order to ensure transparency, fairness and with a view to restoring people's trust and confidence in the judiciary, the following process of appointment against Class-IV vacancy(s) should be followed:-

Step # 1

- I. Publicity of vacancy(s)
- II. Preparation of long list, followed by detail scrutiny.
- III. Preparation of shortlist (of candidates meeting requisite standards)

Step # 2

- I. Interview conducted by a panel which should include individual(s) of requisite skills.
- II. Preparation of list of eligible candidates (each eligible can be appointed)

Final Step

- I. Draw/balloting in the presence of all eligible candidates
- II. Issuance of appointment letters (who wins the draw)

The purpose of conducting balloting at this stage is to minimize discretion and ensure fairness to all eligible candidates. You are requested to follow the above procedure in letter and spirit in future.

This is issued with the approval of Hon'ble the Chief Justice.

(PHC Letter No.18403-29/Admn, Dated 08th November, 2017)

C.No. 3(3-5)

BOWL POLICY FOR RECRUITMENT OF CLASS-IV.

I am directed to refer to the subject noted above and to say that the august Supreme Court of Pakistan vide order dated 19.02.2018 (copy attached) has suspended the operation of the judgment of Peshawar High Court in W.P. No. 3005-P/2014 regarding bowl policy to the extent of government departments only who have its own rules and policies for recruitment of Class-IV. The bowl policy of Peshawar High Court has neither been challenged nor suspended to the extent of Peshawar High Court, its Benches and District Judiciary.

Hon'ble the Chief Justice has, therefore, been pleased to direct that the bowl policy for recruitment of Class-IV shall be followed in letter and spirit.

(PHC Letter No. 6322-87/Admn Dated 28th April, 2018)

C.No. 4(3-5)

APPOINTMENT OF CLASS-IV THROUGH BOWL POLICY.

I am directed to refer to the subject noted above and to say that Hon'ble the Chief Justice has been pleased to direct that appointment of Class-IV shall be made through "Bowl Policy" and in this regard instructions of this Court vide letter No.18403-29/Admn: dated 08.11.2017 (copy enclosed) shall be complied with in letter and spirit, please.

(PHC letter No.16026-16075/Admn: Dated 29th September, 2018)

C.No. 5(3-5)

APPOINTMENT OF CLASS-IV

I am directed to refer to the subject noted above and to say that procedure contained in this Court letter No. 18403-429/Admn dated: 08.11.2017 regarding bowl policy qua vacancies of Class-IV (copy enclosed), may be followed in letter and spirit.

(PHC Letter No7174-256/Admn, Dated 01st April 2019)

C.No. 6(3-5)

APPOINTMENT OF CLASS-IV

I am directed to refer to the subject noted above and to say that it has been noticed that during the recruitment process against the post of Class-IV, some of the appointing authorities initially ballot for short listing followed by interview for further short listing and again holding balloting.

The Competent Authority has , therefore, been pleased to modify para (i) of Step No.2 of this Court's letter No. 18403-429/Admn dated: 08.11.2017 (copy enclosed) and replace the same with the following:

“Interview conducted by a panel to see the physical and mental fitness of the candidates”

The Competent Authority has further been pleased to direct that the purpose of interview should not be for short listing of the candidates, rather it should be for checking physical and mental fitness of the candidates and the candidates who fail to fulfill the eligibility criteria i.e., age, domicile etc be omitted from the list and balloting be carried out once, between all the eligible candidates.

(PHC Letter No.7453-7554/Admn, Dated 04th April, 2019)

**SECTION-VI
INSTRUCTIONS ON APPOINTMENT**

C.No. 1(3-6)

**INSTRUCTIONS REGARDING APPOINTMENT OF POSTS
BELOW (BPS-16) FOR WHOM TYPING IS MANDATORY IN
THEIR SERVICE RULES**

I am directed to forward herewith copy of letter No. E&A/LD/5-97/2008/18062-63 dated 26.11.2011, on the subject, along with enclosure, received from the Section Officer (Gen), Government of Khyber Pakhtunkhwa, Law, Parliamentary Affairs & Human Rights Department, Peshawar, for information and compliance.

(PHC letter No. 14195-267/Admn: dated Pesh the 07.12.2011)

**INSTRUCTIONS REGARDING APPOINTMENT OF POSTS
BELOW (BPS-16) FOR WHOM TYPING IS MANDATORY IN
THEIR SERVICE RULES**

I am directed to refer to the subject noted above and forward herewith a copy of letter No. SOE-IV/E&AD/1-35/2011 dated 17.11.2011 received from Section Officer E-IV, Establishment Department for information and necessary action please.

(Letter No. E&A/LD/5-97/2008/18062-63 dated Peshawar the 26.11.2011)

**INSTRUCTIONS REGARDING APPOINTMENT OF POSTS
BELOW (BPS-16) FOR WHOM TYPING IS MANDATORY IN
THEIR SERVICE RULES**

I am directed to refer to the subject cited above and to state that for all those posts below (BPS-16) for which typing is mandatory in their Service Rules, in future Typing Test will be conducted through Computers on Typing Software instead of manual Typewriter as the same is no more in use.

I am further directed to request to follow the said instruction in letter and spirit as well as direct your attached/lower formations as well.

(Letter No. SOE-IV/E&AD/1-35/2011 dated Peshawar the 17.11.2011)

C.No. 2(3-6)

MODEL APPOINTMENT ORDER

In continuation of this court's letter No. 5219-29/Admin dated 21.04.2011 followed by letter No. 6301-60/Admin dated 24.05.2011, on the subject noted above, I am directed to forward herewith a copy of amended model appointment order for information and compliance.

(PHC Letter No. 6454-6508/Admn, Dated 04th June, 2013)

MODEL APPOINTMENT ORDER

On the recommendations of the Departmental Selection Committee, the Competent Authority is pleased to order the appointment on temporary basis of the following candidates as _____ in BPS _____, with effect from the date of assumption of charge of the posts, subject to medical fitness, antecedents verification and verification of testimonials through quarter concerned: -

SR.#	NAME OF CANDIDATES	FATHER'S NAME
1		
2		

2. Their appointment to the service shall be subject to the following terms and conditions: -

- I. They will be governed by the [Khyber Pakhtunkhwa] Civil Servants Act, 1973 and [Khyber Pakhtunkhwa] Government Servant (Appointment, Promotion & Transfer) Rules, 1989.
- II. They will be allowed the minimum pay BPS_____ plus other allowances as admissible under the rules. Those who are already in Govt Service and whose pay is more than the minimum of BPS_____ will be allowed to draw pay which they were drawing before their appointment, subject to permission by the Competent Authority. Their pay shall be fixed at proper stage in BPS _____
- III. They shall be governed by such rules and instructions relating to leave, T.A, and Medical Attendance as may be prescribed from time to time.

- IV. They shall be on probation initially for a period of one year extendable up to two years.¹
 - V. They will be eligible for continuance and eventual confirmation in the post on satisfactory completion of their probationary period, subject to availability of permanent posts and the completion of prescribed training, if any.
 - VI. Their services shall be liable to be dispensed with at any time without notice and assigning any reason before the expiry of the period of their probation/ extended period of probation, if, their work or conduct during this period is not found satisfactory. In the event of termination from service, fourteen days' notice or in lieu thereof fourteen days pay will be paid by the Government. In case of resignation, they will give one-month notice to the Competent Authority or in lieu thereof one month pay shall be forfeited to the Government. The resignation shall, however, be subject to the acceptance by the Competent Authority.
 - VII. They will be governed by the [Khyber Pakhtunkhwa] Government Servants (Efficiency and Discipline) Rules, 2011 and the [Khyber Pakhtunkhwa], Government Servants Conduct Rules, 1987 and any other instructions which may issue by the Competent Authority from time to time.
3. If the above terms and conditions of appointment are acceptable to them, they should report for duty to the undersigned immediately. The offer of appointment shall be deemed to have been cancelled if any one fails to report for duty to the undersigned within one month from the date of issue of this order
 4. They shall join duty at their own expenses.

C.No. 3(3-6)

RECRUITMENT OF DRIVERS (BPS-06) IN DISTRICT JUDICIARY

The Provincial Government vide Finance Department, KPK Peshawar letter No. BO-II/FD/3-14/SNE/PHC/17-18 dated 06.02.2018 (copy attached) has created 128 (one hundred and twenty-eight) positions of drivers i.e. one each for Additional District & Sessions Judges and for Senior Civil

¹ For the latest position see Rule 15 of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989

Judges. The Hon'ble Chief Justice has directed that a fair and transparent recruitment process be conducted for recruitment of these drivers.

You are, therefore, authorized to constitute a two-member committee consisting of one Civil Judge and an official of traffic police (representative of DPO) for taking practical test of the short-listed candidates, having a valid driving license and registered with Employment Exchange of the District or adjoining district but a bonafide resident of that district.

Policy circulated vide No. 18403-429/Admn dated 08.11.2017 should be followed strictly (copy attached),

(PHC Letter No.3877-3926/Admn, Dated 14th March, 2018)

C.No. 4(3-6)

RECRUITMENT TO DRIVER (BPS-06) IN DISTRICT JUDICIARY

I am directed to refer to the subject noted above and to say that since the post of driver has been upgraded from BPS-04 to BPS-06, therefore, the condition of recruitment through District Employment Exchange does not apply to the post of driver.

In view of the above, letter No. 3877-3926/Admn dated: 14.03.2018 stands reviewed to the extent of above-mentioned condition.

(PHC Letter No. 7257-339/Admn, Dated 01st April, 2019)

C.No. 5(3-6)

APPOINTMENT ORDER

I am directed to refer to the subject noted above and to say that it has come to the notice of this Court that appointing authorities while scribing TORs of the appointment orders referred to the repealed NWFP Government servants (Efficiency and Disciplinary) Rules, 1973 for regulating conduct, despite the fact that the prevailing rules are of 2011.

Similarly, the authorities do not mention the probation period in accordance with Rule 15 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989. Under the rule, the extendable period of probation is one year and the order thereof is to be passed by the appointing

authority within two months of the expiry of first year of probation. And if no such order is passed; the probation shall stand automatically terminated.

In view of the above legal position, you are directed to mention correct period of probation in the appointment orders and refrain from referring repealed laws or rules in the order.

(PHC Letter No. 2178-236/SDJ/HRW/Admin, Dated: 9th February, 2021)

**SECTION-VII
CONDUCT OF MINISTERIAL STAFF**

C.No. 1(3-7)

TRANSFER OF CLERKS OF COURTS FROM ONE STATION TO ANOTHER

I am directed to address you on the subject noted above and to say that Hon'ble the Chief Justice of this Court has been pleased to observe that the Clerks of Court attached to the District and Sessions Judges would be responsible for all the lapses on their part, and they would also be amenable to transfer from one station to another in case their performance is found below the required standard.

These instructions should be brought to the notice of all concerned officials for strict compliance.

(PHC letter No. 4520-4535/Admn.Brh.Dated Peshawar the 13th June. /1993)

C.No. 2(3-7)

COMPLAINTS AGAINST READERS / STENOS

I am directed to say that complaints have been received suggesting tendency of corrupt practices in the staff of the subordinate Courts. This unsavoury trend indicates lack of supervision and control on the part of Presiding Officers. Needless to say, that the instances of corruption are bringing bad name to the Judiciary as an institution. Therefore, Hon'ble the Chief Justice has been pleased to direct that vigilant eye should be kept on the activities of subordinate staff and appropriate disciplinary action be initiated against those found indulging in such like tactics.

(PHC letter No. 1546- 1696 Dated Peshawar the 29th February,2000)

C.No. 3(3-7)

MAINTAINING OF ATTENDANCE REGISTER

It has come to the notice of the Hon'ble Chief Justice that some of the staff members of the subordinate Courts do not sign the Attendance Register even for the whole month. In such a situation most of the employees

are presumed to be either absent from duty or on leave. The dominant impression nevertheless would be that the employees were not on duty. The Hon'ble Chief Justice has seriously viewed this unbecoming attitude and desired that corrective measures be taken immediately.

2)- I am, therefore, to request that the Clerk of Court who is responsible for maintaining/supervising attendance be directed to maintain a proper attendance register, complete in all respects, which shall be produced before the Presiding Officer daily for physical checking. It should also be impressed upon all concerned that violation of these instructions would make the defaulting official liable to disciplinary action under the N.W.F.P. Government Servants (Efficiency and Discipline) Rules, 1973.

(PHC letter No. 7971-8014 Dated Peshawar the 30.10.2000)

C.No. 4(3-7)

CHIEF JUSTICE DIRECTIVE # 15 (CLOSE WATCH ON SUBORDINATE STAFF)

I am directed to communicate the following directive issued by the Hon'ble chief Justice.

“Instructions be issued to all the District and Sessions Judges in particular and all the Judicial Officers in general to have a close watch on the subordinate staff in their day to day business. The Authorities may be required to initiate stern disciplinary actions against the delinquent officials, under intimation to this Court”.

I am further directed to request you to circulate the above directive to all the Judicial Officers of your respective Districts for compliance.

(PHC letter No. 656-79/MIT Dated Peshawar, the 24/04/2004)

C.No. 5(3-7)

PART TIME JOB BY COURT EMPLOYEES

It has been brought into the notice of His Lordship the Chief Justice that some of the employees of the District Judiciary have been working part time with the lawyers, resulting in their unwanted interaction and contacts with the litigants, which in turn affects impartial performance of their official duties as such.

I am, therefore, to ask for preventing all the employees of the District Judiciary from such jobs and, in case anyone is found so doing, he may be dealt with according to law/rules.

(PHC letter No. 9300-9323/Admn Dated 01st August, 2005)

C.No. 6(3-7)

DISCIPLINARY PROCEEDINGS

I am directed to refer to the subject noted above and to say that a number of cases have come to the notice of Hon'ble the Chief Justice wherein the disciplinary proceedings against the members of ministerial establishment of District Courts are not carried out strictly in accordance with the laid down procedure, resulting in reversal of the orders passed by the Authority / Authorised Officer in such proceedings. Such reversal of orders causes serious repercussions on the administrative hold over discipline and adversely affects institutional stability. The respective Authorities, Authorised Officers and Enquiry Officers are thus required to adhere to up to date rules on the subject in such proceedings. The Judicial Estacode, 2006 [C.No. 4(5-2)] contains up to date rules so far.

I am, therefore, to ask for circulating these instructions amongst all the Judicial Officers of your district for compliance in future, please.

(PHC letter No. 4180-4203/Admn Dated Peshawar, 05th April, 2007)

C.No. 7(3-7)

COMMITTEE FOR CURBING CORRUPTION.

I am directed to invite your attention to this Court's letter No. 6774-99/Admn: dated 02.06.2011 and National Judicial Policy Para C(3)(ii) (Page 17). For ready reference the relevant para and minutes of the meeting of NJPMC dated 21.05.2011 are reproduced below:

“To curb the malpractices and corruption of courts staff. Munshies/clerks of the lawyers and touts a “Committee” headed by the District & Sessions Judges and President District Bar Association should be formed to entertain complaints against corrupt officials for taking action against them under the law”.
(Para C(3)(ii) of NJP.

“The Committee asked the District & Sessions Judges to constitute Committee for curbing corruption at Tehsil level and

the concerned Judicial Officers be asked to issue a certificate on monthly basis to the effect that no complaint of corruption has been received against the paralegal staff in the respective Tehsil” (Minutes of NJPMC meeting dated 21.05.2011)

Recently some of the District & Sessions Judges have constituted the Committee both at District & Tehsil level but not in accordance with the spirit of the NJP as President of District Bar or Tehsil Bar has not been included as member of the respective Committees. You are, therefore, further directed to constitute the proper Committees and hold regular meetings of these Committees on monthly basis duly minuted.

(PHC Letter No. 5092-5116/Admn, Dated 07th April, 2012)

C.No. 8(3-7)

INSTRUCTIONS TO STENOGRAPHERS / PERSONAL ASSISTANTS.

Enclosed find herewith copy of letter No. 2963/47-Admn/2011 dated 07.10.2011 of the Registrar, High Court of Balochistan, Quetta, on the subject noted above, for information and compliance.

(PHC Ends No. 9920-10291/Admn, Dated the 06th September, 2013)

INSTRUCTIONS TO STENOGRAPHERS / PERSONAL ASSISTANTS.

Following directives of the Hon’ble Chief Justice should be implemented by all Stenographers/Personal Assistants and Judges should ensure compliance:-

1. The orders/judgment to be typed in font size 12 and “Time New Roman” script be used.
2. 1.5 or double (2) line space be used, however, if anything is quoted its spacing may be 1 or 1.5.
3. Reported judgment should be cited by underlining the names of parties followed by the citation .Example
 Muhammad Umar V Government of Balochistan.
 1992 PLD SC (or Supreme Court)343.
 If there are more parties do not write “and others”.
 The citation alone should not be used.
4. All paragraphs should be numbered.

5. Amount should be written both in words and figures/numbers.
Example: Rs. 500/- (Rupees five hundred only)
If the same amount is mentioned again in the judgment/order it need not be written in words again.
6. If abbreviations are used, the same should be introduced first time within brackets, where after the abbreviation may be used.
Example: Advocate General (“AG”), thereafter, AG may be written
7. Dates should be written as under:
15th September 2011 or September 15, 2011.
However, in order sheets written on daily basis dates may be written as under 15.09.2011.
8. Non-English words to be written in italics.
Example: *Nikah Nama*
Mehr
9. A colon is only two dots. One above the other, and not two dots followed by a hyphen.
Example of correction usage: The following cases: and not,
The following cases:-
10. Quotations:
 - (1) Double quotation marks should be used both at the beginning of the quoted text (“) and at the end (”);
 - (2) Long quoted paragraph(s) should be started on a new line and should be indented:
 - (3) If words are omitted in a quotation, you should indicate that words have been deleted by using ellipsis marks, which are three dots ...preceded and followed by a space and
 - (4) If in a quoted text there is a mistake you should write – (sic), which indicates that the mistake is not yours and you are aware of it.
11. Daily order sheet should not have empty spaces. In case empty space cannot be avoided the same should be deleted in pen to ensure against misuse by way of subsequent insertion.
12. The name of lawyers and whose behalf they are appearing should be mentioned under the title and before the text of the judgment/order.

*(Letter No. 2963/47-Admn/2011 Dated 07th October, 2011 of the Registrar,
High Court of Baluchistan)*

C.No. **9**(3-7)**COMPLAINT BOX IN COURT PREMISES**

I am directed to say that this Court is receiving complaints, which ordinarily should have been filed at your level. In order to enable the litigants, public to address their grievances to the authority at their door steps, you are required to install/affix complaint box in a conspicuous place within the Court premise and also to maintain a complaint register with necessary details as per the format given below, for furthering the cause of justice.

Sr#	Complainant name, address & contact No.	Nature of complaint	Date of receipt	Action so taken and date	Signature of Authority with comments, if any and date.

Please acknowledge receipt.

(PHC Letter No. 9233-60/Admn, Dated 06th June, 2014)

C.No. **10**(3-7)**COMPLAINTS AGAINST MINISTERIAL/MENIAL STAFF**

I am directed to say that, complaints are pouring in about corruption/corrupt practices in the ministerial and menial staff of the District Judiciary. The District & Sessions Judge, being the administrative head of the District Judiciary, is bound to supervise the conduct and activities of the ministerial and menial staff as any inaction in this respect not only reflect badly on his administrative abilities but tarnishes the image of the institution.

In this backdrop, Hon'ble the Chief Justice is pleased to direct that, vigilant eye should be kept on the activities of the sub-ordinate staff, and appropriate measure be adopted to check the evil in bud.

(PHC Letter No. 11297-321/Admn Dated 23rd September, 2015)

C.No. **11**(3-7)

TRANSFER PROFORMA

I am directed to refer to the subject noted above and to say that from now onward any member of staff of the District Courts who desires to be transferred from one district to other shall apply on specified proforma (Enclosed herewith).

TRANSFER PROFORMA



Name:	
Father's Name:	
Designation:	
Place of posting	
Working Since: (Note) Length of service shall not be less than 15 years)	
Reason for appointment/posting at existing station	
Details of previous posting(s)/transfer(s)	
Remarks:	

Certificate	
Certified that the contents of this application are true & correct.	
Signature (applicant)	
Approved by the DSJ/SCJ for transfer.	
Signature DSJ/SCJ	
Report / approval of the DSJ/SCJ where the applicant to be transferred.	

Signature DSJ/SCJ

(PHC Letter No.1123-55/Admn Dated 31st January, 2012)

C.No. **12**(3-7)

INDULGENCE OF PARALEGAL STAFF IN CORRUPT PRACTICES

I am directed to say that complaints have been received by the undersigned as well as Hon'ble the Chief Justice regarding corrupt practices of paralegal staff in some of the districts.

Hon'ble the Chief Justice has taken serious notice of the corrupt practices of paralegal staff and has been pleased to direct that stern action may be taken against those found indulged in corrupt practices.

This directive may be circulated amongst all the Judicial Officers under your respective control.

(PHC Letter No12475-523/Admn Dated 21st October, 2013)

C.No. **13**(3-7)

MAINTAINING DISCIPLINE

The ministerial/support staff in the District Judiciary approach this office directly which is against the service discipline and accountability. This trend needs to be discouraged.

That in view, you are requested to please inform all under your control that no application whatsoever will be entertained without the endorsement or covering letter of the District & Sessions Judge concerned.

(PHC Letter No. 2685-2709/Admn, Dated 07th February, 2017)

C.No. **14**(3-7)

REVISION IN THE RATE OF CONVEYANCE CHARGES FOR LATE SITTING.

Reference to the subject noted above.

Forwarded herewith is letter NO. FD/SO(SR-II)8-52/2018 dated 20.03.2018 received from Secretary to Govt of Khyber Pakhtunkhwa Finance Department Peshawar for information, please.

(PHC Letter No. 1021-24/Admn Dated 20th April, 2018)

REVISION IN THE RATE OF CONVEYANCE CHARGES FOR LATE SITTING.

The Competent Authority, is pleased to enhance / revise the rate of Conveyance Charges for late sitting for official working in BPS-1 to 16 (non Gazetted), excluding Drivers/DR, with immediate effect as under: -

Description	Days	EXISTING RATE	REVISED RATE
For official in BPS-1 to 16 (Non Gazetted) excluding Drivers/Dispatched Riders	One working days	Rs. 75/- Per day	Rs. 150/- Per day
	On closed holidays	Rs. 115/- Per day	Rs. 190/- Per day

(Endst No. FD(SOSR-II)/8-52/2018 Dated 20/03/2018)

**SECTION-VIII
JOB DESCRIPTION**

C.No. 1(3-8)

CALENDAR OF JOB DESCRIPTIONS OF JUDICIAL OFFICERS

The jobs given in this calendar have been taken from different laws, instructions and settled practice. Effort has been made to give maximum references to relevant law. Apart from these descriptions of jobs there are many other functions and this list is not all inclusive. Nevertheless, an attempt is made to enlist most important of the jobs here.

C.No. 1(a)(3-8)

I. DISTRICT & SESSIONS JUDGE

1. To see that Performance Evaluation Reports of all the staff of whom he is the appointing authority are record by 15th January each year. (Ch. 18-B, Vol-I of High Court Rules & Orders (HRO))
2. To check half yearly the register of security kept by Superintendent. (Ch. 18-C, Vol-I of HRO)
3. All the plaints and petitions in civil cases to be received and distributed by the District Judge or this power be delegated to any Subordinate Judge under section 15 of West Pakistan Civil Courts Ordinance, 1962. (Rule 3, Ch. 1-B, Vol-I of HRO)
4. The list of all cases so distributed be exhibited outside the Court house daily.
5. To distribute the business in criminal cases under section 17(1) Cr.P.C.
6. To pass orders for disposal of urgent criminal applications while he is absent or incapable of acting under section 17 (3) Cr.P.C.
7. Delegation of powers in his absence from headquarter under section 22 of the West Pakistan Civil Courts Ordinance, 1962.

8. Empowering any other Civil Judge in case of temporary vacancy of office of Civil Judge under section 23 of the West Pakistan Civil Courts Ordinance, 1962.
9. District judge to transfer cases to equalize the civil work by giving date to the parties in the transferee Court [Rule 6, Ch 1-B, Vol-I of HRO].
10. Examination of the plaint in cases retained by the Court.[Rule 1, Ch1-C of Vol-I of HRO]
11. Presiding Officer to decide that whether the Summon is to be issued for final disposal or for settlement of issue [Order 5, Rule 5, CPC].
12. Framing of issues [Rule 2, Ch 1-F of Vol-I of HRO].
13. Examination of parties [Rule 5, Ch-1-F of Vol-I of HRO].
14. Discovery, inspection and admission. [Rule 11, Ch 1-F, Vol-I of HRO].
15. In case of unexpected holiday or unexpected absence, he should himself fix fresh dates on the preceding day in the register. [Rule 4, Ch 1-K, Vol-IV of HRO]
16. District Judge to distribute execution work and to see that execution work is not neglected in Lower Courts [Rule 4&5, Ch 12-A, Vol-I of HRO].
17. District Judge to issue instructions on the subject of translation of Judgments [Rule 10, Ch 11-A, Vol-I of HRO].
18. In case of transfer of Civil cases under section 24 CPC regard should be had to Ch 13, Vol-I of HRO.
19. In remand reasonable time for return of findings by the Lower Court should be fixed. [Rule 24, Ch14-B, Vol-I of HRO].
20. Giving date in case of remand. [Rule 21, Ch 14-B, Vol-I of HRO].
21. Note by Court on limitation and explanation of delay from appellant. [Rule 4,5,6,7,8,9 & 10, Ch 14-D of Vol-I of HRO].

22. Rules of transmission of Appellate Courts Order to Lower Courts [Part E, Ch 14, Vol-I of HRO].
23. Holding of examination of petition writers [Rule VIII of Part B of Petition Writers Rules]
24. Constitution of Board for examination of petition writers [Rule IX of Part B of Petition Writers Rules]
25. Declaration of result of petition writers and submission of statements of their names to the High Court. [Rule X of Part B of Petition Writers Rules]
26. Granting of license to petition writers [Rule XI of Part B of Petition Writers Rules]
27. In case of failure to produce license by petition writer between prescribed period, his name to be posted on Board. [Rule XIV of Part B of Petition Writers Rules]
28. In case of promotion of grade of petition writer, the next grade license is to be issued. [Rule XV of Part B of Petition Writers Rules]
29. May transfer any petition writer from one place to another within district. [Rule XVI of Part B of Petition Writers Rules]
30. Issue of duplicate license to loser petition writer. [Rule XVII of Part B of Petition Writers Rules]
31. Order rewriting of petition to petition writer. [Rule XXXI of Part B of Petition Writers Rules]
32. Breach of Rule XXXV of petition writers rule, offence to be cognizable by District Judge. [Rule XXXVI of Part B of Petition Writers Rules]
33. Keys of will-safe [Ch 7-B, Vol-II of HRO]
34. Being Inspection Judge Civil Nazir to be checked [Rule 12, Ch 8-D, Vol-II of HRO].

35. Grant of leave to official receiver. [Ch 5-A, Vol-II of HRO]
36. Quarterly Inspection of his own court Nazir [Rule 18, Ch-8-D of Vol-II of HRO]
37. Daily checking of accounts, in case the district judge is also having PLA [Rule 32 & 33, Ch 8-D, Vol-II of HRO].
38. Prompt remittance of money to treasury, in case the district judge is also having PLA [Rule 38, Ch-8-D of Vol-II of HRO]
39. List of un-lapsed items, in case the district judge is also having PLA [Rule 43, Ch 8-D, Vol-II of HRO]
40. Physical verification of balance at the hands of Nazir, in case the district judge is also having PLA [Rule 44, Ch 8-D, Vol-II of HRO]
41. Monthly inspection of Nazir's balance with treasury pass book, in case the district judge is also having PLA [Rule 45, Ch 8-D, Vol-II of HRO]
42. Statements of lapsed items to be prepared, in case the district judge is also having PLA [Rule 48, Ch 8-D, Vol-II of HRO]
43. Checking of register, at least once a month, relating to pecuniary transactions by the Presiding Officer [Rule 4, CH-8-A, Vol-II of HRO].
44. Daily checking of cash book [Rule 8, CH-8-A, Vol-II of HRO]
45. Inquiry into embezzlement [Rule 5, 6 CH-8-B, Vol-II of HRO]
46. Maintenance of Land Acquisition Register [Rule 2, CH-8-D, Vol-II of HRO]
47. Quarterly inspection of Register of Process Servers and Bailiff Note Book [Rule 18, CH-8-D, Vol-II, Rule 3, CH-8-E, Vol-II of HRO]
48. Supervision and control of District Judge over subordinate courts – parameters [Rule 3, CH-1-A, Vol-IV of HRO]

49. Errors and Irregularities of lower courts – In Appellate Jurisdiction – Parameters [Rule 4, CH-1-A, Vol-IV of HRO]
50. Pecuniary control – Report of defalcation in accounts [CH-1-B, of Vol-IV of HRO]
51. Periodical Inspection by District Judge of subordinate courts [CH-1-C of Vol-IV of HRO]
52. Inspection by presiding officer of his own Court [Rule 10, CH-1-C of Vol-IV of HRO]
53. Assumption and Relinquishment of charges or appointments [CH-1-E, Vol-IV, Rule 15, CH-18, Vol-IV of HRO]
54. Circular Orders issued by District Judge only with prior approval of High Court [Rule 6, CH-2-A of Vol-IV of HRO]
55. Surprise Inspection to check cancellation of Court fee stamps [Rule 5, CH-2-B of Vol-IV of HRO]
56. Memorandum of points to be attended by inspection officers [Part I to V of CH-2-B of Vol-IV of HRO]
57. Dispatcher & receiver to be notified [Rule 7, CH-16-A Vol-IV of HRO]
58. Weeding out of books [Rule 16, CH-18, Vol-IV of HRO]
59. Annual checking of library [Rule 17, CH-18, Vol-IV of HRO]
60. Loss or damage of Record [Rule 5, CH-19, Vol-IV of HRO]
61. Signatures and addresses of officer on orders / correspondence [Rule 6, CH-19-B Vol-IV of HRO]Parwana and Arzi [Rule 7, CH-19-B Vol-IV of HRO]
62. Responsibility of preparation of estimated revenue and expenditure [Rule 4, CH-21-A, Vol-IV of HRO]
63. Procedure to be adopted whenever a civil construction work is proposed [CH-22 Vol-IV of HRO]

64. Placement of Furniture card on Wall [Rule 2, CH-22-C, Vol-IV of HRO]
65. Periodical returns and report [CH-23, Vol-IV of HRO]
66. Submission of Indents for Registers [Rule 1, CH-24, Vol-IV of HRO]
67. Submission of Indents for supply of Form [Rule 2, CH-25-A, Vol-IV of HRO]
68. Each page of account book to be paged [Rule 54, Ch 8-D, Vol-II of HRO]
69. Adjournment caused by holiday, how to be dealt with [Rule 8, CH-1-A, Vol-III of HRO]
70. Bail applications on holidays [Rule 7, CH-10, Vol-III of HRO]
71. Remand case should be fixed back in proper place – Procedure [CH-14-E, Vol-I of HRO]
72. Inspection of Judicial lockup [CH-27, Vol-III of HRO]
73. Judicial Fines to be deposited daily [Rule 5, Ch 11, Vol, IV of HRO]
74. Quarterly statements of fine realized to be sent to Sessions Judge [Rule 22, Ch 11, Vol-IV of HRO]
75. Monthly reconciliation of all deposits in treasury. [GFR]
76. Table of Process Fee outside Court room [S-21, Court Fee Act]
77. Delegatee of Financial Powers (Khyber Pakhtunkhwa Delegation of Financial Power Rules, 2018)
78. For procurement see Khyber Pakhtunkhwa Public Procurement of Goods, Works and Services Rules, 2013.
79. For maintenance of vehicles see the Government Staff Vehicles (Use & Maintenance) Rules, 1997.

C.No. **1(b)**(3-8)

II. ADDITIONAL DISTRICT & SESSIONS JUDGE

1. Examination of the plaint in terms of Rule 1 of Chapter 1-C of Vol-I of High Court Rules and orders.
2. Presiding Officer to decide that whether the summons is to be issued for final disposal or for settlement of issues [Order 5, Rule 5 of CPC]
3. Signing of summons himself or authorization to Reader. [Rule 6, Ch 1-D, Vol-I of HRO].
4. Framing of issues [Rule 2, Ch 1-F of Vol-I of HRO].
5. Examination of parties [Rule 5, Ch-1-F of Vol-I of HRO].
6. Discovery, inspection and admission. [Rule 11, Ch 1-F, Vol-I of HRO].
7. In case of unexpected holiday or unexpected absence, he should himself fix fresh dates on the preceding day in the register. [Rule 4, Ch 1-K, Vol-IV of HRO].
8. In remand reasonable time for return of findings by the Lower Court should be fixed. [Rule 24, Ch14-B, Vol-I of HRO].
9. Giving date in case of remand. [Rule 21, Ch 14-B, Vol-I of HRO].
10. Note by Court on limitation and explanation of delay from appellant. [Rule 4,5,6,7,8,9 & 10, Ch 14-D of Vol-I of HRO].
11. Reference can be made to High Court through D & SJ [Rule 6, Ch 15, Vol-I of HRO].
12. Checking of register at least once a month relating to procuring transactions by the Presiding Officers [Rule 4, CH-8-A, Vol-II of HRO]
13. Daily checking of cash book [Rule 8, CH-8-A, Vol-II of HRO]
14. Inquiry into embezzlement [Rule 5, 6, CH-8-B, Vol-II of HRO]

15. Errors and Irregularities of lower courts – In Appellate Jurisdiction – Parameters [Rule 4, Ch 1-A, Vol-IV of HRO]
16. Pecuniary control – Report of defalcation in accounts [CH-1-B, of Vol-IV of HRO]
17. Inspection by presiding officer of his own Court [Rule 10, CH-1-C of Vol-IV of HRO]
18. Memorandum of points to be attended by inspection officers [Part I to V of CH-2-B of Vol-IV of HRO]
19. Dispatcher & receiver to be notified [Rule 7, CH-16-A Vol-IV of HRO]
20. Weeding out of books [Rule 16, CH-18, Vol-IV of HRO]
21. Annual checking of library [Rule 17, CH-18, Vol-IV of HRO]
22. Loss or damage of Record [Rule 5, CH-19, Vol-IV of HRO]
23. Signatures and addresses of officer on orders / correspondence [Rule 6, CH-19-B Vol-IV of HRO]
24. Placement of Furniture card on Wall [Rule 2, CH-22-C, Vol-IV of HRO]
25. In case of transfer of Civil cases under section 24 CPC regard should be had to Ch- 13, Vol-I of HRO]
26. Judicial Fines to be deposited daily [Rule 5, Ch 11, Vol, IV of HRO]
27. Quarterly statements of fine realized to be sent to Sessions Judge [Rule 22, Ch 11, Vol-IV of HRO]
28. Monthly reconciliation of all deposits in treasury. [GFR]
29. Table of Process Fee outside Court room [S-21, Court Fee Act]

C.No. 1(c)(3-8)

III. SENIOR CIVIL JUDGE

1. To see that Performance Evaluation Reports of all the staff of whom he is the appointing authority are record by 15th January each year. (Ch. 18-B, Vol-I of HRO)
2. To check half yearly the register of security kept by clerk of court. (Ch. 18-C, Vol-I of HRO)
3. Examination of the plaint in cases retained by the Court.[Rule 1, Ch1-C of Vol-I of HRO].
4. The list of all cases distributed amongst Civil Judge be exhibited outside the Court house daily, provided Senior Civil Judges is authorized to distribute the cases. (Rule 3, Ch. 1-B, Vol-I of HRO)
5. While distributing business he should keep in mind Rule 3(ii) of Ch 1-B, Vol-I of HRO
6. Presiding Officer to decide that whether the summon is to be issued for final disposal or for settlement if issues [Order 5, Rule 5 CPC].
7. Signing of summon himself or authorization to COC [Rule 6, Ch 1-D, Vol –I of HRO].
8. Framing of issues [Rule 2, Ch 1-F, Vol –I of HRO].
9. Examination of parties [Rule 5, Ch 1-F, Vol-I of HRO].
10. Discovery, inspection and admission. [Rule 11, Ch 1-F, Vol –I of HRO].
11. In case of unexpected holiday or unexpected absence he should himself fix fresh dates on the preceding day in the register. [Rule 4, Ch 1-K, Vol-IV of HRO]
12. To see that money realized in execution is accounted for [Rule 7, Ch 12-A, Vol-I of HRO].

13. In case of transfer of Civil cases under section 24 CPC regard should be had to Ch- 13, Vol-I of HRO.
14. In case of remand if time cannot be honoured the Lower Court to apply for extension of time to Appellate Court [Rule 24, Ch 14-B, Vol-I of HRO].
15. In case of remand under Rule 23, Order XLI CPC, the case be registered on its original No, In case of re-investigation of certain issues under Order XLI Rule 25 CPC, it should remain on the register of Appellate Court.
16. Statement of Serving Officer [Rule 28, Ch 14-B, Vol-I of HRO].
17. Reference can be made to High Court through D & SJ [Rule 6, Ch 15, Vol-I of HRO].
18. Return of money.[Rule 17, Ch 8-D, Vol-II of HRO].
19. Periodical Inspection of his own court's Nazir [Rule 18, Ch-8-D of Vol-II of HRO]
20. Checking of Process Servers note book [Rule 23, Ch 8-D, Vol-II of HRO].
21. Daily checking [Rule 32, 33, Ch 8-D, Vol-II of HRO].
22. Prompt remission of money to treasury [Rule 38, Ch 8-D, Vol-II of HRO]
23. List of un-lapsed items, in case the district judge is also having PLA [Rule 43, Ch 8-D, Vol-II of HRO]
24. Physical verification of balance at the hands of Nazir, in case the district judge is also having PLA [Rule 44, Ch 8-D, Vol-II of HRO]
25. Monthly inspection of Nazir's balance with treasury pass book, in case the district judge is also having PLA [Rule 45, Ch 8-D, Vol-II of HRO]
26. Statements of lapsed items to be prepared. [Rule 48, Ch 8-D, Vol-II of HRO]

27. Each page of account book to be paged [Rule 54, Ch 8-D, Vol-II of HRO]
28. Checking of register at least once a month relating to procuring transactions by the Presiding Officers [Rule 4, CH-8-A, Vol-II of HRO]
29. Daily checking of cash book [Rule 8, CH-8-A, Vol-II of HRO]
30. Inquiry into embezzlement [Rule 5, 6, CH-8-B, Vol-II of HRO]
31. Quarterly inspection of Register of Process Servers and Bailiff Note Book [Rule 18, CH-8-D, Vol-II, Rule 3, CH-8-E, Vol-II of HRO]
32. Pecuniary Control – Report of defalcation in accounts [CH-1-B, of Vol-IV of HRO]
33. Inspection by Presiding Officer of his own court [Rule 10, CH-1-C of Vol-IV of HRO]
34. Belts and Bedys of Bailif and Process Server [Rule 8, CH-6-A, Vol-IV of HRO]
35. Dispatcher & receiver to be notified [Rule 7, CH-16-A Vol-IV of HRO]
36. Weeding out of books [Rule 16, CH-18, Vol-IV of HRO]
37. Annual checking of library [Rule 17, CH-18, Vol-IV]
38. Loss or damage of Record [Rule 5, CH-19, Vol-IV of HRO]
39. Signatures and addresses of officer on orders / correspondence [Rule 6, CH-19-B Vol-IV of HRO]
40. Parwana and Arzi [Rule 7, CH-19-B Vol-IV of HRO]
41. Responsibility of preparation of estimated revenue and expenditure [Rule 4, CH-21-A, Vol-IV of HRO]

42. Placement of Furniture Card on the wall [Rule 2, CH-22-C, Vol-IV of HRO]
43. Periodical returns and reports [CH-23, Vol-IV of HRO]
44. Remand case should be fixed back in proper place – Procedure [CH-14-E, Vol-I of HRO]
45. Judicial Fines to be deposited daily [Rule 5, Ch 11, Vol, IV of HRO]
46. Quarterly statements of fine realized to be sent to Sessions Judge [Rule 22, Ch 11, Vol-IV of HRO]
47. Monthly reconciliation of all deposits in treasury. [GFR]
48. Table of Process Fee outside Court room [S-21 Court Fee Act]
49. Delegatee of Financial Powers ((Khyber Pakhtunkhwa Delegation of Financial Power Rules, 2018)
50. For procurement see Khyber Pakhtunkhwa Public Procurement of Goods, Works and Services Rules, 2013.

C.No. **1(d)**(3-8)

IV. SENIOR CIVIL JUDGE (JUDICIAL)¹

1. Disposal of judicial work of civil nature including Succession, Guardianship, Rent, Family, Insolvency, overseas Pakistani cases, environmental issues etc and that of criminal nature already defined and elaborated in any local or special law enforced for the time being, High Court Rules & Orders and Judicial Esta Code, excluding administrative work
2. Marking of all cases to Civil Judges

C.No. **1(e)**(3-8)

V. SENIOR CIVIL JUDGE (ADMINISTRATION)²

1. Regular procurement falling within the domain of Senior Civil Judge:

¹ Added vide PHC Notification No.291-J dated Peshawar 27th November 2018

² Added vide PHC Notification No.291-J dated Peshawar 27th November 2018

2. Compilation and maintenance of data of criminal and Civil cases and provision of information regarding all daily/fortnightly/monthly and quarterly performance and inspection reports of the district judiciary and required by the Secretariat and High Court;
3. All matters relating to Process Serving Agency (Nazarat Branch);
4. All related matters of the establishment of Senior Civil Judge/Process Serving Agency including recruitment, posting, transfer, promotion, disciplinary actions, attendance, leave etc and preparation of SNEs for creation of new posts;
5. Stop-gap arrangements of Court staff (as per necessity);
6. Supervision of pay and allowances of the establishment of Senior Civil Judge and other allied matters as DDO in terms of Delegation of Financial Power Rules, 2018;
7. Preparation of budget including pay, TA bills of the establishment of Senior Civil Judge including Civil Judges and contingency;
8. All matters relating to the accounts of Civil Courts including revenue deposits, Sheriff Petty Accounts, Minor's Accounts etc and its regular transmission to the quarter concerned including documents preparation thereof;
9. Auction of properties where necessary;
10. Regular inspection of judicial buildings / residential buildings, their maintenance and repair, security and maintenance of their proper record in the relevant registers;
11. Stock taking of all movable assets and amenities of the Courts including handing and taking over of residential buildings on transfer of allottees;
12. Subject to general control of District & Sessions Judge, Supervision of record room, copying agency, library, judicial lockup, information Kiosk and automation of court record;
13. Supervision of cleanliness and sanitation of the courts and judicial colonies, greenery and beautification and commercial activities in the Courts premises;
14. General Administrative input under supervision of District & Sessions Judge particularly to liaise with the Judicial Officers, Khyber Pakhtunkhwa Judicial Academy, PJC, Bench and other departments;
15. Scheduling and arranging all monthly meeting including Criminal Justice Coordination Committee, Bench-Bar Liaison

- and Judicial Officers monthly meetings etc by taking requisite data and regular follow up of the decisions;
16. Head of Juvenile Justice Committee established under section 10 of the Juvenile Justice System Act, 2018;
 17. Arrangements of training for the Judicial Officers and staff at local level including workshops;
 18. Computerization of record and implementation of CFMIS;
 19. Subject to overall supervision of the District & Sessions Judge looking after the matters relating to the official transport;
 20. Mechanisms for the Incentive and Reward policy under the overall supervision of District & Sessions Judge;
 21. At the end of each month, ensure reconciliation of fines collected by the courts of Judicial Magistrates;
 22. To assist the District & Sessions Judge in supervision of the Oath Commissioners, Notary Public and Deed/Petition writers with particular reference to their working and fees etc;
 23. Channel of communication with the High Court and other Government departments;
 24. Maintenance of PERs and declaration of assets of staff;
 25. Maintenance of English files;
 26. Reporting loss and damage of the record through proper channel;
 27. Maintaining record of specimen signatures, addresses including contact number and Email of the Judicial Officers and staff.
 28. Maintain list of bail bonds / sureties and its updating on daily basis;
 29. Any other administrative task assigned by the District & Sessions Judge concerned;
 30. Judicial work as assigned by the District & Sessions Judge concerned.

Note:The District & Sessions Judge may, with the concurrence of High Court mutually transfer the two Senior Civil Judges not before one year of work at the same station

C.No. 1(f)(3-8)

VI. CIVIL JUDGE & JUDICIAL MAGISTRATE

1. Examination of the plaint in cases retained by the Court.[Rule 1, Ch1-C of Vol-I of HRO]

2. Presiding Officer to decide that whether the summons is to be issued for final disposal or for settlement if issues. [Order 5, Rule 5 of CPC]
3. Signing of summons himself or authorization to Reader. [Rule 6, Ch 1-D of HRO, Vol –I of HRO].
4. Framing of issues [Rule 2, Ch 1-F, Vol-I of HRO].
5. Examination of parties [Rule 5, Ch-1-F of Vol-I of HRO].
6. Discovery, inspection and admission. [Rule 11, Ch 1-F, Vol –I of HRO].
7. In case of unexpected holiday or unexpected absence, he should himself fix fresh dates on the proceeding day in the register. [Rule 4, Ch 1-K, Vol-IV of HRO]
8. Return of money.[Rule 17, Ch 8-D, Vol-II of HRO].
9. Reference case be made to High Court through D & SJ [Rule 6, Ch 15, Vol-I of HRO].
10. Checking of register at least once a month relating to procuring transactions by the Presiding Officers [Rule 4, CH-8-A, Vol-II of HRO]
11. Daily checking of cash book [Rule 8, CH-8-A, Vol-II of HRO]
12. Inquiry into embezzlement [Rule 5, 6, CH-8-B, Vol-II of HRO]
13. Pecuniary control – Report of defalcation in accounts [CH-1-B, of Vol-IV of HRO]
14. Inspection by presiding officer of his own Court [Rule 10, CH-1-C of Vol-IV of HRO]
15. Memorandum of points to be attended by inspection officers [Part I to V of CH-2-B of Vol-IV of HRO]
16. Dispatcher & receiver to be notified [Rule 7, CH-16-A Vol-IV of HRO]
17. Weeding out of books [Rule 16, CH-18, Vol-IV of HRO]
18. Annual checking of library [Rule 17, CH-18, Vol-IV of HRO]
19. Loss or damage of Record [Rule 5, CH-19, Vol-IV of HRO]

20. Signatures and addresses of officer on orders / correspondence [Rule 6, CH-19-B Vol-IV of HRO]
21. Placement of Furniture card on Wall [Rule 2, CH-22-C, Vol-IV of HRO]
22. In case of transfer of Civil cases under section 24 CPC regard should be had to Ch- 13, Vol-I of HRO]
23. Judicial Fines to be deposited daily [Rule 5, Ch 11, Vol, IV of HRO]
24. Quarterly statements of fine realized to be sent to Sessions Judge [Rule 22, Ch 11, Vol-IV of HRO]
25. Monthly reconciliation of all deposits in treasury. [GFR]
26. Table of Process Fee outside Court room [S-21, Court Fee Act]

C.No. 2(3-8)

CALENDAR OF JOB DESCRIPTIONS OF STAFF OF DISTRICT JUDICIARY

The jobs given in this calendar have been taken from different laws, instructions and settled practice. Effort has been made to give maximum references to relevant law. Apart from these descriptions of jobs there are many other functions and this list is not all inclusive. Nevertheless, an attempt is made to enlist most important of the jobs here.

I. SUPERINTENDENT COURT OF DISTRICT & SESSIONS JUDGE

1. Maintenance of character Rolls of all the staff of whom the District & Sessions Judge is the appointing authority [Ch 18-B, Vol-I of High Court Rules & Orders (HRO)].
2. Submission of blank form of Performance Evaluation Reports of the staff to concerned reporting officer. (Ch. 18-B, Vol-I of HRO)
3. Maintenance of Register of Security of Officials required to give security. [Ch 18-C, Vol-I of HRO].

4. To see that all appeals, complaints and petitions etc, received in the court are properly stamped with court fee [Rule 5, Ch1-B, Vol-I of HRO].
5. Comparison of copies of accounts under Order 7 Rule 17 CPC, in cases retained by the District Judge for disposal.
6. Signing of summons if authorized by District Judge [Rule 6, CH 1-D, Vol-I of HRO].
7. To examine the letters of request and commission [Rule 34, Ch 10-F, Vol-I of HRO].
8. Reception of memorandum of appeals [Rule 5, Ch 14-B, Vol-I of HRO].
9. Memo of appeal to be checked for purpose of limitation [Rule1&2, Ch 14-D, Vol-I of HRO].
10. To assist District and Sessions Judge in performing his duties as to petition writers.
11. Checking of Process Servers register of the Agency of District & Sessions Judge. [Rule 23, Ch 8-D, Vol-II of HRO].
12. Public Notice as to money transaction. [Rule 6(b), Ch-9-A, Vol-II of HRO].
13. Nazir accounts to be checked. [Rule 9, Ch-9-A, Vol-II of HRO].
14. Monthly checking of Register of processes. [Rule 18, Ch-8-D, Vol-II of HRO].
15. Accounts of process fee and costs of establishment to be maintained. [Rule 8, Ch-5-A, Vol-IV of HRO].
16. Incharge of library. [Rule 9, Ch-18, Vol-IV of HRO].
17. Budget Estimates as directed by Presiding Officer.
18. All correspondence pertaining to Court of District & Sessions Judge.

19. Review of monthly and annual statement both civil and criminal of all Courts.
20. Matters of establishment of District & Sessions Judge.
21. Checking and verification of copies issued by the Sessions courts.
22. Receipt of all the dak from other offices and marking to concerned officers.
23. Daily checking of copying accounts.
24. General Supervision of the work of staff.
25. Maintenance of stock register.

II. SENIOR SCALE STENOGRAPHER

1. Dictation of Judgments [Rule 7, Ch 11-A, Vol-I of HRO].
2. In camp carries clerical duties.

III. JUNIOR SCALE STENOGRAPHER

1. Dictation of Judgments [Rule 7, Ch 11-A, Vol-I of HRO].
2. In camp carries clerical duties.

IV. READER TO THE COURT OF DISTRICT/ADDITIONAL DISTRICT & SESSIONS JUDGE

1. Preparation of cause list of cases and exhibiting the same in the veranda of Court house one day before [Ch 1-A, Vol-I of HRO].
2. To see that all appeals, plaints and petitions etc received in the court are properly stamped with Court fee [Rule 5, Ch 1-B, Vol-I of HRO].
3. Comparison of copies of accounts under Order 7, Rule 17 CPC.
4. Giving Parcha Yadashat [Rule 13, Ch-1-C, Vol-I of HRO].

5. Signing of summons other than Court of District Judge, if authorized by the Presiding Officer. [Rule 6, Ch-1-D, Vol-I of HRO].
6. Giving information to the parties and witnesses of the next date in case of adjournment due to unexpected holiday or unexpected absence of Presiding Officer [Rule 4, Ch 1-K, Vol-I of HRO].
7. Recording note on warrant of attachment that all the formalities have been complied with [Rule 4, Ch-12-H, Vol-I of HRO].
8. Memo of appeal to be checked for purpose of limitation except court of District & Sessions Judge. [Rule 1&2, Ch 14-D, Vol-I of HRO].
9. Noting of number of case on application involving a deposit in the Sheriffs' Petty Account. [Rule 13, Ch 8-D, Vol-II of HRO].
10. Certificate to the effect that the subsistence allowance of all the servants of the state who appeared as witnesses in the case has been credited into the treasury under the relevant head. [Rule 50, Ch 8-D, Vol-II of HRO].
11. Certificates regarding diet money before consignment [Rule 29, Ch-8-D, Vol-II of HRO].
12. Records about service [Rule 3, Ch-7-B, Vol-IV of HRO].
13. To ensure that court room is locked.[Rule 10, Ch-18, Vol-IV of HRO].
14. Posting of correction slips in books.[Rule 14, Ch-18, Vol-IV of HRO].
15. Preparation of list of connected record. [Rule 5, Ch-20, Vol-IV of HRO].
16. Maintenance of registers of dates. (Part A-IV, Vol-VI & Part B-IV, Vol-VI of HRO)
17. Maintenance of register of return of documents. (Part A-IV, Vol-VI of HRO)

18. Maintenance of register of return of complaints. (Part A-IV, Vol-VI of HRO)
19. Maintenance of register of appointment of commission. (Part A-IV, Vol-VI of HRO)
20. Maintenance of register of Fine. (Part B-IV, Vol-VI of HRO)
21. Maintenance of stock register of Court other than that of District and Sessions Judge.
22. Maintenance of register of attendance.
23. Maintenance of register of general correspondence other than that of District and Sessions Judge.
24. Maintenance of management file other than court of District and Sessions Judge.
25. Maintenance of register of correspondence.
26. Maintenance of register of stamp deficiencies. (Part A-IV, Vol-VI of HRO)
27. Judicial Fines to be deposited daily [Rule 5, Ch 11, Vol, IV of HRO]
28. Quarterly statements of fine realized to be sent to Sessions Judge [Rule 22, Ch 11, Vol-IV of HRO]

V. CLERK OF COURT TO THE COURT OF SENIOR CIVIL JUDGE

1. Maintenance of character Rolls of all the staff of whom the Senior Civil Judge is the appointing authority [Ch 18-B, Vol-I of HRO].
2. Submission of blank form of Performance Evaluation Reports of the staff to concerned reporting officer. [Ch 18-B, Vol-I of HRO]
3. Maintenance of Register of Security of Officials required to give security [Ch 18-C, Vol-I of HRO].

4. To see that all appeals (if any), plaints and petitions received in the court are properly stamped with court fee [Rule 5, Ch 1-B, Vol-I of HRO].
5. Comparison of copies of accounts under Order 7 Rule 17 CPC, in cases retained by the Senior Civil Judge for disposal.
6. Memo of appeal to be checked for purpose of limitation [Rule1&2, Ch 14-D, Vol-I of HRO].
7. Public Notice as to money transaction. [Rule 6(b), Ch-9-A, Vol-II of HRO].
8. Monthly checking of Register of processes. [Rule 18, Ch-8-D, Vol-II of HRO].
9. Monthly checking of Process Servers' Note Book. [Rule 23, Ch-8-D, Vol-II of HRO].
10. Incharge of library. [Rule 9, Ch-18, Vol-IV of HRO].
11. Maintenance of stock register
12. Maintenance of register of general correspondence.
13. Maintenance of management file.

VI. ACCOUNTANT/NAZIR

1. Budget Estimates as directed by Presiding Officer.
2. Signatures of all the Presiding Officers to be kept. [Rule 1, Ch-9-B, Vol-III of HRO].
3. Preparation of Pay & TA Bills of Judges and Establishment.
4. Preparation of contingent bills.
5. Correspondence connected with financial matters
6. Control over office contingency.

7. Preparation of progressive statement of expenditure.
8. Signatures of all the Presiding Officers (District and Sessions Judge and Additional District and Sessions Judges) to be kept [Rule 1, Ch-9-B, Vol-III of HRO].
9. Quarterly statements of fine realized to be sent to Sessions Judge [Rule 22, Ch 11, Vol-IV of HRO]
10. Monthly reconciliation of all deposits in treasury. [GFR]

VII. CIVIL NAZIR

1. Service of process of attachment of immovable property by himself or through his subordinate [Rule 3, Ch 12-H of HRO, Vol-I].
2. Jewels and portable property brought to the Court to be placed in cash chest. [Rule 2, Ch 12-K, Vol-I of HRO].
3. Civil Courts Deposit Account. [Ch 10, Vol-II of HRO]
4. Sheriffs' Petty Account. [Ch 9, Vol-II of HRO]
5. Deposit of cash of Sheriffs' Petty daily and monthly. [Rule 2, Ch-8-D, Vol-II of HRO].
6. Register of Receipt, Cash Book etc. [Ch-8-D, Vol-II of HRO].
7. Submission of report as to the members of establishment. [Rule 11, Ch-8-D, Vol-II of HRO].
8. Distribution of processes. [Rule 11, Ch-8-D, Vol-II of HRO].
9. To see that prescribed accounts are properly maintained. [Rule 11, Ch-8-D, Vol-II of HRO].
10. To prepare correspondence regarding the payment of diet money of witnesses and other similar matters. [Rule 11, Ch-8-D, Vol-II of HRO].
11. How deposit in Sheriffs' Petty account to be received. [Section-III, Ch-8-D, Vol-II of HRO].

12. How service of process of outside district to be dealt with. [Section-III, Ch-8-D, Vol-II of HRO].
13. Transmission of process and money between Agencies. [Section-V, Ch-8-D, Vol-II of HRO].
14. How deposit is Sheriffs' Petty claimed by LRs of deceased to be dealt with. [Rule 30, Ch-8-D, Vol-II of HRO].
15. Payment Order of Sheriffs' Petty to lapse after one month how revalidated. [Rule 31, Ch-8-D, Vol-II of HRO].
16. Lapsed deposit of Sheriffs' Petty how to be dealt with. [Section-XI, Ch-8-D, Vol-II of HRO].
17. Monthly verification of Accounts of Sheriff's Petty to be done. [Section X, Ch-8-D, Vol-II of HRO].
18. Diet Money of State Servants appearing as witnesses, how to be dealt with. [Rule 50, Ch-8-D, Vol-II of HRO].
19. Particulars of warrant to be entrusted in Bailiff's Note Book. [Rule 4, Ch-8-E, Vol-II of HRO].
20. Civil Court deposit, how to deal (voucher system). [Section-C, Ch-8-E, Vol-II of HRO].
21. Table of fee chargeable on processes should be exhibited in each court. [Rule 1, Ch-5-A, Vol-IV of HRO].
22. Particulars to be noted on process issued. [Rule 7, Ch-5-A, Vol-IV of HRO].
23. Account of process fee and costs of establishment to be maintained. [Rule 8, Ch-5-A, Vol-IV of HRO].
24. Register of process servers with remarks column to be maintained. [Rule 5, Ch-6-A, Vol-IV of HRO].

25. Distribution of business amongst process servers. [Rule 9, Ch-6-A, Vol-IV of HRO].
26. Stocking of Forms. [Rule 8, Ch-25-A, Vol-IV of HRO].
27. Budget Estimates. [As directed by PO].
28. Signatures of all the Presiding Officers to be kept. [Rule 1, Ch-9-B, Vol-III of HRO].
29. Maintenance of stock register.
30. Monthly reconciliation of all deposits in treasury. [GFR]

VIII. K.P.O/COMPUTER OPERATOR

1. Judgment writing.
2. Automated cause list.
3. Periodical statements.
4. Other computer related job.

IX. READER TO THE COURT OF SENIOR/CIVIL JUDGE/JUDICIAL MAGISTRATE

1. Preparation of cause list of cases and exhibiting the same in the veranda of Court house one day before [Ch 1-A, Vol-I of HRO].
2. To see that all appeals (if any), plaints and petitions etc received in the court are properly stamped with Court fee [Rule 5, Ch 1-B, Vol-I of HRO].
3. Comparison of copies of accounts under Order 7, Rule 17 CPC.
4. Giving Parcha Yadashat [Rule 13, Ch-1-C, Vol-I of HRO].
5. Signing of summons other than Court of District Judge, if authorized by the Presiding Officer. [Rule 6, Ch-1-D, Vol-I of HRO].
6. Giving information to the parties and witnesses of the next date in case of adjournment due to unexpected holiday or unexpected absence of Presiding Officer [Rule 4, Ch 1-K, Vol-I of HRO].
7. Noting of number of case on application involving a deposit in the Sheriffs' Petty Account. [Rule 13, Ch 8-D, Vol-II of HRO].
8. Certificate to the effect that the subsistence allowance of all the servants of the state who appeared as witnesses in the case has been credited into the treasury under the relevant head. [Rule 50, Ch 8-D, Vol-II of HRO].

9. Information to Nazir regarding statement of state witnesses. [Rule 50, Ch-8-D, Vol-II of HRO].
10. Reader's Note about service. [Rule 3, Ch-7-B, Vol-IV of HRO].
11. Index of files. [Part-II of Ch-16-A, Vol-IV of HRO].
12. In charge of library. [Rule 9, Ch-18, Vol-IV of HRO].

13. To ensure that court room is locked. [Rule 10, Ch-18, Vol-IV of HRO].
14. Posting of correction slips in books. [Rule 14, Ch-18, Vol-IV of HRO].
15. Preparation of list of connected record. [Rule 5, Ch-20, Vol-IV of HRO].
16. Maintenance of registers of dates (Part A-IV, Vol-VI of HRO)
17. Maintenance of register of return of documents. (Part A-IV, Vol-VI of HRO)
18. Maintenance of register of return of plaints. (Part A-IV, Vol-VI of HRO)
19. Maintenance of register of appointment of commission. (Part A-IV, Vol-VI of HRO)
20. Maintenance of register of Fine. (Part B-IV, Vol-VI of HRO)
21. Maintenance of stock registers of Court other than that of Senior Civil Judge.
22. Maintenance of register of attendance
23. Maintenance of Register of General Correspondence other than that of Senior Civil Judge.
24. Maintenance of Management file other than that of Senior Civil Judge.
25. Judicial Fines to be deposited daily [Rule 5, Ch 11, Vol, IV of HRO]
26. Quarterly statements of fine realized to be sent to Sessions Judge [Rule 22, Ch 11, Vol-IV of HRO]

X. RECORD KEEPER

1. Record Keeper to ensure that certificate of reader regarding diet money is attached with file. [Rule 29, Ch-8-D, Vol-II of HRO].
2. Checking of record by the Record Keeper. [Rule 6, Ch-16-A, Vol-IV of HRO].
3. How to hand over judicial record to successor on transfer or leave. [Ch-16-D, Vol-IV of HRO].
4. To check list of connected record. [Rule 5, Ch-20, Vol-IV of HRO].
5. Checking of record received from the High Court. [Rule 6, Ch-20, Vol-IV of HRO].

6. Transmission of record of High Court. [Rule 7, 8 & 9, ch-20, Vol-IV of HRO].
7. To maintain a register C.D.8 for receipt of application and judicial files for copying purpose.
8. The reason for delay in handing over record to copying agency be given daily on the application for copies.
9. If it is not possible or desirable to hand over file then only the copy of concerned document be given to file fetcher and receipt taken in this respect.
10. To maintain a running list of all the cases in which copies of judgment have been sent out. [Rule 5, CH 14-E, Vol-I of HRO].
11. To direct & supervise all the current business of receiving and issuing records (CH-19 District Office Manual Punjab).
12. Receiving, examining, registering, placing, issuing and restoring files.
13. To perform all functions as catered in District Office Manual Punjab Chapter 9.
14. Some important task under District Office Manual Punjab Chapter 9 are as under.
 - a. Entry of all civil & criminal files in the registers and goshwara.
 - b. Necessary alteration in the index on receipt of the appellate or other paper regarding the period of retention.
 - c. Attachment of appeal, review, revision and execution files to the original file.
 - d. To separate "A" files from "B" files by the record rooms officials.
 - e. Arrangement of file by Muaziat or Khuliat.
 - f. Memorandum (Form R-16) to put in the bastas of the village.
 - g. To see whether proper Court fee have been realized.
 - h. To see whether stamp affixed to documents etc are genuine.
 - i. To see whether figure head of stamp has been punched by Court officials.
 - j. To punch second or third hole in the stamps.
 - k. To see whether form R-9 signed by Muharrir on receipt of files.
 - l. To see whether files are requisitioned by courts on form R-8.
 - m. Days to be fixed for receipt of files from each Muharrir.
 - n. To place the requisition slip (R-8) in the bundle in place of the files issued from the record room.

- o.* To send on the second day of the first month of each quarter a list in Form (R-10) of the files to Muharrir for verification.
- p.* To see whether files are sent by courts within 10 days or a week and beyond that Form (R-18) is sent by the Court.
- q.* To maintain register in Form (R-12).

XI. ENGLISH CLERK

1. In charge of library [Rule 9, Ch-18-Vol-IV of HRO].
2. Work of stationary.
3. Issue & receipt of concerned dak.
4. Prepares all correspondence and notes of the superintendent.
5. Prepares all indents.
6. Annual returns of petition writers
7. Maintenance of register of correspondence.
8. Maintenance of management file.

XII. VERNACULAR CLERK

1. Issued & Receipt of vernacular business (Ch 19-B, Vol-IV of HRO).

XIII. COPYING SUPERVISOR

1. To maintain stock of receipt book in form CD-10.
2. To keep account of receipts and issues in form CD-12.
3. To maintain the counter foil of receipts, issues and payment orders.
4. To maintain register in form CD-6 for payments received by money order or through V.P.P.
5. Conversion of money received through money order or V.P.P into Court fee stamp affixing the same on application and canceling the Court fee stamps.
6. The money order and V.P.P coupons to be pasted in a separate guard file.
7. He is to approve the duty list of copying agent.
8. Immediate In charge of internal organization.
9. To witness all refunds.
10. Receive cash payment for the purpose of converting them into Court fee stamp.
11. Report all complaints to the officer In charge and cases of dereliction of duty of staff members.
12. Examine the register weekly, deal with delays.

13. Secretary of the Copying Agency Committee.
14. Maintenance of register in Form C-D-4.

XIV. COPYING AGENT

1. Responsible for maintenance of accounts.
2. Sanctioning of application for copies.
3. Reject or accept the application for copies.
4. Endorsement of date and time on application.
5. Initial the endorsement.
6. In case of doubt he is to obtain orders of the officer In charge.
7. Grant receipt in the prescribed form CD-10
8. Cause the application to be entered in register CD-2 and S.No. of register be given in red ink on the reverse of application.
9. Cause the application to be made over to the file fetcher for bringing the record.
10. He shall be responsible that no file is taken out of copying room by anyone.
11. That copyists and file fetcher are supplied with locks and keys.
12. To prepare the duty list of his staff.
13. To ensure that public has no access to the copyists or the copying room.
14. To maintain service books and leave account for all the members of agency.
15. He is responsible for regular and proper delivery of copies.
16. He is to ensure that no record is sent to the tehsil or outlying Court for supplying copies.
17. Cause of delay in delivery of copy beyond third day is to be written.
18. Recovery of outstanding fee.
19. Endorsement of date of delivery and of cancellation of stamps.
20. Maintain a register in form CD-11.
21. Assistant Secretary of Copying Agency Committee.
22. Keep income account in form CD-3.
23. Monthly to submit report in cases in which fee is to be realized.

XV. COPYIST

1. To keep all the file under lock and key which are in his possession.
2. To maintain a register in Form CD-8.
3. Procedure to be followed in making copies [See Rule 1.22 to 1.29 of R.C No. 45]
4. To maintain daily record of outturn in register CD-5.

XVI. FILE FETCHER

1. Maintenance of register Form CD-7 of application made over to record room and Court staff.
2. Maintenance of register in Form CD-8 for acknowledgement of receipts of application and judicial files. To be kept under lock and key.
3. In case of urgent application, he is to endeavour to receive record.
4. To keep all the record and files in lock which are in his possession.

XVII. TRANSLATOR

1. Copying the translation.
2. Make a translation.
3. Entries of translation to be made in register CD-2 & CD-3.

XVIII. COPYING AGENCY CLERK

1. Maintenance of regular accounts in various registers prescribed under rules.

XIX. EXAMINER

1. Revision of copies.
2. Examine the copies.
3. Certify the copies.
4. Stamp the copies.
5. Page the copies
6. Endorsement on the copies.
7. Cancellation of defective copies.
8. Submission of report against the copyist for his carelessness.
9. Verification of delay in preparation of copy.
10. To see that Court fee stamps affixed are punched, cancelled and initiated.
11. To see that all provision of law and rules have been complied with.
12. At least every attestation made in such copy by initialing the same.
13. Make an entry in register CD-5 as to the outturn of the copyist.
14. Cause of delay in delivery of copy beyond third day is to be written.
15. To submit report about the carelessness of copyist.
16. Can supply unattested copies in case of documents mentioned in item No. 9 of schedule 'A' of RC-45.

17. Attest the translated copies.
18. Entries of translation to be made in register CD-2 & CD-3.

XX. MUHARIR

1. Diary of process fee to be maintained. [Rule 10, ch-5-A, Vol-IV of HRO].
2. Separate Index to each part of file. [Part-II of Ch-16-A, Vol-IV of HRO].
3. Goshwara Number to be entered in the court register. [Rule 5-A (iii), Ch-16-A, Vol-IV of HRO].
4. How to hand over judicial record to successor on transfer or leave. [Ch-16-D, Vol-IV of HRO].
5. Checking of judicial record received. [Rule 6, Ch-19, Vol-IV of HRO].
6. Checking of record received from the High Court. [Rule 6, Ch-20, Vol-IV of HRO].
7. Transmission of record of High Court. [Rule 7, 8 & 9, Ch-20, Vol-IV of HRO].
8. Custody of registers. [Rule 8, Ch-24, Vol-IV of HRO].
9. Consigning of registers to record room. [Rule 9, Ch-24, Vol-IV of HRO].
10. Periodical statements and returns. [Ch-20, Vol-IV as directed by PO].
11. Maintenance of all relevant Civil & Criminal Registers except those maintained by Reader of court, Civil Nazir, Record Keeper etc. [Vol-VI of HRO]
12. Receiving and dispatching all files to and from other courts.
13. Consigning of decided cases to Record Room.
14. Maintenance of register of application for inspection of files.
15. Punching of stamps coming to the files.
16. To maintain a register CD-8 for receipt of applications and judicial files for copying purpose.
17. The reason of delay in handing over record to copying agency be given daily on the application for copies.
18. If it is not possible or desirable to hand over the whole file then only the copy of concerned document be given to file fetcher and receipt taken in this respect.
19. Compilation of files as contained in Rule-9.6 of District Office Manual Punjab and HRO in three series.

XXI. NAIB NAZIR

1. Particulars to be noted on process issued. [Rule 7, Ch-5-A, Vol-IV of HRO].
2. Custody of registers. [Rule 8, Ch-24, Vol-IV of HRO].
3. Consigning of registers to record room. [Rule 9, Ch-24, Vol-IV of HRO].
4. How to deal with road and diet money in outlying court. [Rule (4) (a), Ch-9-B, Vol-IV of HRO].

XXII. DRIVER

1. Driving of official vehicle.
2. Responsible for maintenance, care and repair of vehicle.
3. Maintenance of log book.
4. Deposit change parts in store.

XXIII. DAFTARI

1. Dispatching all the dak.
2. Looks after the articles of stationery required by Judge.

XXIV. RECORD LIFTER

1. Provides assistance in arrangement of libraries.
2. Provides assistance in keeping, distributing and arranging stationary.
3. Preparing daily bundles of files ready for consignment.
4. Keeping bundles on proper place.

XXV. BAILIFF

1. Bailiff Note Book and its checking. [Rule 3, Ch-8-E, Vol-II of HRO].
2. Particulars to be noted on process issued. [Rule 7, Ch-5-A, Vol-IV of HRO].
3. Warrant of arrest. [Rule 11, Ch-7-B, Vol-IV of HRO].
4. Warrant of attachment. [Rule 11, Ch-7-B, Vol-IV of HRO].
5. Warrant of delivery of process. [Rule 11, Ch-7-B, Vol-IV of HRO].

XXVI. PROCESS SERVER

1. Payment of diet money to witness. [Rule 21, Ch-8-D, Vol-II of HRO].

2. Procedure when processes are returned served or unserved. [Rule 22 & 23, Ch-8-D, Vol-II of HRO].
3. Service of summons.
4. Service of warrant of attachment, arrest and sale only in certain circumstances. [Rule 11, Ch-7-B, Vol-IV of HRO].

XXVII. CHOWKIDAR

Duty of watching building & record of the courts.

XXVIII. NAIB QASID

1. Placing of petition box in the veranda of Court. [Rule 7, CH-1-B, Vol-I of HRO].
2. Dusting of court room and library. [Rule 11, Ch-8, Vol-IV of HRO].

XXIX. SWEEPER

Sweeping the court premises

XXX. MALI

Gardening

XXXI. Water Carrier

Water fetching

SECTION-IX
TRANSFER & POSTING RELATED INSTRUCTIONS

C.No. 1(3-9)

TRANSFER AND POSTING POLICY
NOTIFICATION

Dated Peshawar, the 13th March, 2017

No. 69-J The Competent Authority has been pleased to amend the transfer and posting policy as under: -

ZONES:

For the purpose of transfer and posting, the province of the Khyber Pakhtunkhwa is divided into the following five Zones:

Zone-I	Charsadda, Mardan, Nowshera, Peshawar and Swabi
Zone-II (Hard area)	Battagram, Buner, Chitral, Dir Upper, Kohistan, Shangla, Tank, Hangu and Tor Ghar
Zone-III	Bannu, DI Khan, Lakki Marwat, Kohat & Karak
Zone-IV	Abbottabad, Haripur and Mansehra
Zone-V	Dir Lower, Malakand at Batkheal and Swat

TENURE:

- I. Tenure of stay in Zones I, III, IV and V shall be three years
- II. Tenure of stay in Zone-II (hard area) shall be two years.
- III. Tenure for an ex-cadre judicial post shall be two three years.
- IV. Tenure of an ex-cadre non-judicial posts shall be two years.

ROTATION:

- I. After having served in Zone-I, or at ex-cadre post, or upon return from study leave, (including abroad for a period of more than six months), the judicial officer(s) shall be posted to Zone-II (hard area for a tenure as fixed above.
- II. After having served in Zone-II (hard area), the judicial officer (s) shall be posted in Zone-III thereafter in zone IV, further thereafter,

to zone-V, and further followed by a posting to Zone-I. The rotation shall thus continue.

TRANSFER & POSTING TIME:

Routine transfers and postings shall be made in the months of March and September only. However, the Chief Justice in consultation with the Administration Committee may order transfer and posting where it is deemed appropriate owing to some unforeseen reason(s).

SPOUSES:

Transfer and posting of spouses to one station shall be considered in the public interest.

RETIREMENT:

Transfer and posting of judicial officer(s) due to retire within one, many, on his/her their options, be posted to a District near to the home District, till retirement.

HEALTH ISSUE(S):

Transfer and posting of judicial officer(s) having serious health issues(s) to himself/herself and/or to family members(s), requiring specific medical treatment, will be considered with due regard to such health issues. For this purpose, such a judicial officer has to inform the Registrar in writing with sufficient documentary proof. The Registrar shall verify the information. The Administration Committee shall on a case-to-case basis, decide the gravity of the health issue that may be assessed as serious enough to be considered for the purpose of transfer and posting.

EX-CADRE POSTING:

Transfer and posting to an ex-cadre position shall be on one time basis. Posting to an ex-cadre post shall be on the basis of Performance Evaluation Report.

REPRESENTATION:

A transfer and posting order passed by the Administration shall be initially a proposal, against which a judicial officer may file a representation within three days. After the decision on the representation, the Administration Committee shall pass a final order.

C.No. 2(3-9)

**CORRIGENDUM IN TRANSFER & POSTING POLICY
PESHAWAR HIGH COURT, PESHAWAR
CORRIGENDUM**

Dated Peshawar the 7th April, 2017

No. 78-J In partial modification of this Court's Notification No. 69-J, dated: 13.03.2017, the Competent Authority has been pleased to order that the posting tenure of the judicial officers may be read as follows:

TENURE:

- I. Tenure of stay in Zones I, III, IV and V shall be up to three years.
- II. Tenure of stay in Zone-II (hard area) shall be up to two years.
- III. Tenure for an ex-cadre judicial post shall be up to three years.
- IV. Tenure for an ex-cadre non-judicial posts shall be up to two years.

C.No. 3(3-9)

INSTRUCTIONS REGARDING TRANSFER OF JUDICIAL OFFICERS

I have been directed to inform you that transfer is an incident of service and is always ordered in the interest of the officers and the public in general. It has been noticed that Judicial Officers try to approach this Court for their transfer prematurely, which is not approved-rather it is deprecated.

The Officers are, therefore, directed to avoid approaching this Court for their transfers through indirect means. Entries to this effect shall be made in the ACRs of the officers disobeying these orders.

(PHC letter No. 9881-9950/ Admn: Brh: Dated Peshawar the 14th
September, 1982)

C.No. 4(3-9)

**PARTIES TO GOVERNMENT SERVANTS ON RETIREMENT,
TRANSFERS AND TOURS**

I am directed to address you on the subject and to say that on the eve of recent general postings and transfers of Judicial Officers it has been come in the notice of this High Court through press and otherwise that some Judicial Officers accepted individual and collective tea/dinner and lunch

parties from Members of the bar and private persons on event of their transfers to other districts. In some districts the Superintendents of Police and Jail also acted as hosts in arranging the parties in which police shield etc were given to Judicial Officers. This sort of acceptance of farewell parties amounts to misconduct under the N.W.F.P., Government Servants (Efficiency and Discipline) Rules, 1973 liable to disciplinary action. It further amounts to demonstration and ostentation which both do not suit the status and position of a Judge and Presiding Officers of Courts. The best appreciation for Judicial Officers is honest, fair and prompt disposal of judicial matters. In this respect I am also to inform that acceptance of public parties and functions by the Government Servants on the eve of their transfer, retirement and tour are not allowed as per the Government instruction contained in letters No. S(R) 225/1-5/67 SOXIII dated 01.02.1967 and No. S(R)-830/1-5/69-SOXIII, dated 27.03.1969 copies of which have already been sent to you. However, fresh copies of the same are enclosed with this communication for your guidance.

2. I am also directed to draw your attention to the subject titled "Ziafat may Shirkat" at page 66 of the Book "Islami Nizam-e-Adalat" by Dr. Tanzilur Rehman, which is reproduced in original as follows:-

”تاضی کو عام دعوت قبول کرنا جائز ہے کیونکہ رسول ﷺ نے فرمایا ”من لم یجب الدعوة فقد نهی بالقاسم“ یعنی جس شخص نے دعوت قبول نہ کی اس نے بالقاسم (محمد صلی اللہ علیہ والہ وسلم) کی نافرمانی کی۔ البتہ تاضی کو ایسی دعوت قبول کرنا جائز نہیں ہے جو اس کی ذات کیلئے کی گئی ہو، کیونکہ ایسا کرنے سے تاضی پر طرفداری کی تہمت لگائی جاسکتی ہے البتہ اس شخص کی خاص دعوت میں جانا تاضی کو جائز ہے جو تاضی کے تاضی بننے سے پہلے بھی اسکی دعوت کرتا رہا ہو۔ اسی طرح تاضی کو عزیز و اتارب کی مخصوص دعوت بھی قبول کر لینی چاہیے تاضی کو کسی فریق مقدمہ کی دعوت نہ کرنا چاہیے کیونکہ ایسا کرنے سے رسول کریم ﷺ نے منع فرمایا ہے اور نہ اسکی دعوت میں شرکت کرنی چاہیے“

The perusal of the aforesaid provisions indicates that participation of Qazis (Presiding Officers of Courts) in feast/ public functions / parties are not allowed under the 'Islamic Fiqa'. It is first and foremost duty of every Judicial Officer to ensure that Justice is not only done but is also seen to be done without any fear and favour. A Judge has to act as a Judge and impartially.

3. In view of the above, I am directed to request that in future all possible ostentatious acts in accepting farewell parties on the eve of transfers etc shall be avoided. The Hon'ble Chief Justice and Judges of this Court further desire that these instructions would be adhered in letter and spirit in future.

(PHC letter No. 4351-4420 Dated: 13th May 1986)

C.No. 5(3-9)

APPROACH TO THE AUTHORITY FOR TRANSFER & POSTING

I am directed to refer to this Court's earlier correspondence on the subject noted above and to say that all postings & transfers are made in public interest and in the interest of Institution. They are never motivated. However, it has been noticed that Judicial Officers approach the 'Authority', either directly or indirectly making request for their transfer and postings. This practice besides being uncalled for also militates against the service discipline and makes the delinquent Judicial Officer liable to disciplinary action on account of misconduct. Therefore, all the Judicial Officers are warned to desist from such practice in future.

However, if a Judicial Officer has some genuine personal reasons / unavoidable circumstances, he may approach the undersigned for redressal of his problems / difficulties by the Hon'ble Chief Justice.

You are, therefore, directed to circulate the above instructions amongst all the Judicial Officers in your district for strict compliance and forward acknowledgement obtained from them to this Court at the earliest.

(PHC letter No.14722-14746/Admn Dated Peshawar, 16th October, 2008)

C.No. 6(3-9)

APPROACH TO HON'BLE CHIEF JUSTICE FOR TRANSFERS

I am directed to refer to the instructions/directives already issued on the subject by this Court from time to time, and to say that approaching the Hon'ble Chief Justice or any Higher Authority for posting/transfer is misconduct and against service discipline which may entail the initiation of disciplinary action against the delinquents.

All the Judicial Officers are, therefore, once again asked to desist from using influence in this regard. The Hon'ble Chief Justice has, however, been pleased to direct that in case of any genuine grievance, the Judicial Officers can seek interview this his lordship through his Secretary.

This directive may be circulated amongst all the Judicial Officers under your control.

(PHC letter No. 14294-317/Admn: Dated 08th December, 2011)

C.No. 7(3-9)

CHARGE OF OFFICE

I am directed to refer to the subject noted above and to say that it has been noticed that the judicial officers and other Court officials do not adhere to the relevant rules concerning charge of office as contained in Appendix-3, Part-II (a) to the Fundamental Rules and Supplementary Rules, Volume-I and II. The relevant Rules, inter alia, require both the relieving and relived Government Servants to be present at the time of making over charge of an office.

The following matters must be taken into consideration by each judicial officer and official, hereinafter referred to as “person” while making over the charge of an office besides others;

1. If the relieved person is in charge of certain accounts or cash, it must be accounted for to the relieving person.
2. If the relived person is in the charge of some confidential documents, it must be handed over to the relieving person with details.
3. If the relieved person is having some inquiries pending under Disciplinary Rules, those must be handed over with details to the relieving person.
4. If the relieved person is having some keys of safe, chest etc, those must be handed over to the relieving person.
5. All the important directives of the higher authorities including judgments of Superior Courts specially circulated for compliance must be brought into the notice of the relieving person by the relieved person particularly matters regarding jurisdiction of the Courts and fiscal matters.
6. All the confidential files must be handed over to the relieving person by the relived person.
7. If the relieved person is in custody of original impounded documents, those must be handed over to the relieving person. If there are some unsigned / unwritten judgments, those must be brought into the notice of relieving person by the relieved person.
8. If the relieved person is in custody of original statements recorded u/s 364 Cr.P.C no yet sent with the challan to the

concerned Magistrate, those must be handed over to the relieving person.

9. In case the relieved person is in custody of any files, registers or books etc, then the same should be handed over to the relieving person with all possible details.
10. An inventory of all assets of Court/Office must be prepared and signed by both the relieving and relieved person.
11. In case no successor is appointed in place of transferee judicial officer, the charge should be handed over to the successor Court as determined by the District & Sessions Judge under the Law (C.No.16 (4-10) of Page 452 of Judicial Estacode, 2011).

I am further directed to say that these instructions may be circulated amongst all the officers/officials under your control.

(PHC letter No.17017-61/Admn Dated 27th December 2011)

SECTION-X
JOINING INSTRUCTIONS

C.No. 1(3-10)

APPLICABILITY OF FR & SR TO CIVIL SERVANTS

Article 241 of the Constitution of Islamic Republic of Pakistan: Until the appropriate Legislature makes a law under Article 240, all rules and orders in force immediately before the commencing day shall, so far as consistent with the provisions of the Constitution, continue in force and may be amended from time to time by the Federal Government or, as the case may be, the Provincial Government

Section 26(2) of the Khyber Pakhtunkhwa Civil Servants Act, 1973: Any rules, orders or instructions in respect of any terms and conditions of service of civil servants duly made or issued by an authority competent to make them and in force immediately before the commencement of this Act shall, in so far as such rules, orders or instructions are not inconsistent with the provisions of this Act, be deemed to be rules made under this Act.

C.No. 2(3-10)

RELEVANT PROVISIONS OF FR & SR

Definition of Joining Time [F.R 9(10)].-- Joining time means the time allowed to a government Servant in which to join a new post or to travel to or from a station to which he is posted.

Admissibility of Joining Time [F.R 105].-- Joining time may be granted to a government Servant to enable him:-

- (a) to join a new post to which he is appointed while on duty in his old post; or
- (b) to join a new post
 - (i) on return from leave on average pay of not more than four months' duration, or
 - (ii) when he has not sufficient notice of his appointment to the new post, on return from leave other than that specified in sub-clause (i); or

- (c) to travel from the port of debarkation (or, in the case of arrival by aircraft, from its first regular port in Pakistan and organize his domestic establishments when he returns from leave out of Pakistan or more than four months' duration; or
- (d) (i) to proceed from a specified station to join a post at a place in a remote locality which is not easy of access;
- (ii) to proceed on relinquishing charge of a post at a place in a remote locality which is not easy of access to a specified station.

F.R 106.-- A local government may make rules regulating the joining time admissible in each of the cases mentioned in Rule 105 and specifying the places and stations to which clause (d) of that rule shall apply. Such rules should be framed with due regard to the time required for actual transit and for the organization of domestic establishment.

RULES FRAMED UNDER FR 106

S.R 293 (General Rules).—Not more than one day is allowed to a Government servant in order to join a new post when the appointment to such post does not necessarily involve a change of residence from one station to another. A holiday counts as a day for the purpose of this rule.

S.R 294.—the joining time of a government servant in cases involving a transfer from one station to another, neither of which is in a remote locality not easy of access, is subject to a maximum of thirty days. Six days are allowed for preparation and, in addition, a period to cover the actual journey calculated as follows:

(a) A Government servant is allowed –

For the portion of journey which he travels or might travel	One day for each
By railway	250 miles or any longer
By Ocean Steamer	200 miles
By river steamer	80 miles
By motor-car or horse-drawn conveyance	80 miles
plying for public hire	
In any other way	15 miles

- (b) A day is allowed for any fractional portion of any distance prescribed in clause (a).
- (c) When part of the journey is by steamer, the limit of six days for preparation may be extended to cover any period unavoidable spent in awaiting the departure of the steamer.
- (d) Travel by road not exceeding five miles to or from a railway station or steamer ghat¹ at the beginning or end of a journey does not count for joining time.
- (e) A Government servant whose pay does not exceed Rs.100 is not ordinarily expected to travel by motor-car or horse-drawn conveyance plying for public hire, and his joining time is calculated accordingly.
- (f) A Sunday does not count as a day for the purpose of the calculations in this rule, but Sundays are included in the maximum period of 30 days.

Exception-I.—The authority sanctioning the transfer may, in special circumstances, reduce the period of joining time admissible under this rule.

S.R 294-A.—not relevant to Judicial Officers

S.R 294-B.—not relevant to Judicial Officers

S.R 295.— When a Government servant returning from leave out of Pakistan exceeding four months, takes joining time before joining his post, his joining time shall begin from the date of his arrival at the port of disembarkation, or, if he returns by air, from the day following that on which the aircraft in which he returns arrives at his first regular port in Pakistan and be calculated from such port; provided that it shall, if he so desires, be subject to minimum of ten days.

S.R 296. — By whatever route a Government servant actually travels, his joining time shall, unless a competent authority for special reasons otherwise order, be calculated by the route which travelers ordinarily use.

¹ In South Asia flight of steps leading down to river

S.R 297.— If a Government servant is authorized to make over charge of a post elsewhere than at its headquarter his joining time shall be calculated from the place at which he makes over charge.

S.R 298.— If a Government servant is appointed to a new post while in transit from one post to another his joining time begins on the days following that on which he receives the order of appointment.

S.R 299.— If a government servant takes leave while in transit from one post to another the period which has elapsed since he handed over charge of his old post must be included in his leave, unless the leave is taken on medical certificate. In the latter case, the period may be treated as joining time.

S.R 300.— If a government servant is appointed to a new post while on leave on average pay of not more than four months' duration, his joining time will be calculated from his old station or from the place in which he received the order of appointment, whichever will entitled him to the less joining time.

S.R 301.— Except in the case of joining time admissible under rule 294-A, a competent authority may in any case extend the joining time admissible under these rules, provided that the general spirit of the rules is observed.

S.R 302.— Except in the case of joining time admissible under rule 294-A, within the prescribed maximum of 30 days, a competent authority may, on such conditions as it thinks fit, grant to a government servant a longer period of joining time than is admissible under the rules in the following circumstances:

- (a) when the government servant has been unable to use the ordinary mode of travelling or notwithstanding due diligence on his part, has spent more time on the journey than is allowed by the rules; or
- (b) when such extension is considered necessary for the public convenience or for the saving of such public expenditure as is caused by unnecessary or purely formal transfers; or
- (c) when the rules have in any particular case operated harshly; as for example, when a government servant has through no fault on his part missed a steamer or fallen sick on the journey.

S.R 302-A.— when a Government servant under the administrative control of the President is transferred to the control of a Government which has made

rules prescribing amounts of joining time, his joining time for the journey to join his post under that Government and for the return of journey will be governed by those rules.

C.No. 3(3-10)

COMBINATION OF HOLIDAYS WITH LEAVE AND JOINING TIME.

F.R 68.—Leave ordinarily begins on the day on which transfer of charge is effected and ends on the day preceding that on which charge is resumed. When joining time is allowed to a Government servant returning from leave out of Pakistan, the last day of his leave is the day before the arrival of the vessel in which he returns at her moorings or anchorage in the port of debarkation or, if he returns by air, the day on which the aircraft in which he returns arrives at its first regular port in Pakistan a local government may, however, make rules defining the circumstances in, and the conditions, which Sundays or other recognized holidays may be prefixed to leave or affixed to leave or joining time.

RULES MADE UNDER F.R 68

S.R 209.—When the day immediately preceding the day on which a Government servant's leave begins or immediately following the day on which his leave or joining time expires is a holiday or one of a series of holidays, the government servant may leave his station at the close of the day before or return to it on the day following, such holiday or series of holidays' provided that –

- (a) his transfer or assumption of charge does not involve the handing or taking over of securities or of moneys other than a permanent advance;
- (b) his early departure does not entail a correspondingly early transfer from another station of a government servant to perform his duties; and
- (c) the delay in his return does not involve a corresponding delay in the transfer to another station of the government servant who was performing his duties during his absence or in the discharge from government service of a person temporarily appointed to it.

S.R 210.—On condition that the departing government servant remains responsible for the money in his charge , a competent authority may declare that proviso (a) under rule 209 is not applicable to any particular case.

S.R 211.—Unless the competent authority in any case otherwise direct –

- (a) if holiday are prefixed to leave, the leave and any consequent re-arrangement of pay and allowances take effect from the first day after the holidays, and
- (b) if holidays are affixed to leave or joining time, the leave or joining time is treated as having terminated on, and any consequent re-arrangement of pay and allowances takes effect from the day on which the leave or joining time would have ended if holidays had not been affixed.

SECTION-XI**CONDUCT AND DISCIPLINE – STATUTORY PROVISIONS
C.No. 1(3-11)****STATUTORY PROVISION REGARDING CONDUCT**

Section.15 OF ¹[Khyber Pakhtunkhwa] Civil Servants Act, 1973.
Conduct -The conduct of a civil servant shall be regulated by rules made, or instructions issued, by Government or a prescribed authority, whether generally or in respect of a specified group or class of civil servants.

C.No. 2(3-11)**THE ²[KHYBER PAKHTUNKHWA] GOVERNMENT SERVANTS
(CONDUCT) RULES, 1987.**

1. **Short title and commencement.** (1) These rules may be called the ³[Khyber Pakhtunkhwa] Government Servants (Conduct) Rules, 1987.

(2). They shall come into force at once.

2. **Extent of application;-** These rules apply to every person, whether on duty or on leave within or without the ⁴[Khyber Pakhtunkhwa] serving in connection with the affairs of the ⁵[Khyber Pakhtunkhwa], including the employees of the Provincial Government deputed to serve under the Federal Government or with a statutory Corporation or with a non-Government employer, but excluding:-

- (a) members of an All-Pakistan Service serving in connection with the affairs of the Province;
- (b) employees of the Federal Government or other authority deputed temporarily to serve under the Provincial Government; and
- (c) holders of such posts in connection with the affairs of the Province of ⁶[Khyber Pakhtunkhwa] as the Provincial

¹ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

² Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

³ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

⁴ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

⁵ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

⁶ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

Government may, by a notification in the official Gazette, specify in this behalf.

3. **Definitions:** - (1). In these rules, unless there is anything repugnant in the subject or context;

- (a) “Government” or “Provincial Government” means the Government of the ¹[Khyber Pakhtunkhwa];
- (b) “Government Servant” means a person to whom these rules apply;
- (c) “member of a Government Servant’s family” includes:-
 - (i) his wife, children and step children, parents, sisters and minor brothers, residing with and wholly dependent upon the Government Servant; and
 - (ii) any other relative of the Government servant or his wife when residing with and wholly dependent upon him; but does not include a wife legally separated from the Government servant or a child or step-child who is no longer in anyway dependent upon him, of whose custody the Government servant has been deprived by law;
- (d). “Province” means the ²[Khyber Pakhtunkhwa].

(2). Reference to a wife in clause (c) of sub-rule (i) shall be construed as reference to the husband where the Government servant is a woman.

4. **Repeal:** - The West Pakistan Government Servants (Conduct) Rules, 1966, are hereby repealed, but such repeal shall not affect anything duly done or suffered under those rules.

³ **[4A No Government Servant shall-**

- (a). accept or obtain or agree to accept or attempt to obtain from any person for himself or for any other person, any gratification (other than legal remuneration) as a motive or

¹ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

² Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

³ Inserted by Notification No. SOR.II(S&GAD)5(2)/79(C), dated 27.1.1997

- reward such as is mentioned in section 161 of the Pakistan Penal Code; or
- (b) do or forbear to do any official act or show or forbear to show, in the exercise of his official functions, favour or disfavour to any person or render or attempt to render any service or disservice to any person, in violation or contravention of any provision of any law for the time being in force, or of rules made under Article 119 or 139 of the Constitution of the Islamic Republic of Pakistan, or the ¹[Khyber Pakhtunkhwa] Civil Servants Act, 1973 or any other law for the time being in force, including the ²[Khyber Pakhtunkhwa] Government Rules of Business, 1985 in a manner which may appear to facilitate acceptance or obtaining or agreeing to accept or attempting to obtain from any person for himself or for any other person any gratification, whatsoever, other than the legal remuneration, as a motive or reward; or
 - (c) accept or obtain or agree to accept or attempt to obtain for himself or for any other person, any valuable thing without consideration or for a consideration which he knows to be inadequate, from any person whom he knows to have been, or to be likely to be, concerned in any proceedings or business transacted or about to be transacted by him, or having any connection with the official functions of himself or of any Government servant to whom he is subordinate, or from any person whom he knows to be interested in or related to the person so concerned; or
 - (d) misappropriate, dishonestly or fraudulently, or otherwise convert for his own use or for the use of any other person any property entrusted to him or under his control as a Government servant or willfully allow any other person to do so; or
 - (e) obtain, by corrupt, dishonest, improper or illegal means, or seek for himself or for any other person, any property, valuable thing, pecuniary advantage or undue favour; or
 - (f) possess, directly or through his dependents or benamidars, any movable or immovable property or pecuniary resources, disproportionate to his known sources of income, which he cannot reasonably account for];

¹ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

² Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

¹ [(g) attend such functions and meetings in which Islamic moral values are not regarded or which are in violation of such values like functions of music and dancing by women etc.]

5 **Gift:** - (1). Save as otherwise provided in this rule, no Government servant shall, except with the previous sanction of Government, accept or permit any member of his family to accept, from any person any gift the receipt of which will place him under any form of official obligation to the donor. If the offer of a gift cannot be refused without causing undue offence, it may be accepted and delivered to Government for decision as to its disposal.

(2) If any question arises whether receipt of a gift places a Government servant under any form of official obligation to the donor, the decision of Government thereon shall be final.

(3). If any gift is offered by the head of representative of a foreign State, the Government servant concerned should attempt to avoid acceptance of such a gift, if he can do so without offending the donor. If, however, he cannot do so, he shall accept the gift and shall report its receipt to Government for orders as to its disposal.

(4). Government servants are prohibited from receiving gift of any kind for their persons or for members of their families from diplomats, consulars and other foreign Government representatives or their employees who are stationed in Pakistan. If, however, due to very exceptional reasons, a gift cannot be refused, it should invariably be deposited in the S & GAD.

(5). Government servants, except those drawing pay in basic pay scale 1 to 4, are prohibited from accepting cash awards offered by the visiting foreign dignitaries. In case, however, if it becomes impossible to refuse without causing offence to the visiting dignitary, the amount may be accepted and immediately deposited in the Treasury under the proper head of account.

(6). A Government servant may accept gifts offered abroad or within Pakistan by institutions or official dignitaries of foreign Government of comparable or high level;

Provided that the value of the gift in each case does not exceed one thousand rupees. A government servant desirous of retaining a gift worth more than one thousand rupees, can retain it on payment of

¹ Added by S.O OR V-I(E&AD)2-16/2003 dated 28.06.2004

the difference as evaluated under sub-rule (7). In any other case, the gift may be offered for sale.

(7). For the purpose of sub-rule(6), the value of the gift shall be assessed by the S&GAD in consultation with the Finance Department and shall be allowed to be retained by the recipient, if it does not exceed one thousand rupees. Where the value of the gift exceeds one thousand rupees, the recipient may be allowed to retain the gift, if he so desires, on payment of a sum worked out in the following manner:-

- (a) Where the value of the gift exceeds one thousand rupees but does not exceed five thousand rupees, twenty-five percent of the value of the gift in excess of one thousand rupees; or
- (b) Where the value of the gift exceeds five thousand rupees, twenty five percent of so much of the value as exceeds one thousand rupees but does not exceed five thousand rupees plus fifteen percent of so much of the value as exceeds five thousands rupees.

(8). The responsibility for reporting the receipt of a gift shall devolve on the individual recipient. All gifts received by a Government servant, irrespective of their prices or value, must be reported to the S&GAD. However, the responsibility for reporting to the S&GAD the receipt of gifts, including the names of recipients, from foreign dignitaries or delegations, either during their visits to Pakistan or during the visits of Pakistani dignitaries or delegations abroad, shall lie with the Chief of Protocol or his representative in the former case, and with the Ambassador concerned in the latter case. In the case of foreign delegations or visiting dignitaries with whom the Chief of Protocol is not associated, the Ministry/Department sponsoring the visit shall be responsible to supply the details of gifts, if received, and the list of recipients to the S&GAD.

6. Acceptance of foreign awards;- No Government servant shall, except with the approval of the Governor of ¹[Khyber Pakhtunkhwa], accept a foreign award, title or decoration.

Explanation:- For the purpose of this rule, the expression “approval of the Governor” means prior approval in ordinary cases and ex-post facto approval in special cases where sufficient time is not available for obtaining prior approval.

¹ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

7 **Public demonstration in honour of Government servants or raising of funds by them:-**(1). No Government servant shall encourage meetings to be held in his honour or presentation of addresses of which the main purpose is to praise him;

Provided that the Head of Pakistan Mission Abroad, while so posted, may attend a public meeting or entertainment held in his honour.

- (2). No Government servant shall take part in raising funds, except:-
- (a) for any public or charitable purposes, with the previous permission of his next higher officer; or
 - (b). for a charitable object connected with the name of a Government servant or person recently quitted Government service with the previous permission of the Government;

Provided that Government servants belonging to the Provincial Police Service or Excise and Taxation Service shall not be granted any such permission.

8. **Gifts to Medical Officer:-** Subject to the departmental rules in this behalf, a medical officer may accept any gift of moderate value offered in good faith by any person or body of persons in recognition of his professional services.

9. **Subscriptions:-** No Government servant shall, except with the previous sanction of Government, ask for or accept or in any way participate in the raising of any subscription or other pecuniary assistance in pursuance of any object whatsoever.

10. **Lending and Borrowing:-**(1). No Government servant shall lend money to, or borrow money from, or place himself under any pecuniary obligation to, any person within the local limits of his authority or any person with whom he has any official dealings:

Provided that a Government servant may:-

- (i) deal in the ordinary course of business with a joint stock company, bank or a firm of standing or the House Building Finance Corporation; and
- (ii) accept a purely temporary loan of small amount, free of interest, from a personal friend or the operation of a credit account with a bonafide tradesman.

(2). When a Government servant is appointed or transferred to a post of such a nature that a person from whom he has borrowed money or to whom he has otherwise placed himself under pecuniary obligation will be subject to his official authority, or will reside, possess immovable property, or carry on business, within the local limits of such authority, the Government servant shall forth-with declare the circumstances, when he is a Gazetted Officer, to Government through the usual channel, and where he is a Non-Gazetted Government Servant, to the head of his office.

(3). This rule, in so far as it may be construed to relate to loans given to or taken from Co-operative Societies registered under the Cooperative Societies Act, 1927, or under any law for the time being in force relating to the registration of Cooperative Societies, by the Government servants shall be subject to any general or special restrictions or relaxation made or permitted by Government.

¹[11 Omitted]

12. **Declaration of property:- (1).** Every Government servant shall, at the time of entering Government service, make a declaration to Government, through the usual channel, of all immovable and movable properties including shares, certificates, securities, insurance policies, cash and jewelry having a total value of Rs. 50,000/- (Fifty thousand rupees) or more belonging to or held by him or a member of his family and such declaration shall.-

- (a) state the district within which the property is situated;
- (b) show separately individual items of jewelry exceeding Rs.50,000/-(Fifty thousand rupees) in value; and
- (c) give such further information as Government may, by general or special order, require.

²[(2) Every Government servant shall submit to the Government, through the usual channel an annual declaration of income, assets and expenses for the financial year, ending on 30th June, showing any increase or decrease of property as shown in the declaration under sub-rule (1) or the last annual return, as the case may be.

(3) Declaration of Assets Proforma shall be opened in the concerned section each year and entered into the relevant database]

¹ Omitted by Notification No.SOR-VI/E&AD/2-16/2003 dated 07.03.2005 and before omission this rule stood as
² Substituted and added vide notification No.SOR-VI/E&AD/2-16/2003 dated 7-3-2005

13. ¹ [**Disclosures of assets, immovable and liquid:-** A Government servant shall disclose all his assets, immovable as well as liquid and expenses during any period in the specified form, when required to do so by Government].

14. **Speculation and Investment:-** 1. No Government servant shall speculate in investments. For the purpose of this sub-rule the habitual purchase and sale of security of notoriously fluctuating value shall be deemed to be speculation in investments.

(2). No Government servant shall make, or permit any member of his family to make, any investment likely to embarrass or influence him in the discharge of his official duties.

(3). No Government servant shall make any investment the value of which is likely to be affected by some event of which information is available to him as a Government servant and is not equally available to the general public.

(4). If any question arises whether a security or an investment is of the nature referred to in any of the foregoing sub-rules, the decision of Government thereon shall be final.

15. **Promotion and management of companies, etc: -** No Government servant shall, except with the previous sanction of Government take part in the promotion, registration or management of any bank or company:

Provided that a Government servant may, subject to the provisions of any general or special order of Government, take part in the promotion, registration or management of a Co-operative Society registered under any law for the time being in force for the purpose.

16. **Private trade, employment or work:-(1).** No Government servant shall, except with the previous sanction of the Government, engage in any trade or undertake any employment or work, other than his official duties:

Provided that he may, without such sanction, undertake honorary work of a religious, social or charitable nature or occasional work of a literary or artistic character, subject to the condition that his official duties do not thereby suffer and that the occupation or undertaking does not conflict or is not inconsistent with his position

¹ Substituted by Notification No. SORIII(S&GAD)5(2) 79, dated 9.6.1996

or obligations as a Government servant but he shall not undertake or shall discontinue such work if so directed by Government. A Government servant who has any doubt about the propriety of undertaking any particular work should refer the matter for the orders of Government:

Provided further that non-gazetted Government servant may, without such sanction, undertake a small enterprise which absorbs family labour and where he does so shall file details of the enterprise along with the declaration of assets.

(2). Notwithstanding anything contained in sub-rule (1), no Government servant shall associate himself with any private trust, foundation or similar other institution which is not sponsored by Government.

(3). This rule does not apply to sports activities and memberships of recreation clubs.

17. No Government servant shall live beyond his means, etc:- No Government servant shall live beyond his means or indulge in ostentation on occasions of marriage or other ceremonies.

18. Subletting of residential accommodation allotted by Government:- No Government servant shall, except with the prior permission of the Head of the Department, sublet residential accommodation or any portion thereof let to him by Government.

19. Insolvency and habitual indebtedness- (1). A Government servant shall avoid habitual indebtedness. If a Government servant is adjudged or declared insolvent or if the whole of that portion of his salary which is liable to attachment is frequently attached for debt has been continuously so attached for a period of two years, or is attached for a sum which in ordinary circumstances, he cannot repay within a period of two years, he shall be presumed to have contravened these rules unless he proves that the insolvency or indebtedness is the result of circumstances which, with the exercise of ordinary diligence, he could not have foreseen or over which he had no control and was not due to extravagant or dissipated habits.

(2). A Government servant who applied to be or is adjudged or declared insolvent shall forthwith report his insolvency to the Head of the Office or Department or to the Secretary to the Administrative Department, as the case may be, in which he is employed.

20. **Report by Government servant in case of his involvement in a criminal case:-** If a Government servant is involved as an accused in a criminal case, he shall bring the fact of such involvement or conviction, as the case may be, to the notice of the Head of the Office or Department immediately or, if he is arrested and released on bail, soon after such release.

21. **Unauthorized communication of official documents or information:-** No Government servant shall, except in accordance with any special or general order of Government, communicate directly or indirectly any official information or the contents of any official document to a Government servant not authorized to receive it, or to a non-official person, or to the press.

22. **Approach to Members of the Assemblies:-** No Government servant shall, directly or indirectly approach any member of the National Assembly or a Provincial Assembly or any other non-official person to intervene on his behalf in any matter.

23. **Management, etc. of Newspaper or Periodicals:-** No Government servant shall except with the previous sanction of Government, own wholly or in part, or conduct or participate in the editing or management of any newspaper or other periodical publication.

24. **Radio-Broadcast and communications to the Press:-** No Government servant shall, except with the previous sanction of Government, or any other authority empowered by it in this behalf, or in bonafide discharge of his duties, participate in a radio broadcast or television programme or contribute any article or write any letter, either anonymously or in his own name or in the name of any other person to any newspaper or periodical:

Provided that such sanction shall generally be granted if such broadcast or television programme or such contribution or letter is not, or may not be considered likely to jeopardize the integrity of the Government servant, the security of Pakistan or friendly relations with foreign states or to fend public order, decency or morality, or tantamount to contempt of court, defamation or incitement to an offence:

Provided further that no such sanction shall be required if such broadcast or television programme or such contribution or letter is of a purely literary, artistic or scientific character.

25. Publication of information and public speeches capable of embarrassing Government:- (1). No Government servant shall, in any document, published or any public utterance, radio broadcast or television programme, or in any other manner make any statement of fact or opinion which is capable of embarrassing the Federal or any Provincial Government.

Provided that technical staff may publish research papers on technical subjects, if such papers do not express views on political issues or on Government Policy and do not include any information of a classified nature.

(2). Where a Government servant submits the draft of a literary, artistic or scientific article or book for obtaining previous sanction for its publication, he shall be informed within three months of his doing so whether he has or has not such sanction: and if no communication is issued to him within that period, he shall be entitled to presume that the sanction asked for has been granted.

26. Evidence before Committees:- (1). No Government servant shall give evidence before a public committee except with the previous sanction of Government.

(2) No Government servant giving such evidence shall criticize the policy nor decision of the Federal or any Provincial Government.

(3) This rule shall not apply to evidence given before statutory committees which has powers to compel attendance and the giving of answers, nor to evidence given in judicial inquiries.

27. Taking part in politics and elections:- (1). No Government servant shall take part in, subscribe in aid of, or assist in any way, any political movement in Pakistan or relating to the affairs of Pakistan.

(2). No Government servant shall permit any person dependent on him for maintenance or under his care or control to take part in, or in any way assist, any movement directly or indirectly, to be subversive to Government as by law established in Pakistan.

(3). No Government servant shall canvass or otherwise interfere or use his influence in connection with or take part in any election to a legislative body, whether in Pakistan or elsewhere:

Provided that a Government servant who is qualified to vote at such election may exercise his right to vote; but if he does so, he shall give no indication of the manner in which he proposes to vote or has voted.

(4). No Government servant shall allow any member of his family dependent on him to indulge in any political activity, including forming a political association and being its member, or to act in a manner in which he himself is not permitted by sub-rule 3 to act.

(5). A Government servant who issues an address to electors or in any other manner publicly announces himself or allows himself to be publicly announced as a candidate or prospective candidate for election to a legislative body shall be deemed for the purpose of sub-rule 3 to have taken part in an election to such body.

(6). The provisions of sub-rule 3 and 5 shall, so far as may be, apply to elections to local authorities or bodies, save in respect of Government servants required or permitted by or under any law or order of Government, for the time being in force, to be candidates at such election.

(7). If any question arises whether any movement or activity falls within the scope of this rule, the decision of Government thereon shall be final.

28. **Propagation of Sectarian Creeds, etc:-** No Government servant shall propagate such sectarian creeds or take part in such sectarian controversies or indulge in such sectarian partiality and favoritism as are likely to affect his integrity in the discharge of his duties or to embarrass the administration or create feelings of discontent or displeasure amongst the Government servants in particular and amongst the people in general.

29 **Government servants not to express views against the ideology of Pakistan:-** No Government servant shall express views detrimental to the ideology or integrity of Pakistan.

30. **Nepotism, favouritism and victimization, etc:-** No Government servant shall indulge in provincialism, parochialism, nepotism, favouritism, victimization or willful abuse of office.

31. **Vindication by Government servants of their public acts or character:-** (1). A Government servant shall not, without the previous

sanction of Government have recourse to any Court or to the press for the vindication of his public acts or character from defamatory attacks, when Government grants sanction to a Government servant to have recourse to a Court, Government will ordinarily bear the cost of the proceedings, but may leave the Government servant to institute them at his own expense. In the latter case, if he obtains a decision in his favour, Government may reimburse him to the extent of the whole or any part of the cost.

(2). Nothing in this rule limits or otherwise affects the right of a Government servant to vindicate his private acts or character.

32. Membership of service Association:- (1). No Government servant shall be a member, representative of office bearer of any association representing or purporting to represent Government servants, unless such association satisfies the following conditions, namely:-

- (a). Membership of the Association and its office bearers shall consist of persons in one and the same “functional unit” and if there is no such functional unit, it may be formed by persons borne on a specific single cadre in or under a Department;
- (b). Office-bearers of the Association shall be elected from amongst members of the Association actually serving. Persons who have retired or have been dismissed or removed from service shall cease to be members of such Association;
- (c). The Association shall neither affiliate nor associate with any other body or Association belonging to any other cadre;
- (d). The Association shall confine its representations to matters of general interest of Government servants whom it represents and shall not involve itself in individual cases of its members. Also the office bearers and members of the Association shall not participate in the activities of the Association at the cost of their official duties;
- (e). The Association shall not engage in any activity or pursue a course of action which its members are individually prohibited to engage in or pursue under these rules or the instructions issued by Government, from time to time, concerning conduct of Government servant and service discipline;
- (f). The Association shall not, in respect of any election to legislative body, or to a local authority or body, whether in Pakistan or elsewhere-

- (i) pay or contribute towards any expenses incurred in connection with the candidature for such election.
 - (ii) support in any manner the candidature of any person for such election; or
 - (iii) undertake or assist in the registration of a candidate for such election;
- (g) The Association, shall not-
- (i). issue or maintain any periodical publication except in accordance with any general or special order of Government; and
 - (ii). publish, except with the previous sanction of Government, any representation on behalf of its members, whether in the press or otherwise;
- (h) The Association shall get its bye-laws or rules approved by the Appointing Authority, who may at any time require any modification therein or propose rules or bye-laws, in a particular manner; and
- (i) the Association shall submit annual statement of its accounts and lists of its members and office bearers to the Appointing Authority. Such statement and lists shall be submitted before 1st September every year;
 - (ii) the Association shall not represent or purport to represent Government servants unless it is recognized by the competent authority;
 - (iii) the appointing authority in respect of a cadre shall be the authority competent to recognize the Association of that cadre;
Provided that where the cadre consists of higher and lower grades, the authority competent to recognise the Association shall be the appointing authority in respect of the highest post in the cadre;
 - (iv) a Government servant who deals with the Association of a particular cadre and is also member of that cadre shall not become office bearer of such Association nor shall he take part in any activity of the Association ;
 - (v) Government in its discretion may withdraw recognition of an Association, if in its opinion, such

Association has violated any of the conditions of recognition.

33. **Restriction on acceptance of membership of certain association:-** No Government servant shall accept membership of any association or organization whose aims and objects, nature of activities and memberships are not publicly known.

34. **Use of political or other influence:-** No Government servant shall bring or attempt to bring political or other outside influence directly or indirectly, to bear on Government or any Government servant in support of any claim arising in connection with his employment as such.

35. **Approaching Foreign Mission and Aid-Giving Agencies:- (1).** No Government servant shall approach, directly or indirectly a Foreign Mission in Pakistan or any foreign aid-giving agency in Pakistan or abroad to secure for himself invitations to visit a foreign country or to elicit offers of training facilities abroad.

(2). Government servant should exercise great caution and restraint in the matter of social contacts with members of foreign missions working in Pakistan. They should also avoid casual remarks and observations on official matters in social gathering where foreigners are present.

(3). Official of the level of Additional Secretary and below should not receive officials of foreign missions, except with the express permission of the Secretary.

(4). Government servants are prohibited from contacting or making direct approaches to foreign missions in Pakistan in connection with their private business. All such approaches should be made through proper channel i.e through Chief of Protocol of the Ministry of Foreign Affairs.

(5). Invitations extended by Foreign Missions on the occasions of their National days to officers below the status of Secretaries may be accepted after obtaining permission from the Chief Secretary.

(6). The participation of officers below the status of Secretary in private functions arranged by foreign diplomats should generally be discouraged. Secretaries and officers of equivalent status, will, however, do so with prior approval of the Chief Secretary.

(7). Repeated and frequent attendance by officers at private functions held by the same foreign diplomat must be avoided.

(8) As a general rule, only those officers who come into official contact with the foreign diplomat concerned should accept invitations.

36. **Delegation of powers:-** Government may, by general or special order, delegate to any officer or authority subordinate to it all or any of its powers under these rules and may, by such order, prescribe the channel through which reports shall be made to Government and the officers the receipt by whom such reports shall be regarded as receipts of the reports by Government within the meaning of these rules.

37 **Rules not to be in derogation of any law, etc:-** Nothing in these rules shall derogate from the provisions of any law, or of any order of any competent authority, for the time being in force, relating to the conduct of Government servants.

C.No. 3(3-11)

EFFICIENCY & DISCIPLINE (STATUTORY PROVISION)

Section 16 of Civil Servants Act, 1973:- Disciplinary Action. A civil servant shall be liable to prescribed disciplinary action and penalties in accordance with the prescribed procedure.

C.No. 4(3-11)

KHYBER PAKHTUNKHWA GOVERNMENT SERVANTS (EFFICIENCY AND DISCIPLINE) RULES, 2011.

NOTIFICATION

Peshawar dated the 16th September, 2011.

No.SO(REG-VI)E&AD/2-6/2010.-In exercise of the powers conferred by section 26 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No.XVIII of 1973), the Chief Minister of the Khyber Pakhtunkhwa is pleased to make the following rules, namely:

1. Short title, application and commencement.---(1) These rules may be called the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011.

(2) These shall apply to every person who is a member of the civil service of the Province or is the holder of a civil post in connection with the affairs of the Province and shall also apply to or in relation to a person in temporary employment in the civil service or post in connection with affairs of the Province.

(3) These shall come into force at once.

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

- (a) “accused” means a person in Government service against whom action is initiated under these rules;
- (b) “appellate authority” means the authority next above the competent authority to which an appeal lies against the orders of the competent authority;
- (c) “appointing authority” means an authority declared or notified as such by an order of Government under the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973) and the rules made thereunder or an authority as notified under the specific laws/rules of Government;
- (d) “charges” means allegations framed against the accused pertaining to acts of omission or commission cognizable under these rules;
- (e) “Chief Minister” means the Chief Minister of the Khyber Pakhtunkhwa;
- (f) “competent authority” means-
- (i) the respective appointing authority;

- (ii) in relation to a Government servant of a tribunal or court functioning under Government, the appointing authority or the Chairman or presiding officer of such tribunal or court, as the case may be, authorized by the appointing authority to exercise the powers of the competent authority under these rules:

Provided that where two or more Government servants are to be proceeded against jointly, the competent authority in relation to the accused Government servant senior most shall be the competent authority in respect of all the accused.

¹[Provided further that where Chief Minister is the Appointing Authority, the Chief Secretary shall be the Competent authority for the purpose of these rules except rules 14 & 15]

²[Provided further that where the Peshawar High Court, Peshawar is the Appointing Authority, the Chief Justice shall be the Competent Authority, for the purpose of these rules]

- (g) “corruption” means-
- (i) accepting or obtaining or offering any gratification or valuable thing, directly or indirectly, other than legal remuneration, as a reward for doing or for bearing to do any official act; or
 - (ii) dishonestly or fraudulently misappropriating, or indulging in embezzlement or misusing Government property or resources; or
 - (iii) entering into [voluntary return or]³ plea bargain under any law for the time being in force and returning the assets or gains acquired through corruption or corrupt practices voluntarily; or

¹ The proviso added vide Notification No.SO(Policies)E&AD/1-41-2017 dated 07-12-2017

² The proviso added vide Notification No.SO(Policy)E&AD/2-6/2017 Dated 08-08-2019

³ Added vide Notification No.SO(Policies)E&AD/2-6/2017 Dated 7-12-2017

- (iv) possession of pecuniary sources or property by a Government servant or any of his dependents or any other person, through his or on his behalf, which cannot be accounted for and which are disproportionate to his known sources of income; or
- (v) maintaining a standard of living beyond known sources of income; or
- (vi) having a reputation of being corrupt;
- (h) “Governor” means the Governor of the Khyber Pakhtunkhwa;
- (i) “inefficiency” means failure to efficiently perform functions assigned to a Government servant in the discharge of his duties;
- (h) “inquiry committee” means a committee of two or more officers, headed by a convener, as may be appointed by the competent authority under these rules;
- (l) “inquiry officer” means an officer appointed by the competent authority under these rules;
- (l) “*misconduct*” includes-
 - (i) conduct prejudicial to good order or service discipline; or
 - (ii) conduct contrary to the Khyber Pakhtunkhwa Province Government Servants (Conduct) Rules, 1987, for the time being in force; or
 - (iii) conduct unbecoming of Government servant and a gentleman; or
 - (iv) involvement or participation for gains, directly or indirectly, in industry, trade, or speculative transactions by abuse or misuse of official

position to gain undue advantage or assumption of such financial or other obligations in relation to private institutions or persons as may compromise the performance of official duties or functions; or

- (v) any act to bring or attempt to bring outside influence, directly or indirectly, to bear on the Governor, the Chief Minister, a Minister or any other Government officer in respect of any matter relating to the appointment, promotion, transfer or other conditions of service; or
- (vi) making appointment or promotion or having been appointed or promoted on extraneous grounds in violation of any law or rules; or
- (vii) Conviction for a moral offence by a court of law.

(2) Words and expressions used but not defined in these rules shall have the same meanings as are assigned to them in the Khyber Pakhtunkhwa Province Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973) or any other statutory order or rules of Government for the time being in force.

3. Grounds for proceedings.---A Government servant shall be liable to be proceeded against under these rules, if he is-

- (a) inefficient or has ceased to be efficient for any reason; or
- (b) guilty of misconduct; or
- (c) guilty of corruption; or
- (d) guilty of habitually absenting himself from duty without prior approval of leave; or
- (e) engaged or is reasonably believed to be engaged in subversive activities, or is reasonably believed to be associated with others engaged in subversive

activities, or is guilty of disclosure of official secrets to any un-authorized person, and his retention in service is prejudicial to national security; or

- (f) entered into [voluntary return or]¹ plea bargaining under any law for the time being in force and has returned the assets or gains acquired through corruption or corrupt practices voluntarily.

4. Penalties.---(1) The following are the minor and the major penalties, namely:

(a) Minor penalties:

- (i) censure;
- (ii) withholding, for a specific period, promotion or increment subject to a maximum of three years, otherwise than for unfitness for promotion or financial advancement, in accordance with the rules or orders pertaining to the service or post:

Provided that the penalty of withholding increments shall not be imposed on a Government servant who has reached the maximum of his pay scale:

- (iii) recovery of the whole or any part of any pecuniary loss caused to Government by negligence or breach of order;

(b) Major penalties:

- i. ²[reduction to a lower post of pay scale or to a lower stage in a time scale for a maximum period of five years:

Provided that on restoration to original pay scale or post, the penalized Government

¹ Added vide Notification No.SO(Policies)E&AD/2-6/2017 Dated 7-12-2017

² Substituted vide Notification No.So(REG-VI)E&AD/2-6/2010 Dated 18th July 2012

- servant will be placed below his erstwhile juniors promoted to higher posts during subsistence of the period of penalty]
- (ii) compulsory retirement;
 - (iii) Removal from service; and
 - (iv) Dismissal from service.

(2) Dismissal from service under these rules shall disqualify a Government servant from future employment under Government.

(3) Any penalty under these rules shall not absolve a Government servant from liability to any other punishment to which he may be liable for an offence, under any other law, committed by him while in service.

5. Initiation of proceedings.---(1) If on the basis of its own knowledge or information placed before it, the competent authority is of the opinion that there are sufficient grounds for initiating proceedings against a Government servant under these rules it shall either:-

- (a) proceed itself against the accused by issuing a show cause notice under rule 7 and, for reasons to be recorded in writing, dispense with inquiry:

Provided that no opportunity of showing cause or personal hearing shall be given where-

- (i) the competent authority is satisfied that in the interest of security of Pakistan or any part thereof, it is not expedient to give such an opportunity; or
- (ii) a Government servant has entered into plea bargain under any law for the time being in force or has been convicted on the charges of corruption which have led to a sentence of fine or imprisonment; or
- (iii) a Government servant is involved in subversive activities; or

- (iv) it is not reasonably practicable to give such an opportunity to the accused; or
- (b) get an inquiry conducted into the charge or charges against the accused, by appointing an inquiry officer or an inquiry committee, as the case may be, under rule 11:

Provided that the competent authority shall dispense with the inquiry where-

- (i) a Government servant has been convicted of any offence other than corruption by a court of law under any law for the time being in force; or
- (ii) a Government servant is or has been absent from duty without prior approval of leave:

Provided that the competent authority may dispense with the inquiry where it is in possession of sufficient documentary evidence against the accused or, for reasons to be recorded in writing, it is satisfied that there is no need to hold an inquiry.

(2) The charge sheet or statement of allegations or the show cause notice, as the case may be, shall be signed by the competent authority.

6. Suspension.---A Government servant against whom action is proposed to be initiated under rule 5 may be placed under suspension for a period of ninety days, if in the opinion of the competent authority, suspension is necessary or expedient, and if the period of suspension is not extended for a further period of ninety days within thirty days of the expiry of initial period of suspension, the Government servant shall be deemed to be reinstated:

Provided that the competent authority may, in appropriate case, for reasons to be recorded in writing, instead of placing such person under suspension, require him to proceed on such leave as may be admissible to him, from such date as may be specified by the competent authority.

7. Procedure where inquiry is dispensed with.---If the competent authority decides that it is not necessary to hold an inquiry against the accused under rule 5, it shall-

- (a) inform the accused by an order in writing, of the grounds for proceeding against him, clearly specifying the charges therein, along with apportionment of responsibility and penalty or penalties proposed to be imposed upon him;
- (b) give him a reasonable opportunity of showing cause against the proposed action, within seven days of receipt of the order or within such extended period, as the competent authority may determine;
- (c) on receipt of reply of the accused within the stipulated period or after the expiry thereof, if no reply is received, determine whether the charge or charges have been proved against the accused or not:

Provided that after receipt of reply to the show cause notice from the accused, the competent authority, except where the Chief Minister himself is the competent authority, shall decide the case within a period of ninety days, excluding the time during which the post held by the competent authority remained vacant due to certain reasons:

Provided further that if the case is not decided by the competent authority within the prescribed period of ninety days, the accused may file an application before the appellate authority for early decision of his case, which may direct the competent authority to decide the case within a specified period;

- (d) afford an opportunity of personal hearing before passing any order of penalty under clause (f), if it is determined that the charge or charges have been proved against him;

- (e) exonerate the accused, by an order in writing, if it is determined that the charge or charges have not been proved against him; and
- (f) impose any one or more penalties mentioned in rule 4, by an order in writing, if the charge or charges are proved against the accused:

Provided that where charge or charges of grave corruption are proved against an accused, the penalty of dismissal from service shall be imposed, in addition to the penalty of recovery, if any.

8. Action in case of conviction or plea bargain under any law.---

Where a Government servant is convicted by a court of law on charges of corruption or moral turpitude or has entered into plea bargain and has returned the assets or gains acquired through corruption or corrupt practices, or has been acquitted by a court of law as a result of compounding of an offence involving moral turpitude under any law for the time being in force, the competent authority, after examining facts of the case, shall-

- (a) dismiss the Government servant where he has been convicted on charges of corruption or moral turpitude or has entered into plea bargain and has returned the assets or gains acquired through corruption or corrupt practices voluntarily:

Provided that dismissal in these cases shall be with ¹[] effect from the date of conviction by a court of law; and

- (b) proceed against the Government servant under rule 5, where he has been convicted of charges other than corruption or moral turpitude.

9. Procedure in case of willful absence.---Notwithstanding anything to the contrary contained in these rules, in case of willful absence from duty by a Government servant for seven or more days, a notice shall be issued by the competent authority through registered acknowledgement on his home address directing him to resume duty within fifteen days of issuance of the notice. If the same is received back as undelivered or no response is received

¹ The word "immediate" deleted vide notification No.SO(Reg-VI)E&AD/2-6/2010 dated 18-07-2012

from the absentee within stipulated time, a notice shall be published in at least two leading newspapers directing him to resume duty within fifteen days of the publication of that notice, failing which an ex-parte decision shall be taken against the absentee. On expiry of the stipulated period given in the notice, major penalty of removal from service may be imposed upon such Government servant.

10. Procedure to be followed by competent authority where inquiry is necessary.---(1) If the competent authority decides that it is necessary to hold an inquiry against the accused under rule 5, it shall pass an order of inquiry in writing, which shall include-

- (a) appointment of an inquiry officer or an inquiry committee, provided that the inquiry officer or the inquiry committee, as the case may be, shall be of a rank senior to the accused and where two or more accused are proceeded against jointly, the inquiry officer or the convener of the inquiry committee shall be of a rank senior to the senior most accused;
- (b) the grounds for proceeding, clearly specifying the charges along with apportionment of responsibility;
- (c) appointment of the departmental representative by designation; and
- (d) direction to the accused to submit written defense to the inquiry officer or the inquiry committee, as the case may be, within reasonable time which shall not be less than seven days and more than fifteen days of the date of receipt of orders.

(2) The record of the case and the list of witnesses, if any, shall be communicated to the inquiry officer or the inquiry committee, as the case may be, along with the orders of inquiry.

(3)
11. Procedure to be followed by inquiry officer or inquiry committee.---(1) On receipt of reply of the accused or on expiry of the stipulated period, if no reply is received from the accused, the inquiry officer or the inquiry committee, as the case may be, shall inquire into the charges and may examine such oral or documentary evidence in support of the charges or in defense of the accused as may be considered necessary and where any witness is produced by one party, the other party shall be entitled to cross-examine such witness.

(2) If the accused fails to furnish his reply within the stipulated period, the inquiry officer or the inquiry committee, as the case may be, shall proceed with the inquiry ex-parte.

(3) The inquiry officer or the inquiry committee, as the case may be, shall hear the case on day to day and no adjournment shall be given except for reasons to be recorded in writing, in which case it shall not be of more than seven days.

(4) Statements of witnesses and departmental representative(s), if possible, will be recorded in the presence of accused and vice versa.

(5) Where the inquiry officer or the inquiry committee, as the case may be, is satisfied that the accused is hampering or attempting to hamper the progress of the inquiry, he or it shall administer a warning and if, thereafter, he or it is satisfied that the accused is acting in disregard to the warning, he or it shall record a finding to that effect and proceed to complete the inquiry in such manner as may be deemed expedient in the interest of justice.

(6) If the accused absents himself from the inquiry on medical grounds, he shall be deemed to have hampered or attempted to hamper the progress of the inquiry, unless medical leave, applied for by him, is sanctioned on the recommendations of a Medical Board; provided that the competent authority may, in its discretion, sanction medical leave up to seven days without such recommendations.

(7) The inquiry officer or the inquiry committee, as the case may be, shall submit his or its report, to the competent authority within thirty days of the initiation of inquiry:

Provided that the inquiry shall not be vitiated merely on the grounds of non-observance of the time schedule for completion of the inquiry.

12. Powers of the inquiry officer or inquiry committee.---(1) For the purpose of an inquiry under these rules, the inquiry officer or the inquiry committee, as the case may be, shall have the powers of a Civil Court trying a suit under the Code of Civil Procedure, 1908 (Act No.V of 1908), in respect of the following matters, namely:

- (a) summoning and enforcing the attendance of any person and examining him on oath;

- (b) requiring the discovery and production of documents, and receiving evidence on affidavits; and
- (c) issuing commissions for the examination of witnesses or documents.

(2) The proceedings under these rules shall be deemed to be the judicial proceedings within the meaning of sections 193 and 228 of the Pakistan Penal Code, 1860 (Act No. XLV of 1860).

13. Duties of the departmental representative.---The departmental representative shall perform the following duties, namely:

- (a) render full assistance to the inquiry officer or the inquiry committee, as the case may be, during the proceedings where he shall be personally present and fully prepared with all the relevant record relating to the case, on each date of hearing;
- (b) cross-examine the witnesses produced by the accused, and with the permission of the inquiry officer or inquiry committee, as the case may be, may also cross-examine the prosecution witnesses; and
- (c) rebut the grounds of defense offered by the accused before the inquiry officer or the inquiry committee, as the case may be.

14. Order to be passed on receipt of report from the inquiry officer or inquiry committee.---(1) On receipt of report from the inquiry officer or inquiry committee, as the case may be, the competent authority, shall examine the report and the relevant case material and determine whether the inquiry has been conducted in accordance with the provisions of these rules.

(2) If the competent authority is satisfied that the inquiry has been conducted in accordance with the provisions of these rules, it shall further determine whether the charge or charges have been proved against the accused or not.

(3) Where the charge or charges have not been proved, the competent authority shall exonerate the accused by an order in writing, or it shall follow the procedure as given in sub-rule (6) of this rule.

(4) Where the charge or charges have been proved against the accused, the competent authority shall issue a show cause notice to the accused by which it shall-

- (a) Inform him of the charges proved against him and the penalty or penalties proposed to be imposed upon him;
- (b) give him reasonable opportunity of showing cause against the penalty or penalties proposed to be imposed upon him and to submit as to why one or more of the penalties as provided in rule 4 may not be imposed upon him and to submit additional defense in writing, if any, within a period which shall not be less than seven days and more than fifteen days from the day the charge or charges have been communicated to him: provided that the accused shall, in his reply to show cause notice, indicate as to whether he wants to be heard in person or not;
- (c) Provide a copy of the inquiry report to the accused; and
- (d) Direct the departmental representative to appear, with all the relevant record, on the date of hearing.

(5) After affording personal hearing to the accused the competent authority shall, keeping in view the findings and recommendations of the inquiry officer or inquiry committee, as the case may be, facts of the case and defense offered by the accused during personal hearing, by an order in writing-

- (i) Exonerate the accused if charges had not been proved; or
- (ii) Impose any one or more of the penalties specified in rule 4 if charges have been proved.

(6) Where the competent authority is satisfied that the inquiry proceedings have not been conducted in accordance with the provisions of these rules or the facts and merits of the case have been ignored or there are other sufficient grounds, it may, after recording reasons in writing, either remand the inquiry to the inquiry officer or the inquiry committee, as the case may be, with such directions as the competent authority may like to give, or

may order a de novo inquiry through different inquiry officer or inquiry committee ¹[subject to sub-rule(7) of rule 11]

(7) After receipt of reply to the show cause notice and affording opportunity of personal hearing, the competent authority shall decide the case within a period of fifteen days, excluding the time during which the post held by the competent authority remained vacant due to certain reasons.

(8) If the case is not decided by the competent authority within the prescribed period of fifteen days, the accused may submit an application before the appellate authority for early decision of his case, which may direct the competent authority to decide the case within a specified period.

15. Personal hearing.---The competent authority may, by an order in writing, call the accused and the departmental representative, along with relevant record of the case, to appear before him, for personal hearing on the fixed date and time.

16. Procedure of inquiry against Government servant lent to other governments or organizations etc.---(1) Where the services of Government servant to whom these rules apply are transferred or lent to any other government department, corporation, corporate body, autonomous body, authority, statutory body or any other organization or institution, hereinafter referred to as the borrowing organization, the competent authority for the post against which such Government servant is posted in the borrowing organization may-

- (a) Suspend him under rule 6; and
- (b) Initiate proceedings against him/her under these rules:

Provided that the borrowing organization shall forthwith inform the authority which has lent his services, (hereinafter referred to as the lending organization) of the circumstances leading to the order of his suspension or the initiation of the proceedings, as the case may be:

Provided further that the borrowing organization shall obtain prior approval of the competent authority in the lending organization before taking any action under these rules against a

¹ Added vide Notification No.So(REG-VI)E&AD/2-6/2010 Dated 18th July 2012

Government servant holding a post in basic pay scale 17 or above.

(2) If, in the light of findings of the proceedings taken against the accused in terms of sub rule (1), the borrowing organization is of the opinion that a penalty may have to be imposed on him, it shall transmit the record of the proceedings to the lending organization, and the competent authority in the lending organization shall thereupon take action against the accused under rule 14.

(3) Notwithstanding anything to the contrary contained in sub-rules (1) and

(2), the Chief Minister may, in respect of certain Government servant or class of Government servants to whom these rules apply, authorize any officer or authority in the borrowing organization to exercise all the powers of the competent authority under these rules.

17. Departmental appeal and review.---(1) An accused who has been awarded any penalty under these rules may, within thirty days from the date of communication of the order, prefer departmental appeal to the appellate authority:

Provided that where the order has been passed by the Chief Minister, the accused may, within the aforesaid period, submit a review petition directly to the Chief Minister.

(2) The authority empowered under sub-rule (1) shall call for the record of the case and comments on the points raised in the appeal from the concerned department or office, and on consideration of the appeal or the review petition, as the case may be, by an order in writing-

- (a) Uphold the order of penalty and reject the appeal or review petition; or
- (b) Set aside the orders and exonerate the accused; or
- (c) Modify the orders or reduce the penalty.

(3) An appeal or review petition preferred under these rules shall be made in the form of a petition, in writing, and shall set forth concisely the grounds of objection in impugned order in a proper and temperate language.

18. Appearance of counsel.---No party to any proceedings under these rules at any stage of the proceedings, except proceedings under rule 19, shall be represented by an advocate.

19. Appeal before Khyber Pakhtunkhwa Province Service Tribunal.---(1) Notwithstanding anything contained in any other law or rules for the time being in force, any Government servant aggrieved by any final order passed under rule 17 may, within thirty days from the date of communication of the order, prefer an appeal to the Khyber Pakhtunkhwa Province Service Tribunal established under the Khyber Pakhtunkhwa Province Service Tribunals Act, 1974 (Khyber Pakhtunkhwa Act No. I of 1974).

(2) If a decision on a departmental appeal or review petition, as the case may be, filed under rule 17 is not communicated within a period of sixty days of filing thereof, the affected Government servant may file an appeal in the Khyber Pakhtunkhwa Province Service Tribunal within a period of ¹[ninety] days of the expiry of the aforesaid period, where after, the authority with whom the departmental appeal or review petition is pending, shall not take any further action.

20. Exception.---Notwithstanding anything to the contrary contained in these rules, in cases where Government servants collectively strike work, wilfully absent themselves from duty or abandon their official work, the competent authority in respect of the senior most accused may serve upon them, through newspapers or any other mean, such notice as may be deemed appropriate to resume duty and in the event of failure or refusal to comply with the directive contained in the notice, impose upon the defaulting Government servants any of the major penalties prescribed in these rules.

21. Indemnity.---No suit, prosecution or other legal proceedings shall lie against the competent authority or any other authority for anything done or intended to be done in good faith under these rules or the instructions or directions made or issued there-under.

22. ²[].

23. Repeal.---(1) The Khyber Pakhtunkhwa government servants (Efficiency & Discipline) Rules, 1973 are hereby repealed.

¹ Substituted vide Notification No.So(REG-VI)E&AD/2-6/2010 Dated 18th July 2012

² Deleted vide Notification No.So(REG-VI)E&AD/2-6/2010 Dated 18th July 2012

(2) Notwithstanding the repeal of the aforesaid rules, all proceedings pending immediately before the commencement of these rules against any Government servant under repealed rules shall continue under these rules.

(3) Notwithstanding the repeal of the aforesaid rules, all proceedings pending immediately before the commencement of these rules against any employee under the said repealed rules or under the Khyber Pakhtunkhwa Civil Servants Act, 1973 and rules made thereunder, or any other law and rules shall continue under that law and rules, in the manner provided thereunder.

C.No. 5(3-11)

CODE OF CONDUCT FOR JUDICIAL OFFICERS OF NWFP DISTRICT JUDICIARY

Independence of an institution, in fact, requires more responsible and accountable system from within, especially in dealing with stakeholders. Judiciary, being independent institution, demands all its members to show more responsibility than others. It was in this perspective that Hon'ble the Chief Justice desired to have a Code of Conduct for all the judicial officers in NWFP, in addition to the Rules of conduct already applicable to the government servants.

I am, therefore, directed to circulate the subject Code of Conduct for compliance by all the judicial officers. Receipt may be acknowledged by all within a week.

CODE OF CONDUCT FOR JUDICIAL OFFICERS OF NWFP DISTRICT JUDICIARY

The conduct of judicial officers of NWFP has so far been regulated by the NWFP Government Servants (conduct) Rules 1987. These Rules are primarily meant for all government servants. However, the job requirement of the judicial officers warrants special behavior in the judges which demand for possession of the highest quality of intellect and character, Peshawar High Court, therefore, considers it imperative to further provide, the following, in addition to the aforesaid Rules, Code of Conduct for judicial officers of the District Judiciary.

- Para I A judicial officer should be God fearing, law abiding, abstemious, truthful of tongue, wise in opinion, cautious and forbearing, patient and calm, blameless, untouched by greed, completely detached and balanced, faithful to his words and meticulous in his functions.
- Para II He must not show any fear or favour to any party before him or their lawyers, both in his judgment and conduct.
- Para III He should avoid mixing up with people, roaming in hotels, markets and streets except in dire need.
- Para IV He should avoid rage and should abstain from deciding in rage.
- Para V He should be learned in law and should have command and control over the proceedings in the Court.
- Para VI He must be consistent in his judgments.
- Para VII He should be courteous and polite, but not weak, towards the litigants and their lawyers. He must maintain the decorum of the Court.
- Para VIII He should always endeavor to decide cases expeditiously and should take all necessary measures to ensure speedy justice.
- Para IX He should have effective control over the staff of his court without being rude, rough or humiliating.
- Para X A judicial officer must be punctual while taking or leaving his seat.
- Para XI He must be dressed in prescribed uniform and seated in dignified manner, but not so as to look a proud man.
- Para XII He must avoid hearing cases, receiving guests or his colleagues in the retiring room, besides avoiding frequent use thereof, except in urgent need.
- Para XIII He must avoid hearing one party or his lawyer in the absence of the other except in the case of ex parte proceedings.
- Para XIV He must not hear those cases in which he, his near relatives or close friends have got any interest.
- Para XV He should not advise any of the parties so that it becomes a favour to the prejudice of the other party.
- Para XVI Judicial officers must avoid discussing particular cases before them save allowed by law or when it is intended to give advice or counselling by a higher forum to lower forum.
- Para XVII He should not engage in business with any party to the case before him. If, however, it is unavoidable, he should discontinue the hearing of the case forthwith.

(PHC letter No.10367-10390/Admn: Dated Pesh: the 25th November 2005)

C.No. 6(3-11)

THE ¹[KHYBER PAKHTUNKHWA] CIVIL SERVANTS (APPEAL) RULES, 1986

GOVERNMENT OF NORTH-WEST FRONTIER PROVINCE SERVICE
AND GENERAL ADMINISTRATION DEPARTMENT

NOTIFICATION

23RD APRIL, 1986

No. SORII(S&GAD)3(4)/78.(Vol.II).__In exercise of the powers conferred by section 26 of the ²[Khyber Pakhtunkhwa] Civil Servants Act, 1973 (NWFP Act XVIII of 1973), read with section 22 thereof, the Governor of the North-West Frontier Province is pleased to make the following rules, namely:-

THE ³[KHYBER PAKHTUNKHWA] CIVIL SERVANTS (APPEAL) RULES, 1986

1. **Short title, commencement and application.** __ (1) These rules may be called the ⁴[Khyber Pakhtunkhwa] Civil Servants (Appeal) Rules, 1986.

(2) They shall come into force at once and shall apply to every person who is a member of the civil service of the Province or is the holder of a civil post in connection with the affairs of the Province and shall also apply to or in relation to a person in temporary employment in the civil service or post in connection with the affairs of the Province.

2. **Definitions.**__ In these rules, unless there is anything repugnant in the subject or context:

- (a) “Appellate Authority” means the officer or authority next above the competent authority;
- (b) “Competent Authority” means the authority or authorized officer, as the case may be, as defined in the ⁵[Khyber

¹ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

² Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

³ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

⁴ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

⁵ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

Pakhtunkhwa] Government Servants (Efficiency and Discipline) Rules, 1973, or the authority competent to appoint a civil servant under the rules applicable to him; and

- (c) “Penalty” means any of the penalties specified in rule 4 of the ¹[Khyber Pakhtunkhwa] Servants (Efficiency and Discipline) Rules, 1973.

3. **Right of appeal.** __ (1) A civil servant aggrieved by an order passed or penalty imposed by the competent authority relating to the terms and conditions of his service may, within thirty days from the date of communication of the order to him, prefer an appeal to the appellate authority:

Provided that where the order is made by the Government, there shall be no appeal but the civil servant may submit a review petition:

²*[Provided that where the order is made or penalty imposed by the High Court or the Chief Justice, as the case may be, there shall be no appeal but the member of the Service may, prefer a review petition before the authority passing the order or imposing the penalty.]*

^{*}*[Provided further that the appellate or the reviewing authority, as the case may be, may condone the delay in preferring the appeal or the review petition, if it is satisfied that the delay was for the reasons beyond the control of the appellant or that the earlier appeal or review petition was not addressed to the correct authority].*

Explanation. __ For the purpose of the first proviso, the expression “appeal”, where the context so requires, shall mean the “review petition” as well.

(2) Where the order of the competent authority affects more than one civil servant, every affected civil servant shall prefer the appeal separately.

(3) Where the aggrieved civil servant has died, the appeal may be filed, or if already filed by such civil servant before his death, may be pursued, by his legal heir or heirs; provided that the benefit likely to accrue on the acceptance of such appeal is admissible to such legal heir or heirs under any rules for the time being applicable to civil servants.

¹ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

² First proviso modified by PHC in its applicability to members of “Service” (judicial service) vide Notification No. 159-J, dated 19-05-2008

^{*} Substituted by Notification No.SORII(S&GAD)3(4)/78/Vol.II dated 3.12.1989.

4. **Form of Memorandum.** _ (1) Every memorandum of appeal shall:-
- (a) contain full name and address, official designation and place of posting of the appellant;
 - (b) state in brief the facts leading to the appeal;
 - (c) be accompanied by a certified copy of the order appealed against and copies of all other documents on which the appellant wishes to rely.

Explanation. __ Where an aggrieved civil servant has died, his legal heir or heirs, while filing the appeal or applying for review , as the case may be, shall also add documents in support of his or their relationship with the deceased civil servant.

(2) The appeal shall be submitted through the head of the office in which the appellant is posted at the time of filing the appeal, or in the case of a deceased civil servant, where he was last posted before his death. The head of the office shall forward the appeal to the competent authority, if he himself is not such authority and the competent authority shall after adding his own comments, if any, transmit the appeal to the appellate authority for necessary orders the purpose of the first proviso, the expression “appeal”, where the context so requires, shall mean the “review petition” as well.

(3) No appeal shall be entertained if it contains abusive, disrespectful or improper language.

5. **Action by the appellate authority.** _ (1) The appellate authority, after making such further inquiry or calling for such information or record or giving the appellant an opportunity of being heard, as it may consider necessary, shall determine__

- (a) whether the facts on which the order appealed against was based have been established;
- (b) whether the facts established afford sufficient ground for taking action; and
- (c) whether the penalty is excessive, adequate or inadequate and after such determination, shall confirm, set aside or pass such order as it thinks proper; provided that no order increasing the penalty shall be passed without giving the appellant an opportunity of showing cause as to why such penalty should not be increased.

(2) The competent authority against whose order an appeal is preferred under these rules shall give effect to any order made by the appellate

authority and shall cause the order so passed to be communicated to the appellant without undue delay.

6. Withholding of appeal in certain cases. ___ (1) An appeal may be withheld by the competent authority if_

- (a) it is an appeal in a case in which no appeal lies under these rules; or
- (b) it does not comply with the requirements of rule 4; or
- (c) it is not preferred within the time limit specified in sub-rule (1) of rule 3 and no reason is given for the delay; or
- (d) it is addressed to an authority or officer to whom no appeal lies under these rules;

Provided that in every case in which an appeal is withheld, the appellant shall be informed of the fact and reasons for it.

Provided further that an appeal withheld for failure to comply with the requirements of rule 4 or clause (d) of this sub-rule may be resubmitted within thirty days of the date on which the appellant is informed of the withholding of the appeal and, if resubmitted properly in accordance with the requirements of these rules, shall be deemed to be an appeal under rule 3 and shall be dealt with in accordance with the provisions of these rules.

(2) No appeal shall lie against the withholding of an appeal under this rule.

7. Disposal of appeal: - (1) Every appeal which is not withheld under these rules shall be forwarded to the appellate authority along with the comments by the competent authority from whose order the appeal is preferred.

(2) A list of appeals withheld under rule 6, with reasons for withholding them, shall be forwarded quarterly by the withholding authority to the appellate authority.

(3) The appellate authority may call for any appeal admissible under these rules which has been withheld by the competent authority and may pass such order thereon as it considers fit.

8. Savings: - Nothing in these rules shall operate to deprive any person of any right of appeal which he would have had if these rules had not been made, in respect of any orders passed before they came into force.

9. Pending appeals: -All appeals pending immediately before the coming into force of these rules shall be deemed to be appeals under these rules.

10. Repeal. ___ The ¹[Khyber Pakhtunkhwa] Civil Services (Punishment and Appeal) Rules, 1943, are hereby repealed.

¹ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

SECTION-XII**INSTRUCTIONS REGARDING JUDICIAL OFFICER'S
CONDUCT AND DISCIPLINE**C.No. **1**(3-12)**OBSERVATION OF COURTS HOURS**

I am directed to say that it has come to the notice of this Court that most of the Judicial Officers and their staff are not punctual in observing court hours and the Hon'ble Chief Justice of this Court has noted the matter with great concern. Punctuality for every Civil Servant is a must and especially for Head of an Office & presiding officer of court, it assumes additional responsibility. The Judicial Officer being a supervisory officer should be vigilant and regular in attendance. It is the Judicial Officer who has to control and supervise the work of the staff working under him and if a controlling officer becomes slack and unpunctual in attendance the result of office efficiency is quite evident. Moreover, non-observance of punctuality by a civil servant amounts to misconduct under the NWFP, Government Servant (Efficiency & Discipline) Rules, 1973.

In view of the above Hon'ble the Chief Justice has been pleased to order that these instructions should be followed by all the Judicial Officers and in case any compliant / report is received in this Court against any Judicial Officer or his staff in future strict action will be taken against him.

(PHC letter No. 6083-6152 Dated: 30th July, 1986)

C.No. **2**(3-12)**INSTRUCTIONS
(ACCEPTANCE OF PARTIES)**

It has come to the notice of the Hon'ble Chief Justice that some judicial officers do not hesitate in accepting dinners, lunches and Tea parties etc; from the lawyers and the general public. The Chief Justice has been pleased to deprecate this practice.

I am, therefore, directed to impress upon all the judicial officers that utmost discretion should be exercised in accepting such like invitations. These instructions are desired to be followed strictly.

(PHC letter No. 772-851/Admn: Dated Peshawar 30th January 1988)

C.No. 3(3-12)

PUNCTUALITY IN SUBORDINATE COURTS AND EXPEDITIOUS DISPOSAL OF CASES

It has come to the notice of Hon'ble the Chief Justice that some Presiding Officers of the subordinate Courts do not observe Court hours, remain absent during working hours, waste much of their time in entertaining friends and relatives in their retiring rooms and frequently adjourn cases on one pretext or the other causing delay in disposal. Hon'ble the Chief Justice has viewed this state of affairs with grave concern and desired that corrective measures be taken immediately.

As envisaged by paragraph 6, chapter 1-A of volume IV, Rules and Orders of the High Court, all District and Sessions Judges are required to ensure that officers subordinate to them are punctual in keeping court hours and to pay surprise visits in order to verify that the Rules are strictly followed.

I am, therefore, to request that you should carry out frequent surprise visits of the subordinate courts, obtain explanations in respect of non-punctuality, remissness of duty or other dereliction concerning court hours and submit reports to this court about cases, which call for disciplinary action.

(PHC letter No. 1682 – 1696 Dated: Peshawar the 21st May, 1989)

C.No. 4(3-12)

USE OF HIGH COURT MONOGRAM BY THE SUBORDINATE JUDGES ON EID CARDS AND VEHICLES

I am directed to address you on the subject noted above and to say that it has come to the notice of the Hon'ble Chief Justice that some Judicial Officers use monogram of this Court on Eid Cards and on their vehicles. Deprecating this practice, Hon'ble the Chief Justice of this Court has been pleased to order that in future no member of the Subordinate Judiciary shall use the monogram of this Court on Eid Cards and on his Vehicle. Violation of these instructions shall expose the defaulting officer to disciplinary action.

(PHC letter No. 4318-4418/Admn: Brh: Dated. Pesh: the 27th May, 1991)

C.No. 5(3-12)

INTERVIEW WITH THE HONORABLE CHIEF JUSTICE AND JUDGES

I am directed to say, that a tendency has been noticed in some of the Judicial Officers to purposelessly call on the Hon'ble Chief Justice or the Hon'ble Judges of this Court at their residence as well as in their chambers without seeking prior permission convenient for the purpose. Such frequent unscheduled visits on the part of the Judicial Officers are not only unwarranted but cause a lot of inconvenience to the Hon'ble Chief Justice and the Judges.

In view of the above position, you are hereby directed to note that in future no unscheduled visits are to be made, and that in case of dire necessity, prior permission will have to be obtained from the undersigned for any visit, either, to the Hon'ble Chief Justice or to the Hon'ble Judges of this Court.

Besides, it has also come to the notice of this Court that certain Judicial Officers directly or indirectly attempt to influence the Hon'ble Chief Justice of this Court in connection with their transfer or promotion. This practice is not only undesirable, but is also violative of the existing Disciplinary Rules on the subject and as such has to be deprecated.

In future any attempt by Judicial Officers to obstruct the Administrative orders of this Court through any means would be viewed as an act of in-discipline liable to be reflected in the ACR of the concerned Officer, besides exposing such officer for an action under the Efficiency and Disciplinary Rules.

I am, therefore, to request all the Judicial Officers that they shall in future desist from the above mentioned practices, and in case of any default on their part they shall render themselves liable for strict action by this Court.

(PHC letter No. 151-250 / Admn: Brh: Dated. Peshawar 5th January, 1992)

C.No. 6(3-12)

RECEPTION IN COURTS BY PRESIDING OFFICERS OF VISITORS AND ACCOMMODATING PERSONS ON THE DAIS AND IN THE RETIRING ROOMS

I am directed to say that it has come to the notice of Hon'ble the Chief Justice of this Court that some of the Presiding Officers of subordinate Courts, sometimes receive visitors in Court and made them to sit on the Dais / Retiring Room when they come to give evidence or otherwise come to meet the Presiding Officers. It is wholly un-desirable to allow the guests / visitors / witnesses to sit in the retiring room or on the dais beside the Presiding Officer, as such conduct is open to objection and can be easily misconstrued.

Moreover, no visitors should be received during the course of trial of cases as their presence and entertainment detracts from the dignity and decorum of judicial proceedings.

I am to request for strict compliance in future of above instructions.

(PHC letter No. 534-634 / Admn: Brh: Dated. Pesh: the 14th January, 1992)

C.No. 7(3-12)

USE OF THE WORDS "HIGH COURT" OR DESIGNATION ON THE REGISTRATION NUMBER PLATS OF VEHICLES

It has come to the notice of Hon'ble the Chief Justice that some Officers/Officials serving in N.W.F.P. Judiciary display on their private vehicles the words 'High Court' or their designations with the Registration Number Plats which is apparently violative of the Rules and Regulations. All concerned are thus warned in their own interest to desist from doing so forthwith, failing which disciplinary action shall be taken as allowed under the Rules against the defaulting Officers/Officials.

(PHC Endst.No.8446-8474/Admn.Brh. Dated Peshawar the 19th Nov: 1996)

C.No. 8(3-12)

ATTENDING VISITORS IN RETIRING ROOM AND USE OF TELEPHONE DURING COURT HOURS

I am directed to say that it has been brought to the notice of the Hon'ble Chief Justice that Presiding Officers of the Subordinate Courts spend unnecessary

time in their retiring rooms in attending to visitors and telephone calls during their court hours.

2. You are, therefore, required to direct the subordinate courts under your control to desist from the aforesaid practice and ensure compliance of this directive.

I am further directed to say that the numbers of telephones installed by the subordinate courts in their court premises be intimated immediately.

(PHC letter No. 4833-4854 Dated Peshawar the 14th June, 1997)

C.No. **9**(3-12)

ENTERTAINMENT OF GUESTS IN THE RETIRING ROOM

I am directed to say that it has come to the notice of the Chief Justice and Judges of this Court that some Presiding Officers in flagrant violation of the standing Orders of this Court entertain guests in their retiring rooms during Court hours. Taking a serious view of this unsavoury practice, the Chief Justice and Judges have been pleased to Order that in future no Presiding Officer shall entertain guests in his retiring room.

(PHC No. 9244-9343/Admn/D(a)260-A,Part-III Dated 08th November, 1998)

C.No. **10**(3-12)

OBSERVANCE OF COURT HOURS

It has come to the notice of Hon'ble the Chief Justice that some of the Judicial Officers do not observe court time, remain absent during working hours and entertain friends and relatives in retiring room. Hon'ble the Chief Justice has seriously viewed this unbecoming attitude and desired that corrective measures be taken immediately.

2) As laid down in paragraph 6,Chapter 1-A Volume IV, Rules and Orders of the High Court, all District and Sessions judges are required to ensure that Judicial Officers in the district observe court hours and may visit the courts in order to see that Rules on the subject are strictly adhered to.

3) I am, therefore, to request that frequent surprise visits of the subordinate courts should be carried out with a view to check unpunctuality, and other dereliction with regard to regular court hours and report cases which warrant disciplinary action.

(PHC letter No. 1751-1772 Dated 9th March, 1999)

C.No. **11**(3-12)

ENTERTAINMENT OF GUESTS IN THE RETIRING ROOM

In continuation of this Court's circular letter No. 9244-9343 Admn. Brh/D(A) 260-A,Part-III, dated 8.11.1998, I am directed to say that after following instructions on the subject for some time a few Judicial Officers have revived the practice of entertaining guests in their retiring rooms. No words are strong enough to deprecate the practice as it adversely affects disposal of cases, which have increased manifold in the aftermath of separation of the Judiciary from the Executive.

2) The directions contained in the above referred circular letter are, therefore, once again reiterated with stern warning that those found defying the instructions will expose themselves to appropriate disciplinary action.

(PHC letter No. 10170-10220 Admn Dated 27th October, 1999)

C.No. **12**(3-12)

MEETING THE HON'BLE CHIEF JUSTICE AND JUDGES WITHOUT PRIOR PERMISSION

I am directed to say that despite clear warnings on the subject, some of the Judicial Officers are still making attempts to call on the Hon'ble chief Justice and Judges of this Court at their residences as well as in their chambers without seeking prior permission. It has also been observed that certain Judicial Officers directly or indirectly attempt to approach the Hon'ble Chief Justice in connection with their transfer or promotion.

2. Hon'ble the Chief Justice and Judges have taken serious notice of this unsavoury practice and have directed me to reiterate the earlier directions issued on the subject and impress upon all the Judicial Officers that in future no attempt should be made for meeting with the Hon'ble Chief Justice and Judges without seeking prior permission from the undersigned and desist from making attempts to influence administrative decisions, otherwise they

shall expose themselves to stern disciplinary action under the Efficiency and Discipline Rules.

(No. 927-1126 Dated Peshawar the 8th February, 2000)

C.No. **13**(3-12)

NON-OBSERVANCE OF COURT HOURS AND ENTERTAINMENT OF GUESTS IN THE RETIRING ROOM.

1. In continuation of this Court's circular letters no.1751-1772, dated 9.3.1999 and No.10170-10220/Admn: dated 27.10.1999, I am directed to say that complaints are still pouring in showing non-observance of court hours and entertainment of guests in the retiring room by some Judicial Officers in flagrant violation of the standing orders of this Court. The incessant resort to this unsavoury practice not only tends to lower the image of Judiciary in the eyes of general public but also adversely affects the disposal of cases which have witnessed manifold increase owing to several reasons including separation of the Judiciary from the Executive and transfer of the entire judicial work from the Executive Magistrates to the Judicial Officers.

2. I am, therefore, to reiterate instructions on the subject issued by this Court from time to time with the directions to all the Judicial Officers to observe Court time by remaining in the Courtroom during working hours excepting thirty minutes break from 1.00 p.m. to 1.30 p.m for "Zohar Prayer", and shun the tendency of entertaining friends and relatives in the retiring room.

(PHC letter No.344-443/ Admn: Brh. Dated Pesh: the 10th January, 2002)

C.No. **14**(3-12)

VISIT TO HIGH COURT BY THE JUDICIAL OFFICERS

I am directed to inform that the Judicial Officers of the Subordinate Judiciary shall not visit the High Court without being called by the High Court or on prior appointment made at their request.

The Judicial Officers so visiting the High Court will be received by the Protocol Officer of this Court at the 'Judges' Entrance at the time and date fixed for the visit.

(PHC letter No.1494-1701/ Dated Peshawar the 26-2-2002)

C.No. **15**(3-12)

GRANT OF INTERVIEWS TO JUDICIAL OFFICERS BY HON'BLE CHIEF JUSTICE TO AVOID ATTEMPTS TO HAVE INDIRECT ACCESS TO HIS LORDSHIP.

I am directed to refer to the subject noted above and to request you to please inform all concerned that the Hon'ble Chief Justice is accessible (subject to availability at station to be confirmed through the Registrar/Secretary to Hon'ble Chief Justice) to all the judicial officers and is anxious to remove all legitimate grievances but the attempts to have indirect access to his lordship must be avoided to avoid disciplinary action followed by reflection of such misconduct in the ACR of defaulter.

The receipt of this communication is to be acknowledged by all concerned and sent to the undersigned.

(PHC letter No. 4029-4051 Dated Peshawar the 4th May, 2002)

C.No. **16**(3-12)

EXTRANEOUS INFLUENCE BY GOVERNMENT SERVANTS IN RESPECT OF SERVICE MATTERS

I am directed to refer to the subject noted above, and to say that bringing or attempting to bring any sort of extraneous influence on the Authority in respect of service matters, including transfers/postings, amount to **misconduct** within the provisions of Rule 2(1)(e) of the N.W.F.P Government Servants (Efficiency and Discipline) Rules, 1973.

The Competent Authority, has therefore, been pleased to ask all concerned to desist from such practices. Any such attempt shall expose the delinquent officer/official to proceedings under the Rules *ibid*.

In case of any genuine problem of a Judicial Officer, appointment for interview with His Lordship the Chief Justice be sought through the Secretary. (091-9211296; Fax. 091-9210482).

I am further directed to require you to circulate these instructions amongst all the Judicial Officers of your District and their staff for strict compliance.

(PHC letter No. 10089-10112/Adm Dated 04th August, 2004)

C.No. **17**(3-12)

VISIT TO HIGH COURT BY JUDICIAL OFFICERS.

I am directed to refer to this Court's letter # 1494-1701/Admn dated 26th February, 2002 on the subject noted above and to state that the Hon'ble Chief Justice has been pleased to dispense with the requirement of prior appointment for visit to the High Court, to the extent of District and Sessions Judges/Zila Qazis.

(PHC letter No. 10065-10088/Admn Dated 04th August, 2004)

C.No. **18**(3-12)

USE OF MOBILE PHONES DURING COURT HOURS

I am directed to refer to the subject noted above and to state that reports have been received about some of the Judicial Officers using mobile phones in the court rooms during court proceedings. Hon'ble the Chief Justice has taken serious notice of such practice.

I am, therefore, to direct that no Judicial Officer shall use or keep mobile phone in Court, during court hours, in future. It may, however, be kept either in retiring room or with any staff member, performing duty outside the court room.

I am further to request you to circulate these instructions among all the Judicial Officers of your District for compliance.

(PHC letter No. 3049-3072/Admn Dated 19th April, 2005)

C.No. **19**(3-12)

DELAY IN RELINQUISHMENT OF CHARGE BY THE JUDICIAL OFFICERS

It has been observed that most of the Judicial Officers tend to delay relinquishment of charge on their transfer. This practice not only amounts to defiance of the order but also at times creates complications and inconvenience for the succeeding officers.

The Competent Authority has, therefore, been pleased to direct that henceforth, on receipt of transfer order, the officers shall immediately relinquish charge of their office.

I am further to request that such orders, when received either by fax or otherwise, be forthwith communicated to the transferee officers.

(PHC letter No.3332-3355/ Admn Dated Peshawar the 28th April, 2005)

C.No. **20**(3-12)

UNPLEASANT BEHAVIOR OF JUDICIAL OFFICERS WITH THE LITIGANTS.

I am directed to say that complaints are pouring in regarding the rude and improper behavior of some of the Judicial Officers with the litigants during court proceedings. Such undesirable attitude is adversely affecting the cause of justice and public confidence.

Hon'ble the Chief Justice has desired that a gentleman behaviour and sobriety should be observed in the Court and proceedings be conducted in a respectful manner, maintaining judicial norms and dignity of the Court, for better administration of justice.

I am further to request that the aforesaid instructions may please be circulated amongst all the Judicial Officers of your respective districts for strict compliance, to avoid such complaints in future.

(PHC letter No. 9324-9347 Dated 01st August, 2005)

C.No. **21**(3-12)

APPROACH TO HIGHER AUTHORITIES FOR FAVOURS

I am directed to refer to the meeting of National Judicial Policy Making Committee (NJPMC) dated 19th November 2005, and to say that the

Committee in the said meeting has resolved that no judicial officer may approach the higher authorities for securing favourable transfer, posting or promotion and that any such attempt shall be treated as misconduct and disciplinary action be taken against the delinquent judicial officer.

Attention is also invited to the earlier instructions, issued vide this Court's letter No. 469-569/Admn dated 08.01.1998, 927-1126/Admn dated 08.02.2000 and Endst # 10113-10162/Admn dated 04.08.2004 in the subject matter (Copies are attached).

I am, therefore, to ask you to circulate the above decision amongst all the judicial officers of your district for information and compliance.

(No. 10853-10876/Admn: Dated Peshawar, the 12th December 2005)

C.No. **22**(3-12)

RECEIPT OF HONORARIUM BY MAGISTRATES

I am directed to refer to the subject noted above and to say that the issue of payment of honorarium by different Departments, Authorities, Corporations, Local Governments, autonomous or semi-autonomous bodies to Magistrates trying criminal cases pertaining thereto came up before Hon'ble the Chief Justice, who was pleased to observe that no honorarium could be received without the sanction of the Competent Authority and other than from General Revenue.

All the Judicial Officers are paid Civil Servants of the Provincial Government and the disposal of criminal cases as Magistrates under the Code of Criminal Procedure or any other law falls within the orbit of their normal duties. Receipt of honorarium for such work would, therefore, involve contravention of F.R. 9(9) and as such is not permissible. Moreover, the Departments, Authorities, Corporations and other Bodies granting honorarium being party to the cases sent to Magistrates for proceedings; receipt of honorarium from them would cause serious impact on the integrity of the Court and the Institution, besides hampering safe administration of justice.

I am, therefore, directed to ask that such practice be stopped forthwith. The aforesaid directions may please be circulated amongst all the Magistrates of your respective Districts for immediate/strict compliance.

(PHC letter No. 4089-4112/Admn: Dated Peshawar the 29th April, 2006)

C.No. **23**(3-12)

INVOLVEMENT OF JUDICIAL OFFICERS IN LITIGATION.

I am directed to refer to the subject noted above and to request that all Judicial Officers of your respective Districts, who are party to any case pending in any Court, be asked to furnish to this Court details of such case/cases within seven days.

Hon'ble Chief Justice has further been pleased to direct that henceforth any Judicial Officer, filing suit in his official capacity, shall observe the requirement of law/Rules, whereas filing of defending a suit in his private capacity, shall intimate in advance particulars thereof to this court.

(PHC Letter No. 9179-9202/Admn Dated 27th October, 2006)

C.No. **24**(3-12)

DISTINCTIVE NUMBER PLATES ON VEHICLES

In continuation of this Court's letter No. 4318-4418/Admn: Brh: Dated 27.05.1991 and Endst No. 8446-8476/Admn: Brh: Dated 19.11.1996 (C. No.6(4-2) page No. 301 and C. No. 9(4-2) page No. 303 of Judicial Estacode), on the subject noted above, I am directed to say that it has come to the notice of this Court that some Judicial Officers display their own designation or other distinctive number like "Zaid-1" on registration plates of their private or official vehicles. This practice on the part of Judicial Officer is not up to their status resulting in lowering the image of Judiciary in the eyes of public.

All the Judicial Officers are, therefore, directed to desist from the aforesaid practice.

I am further to request that the aforesaid instructions may please be circulated amongst all the Judicial Officers of your district for strict compliance.

(PHC letter No. 2341-64/Admn Dated Peshawar, 04th May, 2007)

C.No. **25**(3-12)

VISIT TO HIGH COURT BY THE JUDICIAL OFFICERS

I am directed to refer to the subject noted above and to say that, except in the Court proceedings, henceforth all visits by the Judicial Officers to the

Hon'ble Chief Justice and Judges of this Court shall be scheduled, with specific reference to the agenda, in consultation with the Secretary to the Hon'ble Chief Justice in order to save the precious time. Similarly, frequent visits to other offices of this Court should also be minimized except in urgent matters / problems which cannot otherwise be addressed.

All the Judicial Officers working under your administrative control be informed, accordingly. Please acknowledge the receipt.

(PHC letter No.14145-85/Admn-AMIT-II Dated 14th November, 2009)

C.No. **26**(3-12)

CODE OF CONDUCT

I am directed to refer to the subject cited above and to say institutions are made and shaped by individuals and individuals, in turn, by possession the traits of highest character and intellect. The independence of judiciary further fomented by the recent mass movement demand of all the judicial officers to behave in a manner befitting of an umpire as the fate of the nation is to be decided by these individuals in the days to come. The role of a Judge demands him to be abstemious, cautious, blameless, untouched by greed and meticulous in his functions. These behavioral manifestations, inter alia, must be jealously guarded in order to show impartiality on one hand and enhance the public confidence in the institution on the other.

But unfortunately instances have come on the notice of Hon'ble the Chief Justice that Judicial Officers do not mixing up with the people at the stations of their posting, who are direct stakeholders, like lawyers, public office holders, politicians, other elites etc., in cases before them and such mixing up goes to the extent that the Judicial Officers get obliged by demanding and accepting petty personal needs like borrowing of vehicles, fuel etc. Such petty personal benefits do tarnish the image of the concerned Judicial Officer as well as the Institution.

All the Judicial Officers are expected to show restraint from indulging in such practices in future, as the same militates against the established Code of Conduct of Judges. The directive may be circulate amongst all the Judicial Officers under your control for strict compliance.

(PHC letter No.761-835/Admn Dated Peshawar, 13th January, 2010)

C.No. **27**(3-12)

INTERACTION WITH SUBORDINATE JUDICIAL OFFICERS BY DISTRICT & SESSIONS JUDGES

I am directed to refer to the subject noted above and to say that District & Sessions Judge being administrative head of other judges in the district on

one hand and reporting officer on the other is to conduct himself, in dealing with subordinate judges, in a way not to affect his official duty in both the areas. Closeness with subordinates, at times, results in undue favors to them. The task of reporting officer becomes all the more daunting in such proximity with subordinates as he is to evaluate and assess performance objectively with detail microns of character. Such objectivity is possible only and only when assessor becomes circumspect and circumspection demands emotional detachment.

The Hon'ble Chief Justice has, therefore, desired that all the District & Sessions Judges of the province should regulate their interaction with subordinate judicial officers in line with the above-mentioned objective so that human weaknesses should not mar their important official functions.

(PHC letter No.836-910/Admn Dated Peshawar, 13th January, 2010)

C.No. **28**(3-12)

CODE OF CONDUCT

The behavioral province of a Judge transcends the jurisdictional bounds as opposed to *lis* and *dicta* which cannot go beyond circumscribed limits of law. The conduct of a Judge for maintenance of rule of law, therefore, extends to all areas within the range of human activities in a nation. But unfortunately, Judges feel them free of all clutches of standards of conduct in those matters not before them. Direct or indirect interference in judicial matters not before them is as culpable as a judge in his own cause.

The maxim “*nemo debet esse judex in propria causa*” does not relieve a judge or his friend to do through others what he cannot do himself in law or morality.

The Honourable Chief Justice has taken a very serious view of certain instances in which judicial officers oblige each other in judicial matters in respective home stations as, it too, militates against their integrity.

I am, therefore, to impress upon all the judicial officers to be highly wary in defending the attributes presumptively ingrained in a person of a Judge to save the institution in the ultimate. The directive may be circulated amongst all the judicial officers under your control.

(PHC letter No.1601-46/Admn Dated Peshawar, 02nd February, 2010)

C.No. **29**(3-12)

APPROACH TO HIGHER AUTHORITIES FOR FAVOURS

I am directed to refer to the subject noted above and to say that approaching the authorities in the matter of postings and transfers is a misconduct and against service discipline which may entail the consequences adverse to the concerned judicial officer. All the judicial officers are, therefore, asked to desist from using any channel for the purpose in future.

This directive may be circulated amongst all the judicial officers under your control.

(PHC letter No.2695-2755/Admn Dated Peshawar, 20th February, 2010)

C.No. **30**(3-12)

ATTENDANCE OF PRESIDING OFFICERS

I am directed to refer to the subject noted above and to say that complaints are pouring in regarding lack of punctuality of the judicial officers necessitating a watch on them so that it may be seen whether they attend the courts regularly well in time. Telephonic communications in the morning in this connection revealed that most of the Judges do not attend their courts well in time.

I am, therefore, directed to ask you to mark the attendance of all the Presiding Officers at a station from 08.30-A.M to 08.50-AM on all the working days and fax the same on Telephone No. 091-9210170 on daily basis before 09.00-AM as per the form enclosed herewith. Similarly attendance at sub-divisional/tehsil headquarters may also be marked and faxed directly to this court. This circular may be circulated to Senior/In charge Judge at sub-divisional/tehsil headquarters.

(PHC letter No.2944-68/Admn Dated Peshawar, 05th March, 2010)

C.No. **31**(3-12)

MORAL AND JUDICIAL STANDARDS OF THE JUDICIAL OFFICERS

I am directed to refer to the subject noted above and to state that his lordship honourable the Chief Justice noticed that the District and Sessions judges feel least concerned in monitoring the activities of the judicial Officers subordinate to them notwithstanding it is the District and Sessions Judge who is to see and supervise their conduct and other activities, if any.

Failure of the District and Sessions Judges to focus on this aspect of their responsibility would worsen the already deteriorating moral and judicial standards. Therefore, they are required to maintain discipline in their interactions with each other to ensure check and balance in their working.

(PHC letter No.4803-4853/Admn Dated Peshawar, 11th March, 2010)

C.No. 32(3-12)

پشاور ہائی کورٹ پشاور

نوٹس

ہر عام و خاص کو مطلع کیا جاتا ہے کہ کسی بھی عدالت یا اسکے ذیلی دفاتر میں کسی بھی قسم کا کوئی بھی لین دین یا طلبی اجرت بالواسطہ یا بلاواسطہ کسی بھی سرکاری کام کو غیر سرکاری طور پر کرانا قانوناً حرم اور قابل سزا ہے جس کیلئے متاثرہ یا دلچسپی رکھنے والا کوئی بھی شخص دوران اوقات کار متعلقہ سیشن جج کو یا فون نمبرات 091-9210159 (ممبر انسپکشن ٹیم) یا 091-9210135 (رجسٹرار) کو اطلاع کرے تو اسکا نام صغیر راز میں رکھا جا کر بدعنوانی کے ناسور کو ختم کرنے کیلئے تمام اقدامات کئے جائیں گے۔

(سید مصدق حسین گیلانی)

رجسٹرار

No.13716-13764/Admn Dated Peshawar the 3rd August, 2010

C.No. 33(3-12)

PHONE CALLS DURING COURTS HOURS

In continuation and partial modification of this Court's letter No. 3049-3072/Admn dated 19/04/2005 on the subject, I am directed to say that Hon'ble the Chief Justice has taken serious view of the judicial officers attending to the phone calls during court hours which not only hampers the court proceeding but also create an impression amongst litigants that the judicial officer presiding over the proceedings of a case has been influenced by the person talking on telephone. This may result in shattering the

confidence of the litigants in the courts though the phone call might not have any relevance with the proceedings before the court.

I am, therefore, to direct that no judicial officer shall use any landline or cell phone during court hours. Those judicial officers who have been provided facility of official phone should also take care of attending official calls keeping in view the spirit of this directive.

The instructions may be circulated amongst all the judicial officers of your district for compliance.

(PHC letter No.18859-99/Admn Dated Peshawar, 05th November, 2010)

C.No. **34**(3-12)

CURTAILMENT OF DURATION OF JOURNEYS ON TOURS/TRANSIT DAY

I am directed to refer to the subject noted above and to say that it has been noticed by Hon'ble the Chief Justice that Judicial Officers spend long durations of journeys on official tours than required in ordinary course resulting in undue and prolonged absence from duty. It is, therefore, decided that duration of journeys on tours be curtailed to the maximum and transit day shall not be claimed henceforth if it is all the more convenient for the Judicial Officer/Official to come back to the place of his duty/headquarters. In no case such transit day shall be claimed if the distance between his place of duty/headquarters and place of tour is less than 200 KM save in unavoidable circumstances which shall be noted down and communicated to this court.

These instructions may be circulated amongst all concerned under your control.

(PHC letter No.16773-96/Admn Dated Peshawar, 06th December, 2010)

C.No. **35**(3-12)

ERADICATION OF CORRUPTION

I am directed to refer to the subject noted above and to enclose herewith a specimen of notice in Urdu for information of general public. The same may be written on large signboards and be affixed on conspicuous places in the court premises both at District, Sub Divisional and Tehsil level within a week time. After doing the needful, please intimate this court about the completion of the task. The expenditure involved may be met out of contingency.

اطلاع عام

کوئی بھی حکومتی اہلکار بدتمول عدالتی عملہ ، عملہ محکمہ مال و پولیس اگر کسی سے کوئی رقم تحفہ وغیرہ بطور رشوت وصول کرے تو آپ بغیر خوف و خطر اپنی عرضی جناب چیف جسٹس پشاور ہائی کورٹ یا زیر دستخطی کے نام بھیجیں جس میں مکمل تفصیل معہ نام و پتہ شکایت کنندہ درج ہونا ضروری ہے۔

رشوت ختم کرنے میں ہماری مدد کیجئے اسی میں آپ کا، ملک کا اور قوم کا بہلا ہے۔

بحکم چیف جسٹس پشاور ہائی کورٹ

(رجسٹرار پشاور ہائی کورٹ)

(PHC letter No.19976-99/Admn Dated Peshawar, 06th December, 2010)

C.No. 36(3-12)

CODE OF CONDUCT (VISIT OF JUDICIAL OFFICER TO THEIR COLLEAGUES AT HOME STATION)

I am directed to refer to this court letter No. 1601-46/Admn dated 02-02-2010 on the subject noted above and to draw you attention to the constant complaints of visits by Judicial Officers to their colleagues posted at the home stations of the former giving rise to multiple implications and doubts in the minds of litigants public marring their confidence in the system.

I am, therefore, to direct that henceforth no Judicial Officer shall visit any Judicial Officer at their home stations in particular and at any other station in general. This directive may be circulated amongst all the Judicial Officers under your control.

(PHC letter No.745-815/Admn Dated Peshawar, 17th January, 2011)

C.No. **37**(3-12)

FAVOURS TO RELATIONS

I am directed to refer to the subject noted above and to say that certain instances have been noticed by Hon'ble the Chief Justice where Judicial Officers show inclinations towards litigants or advocates related in any way to any other Judicial Officer or Judge of superior judiciary. Hon'ble the Chief Justice has directed that propriety demands that in case of balance of scale between two parties, grains of mercy be poured on the party which is without such relation. It must further be borne in mind that the Hon'ble Chief Justice, Hon'ble Judges of superior courts or Judicial Officers have no friends or relatives. Their friends or relatives are those who are victims of injustice; misuse of their names thus be religiously guarded against.

(PHC letter No.5295-355/Admn Dated Peshawar, 27th April, 2011)

C.No. **38**(3-12)

FAKE AND BOGUS COMMUNICATIONS FOR AND ON BEHALF OF HON'BLE JUDGES AND OFFICERS OF JUDICIARY IN PAKISTAN

I am directed to refer to the subject noted above and to express serious concern regarding repeated instances of fake and bogus communications and impressions being created and disseminated through various means, on behalf of senior Judges and Officers in the Judiciary, by impersonating and exercising undue influence to seek favours in the disposal of judicial as well as official business of junior Judges and officer. Such highly condemnable practices cause inconvenience, misunderstandings and disruption in the administration of justice.

I, am, therefore, to ask all the concerned to immediately communicate, as and when the occasion may arise, with the quarter concerned and obtain prior confirmation regarding the source and other vires of such communications before taking any action in this regard. All the concerned under your control please be informed for compliance.

(PHC Letter No. 7266-7312/Admn: dated Peshawar 11th June, 2011)

C.No. 39(3-12)

**KHYBER PAKHTUNKHWA GOVERNMENT SERVANTS
(EFFICIENCY AND DISCIPLINE) RULES, 2011**

I am directed to refer to this Court's letter No. 11867-915/Admn: dated 06.10.2011, on the subject and to forward herewith, copy of letter No. SOR-VI/E&AD/2-6, dated 08.10.2011, along with enclosures, received from the Section Officer (Reg-VI), Government of Khyber Pakhtunkhwa, Establishment Department, Peshawar, for information and compliance.

(PHC letter No. 12238-309/Admn: dated Pesh the 19.10.2011)

**KHYBER PAKHTUNKHWA GOVERNMENT SERVANTS
(EFFICIENCY AND DISCIPLINE) RULES, 2011**

In continuation of this Department letter No. SOR-VI/E&AD/2-6 dated 17th September, 2011 on the subject. Copies of specimens of Model Show Cause Notice, Charge Sheet and Statement of Allegations (duly vetted by the Law Department) are enclosed for the purpose of disciplinary proceedings against accused government servants under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011.

(Letter No. SOR-VI/E&AD/2-6 Dated 8th October, 2011)

SHOW CAUSE NOTICE

I, (Name and Designation), as competent authority, under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011, do hereby serve you, Mr. _____, as follows:

1. (i) that consequent upon the completion of inquiry conducted against you by the inquiry officer/inquiry committee for which you were given opportunity of hearing vide communication No. _____, dated: _____; and

(ii) on going through the findings and recommendations of the inquiry officer/inquiry committee, the material on record and other connected papers including your defence before the inquiry officer/inquiry committee,-

I am satisfied that you have committed the following acts/omissions specified in rule 3 of the said rules:

- (a) _____
- (b) _____
- (c) _____

2. As a result thereof, I, as competent authority, have tentatively decided to impose upon you the penalty of _____ under rule 4 of the said rules.

3. You are, therefore, required to show cause as to why aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.

4. If no reply to this notice is received within seven days or not more than fifteen days of its delivery, it shall be presumed that you have no defence to put in and in that case an ex-parte action shall be taken against you.

5. A copy of the findings of the inquiry officer/inquiry committee is enclosed.

COMPETENT AUTHORITY

CHARGE SHEET

I, (Name and Designation), as competent authority, hereby charge you, Mr. (Name and Designation), as follows:

That you, while posted as _____ committed the following irregularities:

- (a) _____
- (b) _____
- (c) _____

2. By reason of the above, you appear to be guilty of _____ under rule 3 of Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 and have rendered yourself liable to all or any of the penalties specified in rule 4 of the rules ibid.

3. You are, therefore, required to submit your written defence within seven days of the receipt of this Charge Sheet to the inquiry officer/inquiry committee, as the case may be.

4. Your written defence, if any, should reach the inquiry officer/inquiry committee within the specified period, failing which it shall be presumed that you have no defence to put in and in that case ex-parte action shall be taken against you.

5. Intimate whether you desire to be heard in person.

6. A statement of allegations is enclosed.

COMPETENT AUTHORITY

DISCIPLINARY ACTION

I, (Name and Designation), as competent authority, am of the opinion that (Name and Designation), has rendered himself liable to be proceeded against, as he committed the following acts/omissions, within the meaning of rule 3 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011.

STATEMENT OF ALLEGATIONS

- i. _____
 ii. _____
 iii. _____

2. For the purpose of inquiry against the said accused with reference to the above allegations, an inquiry officer/inquiry committee, consisting of the following, is constituted under rule 10(1)(a) of the ibid rules:

- i. _____
 ii. _____

3. The inquiry officer/inquiry committee shall, in accordance with the provisions of the ibid rules, provide reasonable opportunity of hearing to the accused, record its findings and make, within thirty days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused.

4. The accused and a well conversant representative of the department shall join the proceedings on the date, time and place fixed by the inquiry officer/committee.

COMPETENT AUTHORITY

C.No. 40(3-12)

INTERACTION WITH MEDIA BY GOVERNMENT SERVANTS

Enclosed find herewith, copy of letter No. SOR-VI/E&AD/2-16/2005/Vol-II dated 25.10.2011, on the subject, received from the Section Officer (Reg-VI), Government of Khyber Pakhtunkhwa, Establishment Department, Peshawar, for information and compliance.

(PHC letter No. 12760-83/Admn: Dated 03rd November, 2011)

INTERACTION WITH MEDIA BY GOVERNMENT SERVANTS

I am directed to refer to the subject noted above and to state that instances have come to the notice of Government where Government Servants have interacted with press/media and contributed articles and writings in the newspapers making statements of their opinion which is highly objectionable and places the Government in embarrassing position. All such communications/statements of opinion and articles by a Government Servant without prior sanction of the government are prohibited under the Khyber Pakhtunkhwa Government Servants (Conduct) Rules, 1987.

In this regard, attention is invited to rule 24 of the Khyber Pakhtunkhwa Government Servants (Conduct) Rules, 1987 which prohibit interaction of Government Servants with the media (both print and electronic) through participation in a radio or television program or contribute any article or write any letter to any newspaper or periodical expressing views on Government policy and political issues. Any violation of these rules may warrant punitive action under Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011.

It is requested to kindly bring the above provisions of rules to the notice of all Government Servants serving under your control including attached.

(Letter No. SOR-VI/E&AD/2-16/2005/Vol-II Dated 25th October, 2011

C.No. **41**(3-12)

CONFIRMATION OF ADDITIONAL JUDGES OF LAHORE HIGH COURT AND HIGH COURT OF BALOCHISTAN.

With reference to subject noted above I am to enclose herewith copy of letter No. 7(19) IR-General/2011 dated 04.2.2012 with the request that all the Judicial Officers working in your district may be directed to file their income tax return/wealth statements in time.

(Letter No. 5601-24/B&A, Dated Peshawar the 16th August, 2012)

C.No. **42**(3-12)

ILLEGAL FAVOUR TO FRIENDS, RELATIVES AND COLLEAGUES.

I am directed to refer to the instructions/directives already issued on the subject by this Court from time to time, and to say that Hon'ble the Chief Justice has been pleased to direct that any member of the Administration of this Court approaches for favour in any case pending in your respective districts, may directly inform his lordship through his Private Secretary Mr. Faqir Jan.

I am further directed to say that Member of the Departmental Selection/Promotion Committees shall also directly inform his lordship as and when any staff member of the Administration approaches them for any favour.

This directive may be circulated amongst all the Judicial Officers under your control.

(PHC Letter No. 12055-78/Admn, Dated 09th October, 2013)

C.No. **43**(3-12)

APPEARANCE THROUGH ONE JUDICIAL OFFICER AS REPRESENTATIVE IN SERVICE MATTERS

I am direct to refer to the subject noted above and to say that Hon'ble Chief Justice has been pleased to direct that henceforth learned judicial officers having identical cases clubbed together pending before SJST or august Supreme court of Pakistan shall nominate one representative from amongst themselves for appearing before Tribunal/Court from either side. Practice of appearing so many judicial officers having identical cases clubbed together from one side shall be discontinued

Please provide list of cases of judicial officers pending before SJST or august Supreme court of Pakistan along with name of one judicial officer to represent bunch of judicial officers pleading the same cause to appear before the court

(PHC Letter No.14117-40/Admn Dated 21st November, 2013)

C.No. **44**(3-12)

CODE OF CONDUCT FOR JUDICIAL OFFICERS

I am directed to refer to the subject noted above and enclose herewith photo copies of code of conduct for Judicial Officers and KPK conduct Rules, 1987.

You are, therefore, requested to circulate the same amongst all the Judicial Officers in your respective districts and insist upon them for strict compliance.

I am further directed to say that Mr. Justice Waqar Ahmad Seth, Hon'ble Chairman, cell for Eradication of Corruption from Judiciary has desired that all the Judicial Officers shall forward the detail of their declaration of Assets, copies of CNICs along with CNICs of dependents within one month positively.

(PHC Letter No. 3014-37/Admn Dated 03rd March, 2014)

C.No. **45**(3-12)

ATTENDANCE OF PRESIDING OFFICER

With reference to this Court's letter No.2944-68/Admn dated: 05.03.2010 on the subject noted above, I am directed to say that it is noted with concern that judicial officers are not abiding the timings of working hours in true sense.

You are, therefore, to mark the attendance of all the presiding officers at a station within 30 minutes of the commencement of working hours in the morning on the enclosed form, and fax the same to this office not later than 09:00 a.m, on daily basis.

(PHC Letter No. 9280-303/Admn, Dated 09th June, 2014)

ATTENDANCE OF PRESIDING OFFICERS OF DISTRICT /TEHSIL

Date: _____

Sr#	Name of J/O with designation	Time arrival	of	Signature of J/O	Remarks

Signature of District & Sessions Judge/Senior Judge at Station

C.No. 46(3-12)

COMPLETION OF ENQUIRIES IN ACCORDANCE WITH STIPULATED PERIOD.

Enclosed find herewith copy of letter No. SOR-VI/E&AD/2-6/2010 dated 17.07.2014, on the cited subject, received from the Section Officer (Reg-VI), Government of Khyber Pakhtunkhwa, Establishment Department, Peshawar, for information and compliance, please.

(PHC Letter No. 11500-11524/Admn Dated 26th July, 2014)

COMPLETION OF ENQUIRIES IN ACCORDANCE WITH STIPULATED PERIOD.

I am directed to refer to the subject cited above and to say that Competent Authority has taken a serious note for delay in conduct and submission of enquiries and desired that the enquiry officers/committee should complete enquires within the stipulated period of 30 days as per Rule-11 (7) of Khyber Pakhtunkhwa Civil Servants (Efficiency & Discipline) Rules, 2011, positively, such delays often result in deferment of promotions of the officer which needs to controlled.

2. In case where submission of the enquiry is not possible within the stipulated period for some valid reasons, the enquiry officers/committee shall get express approval of the Competent Authority for extension of the period for 1/2 week(s). In case the extended period also does not suffice, further extension for 1/2 week(s) shall be sought from the Chief Minister, Khyber Pakhtunkhwa. If in spite of extensions granted, the enquiry report is not completed within the extended period, disciplinary action shall be initiated against the enquiry officer concerned on account of his failure in submitting the report within the stipulated period/extended period.

3. I am further directed to advise that the above instruction may be brought into the notice of all concerned to strict compliance.

(Letter No. SOR-VI/E&AD/2-6/2010 Dated 17th July, 2014)

C.No. **47**(3-12)

VISITATION OF JUDICIAL OFFICERS TO HIGH COURT

With reference to the subject matter, the Competent Authority has taken a serious note of the fact that officers and subordinate staff of district judiciary have made it a habit to visit High Court on trivial matters without prior appointment / intimation at the cost of wasting precious time at both ends.

It has been desired that in future unless unavoidable, visits to this Court shall be regulated by way of advance intimation to the office of Registrar or Secretary to HCJ.

All the concerned officers and staff be accordingly intimated, please.

(PHC Letter No. 14564-98/Admn, Dated 05th November, 2014)

C.No. **48**(3-12)

DEDUCTION OF SALARY FROM GOVT EMPLOYEES IN CASE OF ABSENTEEISM

With reference to the subject noted above, I am to forward herewith letter No. SO(FR)/5-14-2014 dated: 16.12.2014, received from Section Officer (FR), Govt of Khyber Pakhtunkhwa Finance Department (Regulation Wing) Peshawar for information and further necessary action, please.

(PHC Letter No. 7910-70/B&A, Dated 22nd December, 2014)

DEDUCTION OF SALARY FROM GOVT EMPLOYEES IN CASE OF ABSENTEEISM

I am directed to refer to the subject noted above and state that it has come to the notice of the government that on some occasion government employees remain absent from duty without authorization or fail to perform their assigned duties. Such instances attract the provision of Fundamental Rules and Khyber Pakhtunkhwa Government servant (Efficiency and Disciplinary) Rules, 2011. Accordingly, such government employee loses right to payment of pay and allowances for such periods besides making themselves liable for disciplinary proceedings. All concerned offices are duty

bound to deduct pay and allowances of the defaulting government employees for the period of absence and non-performance of the duty.

I am further directed to convey that all administrative departments and their attached entities shall ensure implementation of the above legal provisions in letter & Spirit.

(Letter No. SO (FR)/FD/5-14/2014, Dated 16th December, 2014)

C.No. **49**(3-12)

VISIT OF JUDICIAL OFFICERS OF DISTRICT JUDICIARY WITHOUT PRIOR APPOINTMENT/ PERMISSIONS

I am directed to refer to the subject noted above and to say that Hon'ble the Chief Justice has shown resentment over the frequent and uncalled for visits of the Judicial Officer of the District Judiciary to this Court and residences of the Hon'ble Judges especially without prior appointment/permission thus creating inconvenience and disorder whereas the earlier instruction issued in this regard are being flagrantly violated.

Hon'ble the Chief Justice has, therefore, been pleased to direct that all previous circular/orders, issued from time to time, in this respect be strictly complied and failure to comply these instructions would render the officer concerned liable proceedings under the E&D Rules.

(PHC Letter No. 11865-905/MIT/Admn dated 06th October, 2015)

C.No. **50**(3-12)

ANONYMOUS/PSEUDONYMOUS APPLICATIONS

I am directed to refer to the subject noted above and to say with great concern that this court receive a number of anonymous applications from time to time, addressed to Hon'ble the Chief Justice, by the Judicial Officers and paralegal staff.

Deprecating this practice, Hon'ble the Chief Justice has directed to impress upon all the judicial officers and paralegal staff to avoid submission of such applications to his lordship in future. Such applications shall not be considered and stern action will be taken against those found responsible.