



PESHAWAR HIGH COURT

JUDICIAL ESTACODE

THIRD EDITION

**REVISED & ENLARGED
2021**

Volume-I

The first judicial Esta Code was published by the Peshawar High Court in the year 2006. The 2nd revised and enlarged Judicial Esta Code was published in the year 2011. Since then, the need was felt to update the previous edition and hence the present compilation.

The work on this edition was initiated about two years back. The present edition besides providing all the updated information is also more reader friendly. It reflects a lot of hard work, dedication and commitment on the part of the Registrar Khawaja Wajih-ud-Din and his team especially Mr. Zaeem Ahmed, Director Human Resource and Welfare, Secretariat of District Judiciary, Peshawar High Court, Peshawar. This edition consists of two volumes which will help in furtherance of the administration of justice. I hope it would go a long way to prove itself as a useful and composite document not only for the Judges and lawyers but for all the stakeholders. By any count, it is indeed a dream come true.

(Justice Qaiser Rashid Khan)
CHIEF JUSTICE

FOREWORD TO THIRD EDITION

An organization is a complex entity comprising a large number of individuals performing diverse jobs under various terms and conditions of service. This requires regulating the activities and opportunity of its members on the basis of some objective criteria in the shape of rules, regulations, instructions etc. for a uniform and fair administrative practice in the larger interest of the organization.

As a constitutional body of paramount importance and being the controlling authority of the Provincial Judiciary, the Peshawar High Court has been conscious of its regulatory responsibilities and endeavored to fulfil them in an orderly manner in accordance with legal imperatives. It was in this backdrop that the Court published Judicial Estacode in 2006 to familiarize the District Judiciary and their establishments as well as the High Court establishment with the relevant Rules and instructions for smooth functioning of the institution which, however, even after updation in 2011, necessitated further review in the light of later developments and their related requirements.

A Committee was, therefore, constituted to restructure the Judicial Estacode in order to attune it to the need of the hour by compiling a decade-long scattered instructions/policies, as a ready reference, for the convenience of all concerned. The new edition consists of two volumes – one concerning the District Judiciary and the other relating to the Peshawar High Court. It comprises relevant instructions, statutes, rules, policies etc. and is a product of collaborative efforts of the Committee members, particularly Mr. Zaeem Ahmed, Director HR&W who undertook an extensive and exhaustive exercise to shape the edition in hand, for which a word of appreciation is due to them.

(Khawaja Wajih-ud-Din)
Registrar

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CHAPTER-I
(HIGH COURT)
SECTION-1
(PRINCIPAL SEAT AND BENCHES)

C.No. 1(1-1)

CONSTITUTIONAL PROVISION ESTABLISHING HIGH COURT
PRINCIPAL SEAT AND BENCHES

Article 198 of the Constitution of Islamic Republic of Pakistan, 1973. (1) Each High Court in existence immediately before the commencing day shall continue to have its principal seat at the place where it had such seat before that day.

(2) Each High Court and the Judges and divisional courts thereof shall sit at its principal seat and the seats of its Benches and may hold, at any place within its territorial jurisdiction, circuit courts consisting of such of the Judges as may be nominated by the Chief Justice.

(3) The Lahore High Court shall have a Bench each at Bahawalpur, Multan and Rawalpindi; the High Court of Sind shall have a Bench at Sukkur: the Peshawar High Court shall have a Bench each at Abbottabad ¹[, Mingora] and Dera Ismail Khan and the High Court of Baluchistan shall have a Bench at Sibi.

(4) Each of the High Courts may have Benches at such other places as the Governor may determine on the advice of the Cabinet and in consultation with the Chief Justice of the High Court.

(5) A Bench referred to in clause (3), or established under clause (4), shall consist of such of the Judges of the High Court as may be nominated by the Chief Justice from time to time for a period of not less than one year.

(6) The Governor in consultation with the Chief Justice of the High Court shall make rules to provide the following matters, that is to say, --

- (a) Assigning the area in relation to which each Bench shall exercise jurisdiction vested in the High Court; and
- (b) For all incidental, supplemental or consequential matters.

¹ Added vide Constitution (Eighteenth Amdt.), Act 2010 (10 of 2010)

C.No. 2(1-1)

**GOVERNMENT OF [Khyber Pakhtunkhwa]¹
LAW DEPARTMENT**

**NOTIFICATION
Peshawar, Dated 27th September, 1982**

No. Legis:3(3)/81. In pursuance of clause (6) of Article 7 of the Provisional Constitution Order, 1981 (C.M.L.A. Order No. I of 1981), the Governor of the [Khyber Pakhtunkhwa]², in consultation with the Chief Justice of the Peshawar High Court, is pleased to make the following rules, namely: -

**THE PESHAWAR HIGH COURT (ESTABLISHMENT OF
BENCHES) RULES, 1982**

1. (1) These rules may be called the Peshawar High Court (Establishment of Benches) Rules, 1982.
(2) They shall come into force at once.
2. In these rules, unless the context otherwise requires, -
 - (a) "Bench" means a Bench established under clause (3) or clause (4) of Article 7 of the Order; and
 - (b) "Order" means the Provisional Constitution Order, 1981 (C.M.L.A Order No. I of 1981).
3. The High Court Bench at Abbottabad shall exercise the jurisdiction vested in the High Court, in respect of cases relating to the Civil Division of Hazara.
4. The High Court Bench at Dera Ismail Khan shall exercise the jurisdiction vested in the High Court, in respect of cases relating to the Civil Division of Dera Ismail Khan, [District South Waziristan, Jandola Sub-Division of District Tank and Darazanda Sub-Divisions of District Dera Ismail Khan]³

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

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

³ Added Vide Notification No.E&A/LD/2-2/2018 of Government of Khyber Pakhtunkhwa 05-11-2018

¹[4A. The High Court Bench at Mingora shall exercise the jurisdiction vested in the High Court, in respect of cases relating to the Civil Division of Malakand.]

²[4B. The High Court Bench at Bannu shall exercise the jurisdiction vested in the High Court, in respect of cases relating to the Civil Division of Bannu and District Karak, [District North Waziristan, Wazir Sub-Division of District Bannu and Bettani Sub-Division of District Lakki Marwat.]³

5. Subject to the other provisions of these rules all matters arising within the area assigned to a Bench shall be filed before and disposed of by that Bench.

6. There shall be established a “Registry” of the High Court at each Bench consisting of an Additional Registrar and such other officers and servants as the Chief Justice may appoint.

7. The Chief Justice may transfer any proceedings pending at the principal seat or a Bench to another Bench or the principal seat of the High Court.

8. The Chief Justice may determine cases or class of cases which may be heard and disposed of at the principal seat or a Bench.

9. If at any time it is found expedient for the efficient functioning of the principal seat or a Bench, the Chief Justice may require any Judge to sit for such period as may be determined by him at any Bench, or the principal seat.

10. The most Senior Judge for the time being at a Bench shall exercise such powers of the Chief Justice as may be delegated to him by the Chief Justice.

11. Without prejudice to the generality of the foregoing rules and subject to the provisions of the Order, the Chief Justice may, from time to time, pass such orders as may be considered necessary for efficient working of a Bench.

12. The Peshawar High Court Benches Area of Jurisdiction Rules, 1981, are hereby repealed.

¹ Added vide Notification No. LEGIS 3(3) 81 of Government of Khyber Pakhtunkhwa, dated 14.07.2010

² Added vide Notification No.E&A/LD/2-2/Circuit Bench/2011 of Government of Khyber Pakhtunkhwa Dated 17th October, 2011

³ Added Vide Notification No.E&A/LD/2-2/2018 of Government of Khyber Pakhtunkhwa 05-11-2018

C.No. 3 (1-1)

CONSTITUTION OF DIVISION AND SINGLE BENCHES AT HIGH COURT BENCHES

PESHAWAR HIGH COURT

ORDER

Peshawar, Dated 13th May, 1984

In pursuance of clause (6) of Article 7 of the Provisional Constitution Order, 1981, read with Rule 10 of the Peshawar High Court (Establishment of Benches), Rules, 1982, Hon'ble the Chief Justice, Peshawar High Court, Peshawar has been pleased to empower the Senior Judge of Circuit Benches at Abbottabad and D.I. Khan, to constitute Benches for the disposal of D.Bs/S.Bs. cases as their respective Benches.

(PHC Endst 5600-1/Admn Dated Peshawar 16th May, 1984)

C.No. 4 (1-1)

CONSTITUTION OF DIVISION AND SINGLE BENCHES AT HIGH COURT BENCHES

PESHAWAR HIGH COURT

ORDER

Peshawar, Dated 15th January, 1994

In supersession of this court's Order dated 13.05.1984, Hon'ble the Chief Justice Peshawar High Court, Peshawar in exercise of powers under clause (6) of Article 198 of the Constitution of Islamic republic of Pakistan read with Rule 10 of the Peshawar High Court (Establishment of Benches), Rules, 1982, has been pleased to order that hence forth the Senior Judge at the Circuit Benches, Abbottabad and D.I.Khan shall constitute Division Benches/Single Benches for the disposal of cases pertaining to their respective Benches.

(PHC Endst 315-316/Admn Dated Peshawar 17th January, 1994)

C.No. 5 (1-1)

**ESTABLISHMENT OF BANNU AND SWAT BENCHES
GOVERNMENT OF [KHYBER PAKHTUNKHWA]¹
ESTABLISHMENT & ADMINISTRATION DEPARTMENT**

NOTIFICATION

Peshawar, Dated 5th April, 2007

No. SO(E-I)E&AD/9-94/95:- In exercise of the powers conferred by clause (4) of Article 198 of the Constitution of the Islamic republic of Pakistan, the Governor of the [Khyber Pakhtunkhwa]², on the advice of the Cabinet and in consultation with the Chief Justice of Peshawar High Court, Peshawar is pleased to determine that the Peshawar High Court, Peshawar shall have its Benches, one each at Bannu ³[and Swat], subject to creation of seats for four Additional Judges for the Said High Court.

C.No. 6 (1-1)

**ESTABLISHMENT OF CIRCUIT COURT OF PESHAWAR HIGH
COURT BENCH AT CHITRAL**

PESHAWAR HIGH COURT, PESHAWAR

OFFICE ORDER

Dated Peshawar 30th September, 2011

In exercise of the powers conferred by Article 198 (2) of the Constitution of Islamic Republic of Pakistan, Hon'ble the Chief Justice has been pleased to order that henceforth a Bench of Peshawar High Court shall hold Circuit Court at Chitral consisting of such of the judges as may be nominated by Hon'ble the Chief Justice from time to time and for the period as determined by his lordship.

(PHC Endst No 11491-521/Admn Dated 30th September, 2011)

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

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

³ Added vide Notification No. SOE-III(E&AD)2-1/2007, dated 03rd March, 2008.

² Added vide Notification No. SOE-III9E&AD)2-1/2007, dated 03rd September, 2008.

C.No. 7 (1-1)

**CONSTITUTION OF VIRTUAL BENCH AT DISTRICT MARDAN
AND KOHAT**

PESHAWAR HIGH COURT, PESHAWAR

NOTIFICATION

Dated Peshawar 16th December, 2019

No.303-J: With a view to facilitating the lawyers and the litigants in terms of saving their time by averting travel to Peshawar, considering the inadequacy of space at the principal seat to accommodate them, making the litigation cost-effective, ensuring expeditious disposal and avoiding adverse effect on the work of district courts due to non-availability of the lawyers; the competent authority has been pleased to constitute a virtual bench for districts Mardan and Kohat to extend facility of hearing of cases through IT. Interface under appropriate arrangements at the headquarters of the District Courts concerned.

C.No. 8 (1-1)

**STANDARD OPERATING PROCEDURE FOR VIRTUAL BENCHES DATED
2nd March, 2020**

Purpose:

It is high time to come up with strategies that can facilitate courts in Pakistan particularly in Khyber Pakhtunkhwa through the use of information and technology. The purpose of the AV/IT court is to provide a range of services to Judiciary, staff and stakeholders that support the Judiciary's strategic objectives. It supports the organization by contributing directly to transforming the Judiciary system into a high achieving Judiciary and by underpinning and enabling the Judiciary to meet all its objectives through the use of ICT.

2) Scope:

Peshawar High Court has embarked upon the use of ICT in its courts proceeding. There is a need to develop procedures to facilitate the Court and the Litigants for routine proceeding in courts on the Audio and Video equipment. For this said purpose, a court at Peshawar High Court, Peshawar and two other district court at Mardan and Kohat have been equipped with the

Audio/Video equipment. These Courts are named as “Virtual High Court Bench” where the advocates can attend the Peshawar High Court virtually without their physical presence and plead their cases. This initiative will not only save money and time of the litigants and advocates but will also increase the overall efficiency of justice sector in terms of speedy disposals.

3) Responsibility:

3.1) Additional Registrar Judicial - AR(J)

The AR (J) will be responsible to develop a cause list in such a manner that the advocates at District Mardan and Kohat will know that their cases are fixed for hearing via video link.

3.2) District & Sessions Judge

The District & Sessions Judge concerned shall be responsible to ensure Uninterrupted Power Supply besides Generator facility, in case of a power failure. Besides, he/she as risk mitigation shall also ensure the availability of backup hardware.

3.3) Director IT

The Director IT shall be responsible to ensure smooth functioning of the Audio/Video facility at both ends, prior to the court proceedings.

3.4) AV/IT Court Manager

The AV/IT Court Managers present on both ends i.e. at Peshawar High Court and district courts (PHC Virtual Bench) will be responsible to operate the equipment for its smooth operation/functioning during the court proceedings. The cited officials will timely inform Director IT in case of any problem in communication or equipment. AV/IT Court Managers present at both of the courts will be ready to handle any situation regarding failure/loss of communication or any other calamity as it happens.

3.5) Court Associate

The court associate will be responsible to call the case.

4) Equipment:

The equipment and connectivity requirements are as follows;

District Courts

- | | |
|---|---|
| 1. Dedicated Internet Connectivity (Min 2 MB with backup from other Service Provider) | |
| 2. Computers at District Court (PHC Virtual Bench) | 1 |
| 3. Splitter for the Video Stream | 1 |
| 4. Normal computer LED for Computer and Advocate view | 4 |
| 5. “32” or above sized LED with stand for Court view | 1 |
| 6. Audio Mixer | 1 |
| 7. Mic Mixer | 1 |
| 8. HD Camera | 1 |
| 9. Network Switch | 1 |
| 10. Speakers | 2 |
| 11. Mic with Echo Cancellation | 2 |
| 12. Other accessories like keyboard, mouse etc. | |

Peshawar High Court

- | | |
|---|---|
| 1. Dedicated Internet Connectivity (Min 5 MB with backup from other Service Provider) | |
| 2. Computer at Peshawar High Court | 2 |
| 3. Splitter for the Video Stream | 1 |
| 4. Normal computer LED for Computer and Advocate View | 2 |
| 5. 55” or above sized LED with stand for Cost View | 2 |
| 6. Audio Mixer | 1 |
| 7. Mic Mixer | 1 |
| 8. HD Camera | 2 |
| 9. Network Switch | 2 |
| 10. Speakers | 2 |
| 11. Mics with Echo Cancellation | 4 |
| 12. Other accessories like keyboard, mouse etc. | |

5) Procedure:**A. Training**

AV/IT Court Manager must complete the mandatory training prior to the use of equipment. This training would contain sufficient knowledge to familiarize with operations and procedures of the AV equipment.

B. AV/IT Cause list

1. The Cause list of AV-IT Benches may be prepared separately having the stages of Motion and Notice, before break and after break.
2. The Cause list of AV-IT Benches will be sent through E-mail to the respective Virtual Benches besides uploading on web site.
3. The cause-list shall be displayed outside the AV/IT Court at the respective High Court Virtual Bench.

C. Operation

1. The AV/IT Court Manager shall test the communication between the designated courts and ensure its working beforehand.
2. The Court Associate calls out the case in accordance with the cause list.
3. The lawyer of the Plaintiff shall identify himself/herself and argue on the case/matter.
4. Subsequently, the lawyer of the defendant will identify himself/herself and argue his/her case/matter.
5. In case of an occurrence of any problem, the AV/IT Court Manager shall immediately inform the AV/IT Court Manager at the other end and bring in his/her notice without delay.

D. Utilization of AV/IT Court and Virtual Benches

1. There are four AV-IT Courts (Court Rooms 1 to 4) in Peshawar High Court and presently there are two Virtual Benches i.e. Virtual Bench Mardan and Kohat.
2. To optimally utilize the AV-IT Benches at these Districts, the timing of these benches may be divided as follows;
 - i. Before Break
 - ii. After Break
3. Time schedule for hearing cases via video link by different

benches would be as follows:

Court-I	Before Break.
Court-II	After Break.
Court-III	Before Break.
Court-IV	After Break.

4. On one day, cases of only one Virtual Bench i.e. either Mardan or Kohat will be fixed before one bench with the exception for those cases which are heard exclusively by Honorable Chief Justice in SB.
5. The Virtual Benches may be rotated randomly so that no one can predict the bench.
6. All the cases in which counsel hails from Kohat or Mardan may be fixed for hearing via video link. However, if in any case one or both counsels want to argue the cases by appearing in person, he/they maybe allowed to do so.

C.No. 9 (1-1)

ESTABLISHMENT OF SUB-REGISTRIES OF PESHAWAR HIGH COURT AND ITS BENCHES

PESHAWAR HIGH COURT, PESHAWAR

OFFICE ORDER

Dated Peshawar 30th July, 2020

No.178-J: Hon'ble the Chief Justice of this Court has been pleased to establish Sub-Registries of this Court as well as of its benches in the offices of District & Sessions Judges of their respective regions for the institution of new cases of their respective districts.

C.No. 10 (1-1)

**COPYING AGENTS OF THE OFFICE OF DISTRICT & SESSIONS
JUDGES TO ISSUE CERTIFIED COPY FROM THE RECORD OF
THIS COURT**

PESHAWAR HIGH COURT, PESHAWAR

OFFICE ORDER

Dated Peshawar 30th July, 2020

No.177-J: The Competent Authority has been pleased to authorize, under Article 87 of Qanun-e-Shahadat Order, 1984, the Copying Agents of the Offices of the District & Sessions Judges in Khyber Pakhtunkhwa to certify and issue copies from the record of this Court/respective benches to the extent of record of the respective Districts only. Where copy of the permissible record of other districts is applied for, the Copying Agent shall approach this Court/its respective benches.

C.No. 11 (1-1)

**APPOINTMENT OF SUPERINTENDENTS OF THE OFFICES OF
DISTRICT & SESSIONS JUDGES OF KHYBER PAKHTUNKHWA AS
IN CHARGE OF SUB-REGISTRIES AND OFFICERS TO
ADMINISTER OATH**

PESHAWAR HIGH COURT, PESHAWAR

OFFICE ORDER

Dated Peshawar 30th July,2020

No.176-J: Consequent upon the establishment of Sub-Registries of this Court and its benches in the Offices of District & Sessions Judges of their respective region, Hon'ble the Chief Justice of this Court has been pleased to appoint the Superintendents of the offices of the District & Sessions Judge concerned as in charge of the respective Registries.

Hon'ble the Chief Justice has further been pleased to appoint the Superintendents of the Offices of District & Sessions Judges of Khyber Pakhtunkhwa, under the provisions of Section 139 (b) of the Code of Civil Procedure, 1908 and Section 539 of the Code of Criminal Procedure, 1898 read with Rule 8 of Chapter 1-E High Court Rules and Order Volume-V, to

administer Oaths and Affirmations for the purpose of filling the same in the respective Sub Registries of this Court and of its benches till further orders.

C.No. 12 (1-1)

**DISTRIBUTION OF THE CASES BY SENIOR JUDGE OF THE
BENCHES**

PESHAWAR HIGH COURT

ORDER

Dated Peshawar 25th August, 2011

In supersession of this court order bearing Endst No. 315-316/Admn dated 17.01.1994 and in exercise of Powers under Clause (6) of Article 198 of the Constitution of Islamic Republic of Pakistan read with Rule 10 of the Peshawar High Court (Establishment of Benches) Rules, 1982, Hon'ble the Chief Justice of this court has been pleased to order that henceforth the Senior Judge at all the benches of province of Khyber Pakhtunkhwa shall distribute cases amongst SB and DB for the disposal of cases falling within the Jurisdiction of the respective Benches.

(PHC Endst No. 9850-51/Admn Dated 26th August, 2011)

C.No. 13(1-1)

To

The Additional Registrar (Judicial)
Peshawar High Court, Peshawar

All the Additional Registrar,
Peshawar High Court Benches

TRANSMISSION OF THE RECORD U/S 25(2) ATA 1997

I am directed to refer to the subject noted above and to say that Hon'ble the Chief Justice has been pleased to direct you to receive record of the cases decided by the Anti-Terrorism Courts in your respective jurisdictions. Moreover, a separate register be maintained for the said purpose, containing the entire information of the cases like institution, date of decision

and date of consignment etc. of the cases received from the Anti-Terrorism Courts and also the particulars of such cases decided by the High Court.

(PHC Letter No. 8940-43/Admn, Dated 23rd June, 2012)

C.No. 14(1-1)

PESHAWAR HIGH COURT, PESHAWAR

REPORT BY READERS REGARDING CASES PENDING FOR ANNOUNCEMENT/WRITING JUDGMENTS

ORDER

Dated Peshawar 12th June, 2015

Hon'ble the Chief Justice is pleased to direct that on each Saturday all the Readers to Hon'ble Judges of this Court and its Benches shall prepare a report on the enclosed proforma regarding the cases pending for announcement/writing judgments for placement before their respective Judges with a copy to the Additional Registrar (Judicial) for perusal of Hon'ble Chief Justice

LIST OF UNANNOUNCED/UNWRITTEN JUDGMENTS AS ON

Sr No	No. of Case	Title of case	Nature of decision i.e. Allowed/Dismissed/Remanded	Date of Order	Name of other Honorable Member of the Bench

Reader to Honorable Mr. Justice _____

(PHC Endst NO.7200-20/Admn dated 16th June, 2015)

C.No. 15 (1-1)

**EARLY HEARING APPLICATIONS ARE TO BE DECIDED BY
SENIOR MOST HONORABLE JUDGE OF THE BENCH**

PESHAWAR HIGH COURT, PESHAWAR

OFFICE ORDER

Dated Peshawar 17th March, 2018

No. 81-J: Hon'ble the Chief Justice of this Court has been pleased to direct that in all Benches of this Court, the applications for early hearing of the cases shall be decided by the Senior Most Hon'ble Judge available at the respective Bench.

(PHC Endst No.4127-32/Admn Dated 20th March 2018)

C.No. 16(1-1)

**FIXATION OF WRIT OF HABEAS CORPUS BEFORE A SINGLE
BENCH AND FIXATION OF WRIT PETITION CHALLENGING
INTERLOCUTORY ORDER BEFORE A DIVISION BENCH**

PESHAWAR HIGH COURT, PESHAWAR

OFFICE ORDER

In exercise of the powers conferred by rule 3 sub rule (1) of the Chapter 4-J, Volume-V of the High Court Rules & Orders, the Competent Authority has been pleased to direct that hence forthwith all the petitions for issuance of Writs of Habeas Corpus filed under sub paragraph (i) of paragraph (b) of clause (1) of Article 199 of the Constitution of Islamic Republic of Pakistan shall be placed for hearing and disposal before a single bench presided over by the Hon'ble Chief Justice or, in absence of his lordship, the Senior most Hon'ble Judge available at the Principal Seat or the concerned bench.

It has further been directed that all writ petitions challenging interlocutory orders may be placed for hearing and disposal before the Division Bench.

(Endst No. 8776-8840/Admn, Dated 25th June, 2018)

C.No. 17(1-1)

**ASSIGNMENT OF CASES OF DISTRICT BAJAUR TO MINGORA
BENCH OF PESHAWAR HIGH COURT**

**PESHAWAR HIGH COURT, PESHAWAR
OFFICE ORDER**

Dated Peshawar 21st December, 2018

No.317-J: Hon'ble the Chief Justice of this Court has been pleased to order that all the cases of District Bajaur shall be entertained at Mingora Bench of this Court. It has further been ordered that all cases of the said District pending at the Principal Seat be transferred to Mingora Bench for hearing and disposal.

C.No. 18(1-1)

**PREPARATION OF LEGIBLE CERTIFIED COPIES BY
INVESTIGATION OFFICER AND PRODUCTION OF ORIGINAL
RECORD IN CASE OF NEED**

**PESHAWAR HIGH COURT, PESHAWAR
OFFICE ORDER**

Dated 17th February, 2020

In order to curb the menace of delays in investigation and smooth progress of trials, Hon'ble the Chief Justice has been pleased to direct that henceforth, two additional legible copies (Photostat) of the record shall be prepared, duly certified by the concerned Investigation Officer. In case any court requisitions for record for the purpose of deciding any bail matter, these copies shall be submitted through Naib Courts of the said courts. However, if the court directs to produce original record for perusal, it should be the responsibility of the Investigation Officer concerned to attend the court in person along with original record. The Investigation Officer shall also be duty bound to consult with the dealing Law Officer/State Counsel well in advance of the date fixed to appraise the Law Officer concerned but original record of the case shall not be left with the Naib Court of the court concerned unless otherwise directed by the court

(PHC Endst No.3398-3598/Admn dated 22nd February, 2020)

C.No. 19(1-1)

NON-REQUISITION OF COURT RECORD

PESHAWAR HIGH COURT, PESHAWAR

OFFICE ORDER

Dated 18th November, 2020

No.284-J: In continuation to this Court's Office Order bearing Endst: No.3398-3598/Admn dated 22.2.2020, Hon'ble the Chief Justice has been pleased to direct that, unless ordered by the Court specifically, for disposal of the following cases too, original record of a criminal case shall not be requisitioned and instead copies prepared and certified by the Investigation Officer may be requisitioned and acted upon:

- I. Petitions for superdari/quashment of case/ order.
- II. Appeals/revision against interlocutory orders.
- III. Appeals against acquittal in motion.
- IV. Any other miscellaneous application moved during investigation/trial.

(PHC Endst No. 20868-923/Admn, Dated 03rd December, 2020)

C.No. 20(1-1)

DIGITIZATION OF PESHAWAR HIGH COURT

PESHAWAR HIGH COURT, PESHAWAR

NOTICE

This court has developed a Computer Program which when placed at work will provide to the lawyers immediate information about the status of their cases through SMS. The information so provided will include, inter-alia, any objection raised by the office on freshly instituted cases, the next date fixed in the cases, all cases of an individual lawyer etc. This facility can be availed only by such lawyers who will provide certain details on the enclosed proforma and get themselves registered with the IT Branch of this Court.

All the lawyers are therefore, requested to provide the requisite information on the enclosed proforma and get themselves registered with the

IT Branch of this court so as to be able to avail the benefit of this revolutionary step in communication.

PESHAWAR HIGH COURT, PESHAWAR

ADVOCATE DETAIL

Full Name: _____

Father Name: _____

Date of Birth: _____ CNIC # _____

Permanent Address: _____

Present Address: _____

Email: _____ District: _____

Mobile #: _____

License No_DC: _____

LicenseNo_HC: _____

License No_SC: _____

(PHC Endst No. 14489-530/Admn Dated 22nd December, 2015)

C.No. **21**(1-1)

**SCANNING OF JUDGEMENT/ORDER AND PROVIDING ITS
CERTIFIED COPY**

PESHAWAR HIGH COURT, PESHAWAR

ORDER

Dated Peshawar 11th February, 2017

Hon'ble the Chief Justice of this Court has been pleased to order that
henceforth: -

1. The moment an order/judgment is written and signed by the Hon'ble Judge, it will be scanned and uploaded to the database.
2. The copying agent has been given access to the same who can immediately print it and after attestation provide to the applicant.
3. The IT Branch is directed to restrict access to view, edit, copy and print such document and allow only Authorized Copying Agent/examiner to view and print the same.
4. For this purpose, one scanner each be provided to the Private Secretaries who shall immediately, after the judgment/orders are finalized and signed by the Hon'ble Judges, scan and upload the same to the System.
5. The copies prepared and issued in this way will be treated as true certified copy of the original.
6. Till the time scanners are provided to the Courts, all the Readers are directed to send all judgments/orders to the computer Branch immediately after these are prepared and signed by the Hon'ble Judges, where temporarily arrangements for scanning and uploading to the system have been made.
7. In order to cope with the increase in the cost of preparation of copies, the rate of copies is enhanced from Rs.2 to Rs.4 per page.

(PHC Endst No.1210-18/Judl Dated Peshawar, 13th February, 2017)

C.No. 22(1-1)

DIGITIZATION OF NEWLY INSTITUTED CASES

PESHAWAR HIGH COURT, PESHAWAR NOTIFICATION

Dated Peshawar 18th March, 2017

No.57-J The Competent Authority has been pleased to direct that from Monday 27th March 2017, no Case/Petition/Appeal/Comments/Reply/Written Statement/Misc: Application or Wakalatnama will be received by the Institution Branch of this Court unless: -

- I. The same along with its annexures is accompanied by soft from thereof in USB which will be returned at the time of institution.

- II. Accompanied by the enclosed "Lawyer Information proforma" duly filled in and signed.
- III. Accompanied by the enclosed Opening Sheet duly filled in and signed.

Note: - Any suggestion to improve the proforma will be welcomed.

PESHAWAR HIGH COURT, PESHAWAR

Advocate Detail

Full Name: _____

Father Name: _____

Date of Birth: _____

Permanent Address: _____

Present Address: _____

Email: _____ District: _____

Mob #: _____

License No DC: _____ Issue Date: _____

License No HC: _____ Issue Date: _____

License No SC: _____ Issue Date: _____

MENTION YOUR PENDING CASES:

Case No.	Petitioner	Respondent

*Signature*_____

IN THE PESHAWAR HIGH COURT, PESHAWAR
OPENING SHEET FOR CIVIL BRANCH

Case No. _____

Date of Filing: _____

District: _____

Case Type:

C.R.	F.A.O.	S.A.O.	R.F.A.	R.S.A.	T.A. (Civil)	C.M. (Civil)
I.C.A.	Tax Reference		F.A.B	Cross Objection		
1. Category Code						Review In

(Categories are given at back of the Opening Sheet)

Original Suit/application					First Appeal					Value for the purpose of jurisdiction	Value for the purpose of Court fee	Amount of Court fee affixed on petition/Appeal
Instituted		Decided		Result	Instituted		Decided		Result			
Court	Date	Court	Date		Court	Date	Court	Date				

Particulars of Petitioner/Appellant & Respondent*

1. Appellant(s)/Petitioner(s)* **(Plaintiff /defendant)**: _____ CNIC**
 S/D/o: _____ Phone No. _____
 Mobile No. _____ E-mail _____
 Address. _____

2. Counsel*for(Appellant(s)/Petitioner(s) **Plaintiff /defendant**): _____ CNIC.# _____
 Mobile No. _____ Phone No. _____ E-mail _____
 Address. _____

3. Respondents(s)* **(Plaintiff /defendant)**: _____ S/D/o: _____ Address _____
 . _____

Legal Status:

Law(s) with section under which appeal/petition lies	Original claim

Pray (In Brief)

Signature of Appellant/Petitioner or Counsel: _____

* Use extra sheet if required.

** Copy to be attached.

Note: Any suggestion to improve the proforma will be appreciated.

IN THE PESHAWAR HIGH COURT, PESHAWAR
OPENING SHEET FOR WRIT BRANCH

Date of Filing: _____

District: _____

Case Type: Writ Petition

Nature of Original Proceeding:

Category Code:

--	--	--	--	--	--

(Categories & Sub categories are given at the back of the opening sheet)

Review/ Contempt of Court in respect of:

Writ of:

Heabus Corpus		Prohibition		Mandamus		Quo Warranto		Certiorari	
------------------	--	-------------	--	----------	--	-----------------	--	------------	--

If Certiorari:

Forum which passed impugned order	Date	(I)nterlocutory/ (F)inal Order

Case Pertains to

☐ SB☐ DB

Petitioner Name & parentage	
Mobile No.	
Address	
CNIC No.	
Email Address	

Counsel for Petitioner (s)	
Mobile No.	
Address	
CNIC No.	
Email Address	

Respondents	
Address	

C.No. 23(1-1)

**DIGITIZATION OF COPYING SYSTEM OF THE PESHAWAR
HIGH COURT****PESHAWAR HIGH COURT, PESHAWAR****OFFICE ORDER**Dated Peshawar 02nd January, 2018

Hon'ble the Chief Justice has been pleased to direct that now onward, instead of maintaining manual registers of receipt of applications for certified copies, preparation and issue thereof, fee received there for and all other particulars as required by the relevant rules, the copying section of the Court will print computer generated reports from copying system containing all the relevant date, on daily basis. All pages thereof shall be signed by the Additional/Deputy Registrar (Judl) and bind the same in a book from so as to be used as Registers of the said section.

(PHC Endst No. 258-65/Admn Dated 09th January, 2018)

C.No. 24(1-1)

**SENDING OF DOCUMENTS TO THE PARTIES AND COUNSELS
VIA E-MAIL****PESHAWAR HIGH COURT, PESHAWAR****OFFICE ORDER**Dated Peshawar 27th March, 2018

No.101-J: Hon'ble the Chief Justice of this Court has been pleased to direct that the following documents be sent to the respective parties / counsels via e-mail immediately after these are filed, checked, scanned and uploaded to the database.

- i. Complete file (at institution time)
- ii. Grounds
- iii. Comments
- iv. Re-Joinder

- v. CMs (all types)
- vi. Cr.M (all types)
- vii. Replies
- viii. Order Sheets
- ix. Final Judgments

(PHC Ends No. 4592-4617/Admn Dated 29th March, 2018)

C.No. 25(1-1)

**ELECTRONIC COMMUNICATION OF WRITS AND JUDGMENTS
TO ALL THE STAKEHOLDERS**

**PESHAWAR HIGH COURT, PESHAWAR
OFFICE ORDER.**

Dated Peshawar 19th November, 2018

No.281-J: The Hon'ble Chief Justice of this Court has been pleased to direct that unless otherwise directed by the bench passing the orders, all writs issued by this Court be communicated to the concerned parties electronically via e-mail instead of sending hard copies of the Judgments. However, the Courts/Tribunals whose judicial orders are challenged in the writ petitions, and jail authorities, shall also be sent copies of the orders/judgments in hard form in addition to the e-mail. His lordship has further been pleased to direct that this method of communication shall also be applied to the judgments of Hon'ble Supreme Court of Pakistan passed on appeals/orders against the orders of this Court.

C.No. 26(1-1)

USE OF OFFICIAL VEHICLES AND ITS REPAIR & MAINTENANCE

**PESHAWAR HIGH COURT, PESHAWAR
OFFICE ORDER**

The Hon'ble Chief Justice has been pleased to issue the following directives regarding the use of official vehicles and its repair & maintenance: -

1. "That no major repairs/denting/painting/replacement of parts of official vehicle will be carried out unless there is report of showing reason why this was necessitated and that too will be done only with prior sanction of the competent authority".
2. "That besides the allotted/designated/vehicles, no other official vehicle will be given for duty to anyone without written request showing purpose, permission of the competent authority and payment of fare at the prescribed Government rate".

(PHC Ends No. 3519-33/B&A Dated 09th June, 2016)

C.No. 27(1-1)

**USE OF ADDITIONAL CARS AND PASSENGER SERVICE VEHICLE
BY THE HONORABLE JUDGES AND SENIOR OFFICER**

**PESHAWAR HIGH COURT, PESHAWAR
ORDER**

The Competent Authority has been please to approve the following principles for requisitioning and use of additional Cars/PSVs, with immediate effect fill further orders: -

- i. The facility will be available to the Hon'ble Judges and Senior Officers of this Court only;
- ii. Requisition Slip/Note will be required to be sent to the office of Registrar at least 24 hours prior to the date of requirement.
- iii. Garage Superintendent, depending on availability, will recommend provision of specific pool Cars/PSVs;
- iv. Pool Cars/PSVs will not be given at a stretch for more than four days;
- v. The AR (Management) will record the meter of the requisitioned vehicle at the time of departure and again on arrival;
- vi. The difference of kilometer will be clearly recorded later on;
- vii. Based on the difference of kilometer, Rs.10/ will be charged per kilometer for which AR (Management) and Garage Superintendent will raise an invoice in the name of borrowing officer for payment;
- viii. The money so received will be deposited in government treasury and challan thereof will be attached to the note carrying approval of the competent authority.

(PHC Endst No. 7046-7081/Admn, Dated 15th April, 2017)

MISCELLANEOUS ADMINISTRATIVE ORDERS

C.No. **28**(1-1)

**PRIOR APPROVAL AVAILING OF COMPETENT AUTHORITY
BEFORE AVAILING LEAVE**

**PESHAWAR HIGH COURT, PESHAWAR
ORDER**

Dated Peshawar 18th August, 2017

It has come to the notice of the undersigned that staff in Peshawar High Court does not obtain prior approval of the competent authority before leaving for/availing leave.

Therefore, the Competent Authority has been pleased to direct that casual leave is not the right of the employee but the privilege of competent authority, and will be admissible only once it is approved by competent authority.

Any violation to the above order will be dealt with under relevant rules. All concerned are therefore directed for compliance.

(PHC Endst No. 13804-44/Admn Dated 25th August, 2017)

C.No. **29**(1-1)

**PLACING OF COMPLETE FILES BEFORE THE HONORABLE
JUDGES**

**PESHAWAR HIGH COURT, PESHAWAR
OFFICE ORDER**

Dated Peshawar 17th May, 2018

No.141-J: It has been noted with concern that incomplete case files are placed before the Hon'ble Judges for hearing. This is resulting into unnecessary adjournments of the cases as well as creates inconvenience to the Hon'ble Judges and counsels for the parties

The Competent Authority has, therefore, been pleased to direct all the Moharrirs of this Court that on receipt of records from the Courts below or police stations etc., the same be thoroughly checked to ensure that these are correct and complete before fixation for hearing. It has further been directed that the Readers of the Court shall also properly check the files to see whether these are complete as regards service of parties and record and to ensure that no case with incomplete record/service is placed before the Court and instead to notify such short coming to the office and if needed, return the file.

C.No. 30(1-1)

PESHAWAR HIGH COURT, PESHAWAR

SANITATION & CLEANLINESS POLICY, 2020

“Cleanliness is half of the faith”

“Neatness and cleanliness is not a function of how rich or poor you are but that of mentality and principle”

To enhance the performance and productivity of the employees and to provide a neat and clean environment the following policy and cleaning rules and regulations have been devised which needs to be enforced on regular basis in order for them to have any impact.

1. Personal Hygiene: All employees shall observe:
 - Official dress code.
 - Wear neat and clean uniform, polished shoes.
 - Wear cologne / deodorants.
 - Branch In charge(s) / Asst. Registrar(s) / Private Secretaries of the Courts are the immediate supervisors to ensure its implementation and Addl. Registrar (Admin) overall supervisor.
2. Workspace Cleanliness: All employees shall ensure:
 - Offices are organized and kept in neat and tidy condition.
 - Files and official material shall be properly arranged/placed on desks / cup-boards / shelves.
 - Ensure electrical cords/wires are neatly bundled.
 - All the basic requirements are in order in the office.

- Sanitation Attendants are responsible to daily sweep all the corridors, offices, Court Rooms and Chambers of the Hon'ble Judges.
 - Naib Qasids attached with offices and Courts are responsible to perform dusting and cleaning of furniture and fixtures.
3. Sanitation Attendants shall:
- Make sure all areas are immaculately clean, corner-to-corner, top-to-bottom. Maintain cleanliness of floors of all offices, court rooms & passages on daily basis in their allocated area.
 - Daily clean the driveways and wash areas of both front and back face of the High Court building once a week.
4. Naib Qasids shall:
- Ensure furniture and fixtures of offices / courts are properly dusted daily. Clean windows with glass cleaners on weekly basis. Make sure closets, cabinets, Record Rooms / Racks are also kept clean.
 - Branch in-charge (s) and Secretaries of the Courts shall ensure cleanliness on daily basis.
 - Shall refrain from washing utensils in wash rooms.
5. Washrooms:
- Sanitation Attendants to daily clean washrooms with disinfectants.
 - All staff to observe washroom etiquettes and shall ensure it remains in hygienic conditions.
6. Corridors: All the officials shall:
- Refrain from spitting snuff or dumping cigarette's butts on floor.
 - Office of Assistant. Registrar (Management) shall place dustbins in corridors and ensure cleaning of glass windows of corridors once a week with glass cleaners.
 - Head Mali shall ensure watering and cleaning of flower pots in the corridors.
 - He shall weekly replace/shift the plants.
7. Front & Back Lawn of High Court:
- Head Mali to ensure cleaning of Lawns on daily basis. Trimming of trees, removal of dry leaves / branches.

- Plant Rose flowers in seedbeds and maintain proper lawn scaping.

The above policy is to be implemented forthwith in letter and spirit. Additional Registrar (Admin) will supervise and perform inspection once a week. Those found not adhering to the above policy shall be liable to disciplinary action under the rules.

(PHC Endst No.23746-784-Admn Dated 19th December, 2019)

C.No. 31(1-1)

ESTABLISHMENT OF RESEARCH AND REFERENCE WING

PESHAWAR HIGH COURT, PESHAWAR NOTIFICATION

Dated Peshawar 19th April, 2016

No.94-J: Enormous increase in population, changed social, political and economic milieu has led to diversity and multiplicity in litigation, necessitating the establishment of a Research & Reference Wing, appropriately staffed to render specialized assistance to the Court in providing speedy and inexpensive justice.

Now, therefore, the Competent Authority is pleased to establish a Research and Reference Wing in this Court with the following structure: -

- I. Director Research & Library (BPS-20)
- II. Senior Research & Reference Officer (BPS-19)
- III. Research & Reference Officer (BPS-18)
- IV. Assistance Research & Reference Officer (BPS-17)
- V. Judicial Assistant (BPS-14)
- VI. Librarian (BPS-19)
- VII. Additional Librarian (BPS-18)
- VIII. Assistant Librarian (BPS-17)

Under Rule-3 of the Peshawar High Court Ministerial Establishment (Appointment & Condition of Service) Rules, 1989, the above posts shall be deemed to have been added to the annexure of the said rules.

C.No. 32(1-1)

MINUTES OF THE MEETING OF THE ADMN: COMMITTEE OF PESHAWAR HIGH COURT PESHAWAR, HELD ON 18.12.1976, AT 10:30 A.M.

PRESENT

1. CHIEF JUSTICE.
2. MR. JUSTICE SHAH NAWAZ KHAN, SENIOR PUISNE, J.
3. MR. JUSTICE MIAN BURHAN-UD-DIN, J.

A meeting of the Chief Justice and Judges of Peshawar High Court, Peshawar, was held on 18.12.1976 at 10:30a.m., in which the following matters were considered and decided.

DISTRIBUTION OF ADMINISTRATION WORK OF THIS COURT AMONGST JUDGES OF THE ADMN: COMMITTEE & FORMATION OF ADMN: COMMITTEE ITSELF

It was decided that the Administrative and executive work of the High Court shall be controlled by a committee of Judges.

The Administration Committee shall consist of four Judges. At all meetings of the Administration committee, at least two Judges will form a quorum.

If any Member of the Administration Committee is not available, the work assigned to him will be disposed of by the Senior Puisne Judge and in case of Senior Puisne Judge, by the Chief Justice. Quorum for a meeting of Full Court shall be three.

Each member of the Administration Committee shall act as an Administration judge and the powers and duties of each Administration Judge shall be as follows: -

1. CHIEF JUSTICE.

Rosters and cause-lists. Constitution of Benches and the appointment and control of High Court Establishment, except re-imbursement of medical charges and G.P.Fund Advance cases.

Appointment, transfers, promotions, deputations etc. of the members of subordinate Judiciary. Conferment of powers on Civil Judges and Magistrates.

2. SENIOR PUISNE JUDGE

Rules of Procedure in civil and Criminal Courts. Statistics for the purpose of annual notes on the administration of civil and Criminal Justice.

All matters relating to lower Court's establishment. Budget, Accounts and appointment of Oath Commissioners.

3. SECOND JUDGE

Library and Law Reports. Matters relating to Legal Practitioners. Record room and Loss of Record.

High Court Building, Garden and Compound and other minor works. Petition-Writers, Commissioner and Letters of Request. Stationery and forms of the High Court and Civil Courts. Expenses of witnesses.

4. THIRD JUDGE

Reimbursement of medical charges, and G.P.Fund Advance cases of High Court Establishment. Notice under section 80 C.P.C. Insolvency work. Guardian and Wards work. Official Receiver. Copying Agency. Transfer of Prisoners.

C.No. 33(1-1)

HIGH COURT OF WEST PAKISTAN (CIVIL SERVICES) DELEGATION OF POWERS RULES, 1960

[Gazette of Pakistan, Part I, 6th January 1961]

No. FD-SOI(SR)-654/60 – In pursuance of the Presidential Proclamation of the seventh day of October, 1958 and in exercise of all powers enabling him in that behalf, the Governor of West Pakistan is pleased to make and promulgate the following rules: -

1. (1) These rules may be called the High Court of West Pakistan (Civil Services) Delegation of Powers Rules, 1960.
- (2) They shall come into force at once.

2. Notwithstanding any provision to the contrary in any Civil Services Rules for the time being in force in the Province or any part thereof, the Chief Justice of the High Court of West Pakistan shall have: --
 - (i) the powers specified in column 2 of Appendix 'A' to these rules to the extent mentioned in column 3 thereof in respect of Judicial Officers up to the level of District and Sessions Judges; and
 - (ii) all the powers of Government in the Administrative Department under the Civil Services Rules in force in the different integrating units of West Pakistan, in respect of --
 - (a) the officers and servants of the High Court, its Benches and Circuits other than C.S.P and P.C.S officer, and
 - (b) the establishment of the Civil and Sessions Courts.
3. The Chief Justice may delegate all or any of his powers under these rules to any Judge of the High Court.
4. The powers delegated under these rules shall be in addition to, and not in derogation of, the powers already vested in or delegated to the Chief Justice under any law, rule or order in force.
5. The powers specified in column 2 of Appendix 'B' to these rules are to the extent prescribed in column 4, delegated to the authorities mentioned in column 3 thereof.
6. Nothing herein contained shall be deemed to empower any authority other than the authority competent to do so on the thirteenth day of October, 1955, to remove, dismiss or otherwise punish any official who was in the service of Government on that date.

Powers under these rules exercisable by Lahore High Court, Sindh High Court, Peshawar High Court and Baluchistan High Court by virtue of Art.7 of High Courts (Establishment) Order (P.O. No.8 of 1970).

APPENDIX ‘A’
DELEGATION OF POWERS TO THE CHIEF JUSTICE IN
RESPECT OF JUDICIAL OFFICERS

<i>SN</i>	<i>Nature of Powers</i>	<i>Extent of Powers</i>
1	2	3
1	Power to declare headquarters	Full powers
2	Power to define the limits of sphere of duty	Full powers
3	Power to sanction absence on duty beyond sphere	Full powers; provided that the absence is for a public purpose and the period of absence does not exceed 15 days
4	Power to suspend or transfer a lien	Full powers in the case of Civil/Sub-Judges.
5	Power to allow making over charge	Full powers
6	Power to allow making over charge at a place other than headquarters of the Government servant being relieved	Full powers
7	Power to permit either the relieved or relieving Government servant not to be present at the time of handing or taking over the charge	Full powers Full powers
8	Power to retire after attaining the age of superannuation.	Full powers
9	Power to withhold increments or to order that a Government servant should or should not cross the efficiency bar	Full powers
10	Power to grant additional pay where charge of more than one independent post is held by an officer	Full powers in accordance with the rules and orders laid down by Government from time to time; provided that where additional charge is allowed for a period exceeding 4 months, the prior concurrence of Government is to be obtained

10-A	Power to accept officiating Government servant's reasons for not occupying a house placed at his disposal by a permanent incumbent while on leave or transfer	Full powers
11	Power to direct that the Government servant on leave shall be in occupation of residence	Full powers
12.	Power to grant or permit a Government servant to undertake work and receive an honorarium or fees	Up to Rs.1,000/- in a financial year; provided that the service rendered does not fall within the course of ordinary duties of the Govt: servant and the work is done outside office hours
13.	Powers to direct that the whole or any part of a fee for work done during official time may be paid to a Government servant who did the work	Full powers
14	Power to transfer a Government servant to foreign service	Full powers; subject to the conditions that- (i) his emoluments in foreign service do not exceed more than 25 percent of the substantive emoluments of the Government servant deputed and no concessions not admissible to the Government servant, are sanctioned by the foreign employer in addition to pay; and (ii) the foreign employer agrees to pay leave and pension contributions in

		accordance with the rules
15	Power to grant leave other than study leave, special disability leave and leave after the date of compulsory retirement	Full powers subject to the report of Accountant-General/Comptroller regarding the title to leave
16	Power to extend leave overstayed	Full powers
17	Power to permit combination of holidays and /or vacation with leave	Full powers
18	Power to accept employment during leave	Full powers
19	Power to order that joining time should be calculated by a route other than the shortest route	Full powers
20	Power to grant casual leave	Full powers
21	Power to sanction the grant of temporary advances from Provident Fund	Full powers, subject to the condition that- (i) the amount of advance does not exceed 03 months' pay or half the amount at the credit of the subscriber, whichever is less; and (ii) the second advance not to be granted within 12 months of the final re-payment of the first advance ,if the amount of the first advance exceeded 2/3 rd of the amount admissible under (i) above.
22	Power to decide the shortest of two or more routes	Full powers

23	Power to permit mileage allowance to be calculated by a route other than the shortest or cheapest	Full powers
24	Power to certify that a journey by a motor car between places connected by railway is performed in the public interest	Full powers
25	Power to decide whether an absence from headquarters is absence from duty	Full powers subject to the condition that the absence is for a public purpose
26	Power to restrict the duration and frequency of tours	Full powers
27	Power to grant exemption from the rule limiting the drawl of daily allowance for a halt on tour to a period of ten days.	Up to a limit of 15 days
28	Power to sanction travelling expenses to a Government servant compelled to answer a civil case or criminal charge or required to attend a departmental enquiry	Full powers
29	Power to fix the maximum weight of personal effects on transfer lower than that prescribed in the rules	Full powers
30	Power to allow travelling allowances for a journey to attend an obligatory examination	Full powers
31	Power to disallow travelling allowance for a journey to attend obligatory examination if it is considered that the candidate has culpably neglected preparing for it	Full powers
32	Power to sanction travelling allowance to a Government servant for journeys to attend conferences held by Government while on leave	Full powers
33	Powers to allow actual cost of a journey to appear before a medical board preliminary to voluntary retirement on invalid pension	Full powers
34	Power to declare Controlling Officers	Full powers

35	Power to sanction pension	Full powers; provided that the pension is covered by the rules and certified by the Audit Officer to be admissible and no deduction is to be made there from
36	Power to sanction commutation of pension	Full powers, provided the conditions laid down in the rules are fulfilled

APPENDIX 'B'
DELEGATION OF POWERS REGARDING
THE ESTABLISHMENT
UNDER THE CIVIL AND SESSIONS COURT IN WEST PAKISTAN

Sr No	<i>Nature of Power</i>	<i>To Whom Delegated</i>	<i>Extent</i>
1	2	3	4
1	Power to appoint a Government servant to officiate in a vacant post	Authority competent to make a substantive appointment to the post	Full powers
2	Power to sanction the absence on duty of a Government servant beyond his sphere of duty	Appointing Authority	Full powers
3	Power to suspend the lien of a Government servant	Appointing Authority	Full powers
4	Power to allow making or taking over charge at a place other than the headquarters of the Government servant being relieved	Transferring Authority	Full powers
5	Power to permit either the relived or reliving Government servant not to be present at the time of handing or taking over charge	Transferring Authority	Full powers
6	Power to withhold increments	(i) Where appointing authority have been framed in this behalf, the authority competent to do so under the service rules. (ii) Where no service rules have been framed in this behalf, the appointing authority	As provided in the service rules Full powers

7	Power to order Government servants transferred as a penalty to a lower grade or post to draw pay not exceeding the maximum of the lower grade or post	The authority empowered to make the transfer	Full powers
8	Power to declare that service of a Government servant reduced shall not count for increment on reinstatement	The authority competent to reinstate	Full powers
9	Power to reduce pay of officiating Government servants	Appointing Authority	Full power
10	Power to appoint a Government servant to hold substantively or to officiate in two or more independent posts at one time	Appointing Authority	Up to a maximum of 4 months
11	Power to sanction the grant of temporary advances from Provident Fund	District and Sessions Judge	Full powers subject to the condition that (i) the amount of advance does not exceed 3 months; pay or half the amount at the credit of the subscriber, whichever is less, and (ii) a second advance is not granted within 12 months of the final

			repayment of the first advance if the amount of the first advance drawn exceeded $\frac{2}{3}$ rd of the amount admissible under (i) above.
12	Power to sanction pension to Government servants whom they are competent to appoint	Appointing Authority	Full powers provided that Accountant General /Comptroller certifies that the pension is admissible
13	Power to sanction commutation of pension	Appointing Authority	Full powers provided the conditions laid down in the rules are fulfilled.
14	Power to decide the shortest of two or more routes	Controlling Officer	In the case of individual journeys only
15	Power to permit mileage allowance to be calculated by a route other than the shortest or cheapest	Controlling Officer	Full powers for journeys within their own sphere of duty
16	Power to decide whether an absence from headquarters is absence on duty	Heads of offices	Full powers in individual cases only, provided that the absence

			is for a public purpose which should be stated, and the period of absence does not exceed 14 days in each case
17	Power to restrict the duration and frequency of tours	Heads of offices	Full powers
18	Powers to permit exchange of Daily Allowance for mileage allowance during the whole period of a tour	Heads of offices	By special order in individual cases of non-gazetted Government servants whose pay does not exceed Rs.199-
19	Power to grant leave other than study leave, special disability leave and leave after the date of compulsory retirement	(a) Appointing Authority (b) Transferring Authority	Full powers For a period not exceeding 30 days in case the leave vacancy is to be left unfilled or can be without direct recruitment or promotion
20	Power to sanction the grant of travelling allowance in cases where a suspended	Heads of offices	Full powers in respect of non-gazetted

	Government servant is required by the suspending authority to make a journey for the purpose of attending a departmental enquiry		Government servants at tour rates; provided that no daily allowance for halts shall be allowed
21	Power to allow the actual cost of a journey to appear before a medical board preliminary to voluntary retirement on invalid pension	Heads of offices	Ditto

C.No. 34(1-1)

HIGH COURT OF WEST PAKISTAN DELEGATION OF POWERS RULES, 1960

Note: - No more relevant to the extent of Ministerial Establishment of the High Court after framing of Peshawar High Court Ministerial Establishment (Appointment Terms & Conditions of Service) Rules, 2020.

It has also become irrelevant to other posts in the wake of change in related laws and rules regarding appointing authorities and other delegation of powers rules.

C.No. 35(1-1)

CHIEF JUSTICE AS APPOINTING AUTHORITY OF JUDICIAL OFFICERS

***No. SOR-IV(E&AD)/3-11/2001:** In exercise of the powers conferred by Section 5 of the North-West Frontier Province Civil Servants Act, 1973, and in partial modification of Rule 4 of the North-West Frontier Province Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the Governor of the North-West Frontier Province is pleased to authorize the Chief Justice, Peshawar High Court, Peshawar, to appoint Judicial Officers sub-ordinate to the said High Court, with immediate effect, which authorization shall be deemed to have taken effect on 26-07-2001.

(Govt: of NWFPE&D No. SOR-IV (E&AD)/3-11/2001 Dated: 28th August, 2001)

C.No. 36(1-1)

POWERS OF CHIEF JUSTICE AS ADMINISTRATIVE DEPARTMENT UNDER THE KHYBER PAKHTUNKHWA DELEGATION OF FINANCIAL POWER RULES, 2018

Rule:3(3)

Notwithstanding anything contained in Rule 3(1&2) *ibid*, the following may exercise the financial powers of an Administrative Department;

- a. Chief Justice Peshawar High Court, Peshawar
- b. Khyber Pakhtunkhwa Provincial Ombudsman
- c. Chairman Khyber Pakhtunkhwa Public Service Commission
- d. Chairman Khyber Pakhtunkhwa Public Service Tribunal
- e. Secretary, Provincial Assembly of Khyber Pakhtunkhwa
- f. Principal Secretary to Governor Khyber Pakhtunkhwa
- g. Principal Secretary to Chief Minister Khyber Pakhtunkhwa
- h. Khyber Pakhtunkhwa Divisional Commissioners
- i. Inspector General of Police Khyber Pakhtunkhwa
- j. Chief Ehtesab Commissioner Khyber Pakhtunkhwa
- k. Secretary Administration Khyber Pakhtunkhwa

C.No. 37(1-1)

REVISED SYSTEM OF FINANCIAL CONTROL AND BUDGETING**FINANCIAL INDEPENDENCE OF JUDICIARY OF
PESHAWAR HIGH COURT**

In continuation of this department Notification No. SO (A/Cs)FD/2-1/93, dated 08/10/1995 and in relaxation of the provisions contained in Government of [Khyber Pakhtunkhwa]¹, Delegation of Powers under the Financial Rules and the Powers of Re-Appropriation Rules 1981 (as revised in 1992), the following financial powers will be exercised by the Chief Justice of Peshawar High Court, Peshawar.

- i) Full powers to re-appropriate funds from one head of account to another head of account within the allocated budget of the Peshawar High Court, Peshawar.
- ii) Full powers to sanction expenditure on any item from within the allocated budget of the Peshawar High Court, Peshawar.
- iii) Full powers to create new posts and abolish old posts provided that expenditure is met from within the allocated budget of Peshawar High Court, Peshawar.
- iv) Full powers to change nomenclature and upgrade/down-grade any post provided expenditure is met from within the overall allocated budget of Peshawar High Court, Peshawar.

(Finance Department letter No. SO (A/Cs)FD/2-1/96 Dated Peshawar 07th December, 1996)

C.No. 38(1-1)**REGISTRAR'S POWERS OF APPOINTMENT OF MINISTERIAL
ESTABLISHMENT OF HIGH COURT****PESHAWAR HIGH COURT PESHAWAR****NOTIFICATION.**

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

Dated Peshawar 13th April, 2021.

No. 171-J. In exercise of the powers conferred under Rule 2(b) of the Peshawar High Court Ministerial Establishment (Appointment & Conditions of Service) Rules, 2020, Hon'ble the Chief Justice has been pleased to designate the Registrar of this Court as 'Appointing Authority' for appointment by Initial recruitment, through promotion or by transfer in respect of posts in BPS-01 to 16, borne on the Establishment of Peshawar High Court (Principal Seat as well as the Benches), with immediate effect.

C.No. **39**(1-1)

CERTAIN POWERS DELEGATED TO REGISTRAR

PESHAWAR HIGH COURT, PESHAWAR. ORDER

With an objective to ensure smooth running of routine office work, Hon'ble the Chief Justice of this Court has been pleased to authorize the Registrar of this Court to pass orders regarding the following matters, with immediate effect and until further orders.

1. Placement of cases on the agenda of the 'Administration Committee' which relate to the Hon'ble Committee.
2. Sanction of G.P. Fund Advance to the officials/officers of this Court.
3. Issuance of Experience/Service Certificates, NOC for Passport/Visa.
4. Relieving of Judicial Officers whose notifications are issued for appointment against Ex-cadre posts.
5. Sanction casual leave/earned leave up to 4 days at a time to the District & Sessions Judges and to sanction casual leave/earned leave for unlimited period to the Additional District & Sessions Judges, Senior Civil Judges and Civil Judges.

6. Sanction of casual leave/earned leave ¹[for unlimited period] to the official / officers of this Court including Private Secretaries.

(PHC Endst/F 11085-1109 Dated 14th September, 2004)

C.No. **40**(1-1)

REGISTRAR'S POWER TO SANCTION CASUAL LEAVE OF JUDICIAL OFFICERS

**PESHAWAR HIGH COURT, PESHAWAR
ORDER**

The Registrar of this court is hereby authorized to sanction casual leave for District and Sessions Judges and Additional District and Sessions Judges up to 04 days at a time and in case of grant of casual leave to the Senior Civil Judges and Civil Judges, he is granted full powers.

(PHC letter No. Nil Dated Peshawar 23rd September, 1978)

C.No. **41**(1-1)

CERTAIN POWERS DELEGATED TO ADDITIONAL REGISTRAR (ADMN)

The Competent Authority has been pleased to delegate the following powers to Additional Registrar (Admn) in addition to the Registrar of this Court:-

1. Making all correspondence with concerned quarters after approval by the Competent Authority.
2. Seeking routine comments on applications for appointment as Oath Commissioner, Petition Writers, Fitness Certificate for license as an Advocate of Supreme Court, Exemption u/s 27(c) of NWFP Legal Practitioners and Bar Councils Act, 1973, departmental appeals of staff of district judiciary, inclusion of newspapers in the approved list of this Court and service of notices.

(PHC Endst No. 3449-54/Admn Dated 16th March, 2011)

¹ Added vide PHC Notification No. 133-J dated 15-05-2008

C.No. 42(1-1)

**CERTAIN POWERS DELEGATED TO ADDITIONAL REGISTRAR
(ADMN)**

**PESHAWAR HIGH COURT, PESHAWAR
NOTIFICATION**

Dated Peshawar 19th July, 2017

No. 165-J The Competent Authority has been pleased to approve the following Terms of Reference/Mandate for the Additional Registrar (Admn) of this Court, in addition to the already assigned duties, with immediate effect:

- I. Permission for repairs/maintenance of motor cars/other transport elements and all incidental matters, including signing entries in log book.
- II. Permission for issuance of stationery items (excluding procurement of replenish store)
- III. Sanctioning of casual/earned leave to the establishment of Peshawar High Court.
- IV. Permission and approval to procure office equipment's, fixture & furniture/software up to one hundred thousand only. Sanctioning powers shall remain with the Registrar.
- V. Approval & issuance of Service/ Experience Certificate/ Departmental Permission & NOC for Arms License, Passports etc. to all the Staff (All Categories/Grades)
- VI. Signing Administrative approval & re-appropriation order of planning & development wing.
- VII. Vetting working paper for Administration Committee, conveying/implementation of AC decisions to concerned.
- VIII. Signing notifications/orders of re-appropriation after approval by Competent Authority.
- IX. Signing letters pertaining to supply of equipment, machinery, IT Software and services of different nature.
- X. Appointment, removal and other incidental matters relating to Oath Commissioners, petition writers etc. after approval on file by the Competent Authority.

- XI. Signing notices/letters addressed to various judicial officers for service of summons relating to cases in court in other provinces.
 - XII. Correspondence relating to utilities, allotment etc. provision of judges residence and matters relating to six (06) houses in judicial complex Hayatabad.
 - XIII. Correspondence relating to reimbursement of medical claims of ministerial establishment of High Court and District Judiciary.
 - XIV. Signing letters of reconstruction of case/files after approval by the Competent Authority.
 - XV. Preparation of press releases/official hand-outs.
 - XVI. Departmental appeals of staff of district judiciary and inclusion of newspapers in the approved list of this Court.
 - XVII. Cases of official seeking house subsidy.
 - XVIII. Signing loan application of subordinate staff.
 - XIX. Signing security letter, Note Verbal etc. of Hon'ble the Chief Justice and Hon'ble Judges.
-

C.No. 43(1-1)

CERTAIN POWERS DELEGATED TO OFFICERS OF HIGH COURT

The competent Authority has been pleased to order that, henceforth, whenever the Registrar of this Court is out of station, the following Officers of this court shall act as Registrars in the order mentioned below.

- 1. Additional Registrar (Admin) [in absence of Registrar]
- 2. Additional Registrar (Judicial) [in absence of AR (Admin)]
- 3. Member Inspection Team [in absence of AR (Judicial)]
- 4. Secretary to Hon'ble Chief Justice [in absence of MIT]

(PHC Endst No. 12872-82/Admn Dated 14th July 2010)

C.No. 44(1-1)

CERTAIN POWERS DELEGATED TO OFFICERS OF HIGH COURT

In supersession of this Court's Order bearing Endst. No. 12872-82/Admn dated 14.07.2010, the Competent Authority has been pleased to

order that, henceforth, whenever the Registrar of this Court is out of station or incapable in performing duties as Registrar, the following Officers, in order of priority, shall act as Registrar of the High Court: -

1. Member Inspection Team [in absence of Registrar]
2. Additional Registrar (Admn) [in absence of MIT]
3. Additional Registrar (Judicial) [in absence of AR (Admn)]
4. PSO to Hon'ble Chief Justice (in absence of AR (Judicial))

The Competent Authority has further been pleased to order that Member Inspection Team of this Court shall also hold the office of Registrar during his study tour abroad. On his return, proper handing and taking over shall take place.

(Endst No. 120102-120127/Admn, Dated 24th September, 2012)

C.No. 45(1-1)

CERTAIN POWERS DELEGATED TO OFFICERS OF HIGH COURT

In supersession of all previous orders issued in this behalf, Hon'ble the Chief Justice has been pleased to order that, henceforth, whenever the Registrar of this Court is out of station or incapable in performing duties as Registrar, the following officers, in order of priority, shall act as Registrar of Peshawar High Court:-

1. Member Inspection Team (in absence of Registrar)
2. Additional Registrar (Admn) (in absence of MIT)
3. Additional Registrar (Judl) (in absence of AR (Admn))

(PHC Letter No. 7665-7704/Admn, Dated 28th May, 2018)

C.No. 46(1-1)

DELEGATION OF POWERS TO ADDITIONAL REGISTRAR (JUDICIAL) REGARDING CERTAIN JUDICIAL MATTERS

PESHAWAR HIGH COURT PESHAWAR ORDER

Dated Peshawar 2nd June, 2005

In exercise of the powers vested in him under Rule 14 of Chapter 10-A of Volume-V of High Court Rules and Orders, Hon'ble the Chief Justice is pleased to empower NAME, Additional Registrar of this Court to order, on request and upon good grounds, deletion of cases from the cause list of this Court till further orders.

(PHC Endst. No.4650-4667/Admn Dated Peshawar 06th June, 2005)

C.No. 47(1-1)

POLICY DECISION.

The Competent Authority has been pleased to authorize the Additional Registrar of each Bench to decide petty nature applications of the staff of the ministerial establishment of the bench himself instead of forwarding to this Court, with immediate effect.

(PHC Letter No. 4229-32/Admn Dated 04th March, 2017)

C.No. 48(1-1)

AUTHORITY OF ADDITIONAL REGISTRAR (JUDL) TO SIGN NOTICES/LETTERS

PESHAWAR HIGH COURT, PESHAWAR

NOTIFICATION

Dated Peshawar, 30th May, 2018

No. 143-J: The Competent Authority has been pleased to empower the Additional Registrar (Judicial) of this Court to sign notices/letters for service of summons in other provinces, with immediate effect.

C.No. 49(1-1)

POWERS OF DEPUTY REGISTRAR TO BE EXERCISED BY ASSISTANT REGISTRAR ... DELEGATION

**PESHAWAR HIGH COURT PESHAWAR
ORDER**

Dated Peshawar 28th September, 2004

The Hon'ble Chief Justice is pleased to authorize NAME, Assistant Registrar (Judicial) of this Court to perform the functions and exercise the powers of Deputy Registrar within the meanings of Chapter 3-C, Volume-V of the High Court Rules & Orders till further orders.

(PHC Endst. No. 11663-11678/Admn. Dated Peshawar the 06th October, 2004)

JOB DESCRIPTION OF BUDGET OFFICER OF PESHAWAR HIGH COURT

C.No. 50(1-1)

**PESHAWAR HIGH COURT, PESHAWAR
ORDER**

Dated Peshawar 23rd November, 2012

The Competent Authority has been pleased to approve the following job description for Budget Officer of this Court.

- To supervise and coordinate the preparation of annual Budget of High Court and District Judiciary.
- To manage day-to-day activities of Account/Superintendent and Budget Branch;
- To track and monitor overall account work of the Account Branch;
- Shall be responsible for all related budget and account preparation document, including the development of current work sheet, budget request documentation, budget support worksheet, budget tables etc.;
- To prepare and submit complete and final reports pertaining to requirements relating to budget matters and financial data;
- To analyze and research financial statement and co-ordinate audit related issues;
- To review, analyze and recommend resource allocation and budget requirements for the execution of approved operating Budget;

- To prepare and maintain permanent record both manually and electronically in hard and soft form of all budget and accounts matters including Balance Sheets/spending expenditures and other related matters.
- To perform other related duties as required/assigned.

(PHC Endst No.14736-43/Admn Dated 1st December, 2012)

C.No. 51(1-1)

WORKING HOURS OF PESHAWAR HIGH COURT (PRINCIPAL SEAT), BENCHES AND DISTRICT COURTS (WINTER)

**PESHAWAR HIGH COURT, PESHAWAR
NOTIFICATION**

Dated Peshawar 28th September, 2010.

No.D(a)-180-VII-06/208-J. Hon'ble the Chief Justice has been pleased to order that Peshawar High Court, Peshawar, its Benches and all Civil/Criminal Courts in the Khyber Pakhtunkhwa, subordinate to this Court shall observe the following working hours, during the winter season:-

W.E.F 16th OCTOBER, 2010 TO 15th APRIL, 2011 BOTH DAYS INCLUSIVE)

Monday to Thursday and Saturday:

8:30 A.M. to 2:30 P.M (with 30 minutes break from 1:00 P.M to 1:30 P.M. for Zohar Prayers).

Friday. 8:30 A.M. to 12:00 Noon

Sunday. Closed.

(PHC Endst: No. 16376-16425/Admn: Dated Peshawar 1st October, 2010)

C.No. 52(1-1)

WORKING HOURS OF PESHAWAR HIGH COURT (PRINCIPAL SEAT), BENCHES AND DISTRICT COURTS (SUMMER)

**PESHAWAR HIGH COURT, PESHAWAR
NOTIFICATION**

Dated Peshawar 6th April, 2011.

No. D(a)-180-VII-06/117-J. Hon'ble the Chief Justice has been pleased to order that Peshawar High Court, Peshawar, its Benches and all the Civil/Criminal Courts in the Khyber Pakhtunkhwa, subordinate to this Court shall observe the following working hours during the summer season:-

W.E.F 16th APRIL, 2011 TO 15th OCTOBER, 2011 BOTH DAYS INCLUSIVE)

Monday to Thursday and Saturday.

8:00 A.M. to 2:30 P.M. (With 30 minutes break from 1:00 P.M. to 1:30 P.M. for Zohar Prayers).

FRIDAY: 8:00 A.M. to 12:00 Noon

SUNDAY: Closed.

(PHC Endst: No. 4585-4680/Admn: Dated Peshawar 09th April, 2011)

C.No. 53(1-1)

DRESS CODE FOR EMPLOYEES OF THE PESHAWAR HIGH COURT, PESHAWAR, ITS BENCHES AND OF DISTRICT JUDICIARY

PESHAWAR HIGH COURT, PESHAWAR

NOTIFICATION

Dated Peshawar 10th September, 2018

No.U-86-III/233-J: Hon'ble the Chief Justice has been pleased to prescribe the following dress code for the employees (BPS-06 to 20) of Peshawar High Court, Peshawar, its benches and all the courts staff of District Judiciary, Ex-Cadre and Special Courts/Tribunals in the Khyber Pakhtunkhwa, with immediate effect:-

SUMMER (15th APRIL TO 14th OCTOBER)	
Gents:	White Shalwar Qameez with Grey Waist Coat and black shoes
Ladies	White Shalwar Qameez with Grey Scarf (Dupatta) and black shoes.
WINTER (15th OCTOBER TO 14th APRIL)	
Gents:	White Shalwar Qameez with Grey Coat/Sweater and black shoes
Ladies	White Shalwar Qameez with Grey Sweater, Grey Scarf (Dupatta) and black shoes.

Note:

1. All concerned shall also put a badge containing his name and designation
2. White Shalwar Qameez and Green Waist Coat shall be standard uniform for Class-IV employees
3. The drivers shall wear the uniform, already prescribed

C.No. 54(1-1)

DRESS CODE FOR FEMALE EMPLOYEES OF PESHAWAR HIGH COURT

PESHAWAR HIGH COURT, PESHAWAR

NOTIFICATION

Dated Peshawar 01st October, 2018

No.U-86-III/236-J: In partial modification of this Court's Notification No. U86-III-233-J,, dated: 10.09.2018, Hon'ble the Chief Justice has been pleased to approve revised dress code for female employees of Peshawar High Court, Peshawar, its benches and that of the District Judiciary, Ex- Cadre and Special Courts/Tribunals in the Khyber Pakhtunkhwa, with immediate effect:-

SUMMER (15th APRIL TO 14th OCTOBER)	
Ladies	White Shalwar Qameez with white Dupatta, Grey Coat and black Shoes or Grey Abaya with white scarf and black shoes.
WINTER (15TH OCTOBER TO 14TH APRIL)	
Ladies	White Shalwar Qameez with Grey Blazer, white Dupatta and black shoes or Grey Abaya with white scarf and black shoes.

C.No. **55**(1-1)

DRESS CODE FOR THE CLERKS OF LAWYERS

PESHAWAR HIGH COURT, PESHAWAR

NOTIFICATION

Dated Peshawar 24th February, 2020

No.58-J: Hon'ble the Chief Justice has been pleased to prescribe the following dress code for the clerks of lawyers at Peshawar High Court, Peshawar, with immediate effect:

“White Shalwar Qameez and Brown (Badami)
Coat/Waistcoat along with name plates/badges”

Hon'ble the Chief Justice has further been pleased to direct that henceforth no clerk of the lawyers should be entertained in any office/court unless he is in uniform and has the prescribed badge thereon.

C.No. **56**(1-1)

MAINTENANCE OF OFFICE RECORDS AND FILES

PESHAWAR HIGH COURT, PESHAWAR OFFICE CIRCULAR

The Competent Authority has been pleased to direct that henceforth while receiving, disseminating and processing papers and official

correspondence, instructions contained in Part-II & III of "the Khyber Pakhtunkhwa Manual of Secretariat Instructions, 2018 (Copy enclosed) shall be followed by every officer and official of the' Section/Branch/Wing of this Court in letter and spirit.

In addition to above, the following instructions may also be ensured in letter and spirit by the Branches of this Court:

- As per the working of the Secretariat, when a cause is put up, precedent is always cited.
- After a Calendar year, all voluminous files are required to be closed. New file of same number is opened mentioning new volume number.
- If a file is already put up and an urgent matter is required to be put up, it should be put up in a part file (Kacha Cover) which should be merged with the original file when decision has been made.
- The file movement should be through a "dak book" to avoid misplacing of files and their tracking.
- Every Wing shall open a register mentioning Heads which they are dealing. All the "dak" shall be registered in the Wing and marked to the concerned file under the Head/subject in which it falls.
- All leave accounts whether of Judicial Officer or staff of the High Court, should be digitized.
- All files should be given a number specifying this Court, the concerned Branch, the Head under which it is entered in the record, the file number at the time of issue, the year and date.
- Only one page of the note part is put up. In future, at least two spare pages of note part should be attached. The correspondence file should mention its number along with the Head and subject.
- The number given should not only be reflected on the note part but also on the correspondence file.
- PUC should be properly cross referenced by indicating earlier communication referred to in the PUC.
- Paras should be given numbers in the note part.

(PHC No.12292-317/Admn Dated 30th July, 2018)

C.No. 57A(1-1)

OFFICE CIRCULAR

It has been noticed that all the office through whom the file move, given their own file number to various files. It may be noted for compliance that only the office initiated the PUC/file is liable to given

number to the file/PUC. Rest of the offices are only required to write down the Dock number in the Dock book for movement of the files.

It is also noted that different files are moved on the same subject matter by the offices. Henceforth only one file would be moved for the same PUC by the office to whom the duty has been assigned as per distribution already made.

(PHC Endst No.1107-27/Admn dated Peshawar 17th January, 2019)

C.No. **57B**(1-1)

MAINTENANCE OF OFFICE RECORDS AND FILES (Re-Issued)

PESHAWAR HIGH COURT, PESHAWAR

OFFICE CIRCULAR (Re-Issued)

It has been noticed that despite issuance of instructions vide this office Circular bearing Endst No. 12292-317/Admn dated: 30.07.2018 directing every officer and official of this Court to follow Khyber Pakhtunkhwa Manual of Secretariat Instructions, 2018, while processing papers/correspondence, the same are not being followed, hence reproduced as follows: -

“The Competent Authority has been pleased to direct that henceforth while receiving, disseminating and processing papers and official correspondence, instructions contained in Part-II & III of the Khyber Pakhtunkhwa Manual of Secretariat Instructions, 2018 shall be followed by every officer and official of the Section/Branch/Wing of this Court in letter and spirit”

In addition to above, the following instructions may also be ensured in letter and spirit by the Branches of this Court.

- As per working of the Secretariat, when a cause is put up, precedent is always cited.
- After a calendar year, all voluminous files are required to be closed. New file of the same number if opened mentioning new volume number
- If a file is already put up and an urgent matter is required to be put up, it should be put up in part file (Kacha Cover) which should be merged with the original file when decision has been made.

- The file movement should be through a “Dak Book” to avoid misplacing of files and their tracking.
- Every Wing shall open a register mentioning Heads which they are dealing. All the “dak” shall be registered in the wing and marked to the concerned file under the Head/subject in which it falls.
- All leave accounts whether of judicial officer or staff of the High Court, should be digitized.
- Only one page of the note part is put up. In future, at least two spare pages of note part should be attached. The correspondence file should mention its number along with the Head and subject.
- The number given should not only be reflected on the note part but also on the correspondence file.
- The PUC should be properly cross referenced by indicating earlier communication referred to in the PUC.
- Paras should be given numbers in the note part.

(PHC Endst No.21478-98/Admn, Dated 05th November, 2019)

C.No. 58(1-1)

POWERS OF THE HIGH COURT TO FRAME RULES ... SOME CONSTITUTIONAL AND LEGAL PROVISIONS

Article 202 of the Constitution of the Islamic Republic of Pakistan Rules of Procedure: “Subject to constitution and law, a High Court may make rules regulating the practice and procedure of the Court or of any court subordinate to it”

Section 122 of CPC: Power of certain High Courts to make Rules: The High Courts may, from time to time after previous publication, make rules regulating their own procedure and the procedure of the Civil Courts subject to their superintendence, and may by such rules annul, alter or add to all or any of the rules in the First Schedule.

Section 554 of Cr.PC: Power of High Court to make Rules of inspection of records of Subordinate Courts (1) With the previous sanction of the Provincial Government, any High Court may from time to time, make rules for the inspection of the records of subordinate courts.

(2) **Power of High Courts to make rules for other purposes:-** Every High Court may, from time to time, and with the previous sanction of the Provincial Government:-

- (a) make rules for keeping all books, entries and accounts to be kept in all Criminal Courts subordinate to it, and for the preparation and transmission of any returns or statements to be prepared and submitted by such Courts;
- (b) frame forms for every proceeding in the said Courts for which it thinks that a form should be provided;
- (c) make rules regulating its own practice and proceedings and the practice and proceedings of all Criminal Courts subordinate to it; and
- (d) make rules for regulating the execution of warrants issued under this Code for the levy of fines:

Provided that the rules and forms made and framed under this section shall not be inconsistent with this Code or any other law in force for the time being.

(3) All rules made under this section shall be published in the official Gazette”.

Section 20 of the Civil Courts Ordinance 1962: The High Court in consultation of the Board Revenue, may make rules consistent with this Ordinance and any other enactment for the time being in force. -

- (a) declaring what persons shall be permitted to act as petition writers in Courts;
- (b) regulating the issue of licenses to such persons, the conduct of business by them and the scale of fees to be charged by them; and
- (c) determining the authority by which breaches of such rules shall be investigated and the penalties which may be imposed.

Section 27 of the Civil Courts Ordinance 1962: Power to frame rules: (1) The High Court may, with the approval of Government, frame rules for the purposes of carrying in to effect the provisions of this Ordinance.

(2) In particular, and without prejudice to the generality of the foregoing power, the High Court may, with the approval of Government frame rules for all or any of the following purposes, namely:-

- (a) the supervision of all Civil Courts and their visitation and inspection;
 - (b) the exercise by the District Judges of the general control vested in them over the Civil Courts in their respective districts;
 - (c) the places and times for the holding of Civil Courts;
 - (d) the fees to be charged for processes issued by the Civil Courts or by any officer of any such Court;
 - (e) the fees payable in any suit or proceeding in any Civil Court by any party in respect of the fees of the pleader of any other party, and
 - (f) the manner in which the proceedings of the Civil Courts shall be kept and recorded, the manner in which the paper books for the hearing of appeals shall be prepared and the granting of copies.
-

C.No. 59(1-1)

LETTERS PATENT (PESHAWAR) (DELEGATION OF FUNCTIONS TO ADDL: REGISTRAR)

No. 20/J – In supersession of this court’s Notification No.50-J dated 21st July, 1981, and in exercise of the powers conferred on them by clause 35 of the letters patent, the Chief Justice and Judges of the Peshawar High Court, Peshawar, are pleased to delegate the following functions to the Additional Registrar of this Court with effect from the assuming of charge. —

- (i) to issue notice on an application for probate or Letters of Administration or for revoking the same.
- (ii) to dispose of all matters relating to service of notices or other processes including substituted service, except the power to dispense with service or proforma respondents.
- (iii) to dispose of applications under Order XXII, rules 2,3,4 and 10 Cr.P.C., except in a case under appeal to Supreme Court.
- (iv) to appoint or discharge next friend or guardian ad *litem* of a minor or person of unsound mind, except in a case under appeal to Supreme Court.
- (v) to dispose of applications for withdrawal of an appeal or for consent decree.
- (vi) to dispose of applications under Order XLV, rule 10, C.P.C.

- (vii) to issue notice on application under Order XLV, rule 15 C.P.C.
- (viii) to issue notice on application for substitution of names in an appeal to the Supreme Court.
- (ix) to dispose of applications for return of documents.
- (x) to require any person or party to file an affidavit with respect to any application or matter in respect of which he has power to exercise any discretion or to make any order.
- (xi) to call for further deposit when insufficient in appeal to Supreme Court.
- (xii) to order payment of the interest on Government Promissory Notes under Order XLV, rule 12, C.P.C.
- (xiii) to direct in what newspapers publication referred to in Order XLV, rule 9-A C.P.C, be made.
- (xiv) to pass orders on first appeals in which record is to be printed and amount deficient asked for to be deposited under rules 8 & 9, Chapter 2-A, Volume V is not deposited.
- (xv) to pass formal orders regarding translation and typing of documentary evidence and to summon files and records. (C.P. No. 35, dated 18th November, 1954).
- (xvi) to grant time for making up deficiency in court-fees in cases referred to him as Taxing Officer under section 5 of the Court Fee Act, 1870. No application for extension of the time will be refused without the orders of the Court.

(PHC Nonfiction No.20/J Gazzett of NWFP, Extraordinary, 25th Jan, 1983)

C.No. 60(1-1)

FIRST AMENDMENT --- OATH COMMISSIONERS RULES

In exercise of the powers vested in them by Article 202 of the Constitution of the Islamic Republic of Pakistan, 1973 read with Article 2 of the Provisional Constitutional Order, 1981, the Honorable Chief Justice and Judges of the Peshawar High Court, Peshawar are pleased to make the following amendment in Rule 5(i) Chapter 12-B of the High Court Rules and Orders Vol-IV.-

For the words “two to four” occurring in second line of rule 5(i) as aforesaid the words “four to eight” shall be substituted.

(PHC Endst: No. 12064-12077/Admn: Dated 1st June, 1982.)

C.No. **61**(1-1)

SECOND AMENDMENT --- OATH COMMISSIONERS RULES

In exercise of the powers vested in them by Article 202 of the Constitution of the Islamic Republic of Pakistan, 1973 read with Article 2 of the Provisional Constitutional Order, 1981, the Honorable Chief Justice and Judges of the Peshawar High Court, Peshawar are pleased to make the following amendment in Rule 5(i) Chapter 12-B of the High Court Rules and Orders, Volume IV.-

For the words “Four to Eight” occurring in second line of rule 5(1) as foresaid the words “Eight to Twelve” shall be substituted.

(PHC End: No-5283-5300 Admn: Brh: Dated Peshawar 5th July, 1993)

C.No. **62**(1-1)

THIRD AMENDMENT--- OATH COMMISSIONERS RULES

In exercise of the powers vested in them by Article 202 of the Constitution of the Islamic Republic of Pakistan, 1973, Honorable the Chief Justice and Judges of the Peshawar High Court, Peshawar are pleased to make the following amendment in Rule 5(i) Chapter 12-B of the High Court Rules and Orders Volume IV.

For the words “Eight to Twelve” occurring in second line of Rule 5(i) as aforesaid the words “Twelve to Sixteen” shall be substituted.

(PHC End: No 4319-4343 Admn: Brh Dated: Peshawar 17th June, 1996)

C.No. **63**(1-1)

FOURTH AMENDMENT --- OATH COMMISSIONERS RULES

In exercise of the powers vested in them by Article 202 of the Constitution of the Islamic Republic of Pakistan, 1973, the Honorable Chief Justice and Judges of the Peshawar High Court, Peshawar are pleased to make the following amendment in Rule 5(i), Chapter 12-B of the High Court Rules and Orders, Volume-IV.

1. ALL DIVISIONAL HEADQUARTERS:

For the words “Twelve to Sixteen” occurring in second line of Rule 5(i) as aforesaid, the words “Sixteen to Thirty” shall be substituted.

2. DISTRICT HEADQUARTERS OF CHARSADDA, NOWSHERA, HARIPUR, MANSEHRA & SWABI:

For the words “Twelve to Sixteen” occurring in second line of Rule 5(i) as aforesaid, the words “Sixteen to Twenty” shall be substituted.

(PHC End No 3421-3443 Admn: Brh: Dated Peshawar 2nd May, 1997)

C.No. **64**(1-1)

FIFTH AMENDMENT --- OATH COMMISSIONERS RULES

In exercise of the powers vested in them by Article 202 of the Constitution of the Islamic Republic of Pakistan, 1973, the Honorable Chief Justice and Judges of the Peshawar High Court, Peshawar are pleased to make the following amendments in Rule 5(i), Chapter 12-B of the High Court Rules and Orders Volume-IV.-

1) ALL DIVISIONAL HEADQUARTERS:

For the words “sixteen to thirty” occurring in second line of rule 5(i) as aforesaid, the words “thirty to thirty-five” shall be substituted.

2) ALL DISTRICT HEADQUARTERS:

For the words ‘District Headquarters of Charsadda, Nowshera, Haripur, Mardan and Swabi’ occurring in second line of rule 5(i) as aforesaid, the words “all District Headquarters shall be substituted.

3) ALL SUB-DIVISIONS:

For the words “one to three” occurring in third line of rule 5(i) as aforesaid, the words “three to six” shall be substituted.

(PHC Endst No. 9352-9399 /Admn Dated Peshawar 21st Dec, 2000)

C.No. 65(1-1)

SIXTH AMENDMENT --- OATH COMMISSIONERS RULES

In exercise of the power vested in them by Article 202 of the Constitution of the Islamic Republic of Pakistan, 1973, Hon'ble the Chief Justice and Judges of the Peshawar High Court, Peshawar are pleased to make the following amendment in Rule 5(i), Chapter 12-B of the High Court Rules and Order Volume-IV:

ALL DIVISIONAL HEADQUARTERS

“For the words ‘Thirty to Thirty-five’ occurring in second line of rule 5(1) as aforesaid the words ‘Fifty to Sixty’ shall be substituted

ALL DISTRICT HEADQUARTERS.

“For the words ‘Sixteen to Twenty’ occurring in second line of rule 5(1) as aforesaid the words ‘Thirty-Five to Forty’ shall be substituted.

ALL SUB-DIVISIONS

“For the words ‘Three to Six’ occurring in third line of rule 5(1) as aforesaid the words ‘Six to Ten’ shall be substituted

(PHC Endst No.5074-5125/Admn Dated 08th April, 2014)

C.No. 66(1-1)

SEVENTH AMENDMENT- OATH COMMISSIONER RULES

In exercise of the powers conferred by Article 202 of the Constitution of the Islamic Republic of Pakistan, 1973, Hon'ble the Chief Justice and Judges of this Court are pleased to make the following amendments in Part-B, Chapter 12-A, Volume-IV of the High Court Rules and Orders:

AMENDMENTS

1. **For Rule 5 Sub-rule (iii), the following shall be substituted:**

Commissioners may charge a remuneration of rupees, **fifty (50)** in cash for each affidavit and shall keep a register in Form prescribed in Paragraph 7 infra in which all affidavit shall be entered a written receipt for amount paid shall be given by the commissioner to the deponent. The receipt shall be in a printed form consisting foil and counterfoil, the file being handover to the person paying the money and the counterfoil being kept by the commissioner for purposes of inspection.

The above charge will be an addition to any stamp duty payable on the affidavit under the stamp act, 1899, scheduled 1 article 4.

Note... The commissioner will be entitled to an additional fee of rupees **two hundred** from a deponent when he is required to attend the deponent's residence.

2. The following Sub-rule (iv) to Rule 5 shall be added:

The District & Sessions Judge himself or through the judicial officer nominated by him shall inspect the register/record of the Oath Commissioners, of his Sessions division, after every three months and prepared and submit a detail report to the High Court.

3. For Rule 7, the following shall be substituted:

The existing rule 7 be renumbered as sub-rule (i) and the following sub-rule (ii) be added.

In the Form of Register in column No. 2 after the word date the word **“time”** be added.

The Volume existing column No. 8 be renumbered as column No. 9. In the column No. 8 the following shall be substituted, **“Particulars of the person identifying him”**

Rule 7. Register of affidavits; -

(i) A register of affidavits, in the following form, should be maintained at the headquarters of every district at each Court attested and every affidavit verified, should be entered,

(ii) **Oath Commissioner register shall contain the following;**

- a. Serial Numbers.
- b. Date and time of making affidavit.
- c. Particulars of the case to which affidavit relates.

- d. On whose behalf the affidavit has been filed.
- e. Full particulars of the person making affidavit.
- f. Particulars of the person identifying him.

Form of Register

Register of affidavits attested in the _____ of the _____
in the _____ District _____

1	2	3	4	5	6	7	8	9
Serial No.	Date and “time” of application of tendering affidavit	Name, “ Father name and other particulars ” of person tendering application (if any) or affidavit.	Nature of affidavit briefly stated; if the affidavit relates to a cause in court, the cause should be specified	Detail of exhibits (if any) attached to affidavit	Civil Court, Magistrate or other officer empowered in that behalf administering the oath or affirmation	Date of administering oath or affirmation	Particulars of the person identifying him	Signature and designation of civil court, or other officer

After Rule 7, the following Rule 7-A and 7-B shall be added;

Rule 7-A. The district judge shall provide register of affidavit to the Oath Commissioner, on payment of cost, certify the number of pages contain in the register.

Rule 7-B. Deposit of register in the sessions record room; Register or Registers, on completion shall be deposited in the record room of the District & Sessions Judge.

4. For Rule 9, the following shall be substituted:

Contents of affidavits; -

- (i) Every affidavit containing any statement of facts shall be divided into paragraphs, and every paragraph shall be numbered consecutively, and, as nearly as may be, shall be confined to a distinct portion of the subject.
- (ii) Every person, other than a plaintiff or defendant in a suit in which the application is made, making any affidavit, shall be described in such manner as will serve to identify him clearly; that is to say, by the statement of his full name, the name of his father, **CNIC Number, Mobile Number (if any)**, his profession or trade, and the place of his residence.
- (iii)
- (iv)

5. For Rule 11, the following shall be substituted:

Identification of deponent: -

Every person making an affidavit shall, if not personally known to the Court, Magistrate or other officer appointed to administer the oath or affirmation, be identified to such Court, Magistrate or officer by some person known to him, and such Court, Magistrate or officer shall specify, at the foot of the affidavit, the name and description **i.e. Name, Father Name, and CNIC Number** of the person by whom the identification is made, as well as the time and place of the identification and of the making of the affidavit.

6. For Rule 13, the following shall be substituted:

Female dependents: -

An affidavit purporting to have been made by a female declarant, who has not appeared unveiled before the Court, Magistrate, or other officer as aforesaid, before whom the affidavit is made, shall not be certified, unless and until she has been identified before, **by her husband or by other relation in**

prohibitory degree, and an affidavit of her identity by the person identifying her has been made before, and certified by such Court, Magistrate or officer.

7. The following new rule shall be added:

Rule 17. On completion of tenure or cancellation of license of licensee, register and his seal both shall be consigned to district record room.

(PHC Order Endst No. 5680-5800/Admn dated: 30th March, 2017)

C.No. 67(1-1)

FIRST AMENDMENT --- CHAPTER-2-B, OF VOLUME-II OF THE HIGH COURT RULES AND ORDERS

Dated Peshawar 12th July, 2013

No.113-J In exercise of the powers under Article 187(2) of the Constitution of the Islamic Republic of Pakistan and in supersession of all previous rules on the subject, the Chief Justice is pleased to direct that in the High Court Rules and Orders in Volume II, chapter 2-B with effect from 9th July, 2013 the following amendment shall be made namely.

AMENDMENT

In Chapter2, Part-B, Rule 11 of the High Court Rules & Orders (Civil), the word “male” shall be omitted, while the word “once a year” shall be substituted with the word “quarterly

C.No. 68(1-1)

AMENDMENTS --- HIGH COURT RULES AND ORDERS, CHAPTER 1-C, VOLUME-IV

“The words “February, ‘May’, ‘August’ and ‘November’ occurring in Rule 10, Chapter 1-C of Volume: IV of the High Court Rules and Orders shall stand substituted by the words ‘March’, ‘June’, ‘September’ and ‘December’.

(PHC Endst: No. 3798-3815/Admn: Bm:Dated Peshawar, 9th July 1990)

C.No. **69**(1-1)

AMENDMENTS --- CHAPTER-16-A, VOLUME-IV OF THE HIGH COURT RULES AND ORDERS

In exercise of the powers vested in them by Article 202 of the Constitution of the Islamic Republic of Pakistan 1973, Hon'ble the Chief Justice and Judges of the Peshawar High Court are pleased to make the following amendments in the High Court Rules and Orders (Civil).

1. Rule 5, Chapter 16-A Volume IV,

- (a) Rule 5 ibid is substituted as follows:
“Record of cases decided by all Criminal and Civil Courts Subordinate to the High Court excepting those which have separate record rooms of their own shall be consigned to the Record Room of District and Sessions Judge”.
- (b) Notes 1, 2 and 3 at the footing of Rule 5 shall be omitted.

2. Rule 5-A. Chapter 16-A. Volume IV.

- (a) In Rule 5-A for the words “District Record Room under the control of Deputy Commissioner” the words “Record Room of District and Sessions Judge” shall be substituted.
- (b) In Rule 5-A (ii) for the words “District Record Room” the words “Record Room of District and Sessions Judge” shall be substituted.
- (c) In Rule 5- A (iii) for the words “February, May, August and November” the words “March, June, September and December” shall be substituted.
- (d) In Rule 5- A (iv) in the Form of Challan for the words “District Record Room” the words “Record Room of District and Sessions Judge” shall be substituted.

(PHC Notification No. 67.- Dated Peshawar 28th May, 2003)

C.No. **70**(1-1)

FIRST AMENDMENT --- CHAPTER-3-B, OF VOLUME-V OF THE HIGH COURT RULES AND ORDERS

In exercise of the powers conferred by Article 204 of the Interim Constitution of the Islamic Republic of Pakistan, the Chief Justice and Judges of the Peshawar High Court, Peshawar, with the prior approval of the Governor of North-West Frontier Province, are pleased to direct, that in the application of Chapter 3-B of the Rules and Orders of the High Court of Jurisdiction at Lahore, Volume V, to the practice and procedure of the Peshawar High Court, Peshawar, the following amendments shall be made, namely:

AMENDMENTS

1. For Rule 1, the following Rule shall be substituted: --

1. Save as provided by law or by these rules or by a special order of the Chief Justice, all cases shall be heard and disposed of by a Judge sitting alone.

EXPLANATION. -- ‘Case’ includes a motion, application, petition, reference, suit, appeal or other proceedings to be heard and disposed of by the High Court under any law in the exercise of its ordinary, extraordinary, original or appellate jurisdiction.

2. For Rule 2, the following Rule shall be substituted. —
The following cases shall be heard and disposed of by a Division Bench: --

- (1). (a) A regular first appeal from the decree of a subordinate Court, jurisdictional value of which exceeds Rs. 50,000.00/- and any cross-objections to the decree.
(b) An appeal under the Land Acquisition Act if the amount involved in the appeal exceeds Rs. 50,000.00/-
- (2). (a) An appeal or reference in a case in which a sentence of death or transportation for life has been passed.
(b) A case in which a notice has been issued to a person sentenced to imprisonment or transportation for life, requiring him to show cause as to why the sentence should not be altered to death.
(c) A case in which a notice has been issued to a person sentenced to imprisonment requiring him to show cause as to why the sentence should not be altered to transportation for life.
(d) Any appeal by the Provincial Government under section 417 of the Code of Criminal Procedure, from an order of acquittal in a charge punishable with death or transportation for life.

(3). Rules 3 & 4 shall be deleted.

(PHC Notification No. 6-J Dated Peshawar, 2nd June 1972)

C.No. 71(1-1)

SECOND AMENDMENTS --- CHAPTER 3-B, OF VOLUME-V OF THE HIGH COURT RULES AND ORDERS

In exercise of the powers conferred by Article 202 of the Constitution of the Islamic Republic of Pakistan, 1973 read with Article 2 of the Provisional Constitution Order, 1981 (C.M.L.A Order No.1 of 1981), the Chief Justice and Judges of the Peshawar High Court, Peshawar are pleased to direct that in Chapter 3-B of the High Court Rules and Orders, Volume-V, the following amendments shall be made namely.--

AMENDMENTS

Deleted Rule-3 be substituted as follows: --

Rule 3 is deleted, except that all urgent matters relating to the subordinate courts are to be entertained by the High Court, during vacation, in exercise of the original jurisdiction vested in the subordinate courts, and such petitions later on will be transmitted to the courts concerned on their re-opening after vacations.

(PHC Notification No 51 J dated Peshawar, Dated 26th July 1981)

C.No. 72(1-1)

THIRD AMENDMENT --- CHAPTER-3-B, VOLUME-V OF THE HIGH COURT RULES AND ORDERS

In exercise of the powers conferred by Article 202 of the Constitution of the Islamic Republic of Pakistan, 1973 Honorable the Chief Justice and Judges of the Peshawar High Court, Peshawar are pleased to direct that in the application of chapter 3-B of the High Court Rules and Orders Volume-V, to the practice and procedure of the Peshawar High Court, Peshawar the following amendments shall be made namely: --

AMENDMENTS

1. for Rule 2, the following Rule shall be substituted: --
- 2.(a) A regular 1st appeal from the decree of a subordinate Court, jurisdictional value of which exceed Rs. five lacs and any cross objections to the decree shall be heard and disposed of by Single Bench while such appeals the valuation of which exceeds Rs. one million shall be heard and disposed by a Division Bench.
- (b) An appeal under the Land Acquisition Act if the amount involved in the appeal exceeds Rs. five lacs shall be heard and disposed by a Single Bench while such appeals the valuation of which exceeds Rs. one million shall be heard by a Division Bench.

(PHC letter No 45-J dated Peshawar, 7th July 1996)

C.No. 73(1-1)

FOURTH AMENDMENT --- CHAPTER 3-B, VOLUME-V OF THE HIGH COURT RULES AND ORDERS

In exercise of the powers under article 202 of the Constitution of the Islamic Republic of Pakistan 1973, Hon'ble the Chief Justice and Judges, Peshawar High Court Peshawar, are pleased to Order that in application of Chapters 3-B of the High Court Rules and Orders Vol-V, to the practice and procedure of Peshawar High Court, the following amendment shall be made namely:

For Rule 2(I) (a), the following shall be substituted: -

“A regular first appeal from the decree of a subordinate Court, jurisdictional value of which exceeds Rs. two Million and any cross-objection to the decree”.

For Rule 2(I) (b), the following shall be substituted: -

“An appeal under the Land Acquisition Act if the amount involved in the appeal exceeds Rs. two Million.

(PHC Notification No. 167–J., Dated: Peshawar 20th December, 2003.)

C.No. 74(1-1)

**FIFTH AMENDMENT --- CHAPTER-3-B, OF VOLUME-V OF THE
HIGH COURT RULES AND ORDERS**

**PESHAWAR HIGH COURT, PESHAWAR
NOTIFICATION**

Dated Peshawar, 13th October, 2012.

No. 230-J In exercise of the powers conferred by Article 202 of the Interim Constitution of the Islamic Republic of Pakistan 1973, the Chief Justice and Judges of the Peshawar High Court, Peshawar are pleased to direct that in Chapter 3-B, Volume –V of the High Court Rules and Orders, the following amendments shall be, namely: -

AMENDMENTS

1. For Rule 1, the following Rule shall be substituted: --

1. Cases ordinarily to be heard by a Single Bench:

Save as provided by law or by these rules or by the provisions of any special enactment, or when the Chief Justice directs otherwise all cases shall be heard and disposed of by Judge sitting alone.

EXPLANATION. -- ‘Case’ includes a motion, application, petition, reference, suit, appeal, or other proceedings to be heard and disposed of by the High Court under any law in the exercise of its ordinary, extraordinary, original or appellate jurisdiction.

2 For Rule 2, the following Rule shall be substituted; -

2 (1) The following cases shall be heard and disposed of by a Division Bench: --

(1). (a) A regular first appeal from the decree or order of a subordinate Court, jurisdictional value of which exceeds Rs. 50,000,00/- (five million) and any cross-objections to the decree.

(b) An appeal under the Land Acquisition Act if the amount involved in the appeal exceeds Rs. 50,000,00/-(five million)

(c) An appeal or reference in a case in which a sentence of death or imprisonment for life has been passed.

(d) A case in which a notice has been issued to a person sentenced to imprisonment or imprisonment for life, requiring him to show cause as to why the sentence should not be altered to imprisonment for life or death.

(d) Any appeal from an order of acquittal in a case in which the accused is charged for an offence punishable with death or imprisonment for life.

(2) A Single Judge while sitting in the long vacations or winter holidays, or when he is the only Judge available at a Bench, may exercise the original and appellate jurisdiction vested in the Court: -

(i) in any criminal matter other than ones mentioned in clauses (c),(d) and (e) of sub-rule (1) ;

(ii) in any urgent matter connected with, relating to or arising out of the execution of a decree; and

(iii) in any miscellaneous matter which, in his opinion, requires immediate attention.

Provided that

(i) in urgent matters connected with, relating to or arising out of execution of any decree or order; and

(ii) in any other miscellaneous matter which, in his opinion, requires immediate intervention, may grant interim relief subject to and on the basis of merits and valid grounds.

C.No. 75(1-1)

SIXTH AMENDMENT --- CHAPTER-3-B, OF VOLUME-V OF THE HIGH COURT RULES AND ORDERS

PESHAWAR HIGH COURT, PESHAWAR NOTIFICATION

Dated 25th August,2017

NO. 178-J In exercise of powers conferred by Article 202 of the Constitution of Islamic Republic of Pakistan 1973, Hon'ble the Chief Justice and Judges of the Peshawar High Court, Peshawar are pleased to direct that in Chapter 3-B, Volume-V of the High Court Rules and orders, the following amendments shall be made, namely: -

AMENDMENTS

In rule 2 sub-rule (1), clauses (a) & (b) shall be deleted

C.No. 76(1-1)

FIRST AMENDMENT --- CHAPTER 4-J, VOLUME-V OF THE HIGH COURT RULES AND ORDERS

In exercise of the powers under article 202 of the Constitution of the Islamic Republic of Pakistan and in supersession of all previous rules on the subject, the Chief Justice and Judges are pleased to direct that in the High Court Rules and Orders Vol-V, with effect from 1st January, 2011 the following further amendments shall be made namely:

AMENDMENTS

In the said Rules, in Volume-V in Chapter-4 in Part-J: -

- (i) in paragraph 10, in clause (i), for the figures “100” the figures “500” shall be substituted;
- (ii) for paragraph 10-A, the following shall be substituted: -
“10-A. Court fee of Rs. 1000/- shall be payable on an Intra Court Appeal”

(PHC Notification No. 265 –J., Dated: Peshawar 14th December, 2010)

C.No. 77(1-1)

SECOND AMENDMENT --- CHAPTER-4-J, OF VOLUME-V OF THE HIGH COURT RULES AND ORDERS**PESHAWAR HIGH COURT, PESHAWAR
NOTIFICATION**

Dated 23rd February, 2016

No.44-J: In exercise of the powers conferred by Article 202 of the Constitution of the Islamic Republic of Pakistan, Honorable the Chief Justice and Judges of this Court are pleased to make the following amendments in Chapter 4-J Volume-V of the High Court Rules and Orders with effect from 7th March, 2016: -

AMENDMENTS:

1. For rule 2, the following shall be substituted, namely: -
 2. (1) An application for the issue of writ in the nature of mandamus, prohibition, quo-warranto and certiorari, shall be filed before the Deputy Registrar/Additional Registrar of the Principal seat/Bench, as the case may be, and shall: -
 - (a) Set out concisely in numbered paragraphs the fact upon which the applicant relies;
 - (b) State the grounds upon which the court is asked to issue & writ;
 - (c) Describe exactly the action/order challenged or the inaction complained of together with the nature of the relief sought; and
 - (d) Be accompanied by affidavit/affidavits in proof of the facts referred therein.
 - (2) At the end of the application, there shall be given a note, -
 - (a) Whether the applicant has moved the High Court previously for the same relief and if so, with what result;
 - (b) Whether the case falls within the Jurisdiction of single or Division Bench as per rules; and
 - (c) The law/rules applicable to the proceedings out of which it arises.
 - (3) Before filing such an application, the applicant shall give notice thereof to the respondent(s) or his/her/their authorized agent or counsel by delivering in person or sending through registered post acknowledgment due/courier service, a copy of the application and the postal or other receipt shall be filed with the application for record of the Court.
- 2 For Rule 3, the following shall be substituted, namely: -
 - 3(1) Subject to sub-rule (2), and unless otherwise ordered by the Chief Justice, the application shall be laid before a Division Bench which may summarily dismiss it or pass such orders as it may deem necessary. During vacations, the application may be disposed of by a vacation judge.
 - (2) An application referred to in rule 2, challenging an interlocutory order or an order/judgment passed on Appeal, Revision or Review by

any court, tribunal or authority will be placed before, heard and disposed of by a Single Bench.

3. For rule 4, the following shall be substituted, namely: -

4. (1) The respondent(s) may, with permission the Court, appear before it and contest the application and may be awarded costs in case of its dismissal in limine;

(2) Subject to the direction of the Court, in case the respondent(s) does (do) not appear before the Court at the preliminary hearing, notice of every application admitted for full hearing shall be served on all the parties directly affected, for which the applicant will provide the prescribed process fee, if any;

Provided that at the hearing of the application, any person who desires to be heard in opposition to the application and appears to the Court to be a proper person to be heard, shall be heard notwithstanding that he has not been served with a notice and subject to such conditions as to costs as the Court may deem fit to impose

C.No. 78(1-1)

FIRST AMENDMENT --- CHAPTER-1-A(a), CHAPTER-1-C, OF VOLUME-V OF THE HIGH COURT RULES AND ORDERS

PESHAWAR HIGH COURT, PESHAWAR NOTIFICATION

Dated Peshawar, 14th June, 2018

NO. 155-J: In exercise of powers conferred by Article 202 of the Constitution of the Islamic Republic of Pakistan, Honorable the Chief Justice and Judges of this Court are pleased to make the following amendments in Volume-V of the High Court Rules and Orders: -

AMENDMENTS

1. In chapter 1-A(a), Volume-V, the existing rule 10 shall be re-numbered as rule 10 sub-rule (1) and thereafter the following sub-rules shall be added;
 - (2) No application for review shall be entertained unless the party seeking review furnishes a cash security of Rs. Ten thousand which shall stand forfeited if the review petition is dismissed or

shall be paid to the opposite party if the review petition is contested.

- (3) Except with leave of the Courts, no application for review shall be entertained unless it is filed and certified by the Advocate who had argued the case resulting into the order sought to be reviewed nor shall any other advocate, except such Advocate, be heard in support of the application for review unless the Court has dispensed with such requirement.

2. In Chapter 1-C, Volume-V, after the existing rule 4, the following new rules shall be added.

4-A (1) in every appeal of the nature referred to in order XXII rule 3 of the Code of Civil Procedure, the memorandum of appeal shall be accompanied by statement giving;

- (a) the names and addresses of the persons who, in the event of the death of the appellant, may be made a party as his legal representative; and
- (b) The name and address of the person who, in the event of the death of the appellant, shall intimate such fact to the Court, furnish the Court with names, particulars and addresses of the legal representatives of the appellant and make an application for legal representatives to be made a party.

- (2) (a) an appellant may at any time file in the Court an amended list of his presumptive legal representatives; and

(b) Nominate another person, in the place of the person nominated under clause (b) of sub-rule (1) for the purpose of that clause.

- (3) A nomination made under clause (b) of sub rule (1) shall, unless varied under clause (b) of sub rule (2) shall remain in force throughout the pendency of the appeal and any proceedings arising therefrom, including appeal and review.
- (4) If the appellant has filed the aforesaid statement in the suit giving rise to the appeal it shall stand superseded by the statement filed under this rule.
- (5) While filing an appeal as referred to in foregoing sub-rules, the appellant shall also file therewith a copy of the list of the legal representatives of all the respondents filed in the suit from which the appeal arises.
- (6) In case all or any of the respondents have not contested the case from which the appeal arises and has thus not filed any list of their / his legal representatives and need not be served, the appeal shall be accompanied by a copy of order sheet of the lower court or any other proof and a certificate to that effect.

- 4-B. (1) In every appeal of the nature referred to in order XXII rule 4 of the Code of Civil Procedure the respondent shall on the first date of his appearance in the appeal, if he wants to amend the list of his legal representatives filed by the appellant or if no such list is filed under sub rule (5) of rule 4-A, file a statement giving:
- (a) The names and addresses of the person who in the event of the death of the respondent, may be made a party as his legal representatives; and
 - (b) The name and address of the person who, in event of the death of the respondent, shall intimate such fact to the Court, furnish the Court with names, particulars and addresses of the legal representatives of the respondent and make an application for the legal representative to be made a party.
- (2) (a) a respondent may at any time file in the Court an amended list of his presumptive legal representatives; and
- (b) Nominate another person in the place of the person mentioned under sub rule (5) of the rule 4-A or under sub rule (1) of the rule 4-B, for the purpose of those rules/clauses.
- (3) A nomination filed under sub rule (5) of rule 4-A or made under sub rule (1) of rule 4-B shall, unless varied under clause (b) of sub rule (2) remain in force throughout the pendency of the appeal and any proceedings arising therefrom, including appeal or review.
- (4) If the respondent has filed the aforesaid statement in the suit giving rise to the appeal, it shall stand superseded by the statement filed under this rule.
- (5) Notice of appeal issued to the respondent shall contain direction requiring him to file, if he so wishes, the statement referred to in sub rule (1) by the date of his first appearance.
- 4-C
- (i) the appeal shall be accompanied by the address of the appellant(s) which is sufficient for service on them/him along with their/his phone/ell/fax Nos. and E-mail address(es) if available.
 - (ii) the appeal shall also be accompanied by a copy of the address(es) of the respondent(s) as furnished before the lower court along with written statement or subsequently.
 - (iii) In case the respondents have not contested the case at the lower level and have not furnished their addresses the appellant shall file along with the appeal copies of the order sheets of the lower court or any other proof to this effect and a certificate that they need not be served.

(iv) Every respondent shall, on the first date of his appearance in the appeal, furnish his complete address, in case he wants to change his address already provided by the appellant, along with phone/cell/fax No. and E-Mail if available.

(v) Any party to the appeal may at any time before decision of the appeal, file in the Court his amended address which will supersede his address already available on record.

(vi) Addresses of the parties filed under sub-rule (ii) or (iv) shall, unless varied under sub-rule(v) remain in force throughout the pendency of the appeal and any proceedings arising therefrom, including appeal or revision/review.

3. For the existing rule 16 of Chapter 1-C of Volume-V, the following shall be substituted;

16. Rules as to proceedings other than Suits and Appeals.

(i) The foregoing rules shall apply to all proceedings of a civil nature, other than suits or appeal, to which Order XXII of the Code of Civil Procedure is applicable.

(iii) So far as practicable, the provisions of the foregoing rules shall also apply to proceedings in the constitutional petitions.

C.No. 79(1-1)

FIRST AMENDMENT --- CHAPTER-5-C, OF VOLUME-V OF THE HIGH COURT RULES AND ORDERS

**THE PESHAWAR HIGH COURT, PESHAWAR
NOTIFICATION**

Peshawar, dated 22nd July, 2019

No. 192 J: in exercise of the powers conferred by section 3 of the Destruction of Record Act, 1917, the Peshawar High Court, Peshawar, with the approval of the Provincial Government is pleased to direct that in Volume-V, Chapter-V, Part-C of the High Court Rules and Orders, the following amendments shall be made, namely

AMENDMENTS

- (1) After the existing rule 1, the following new rule shall be added namely:

“1-A. Destruction of Record retained in electronic form. --- Notwithstanding any period of preservation prescribed in these Rules, any judicial record, book or paper, may be destroyed after being retained in electronic form, and such electronic form has a legal recognition under Section 3 of Electronic Transaction Ordinance, 2002”

- (2) In rule 5, after sub-rule (b), the following new sub-rule (c) shall be added, namely;

“(c) In writ petition cases-----

- (1) The Tablak or cover containing particulars of the cases and a brief abstract of orders in English;
- (2) The index;
- (3) The order sheet;
- (4) The grounds of writ petition, together with any schedule annexed thereto, and all documents, whether original or copies filed with the petition;
- (5) The replication/comments of respondents along with annexures;
- (6) Application of parties who are stranger with the Court’s order thereon;
- (7) Instruments of withdrawal, compromise or confession of judgment;
- (8) The final judgment;
- (9) Application the restoration of writ petition dismissed in default;
- (10) Application for re-hearing of writ petition decided ex-parte;
- (11) Application for review of judgment; and
- (12) Applications for substitution, addition or striking out of names of parties or for substitution of the names of the heirs of deceased petitioner or respondents,”

- (3) In Rule 7, after sub-rule (b), the following new sub-rules (c) shall be added, namely;

“(c) criminal miscellaneous application----

- (1) The index;
- (2) Grounds of application with annexure;
- (3) Affidavit;
- (4) Order sheets; and
- (5) Final order and ball bonds; if any.”

- (4) In rule 9, --
- (a) Under the heading “Civil Cases” in sub-rule (5),-
 - (I) The word “and” appearing after the words “court below” shall be substituted with a “comma”; and
 - (II) After the words “in the High Court” appearing at the end, the words “and the grounds of writ petition” shall be inserted.”; and
 - (b) Under the heading “Criminal Cases”, -
 - (I) After sub-rule (2), the following new sub-rule shall be inserted, namely;

“(2-A) Final order on criminal miscellaneous application along with bail bonds, if any,”; and
 - (II) In sub-rule (5), the word “and” appearing after the words “court below” shall be substituted with a “comma” and after the words “in the high court” appearing at the end, the words “and the grounds of writ petition” shall be inserted,”-
- (5) In rule 10, after the existing sub-rule (5), the following new sub rule shall be inserted, namely;
- “(5-A) Part A in all the writ petitions.”.
- (6) After the existing rule 12, the following new rule shall be added, namely,
- “12-A- **Record to be preserved for two years, -----** subject to the provisions of rule 9, the following record shall be preserved for two years, namely;
- Part A of the record in criminal miscellaneous applications,”

C.No. 80(1-1)

FIRST AMENDMENT --- CHAPTER 10-A VOLUME V OF THE HIGH COURT RULES AND ORDERS

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

C.No. **81**(1-1)

AMENDMENTS --- VOLUME- IV AND VI OF THE HIGH COURT RULES AND ORDERS

In exercise of power vested in them by Article 202 of the Constitution of the Islamic Republic of Pakistan 1973 the Hon'ble Chief Justice and Judges of the Peshawar High Court are pleased to make the amendments and new Rules in the High Court Rules and Order (Civil) as per Appendix A & Appendix B.

APPENDIX "A"

1. Volume IV Chapter 5-A Rules (II)

After full stop of Rule 11 of Chapter 5-A of Volume IV the following shall be inserted

“After the order for substituted service by the court the plaintiff shall produce a bank receipt of the required amount on the next date of hearing”

2. Volume IV, Chapter 6-A Rule (3)

In Rule (3) of chapter 6-A of Volume IV for the words “senior sub Judge or the Administrative sub Judge in district where there is an administrative Sub-Judge” the words “Senior Civil Judge” shall be substituted. This substitution shall be deemed to have been made where ever these words

occur in the High Court Rules and Orders (Civil) unless the context requires otherwise.

3. **Volume IV Chapter 6-A Rule (8)**

In Rule 8 Bailiffs (a) of chapter 6-A Volume IV for the words “Rs. 8” the words “Rs. 350” and for the words “Rs. 3.25” the words “Rs. 300” shall be substituted.

In Rule 8 Bailiffs (b) of chapter 6-A Volume IV for the words “Rs. 2.50” the words “Rs. 250” shall be substituted.

In Rule 8 Process Serves (a) of chapter 6-A Volume IV for the words “Rs. 6.37” the words “Rs. 350” and for the words “Rs. 1.62” the words “Rs. 300” shall be substituted.

In Rule 8 Process Servers (b) of chapter 6-A Volume IV for the words “Rs. 2.50” the words “Rs. 250” shall be substituted.

4. **Volume IV, Chapter 6-A Rule (9)**

In Rule (9) of chapter 6-A of Volume IV, for the words “expected” the words “responsible” shall be substituted.

5. **Volume IV, Chapter 7-G Rule (1)**

In Rule (1) of chapter 7-G of Volume (IV) for the words “are expected to” the word “shall” shall be substituted.

6. **Volume IV, Chapter 7-G Rule (2)**

Rule (2) of chapter 7-G of Volume IV shall be omitted.

7. **Volume IV, Chapter 7-J Rule (2)**

In Rule (2) of chapter 7-J of Volume IV, for the words “District Magistrate” the words “Police Officer In charge of the District” shall be substituted.

8. **Volume IV , Chapter 7-J Rule (3)**

In Rule (3) of chapter 7-J of Volume IV for the words “District Magistrate” and “Commissioner” the words “Police Officer In charge of the District” and “Officer to whom such Police Officer in charge of the District is subordinate” shall be substituted respectively. The words “to the Provincial Government” at the end shall be omitted and these words shall be placed in between the words “him” and “through”

9. **Volume VI, Part A-IV No. XXIX**

In No XXIX of Part A-IV of Volume VI, Column No, 9 & 11 shall be omitted.

10. **Volume VI , Part A-IV No. XXIII**

In No. XXIII of Part A-IV of Volume VI, in the end a new column “Process received unserved” shall be inserted.

APPENDIX “B”

1. The following new Rule 2-A Shall be inserted after Rule 2 in Volume IV Chapter 7-B (b).

“2A (i). Each Presiding Judge to carry out a monthly review of the performance of the process serving establishment: - Each Presiding Judge shall carry out a monthly review of the performance of the process serving establishment with special reference to his handling of the workload of his court. This report should mention the number of processes returned after the expiry of the prescribed time limit of fifteen days. A report to this effect shall be submitted to the Senior Civil Judge with a copy sent to the District & Sessions Judge.

2. **“2A (ii) Each Senior Civil Judge shall ask each presiding officer to assess the performance of Process Server working for his or her court on annual basis. These remarks shall be included in the Register of Process Server.”**

3. For Rule 14 of Chapter 5 A Volume IV the following shall be substituted.

“(14) Party to submit bank receipt: - The concerned party shall submit bank receipt of required amount on the next date of hearing in case of substituted service.”

4. After Rule 2-A of Chapter 7-B(b) of Volume IV the following new rule shall be inserted

“(2) B. The postal feed backs to be used by the Presiding Officers for checking the reports: -All the acknowledgments and other processes received served or unserved through postal service shall be put before the Presiding Judge by the reader at the time of hearing of the concerned case. It shall be the responsibility of the reader to put all such feedbacks before the

Judge at the time of preparation of cause list. All such feedbacks shall be received by the reader and a record of all such receipts shall be maintained by the reader.

The Presiding Judge shall use these feed backs for the purpose of cross checking the veracity of the reports received from the process servers”.

5. In Part A IV Volume VI a new Form of Register K – Register Dak shall be inserted.

(Form ‘K-Register Dak’ on Next Page)

K - REGISTER DAK

REGISTER OF PROCESSES RECEIVED FROM OTHER DISTRICT AND COURTS.

1	2	3	4	5	6	7	8	9
S.No.	Name of Court from which received	Date of receipt	Particulars of Parties	For what purpose received	Date fixed for return of process to the issuing court	Date of return	Action taken	Remarks

(PHC End No 5011-5090Admn. Branch, Dated Peshawar 12th May, 2003)

C.No. 82(1-1)

STREAMLINING THE AFFAIRS OF COPYING BRANCH OF HIGH COURT

PESHAWAR HIGH COURT PESHAWAR ORDER

Dated Peshawar 09th March, 2011.

Endst No. 3201-13/Admn: In order to streamline the collection of Court Fee and copying charges as per law and rules in vogue and to improve financial discipline in Copying Branch of this Court and for providing actual *terminus a quo* and *terminus ad quem* in computing limitations, the Competent Authority has been pleased to order that:-

1. In all civil cases, other than Writ and Intra-Court Appeals, where the value for the purpose of jurisdiction exceeds twenty-five thousand rupees, Court Fee stamp of two rupees shall be affixed on applications submitted for attested copies.
2. For getting attested copies in Writ Petitions and Intra Court Appeals a Court Fee stamp of two rupees shall also be affixed on applications.
3. In all cases falling under serial No.1, Court Fee stamp of four rupees shall be affixed on every copy of decree and final order.
4. In charge copying branch is directed to collect approximate copying fee in advance at the following rates in order to meet photo state expenses:
 - a) For copy of order of bail petition and interim injunction: Rs. 20/-
 - b) For copy of final judgment: Rs. 50/-
 - c) For copy of record: Rs.100/-The additional amount, if any, shall be recovered from applicant and surplus, if any, shall be refunded to applicant at the time of providing attested copies.
5. The proper manual register along with the computer record shall be maintained.
6. An additional column of final date given for delivery of attested copies shall also be included in the endorsement at the foot of attested copies.

SECTION-II (HIGH COURT JUDGES)

C.No. 1(1-2)

CONSTITUTIONAL PROVISIONS REGARDING TERMS AND CONDITIONS OF SERVICE OF JUDGES

Article 205 of the Constitution of Islamic Republic of Pakistan, 1973. The remuneration and other terms and conditions of service of a Judge of the Supreme Court or of a High Court shall be as provided in the Fifth Schedule.

*FIFTH SCHEDULE

[Article 205]

THE HIGH COURT

1. There shall be paid to the Chief Justice of a High Court a salary of Rs. ¹[9,400] per mensem, and to every other Judge of a High Court a salary of Rs. ¹[8,400] per mensem ²[or such higher salary as the President may, from time to time, determine.]
2. Every Judge of a High Court shall be entitled to such privileges
3. and allowances, and to such rights in respect of leave of absence and pension, as may be determined by the President, and until so determined, to the privileges, allowances and rights to which, immediately before the commencing day, the Judges of the High Court were entitled.
4. ³ [3. The pension payable per mensem to a Judge of a High Court who retires after having put in not less than ⁴[five years] service as such Judge shall not be less or more than the amount specified in the table below, depending on the length of his service as Judge and total service, if any, in the service of Pakistan:

* W.e.f 1-7-2018, the salary of the Chief Justice of High Court and other Judges of a High Court has been determined by the President to be Rs. 863,069/- and Rs. 829,875/- respectively vide (P.O. No. 4 of 2018) paragraph 2 .

(W.e.f. 27-7-1991, vide P.O. No. 3 of 1997) the Chief Justice and a Judge of the High Court on his retirement or resignation or removal shall be entitled to the minimum pension equal to 70% of the salary on the completion of 5 years' service for pension as Judge and an extra pension @ 2% of such salary for each subsequent completed year of service as Chief Justice or the Judge including his service if any the maximum pension not exceeding 80% of the salary.

¹ Subs. by the Constitution (Twelfth Amdt) Act. 1991. (14 of 1991), s. 3, for "7,200" and "6,500", which was previously amended by P.O. No. 6 of 1985, Art. 2 (w.e.f. 1-7-1983)

² Added ibid.

³ Subs. ibid., for paragraph 3rd.

⁴ Term five years declared unconstitutional vide Judgment reported in PLD 2008 SC 522 .Judgment reviewed vide PLD 2013 SC 829

Provided that the President may, from time to time, raise the minimum or maximum amount of pension so specified:-

Judge	Minimum amount.	Maximum amount
Chief Justice	Rs. 5,640	Rs.7,050
Other Judge	Rs. 5,040	Rs. 6,300.]

¹ [4. The widow of a Judge of the High Court shall be entitled to a pension at the following rates, namely:-

- (a) if the Judge dies after retirement-50 per cent of the net pension payable to him; or
 - (b) if the Judge dies after having rendered not less than five years' service as Judge and while still serving as such-50 per cent of the pension admissible to him at the minimum rate.
5. The pension shall be payable to the widow for life or, if she remarries, until her marriage.
6. If the widow dies, the pension shall be payable-
- (a) to the sons of the Judge who are less than twenty-one years of age, until they attain that age; and
 - (b) to the unmarried daughters of the Judge who are less than twenty-one years of age, until they attain that age or are married, whichever first occurs.]

C.No. 2(1-2)

PRESIDENT'S ORDER 3 OF 1997

HIGH COURT JUDGES (LEAVE, PENSION AND PRIVILEGES) ORDER, 1997

No. F.2 (2)/97-Pub., dated 12th February 1997.—The following Order made by the President is hereby published for general information: --

Whereas paragraph 2 of the Fifth Schedule to the Constitution of Islamic Republic of Pakistan relating to the High Courts provides that every

¹ Added by P.O. No. 6 of 1985, Art 2, (w.e.f. the 1st July, 1981)

Judge of High Court shall be entitled to such privileges and allowances, and to such rights in respect of leave of absence and pension, as may be determined by the President;

Now, therefore, in exercise of the said powers the President is pleased to make the following Order: ---

Now, therefore, in exercise of the powers conferred by the aforesaid paragraph, the President is pleased to make the following Order: ---

PART I. PRELIMINARY

1. Short title and commencement.---

(1) This Order may be called the High Court Judges Leave, Pension and Privileges Order, 1997.

(2) It shall come into force at once and paragraph 15 shall be deemed to have taken effect on the twenty-seventh day of July, 1991.

2. Definitions.---In this Order, unless there is anything repugnant in the subject or context,---

(a) **“Acting Chief Justice”** means a Judge appointed by the President to act as Chief Justice;

(b) **“actual service”** means the time spent by a Judge on duty as such or in the performance of such other functions as he may be required under any law to perform or may be requested by the President or the Governor to discharge and includes vacation but excluding any time during which the Judge is absent on Leave and joining time on transfer from---

(i) a High Court to the Supreme Court;

(ii) the Supreme Court to a High Court;

(iii) one High Court to another;

(iv) one permanent seat of a High Court to another permanent seat;

(v) a High Court to the place where he is required under any law to perform any function; and

(vi) from a place where he is required under any law to perform any function to another such place or to a High Court;

- (c) **“Additional Judge”** means a Judge appointed by the President to be an Additional Judge;
- (d) **“Chief Justice”** means the Chief Justice of a High Court but does not include an Acting Chief Justice;
- (e) **“High Court”** shall include a High Court which existed in Pakistan at any time before the commencement of the Constitution;
- (f) **“Judge”** means a Judge of High Court and includes the Chief Justice, and Acting Chief Justice and an Additional Judge;
- (g) **“service for pension”** means actual service and includes thirty days or the amount actually taken, whichever is less, of each period of leave of full salary; and
- (h) **“vacation”** means the summer vacation of the High Court, as notified by such High Court.

PART II.---LEAVE

3. Kinds of leave admissible.---

(1) Subject to the provisions of this Order, leave granted to a Judge may, at his option, be either---

- (a) leave on full salary; or
- (b) leave on half salary; or
- (c) leave partly on full salary and partly on half salary.

(2) For the purpose of this Part, any period of leave on full salary shall be reckoned as double the period of leave on half salary.

4. Leave account.---

(1) A leave account shall be kept for each Judge showing therein the amount of leave due to him in terms of leave on half salary and in such account there shall be---

- (i) credited to him in two separate columns—

- (a) a period equal to one-fourth of actual service; and
 - (b) where any duties not connected with the business of the High Court are assigned to a Judge and, for reasons of such assignment, the Judge does not avail of any vacation or avails of less than thirty days of vacation in any calendar year, in addition to the leave credited under the preceding sub-clause, a further period equal to double the period by which the vacation availed of by him falls short of thirty days; and
- (ii) debited to him the period of all leave on full or half salary granted to him:

Provided that the opening credit at the commencement of this order shall not exceed six months in the case of any Judge.

(2) Any period of leave taken by a Judge before the commencement of this Order under the rules or orders then applicable to him as an Acting Judge, Additional Judge or Judge of a High Court shall for the purpose of this Order be treated as if it were leave taken by him under this Order.

5. Aggregate amount of leave admissible to a Judge.---

(1) The aggregate amount of leave granted to a Judge during his whole period of service as such shall not exceed, in terms of leave on half salary, thirty-six months.

(2) The aggregate amount of leave on full salary granted to a Judge during his whole period of service as such shall not exceed one twenty-fourth of the period spent by him on actual service, but the leave credited to a Judge under sub-clause (b) of clause (i) of paragraph 4 shall not be subject to the limit herein specified.

(3) The period of leave granted at any one time shall not exceed, in the case of leave on full salary six months and, in the case of leave of any other kind specified in paragraph 3, sixteen months.

6. Grant of leave not due.- Subject to the maximum limit specified in sub-paragraph (1) of paragraph 5, leave on half salary may be granted to a Judge in excess of the amount at his credit.---

- (a) on a medical certificate; and
- (b) for a period not exceeding six months and not more than once during the whole period of his service as Judge, otherwise than on medical certificate.

7. Leave Salary. --(1) The monthly rate of leave salary payable to a Judge while on leave on full salary shall be equal to the monthly rate of his salary.

(2) The monthly rate of the leave salary payable to a Judge while on leave on half-salary shall be equal to half the monthly rate of his salary.

(3) A Judge appointed after the commencement of this Order, shall not be entitled to draw his leave salary, otherwise than in Pakistan rupees unless he, immediately before such appointment, was entitled, in the service of Pakistan to draw leave salary in foreign exchange in which case he may draw leave salary in foreign exchange on the same terms and conditions as were applicable to him as a person in the service of Pakistan.

8. Encashment of leave.---A Judge who has, at the time of retirement, three hundred and sixty-five days leave on full salary to his credit, shall be paid six months' salary in lieu of leave not availed of.

9. Extraordinary leave.---(1) Leave in excess of any leave admissible under foregoing provisions of this Order may be granted to a Judge for a period not exceeding six months and not more than once during the whole period of his service.

(2) No leave under sub-paragraph (1) shall be granted to a Judge so as to terminate with his retirement nor after he has tendered his resignation.

(3) No leave salary shall be payable to a Judge in respect of the period of leave granted under sub-paragraph (1).

10. Special Disability Leave.--- Special disability leave may be granted to a Judge when he is disabled by injury intentionally inflicted or caused in, or in consequence of, the due performance of his official duties or in consequence of his official position and the provisions of Fundamental Rule 83 shall, so far as may be, apply to a Judge as they apply to a Government servant under the rule making power of the President.

11. Combining leave with vacation. --- A Judge may be permitted to combine vacation with leave of any kind if the leave is either at the commencement or at the end of vacation but not at both:

Provide that no such permission shall be granted to a Judge if it becomes necessary thereby to appoint an Additional Judge.

12. Consequences of over-staying leave or vacation.---If a Judge overstays his leave or any vacation, whether combined with leave or not, he shall receive no salary for the period of his absence in excess of the leave granted to him or beyond the end of the vacation, as the case may be:

Provide that, if such absence is due to circumstances beyond his control, the period thereof may be treated as leave admissible to him.

13. Authority competent to grant leave.---The authority competent to grant or refuse leave, or to revoke or curtail leave already granted, shall, in the case of the Chief Justice, be the Governor and, in the case of other Judge, the Chief Justice.

PART III.---PENSION

14. Conditions or admissibility of pension.---A Judge shall, on his retirement, resignation or removal, be paid a pension in accordance with the provisions of this Order if he has---

- (a) completed not less than five years of service for pension and attained the retiring age; or
- (b) completed not less than five years of service for pension and, before attaining the age, resigned (or sought retirement); or
- (c) completed not less than five years of service for pension and, before attaining the retiring age, either resigned, his resignation having been medically certified to be necessitated by ill-health or been removed for physical or mental incapacity or been allowed by the President for sufficient cause to retire.

15. Payable pension.-- The Chief Justice and a Judge on his retirement, resignation or removal as provided in paragraph 14 shall be entitled to the minimum amount of pension equal to seventy percent of the salary determined by the President from time to time ¹[and shall include Superior Judicial

¹ Added vide President's Orders 2 of 2008 to be effective from 1st January, 2008

Allowance] payable to the Chief Justice, or as the case may be, a Judge on the completion of five years' service for pension as Judge, and thereafter an extra pension at the rate of two per cent of such salary for each subsequent completed year of service as the Chief Justice or, as the case may be, the Judge, including his service, if any ¹[other], in the service of Pakistan the maximum pension not exceeding eighty percent of the said salary:

Provided that for the period between twenty-seven day of July, 1991 and the thirty-first day of May, 1994 the minimum and the maximum amounts shall refer to the amounts specified in the Pension of Judges of Superior Courts Order, 1993 (P.O. 2 of 1993).

²**[Explanation.** —The expression “salary” means the salary referred to in paragraph 1 of the Fifth Schedule to the Constitution of the Islamic Republic of Pakistan or such higher salary as the President may determine from time to time but shall not include any allowance or amount representing any privilege or facility].

³**[15-A. Pension re-employment etc. –** ⁴{ (1) Where a retired Judge in receipt of pension is appointed to, or is holding, a post in connection with the affairs of the Federation or a Province or a body owned or controlled by the Federal Government or a Provincial Government, he shall be entitled to receive full pension in addition to pay, allowance and privileges of the post on which he is reemployed in accordance with the rules applicable on re-employment to retired civil servants. }

(2) Where a Judge who is receiving a pension----

(a) is appointed to act an arbitrator by the Federal Government or Provincial Government or a Commission of Inquiry; or

(b) is required by such Government to give a legal opinion in any matter,

he shall not receive any fee or compensation for so acting or tendering a legal opinion except reimbursement of out of pocket expenses.

(3) Nothing contained in subparagraph (1) and (2) shall apply to a Judge who is in receipt of a pension before the commencement of the High

¹ Added vide President's Orders 2 of 2008 to be effective from 1st January, 2008

² Added vide President's Order 3 of 1998

³ Added vide President's Order 3 of 1998

⁴ Substituted vide President's Order NO. 3 of 2000

Court Judges (Leave, Pension and Privileges) (Amendment) Order, 1988, and opts not to have his pension increased as a consequence of the increase in salaries provided thereby].

16. Pension of Judges not covered by paragraph 14.---A Judge who immediately before his appointment as such was a member of a civil service in Pakistan or was holding a post in connection with the affairs of the Federation or of a Province and who does not fulfill the conditions laid down in paragraph 14 shall, on retirement, be entitled to such pension as would have been admissible to him in his service or post, had he not been appointed a Judge, his service as a Judge being treated as service for the purpose of calculating that pension.

17. Treatment of acting appointments.---For purpose of pension under this Order, the following acting service shall be treated as though it were service rendered as Chief Justice of High Court, namely:---

- (a) service as an Acting Judge of the Supreme Court, if preceded or followed by service as Chief Justice of a High Court;
- (b) service as an Acting Chief Justice of a High Court, if followed by service as Chief Justice of a High Court.

18. Extraordinary pension.---The Central Civil Services (Extraordinary Pension) Rules shall apply to a Judge who may suffer injury or die as a result of violence as they apply to an officer of the Federal Government subject to the modification that references in those Rules of tables relating to injury, gratuities and pensions and family gratuities and pensions shall be construed as references to the corresponding tables in the First Schedule.

¹**[19. Commutation of pension.**--- (1) Subject to paragraphs (2) and (3) the Civil Pension (Commutation) Rules shall, with necessary modifications, apply to a Judge.

(2) Where the pension of a Judge increases at any time after his retirement on account of a subsequent increase of salaries payable to Judges, he shall not be entitled to have the differential of the pension payable to him at the time of his retirement and the subsequent increase in pension commuted.

(3) Where a Judge at the time of his appointment to a High Court was in receipt of a pension of any post and had got any part of the said pension

¹ Substituted vide President's Order No. 3 of 1998

commuted, the amount of commutation so paid shall be deducted from the amount of commutation arrived at under sub-paragraph (1)]

¹[20. Abeyance of pension.---(1)The pension admissible to a Judge under this Order shall be held in abeyance on his appointment as a Judge of the Supreme Court and shall cease to be payable if on his retirement as a Judge of the Supreme Court, he is entitled to a pension as Judge of that Court.

Explanation.---In this paragraph the expression “Judge of the Supreme Court” includes the “Chief Justice of that Court”.

(2) Where a person before his appointment as a Judge is in receipt of a pension in respect of any post such pension, on his appointment as Judge, shall be held in abeyance and shall cease to be payable if on his retirement as Judge he is entitled to pension as Judge]

PART IV.---MISCELLANEOUS

21. Official residence etc.--- (1) A Judge shall be entitled, without payment of rent, to the use of a residence throughout his term of office and for a period of thirty days thereafter and no charge shall fall on him personally in respect of its maintenance.

(2) Where a Judge chooses to reside in a house not provided by Government, he shall be entitled to be paid a monthly allowance of ²[sixty-five thousand] rupees and his residence shall also be, maintained at Government expense,--

Explanation.---In this paragraph.—

- (a) maintenance in relation to a residence includes the payment of local rates and taxes and the provision of electricity, gas and water; and
- (b) residence includes the staff quarters and other building appurtenant to, and the gardens of the residence.

22. Official car. --- (1) A Judge shall be entitled to the use of an official car maintained at Government expense, but shall have to bear the cost of petrol used in the car during a month in excess of ³[five] hundred liters.

¹ Substituted vide President’s Order No. 3 of 1998

² Substituted vide President’s Order No. 3 of 2007

³ Substituted vide President’s Order No. 4 of 2009

(2) A car provided for the use of a Judge shall be used by him until he retires, subject to its replacement earlier, either because of its having completed the specified number of years of service or distance to be covered or of its having become unserviceable in accordance with the rules.

¹[**23. Superior Judicial Allowance.** ---A Judge shall be entitled to be paid monthly, a superior Judicial Allowance amounting to ²[three hundred eleven thousand three hundred one].

Explanation. --- For the purposes of this paragraph, “Judge” shall include the “Chief Justice” or “an Acting Chief Justice]

24. *Omitted vide President’s Order No.3 of 1998.*

25. Transfer allowance.---Where a Judge of High Court is transferred from one High Court to another or from the principal seat of a High Court to a Bench of that Court, or is appointed to an office other than that of Judge at a place other than the principal seat of the High Court, he shall, during the period for which he serves as a Judge of the High Court, or at the Bench, to which he is transferred, or holds such other office, be entitled, in addition to his salary, to a monthly allowance of ³[ten thousands] rupees.

26. Transfer privileges. ---If the family of a Judge referred to in Article 22 does not join him at the place to which he is transferred or at which he is posted, he shall be provided at such place with---

- (a) single rent-free accommodation maintained by Government; and
- (b) an official car maintained at Government expense, including the supply of petrol not exceeding one hundred and fifty liters per month for use in such car:

Provided that, if there are two Judges of the same Court serving as such at the same place, they shall share one official car provided with the aforesaid quantity of petrol.

27. Exemption from income-tax. ---No income-tax shall be payable in respect of the allowance admissible to a Judge under paragraph 21 or paragraph

¹ Substituted vide President’s Order No.3 of 1998

² Substituted vide President’s Order No.6 of 2018

³ Substituted vide President’s Order No. 4 of 2007

23 ¹[] or the other benefits and perquisites to which a Judge is entitled under the said paragraph 21 or paragraph 22 or paragraph 26.

28. Facilities to retired Judges. --- ²[(1) A judge on retirement, and after his death, the spouse shall be entitled to the following benefits and perquisites at government expense, namely:-

- a) the service of a driver or an orderly at his option;
 - b) 800 free local calls per month;
 - c) 800 units of electricity per month as well as 25 HM³ of gas per month;
 - d) free supply of water;
 - e) 150 liters of petrol per month;
- (2) If during service a judge dies or has died before the commencement of this Order, the spouse shall also be entitled to the benefits and perquisites provided in sub-paragraph (1);
- (3) No income tax shall be payable in respect of benefits and perquisites to which a judge or the spouse, as the case may be, is entitled under this paragraph.
- (4) A judge on retirement opting to avail the facilities specified in sub-paragraph (1) shall undertake to perform the work of arbitration involving Government interest if assigned to him without charging any fee.”
- (5) The facility and benefits given to the retired judge under this paragraph shall stand suspended on his re-employment with Federal or Provincial Government.]

29. Subsidiary condition of service. ---Subject to the provisions of this Order and such other provisions as the President may make in this behalf, the other privileges and rights of a Judge shall be determined by the rules for the time being applicable to an officer appointed by the President holding the rank of Secretary to the Government of Pakistan:

Provided that nothing in this paragraph shall have effect so as to give to a Judge who is a member of a civil service less favorable terms in respect of his conditions of service than those to which he would have been entitled as a

¹ Omitted vide President’s Order NO. 3 of 1998

² Substituted vide President’s Order NO. 6 of 2009

member of such service if he had not been appointed as a Judge, his service as a Judge being treated as service for the purpose of determining those privileges and rights.

30. Repeal.---The High Court Judges (Leave, Pension and Privileges) Order, 1970 (P.O. No. 9 of 1970) and the Transfer of High Court Judges (Allowances and Privileges) Order, 1983 (P.O. No.22 of 1983) are hereby repealed.

FIRST SCHEDULE
See paragraph 18
INJURY GRATUITIES AND PENSIONS

Judge	Gratuity	Annual Pension Higher Scale	Annual Pension Lower Scale
Chief Justice	Rs.37,500	Rs.7,700	Rs.5,500
Judge or Additional Judge or Acting Chief Justice	Rs.22,500	Rs.7,200	Rs.5,000

**FAMILY GRATUITIES AND PENSIONS
A---WIDOWS**

Judge	Gratuity	Annual Pension
Chief Justice	Rs.20,600	Rs.8,000
Judge or Additional Judge or Acting Chief Justice	Rs.17,600	Rs.7,000

B---CHILDREN

	Annual Pension for Child
If child is motherless:	Rs.1,300
If child is not motherless:	Rs.600

C.No. 3(1-2)

SALARY OF JUDGES OF SUPERIOR COURTS

**GOVERNMENT OF PAKISTAN
MINISTRY OF LAW AND JUSTICE**

Islamabad, the 9th October, 2018

No.F.2(2)/2018-Pub.—The following President's Order promulgated by the President is hereby published for general information: --

**PRESIDENT'S ORDER No. 4 OF 2018
AN
ORDER**

WHEREAS under first paragraph of the fifth schedule to the Constitution of the Islamic Republic of Pakistan, relating to the High Courts, such higher salary other than that specified in the said paragraph shall be paid to a Judge of a High Court as the President may, from time to time, determine;

NOW, THEREFORE, in exercise of the powers conferred by the aforesaid paragraph, the President of the Islamic Republic of Pakistan is pleased to make the following Order: --

1. **Short title and commencement.** — (1) This Order may be called the Salary of Judges of the High Court's Order, 2018.

(2) It shall come into force at once and shall be deemed to have taken effect on and from the first day of July, 2018.

2. **Salary.** — (1) There shall be paid to the Chief Justice of a High Court a salary of Rs.863,069 per mensem and to every other Judge of a High Court a salary of Rs.829,875 per mensem.

3. **Repeal.** —The Salary of Judges of the High Court's Order, 2017 (P.O.No.2 of 2017), is hereby repealed.

C.No. 4(1-2)

HIGH COURT JUDGES (TRAVELLING ALLOWANCE) ORDER, 1965

(Notified as President's order 4 of 1965 in the Gazette of Pakistan (Extraordinary) dated the 16th of August, 1965 and amended by President's Order 2 of 1974, notified in the Gazette of Pakistan (Extraordinary) dated the 13th of April, 1974, amended by President's Order No. 10 of 1979 and President's Order No. 4 of 1981 as notified in the Gazette of Pakistan (Extraordinary) dated the 15th July, 1979 and 21st March, 1981, and further amended by President's Order No. 11 of 1982, notified in the Gazette of Pakistan (Extraordinary) dated the 28th July, 1982.

2. **DEFINITION: -** In this Order, unless there anything repugnant in the subject or context, "JUDGES" means a Judge of High Court, and an Additional Judge of such court.

3. **TRAVEL ON DUTY: -** Travelling allowance of a Judge, travelling on duty in Pakistan shall be determined in accordance with paragraphs 4 to 10.

EXPLANATION:

The expression “travelling on duty” shall include travels within Pakistan during vacation by a Judge not being a vacation Judge.

- i) for doing duty during vacation in the High Court of which he is the Judge.
- ii) for performing the functions of the office or post to which he may be appointed during the period of services as Judge, and
- iii) for returning after doing such duty or performing such functions to the place from where journey was undertaken for the purpose.

4. **TRAVEL BY RAILWAY.** When travelling by Railway, a Judge shall be entitled to :-

- (1)(a) a first class two-berth compartment in a coupe-compartment in an air-conditioned coach reserved on High Official Requisition, without payment of any fare for himself, or
- (b) the reimbursement of one first class fare, including Air Condition Surcharge, if any, he actually pays for himself:
- (2) the reimbursement of fare for two servants, or, in the case of a Judge who was holding office immediately before the commencement of this Order, for such number of servants as was admissible to him immediately before such commencement, if actually paid, at the lowest class rate, and
- (3) the reimbursement of the expenses actually incurred in carrying luggage, not exceeding ¹[one hundred and twelve Kilo-grams], exclusive of free allowance.

5. **TRAVEL BY STEAMER.** When travelling by Steamer, a Judge shall be entitled to:-

- (1) (a) a first-class cabin reserved on High Official Requisition, without payment of any fare for himself or

¹ Substituted vide President's Order No. 4 of 1981

- (b) the reimbursement of one first class fare he actually pays for himself.
- (2) the reimbursement of fare for two servants, or in the case of a Judge who was holding office immediately before the commencement of this Order, for such number of servants as was admissible to him immediately before such commencement, if actually paid, at the lowest class rate, subject to usual deductions on account of messing charges; and
- (3) the privileges specified in clause (3) of Paragraph 4.

6. **TRAVEL BY RAILWAY OR STEAMER IN RESERVED ACCOMMODATION** Any person (other than the servants) travelling with a Judge in reserved accommodation allowed under Para 4 and 5 shall pay the usual fare by purchase of first-class ticket.

7. **TRAVEL BY ROAD.** When travelling by road, a Judge shall be entitled to mileage allowance at the rate of ¹[Six rupees] only per ²[kilometer].

8. **TRAVEL BY AIR.**

(1) When travelling by air, a Judge shall be entitled to:-

- (a) the reimbursement of one air fare actually paid by him.
- (b) the reimbursement of the actual cost of transporting luggage up to Forty-Six Kgs. inclusive of free luggage allowances admissible on a ticket; and
- (c) the reimbursement or fare for two servants by rail or steamer if actually paid, at the lowest class rate subject to usual deductions on account of messing charges.

(2) In the case of return journey by scheduled flights a Judge should purchase a return ticket if this involves a saving.

(3) In the case of air journey performed as a part of or as a link in, a journey, a judge shall be entitled to the same privileges in respect of servants and luggage as he is entitled in the case of a railway journey.

(4) The following certificate of the Judge should be appended to every travelling allowance bill for his travel involving air journey:-

¹ Amended vide President's Order No. 2 of 2006 to be effective from 1-07-2005

² Substituted vide President's Order No. 4 of 1981

“I certify that I have actually paid the amount of this bill and that it does not include any charge for the freight of any stores or goods, other than personal luggage or any charge for refreshment, hotels or staging bungalows, other than what is included on that account in air fare itself:

9. **TRANSPORT OF CONVEYANCE**

- (1) A Judge shall be entitled to recover the actual cost incurred by him for transport by closed Railway van or steamer, at owner's risk, of his own car, including the fare at the lowest class rate for one driver or cleaner for the car.
- (2) A Judge may hire a taxi for journey performed on duty at the place of halt while on tour and may recover, in lieu of costs allowed under sub-para (1) the expenditure actually incurred by him on the taxi hire.

PROVIDED that the total amount recoverable for hire charges shall not exceed the cost of transporting his own car from his Headquarters to the place of halt.

¹ [9 A **CONCESSION ON TOURS.** When proceeding on a tour within Pakistan a Judge may take his wife with him in his reserved accommodation by rail without payment of fare].

² [9.B When proceeding on a tour within Pakistan exceeding one month in duration, a Judge may take his wife with him on a journey by air and charge one extra fare of the class by which she actually travels, but no charge for extra luggage transported by air beyond the free Allowances may be made.”

Note._ A return air-ticket will be purchased for the wife, wherever possible].

10. **TRAVEL ON TRANSFER.** When a Judge is transferred from one High Court to the other, or from One Bench of the High Court to another, ³[or appointed to an office other than that of Judge at a place other than the Principal seat of the High Court].he shall :-

¹ Added vide President's Order No.2 of 1974

² Added by President's Order No. 1 of 1999

³ Added by President's Order No. 1 of 1988

- (1) When travelling to the place of transfer by Railway or steamer, be entitled to the same privileges to which a person appointed to be a Judge is entitled under paragraph '14'
- (2) When travelling to the place of transfer by air, be entitled to:-
 - (a) the reimbursement of his air fare actually paid.
 - (b) the reimbursement of air fare for his wife and children, including his step-children ordinarily residing with him.
 - (c) the reimbursement of the fares, if actually paid, for personal servants, not exceeding three in number, by road, rail or steamer, at the lowest class rate;
 - ¹ [(d) the cost of carriage of personal effects not exceeding ²[four thousand and five hundred kilograms] if he has a family and two thousand two hundred and forty kilograms if he has no family at the rate of paisa ³[0.083] per kilometer per kilogram or ⁴[Paisa 1.66] per kilometer per unit of twenty kilograms) from the residence of the judge at the old station to his residence at the new station, irrespective of the mode by which the personal effects are carried and without being required to produce receipts in support of his claim of cost of transportation of personal effects;]
 - (e) the reimbursement of the cost of carrying his own motor car by passenger train or steamer at owner's risk; and
- ⁵[(3) irrespective of the mode of travel, be granted a transfer grant ⁶[equal to one month's pay] if he has a family and ⁷[half month's pay] if he has no family.

Explanation:- In this clause, "family" means wife and children, including step-children, of a Judge actually residing with him.]

¹ Substituted vide President's Order No. 2 of 1974

² Substituted vide President's Order No. 4 of 1981

³ Amended by President's Order No.4 of 1989

⁴ Amended by President's Order No. 4 of 1989

⁵ Added vide President's Order No. 2 of 1974

⁶ Amended vide President's Order No.8 of 1991

⁷ Amended vide President's Order No.8 of 1991

11. DAILY ALLOWANCE.

¹[(1)] A Judge shall be entitled to daily allowance at the rate of ²[six thousand four hundred] per diem in respect of any period of halt on duty including ³[Fridays] and other holidays, outside the headquarters of the High Court, or, if he belongs to a particular Bench of the High Court, outside the headquarters of the Bench to which he belongs:

⁴[Provided that special rate of daily allowance at ⁵[seven thousand] rupees per diem shall be admissible at Bahawalpur, Hyderabad, Islamabad, Karachi, Lahore, ⁶[Faisalabad], Multan, Peshawar, Quetta and Rawalpindi.]

⁷{(2) A Judge who stays in a hotel, ⁸[Inspection Bungalow or Inspection lodge or in a guest house, rest house or residential club] shall, in addition to the daily allowance mentioned in sub paragraph (1), be allowed reimbursement of actual single room rent, subject to the production of ⁹[receipts or vouchers of the hotel, Inspection bungalow, Inspection lodge, guest house, rest house, or residential club], up to the following maxima per day:-

- (a) Localities where special rates of daily allowance are admissible. – ¹⁰[three times] the amount of special daily allowance.
- (b) Other localities.—Equal to ¹¹[one- and one-half times] the amount of daily allowance.

(3) Daily allowance for each calendar day shall be admissible for the period of absence on duty from headquarters, including the time spent in transit.

¹ Renumbered vide President's Order No. 10 of 1979

² Amended vide President's Order No. 5 of 2017

³ Added vide President's Order No. 10 of 1979

⁴ Substituted vide President's Order No.10 of 1979

⁵ Amended vide President's Order No. 5 of 2017

⁶ Amended vide President's Order No. 1 of 1988

⁷ Added vide President's Order No.10 of 1979

⁸ Added vide President's Order No.10 of 1979

⁹ Substituted vide President's Order No.10 of 1979

¹⁰ Substituted vide President's Order No.10 of 1979

¹¹ Substituted vide President's Order No.10 of 1979

(4) Not more than one daily allowance shall be admissible on any calendar day, a fraction of a calendar day being reckoned as a calendar day.

EXPLANATION:- In this sub-paragraph “calendar day” means a day beginning on one midnight and ending on the next midnight.

(5) In the case of departure from headquarters, the rate of daily allowance during transit shall be the same as admissible at the station of immediate destination and in the case of return to head-quarters, the rate shall be the one admissible at the last station of temporary duty before return to headquarters.

(6) The period of absence from headquarters shall commence from the time of departure of the Judge from his office or residence, as the case may be, till the time of his return to his office or residence, as the case may be.

(7) The period of forced delays in transit shall be treated as part of the total transit period.

(8) Extra daily allowance for arrival at and departure from the place of temporary duty shall not be admissible}.

12. TRAVEL WHEN NOT ON DUTY.

While proceeding on or returning from leave, or when returning to resume duty after vacation spent outside Pakistan, or when returning to his place of residence after retirement, a Judge shall be entitled for journeys in Pakistan.

- (a) If he travels by railway or steamer, to a first class two-berth compartment of a coupe-compartment in an air-conditioned coach, or a first-class cabin, reserved on High Officials Requisition, without payment of any fare for himself; and
- (b) If he travels by air, to the reimbursement of one air fare actually paid by him.

13. TRAVEL BY A PERSON BEING A GOVERNMENT SERVANT TO JOIN POST WHEN APPOINTED AS A JUDGE

- (1) When a person already in Government service on being appointed as a Judge, travels to join his post, he shall be deemed to be Government servant on transfer and his travelling allowances shall be determined accordingly.

- (2) Such person may, at his option and in lieu of drawing travelling allowance under sub-paragraph (1) claim the same privileges as are specified in paragraph 14.

14. TRAVEL BY A PERSON NOT BEING A GOVERNMENT SERVANT TO JOIN THE POST WHEN APPOINTED AS JUDGE.

When a person not already in Government service is appointed to be a Judge, he shall, when travelling to join his post, be entitled:-

- (1) If he travels by rail or steamer, to:-
- (a) (i) a-first class two-berth compartment or coupe compartment in an air-conditioned coach, or a first-class cabin, reserved on High Official Requisition, without payment of any fare for himself; or
 - (ii) the reimbursement of the actual first-class fare including Air-Conditioned Surcharge if any, he actually pays for himself;
 - (b) the reimbursement of the first-class fares, if actually paid, for his wife and children, including his step-children, ordinarily residing with him and;
 - (c) the privileges specified in sub-clause (c) (d) and (e) of clause (2) of paragraph 10, and
- (2) If he travels by air to the privileges specified in clause (2) of paragraph 10.

14.A. TRAVELLING ALLOWANCE FOR JOURNEY ON RETIREMENT.

(1) A Judge shall be allowed travelling allowance to the extent specified below, in respect of the journey from the place of his last posting to his home town, performed during leave preparatory to retirement or on or after retirement: -

- (i) when travelling by railway or by steamer, to the privileges under sub-clause (a) (b) and (c) of clause (1) of paragraph 14;
- (ii) when traveling by air, to the reimbursement of his air fare actually paid and the reimbursement of air fare for his wife and children, including step-children, ordinarily residing with him; and

- (iii) cost of transportation of personal effects to the extent admissible to him immediately before retirement for journey on transfer.
- (2) Advance payment for expenditure as in sub-paragraph (1) shall be made and be treated as final payment.
- (3) The home town shall be determined either according to the entries pertaining to the permanent address of the Judge in the records of the High Court or according to the declaration made by him for that purpose.
- (4) The term “retirement” shall mean retirement on attaining the age of superannuation, or on completing the prescribed service limit, or on invalid pension.

15. TRAVEL BY SHORTEST ROUTE

When a journey can be performed by two or more routes travelling allowance should be claimed by the shortest or the cheapest route.

C.No. 5(1-2)

HIGH COURT JUDGES (SERVICE BENEFITS) ORDER, 2000

CHIEF EXECUTIVES’ ORDER 5 OF 2000

An Order to provide for certain matters in respect of the Judges of the High Courts who ceased to continue to hold office of Judges of the High Court in pursuance of Article 3 of the Oath of Office (Judges) Order, 2000.

[Gazette of Pakistan, Extraordinary, Part. I, 30th March, 2000]

F. No. 2(4)/2000-Pub., dated 30-3-2000. —The following Order made by the Chief Executive is hereby published for general information:

Whereas it is expedient to provide for retirement or, as the case may be, pension of the Judges of the High Court and to provide for matters connected therewith or ancillary thereto;

Now, therefore, in pursuance of the Proclamation of Emergency of the fourteenth day of October, 1999, and the Provisional Constitution Order No. 1

of 1999, as amended and in exercise of all powers enabling him in that behalf, the Chief Executive of the Islamic Republic of Pakistan is pleased to make the following Order:

1. Short title and commencement. — (1) This Order may be called the High Court Judges (Service Benefits) Order, 2000.

(2) It shall come into force at once.

2. Interpretation. -- In this Order “Judges” means a Judge of a High Court.

3. Order to override the other law. - The provisions of this Order shall have effect notwithstanding anything to the contrary contained in any other law for the time being in force.

4. Retirement and pension. etc.--A Judge who was not administered oath and ceased to continue to hold office of a Judge of High Court in terms of Article 3 of the Oath (Judges) Order, 2000 (C.E.O. No. 1 of 2000), shall

(a) if he has rendered service as such Judge for less than five years, be eligible to plead or act as an Advocate in any Court or before any authority including the High Court in which he had served as such Judge; and

(b) in case such Judge has rendered service as a Judge for five years or more be deemed to have retired from his office on attaining the age of sixty-two years for the purpose of pension and shall be entitled to receive full pension and all benefits calculated on that basis;

Provided that commutation of pension shall be admissible to such Judge on the basis of his actual age.

C.No. 6(1-2)

FEDERAL SERVICES MEDICAL ATTENDANCE RULES, 1990

Islamabad, 11th August, 1990

No. F.20-5/88-MF (1) In exercise of the power conferred by Section 25 of the Civil Servants Act 1973 (LXXI of 1973) and in supersession of the Central

Services (Medical Attendance) Rules, 1958, the President is pleased to make the following rules, namely;

- 1.(i) These rules may be called the Federal Services Medical Attendance Rules, 1990.
 - (ii) They shall apply to all Government servants other than those in railway service whose conditions of service are prescribed by rules made or deemed to be made by the Federal Government when they are on duty or on leave or under suspension in Pakistan or on foreign service in Pakistan.
2. In these rules, unless there is anything repugnant in the subject or context;
- (a) **“Government servant”** means the serving and the retired Government servants.
 - (b) **“Authorized medical attendant”** means: -
 - (i) in the case of Government servants in BPS-1 to 15 ‘Medical Officers’, and
 - (ii) in the case of Government servants in BPS-16 and above, Civil Surgeon, Associate Physician and Assistant Surgeon.
 - (c) **“district”** means the district in which the Government servant falls ill.
 - (d) **“family”** means parents, husband, wife, legitimate children and step children of government servant’s parents, sister and minor brothers residing with and wholly dependent upon him.

Explanation (1) Wife of a Government servant shall be deemed to be wholly dependent upon him so long as she is not judicially separated, and where the wife herself is a government servant (that is, the servant of the Central or a Provincial Govt). the husband shall be entitled to claim any benefit admissible to him in respect of the wife if she does not claim the benefit in her own right as Government servant.

Explanation (2) **Sons** and step sons of government servants shall be deemed to be wholly dependent upon him till they complete the age of eighteen years, and shall thereafter be deemed to be so dependent only if he certifies that they are wholly dependent upon him.

Explanation (3) **Daughters** and step/daughters of a Government servant shall be deemed to be wholly dependent upon him till they are married, and thereafter shall normally be assumed to have ceased to be so dependent unless he certifies that they are wholly dependent upon him.

Explanation (4) In case of **more than one wife**, the wife nominated by the government servant to receive medical attendance and treatment will be entitled to it.

Explanation (5) The expression “**residing with**” shall not be so construed as to exclude any member of the family of a government servant wholly dependent upon such servant but not actually resident with him, so far example, the son or daughter of a government servant studying at a place other than his headquarters or the wife of Govt. servant temporarily away from such headquarters.

(e) “**the Government**” means:-

- (i) in respect of Islamabad the Federal Government.
- (ii) in respect of a province the Provincial Government, unless the federal government medical hospital is available.

(f) “**Government Hospital**” means a hospital maintained by Government or under autonomous arrangement under the Government, by a local authority, and includes

(g) “**Medical Attendance**” means:-

- (i) in respect of Government servants specified in sub clause (ii) to clause (b), in Rule 2 an attendance in hospital or at the residence of the Government servant, including such pathological, bacteriological, radiological or other methods of examination for the purpose of diagnosis as are available in any

Government hospital in the district, and are considered necessary by the authorized medical attendant, and such consultation with a specialist or other medical officer in the service of the Government stationed in the Province as the authorized medical attendant certifies to be necessary to such extent and in such manner as the specialist or medical officer may, in consultation with the authorized medical attendant, determine;

(ii) in respect of any other Government servant is BPS 1 to 15, attendance at a hospital or in case of illness which compels the patient to be confined to his residence, at the residence of the Government servant, including such methods of examination for purposes of diagnosis as are available in the nearest Government hospital and such consultation with a specialist or other medical officer of the Government stationed in the district as the authorized medical attendant certifies to be necessary to such extent and in such manner as the specialist or medical officer may, in consultation with the authorized medical attendant, determine;

(h) **“Patient”** means a Government servant to whom these Rules apply and who has fallen ill;

(i) **“Province”** means the Province in which a patient has fallen ill;

(j) **“treatment”** means the use of all medical and surgical facilities available at the Government hospital in which a Government servant is treated and includes:-

- (i) The employment of such pathological, bacteriological, radiological or other methods as are considered necessary by the authorized medical attendant;
- (ii) The supply of such medicines, vaccines, sera or other therapeutic substances as are ordinarily available in the hospital;
- (iii) the supply of such medicines, vaccines, sera or other therapeutic substances nor ordinarily so available as the authorized medical attendant may certify in writing to be essential for the recovery or for the prevention of

serious deterioration in the condition of the Government servant.

- (iv) Such accommodation as is ordinarily provided in the hospital and is suited to his status. In case of retired Government servant his status will be determined by the last appointment held.
- (v) Such nursing as is ordinarily provided to empathically by the hospital.
- (vi) The specialist consultation described in clause (g), but does not include provision of the request of the Government servant of accommodation superior to that described in sub-clause (iv).
- (vii) **“Dental treatment”** which includes treatment of alveolar (gum and jaw bone) disease, extraction of teeth, treatment for dental caries, gingivitis pyorrhea and filling (temporary or permanent) of dental cavities including root canal treatment scaling, but does not include dental implants, orthodontic appliances, bridging, crowning and provision of dentures.
- (viii) The provision of artificial limbs, joints and implants.
- (ix) The facility of circumcision.

3. (1) A Government servant shall be entitled, free of charge, medical attendance by the authorized medical attendant.

(2) Where a Government servant is entitled under sub rule (1) of rule 3 free of charge, to receive medical attendance, any amount paid by him on account of such treatment shall, on production of a certificate in writing by the authorized medical attendant in this behalf and after necessary verification, be reimbursed to him by the Federal Government.

4. (1) When the place at which a patient falls ill is not the headquarters of the authorized 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, the authorized medical attendant shall be entitled to travelling allowance for the journey to and from the place where the patient is.

(2) Applications for traveling allowance under sub rule (1) (a) shall be accompanied by a certificate in writing by the authorized medical attendant stating that medical attendance was necessary, and if the application is under clause (1) (b) of that sub rule, that the patient was too ill to travel.

5. (1) If the authorized medical attendant is of opinion that the case of a patient is of such a serious or special nature as to require medical attendance by some person other than himself, and, such attendance or treatment which is not available at the place where the patient is fallen ill he may, with the approval of the Medical Superintendent of the hospital (which shall be obtained beforehand and unless the delay involved details danger to the health of the patient):-

(a) send the patient to the nearest specialist or other medical officer as provided in clause (g) of rule 2, by whom in his opinion medical attendance is required for the patient.

(b) if the patient is too ill to travel, summon such specialist or other medical officer to attend upon the patient.

(2) A patient sent under clause (a) of sub rule (1) shall on production of a certificate in writing by the authorized medical attendant in this behalf, be entitled to travelling allowance for him and attendant if recommended by authorized medical attendant for the journeys to and from the headquarters of the specialist or other medical officers on the place where he is sent for treatment.

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

6. (1) A Government servant shall be entitled, free of charges;

(i) to treatment;

(a) in such Government hospital being a hospital maintained by Government, at or near the place where he falls ill as can, in the opinion of the authorized medical attendant provide the necessary and suitable treatment, or

(b) if there is no such hospital as is referred to in sub clause (a), in such other Government hospital at or near that place as can

in the opinion of the authorized medical attendant, provide the necessary and suitable treatment;

- (ii) to get medical treatment from any unauthorized /private hospital /clinic in emergency if in the opinion of the authorized medical attendant it was necessary.
- (iii) A Government servant shall also be entitled to ambulance charges if actually provided with an ambulance and the hospital authorities consider such provision to be necessary.

(2) Where a Government servant is entitled under sub rule (1) free of charge to treatment in a hospital any amount paid by him on account of such treatment, shall on production of certificate in writing by the authorized medical attendant in this behalf, be reimbursed to him by the Federal Government.

7. (1) If the authorized medical attendant is of opinion that owing to the absence or remoteness of a suitable hospital or to the severity of the illness, a Government servant cannot be given treatment as provided in clause (1) of sub rule (1) of rule 6, the Government servant may receive treatment at his residence.

(2) A Government servant receiving treatment at his residence under sub-rule (1) shall be entitled to receive towards the cost of such treatment incurred by him a sum equivalent to the cost of such treatment he would have been entitled, free of charge, to receive under those rules if he had not been treated at his residence.

(3) Claims for sums admissible under sub-rule (2) shall be accompanied by a certificate in writing by the authorized medical attendant stating: -

- a) his reasons or the opinion referred to in sub rule (1);
- b) the cost of similar treatment referred to in sub rule (2).

8. (1) Charges for services rendered in connection with but not included in medical attendance on or treatment, of, patient entitled free of charge, to medical attendance or treatment under those rules, shall be determined by the authorized medical attendant and paid by the patient.

(2) If any question arises as to whether any service is included in medical attendance or treatment, it shall be referred to the Government and the decision of the Government shall be final.

9. The controlling officer of a patient may require that any certificate required by these rules to be given by the authorized medical attendant for travelling allowances purpose shall be countersigned:-

(a) in the case of a certificate, given by the 'medical officer' by the Civil Surgeon or the Associate Physician.

(b) in the case of certificate given by the Civil Surgeon or Associate Physician by the Medical Superintendent of the hospital.

10. The family of a Government servant shall be entitled, free of charge, to medical attendance and treatment, on the scale and under the conditions allowed to the Government servant himself, at hospitals including recognized hospitals at which the Government servant is entitled to receive treatment free of charge. This shall include confinement of a Government servant's wife in a hospital but not prenatal or post-natal treatment at a Government servant's residence.

C.No. 7(1-2)

THE SUPERIOR COURTS (COURTS DRESS AND MODE OF ADDRESS) ORDER, 1980¹

PRESIDENT ORDER NO. 15 OF 1980

No. F.17(2)/80-Pub.- The following Order made by the President is hereby published for general information; -

Whereas in a meeting attended by the Chief Justices of the Superior Courts in June, 1979, certain decisions were taken having regard to the views of the Pakistan Bar Council relating to Court dress and the mode of address in the Superior Courts;

AND WHEREAS it is expedient to make provision in respect of the aforesaid matters;

¹ The Superior Court (Court Dress and Mode of Address) Order, 1980 (P.O No.15 of 1980) Repealed by Act No.VIII of 2020, Dated 21st February, 2020.

NOW, THEREFORE, in pursuance of the proclamation of the fifth day of July, 1977, read with the Laws (Continuance in Force) Order, 1977 (CMLA order No. 1 of 1977), and in exercise of all powers enabling him in that behalf, the President is pleased to make the following order:-

1. **SHORT TITLE, EXTENT AND COMMENCEMENT.** - (1) This order may be called the Superior Courts (Court Dress and Mode of Address) Order, 1980.

(2) It extends to the whole of Pakistan.

(3) It shall come into force on the day of November 1980, which is the first day of the Fifteenth Century Hijri.

2. **INTERPRETATION.** - In this Order. "Superior Court" means the Supreme Court of Pakistan or a High Court or the Federal Shariat Court and "Judge" includes Chief Justice or, in the case of the Federal Shariat Court, the Chairman or a member thereof.

¹ [3. **COURT DRESS ETC.-** (1) A Judge of the Superior Court shall wear,

-

(a) while he is attending sittings of the Court, a black suit with a white shirt, a black tie and a black gown; and

(b) while he is attending State or ceremonial functions, a black suite with a white shirt and a black tie.

(2) A lady judge of the Superior Court shall wear, -

(a) while she is attending the sittings of the Court, white dress with winged collar white shirt, black coat and black gown, and

(b) while she is attending the State or ceremonial functions, white dress with winged collar white shirt and black coat].

(3) **MODE OF ADDRESS.** - The use of the expressions "My Lord" and "Your Lordship" and the like, in relation to a Judge shall be discontinued and he shall only be addressed as "Sir" or "Janab-e-Wala" or "Janab-e-Aali" or referred to in judgments, correspondence or other instruments as "Mr. Justice" so and so or the like.

¹ Substituted vide Chief Executive's Order No. 42 of 2002

C.No. 8(1-2)

**PURCHASE OF OFFICIAL CARS BY RETIRED JUDGES OF
SUPREME COURT, SHARIAT COURT AND HIGH COURTS
AT DEPRECIATED PRICE**

I am directed to refer to the above subject and to state that the following guidelines have been approved by the competent authority for disposal of pending and future cases regarding purchase of official cars by the Judges who retired from the Supreme Court, High Courts and the Federal Shariat Courts:-

-

- (a) The amount of depreciation shall be calculated on the basis of the actual period from the date of purchase of the staff car to the date of retirement of the Judge. Depreciation for each month would be 1/12th of the assumed rate. A period of 15 days or more would count as one month. Less than 15 days would be ignored.
- (b) The concession for purchase of an official car at depreciated price shall be admissible to a retiring Judge of the superior court only if he has not availed the facility provisionally.
- (c) ¹[The concession for purchasing of an official car would be extended to a Judge who has been appointed in terms of Article 193 and retired under Article 195 of the Constitution irrespective of tenure.]
- (d) The retired Judges who possess a private car would also be eligible to enjoy the facility.

(Government of Pakistan Law and Justice Division No. F.5(2)/91-AII.
Islamabad, 13th May, 1991)

C.No. 9(1-2)

**FIXATION OF CEILING ON OFFICIAL/RESIDENTIAL
TELEPHONES**

The undersigned is directed to state that in order to make the ceilings on residential / official telephones borne on the public account more realistic and commensurate with the duties and responsibilities of the officers and to avoid repeated resort to condonation of excess expenditure, the following

¹ Substituted vide Notification No. F.5(2)/91-AII Dated 20th January 2012

ceilings on telephones have been fixed for different categories of officers in supersession of all the orders/instructions issued in this regard previously: -

Designation	Ceiling for the office telephones	Total Expenditure (in Rs)	Ceiling for the residential telephones	Total Expenditure (in Rs.)
Secretary	No limit	-	No Limit	-
Additional Secretary	Do	-	2000 calls P.M	1200/-
J.S. and equivalent	Do	-	1600 –do-	960/-
D.S and equivalent	4500 calls P.M	2700/-	900 – do -	540/-
S.O.,P.S. and equivalent	3500 do	2100/-	800 –do-	480/-

2. The undersigned is also directed to advise that greatest care should be exercised to ensure that any excess expenditure over and above these ceilings is not incurred and that any such excess expenditure especially in case of residential telephones should not normally be condoned.

3. These issues with the approval of Finance Division vide their u.o.No.D-426-Reg (12)/85. Dates 8.4.1985.

(Govt. of Pakistan, Cabinet Division No. 1/2/81-C.C Rawalpindi, 14th April, 1985)

C.No. 10(1-2)

FLYING OF PAKISTANI FLAGS ON VEHICLES

Rule 6 (b) of the Government Staff vehicles
(Use and Maintenance) Rules 1997

6.(b) According to Govt. of Pakistan Ministry of Interior Notification No. 8/4/97-Public, dated the 27th February 1997, only the following persons shall be entitled to fly the Pakistan flags on their vehicles when the dignitaries themselves are seated: -

- i. President of Pakistan
- ii. Prime Minister of Pakistan.
- iii. Chairman Senate of Pakistan.
- iv. Speaker of the National Assembly of Pakistan.
- v. Chief Justice of Supreme Court of Pakistan.
- vi. Chief Justices of High Courts.
- vii. Governor of the Provinces.
- viii. Chief Ministers of the Provinces.

C.No. 11(1-2)

EXEMPTION FROM BODY SEARCH OF VVIPS / VIPS AT AIRPORTS IN PAKISTAN

Copy of Ministry of Defense (Aviation Division)

The undersigned is directed to say that it has been decided with immediate effect that following VVIPs/VIPs will be exempted from body search while going through the security check at the airports in Pakistan.

- a) President of Pakistan.
- b) Chairman of Majlis-e-Shoora.
- c) Chief Justice of the Supreme Court of Pakistan.
- d) Chairman, Joint Chiefs of Staff Committee.
- e) Vice Chief of Army staff.
- f) Chief of Naval Staff
- g) Chief of Air Staff
- h) Governors of the Provinces
- i) Wafaqi Mohtasib (Ombudsman).
- j) Ministers of the Federal Government
- k) Advisors to the President
- l) Ambassadors and Consuls General in Provincial Capitals
- m) Judges of the Supreme Court of Pakistan
- n) Chief Justices of High Courts
- ¹ o) Judges of the High Courts
- ² p) Chief Justice and judges of the Federal Shariat Court.

(Govt. of Pakistan Ministry of Defense, O.M.No.sec-1(32)/76, Rawalpindi, dated 04th November, 1984)

C.No. 12(1-2)

CAR ENTITLEMENT OF THE JUDGES OF THE SUPERIOR COURTS

I am directed to convey approval of the Prime Minister for enhancement of entitlement of staff cars for the Chief Justice, Federal Shariat Court, Chief Justices of the High Courts, Judges of the High Courts, Judges of the Federal Shariat Court from 1300 cc to 1800 cc.

(Minister for Justice and Parliamentary Affairs No.F.5 (2)/87-AII Dated: 27th May, 2009)

¹ Added vide Ministry of Defense (Aviation Division) RWP., O.M. No. SEC-1(32)/76 dated 21-5-1987

² Added vide Ministry of Defense (Aviation Division) RWP., O.M. No. SEC-1(32)/76 dated 25-8-1987

SECTION-III (JUDICIAL COMMISSION OF PAKISTAN)

C.No. 1(1-3)

APPOINTMENT OF JUDGES TO THE SUPREME COURT, HIGH COURTS AND THE FEDERAL SHARIAT COURT.

*[175A. (1) There shall be a Judicial Commission of Pakistan, hereinafter in this Article referred to as the Commission, for appointment of Judges of the Supreme Court, High Courts and the Federal Shariat Court, as hereinafter provided.

(2) For appointment of Judges of the supreme Courts, the Commission shall consist of –

- | | | |
|------|--|----------|
| i. | Chief Justice of Pakistan | Chairman |
| ii. | ¹ [four] most senior Judges of the Supreme Court; | Members |
| iii. | a former Chief Justice or a former Judge of the supreme court of Pakistan to be nominated by the Chief Justice of Pakistan, in consultation with the ² [four] member judges, for a term of two years; | Member |
| iv. | Federal Minister for Law and Justice; | Member |
| v. | Attorney-General for Pakistan; and | Member |
| vi. | a Senior Advocate of the Supreme Court of Pakistan | Member |

* Added vide 18th Amendment to the Constitution

¹ Substituted vide 19th Amendment to the Constitution

² Substituted vide 19th Amendment to the Constitution

nominated by the Pakistan Bar
Council for a term of two years

(3) Notwithstanding anything contained in clause (1) or clause (2), the President shall appoint the most senior Judge of the Supreme Court as the Chief Justice of Pakistan.

(4) The Commission may make rules regulating its procedure.

(5) For appointment of Judges of a High Court, the Commission in clause (2) shall also include the following, namely;-

- i. Chief Justice of High court to Member which the appointment is being made;
- ii. the most senior Judge of that Member High Court;
- iii. Provincial Minister for Law; and Member
- iv. ¹[an advocate having not less Member than fifteen years practice in the High Court to be nominated by the concerned Bar council for a term of two years

Provided that for appointment of the Chief Justice of a High Court the most Senior Judge mentioned in paragraph (ii) shall not be member of the Commission:

Provided further that if for any reason the Chief Justice of High Court is not available, he shall be substituted by a former Chief Justice or former Judge of that Court, to be nominated by the Chief Justice of Pakistan in

¹ Substituted vide 19th Amendment to the Constitution

consultation with the four-member Judges of the Commission mentioned in paragraph (ii) of clause (2) in the manner as provided in the foregoing proviso.]

(6) For appointment of Judges of the Islamabad High Court, the Commission in clause (2) shall also include the following, namely;-

- i. Chief Justice of Islamabad High Member Court;
and
- ii. the most senior Judge of that Member High Court;

Provided that for initial appointment of ¹[the Chief Justice and the] Judges of the Islamabad High Court, the Chief Justices of the four Provincial High Courts shall also be members of the Commission:

Provided further that subject to the foregoing proviso, in case of appointment of Chief Justice of Islamabad High Court, the provisos to clause (5) shall, *mutatis mutandis*, apply.

(7) For appointment of Judges of the Federal Shariat Court, the Commission in clause (2) shall also include the Chief Justice of the Federal Shariat Court and the most senior Judge of that court as its members;

Provided that for appointment of Chief Justice of Federal Shariat Court, the provisos, to clause (5) shall, *mutatis mutandis* apply,

(8) The Commission by majority of its total membership shall nominate to the Parliamentary Committee one person, for each vacancy of a Judge in

¹ Substituted vide 19th Amendment to the Constitution

the Supreme Court, a High Court or the Federal Shariat Court, as the case may be.

(9) The Parliamentary Committee, hereinafter in this Article referred to as the Committee, shall consist of the following eight members, namely:-

- i. four members from the Senate; and
- ii. four members from the National Assembly;

¹[Provided that when the National Assembly is dissolved, the total membership of the Parliamentary Committee shall consist of the members from the Senate only mentioned in paragraph (i) and the provisions of this Article shall, *mutatis mutandis*, apply].

(10) Out of the eight members of the Committee, four shall be from the Treasury Benches, two from each House and four from the Opposition Benches, two from each House. The nomination of members from the Treasury Benches shall be made by the Leader of the House and from the Opposition Benches by the Leader of the Opposition.

(11) Secretary, Senate shall act as the Secretary of the Committee.

(12) The Committee on receipt of a nomination from the Commission may confirm the nominee by majority of its total membership within fourteen days, failing which the nomination shall be deemed to have been confirmed;

²[Provided that the Committee, for reasons to be recorded, may not confirm the nomination by three-fourth majority of its total membership within the said period.

Provided further that if a nomination is not confirmed by the Committee it shall forward its decision

¹ Added vide 19th Amendment to the Constitution

² Substituted vide 19th Amendment to the Constitution

with reasons so recorded to the Commission through the Prime Minister:

Provided further that if a nomination is not confirmed, the Commission shall send another nomination].

¹[(13) The Committee shall send the name of the nominee confirmed by it or deemed to have been confirmed to the Prime Minister who shall forward the same to the President for appointment].

(14) No action or decision taken by the Commission or a Committee shall be invalid or called in question only on the ground of the existence of a vacancy therein or of the absence of any member from any meeting thereof.

²[(15) The Meetings of the Committee shall be held in camera and the record of its proceedings shall be maintained.

(16) The provisions of Article 68 shall not apply to the proceedings of the Committee].

³[(17) The Committee may make rules for regulating its procedure].

C.No. 2(1-3)

JUDICIAL COMMISSION OF PAKISTAN RULES 2010

NOTIFICATION

S.R.O. (I) / 2010. – In exercise of powers conferred by clause (4) of Article 175(A) of the Constitution of the Islamic Republic of Pakistan, the Judicial Commission of Pakistan is pleased to make the following rules, namely, -

1. Short title and commencement. – (1) These rules may be called the Judicial Commission of Pakistan Rules, 2010.

¹ Substituted vide 19th Amendment to the Constitution

² Added vide 19th Amendment to the Constitution

³ Renumbered vide 19th Amendment to the Constitution

(2) These rules shall come into force at once.

2. Definition. – (1) In these rules, unless the context otherwise requires,

-

- a) “Chairman” means chairman of the Commission;
- b) “Commission” means the Judicial Commission of Pakistan, established under Article 175A of the Constitution of the Islamic Republic of Pakistan;
- c) “Committee” means a Committee constituted by the Chairman from amongst the members of the Commission;
- d) “Member” means a member of the Commission; and
- e) “Secretary” means the Registrar Supreme court or any other person authorized as such by the Chairman.

3. Nominations for Appointments. (1) For each anticipated or actual vacancy of the Judge in the Supreme Court or the Chief Justice of Federal Shariat Court or the Chief justice of High Court, the Chief Justice of Pakistan shall initiate nominations in the Commission for appointment against such vacancy.

(2) For each anticipated or actual vacancy of a Judge in the Federal Shariat Court or Judge in the High Court, the Chief Justice of the respective court shall initiate and send nomination for appointment against such vacancy to the Chairman for convening meeting of the Commission.

4. The Chairman shall regulate the proceedings of the Commission.

5. Proceedings of the Commission. – (1) Whenever a nomination is received under Rule 3, the chairman shall call a meeting of the Commission on a date, time and place determined by him and notified by the Secretary to each member.

(2) The Commission may call for any information or record required by it from any person or authority for the purposes of carrying out its functions.

(3) The Secretary shall forward the nominations made by the Commission to the Secretary of the Parliamentary Committee constituted under clause (9) of Article 175A of the Constitution.

(4) The proceedings of the Commission shall be held in camera. A record of the proceedings shall be prepared and maintained by the Secretary Duly certified by the Chairman under his hand.

6. The Chairman may constitute one or more committees of members for such purpose as may be deemed necessary.
7. A retired Chief Justice or retired Judge Supreme court and a retired Chief Justice or a retired Judge of High Court, while attending a session of the Commission, shall be entitled to TA/DA and accommodation as admissible to Judge of Supreme Court, or Judge of High Court, as the case may be.
8. **Relaxation of Rules.** – Without prejudice to the foregoing, the Chairman may relax strict application of these rules in the public interest.

SECTION-IV (SUPREME JUDICIAL COUNCIL)

C.No. 1(1-4)

CONSTITUTIONAL PROVISION REGARDING ISSUANCE OF CODE OF CONDUCT BY SUPREME JUDICIAL COUNCIL

ARTICLE 209 OF THE CONSTITUTION OF ISLAMIC REPUBLIC OF
PAKISTAN, 1973.

- (1) There shall be a Supreme Judicial Council of Pakistan, in this Chapter referred to as the Council.
- (2)
- (3)
- (4)
- (5)
- (6)
- (7)
- (8) The Council shall issue a code of conduct to be observed by Judges of the Supreme Court and of the High Courts.

C.No. 2(1-4)

CODE OF CONDUCT TO BE OBSERVED BY JUDGES OF THE SUPREME COURT OF PAKISTAN AND OF THE HIGH COURTS OF PAKISTAN

(SUPREME JUDICIAL COUNCIL) NOTIFICATION

Islamabad, 2nd September, 2009

No.F.SECRETARY-01/2009/SJC.-In exercise of powers conferred by Article 209(8) of the Constitution of Islamic Republic of Pakistan, 1973, the Supreme Judicial Council in its meeting on 8th August, 2009 approved the addition of a new Article No. XI in the Code of Conduct for Judges of the supreme Court and High Courts and in its meeting on 29th August, 2009

decided to publish the full text of amended Code of Conduct in the Gazette of Pakistan (Extraordinary) for information of all concerned as under:-

Code of Conduct for Judges of the Supreme Court and High Courts (Framed by the Supreme Judicial Council under Article 128 (4) of the 1962 Constitution as amended upto date under Article 209 (8) of the Constitution of Islamic Republic of Pakistan 1973).

The prime duty of a Judge as an individual is to present before the public an image of justice of the nation. As a member of his court, that duty is brought within the disciplines appropriate to a corporate body.

The Constitution, by declaring that all authority exercisable by the people is a sacred trust from Almighty Allah, makes it plain that the justice of this nation is of Divine origin. It connotes full implementation of the high principles, which are woven into the Constitution, as well as the universal requirements of natural justice. The oath of a Judge implies complete submission to the Constitution, and under the Constitution to the law. Subject to these governing obligations, his function of interpretation and application of the Constitution and the Law is to be discharged for the maintenance of the Rule of Law over the whole range of human activities within the nation.

To be a living embodiment of these powers, functions, and obligations calls for possession of the highest qualities of intellect and character. Equally, it imposes patterns of behavior, which are the hall-mark of distinction of a Judge among his fellow-men.

In this code, an attempt is made to indicate certain traditional requirements of behavior in the Judges of the Superior Courts, conducive to the achievement of a standard of justice worthy of the nation.

ARTICLE- I

On equiponderance stand the heavens and the earth. By equiponderance, oppression meaning unjust and unequal burdens is removed. The Judge's task is to ensure that such equality should prevail in all things.

ARTICLE- II

A Judge should be God-fearing, law-abiding, abstemious, truthful of tongue, wise in opinion, cautious and forbearing, blameless, and untouched by greed. While dispensing justice, he should be strong without being rough, polite

without being weak, awe inspires in his warnings and faithful to his word, always preserving calmness, balance and complete detachment, for the formation of correct conclusions in all matters coming before him.

In the matter of taking his seat and of rising from his seat, he shall be punctilious in point of time, mindful of the courtesies, careful to preserve the dignity of the Court, while maintaining an equal aspect towards all litigants as well as lawyers appearing before him.

ARTICLE- III

To be above reproach, and for this purpose to keep his conduct in all things, 'official and private, free from impropriety is expected of a Judge.

ARTICLE- IV

A Judge must decline resolutely to act in a case involving his own interest, including those of persons whom he regards and treats as near relatives or close friend.

A Judge must rigidly refrain from entering into or continuing any business dealing, howsoever unimportant it may be, with any party to a case before him. Should the dealing be unavoidable, he must discontinue his connection with the case forthwith. A judge must refuse to deal with any case in which he has a connection with one party or its lawyer more than the other, or even with both parties and their lawyers.

To ensure that justice is not only done, but is also seen to be done, a Judge must avoid all possibility of his opinion or action in any case being swayed by any consideration of personal advantage, either direct or indirect.

ARTICLE- V

Functioning as he does in full view of the public, a Judge gets thereby all the publicity that is good for him. He should not seek more. In particular, he should not engage in any public controversy, least of all on a political question, notwithstanding that it involves a question of law.

ARTICLE- VI

A Judge should endeavor to avoid, as far as possible, being involved, either on his own behalf or on behalf of others, in litigation or in matters which are liable to lead to litigation such as industry, trade or speculative transactions.

To employ the influence of his position to gain undue advantage, whether immediate or future, is a grave fault.

A Judge must avoid incurring financial or other obligations to private institutions or persons such as may embarrass him in the performance of his functions.

ARTICLE- VII

Extra-Judicial duties or responsibilities, official or private, should be generally avoided. He should equally avoid being a candidate, for any elective office in any organization whatsoever.

ARTICLE- VIII

Gifts are to be received only from near relatives and close friends, and only such as are customary. Everything in the way of favours in consequence of the office must be refused. In accepting any entertainment offered, whether general or particular, care should be taken that its real purpose does not conflict with a Judge's duty to maintain detachment from likely litigants, and from partisan activity.

ARTICLE- IX

In his judicial work, and his relations with other Judges, a Judge should act always for the maintenance of harmony within his own Court, as well as among all Courts and for the integrity of the institution of justice. Disagreement with the opinion of any Judge, whether of equal or of inferior status, should invariably be expressed in terms of courtesy and restraint.

ARTICLE- X

In this judicial work, a Judge shall take all steps to decide cases within the shortest time, controlling effectively efforts made to prevent early disposal of cases and make every endeavor to minimize suffering of litigants by deciding cases expeditiously through proper written judgments. A Judge who is unmindful or indifferent towards this aspect of his duty is not faithful to his work, which is a grave fault.

ARTICLE- XI

No Judge of the superior judiciary shall render support in any manner whatsoever, including taking or administering oath in violation of the oath, of office prescribed in the Third Schedule to the Constitution, to any authority that acquires power otherwise than through the modes envisaged by the Constitution of Pakistan.

C.No. 3(1-4)

SUPREME JUDICIAL COUNCIL PROCEDURE OF ENQUIRY, 2005**SUPREME COURT OF PAKISTAN
[SUPREME JUDICIAL COUNCIL]****NOTIFICATION**

Islamabad, 22nd November, 2005

No. P.Reg. 113/2005-SJC.—(SUPREME JUDICIAL COUNCIL PROCEDURE OF ENQUIRY 2005). Pursuant to the decision taken by the Supreme Judicial Council, in its Meeting on 24th September, 2005 the Supreme Judicial Council is pleased to lay down the following procedure for effective performance of functions vested in it under Article 209 of the Constitution of Islamic Republic of Pakistan.

1. Title and application;

- (1) The procedure of enquiry shall be called “The Supreme Judicial Council Procedure of Enquiry 2005”.
- (2) It shall only apply to the Supreme Judicial Council and its proceedings.

2. Scope ;

The Procedure shall provide for effective implementation of Article 209 of the Constitution and regulate all inquiries required to be undertaken and all other matters which need to be addressed there under.

3. Definitions;

In the present Procedure, unless the context provides otherwise, the following expressions used in the Procedure will have the meanings as assigned to them hereunder;

- (a) **“Any matter”**, includes all matters and facts associated with the enquiry that the Council may carry out.

- (b) **“Any other source”**, includes all sources through which information is received in respect of the conduct of a Judge.
- (c) **“Code of conduct”**, means the code of conduct issued by the Supreme Judicial Council in terms of Article 209(8) of the Constitution of Islamic Republic of Pakistan.
- (d) **“Chairman”**, means and includes the Chief Justice of Pakistan.
- (e) **“Incapacity”**, will include all forms of physical or mental incapacity howsoever described or narrated, which render the Judge incapable of performing the duties of his office.
- (f) **“Conduct”**, will include series of facts associated with the matter being inquired into by the Council, including the facts which are attributed to the person of the Judge.
- (g) **“Guilty”**, will include arriving at an opinion by the Council that a Judge has been guilty of misconduct.
- (h) **“Opinion”**, will include arriving at a conclusion by the Council, that misconduct has or has not taken place.
- (i) **“Information”**, includes any material, facts, documentation, photographs, video or audio tapes, affidavits, letters or any other reasonable evidence that has come to the knowledge of any Member of the Council or the Council itself sufficient to initiate an enquiry.
- (j) **“Enquiry”**, means the consideration of any matter, in relation to conduct of a Judge, by the Council, or any Member of the Council.
- (k) **“Member”**, means Member of the Supreme Judicial Council.
- (l) **“Misconduct”**, includes.
 - (i) conduct unbecoming of a Judge,
 - (ii) is in disregard of the Code of Conduct issued under Article 209(8) of the Constitution of Islamic Republic of Pakistan.
 - (iii) is found to be inefficient or has ceased to be efficient.
- (m) **“Report of the Council”**, includes the findings of the enquiry proceedings carried out by the Council including recommendations for the President of Pakistan for removal of the Judge or otherwise.
- (n) **“Secretary”**, means the Registrar, Supreme Court or any person appointed by the Council.

- (o) **“Supreme Judicial Council”**, means the Supreme Judicial Council as constituted by Article 209 of the Constitution of Islamic Republic of Pakistan.
4. The Headquarter of the Council shall be at Islamabad, but the Council may hold its meeting or enquiry into reference or a compliant at any other place in Pakistan, as the Chairman may deem convenient.
5. **Receiving of Information.**—(1) Any member of public may bring to the notice of the Council or any of its Member or the Secretary, information alleging incapacity or misconduct of a Judge.
- (2) The allegation may be supported by material which is sufficient in the opinion of the Council to commence enquiry.
- (3) The person providing the said information shall identify himself properly.
- (4) The information may be received through any mode by the Council or any Member of the Council, without being restricted to any of the following sources such as ;
- (a) Print or electronic media;
- (b) Written Complaint.
- (5) Information received under sub-para (4) shall be entered in the Register maintained by the Secretary.
6. **Cognizance by the Council,**--Without prejudice to the general requirement of receiving information in the manner provided for above, nothing in this Procedure shall be read to curtail or limit the jurisdiction of the Council to initiate an enquiry against a Judge.
7. **Procedure for scrutinizing information.**—(1) Once any information in respect of enquiry into the conduct of a Judge is received by any member or the Council, it shall be presented to the Chairman of the Council, who; shall
- a. refer the same to any Member of the Council to look into the said information; and to express his opinion in relation to sufficiency or otherwise of the information.

- b. if the Council is satisfied that the information *prime facie* discloses sufficient material for an enquiry, it shall proceed to consider the same.
 - (2) The Member, to whom the chairman has referred the information, will examine the same and ascertain if the information so received discloses specific particulars of misconduct, and provides factual details necessary to form *prima facie* opinion in respect of the guilt of the Judge.
 - (3) If the Member forms an opinion that the information does reveal sufficient material to commence enquiry, he shall inform the Council accordingly and the information shall be placed before the Council.
 - (4) If the Member comes to a conclusion that the information is false, frivolous, concocted or untrue, he shall inform the Council accordingly and may recommend action against the person who initiated the information.
8. **Enquiry by the Council,--**(1) The Chairman may, call the meeting of the Council, for discussion and enquiry into the information received.
- (2) The information in respect of the conduct of a Judge shall be placed before the Council for examination.
 - (3) If the Council is of the view that before forming an opinion, it should also hear the Judge under enquiry, it shall require the said Judge to present himself before the Council. The Council shall provide him the information and material received against him.
 - (4) If the Council is of the opinion that it requires more material or seeks additional information before it can form any opinion, it shall direct accordingly.

- (5) The Council may, if necessary, secure the attendance of the person who has provided the information, for enquiry into any aspect of the information provided.
 - (6) The Council may summon any expert, where the enquiry is in respect of the incapacity of a Judge and may order any medical investigation by local or foreign expert.
 - (7) Without prejudice to the foregoing, the Council shall have inherent powers to adopt any procedure specific to the enquiry which is considered by the Council to be just and proper in the circumstances.
9. (1) If the Council decides to proceed against a Judge, a show cause notice shall be issued to him along with supporting material calling upon him to explain his conduct within 14 days.
 - (2) On receipt of reply from the Judge, Council shall convene its meeting to proceed further with the matter.
10. (1) The Attorney-General for Pakistan and in his absence a senior counsel of the Supreme Court, instructed by him, shall conduct a reference.
 - (2) The Council may require the Attorney-General for Pakistan or any other counsel to appear and assist the Council in relation to smooth and efficient conduct of its proceedings.
11. **Procedure of Council.**—(1) In the event of a difference of opinion amongst the members of the Council regarding, further enquiry, granting right of hearing to the Judge concerned, securing attendance of the persons providing information and related matters, opinion of the majority shall prevail.
 - (2) In the event of a difference of opinion amongst the members of the Council whether the Judge concerned is guilty of misconduct, opinion of the majority shall prevail.
12. **Report to the President of Pakistan.**—If the Council in its meeting, on conclusion of the proceedings forms an opinion, that the Judge concerned has been guilty of misconduct or incapacitated in the performance of his duties properly, it shall express its views

accordingly and the same shall be communicated by the Chairman to the President as a Report of the Council for action under Article 209(6) of the Constitution of Islamic Republic of Pakistan.

13. **Proceedings of the Council not to be reported.**—(1) Proceedings of the Council shall be conducted in camera and shall not be open to public.
- (2) Only the findings of the proceedings shall be allowed to be reported.
- (3) Proceedings of the meetings of the Council or any other steps that Council may take shall not be reported, unless directed otherwise.
14. **Punishment for frivolous information.**—(1) Whenever the Council finds that the information or evidence provided to it was false in material particulars or with the sole intention to malign a Judge, or scandalizing the Court or to undermine it in any form whatsoever, it may direct action against all those who are found to have provided the said information, or evidence as the case may be.
- (2) For this purpose, the Council may direct the Secretary of the Council to pursue the course of action against the offender.
15. **Council Secretariat.**—(1) The Council shall have a permanent secretariat and in order to carry out the affairs and functions, the Council may appoint such officials and staff as deemed fit and proper.
- (2) The Council shall have a perpetual seal which shall be retained in the custody of the Secretary.
- (3) The Secretary of the Council shall be the custodian of the record and proceedings of the Council.
16. **Powers to issue directions.**—The Council shall have the power to issue any directive, pass any order and prescribe the procedure for achieving the objects of the Council,
17. This Procedure shall, *mutatis mutandis*, apply to proceedings against other office holders, who can be removed from office in the manner prescribed by Article 209 of the Constitution.

C.No. 4(1-4)

JUDGES (COMPULSORY LEAVE) ORDER, 1970

Declared ultra vires by judgment entitled Chief Justice of Pakistan
Vs President of Pakistan reported as PLD 2010 SC 61.

SECTION-V
MINISTERIAL ESTABLISHMENT OF
THE HIGH COURT

C.No. 1(1-5)

CONSTITUTIONAL PROVISION REGARDING OFFICERS AND
SERVANTS OF THE HIGH COURT

Article 208 of the Constitution of Islamic Republic of Pakistan, 1973. The Supreme Court and the Federal Shariat Court, with the approval of the President and a High Court, with the approval of the Governor concerned, may make rules providing for the appointment by the Court of officers and servants of the Court and for their terms and conditions of employment.

C.No. 2(1-5)

THE PESHAWAR HIGH COURT MINISTERIAL ESTABLISHMENT
(APPOINTMENT TERMS AND CONDITIONS OF SERVICE) RULES,
2020.

PESHAWAR HIGH COURT, PESHAWAR
NOTIFICATION

Peshawar, dated 2nd July, 2020.

No. 142-J.- In exercise of the powers conferred by Article 208 of the Constitution of the Islamic Republic of Pakistan and in supersession of all previous rules made in this behalf, the Peshawar High Court, with the approval of the Governor of the Khyber Pakhtunkhwa Province, is pleased to make the following rules providing for the appointment of officers and servants of the High Court and the terms and conditions of their employment, namely:

THE PESHAWAR HIGH COURT MINISTERIAL ESTABLISHMENT
(APPOINTMENT AND TERMS AND CONDITIONS OF SERVICE)
RULES, 2020.

PART-I
PRELIMINARY

1. Short title, application and commencement. ---(1) These rules may be called the Peshawar High Court Ministerial Establishment (Appointment and terms and Conditions of Service) Rules, 2020.

(2) They shall apply to all persons appointed to the posts borne on the Establishment except those on deputation from any other Department, service or post.

(3) They shall come into force at once.

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

- (a) **“Appendix”** means the Appendix to these rules;
- (b) **“Appointing Authority”** means the Chief Justice and includes any other Judge or the officer authorized or designated by the Chief Justice in this behalf;
- (c) **“Board”** means a Board of Intermediate and Secondary Education established by law in Pakistan or any other educational authority or institution declared by Government to be a Board for the purpose of these rules;
- (d) **“Chief Justice” or “Judge”** shall respectively mean the Chief Justice or a Judge of the Peshawar High Court;
- (e) **“Commission”** means the Khyber Pakhtunkhwa Public Service Commission;
- (f) **“Departmental Selection Committee” and “Departmental Promotion Committee”** means such committees as constituted under rule 7 of these rules;
- (g) **“Establishment”** means the Ministerial Establishment as defined in rule 3 of these rules;
- (h) **“Government”** means the Government of the Province of Khyber Pakhtunkhwa;
- (i) **“High Court”** means the Peshawar High Court, Peshawar and its benches;
- (j) **“holder of post”** means a person appointed to any post specified in Column No. 2 of the Appendix, but does not include a person appointed on deputation;
- (k) **“initial appointment”** means appointment made otherwise than by promotion, transfer or deputation;

- (l) **“post”** means a post specified in column 2 of the Appendix and includes such other posts as may, from time to time, be added to it;
- (m) **“prescribed”** means prescribed by these rules;
- (n) **“recognized University”** means any University incorporated by Law in Pakistan or any other University declared by Government to be a recognized University; and
- (o) **“Zone”** means the area for the time being notified by Government for Principal Seat of the Peshawar High Court and its Benches respectively.

PART-II

ESTABLISHMENT AND APPOINTMENT

3. Establishment. ---The Establishment shall consist of posts specified in the Appendix and shall include such other posts as may be added to it from time to time.

4. Appointment. ---(1) Appointment to the posts of Establishment shall be made through initial recruitment, promotion, transfer or deputation by the Appointing Authority.

(2) No person shall be appointed to a post unless he is a resident of Khyber Pakhtunkhwa and possesses the prescribed educational qualification, experience and fulfills other conditions as enumerated in the Appendix.

5. Age and qualification. ---(1) No person shall be appointed to a post by initial recruitment who is of less than the age mentioned in column No. 4 or does not possess the qualifications prescribed for the post in column No. 3 of the Appendix.

(2) Where recruitment is to be made on the basis of written examination, the age shall be reckoned on the 1st January of the year in which the examination is proposed to be held and in other cases, on the last date fixed for submission of application for appointment:

Provided that the Appointing Authority may, in the case of upper age limit, grant such concession to a candidate as may be admissible to him for appointment to Government service under any general rules or specific policy of Government for the time being in force.

(3) No person, if not already in Government service, shall be appointed to a post unless he produces a certificate of character from the principal officer of the academic institution last attended and also certificate of character from two other responsible persons not being his relatives, who are well acquainted with his character and antecedents.

6. Appointment of child of deceased member of the Establishment.--

-Where a member of the Establishment of the High Court dies or is rendered incapacitated or invalidated permanently during service or retired on medical grounds, notwithstanding the procedure provided for in sub-rule (3) of rule 8, the Appointing Authority may appoint one of the children of such member or if the child has not attained the age prescribed for appointment in the establishment, the widow or wife as the case may be, of such member, to a post in BPS-01 to 16:

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 such member, as the case may be, preference shall be given to the elder widow or wife:

Provided also that appointment under this rule is subject to availability of 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.

7. Departmental Selection Committee and Departmental Promotion Committee. ---

---(1) The Appointing Authority may constitute from time to time one or more Departmental Selection Committees to make selection for appointment by initial recruitment, and one or more Departmental Promotion Committees for appointment by promotion to the posts to be filled by promotion:

Provided that where the Chief Justice deems it fit to fill a post through Commission, he may dispense with the requirement of sub-rule (1).

(2) The recruitment policy of the High Court formulated for appointments in district judiciary shall *mutatis mutandis* be applicable to the Departmental Selection Committee and Departmental Promotion Committee constituted under this rule.

PART-III
PROCEDURE FOR APPOINTMENT

8. Initial recruitment. ---(1) All posts meant for initial recruitment shall be advertised by the Registrar with the approval of the Appointing Authority.

(2) In case it is decided that a post is to be filled through the Commission, the Appointing Authority shall place a requisition on the Commission.

(3) The method of appointment and other conditions applicable to a post shall be such as mentioned in the Appendix:

Provided that where the Appointing Authority deems it necessary to fill a post by transfer, notwithstanding the requirement of this rule, it may direct for appointment by transfer through Departmental Selection Committee after inviting the expressions of interest from the holders of the post in the same basic scale in the district judiciary.

9. Observance of quota. ---While filling in posts through initial recruitment, the quota as prescribed by the Government from time to time for female, disabled and minorities shall be observed.

10. Appointment through promotion. ---Appointment by promotion to posts in the Establishment shall be made on the recommendation of the Departmental Promotion Committee.

11. Probation. ---(1) A person appointed to a post 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: Period spent on officiating service and on deputation to a corresponding or a higher post shall count towards the period of probation.

(2) If the work or conduct of a holder of post during the period of probation has, in the opinion of the Appointing Authority, not been satisfactory, the Appointing Authority may, notwithstanding that the period of probation has not expired-

(a) dispense with his services, if he has been appointed by initial recruitment; or

(b) if he has been appointed otherwise, revert him to his former post; or

(c) if there be no such post, dispense with his services.

(3) On completion of the period of probation of a holder of the post, the Appointing Authority may confirm him in his appointment or if his work or conduct has, in the opinion of the Appointing Authority, not been satisfactory, the Appointing Authority may-

(a) in case he has been appointed by initial recruitment, dispense with his services; or

(b) in case he has been appointed otherwise, revert him to his former post, and if there be no such post, dispense with his services.

(c) 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 probationary period.

Explanation-I: If no orders have been made by the day following the completion of the initial probationary period, the period of probation shall be deemed to have been extended in accordance with sub-rule (1).

Explanation-II: If no orders have been made by the day on which the maximum period of probation expires, the probationer shall be deemed to have been confirmed in his appointment.

Explanation-III: A probationer who has satisfactorily completed his period of probation shall be confirmed with effect from the date of his continuous appointment to the post; provided that where the period of his probation has been extended under the provisions of clause (c) of this sub-rule, the date of confirmation shall, subject to the other provisions of this rule, be the date on which the period of probation was last extended.

PART-IV
SENIORITY

12. Seniority. ---(1) The seniority inter-se of the holders of posts shall be determined-

- (a) in the case of persons appointed by initial recruitment, in accordance with the order of merit assigned by the authority on whose recommendation the appointment is made; provided that persons selected in an earlier selection shall rank senior to persons selected in a latter selection; and
- (b) in the case of persons appointed otherwise, with reference to the date of their continuous regular appointment; provided that persons selected for promotion in one batch shall retain their inter-se seniority as held by them in the lower cadre.

Explanation-I: 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.

Explanation-II: A junior person appointed to a higher post shall be deemed to have superseded a senior person if both the junior and senior persons were considered for the higher post and the junior person was appointed in preference to the senior person.

(2) Seniority of the holder of posts appointed by initial recruitment vis-a-vis those appointed otherwise shall be determined with reference to the dates of their continuous regular appointment to the post:

Provided that if the date of continuous regular appointment in the case of two or more persons is the same, the person appointed otherwise shall rank senior to the person appointed by initial recruitment.

PART-V
MISCELLANEOUS

13. Pay and allowances and other fringe benefits. ---Members of the Establishment shall be entitled to the same pay and allowances (including the scale of pay) and other fringe benefits as are admissible to Government

servants of the equivalent status or rank in accordance with the rules made by Government from time to time:

Provided that the Chief Justice, whenever he thinks fit, may grant a special allowance to any officer or member of the Establishment keeping in view the nature of the services that he is required to perform.

14. Retirement from service. --- (1) A member of the Establishment shall retire from service-

- (a) on such date after he has completed twenty-five years of service qualifying for pension or other retirement benefits as the Appointing Authority may, in public interest, direct; or
- (b) where no direction is given under clause (a), on the completion of the sixtieth year of his age.

(2) No direction under clause (a) of sub-rule (1) shall be made until the member of the Establishment 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.

15. Liability of transfer. --- Holders of posts shall be liable to transfer from the principal seat of the High Court to any of its Benches and vice versa.

16. Appeal. --- Where any order affecting the terms and conditions of service of a member of the Establishment is passed or any penalty is imposed by the Registrar, an appeal shall lie from his order to the Chief Justice, and where any such order is passed or any penalty is imposed by the Chief Justice, otherwise than on appeal from an order of the Registrar, an appeal shall lie to a bench of three senior most Judges of the Court:

Provided that an appeal may be filed within thirty days from the date of order complained of.

17. General rules. --- In all other matters not expressly provided for in these rules or any other rules hereafter made, the rules made or deemed to have been made by Government under the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act XVIII of 1973), shall *mutatis mutandis* apply to the holders of posts under these rules.

18. Relaxation. ---Any of these rules may, for reasons to be recorded in writing, be relaxed in individual cases, if the Chief Justice is satisfied that a strict application of the rule would cause undue hardships to the individual concerned.

19. Power to create, upgrade or abolish posts. ---The power to create, abolish, upgrade or down grade a post, temporary or permanent, shall vest in the Chief Justice.

20. Delegation. ---The Chief Justice may delegate all or any of his powers under these rules to a Judge or officer of the High Court.

21. Powers of the Chief Justice to safeguard rights of holders of posts. --- Whenever in the application of these rules, the terms and conditions of service of a holder of post, as guaranteed by any law for the time being in force are likely to be adversely affected, the Chief Justice shall make appropriate orders to safeguard the legal rights of such person in accordance with law.

22. Repeal. ---The Peshawar High Court ministerial establishment (Appointment and Condition of Service) Rules, 1989 are hereby repealed, but such repeal shall not affect anything duly done or suffered under those rules.

APPENDIX

(See rules 2(a), 3 and 5)

S.No	Nomenclature of the post	Minimum qualification for appointment by initial recruitment or by transfer	Age limit	Method of recruitment
1	2	3	4	5
1.	Registrar (BPS-22)			By transfer of a District and Sessions Judge.
2.	Member Inspection Team (BPS-21)			By transfer of a District and Sessions Judge.
3.	Additional Registrar (Admin)(BPS-21)			By transfer of a District and Sessions Judge.
4.	Additional Members Inspection Team (BPS-21)			By transfer of a District and Sessions Judge.
5.	Additional Registrar (Judicial) (BPS-21)			(i) By transfer of a District and Sessions Judge; or (ii) By promotion on merit with particular reference to fitness for higher responsibilities from amongst holders of posts in BPS-20.
6.	Additional Registrar (Legal) (BPS-21)			By transfer of a District and Sessions Judge.

7.	In charge NJPIC (BPS-21)			By transfer of a District and Sessions Judge.
8.	Principal Staff Officer, to the Chief Justice (BPS-21)			(i) By transfer of a District and Sessions Judge; or (ii) By transfer of Additional Registrar (Judicial), subject to suitability determined by the Chief Justice.

9.	Director HRC (BPS-21)			By transfer of a District and Sessions Judge.
10.	Deputy Registrar (Legal) (BPS-19)			By transfer of a Senior Civil Judge.
11.	Deputy Registrar (BPS-19)			By promotion on the basis of seniority-cum-fitness, from amongst the holders of posts of Assistant Registrars, Readers and Private Secretaries, having a bachelor degree from a recognized University, on the basis of the following ratio/quota: (i) two-third from amongst holders of the posts of Assistant Registrars /Readers; and (ii) one-third from amongst the

				<p>holders of the posts of Private Secretaries.</p> <p>The seats on the basis of the above-mentioned ratio/quota shall be filled in the following manner:</p> <p>First vacancy:</p> <p>Assistant Registrars/Readers.</p> <p>Second vacancy:</p> <p>Private Secretaries.</p> <p>Third vacancy:</p> <p>Assistant Registrars/Readers.</p> <p>Fourth vacancy:</p> <p>Assistant Registrars/Readers.</p> <p>Fifth vacancy:</p> <p>At the discretion of the Chief Justice.</p>
12.	Assistant Registrar (Legal) (BPS-18)			By transfer of a Civil Judge.
13.	Director Planning and Development (BPS-18)			Civil Servant of the Provincial or Federal Government, having experience of not less than ten (10) years in the relevant field, on deputation in consultation with the Provincial or Federal Government, as the case may be.

<u>RESEARCH WING</u>				
14.	Senior Director (Research) (BPS-21)			By transfer of a District and Sessions Judge.
15.	Director Research-I (BPS-20)			By transfer of an Additional District and Sessions Judge.
16.	Director Research-II (BPS-20)			By promotion on the basis of seniority-cum-fitness, from amongst the holders of the post of Senior Research and Reference Officer-II.
17.	Senior Research and Reference Officer-I (BPS-19)			By transfer of a Senior Civil Judge.
18.	Senior Research and Reference Officer-II (BPS-19)			By promotion, on the basis of seniority-cum-fitness, from amongst the holders of posts of Research and Reference Officer-II.
19.	Research and Reference Officer-I (BPS-18)			By transfer of a Civil Judge, having LLM or other higher qualification.
20.	Research and Reference Officer-II (BPS-18)			By promotion, on the basis of seniority-cum-fitness, from amongst the holders of posts of Assistant Research and Reference Officer.
21.	Assistant Research and Reference Officers (BPS-17)	Degree of LLB from a recognized University with 1 st Division; provided that preference will be	25 to 35 years.	(i) Fifty percent (50%) by promotion, on the basis of seniority-cum-

		given to holders of degree of LL.M.		fitness, from amongst the holders of posts of Judicial Assistant; and (ii) fifty percent (50%) by initial recruitment.
22.	Judicial Assistant (BPS-16)	LLB degree from a recognized University.	25 to 30 years.	By initial recruitment.
<u>RECORD</u>				
23.	Director Records and Automation (BPS-20)			By transfer of an Additional District and Sessions Judge.
24.	Deputy Director Record Rooms (BPS-19)			(i) By transfer of a Senior Civil Judge; or (ii) a Deputy Registrar.
25.	Assistant Director Record Room High Court (BPS-18)			(i) By transfer of a Civil Judge; or (ii) An Assistant Registrar.
26.	Assistant Director Record Rooms, District Judiciary (BPS-18)			(i) By transfer of a Civil Judge; or (ii) An Assistant Registrar.
<u>IT WING</u>				
27.	Director I.T (BPS-19)			By promotion, on the basis of seniority-cum-fitness, from amongst the holders of the posts of Deputy Director IT.

28.	Deputy Director IT (BPS-18)			<p>By promotion on the basis of seniority-cum-fitness from amongst the holder of the posts of Computer Programmer, Network Administrator and Database Administrator having experience in computer programming, Network Developing and Administration and Database Administration.</p> <p>Note: Joint seniority list of the Computer Programmer, Database Administrator and Network Administrator be maintained for the purpose of promotion.</p>
29.	Computer Programmer (BPS-17)	Bachelor of Computer Science (four years)/ M.Sc Computer Science with three years' experience in VB/Dot, Net/ Java/ Oracle and Computer Programming in a reputed public or private organization.	25 to 35 years.	(i) seventy five percent (75%) by promotion on the basis of seniority-cum-fitness from the holders of the posts of Computer Operators having qualification prescribed for initial

				recruitment; and (ii) Twenty five percent (25%) by initial recruitment.
30.	Network Administrator (BPS-17)	Bachelor of Computer Science (four years)/ Bachelor of Information Technology (4 years)/ M.Sc Computer Science, Network Administration, System Engineering with three years of experience of networking with firewalls, trouble shooting, problem resolution, backup and recovery software and methodologies in a reputed public or private organization.	25 to 35 years.	(i) seventy five percent (75%) by promotion on the basis of seniority-cum-fitness from the holders of the posts of Computer Operators having qualification prescribed for initial recruitment; and (ii) Twenty five percent (25%) by initial recruitment.
31.	Database Administrator (BPS-17)	Bachelor of Computer Science (four years)/ Bachelor of Information Technology (4 years)/ M.Sc Computer Science, with three years' experience of networking, Database standards, database software, Web applications, end user applications and knowledge of database design, data backup documentation and coding, recovery, security and integrity of data.	25 to 35 years.	(i) seventy five percent (75%) by promotion on the basis of seniority-cum-fitness from the holders of the posts of computer operators having qualification prescribed for initial recruitment; and (ii) Twenty five percent (25%)

				by initial recruitment.
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32.	Computer Operator (BPS-16)	Bachelor of Computer Science (four years)/ Bachelor of Information Technology (4 years) / M.Sc Computer Science or equivalent Qualification from a recognized University with 40 WPM of typing speed.	25 to 35 years.	By initial recruitment.
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ACCOUNTS BRANCH

33.	Director Budget and Accounts (BPS-19)	Chartered Accountant (ACA/ACMA/FCA) qualified from a reputable CA firm. Preference will be given to candidates who have completed their articles from one of the big four CA firms from Pakistan or abroad, or; MBA (Accounting and Finance)/M.Com from recognized University, having post qualification experience of 08 to 10 years preferably in a government or semi government institution.	30 to 40 years.	(i) By promotion on the basis of seniority- cum-fitness, from amongst the holders of post of Deputy Director Budget and Accounts; or (ii) if no suitable candidate is available for promotion from the Deputy Director, Budget and Accounts, then by initial recruitment.
34.	Deputy Director Budget and Accounts (BPS-18)	Chartered Accountant /ICMA or MBA (Accounting and Finance) from a recognized	30 to 35 years.	(i) By promotion on the basis of seniority- cum-fitness, from amongst

		University, having 06 to 08 years' experience including at least 04 years of job specific experience.		the holders of post of Account Officer (BPS-17); or (ii) if no suitable candidates are available from amongst the holders of the post of Account Officer, then by initial recruitment.
35.	Account Officer (BPS-17)	Chartered Accountant /ICMA or MBA (Accounting and Finance)/ from a recognized University, having 03 to 05 years' experience including at least 02 years of job specific experience.	25 to 35 years.	(i) By promotion on the basis of seniority-cum-fitness, from amongst the holders of post of Budget and Accounts Assistant (BPS-16), Procurement Assistant (BPS-16) and Accountant (BPS-16) having the required qualification; or (ii) if no suitable candidates are available from amongst the holders of the post of Budget and Accounts Assistant (BPS-16), Procurement Assistant (BPS-16) and

				<p>Accountant (BPS-16) then by initial recruitment.</p> <p>Note: A joint seniority list of Budget and Accounts Assistant, Procurement Assistant and Accountant shall be maintained for the purpose of promotion.</p>
36.	Budget and Accounts Assistant (BPS-16)	Chartered Accountant /ACCA/MBA (Accounting and Finance)/ M.Com/B.S Hons or Graduate degree from a recognized University, with Commerce, Economics, or Mathematics/Statistic as special subjects from recognized University with 03 years' experience in relevant field.	25 to 30 years.	By initial recruitment.
37.	Procurement Assistant/ Accountant (BPS-16)	Chartered Accountant /ACCA/MBA (Accounting and Finance)/ M.Com/B.S Hons or Graduate degree from a recognized University, with Commerce, Economics, or Mathematics/Statistic as special subjects from recognized University with three (03) years' experience in relevant field.	25 to 30 years.	By initial recruitment.

<u>PRIVATE SECRETARIES</u>				
38.	Private Secretary (Admin) (BPS-19)	Bachelor Degree from a recognized University.		By promotion, on the basis of seniority-cum- fitness, from amongst the holders of the post of Private Secretaries, having a Bachelor Degree from a recognized university.
39.	Private Secretary (BPS-18)	(i) Bachelor Degree from a recognized University; (ii) a speed of 120 words per minute in shorthand and 40 words per minute in typing.	25 to 30 years.	(i) By promotion on the basis of seniority- cum-fitness, from amongst the holders of posts of Stenographers , having a Bachelor Degree from a recognized University; or (ii) if no suitable Stenographer is available for promotion, then by initial recruitment.
40.	Senior Scale Stenographer (BPS-16)	(i) Bachelor Degree or equivalent qualification from a recognized University; (ii) a speed of 100 words per minutes in shorthand and 40 words per	25 to 30	(i) By promotion on the basis of seniority- cum-fitness, from amongst the holders of post of Steno typist; or (ii) if no suitable Steno typist is available for promotion,

		minute in typing; and (iii) computer literate.		then by initial recruitment
41.	Steno Typist (BPS-14)	(i) Bachelor Degree or equivalent qualification from a recognized University; (ii) a speed of 80 words per minute in shorthand and 35 words per minute in typing; and (iii) computer literate.	25 to 30 years.	By initial recruitment.

PROTOCOL WING

42.	Protocol Officer (BPS-18)	Master in Public Administration or Master in Mass Communication or Journalism from a recognized University.	25 to 30 years.	(i) By promotion, on the basis of seniority-cum- fitness, from the holders of the posts of Assistant Protocol Officer; or (ii) if no suitable Assistant Protocol Officer is available for promotion, then by initial recruitment.
43.	Assistant Protocol Officers (BPS-17)	Master in Public Administration or Master in Mass Communication or Journalism from a	25 to 30 years.	(i) Twenty five percent (25%) by promotion, on the basis of seniority- cum-fitness, from amongst the

		recognized University.		holders of the posts of Caretakers; and (ii) seventy five percent (75%) by initial recruitment.
44.	Caretaker (BPS-16)	Bachelor degree from a recognized University with three years' experience in the relevant field.	25 to 30 years.	By initial recruitment.
<u>LIBRARY</u>				
45.	Librarian (BPS-18)	Master Degree in Library Sciences from a recognized University with five (5) years of experience in the relevant field.	25 to 35 years.	(i) Seventy five percent (75%) by promotion, on the basis of seniority-cum-fitness, from amongst the holders of posts Additional Librarian ; and (ii) twenty five percent (25%) by initial recruitment.
46.	Additional Librarian (BPS-17)			By promotion, on the basis of seniority-cum-fitness, from amongst the holders of the post of Assistant Librarian.
47.	Assistant Librarian (BPS-16)	Master Degree in Library Science from a recognized University.	25 to 30 years.	By initial recruitment.
<u>ASSISTANT REGISTRARS/ READERS/ OTHERS</u>				
48.	Assistant Registrar/ Readers (BPS-18)			By promotion on the basis of seniority-cum-fitness, from amongst the holders of post of Assistants, having a

				Bachelor Degree from a recognized University
49.	Assistant (BPS-16)	Bachelor degree from a recognized University.	25 to 30 years.	(i) Seventy five percent (75%) by promotion on the basis of seniority-cum-fitness, from amongst the holders of posts of Senior Clerk, who are graduates; and (ii) twenty five percent (25%) by initial recruitment.
50.	Senior Clerk (BPS-14)			By promotion on the basis of seniority-cum-fitness, from amongst the holders of post of Junior Clerks, having a Bachelor Degree from a recognized University.
51.	Junior Clerk (BPS-11)	(i) Higher Secondary School Certificate or equivalent qualification from a recognized Board; (ii) computer literate; and (iii) typing speed of 30 wpm.	18 to 30 years.	(i) Thirty three percent (33%) by promotion, on the basis of seniority-cum-fitness, from amongst the holders of posts of Naib Qasid, Head Mali, Mali Chowkidar, Head Sanitation Attendant and Sanitation Attendant, who possesses the qualification prescribed for initial recruitment. For the purpose of promotion separate common seniority list of the holder of the above-mentioned

				<p>posts shall be maintained;</p> <p>(ii) Seven percent (7%) by promotion, on the basis of seniority cum fitness from amongst the holders of the posts of Bailiff, Process Server, Lift Operator, Book Binder, Daftari and Record Lifter, who possesses the qualification prescribed for initial recruitment. For the purpose of promotion separate common seniority list of the holder of the above-mentioned posts shall be maintained; and</p> <p>(iii) sixty percent (60%) by initial recruitment.</p>
52.	Cook-cum-Bearer (BPS-06)	Secondary School Certificate with at least having experience of cooking of five (5) years in reputed hotel/ Government rest house.	18 to 30 years.	By initial recruitment.
53.	Bailiff (BPS-06)	Secondary School Certificate or equivalent qualification from a recognized Board.	18 to 30 years.	By promotion, on the basis of seniority cum fitness, from amongst holders of the post of process server.
54.	Process Server (BPS-05)	Secondary School Certificate or equivalent	18 to 30 years.	By initial recruitment.

		qualification from a recognized Board.		
55.	Head Mali (BPS-04)	Middle standard, having experience in the relevant field.		By promotion, on the basis of seniority-cum-fitness, from amongst the holders of the post of Mali.
56.	Head Sanitation Attendant (BPS-04)	Preferably literate.		By promotion, on the basis of seniority-cum-fitness, from amongst the holders of posts of Sanitation Attendant.
57.	Lift Operator (BPS-04)	Secondary School Certificate or equivalent qualification from a recognized Board.	18 to 30 years.	By initial recruitment.
58.	Book Binder (BPS-04)	Secondary School Certificate or equivalent qualification from a recognized Board.	18 to 35 years.	By initial recruitment.
59.	Daftari (BPS-04)	Secondary School Certificate or equivalent qualification from a recognized Board.	18 to 35 years.	By initial recruitment.
60.	Record Lifter (BPS-04)	Secondary School Certificate or equivalent qualification from a recognized Board.	18 to 35 years.	By initial recruitment.
61.	Chowkidar (BPS-03)	Secondary School Certificate or equivalent qualification from a recognized Board.	18 to 35 years.	By initial recruitment.
62.	Naib Qasid (BPS-03)	Secondary School Certificate or equivalent qualification from a recognized Board.	18 to 30 years.	By initial recruitment.

63.	Mali (BPS-03)	Middle standard, having experience in the relevant field.	18 to 35 years.	By initial recruitment.
64.	Sanitation Attendant (BPS-03)	Preferably literate.	18 to 30 years.	By initial recruitment.
<u>CCTV OPERATORS</u>				
65.	CCTV Supervisor (BPS-14)	<p>(i) D.A.E in Electrical/ Electronics/ Computer Science with four years' experience in relevant field; and</p> <p>(ii) computer literate.</p> <p>Note: Preference will be given to persons having experience in security/ disaster/ emergency management.</p>	25 to 30 years.	<p>(i) Seventy five percent (75%) by promotion from the holders of the posts of CCTV Technician and CCTV Camera Operator.</p> <p>Note: A Joint seniority list of CCTV Technician and CCTV Camera Operator be maintained for promotion; and</p> <p>(ii) Twenty five percent (25%) by initial recruitment.</p>
66.	CCTV Technician (BPS-12)	<p>(i) D.A.E in Electrical/ Electronics/ mechanical with two years' experience in the relevant field; and</p> <p>(ii) computer literate.</p> <p>Note: Preference will be given to persons having experience in security/ disaster/ emergency management.</p>	25 to 30 years.	By initial recruitment.
67.	CCTV Camera Operator	(i) D.A.E in Electrical/	25 to 30 years.	By initial recruitment.

	(BPS-12)	Electronics with two years' experience in the relevant field; and (ii) computer literate. Note: Preference will be given to persons having experience in security/ disaster/ emergency management.		
<u>DRIVERS</u>				
68.	Garage Superintendent (BPS-11)	Secondary School Certificate or equivalent qualification from a recognized Board.		By promotion, on the basis of seniority-cum-fitness, from amongst the holders of posts of Drivers.
69.	Driver (BPS-06)	(i) Secondary School Certificate or equivalent qualification from a recognized board; and (ii) HTV License; or (iii) LTV License with at least five years' experience as such.	25 to 35 years.	By initial recruitment.

<u>OTHERS</u>				
70.	Pesh Imam (BPS-16)	Sanad <i>Dars e Nizami</i> or equivalent	30 to 40 years.	By initial recruitment.

		from a recognized Board/Wifaq.		
71.	Khadim (BPS-03)	Preferably literate.	30 to 40 years.	By initial recruitment.
72.	Security Supervisor (BPS-8)	Ex-serviceman, retired from armed forces or para military forces, after completing fifteen (15) years of service as sepoy and not more than two (2) years have lapsed since retirement.	30 to 40 years.	(i) By promotion on the basis of seniority cum fitness, from amongst the holders of posts of security guards; or (ii) through initial recruitment, if no suitable person is available from those holding the posts of security guards.
73.	Security Guard (BPS-04)	Preferably ex-serviceman.	30 to 40 years.	By initial recruitment.
74.	Telephone Operator (BPS-07)	Higher Secondary School Certificate or equivalent qualification from a recognized Board with experience of one (1) year as Telephone Operator at any recognized origination.	25 to 30 years.	By initial recruitment.

C.No. 3(1-5)

**COMPOSITION OF DSC/DPC FOR THE PURPOSE OF
SELECTION/PROMOTION OF OFFICERS IN BPS-17 AND ABOVE
IN THE ESTABLISHMENT OF PESHAWAR HIGH COURT AND
CIRCUIT BENCHES**

**PESHAWAR HIGH COURT, PESHAWAR
ORDER**

Dated Peshawar 14th February, 2008

Hon'ble the Chief Justice has been pleased to constitute the following DSC/DPC for the purposes of Selection/Promotion of officers in **BPS-17 and above** of the establishment of Peshawar High Court, Peshawar and its Circuit Benches: -

- | | |
|--|-----------------|
| 1. Hon'ble the Chief Justice
Peshawar High Court, Peshawar | Chairman |
| 2. Registrar,
Peshawar High Court, Peshawar | Member |
| 3. Member Inspection Team,
Peshawar High Court, Peshawar | Member |

(PHC Endst No.1729-1732/Admn Dated 16th February, 2008)

C.No. 4(1-5)

**COMPOSITION OF DSC/DPC FOR THE PURPOSE OF
SELECTION/PROMOTION OF OFFICIALS IN BPS-1 TO BPS-16 IN
THE ESTABLISHMENT OF PESHAWAR HIGH COURT**

**PESHAWAR HIGH COURT, PESHAWAR
ORDER**

Dated Peshawar 29th September, 2009

In partial modification of this Court's order dated 14.02.2009, the competent Authority has been pleased to constitute the following DSC/ DPC

for the purposes of Selection/Promotion of officials in BPS-01 to 16 of the Establishment of Peshawar High Court, Peshawar and its Circuit Benches: -

- | | |
|--|-----------------|
| 1. Registrar
Peshawar High Court, Peshawar | Chairman |
| 2. Member Inspection Team,
Peshawar High Court, Peshawar | Member |
| 3. Deputy Registrar (Accounts)
Peshawar High Court, Peshawar | Member |

(PHC Endst No. 11697-11700/Admn, Dated 02nd October, 2009)

C.No. 5(1-5)

**COMPOSITION OF DSC/DPC FOR THE PURPOSE OF
SELECTION/PROMOTION OF OFFICIALS OF THE
ESTABLISHMENT OF PESHAWAR HIGH COURT BENCHES**

**PESHAWAR HIGH COURT, PESHAWAR
ORDER**

Dated Peshawar 04th December, 2015

In supersession of this Court's order bearing Endst: No.11697-11700/Admn: dated 02.10.2009 and all the previous orders in this behalf, the Competent Authority is pleased to reconstitute the standing DSC/DPC mandated to conduct test and interview for Selection/Promotion of the officials of the Establishment of Peshawar High Court Benches, comprising of the following;

- | | |
|--|----------|
| 1. The Additional Registrar of the Bench | CHAIRMAN |
| 2. The District & Sessions Judges of respective District | MEMBER |
| 3. The Senior Civil Judge of respective District | MEMBER |

(PHC Endst No.14063-65/Admn Dated 7th December, 2015)

C.No. 6(1-5)

**DIRECTIVE OF HON'BLE THE CHIEF JUSTICE REGARDING
ADDL REGISTRAR OF THE BENCH AS CHAIRMAN DSC**

Hon'ble the Chief Justice has directed that all recruitments in the Benches shall be carried out by Departmental Selection Committee headed by the Additional Registrar of the Bench, constituted vide this Court's order bearing Endst: No. 14063-65/Admn: dated 07.12.2015 (copy attached)

(PHC Letter No.4217-20/Admn Dated 04th March,2017)

C.No. 7(1-5)

**RECOMMENDATIONS OF ADDL REGISTRAR AS CHAIRMAN
DSC/DPC TO PRINCIPAL SEAT FOR APPROVAL OF THE
APPOINTING AUTHORITY**

PESHAWAR HIGH COURT, PESHAWAR

ORDER

Dated Peshawar 13th April, 2021

The Competent Authority has been pleased to direct that the Departmental Selection Committee and the Departmental Promotion Committee at the Benches of Peshawar High Court shall be headed by the Additional Registrars of the respective Benches as Chairman and the recommendations be sent to this Court for approval of the appointing authority.

The Competent Authority has further been pleased to direct that the spade work for the appointments shall be done at the level of Benches by the Additional Registrar and working paper along with the advertisement be submitted for approval of the appointing authority in terms of Rule 8(1) of the Peshawar High Court Ministerial Establishment (Appointment and Conditions of Service) Rules, 2020

(PHC Endst No.8896-914/Admn Dated Peshawar 4th April, 2021)

C.No. 8(1-5)

PRINCIPAL SEAT AND BENCHES AS ZONES FOR INITIAL RECRUITMENT**PESHAWAR HIGH COURT, PESHAWAR****NOTIFICATION**Dated Peshawar 13th April, 2021

No.172-J The Competent Authority has been pleased to notify the Principal Seat as well as each Bench of the Peshawar High Court as “Zone” for initial recruitment of Class-IV employees from the persons holding domicile of the respective zone, with immediate effect.

Note: With the observance of the zonal policy for Class-IV employees, the process of appointment through initial recruitment shall be conducted as notified separately.

C.No. 9(1-5)

PROCEDURE GOVERNING THE ATTENDANCE AND GRANT OF LEAVE TO THE MEMBERS OF THE HIGH COURT ESTABLISHMENT*HIGH COURT OF JUDICATURE AT LAHORE**

The following procedure will govern the attendance of, and the grant of leave to, members of the High Court Establishment.

PART I. REGULAR LEAVE**A. – Grant of Regular leave.**

1. Leave will be granted to all members of the Establishment according as they are subject to the leave rules in Section II or in section III of Chapter VIII, Civil Services Rules, (Punjab), Volume I, Part I. Except on prescribed medical certificate, leave cannot be claimed as of right. When the exigencies of the public service so require discretion to refuse or revoke leave is reserved to the authority empowered to grant it.

* All rules made under Khyber Pakhtunkhwa Civil Servants, Act 1973, dealing with the subject of leave shall prevail in case of any inconsistency

2. All applications should be superscribed and particularized as follows. There will be no printed forms.

APPLICATION FOR REGULAR LEAVE

1. Name _____,
2. Post held _____,
3. Amount and nature of leave applied for _____,
4. Reason for leave _____,
5. Address while on leave _____,
6. Signature of application _____,
7. Recommendation by Superintendent of Branch _____,

8. Report by S.S. _____,
(a) Admissibility of leave applied for _____,
(b) Period of last leave _____,
(c) Whether substitute is available from candidate's list for chain of promotions.
9. Opinions of Gazetted Officer.
10. Order of the sanctioning authority _____,

Except in cases of sudden illness or for other sufficient reasons to be specified, all applications for leave or extension of leave must be submitted at least 10 days in advance of the date from which such leave or extension of leave is required. Superintendents of Branches should refuse to send applications for leave unless this rule has been complied with. These applications nearly always need early orders, and should therefore, always bear a red "Urgent" slip, except where the urgency is so great that they should bear a blue "Immediate" slip.

3. Superintendents of Branches must, when sending on applications for regular leave, do so through the Superintendent Staff Branch. Any period of absence immediately before the date of application, or medical certificate, must also be ascertained and reported.

4. In order to prevent the undesirable practice of clerks taking a few days' casual or regular leave, and then applying from home for repeated extensions, involving in some cases absence from office months, no leave of any kind will in future be granted to any member of the establishment unless he gives an undertaking that no extension of leave will be applied for by him except in very special circumstances, such as illness duly vouched for by medical certificate, etc. It is unnecessary for such an undertaking to be given separately in writing; the mere fact of the submission of the application by him will in itself imply that it is submitted on this undertaking alone.

5. No member of the High Court Establishment who is entitled under the rules to a compensatory allowance while on duty will be allowed to draw the same during the period of his absence on leave unless he states the following facts in his application for leave, and satisfies himself that a certificate to that effect, if admissible, has been recorded in the original order sanctioning his leave:-

(I) That he has either a lien on a paid post in this office carrying a compensatory allowance or will in all probability be appointed to such a post on the expiry of his leave;

(II) That his pay is less than Rs. 200 and his leave Salary will not exceed this amount.

No excuse for the non-supply of this information will be entertained as, under the orders of Government, the recording of the above certificate is a condition precedent to the grant of compensatory allowance under Rule 5.3 of Civil Services Rules (Punjab), Volume I, Part I.

6. Every member on leave will report any change of address. All applications for extension of leave will also give an address.

7. Superintendents of Branches will not permit any one to proceed on leave unless they receive orders that the leave applied for has been sanctioned and that the official appointed to officiate is ready to take over charge. Every official returning from leave (other than casual leave) must report himself to the Superintendent Staff Branch, immediately, so that necessary orders may be obtained for his posting and for consequent reversions.

8. The Staff Branch will maintain the prescribed leave accounts for each official, according as he is subject to the Fundamental Leave Rules or the Punjab Revised Leave Rules.

B. _____ Leave on Medical Certificate.

9. (I) All medical certificates must be in the form prescribed in Note 3 to Rule 8.13 of Civil Services Rules, (Punjab), Volume I, Part I. Under Rules 8.13 and 8.16 of those Rules, all applicants for leave on medical certificate must continue to attend office until orders are passed on their applications. This attendance can only be dispensed with in cases in which the applicant is too ill to attend office in order to present his application for leave and await orders upon it, but this fact must be clearly stated in the medical certificate. Any member of the establishment who applies for leave on medical grounds and simultaneously absents himself from duty without a proper medical certificate or previous permission, renders himself liable to be treated as absent from duty without leave for which no pay is admissible and to be disciplined for misbehavior.

(II) Applications for extension of leave on medical certificate, in continuation of leave on medical certificate or otherwise, must be supported by a proper medical certificate as prescribed in Note 3 to Rule 8.13 of Civil Services Rules (Punjab), Volume I, Part I.

(III) A member of the Establishment who requires an authorization to the District Health Officer, Lahore, for his examination, with a view to obtaining a recommendation for the grant of leave on medical grounds, should apply for the same to the Superintendent Staff Branch, in person or through a duly accredited representative. On receipt of such authorization it will be the duty of the applicant to forthwith present it and himself to the District Health Officer for the necessary examination. The report of the District Health Officer should be obtained by the applicant and tendered to the Staff Branch as quickly as possible to enable the leave to be sanctioned without delay.

(IV) In the case of a member who is too ill to attend office or the Civil Dispensary and requires the examination to be conducted at his residence, he should apply for the authorization to the Superintendent, Staff Branch, through a duly authorized representative, who should be directed by the applicant to receive the authorization from the Superintendent, Staff Branch, deliver it to the District Health Officer, and accompany him or his assistant to the applicant's house. He should

also be authorized by the applicant to receive the District Health Officer's report in due course and deliver it to the Staff Branch.

PART II

CASUAL LEAVE

10. Casual leave up to a maximum limit of 20 days in each year, may be granted to members of the High Court establishment. It cannot be claimed as of right, but may be granted for reasons of health or for any other reason, up to 4 days at a time. This limit of four days at a time may be exceeded once in the year only for special reasons up to a minimum of 10 days. Holidays may not be prefixed or affixed to casual leave, but one Sunday either at the beginning or at the end may be so combined with it. All other holidays, if before or after the leave shall be included in the period of leave taken, but will not, however, be counted as casual leave enjoyed for purposes of accounting the maximum limit of 20 days.

11. Applications for casual leave should be superscribed and particularized as follows. There will be no printed form:

APPLICATION FORM CASUAL LEAVE

- (1) Name _____,
- (2) Post held _____,
- (3) Period of casual leave asked for, i.e.
- No. of days _____,
- From _____,
- To _____,
- (4) Reasons for leave _____,
- (5) Place where casual leave will be spent and address while on leave _____,
- (6) Signature of applicant _____,
- (7) Report by Superintendent of Branch _____,

- (a). Whether recommended _____,
 - (b). Number of holidays to be deducted for purposes of accounting: -
 - (i) Before _____,
 - (ii) After _____,
 - (c). Number of times leave in excess of 4 days at a stretch has been taken since Ist January, 20_____
 - (d). Total casual leave taken prior to present application since Ist January 20_____,
 - (e). Grant _____ days and to count as _____ days?
 - (f). Signature of Superintendent _____,
- (8) Order of Gazetted Officer granting leave.

Save in the case of sudden illness, or other special circumstances, applications must be submitted at least five days in advance of the date from which such leave is required. Applications for casual leave or extension of casual leave with simultaneous absents from duty on ground of illness for a period exceeding two days, will not be granted unless accompanied by a medical certificate in accordance with provisions of paragraph 8 above. No one can leave to a place beyond 36 hours recall. If casual leave to the extent admissible in paragraph 10 is overstayed for any reason whatsoever, for example, a breakdown on the road due to floods or landslips, the entire period of absence will be debited to the official's ordinary leave account, and not only the period by which he has overstayed his casual leave.

12 Superintendents of Branches will maintain casual leave accounts of all permanent, temporary / officiating clerks and inferior servants in their branches and the Superintendent, Staff Branch, will also do so in the case of

- (I) Honorable Judges,
- (II) Gazetted Officers,
- (III) P.S. to Honorable Chief Justice.
- (IV) P.A. to Registrar and
- (V) Inferior Staff attached to Nos. (II), (III) and (IV).

The Superintendent, Miscellaneous Branch, will also maintain the casual leave account of the inferior staff attached to (I) above. These accounts will be in the following form: -

CASUAL LEAVE ACCOUNT FOR THE YEAR 20 _____, of (Name)

1	2	3	4	5	6
Number of days of leave including all holidays.	Dates Form-To	Number of holidays prefixed or affixed in period of leave (Col.I)	Casual leave granted to count as (Col.I) minus 3	Date of order	Signature of Superintendent

13. All applications for casual leave by permanent and temporary/officiating clerks, and inferior servants in branches will be dealt with by the Superintendents of the said branches themselves in accordance with the instructions in Part II of this order. When leave is granted by the Gazetted Officer concerned, the necessary entry will be made by the Superintendent himself in the casual leave account, which along with the application will be kept in his personal custody. When a clerk or inferior servant is transferred from one branch to another, the two Superintendents concerned will be responsible for passing on and receiving his casual account and previous application forthwith. When a clerk or inferior servant proceeds on regular leave, his leave papers will be retained by his Superintendent until called for the Superintendent of the branch to which he is posted on return from leave. When a case arises where no casual leave is admissible, the Superintendent will immediately send the application for casual leave to the Superintendent, Staff Branch, for action under the regular leave rules.

Superintendents will preserve all casual leaves accounts and applications till the end of each following calendar year since reference to these accounts would have to be made for purpose of paragraph 15 (a) below.

PART III

SPECIAL CASUAL LEAVE VACATION

14. Special casual leave may be granted to the establishment by the Honorable the Chief Justice for such period during the Court's vacation as his Lordship may think fit. It must be clearly recognized that this special leave is a concession entirely within the discretion of the Honorable the Chief Justice and when granted is subject always to the condition that proper arrangements are made for the normal disposal of the work of the office.

15. From the period of special casual leave during the vacation granted to the establishment the following period will be deducted in the case of each clerk;-

- (a) Casual leave in excess of 10 days taken since the end of the special casual leave in vacation enjoyed by him in the preceding year; and
- (b) Any regular leave taken during the period when the court is closed for vacation.

Holidays cannot be prefixed or affixed to a period of special casual leave granted in the vacation. Where a period is for a multiple or multiples of a week, however, one Sunday only at the beginning or end of the period of special casual leave may be combined, other gazetted holidays that occur during the period must be included in the account of vacation special casual leave.

Superintendent will note special casual leave in vacation availed of under this rule by each clerk or menial servant as a separate entry in the casual leave account prescribed in paragraph 12.

PART-IV

QUARANTINE LEAVE

16. A member of the High Court Establishment who is prohibited from attending office on account of an infectious disease in his family or household may be granted quarantine leave on the certificate of a medical or public health officer as provided in Rule I, Appendix 17-II, Civil Services Rule (Punjab), Volume I, Part II.

It will be the duty of the member concerned to see that such a certificate is furnished and submitted to the Registrar.

It should be remembered that in the case of small-pox, the grant of quarantine leave specified above is discretionary and would not, therefore, ordinarily be given to one who has neglected or refused to have himself and his family vaccinated, or re-vaccinated as the case may be.

PART V
GRANT OF REGULAR LEAVE TO UNPAID CANDIDATES

17. The grant of leave to unpaid candidates on the High Court Establishment is regulated by Office Order No.164, dated 21st March 1939.

PART VI
ATTENDANCE IN OFFICE

18. Attendance registers will be maintained for each branch and Superintendents will be responsible to see that all members (clerical, candidates and menials) of their respective branches attend office punctually. Habitual unpunctuality will be severely dealt with. In marking up these registers, the Superintendent will follow the directions given on the cover of the register. These registers will be sent to the Gazetted Officer-in-charge every morning at 9.15 in Summer and 8.45 in Winter after being initialed by the Superintendent. Any clerk arriving after this will report himself to the Gazetted officer for marking the time of his attendance.

2. "The hours of attendance are from 9 a.m. to 4p.m. with a break of half an hour at 12.30 p.m., for Luncheon and prayers in Summer and 8.30 to 3 p.m. with a break of half an hour at 12 (noon) to 12.30 p.m. in Winter throughout the week except Sunday and Friday. Friday will be a half holiday, hours of attendance being from 9 a.m. to 12 p.m. in Summer and 8.30 a.m. to 12 noon in Winter. A skeleton Staff will, however, be placed on duty in each branch of the office on Friday from 1.30 p.m. to 4 p.m. in Summer and 1.30 to 3. p.m. in Winter in order to deal with urgent work that may be received after 12 (noon) on that day. This will leave the time between 12 (noon) and 1.30 pm. free for Juma prayers."

PART VII
ABSENCE OF CLERK FROM THEIR ROOMS

19. During office hours, no clerk shall leave the room in which he ordinarily works for more than five minutes, without the permission of the head of his section or branch. If such absence is likely to exceed five minutes, but not one hour, the clerk must obtain the permission in writing of his Superintendent, and such permission must not be given except where it is absolutely necessary for the clerk to absent himself. Permission to be absent from the office for more than one hour must be obtained from the gazetted officer in charge through the Superintendent. Such absence will be treated as casual leave for half a day for purposes of para 19. “but, unlike other full working days, an absence on Friday for

- a. more than half an hour but less than one hour will be treated as half a day’s casual leave and
- b. more than one hour as a full day’s casual leave.

PART VIII
PERMISSION TO LEAVE DURING HOLIDAYS

20. A member of the office Establishment wishing to leave Lahore during holidays must obtain the previous permission in writing of the gazetted officer-in-charge of the Branch in which he works, and when permission is granted, must leave his address with his Superintendent. (Office Order No. 171 Dated the 23rd October 1939 as amended, is hereby cancelled)

CASUAL LEAVE ACCOUNT

Department/Office_____

Section/ Branch_____Casual Leave Account of (name and

Designation_____ for the year 19_____

1	2	3	4	5
Leave granted (days)	Period From-To	Total leave taken up- to-date (days)	Leave due	Initials with date of the sanctioning authority

Note—This Causal Leave Account should be completed and sent to the Department/Office or Section/Branch concerned immediately the official is transferred.

(LHC Office Order No.281 Dated 20th December 1952)

C.No. 10(1-5)

SPECIAL CASUAL LEAVE (VACATION)

I am directed to say that according to paragraph 14 of Office Order No.281, dated the 20th December 1952, it is within the discretion of the Chief Justice to grant special casual leave to the members of the High Court establishment for such period during the Court's vacation as his Lordship may deem fit. This special casual leave is granted normally every year subject to the condition that the proper arrangements are made for disposal of office work and is enjoyed by the staff as follows:-

- | | | |
|--|------------------------|-----------------|
| 1. Registrar. |) | |
| 2. Deputy Registrar. |) | one month each. |
| 3. Assistant Registrar. |) | |
| 4. Superintendents,
Clerical establishment
Including Judgment-writers,
Readers and menials excluding
the Ushers and Orderlies of the Judges. | }

} | 28 days each |

5. Ushers and Orderlies of the Judges. They remain at the disposal of Judges and are granted Special casual leave for such period as their Lordship may permit.

As regards the question whether the vacation or any portion thereof enjoyed is debitable to any other leave or not, I am to invite your attention to paragraph 15 of the above Office Order, a copy of which was forwarded to you under this Court's letter No.3111-S/V.D.32(d), dated the 26th March 1956.

This disposes of your letter No.A/-1158, dated the 30th April 1956.

(PHC letter No.4782-S/V.D Dated Lahore, 16th May, 1956)

C.No. 11(1-5)

SUBMISSION OF APPLICATION FOR CASUAL LEAVE IN ADVANCE

It has come to notice that the officials of the Establishment of this Court, while seeking casual leave on the ground of urgent work on domestic affair, usually apply for that purpose one day before or send applications from their homes. This practice must be stopped, as it negates the spirit of Rule 11(8) of the Casual Leave Rules which says that save on the ground of sudden illness or owing to special circumstances, application by an official for casual leave on any other ground must be submitted at least five days earlier.

Let all officials, therefore, note as a warning for future guidance that they must apply for casual leave strictly in accordance with the above conditions laid down in the cited rule. In future if an official seeks casual leave on the ground of urgent work or domestic affair or on such other ground in relaxation of the requirement of the said rule, he must in his application explain the special circumstances which may show that seeking of leave is unavoidable. In case of his failure to comply with this condition, leave will be refused and disciplinary action will be taken against him.

(PHC letter No. 947/ Admn: Brh: Dated Peshawar 14th February, 1988.)

C.No. 12(1-5)

PRIOR PERMISSION OF HON'BLE JUDGES BEFORE APPLYING FOR CASUAL LEAVE

To avoid the un-necessary inconvenience all the Officers/Officials attached to the Courts are advised that in future they should take prior permission of the Hon'ble Judge before applying for leave.

(PHC Endst: No. 962-63/Admn: Brh: Dated Pesh: 30th January, 1992)

C.No. 13(1-5)

UPGRADATION POLICY**PESHAWAR HIGH COURT, PESHAWAR****ORDER**Dated Peshawar 24th March, 2016

In exercise of the powers conferred by the Government of Khyber Pakhtunkhwa, Finance Department vide Notification No. SO (A/Cs)FD/2-1/96 dated, 7.12.1996, the Hon'ble Chief Justice of this Court has been pleased to sanction a fresh policy for up-gradation of posts to BPS-19 in this court subject to the following conditions:-

1. Satisfactory: - Completion of ten years' service in BPS-18 provided that in respect of those officials who were holding post in BPS-17 on regular basis prior to the general up-gradation of such posts to BPS-18 in 2008, the services rendered in BPS-17 shall also be counted towards the requisite length of ten years' service.
2. The fitness of Reader, and Private Secretaries for grant of this benefit will be determined on basis of their duties performed actually in court and not in any other office and satisfaction of the respective Hon'ble Judges.
3. It would be subject to withdrawal at any time if the official is found to have ceased to be efficient, has lost interest in performance of his duties or guilty or violating service discipline.

The expenditure involved will be met. out of the sanctioned budget grant under head "03-Public Order & Safety Affairs-031-Law Courts-0311-Law Courts-03110-Courts-Justice-High Court-"Charged".

(PHC Endst No. 1550-53/B&A: Dated 29th March, 2016)

C.No. 14(1-5)

**UPGRADATION OF THE POST OF PRIVATE SECRETARY TO
FEDERAL SECRETARIES/ADDITIONAL SECRETARIES AND
OTHER OFFICERS IN BPS-21 & 22 PROVIDED WITH THE
SERVICES OF PRIVATE SECRETARY IN FEDERAL
GOVERNMENT**

The undersigned is directed to say that the Prime Minister has been pleased to approve the following proposals made by the Establishment Division in consultation with the Finance Division:

- a. All the posts of Private Secretary to the Secretaries/Additional Secretaries and other officers in BPS-21 & 22 provided with the services of Private Secretary, in the Federal Government along with their incumbents who have been appointed to these posts on regular basis, are upgraded from BPS-16 to BPS-17 with effect from 1st July, 1983.
- b. The incumbents of the post of Private Secretary (BPS-17) will be eligible for the grant of BPS-18 after putting in ¹[seven] years satisfactory service in BPS-17, ²[unless they move-over to BPS-18 from an earlier date].
- c. The special pay admissible to the Private Secretary (BPS-16) to the Secretary/ Additional Secretary and other officers in BPS-21 & 22 at the rate of Rs.200/- and Rs.150/- per month respectively will continue to be admissible in BPS-17/18.
- d. No arrears due to retrospective upgradation of the post from BPS-16 to 17 and on account of accrual of increments shall be admissible prior to the date of issue of this O.M.

(Govt: of Pakistan Cabinet Secretariat No. 9/2/74-FII(R.6) Rawalpindi, 18th
March, 1986)

¹ Substituted vide Govt: of Pakistan Cabinet Secretariat No. 9/2/74-FII(R.6) Islamabad, 19th February, 1992

² Substituted vide Govt: of Pakistan Cabinet Secretariat No. 4/3/22-FII(R.6) Islamabad, 12th February, 1995

C.No. 15(1-5)

REPORTING CHANNEL OF PER OF THE MINISTERIAL ESTABLISHMENT OF PESHAWAR HIGH COURT (PRINCIPAL SEAT)

The Hon'ble Chief Justice is pleased to order that henceforth, the reporting channel and the authorities for the expunction of adverse remarks in connection with the Performance Evaluation Report of the Ministerial Establishment of Peshawar High Court (Principal Seat) shall be, as laid down in Appendix-A to this order.

APPENDIX - A

CHART SHOWING DETAILS OF AUTHORITIES FOR INITIATING/COUNTERSIGNING/EXPUNCTION OF ADVERSE REMARKS IN CONNECTION WITH THE PERFORMANCE EVALUATION REPORT FOR MINISTERIAL ESTABLISHMENT OF PESHAWAR HIGH COURT (PRINCIPAL SEAT)

S.No	Designation of Post	Initiating Authority	Countersigning Authority	Authority for expunction of Adverse Remarks
1	Registrar	Hon'ble Chief Justice	—	Hon'ble the Chief Justice
2	Member Inspection Team	Hon'ble Chief Justice	—	Hon'ble the Chief Justice
3	Additional Registrar	Hon'ble Chief Justice	—	Hon'ble the Chief Justice
4	Additional Member Inspection Team	Hon'ble Chief Justice	—	Hon'ble the Chief Justice
5	Secretary to HCJ	Hon'ble Chief Justice	—	Hon'ble the Chief Justice
6	Draftsman	Hon'ble Chief Justice	—	Hon'ble the Chief Justice

7	Director P&D	Registrar	Hon'ble Chief Justice	Hon'ble the Chief Justice
8	Assistant Draftsman	Registrar	Hon'ble Chief Justice	Hon'ble the Chief Justice
9	Deputy Registrar	In charge Branch	Registrar	Hon'ble the Chief Justice
10	Budget Officer	In charge Section	Registrar	Hon'ble the Chief Justice
11	Reader to Hon'ble Judge	Hon'ble Judge concerned	—	Hon'ble the Chief Justice
12	Private Secretary to HCJ	Hon'ble Chief Justice	—	Hon'ble the Chief Justice
13	Private Secretary to Hon'ble Judge	Hon'ble Judge concerned	—	Hon'ble the Chief Justice
14	Superintendent	In charge Branch	Registrar	Hon'ble the Chief Justice
15	Librarian	In charge Branch	Registrar	Hon'ble the Chief Justice
16	Research Officer	Registrar	Hon'ble Chief Justice	Hon'ble the Chief Justice
17	Manager M.I.S	In charge Branch	Registrar	Hon'ble the Chief Justice
18	Computer Programmer	In charge Branch	Registrar	Hon'ble the Chief Justice
19	Accounts Officer	In charge Section	Registrar	Hon'ble the Chief Justice
20	Assistant Librarian	Librarian	Registrar	Hon'ble the Chief Justice
21	Protocol Officer	In charge Branch	Registrar	Hon'ble the Chief Justice
22	Court Officer	In charge Branch	Registrar	Hon'ble the Chief Justice

23	Data Supervisor	In charge Section	Registrar	Hon'ble the Chief Justice
24	Stenographer	Immediate Superior Officer	—	Hon'ble the Chief Justice
25	Computer Operator	In charge Section	Registrar	Hon'ble the Chief Justice
26	Assistants	In charge Section	Registrar	Hon'ble the Chief Justice
27	Nazir	In charge Section	Registrar	Hon'ble the Chief Justice
28	KPO	In charge Section	Registrar	Hon'ble the Chief Justice
29	Senior Clerk	In charge Section	Registrar	Hon'ble the Chief Justice
30	Junior Clerk	In charge Section	Registrar	Hon'ble the Chief Justice
31	Binder	Librarian	Registrar	Hon'ble the Chief Justice
32	Telephone Operator	In charge Branch	Registrar	Hon'ble the Chief Justice
33	Security Officer	In charge Branch	Registrar	Hon'ble the Chief Justice
34	Security Guard	In charge Branch	Registrar	Hon'ble the Chief Justice
35	Imam Masjid	In charge Branch	Registrar	Hon'ble the Chief Justice
36	Driver with Hon'ble Judge	Hon'ble Judge concerned	—	Hon'ble the Chief Justice
37	Driver with Officer	Immediate Superior Officer	Registrar	Hon'ble the Chief Justice
38	Daftari/Record Lifter	In charge Branch	Registrar	Hon'ble the Chief Justice

39	Bailiff	In charge Section	Registrar	Hon'ble the Chief Justice
40	Naib Qasid with Hon'ble Judges	Private Secretary Concerned	Registrar	Hon'ble the Chief Justice
41	Naib Qasids in various Branches	In charge Section	Registrar	Hon'ble the Chief Justice
42	Chowkidars	In charge Branch	Registrar	Hon'ble the Chief Justice
43	Lift Operator	In charge Branch	Registrar	Hon'ble the Chief Justice
44	Cook	Court Officer	Registrar	Hon'ble the Chief Justice
45	Other Class-IV	In charge Section	Registrar	Hon'ble the Chief Justice

NOTE:

1. All other posts not mentioned in the Appendix, shall be reported upon by the immediate superior authority with whom they have actually worked, subject to minimum period for the purpose, and their reports shall be countersigned by the Registrar, while authority for the expunction of adverse remarks shall be Hon'ble Chief Justice.
2. In charge Section means Immediate In charge.
3. In charge Branch means the In charge Officer of the Branch to whom charge is given in distribution of administrative business.

(PHC Endst: 5116-48/Admn: Dated Peshawar 21st April, 2011)

C.No. 16(1-5)

REPORTING CHANNEL OF THE PER OF THE MINISTERIAL ESTABLISHMENT OF PESHAWAR HIGH COURT (ABBOTTABAD AND D.I. KHAN BENCHES)

The Hon'ble Chief Justice is pleased to order that henceforth, the reporting channel and the authorities for the expunction of adverse remarks in connection with the Performance Evaluation Report of the Ministerial Establishment of Peshawar High Court (Abbottabad and D.I. Khan Benches) shall be, as laid down in Appendix-A to this order.

APPENDIX-A

**CHART SHOWING DETAILS OF
AUTHORITIES FOR INITIATING / COUNTERSIGNING /
EXPUNCTION OF ADVERSE REMARKS IN CONNECTION WITH THE
PERFORMANCE EVALUATION
REPORT FOR MINISTERIAL ESTABLISHMENT OF
PESHAWAR HIGH COURT
(ABBOTTABAD & DIKHAN BENCHES)**

S.No	Designation of Post	Initiating Authority	Countersigning Authority	Authority for expunction of Adverse Remarks
1	Additional Registrar	Hon'ble Chief Justice	—	Hon'ble Chief Justice
2	Private Secretary to Hon'ble Judge	Hon'ble Judge concerned	—	Hon'ble Chief Justice
3	Reader to Hon'ble Judge	Hon'ble Judge concerned	—	Hon'ble Chief Justice
4	Superintendent	Additional Registrar	Registrar	Hon'ble Chief Justice
5	Stenographer	Additional Registrar	Registrar	Hon'ble Chief Justice
6	Assistant	Additional Registrar	Registrar	Hon'ble Chief Justice
7	Supervisor	Additional Registrar	Registrar	Hon'ble Chief Justice

8	Senior Clerk	Additional Registrar	Registrar	Hon'ble Chief Justice
9	Junior Clerk	Additional Registrar	Registrar	Hon'ble Chief Justice
10	Driver with Hon'ble Judge	Hon'ble Judge concerned	—	Hon'ble Chief Justice
11	Driver with office	Immediate Superior Officer	Registrar	Hon'ble Chief Justice
12	Record Lifter/Daftari	Additional Registrar	Registrar	Hon'ble Chief Justice
13	Naib Qasid/ Chowkidar	Additional Registrar	Registrar	Hon'ble Chief Justice
14	Caretaker	Additional Registrar	Registrar	Hon'ble Chief Justice
15	Bearer-cum-Cook	Additional Registrar	Registrar	Hon'ble Chief Justice

NOTE :

All other non-gazetted officials working on deputation, detailment etc. from District or other cadres shall be reported upon by the immediate superior authority with whom they have actually worked, subject to minimum period for the purpose, and their reports shall be countersigned by the Registrar, while Authority for the expunction of adverse remarks shall be the Hon'ble Chief Justice.

(PHC Endst: No. 2681-2705/Admn Dated Peshawar 6th April, 2005.)

C.No. 17(1-5)

**COUNTERSIGNING AUTHORITY FOR THE PERs OF THE
SUPERINTENDENT OF SESSIONS COURT**

PESHAWAR HIGH COURT

ORDER

Dated Peshawar 28th April, 2011

Hon'ble the Chief Justice of this Court has been pleased to order that henceforth, the counter signing authority in connection with performance evaluation report of Superintendent of Sessions Court shall be Registrar of this Court.

(PHC Order Endst No.5653-99/Admn Dated 09th May 2011)

SECTION-VI (INSPECTIONS)

C.No. 1(1-6)

CONSTITUTIONAL PROVISION REGARDING SUPERVISION AND CONTROL BY THE HIGH COURT

Article 203 of the Constitution of Islamic Republic of Pakistan. Each High Court shall supervise and control all courts subordinate to it.

C.No. 2(1-6)

PRESCRIBED PROCEDURE FOR THE OFFICE OF THE MEMBER INSPECTION TEAM

NOTIFICATION
08th OCTOBER, 2002

MEMBER INSPECTION TEAM (PROCEDURES)

No. D.R/(ADMN)/HC/43-Association-9/2002- The Honourable Chief Justice has been pleased to prescribe the procedure to be followed by the Member Inspection Team, Peshawar High Court, in the discharge of his functions detailed below:

- i. To deal with the informal complaints against judges or employees of district courts per procedure **Annex-F/1**;
- ii. To keep a watch, in view of scheme of unit-wise disposal (**Annex-F/3**), on the working of district Courts by examining their monthly statements;
- iii. To deal with applications for early disposal of old cases pending in the lower Courts per instructions of the Honourable Chief Justice;
- iv. To issue directions for the disposal of old cases under the Time Bound Delay Reduction Plan of Access to Justice Program on monthly basis and scrutinize for follow up action per **Annex-B**;
- v. To make surprise visits for inspection of subordinate Courts per instructions of the Honourable Chief Justice;
- vi. To examine reports of inspections carried out by the Judicial Officers per High Court Rules and Orders Volume-IV;

- vii. To put suggestions deemed necessary for the promotion of speedy disposal of cases and measures for the convenience of Bar and litigant public;
- viii. To maintain record and follow up action in view of Inspection Notes regarding periodical and other inspections of subordinate Courts conducted by the Hon'ble Inspection Judges of the High Court or other officers including MIT under the directions of Hon'ble the Chief Justice;
- ix. To Control and supervise the working of confidential Branch and Computer Branch of the High Court per instructions of the Honorable Chief Justice;
- x. To maintain record of pendency and disposal of cases of Anti-Terrorism Courts on weekly basis;
- xi. To Chalk out program for the inspection of jails by the presiding officers of the District criminal courts;
- xii. To regularly obtain and check reports from criminal Courts about disposal of cases of prisoners involved in offences of petty nature;
- xiii. To inspect the courts under the Incentive and Reward Policy **Annex-C**;
- xiv. To coordinate the activities pertaining to Access to Justice Program; and
- xv. Any other task specially assigned to him by the Hon'ble Chief Justice.

PESHAWAR HIGH COURT, PESHAWAR
OFFICE OF THE MEMBER INSPECTION TEAM

INFORMAL COMPLAINTS AGAINST
JUDGES OR EMPLOYEES OF COURT

The following procedure shall be followed when making a complaint about the conduct of a judge or other court employee. All complaints filed as under are investigated and answered within a period of two months.

1. **INFORMAL COMPLAINT:**

The informal complaint process is a method for addressing complaints or concerns about judges and employees of the court. The informal complaint system is confidential, non-confrontational and educational. It is intended to constructively influence conduct and resolve issues before they rise to the level of a formal grievance or disciplinary proceeding.

2. **HOW TO MAKE AN INFORMAL COMPLAINT.**

- Complaints must be in writing.
- To make a complaint about the conduct of a judge/other court employee, contact Office of the Member Inspection Team (MIT) Post Office Box No. 182, Peshawar, Khyber Pakhtunkhwa Tel. 091-9210159¹ FAX: 091-9210881.
- The envelope should be marked: Personal and Confidential.
- To make a complaint against the operation of the Court or the conduct of its employees, fill out a **Complaint Form (Annex-F/2)** available in the office of the MIT, District Bar Association and Citizen-Court-Liaison Committee's District Office. You can also write your concerns in a letter that is clearly labeled COMPLAINT to the Community Liaison Facilitator of the district who must respond to the grievance within a period of one week.
- A complaint must identify the person who is making the complaint and the person complained about.

3. **THE INFORMAL COMPLAINT PROCESS WILL ADDRESS:**

- Complaints about the conduct of judges and employees of the court
- The complaint cannot be used to complain about a judges' decision.
- Complaints are limited to conduct occurring in connection with judicial proceedings or in the judicial employment environment.
- Complaints which will be considered include those involving temperament; bias related to race, sex, religion, national origin, disability, age, sexual orientation, or socio-economic status; or other inappropriate behavior
- Complaints that a judge committed legal error are not included.

¹ Now 091-9210482

- The complaint cannot be about a judge's legal decision, or an existing court order. A judge's decision can only be changed through the appeals process.

4. **ANONYMITY**

Complaints will be accepted only if the identities of the person making the complaint and the person who is the subject of the complaint are known. The name of the person making the complaint will not be disclosed to the person who is the subject of the complaint unless the person who is making the complaint consents.

5. **ACTION**

- (1) All complaints shall be classified, numbered, dated and entered, accordingly, in:
 - a. The Register of complaints against the judges;
 - b. The Register of complaints against the employees of court;
 - c. The Register of complaints against the other departments/civil servants.

(2) The MIT shall scrutinize the complaint, if covered by sub-para (1) a & b, and endorse thereon his findings about its maintainability per procedure prescribed hereinbefore. If it is maintainable, he shall forward the same to the Honorable Judge In charge of the district as per distribution work given in the following sub para-3, for further necessary action. If it is not maintainable it shall be filed with intimation to the Honorable Judge In charge. In case of complaints covered by sub-para (1) c, he shall forward the same to the department concerned for further necessary action. The MIT shall complete these proceedings within 7 days of receipt of the complaint.

(3) *Distribution of work is made as under to coordinate and assist the Honourable Chief Justice in discharge of his function of coordinating the functions of the Member Inspection Team:

S. No	Honorable Inspection Judge	District
	Name of Honorable Judge	Name of District

* This distribution is at the discretion of Hon'ble the Chief Justice which is notified from time to time

	-do-	-do-
	-do-	-do-
	-do-	-do-

(4) The following procedure of **“discreet inquiry”** shall be observed by the Honorable Judge In charge to investigate the complaints:

- a) The discreet inquiry may be conducted through any officer with prior approval of the Honorable Chief Justice and under the supervision of the Honorable Inspection Judge and the Member Inspection Team. The discreet inquiry shall be completed within twenty-one days of receipt of the complaint;
- b) The officer complained against should neither be associated with the inquiry nor any explanation be called from him;
- c) The inquiry officer should simply ascertain from the complainant and the enclosed record, if any, or through other means, as to whether or not there is any substance in the allegations;
- d) Inquiry officer may also rely on his personal knowledge, reputation of the accused officer in the Bar, litigant public and opinion of his appellate and supervisory authorities;
- e) Honorable Judge In charge shall forward the discreet inquiry report along with his views to the Honorable Chief Justice not later than 7 days of completion of the discreet inquiry;
- f) On the basis of discreet inquiry report, the competent authority shall, within 7days of receipt of views of the Honorable Judge In charge, decide as to whether or not the accused officer is to be proceeded against for misconduct, etc. under the North-West Frontier Province Government Servants (Efficiency and Discipline) Rules, 1973.¹

(5) The complainant shall be informed of the fate of his complaint within six weeks of the date of receipt of complaint in the office of the MIT.

¹ Now Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline), Rules, 2011

PESHAWAR HIGH COURT, PESHAWAR
OFFICE OF THE MEMBER INSPECTION TEAM

COMPLAINT FORM

(Fill it out and mail it to the address at the bottom of the form. Please answer all questions, and then describe your complaint. Feel free to express the realities and add additional pages if necessary.)

Name _____

Mailing Address _____

Day time Phone Number _____ **Today's Date** _____

Name of court you are complaining about:

Where is the court located? _____

Is it a complaint against a court? Yes [] No []

If the complaint is not against a court, the MIT'S Office probably cannot help you except to refer you to the right place. The MIT'S Office only investigates complaints about courts under the administrative control of the Peshawar High Court Peshawar.

Have you filed any appeal or grievance with the court complained against itself? Yes [] No []

If you have an appeal or grievance, what was the court's answer? Please attach copies of your appeal and the court's answer. IT IS IMPORTANT TO TRY TO RESOLVE YOUR PROBLEM WITH THE COURT'S HELP BEFORE COMPLAINING TO THE MIT.

Name(s) of the person(s) you spoke or wrote to at the court about your problem:

Phone number(s) of the person(s) _____

Has your complaint ever been the subject of a court hearing? Yes [] No []

If so, what is the court case number? _____

Have you asked anyone else for help to solve your problem?

(An attorney, any other state agency etc.) Yes [] No []

May we talk to that person about your complaint? Yes [] No []

Names and phone numbers of persons you talked to about your problem:

Please give us any other information we need to help us investigate your complaint. (Your date of birth, domicile, qualification, profession national, identity card number etc.).

Your name will not be released unless you give your permission. Can we use your name when talking with the court about your complaint? Yes [] No []

Use these lines to briefly state your complaint. Please tell us:

What did the court do that you do not like or think is wrong?

What did you want from the court?

What do you want the MIT to do to help you?

Affidavit: I hereby solemnly affirm that all the contents given above are true and correct to the best of my knowledge and belief; and nothing has been concealed in this behalf.

PLEASE SIGN HERE: _____ **Date** _____

Please send this form along with supporting documents to:

Office of the Member Inspection Team

Post Office Box No. 188

Peshawar, NWFP.

Tel. 091-9210159¹ FAX: 091-9210881

Note: Comments, questions and suggestions for total quality management shall be appreciate and may be sent to Member Inspection Team on the given address or e-mail to phc@psh.paknet.com.pk

¹ Now 091-9210482

C.No. 3(1-6)

PESHAWAR HIGH COURT, PESHAWAR**Inspection Proforma for PERs of Judicial Officers in District Judiciary.****(For District and Sessions Judges)**

Date of Visit: _____, District _____

COURT OF _____, _____

Assessment Period: From _____ to _____

General Reputation at the Station as a
Judicial OfficerTotal Marks=10

--

Court and Case Management

(Checklist Appendix-A)Total Marks=10

--

Qualitative Assessment of Judgments

Total Marks=10

--

Administration and Financial Management

(Checklist Appendix-B)Total Marks=10

--

Total Marks=40Marks Obtained= _____SPECIAL REMARKS/OBSERVATIONS:

Appendix A (For DSJs)

COURT MANAGEMENT

Domain		Remarks	Checklist
Court Environment			1-Decorum of Court 2-Cleanliness of Court 3- Dress Code 4-Internal External Seating arrangements
Assets Management			Stock Register Maintained or not Physical Condition. Properly maintained or not.
Library/Books			Proper Register maintained or not Managed or Unmanaged Physical condition of books
Correspondence			Diary dispatch registers maintained or not maintained. Correspondence file maintained or not.
Registers and Files			Physical condition of registers and court files
Court Diary and Time Management	<i>Trend of Adjournments</i>		Case Files
	<i>Adherence to Civil Management Rules. (Scheduling)</i>		Cases Files
	<i>Case Prioritization</i>		Chronological List. Peshi register/Court Diary Stagnant categories
File Management	<i>Checklist</i>		Case Files/Checklist
	<i>Order sheet</i>		Instructions and format observed or not.
	<i>Classification</i>		Consigned Files Part A and Part B
	<i>Consignment</i>		Prescribed Time Observed or not
Registers Management	Registers		Entries made as per prescribed columns or not. All Available or deficient

CASE MANAGEMENT

Scrutiny		Case Files Input of Presiding Officer at the time of institution. Cognizance procedure.
Procurement of Attendance (Parties and Witnesses)		Case Files
Procurement of Written Statement		Time Factor per Law
Issues/Charge		Order XIV Rule 3, relevant provision of Cr.PC.
Trial Scheduling / Trial Management		Scheduling Conference, Lawyers Database, Order of Examination of Witnesses.
Evidence (<i>Oral</i> Statements, <i>Documentary</i> Exhibits)		Observance of prescribed mode
Judgment (Timely Written and Consigned)		Diary, Faisla Behi and Consignment Register

APPENDIX B (FOR D&SJS)

Domain	Indicator	Remarks	Checklist
1) Administrative Management			
1.1- Human Resource Management	Timely Filling of Vacant Positions		Sanctioned & working strength of establishment
	Compliance of Rules and Regulations		APT rules 1989 & recruitment policy 2003
	Rotation of Staff		Tenure based posting transfer
	Effective Compliance of Standards for Monitoring efficiency and conduct		Record pf disciplinary proceedings. Maintenance of Service. Books and Personal Files. PER and Assets declaration
	Capacity Building Initiatives		Training Plans

1.2 Leadership	Coordination with stakeholders		Judicial Officers Bench Bar Criminal justice system Etc.
	Superintendence of Subordinate Courts		Local Inspections
	Efficiency of Service Delivery Processes		Information KIOSK Copy Branch Process Serving
	Monitoring of Paralegal		Oath Commissioners Notary Public Petition/Deed Writers Stamp vendors Identity Cards
	Measures for Eradication of Corrupt Practices		Available mechanism
	Security of Courts and Residential Premises		CCTV cameras Deployment of security personnel
1.3 Distribution of Judicial Business	Equalization of Workload		Mechanism for distribution of Backlog and fresh institution.
	Target Fixation		
	Equitable distribution of Fresh Institution		
	Grievance redressal (Case Transfer)		
1.4 Automation	<i>Digitization and Scanning of Record</i>		Case Flow Management Information System (ICFMIS) implementation status. Measures for scanning of fresh and old records
1.5 Record Management	<i>Record Room</i>		Condition
	<i>Weeding</i>		Destruction process
<u>2- Financial Management</u>			
2.1. Budgetary Processes	Annual Plan		Overview of Budgetary allocations, demands, expenditures and book keeping.
	Demand & Expenditure		
	Reasons of Surrender		
	Maintenance of Accounts		

2.2 Procurement	Needs, Planning and Processes		Facilities for courts and premises.
	Adherence to Procedures		
2.3 Internal Audit	Reports		Reports available or not
	Actions		
	Recommendations		
2.4 Planning and Development	Ongoing Projects		Supervision and pursuits as per record
	Maintenance & repairs		
2.5 Assets Management	Stocks		Relevant record
	Disposal		

C.No. 4(1-6)

INSPECTION PROFORMA FOR PERS OF SENIOR CIVIL JUDGE
(ADMIN)

PESHAWAR HIGH COURT, PESHAWAR

Date of Visit: _____, District _____

COURT OF _____, _____

Assessment Period: From _____ to _____

Domain	Indicator	Remarks	Checklist
1) Administrative Management (Total Marks=20)			
1.1- Human Resource Management	Timely Filling of Vacant Positions and compliance of Rues & Regulations <u>Total Marks: 2</u>		Sanctioned & working strength of establishment APT rules 1989 & recruitment policy 2003 Maintenance of Service Books and Personal Files
	Process Serving Agency <u>Total Marks: 2</u>		Entrustment and return of Processes Provision of Facilities (POL, Uniform and e-gadgets etc.) Efficiency and compliance
	Rotation of Staff <u>Total Mark: 1</u>		Tenure based posting transfer Stopgap arrangements
	Effective Compliance of Standards for Monitoring efficiency and conduct <u>Total Marks: 2</u>		Record pf disciplinary proceedings PER and Assets declaration
	Capacity Building Initiatives <u>Total Mark: 1</u>		Training Plans
	Meetings		Judicial Officers Bench Bar

1.2- Cooperation and Liaison	<u>Total Marks: 1</u>		Criminal justice system Etc.
	Supervision of Infrastructure and allied facilities		Local Inspections and Reports Repair and maintenance Cleanliness of premises , horticulture etc.
	<u>Total Mark: 2</u>		
	Assistance in Service Delivery Processes		Information KIOSK Copy Branch Record Room Cabins Canteens
	<u>Total Marks: 2</u>		
	Assistance towards monitoring of Paralegal		Oath Commissioners Notary Public Petition/Deed Writers Stamp vendors Identity Cards
1.3 Logistics	<u>Total Mark: 2</u>		
	Measures for Eradication of Corrupt Practices		Available mechanism
	<u>Total Marks: 1</u>		
1.3 Logistics	Court Assets Services		Furniture Stationary Printed Register IT Equipment Toiletries Maintenance and repair
	<u>Total Mark: 2</u>		
1.3 Logistics	Assets Management (Stocks and Disposal of unserviceable items)		Stock Registers
	<u>Total Mark: 2</u>		
<u>2- Financial Management (Total Marks=20)</u>			
2.1. Budgetary Processes	Annual Plan		Overview of Budgetary allocations, demands , expenditures and book keeping.
	<u>Total Marks: 3</u>		
	Demand & Expenditure		

	<u>Total Marks: 2</u>		
	Reasons of Surrender		
	<u>Total Mark: 1</u>		
2.2 Judicial Accounts	Sheriff's Petty'		Deposit/withdrawal Registers Inspections and findings Compliance of Rules and Instructions
	<u>Total Marks: 3</u>		
	Civil Court Deposits <u>Total Marks: 3</u>		Deposit/withdrawal Registers, Cashbook, Inspections and findings Compliance of Rules and Instructions
	Minors' Account <u>Total Marks: 2</u>		Deposits and Payments Maintenance of Records
2.3 Procurement	Need Assessment, Planning, and supply		Facilities for courts and premises.
	<u>Total Marks: 2</u>		
	Adherence to Procedures		
	<u>Total Mark: 1</u>		
2.4 Internal Audit	Reports and Findings		Reports available or not
	<u>Total Mark: 1</u>		
	Compliance of Rules, Guidelines and Instruction		
	<u>Total Mark: 1</u>		
	Corrective Measures		
	<u>Total Mark: 1</u>		

Total Achieved Score =_____

OVERALL GRADING (including judgments) as per Total Achieved Score

A	B	C	D
31-40	21-30	11-20	0-10

SPECIAL REMARKS/OBSERVATIONS:

C.No. 5(1-6)

INSPECTION PROFORMA FOR PERS OF JUDICIAL OFFICERS
[AD&SJ, SCJ (JUDL) & CIVIL JUDGES]

PESHAWAR HIGH COURT, PESHAWAR

Date of Visit: _____, District _____

PID : _____

Court of _____, _____

Assessment Period: From _____ to _____

A. COURT MANAGEMENT**1) Administration:**

			Checklist
Court Environment	Proper 2	Improper 0	1-Decorum of Court 2-Cleanliness of Court 3- Dress Code 4-Internal External Seating arrangements
Assets Management	Proper 2	Improper 0	Stock Register Maintained or not Physical Condition. Properly maintained or not.
Library/Books	Proper 1	Improper 0	Proper Register maintained or not Managed or Unmanaged Physical condition of books
Correspondence	Proper 2	Improper 0	Diary dispatch registers maintained or not maintained. Correspondence file maintained or not.
Registers and Files	Proper 1	Improper 0	Physical condition of registers and court files
<u>Comments:</u>			
A 7-8	B 5-6	C 3-4	D 0-2

2) Judicial:

Court Diary and Time Management	Trend of Adjournments	Purposeful 2	Casual 0	Case Files		
	Adherence to Civil Management Rules. (Scheduling)	Purposeful 2	Casual 0	Cases Files		
	Case Prioritization	Observed 2	Not Observed 0	Chronological List. Peshi register/Court Diary Stagnant categories		
File Management	Checklist	Properly Maintained 1	Not Maintained 0	Case Files/Checklist		
	Order sheet	Proper 2	Improper 0	Instructions and format observed or not.		
	Classification	Done 1	Not Done 0	Consigned Files Part A and Part B		
	Consignment	Proper 1	Improper 0	Prescribed Time Observed or not		
Register Management	Registers	Properly Maintained 1	Not Properly Maintained 0	Entries made as per prescribed columns or not. All Available or deficient		
	Comments:					
Financial Management	Fine Record	Proper 1		Improper 0	N A	Fine Receipt book Fine register Reconciliation file Challan File Deposit Reconciliation
		Comments:				
	Local Commission 1- Register 2- Mode of Payment	Properly Maintained 1	Not Properly Maintained 0	NA		Local Commission Register Printed or otherwise. Entries column Wise Entries made or not Payment made through NAZIR or at the spot.
		Comments:				

	Process & Publication Fee	Deposit & Payment	Proper 1	Improper 0	NA	Case files and relevant register Payment made through NAZIR or otherwise.
		Diet Money	Proper 1		Impr oper 0	NA	Case files and relevant register Payment made through NAZIR or otherwise.
		<u>Comments:</u>				
	Automation	Chronological List	Properly Maintained 1	Not properly Maintained 0	Updated Chronological List and Cause Lists	
Cause List		Computer Generated 1	Manual 0			
Digitization of Record		Proper 2	Improper 0	Scanning of Record Physically check the scanned record in Computer.		
<u>Comments:</u>			Either scanning is Ongoing Stage Wise or Ongoing but not regular or Not Carried Out			
<u>Achieved Score</u>						
<u>Achieved Score Calculation Tip:</u> <i>In the Table -2 (Judicial) there are three types of Indicators:</i> 1- All indicators are applicable to those courts dealing both with Civil and Criminal work, and total 20 marks are applicable. 2- In case of courts dealing only with criminal work, 15 marks are applicable excluding the indicators assigned to civil matters. 3- In case of courts dealing only with civil work, 19 marks are applicable excluding the indicators assigned to criminal matters.						
<u>Formula applicable to variable categories</u> = (Sum of Achieved Score X 20 / sum of Total category marks. e.g. 14 x 20/15=18.6 (Criminal)(round figure 19) e.g. 14 x 20/19=14.73 (Civil)(round figure 15)						

A 16-20	B 11-15	C 6-10	D 0-5
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CASE MANAGEMENT

Scrutiny		Purposeful 1	Casual 0	Case Files Input of Presiding Officer at the time of institution. Cognizance procedure- Order V Rule 3, Order VII Rule 11, Order XLI Rule 3 CPC etc, section 204 ,241 A, 265 (C).Cr.PC.	
Procurement of Attendance	Parties	Effective 1	Casual 0	Case Files	
	Witnesses	Effective 1	Casual 0	Adherence to Provisions of Order V CPC, Order XVI , Order XVII CPC, and to relevant chapters of Cr.PC. and Family Court Rules 1965.	
Procurement of Written Statement		Effective 1	Casual 0	Time Factor per Law	
Discovery Management		Effective 1	Casual 0	Order X,XI,XII and XIII CPC.	
Issues/Charge		Procedure Oriented 1	Casual 0	Order XIV Rule 3 , relevant provision of Cr.PC.	
Trial Scheduling / Trial Management		Effective 1	Casual 0	Scheduling Conference , Lawyers Database, Order of Examination of Witnesses.	
Evidence		Oral Statements	Recorded in Prescribed Manner 1	Casual 0	
		Documentary Exhibits	Signed 1	Not Signed 0	
Judgment		Timely Written & Consigned 2	Not Timely Consigned 0		Diary, Faisla Behi and Consignment Register
Meritorious Disposal (Summary or Contested)		Within Statutory/Policy Time Frame 1	Casual 0		Faisla Behi and Case Files
Achieved Score					
Achieved Score Calculation Tip: As applicable to A2 as above					
Formula applicable to variable categories= (Sum of Achieved Score X 12 / sum of Total category marks. e.g. 8 x 12/10=9.6 (round figure 10)					

A 10-12	B 7-9	C 4-6	D 0-3
------------	----------	----------	----------

B. ACHIEVEMENT Vs. TARGET STATUS (To be provided by DAW)

Note: This Indicator is not applicable for current inspection and marks assigned to it shall apply in future inspection having regard to the percentage calculated by DAW based on targets in accordance with District Judiciary Performance Monitoring and Evaluation Policy (2020-25).

Total Score (Table A and B) = 40

Total Achieved Score (Table A and B) = _____

OVERALL GRADING (including judgments) as per Total Achieved Score

A 31-40	B 21-30	C 11-20	D 0-10
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SPECIAL REMARKS/OBSERVATIONS:

C.No. 6(1-6)

REVISED INCENTIVE AND REWARD POLICY

In view of the proposals of Judicial Officers during the recent visits of Hon'ble Chief Justice to various Districts, and to achieve the object of administering expeditious and qualitative justice more effectively, Hon'ble the Chief Justice and Judges of this Court are pleased to revise the Incentive and Reward Policy as under: -

1. Hon'ble Chief Justice or an Hon'ble Judge of the High Court, nominated by the Hon'ble Chief Justice, Member Inspection Team and Additional Members Inspection Team shall yearly inspect the courts of the District and Sessions Judges/Zila Qazis, the Additional District and Sessions Judges/Izafi Zila Qazis, and the Senior Civil Judges/Aa'la A'laqa Qazis/Civil Judges-cum-Judicial Magistrates/A'laqa Qazis, respectively, for assessing their performance on the following lines: -
2. Performance of the entire Judicial year (1st April to 31st March next) shall be assessed under this policy. The current Judicial year, for the purpose of this Policy shall, however, comprise 10 months, starting from 1st June, 2004.

3. There shall be the following three areas of assessment, to be evaluated in terms of points: -

A. QUANTITATIVE PERFORMANCE

B. QUALITATIVE PERFORMANCE.

C. PERFORMANCE IN CASE AND COURT MANAGEMENT.

A. QUANTITATIVE PERFORMANCE.

i.	Trial. (Contested)	.....	2 points.
ii.	Appeal. (Contested).	.....	1 point.
iii.	Revision. (Contested).	.....	½ point.
iv.	*Execution.	.....	1 point.
v.	*Objection Petition.	.....	1 point.
vi.	*ADR.	.....	1 point.
vii.	Target achievement under the Units Policy. (Per month).	.....	1 point
viii	Target achievement under the Time Bound Delay Reduction Plan. (Per month).	.....	1 point.
.	* Not applicable to Criminal Courts.		

B. QUALITATIVE PERFORMANCE

(a) JUDGMENT.

i.	Concise statement of the case.	.....	5 points.
ii.	Incorporation of arguments.	.....	5 points.
iii.	*Decision on all issues of law, even if not pressed.	.....	5 points.
iv.	Appreciation of evidence.	.....	10 points.
v.	Reference to Statutory & Case law.	.....	5 points.
vi.	Grounds for decision and relief granted.	.....	10 points.

- | | | | |
|------|--|-------|------------|
| vii. | Clarity of expression and comprehensiveness.
* Not applicable to Criminal Courts. | | 10 points. |
|------|--|-------|------------|

(b) PROCEEDINGS.

- | | | | |
|------|---|-------|-----------|
| viii | Proper framing of charge/issues. | ..... | 3 points. |
| ix. | Proper disposal of interlocutory matters, and precision in recording order sheet. | ..... | 5 points. |

Total	58 points
--------------	------------------

C. PERFORMANCE IN CASE & COURT MANAGEMENT.

- | | | | |
|------|--|-------|------------|
| i. | Use of Checklist during all stages of proceedings | ..... | 10 points. |
| ii. | Case prioritization as per instructions of the High Court. | ..... | 10 points. |
| iii. | Timely issuance of processes, and follow up. | ..... | 10 points. |
| iv. | Maintenance of Registers, case files and Accounts | ..... | 10 points. |
| v. | Proper Correspondence. | ..... | 05 points. |
| vi. | Management of Library and Court Assets. | ..... | 10 points. |
| vii. | Maintenance of updated monthly chronological list, also showing stages, of all pending cases, both category-wise and combined. | ..... | 10 points. |

viii.	Proper levying of Court fee, stamp fee and process fee and maintenance of record thereof.	.....	10 points.
ix.	Timely consignment of Judicial record.	.....	10 points.
x.	Preparation of correct monthly & year-wise statements	.....	10 points.
xi.	Quarterly Inspections.	.....	5 points.
Total			100 points.

FOR DISTRICT AND SESSIONS JUDGE/ZILA QAZI AND SENIOR CIVIL JUDGE/AA'LA A'LAQA QAZI (IN ADDITION TO ABOVE).

xii.	**Timely completion and proper maintenance of ACRs of Ministerial staff.	.....	5 points.
xiii.	**Maintenance of updated seniority list of Ministerial staff.	.....	5 points.
xiv.	*Timely submission of periodical statements.	.....	10 points.
xv.	*Inspections/Surprise visits.	.....	10 points.
xvi.	**Initiative and Leadership.	.....	10 points.
xvii.	*Conducting proceedings of District Committees.	.....	10 points.
xviii.	*Management/Maintenance of Record Room.	.....	10 points.
*Applicable to District and Sessions Judge/Zila Qazi only.			
**Applicable to both District and Sessions Judge/Zila Qazi and Senior Civil Judge/Aa'la A'laqa Qazi.			

Total**60 points**

4. While assessing the qualitative performance, mentioned in 2(B)(a) and 2(B)(b), at least 4 judgments (2 Civil and 2 Criminal) and 4 Cases (pending or decided) respectively, to be selected at random, shall be examined.
5. Consolidated judgments in more than 1 case shall be considered as 1 case/Trial for the purpose of this policy.
6. The term “**Contested**” would refer to the definition provided in the Revised Units Policy.
7. The term “**Trial**” used in 2(A)(i) would denote all kinds of Trial i.e. Civil, Criminal, Family, Rent, Tribunal cases and other Special Court cases, and includes disposal mentioned at Sr # 16 of **A** and Serial # 15 of **C** of the Revised Units Policy.
8. “**Execution**” mentioned in 2(A)(iv) above would denote execution, resulting in full/partial satisfaction of the decree through comprehensive execution proceedings.
9. Disposal through Alternate Dispute Resolution (ADR), mentioned in 2(A)(v) above would not include disposal through compromise without efforts of the Court.
10. The qualifying period of Judicial work for entering the competition shall be 6 months.
11. In case of posting of a Judicial Officer at different stations during the Judicial year, his/her performance at all the stations shall be assessed.
12. In order to rationalize the competition with the pendency of a particular Court, the quantitative performance of Judicial Officers of a particular category shall be evaluated inverse to the formula given in **D** (4) of the Revised Units Policy.
13. Quantitative performance shall be evaluated in respect of one particular month, the contested disposal whereof is nearest to the average monthly disposal of the whole year.
14. For the purpose of competition for reward, the Judicial Officers are categorized as follows: -
 - a. District and Sessions Judges/Zila Qazis.
 - b. Additional District and Sessions Judges/Izafi Zila Qazis.
 - c. Senior Civil Judges/Aa'la A'laqa Qazis.
 - d. Civil Judges/A'laqa Qazis.
 - e. Judicial Magistrates. (Exclusively).

Working either
exclusively as a Civil
Court or as
Magistrate as well.

15. The qualifying marks for entering the competition shall be as follows:

-
- District and Sessions Judge/Zila Qazi..... 135 points.
 - AD&SJ/Izafi Zila Qazi..... 110 points.
 - Senior Civil Judge/Aa'la A'laqa Qazi..... 110 points.
 - Civil Judge 105 points.
 - Judicial Magistrates (Exclusively)..... 95 points.

16. (a) Rewards to the successful competitors shall be given as per table below: -

CATEGORY	POSITION	MONITOR Y REWARD	OTHER REWARD.
District and Sessions Judge/Zila Qazi.	1 st	Rs. 10000/-	Certificate & entry in ACR.
	2 nd	Rs. 9500/-	
	3 rd	Rs. 9000/-	
	4 th	Rs. 8500/-	
	5 th	Rs. 8000/-	

Additional District and Sessions Judge/Izafi Zila Qazi.	1 st	Rs. 9500/-	Certificate & entry in ACR.
	2 nd	Rs. 9000/-	
	3 rd	Rs. 8500/-	
	4 th	Rs. 8000/-	
	5 th	Rs. 7500/-	
	6 th	Rs. 7000/-	
	7 th	Rs. 6500/-	
	8 th	Rs. 6000/-	

Senior Civil Judge/Aa'la A'laqa Qazi.	1 st	Rs.8000/-	Certificate & entry in ACR.
	2 nd	Rs.7500/-	
	3 rd	Rs. 7000/-	
	4 th	Rs. 6500/-	
	5 th	Rs. 6000/-	

Civil Judge/A'laqa Qazi.	1 st	Rs. 7500/-	Certificate & entry in ACR.
	2 nd	Rs. 7000/-	
	3 rd	Rs. 6500/-	
	4 th	Rs. 6000/-	
	5 th	Rs. 5500/-	
	6 th	Rs. 5000/-	
	7 th	Rs. 4500/-	
	8 th	Rs. 4000/-	
	9 th	Rs. 3500/-	
	10 th	Rs. 3000/-	

Magistrate.	1 st	Rs. 7000/-	Certificate & entry in ACR.
	2 nd	Rs. 6500/-	

- (b) In case of tie for any position, except the last position, the position of competitors shall be determined by draw, subject to the maximum limits of rewards for each category. In case of tie for the 1st position, all the competitors falling in tie shall be entitled to certificate and entry in ACR. In case of tie for the last position, the reward shall be distributed among the competitors, equally.

(PHC letter No. 985-1008/MIT Dated 5th of June, 2004)

C. No. 7(1-6)

TIME-BOUND DELAY REDUCTION PLAN FOR DISPOSAL OF OLD CASES.

I am directed to refer to the subject noted above and to enclose herewith the subject plan of cases to be disposed of on or before specified target dates for which at least seven cases are to be heard on day to day basis so that the targets may be achieved conveniently.

The targets have been so planned as to not to affect the routine disposal of comparatively fresh cases which would continue as such. In case of transfer of old cases amongst the Judicial Officers, for any plausible reason, the priority and emphasis would not only travel with the case but would also be so adjusted as to ensure constant achievement of disposal of 4 old cases monthly.

(PHC letter No. DR/(ADMN)/HC/43-A-9/2002 Dated 3rd July, 2002)

C.No. 8(1-6)

TIME-BOUND DELAY REDUCTION PLAN FOR DISPOSAL OF OLD CASES.

I am directed refer to this Court letter # D.R./ (Admn)/HC/43-A-9/2002 dated 5th July, 2002, on the subject noted above and to state that Hon'ble the Chief Justice has been pleased to revise the subject Plan, to the effect that henceforth each District and Sessions Judge/Zila Qazi and Additional District and Sessions Judge/Izafi Zila Qazi shall decide monthly 3 out of 8 oldest cases (including Appeals) pending on his diary. Each Senior Civil Judge/A'ala A'laqa Qazi and Civil Judge/A'laqa Qazi shall decide monthly 4 out of 8 oldest cases pending on his diary, whereas each Judicial Magistrate shall decide monthly at least 3 out of 8 oldest cases on his diary. In case of a Judicial Officer working both as Civil Judge and Judicial Magistrate, he shall decide monthly at least 2 Civil and 2 Criminal cases out of 6 oldest Civil and 6 oldest Criminal Cases, on his diary. In the event of any of such cases not disposable for un-avoidable reasons, the same may be taken up for disposal in the next month, provided that no such old case shall be carried forward for disposal beyond 4 months in any case.

In case of non-achievement of targets, the relevant columns in the monthly statement must be filled in future by stating the reasons. Rectified Proformas are also attached herewith. The revised plan shall be effective from 1st September, 2003.

I am, therefore, to ask you to please circulate the revised plan amongst all the Judicial Officers of your respective District for information and compliance.

(PHC letter No. 9918-9941/Admn dated 18th August, 2003.)

C.No. 9(1-6)

TIME-BOUND DELAY REDUCTION PLAN FOR THE DISPOSAL OF OLD-CASES.

I am directed to refer to this Court letter No 9918-9941/Admn dated 18th August, 2003 on the subject noted above and to state that, in view of the increased administrative responsibilities of District and Sessions Judges/Zila Qazis and Senior Civil Judges/A'ala A'laqa Qazis, Hon'ble the Chief Justice has been pleased to further revise the subject plan as under; -

- a. The subject plan shall not apply to the District and Sessions Judges/Zila Qazis;

Provided that in those Districts where no Additional District and Sessions Judge/Izafi Zila Qazi is posted, the District and Sessions Judge/Zila Qazi shall decide 2 out of 6 oldest cases (including appeals) on his diary.

- b. A Senior Civil Judge/A'ala A'laqa Qazi shall decide monthly at least 3 out of 8 oldest cases on his dairy. In the case of a Senior Civil Judge/A'ala A'laqa Qazi working both as Civil Judge and Judicial Magistrate, he shall decide at least 2 Civil cases and 1 criminal case out of 6 oldest civil and 4 oldest criminal cases on his diary.
- c. The above plan shall be effective from 1st February, 2004.

(PHC letter No. 112-244/MIT, Dated 27th January, 2004)

C.No. 10(1-6)

TIME-BOUND DELAY REDUCTION PLAN FOR DISPOSAL OF OLD CASES.

I am directed to refer to this Court letter # 9918-9941/Admn dated 18th August, 2003, (copy enclosed), on the subject noted above and to state that, in view of the units policy having been revised, Hon'ble the Chief Justice has been pleased to further amend the subject plan, to be effective from 1st June 2004, as under-

In the letter referred to above, for the figures, words and comma "2 Civil and 2 Criminal cases out of 6 oldest Civil and 6 oldest Criminal Cases," the figures and words "4cases out of 8 oldest cases" shall be substituted.

I am, therefore, to request you to please circulate the above amendment amongst all the Judicial Officers of your respective District for information and compliance.

(PHC letter No. 925-48/MIT Dated 25th May, 2004)

C.No. 11(1-6)

TIME-BOUND DELAY REDUCTION PLAN FOR DISPOSAL OF OLD CASES.

I am directed to refer to the subject noted above and to forward the following consolidated subject plan, in supersession of all the previous directions issued from time to time in this behalf: -

1. Each District and Sessions Judge/Zila Qazi, in those Districts where no Additional District and Sessions Judge/Izafi Zila Qazi is posted, shall decide monthly 2 out of 8 oldest cases (including appeals) on his diary.
2. Each Additional District and Sessions Judge/Izafi Zila Qazi shall decide monthly 3 out of 8 oldest cases (including appeals) on his diary.
3. Each Senior Civil Judge/Aa'la A'laqa Qazi, whether working exclusively as such or both as Senior Civil Judge and Magistrate, shall decide monthly at least 3 out of 8 oldest cases on his diary.
4. Each Civil Judge/A'laqa Qazi, whether working exclusively as such or both as Civil Judge and Magistrate, shall decide at least 4 cases out of 8 oldest cases on his diary.
5. Each Magistrate shall decide at least 3 out of 8 oldest cases on his diary.
6. In the event of any of such cases, required to be disposed of in a month, but not decided for unavoidable reasons, the same may be taken up for disposal in the next month: Provided that in no circumstances shall such old case be carried forward for disposal beyond 4 months.
7. In case of non-achievement of target, the relevant column in the monthly statement must be filled in by stating the reasons.

I am, therefore, to request you to please circulate this consolidated plan amongst all the Judicial Officers of your respective District for information and compliance.

(PHC letter No. 1068-91/MIT, Dated 8th July, 2004)

C. No. **12**(1-6)

CELL FOR ERADICATION OF CORRUPTION

PESHAWAR HIGH COURT

NOTIFICATION

In pursuance of the decision of the National Judicial (Policy Making) Committee and in order to improve the present mechanism for eradication of corruption from Judiciary, the Hon'ble Chief Justice has been pleased to order the establishment of "Cell for Eradication of Corruption from Judiciary" in the office of Registrar, Peshawar High Court, Peshawar under the supervision of the Hon'ble Chief Justice and an Hon'ble Judge to be nominated for the purpose by the Hon'ble Chief Justice.

(PHC Endst: No.4361-4460/Admn Dated Peshawar, 13th May, 2009)

C.No. **13**(1-6)

**HON'BLE SENIOR PUISNE JUDGE AS HEAD OF ERADICATION
OF CORRUPTION CELL**

PESHAWAR HIGH COURT

NOTIFICATION

No. 131-J The Competent Authority has been pleased to place the "Eradication of Corruption Cell" of this Court under the Member Inspection Team to be headed by the Honorable Judge, with immediate effect.

(PHC Endst No. 9433-9533/Admn dated Peshawar 26th May, .2017)

**PROVINCIAL SERVICES LAWS APPLICABLE TO
ESTABLISHMENT OF PESHAWAR HIGH COURT**

SECTION- VII

C.No. 1(1-7)

**Rule 17 of the Peshawar High Court Ministerial Establishment
(Appointment and Terms and Conditions of Service) Rules, 2020.**

General Rules. -- In all other matters not expressly provided for in these rules or any other rules hereafter made, the rules made or deemed to have been made by Government under the Khyber Pakhtunkhwa Civil Servants Act, 1973 [(Khyber Pakhtunkhwa)¹ Act XVIII of 1973], shall mutatis mutandis apply to the holders of posts under these rules.

C.No. 2(1-7)

**INITIAL APPOINTMENTS TO CIVIL POSTS (RELAXATION OF
UPPER AGE LIMIT) RULES, 2008**

**GOVERNMENT OF [KHYBER PAKHTUNKHWA]²
ESTABLISHMENT & ADMINISTRATION DEPARTMENT
(Regular Wing)**

NOTIFICATION

Peshawar, dated 01st March, 2008

No. SOE-III/(E&AD)2-1-2007.- In pursuance of the powers granted under Section 26 of the [Khyber Pakhtunkhwa]³ Civil Servants Act, 1973 (⁴*Khyber 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.

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. (1) Nothing in these rules shall apply to the appointment in BS-17 /¹ and the posts of Civil Judges cum Judicial Magistrates/Illaqqa Qazi, BPS 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.

¹[(2) For appointment to the post of Civil Judge-cum-Judicial magistrate/Illaqqa 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.]

PART-II – GENERAL RELAXATION

² [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 extent mentioned against each in column No. 3 of the Table below:

TABLE

S. No.	Category of candidates	Age Relaxation admissible
1	2	3
ii.	Government Servants who have completed 2 years' continuous service	Up to 10 years automatic relaxation
iii.	Candidates belonging to backward areas as specified in the Appendix attached herewith.	Three years automatic relaxation
iv.	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

¹ Added vide Notification No. SOE-III/(E&AD) 2-1-2007 dated 9th December, 2010 & Notification No. SOE-III/(E&AD) 2-1-2007 dated 29th January, 2011.

² Added vide Notification No. SOE-III/(E&D)2-12007 dated 26th October, 2011

² Added vide Notification No. SOE-III/(E&AD)2-1/2007 Dated 09-12-2010

		Minister of the Khyber Pakhtunkhwa]
v.	Widow, son or daughter of a deceased civil servant who died during service <i>and son/brother in case of a shaheed of Police Department; and</i>	Discretion of the appointing authority.
vi.	Disabled persons/ <i>divorced woman/widow</i>	10 years automatic relaxation
vii.	(a) ¹ Employees or ex-employee of development projects of the Government of [Khyber Pakhtunkhwa] ² ; and (b) Employee or ex-employee of development projects of the Federal Government under the administrative control of the Government of [Khyber Pakhtunkhwa] ³	Equal to the period served in the projects, subject to a maximum limit of ten years.”

⁴[Provided that the age relaxation at serial No. VI shall not be available in conjunction with any other provisions of these rules.]

(ii) In case of divorced woman or widow, the following certificates shall be produced by the applicant at the time of applying for age relaxation.

(d) in case of widow, death certificate of husband;

(e) in case of divorced woman, divorce certificate from the District Coordination Officer of the District concerned;

(f) 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.”]

¹ Added vide Notification No.SOE-III(E&AD)2-1/2007 Dated 29-01-2011

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

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

⁴ Added by Notification No.SOE-III(E&AD)2-1/2007 dated 29-1-2011

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. ¹[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.

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.

[Appendix]
[See Rule 3 (ii)]

- i. Khyber Agency
- ii. Kurram Agency
- iii. *Orakzai Agency*²
- iv. Mohmand Agency
- v. North Waziristan Agency
- vi. South Waziristan Agency
- vii. Malakand Agency including protected areas (Swat Ranizai and Sam Ranizai) and Bajour.
- 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.

¹ Added vide Notification No.SOE-III(E&AD)2-1/2007dated 26-10-11

² Added Vide letter No.SOE-III(E&AD)2-1/2007 Dated 12th March 2008

- 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.

C.No. 3(1-7)

THE ¹[KHYBER PAKHTUNKHWA] GOVERNMENT SERVANTS (CONDUCT) RULES, 1987.

1. **Short title and commencement.** (1) These rules may be called the ²[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 ³[Khyber Pakhtunkhwa] serving in connection with the affairs of the North-West Frontier Province, 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 North-West Frontier as the Provincial 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 ⁴[Khyber Pakhtunkhwa];
- (b) “Government Servant” means a person to whom these rules apply;
- (c) “member of a Government Servant’s family” includes: -

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

- (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 ¹[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.

² [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 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 ³[Khyber Pakhtunkhwa] Civil Servants Act, 1973 or any other law for the time being in force, including the ⁴[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

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

² Inserted by Notification No. SOR.II(S&GAD)5(2)/79(C), dated 27.1.1997

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

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

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 [(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

¹ Added by S.O OR V-I(E&AD)2-16/2003 dated 28.06.2004

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 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 thousand 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.

7 **Public demonstration in Honor of Government servants or raising of funds by them:-**(1). No Government servant shall encourage meetings to be held in his honor 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 honor.

- (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.

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

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]

¹ Omitted by Notification No.SOR-VI/E&AD/2-16/2003 dated 07.03.2005 and before omission this rule stood as

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.

¹[(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]

13. ² **[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.

¹ Substituted and added vide notification No.SOR-VI/E&AD/2-16/2003 dated 7-3-2005

² Substituted by Notification No. SORIII(S&GAD)5(2) 79, dated 9.6.1996

(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 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 labor 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, favoritism and victimization, etc.:-** No Government servant shall indulge in provincialism, parochialism, nepotism, favoritism, 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 favor, 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 or 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 recognize 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 causal 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. 4(1-7)

**THE KHYBER PAKHTUNKHWA GOVERNMENT SERVANTS
(EFFICIENCY & DISCIPLINE) RULES 2011**

NOTIFICATION

Peshawar dated, 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-

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

- (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]¹ 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
 - (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;
- (j) “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;
- (k) “inquiry officer” means an officer appointed by the competent authority under these rules;

¹ Added vide Notification No.SO(Policies)E&AD/2-6/2017 Dated 7-12-2017

(1) “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:

¹ Added vide Notification No.SO(Policies)E&AD/2-6/2017 Dated 7-12-2017

- (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. ¹[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 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:

¹ Substituted vide Notification No.So (REG-VI)E&AD/2-6/2010 Dated 18th July 2012

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 with¹[] 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

¹ The word “immediate” deleted vide notification No.SO(Reg-VI)E&AD/2-6/2010 dated 18-07-2012

to resume duty within fifteen days of issuance of the notice. If the same is received back as undelivered or no response is received 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) In a case where preliminary or fact-finding inquiry was conducted, and the competent authority decides to hold formal inquiry, the inquiry officer or the inquiry committee for the purpose of conducting formal inquiry shall be different from the inquiry officer or the inquiry committee which conducted the preliminary inquiry.

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) Provided 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.

¹ Added vide Notification No.So(REG-VI)E&AD/2-6/2010 Dated 18th July 2012

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 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, willfully 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.

(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

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

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(1-7)

THE ¹[KHYBER PAKHTUNKHWA] CIVIL SERVANTS (APPEAL) RULES, 1986

GOVERNMENT OF ²[KHYBER PAKHTUNKHWA] 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 ³[Khyber Pakhtunkhwa] Civil Servants Act, 1973 (NWFP Act XVIII of 1973), read with section 22 thereof, the Governor of the ⁴[Khyber Pakhtunkhwa] is pleased to make the following rules, namely:-

THE ⁵[KHYBER PAKHTUNKHWA] CIVIL SERVANTS (APPEAL) RULES, 1986

1. **Short title, commencement and application.** __ (1) These rules may be called the ⁶[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;

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

- (b) “Competent Authority” means the authority or authorized officer, as the case may be, as defined in the ¹[Khyber Pakhtunkhwa] Government Servants (Efficiency and Discipline) Rules, 1973², 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 ³[Khyber Pakhtunkhwa] Servants (Efficiency and Discipline) Rules, 1973⁴.

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:

⁵[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.

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

² Now under The Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011

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

⁴ Now under The Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011

⁵ 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.

(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.

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.

(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 increase.

(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

C.No. 6 (1-7)

THE KHYBER PAKHTUNKHWA
MEDICAL ATTENDANCE RULES, 2016.

NOTIFICATION

Peshawar, dated 12th August, 2016,

No. E&A/Health/3-60/2016:- In exercise of the powers conferred by section 26 of the Khyber Pakhtunkhwa Civil Servant Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973), the Government 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 Medical Attendance Rules, 2016.

(2) They shall apply to all civil servants in service or retired of the Province of the Khyber Pakhtunkhwa and their family members.

(3) They 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) “Authorized Medical Attendant” means a doctor in a Government hospital and includes Professor, Associate Professor, Assistant Professor, Senior Registrar, District Specialist, Specialists posted in Government hospitals or any other Specialist in Government hospital, Chief Medical Officer (CMO), Principal Medical Officer (PMO), Senior Medical Officer (SMO), Medical Officer (MO), Dental Surgeon and Casualty Medical Officer;

- (b) “civil servant” means a civil servant as defined in the Khyber Pakhtunkhwa Civil Servant Act, 1973;
- (c) “Directorate General” means the Directorate General, Health Services, Khyber Pakhtunkhwa;
- (d) “Director General” means the Director General of the Directorate General;
- (e) “emergency case” means and includes road traffic accidents, myocardial infarction, burns/scalds, blast, poisoning, head injury or any other medical or surgical emergency of equivalent nature as determined by the Authorized Medical Attendant;
- (f) “family members” mean parents, wife or wives, husband, sisters and minor brothers, sons and daughters and step-children of a civil servant, residing with him and wholly dependent upon him;
- (g) “Government” means the Government of the Khyber Pakhtunkhwa;
- (h) “Government hospital” means a public sector hospital and includes Civil Dispensary (CD), Basic Health Unit (BHU), Rural Health Center (RHC), Dental Hospital, Civil Hospital (CH), Tehsil Headquarters Hospital (THQH), District Headquarters Hospital (DHQH), Teaching Hospital, Autonomous Teaching Hospital of the Government, and hospitals duly categorized by the Government from time to time;
- (i) “medical attendance” means services provided to a patient in Government hospital or private hospital, as the case may be, and include consultation on such pathological, bacteriological, radiological or other methods of examination for the purpose of diagnosis and treatment;
- (j) “patient” means a civil servant and his family member, who has fallen ill or need promotive, preventive, curative or rehabilitative care;

- (k) “private hospital” means hospital other than a Government hospital with which the Government has entered into an agreement for the treatment of patients and includes, in case of emergency, Combined Military Hospital, Private Hospitals, Social Security Hospitals, any Military or Forces Hospital and Specialized Institutes in Pakistan; and
- (l) “Treatment” means the use of all medical, surgical, diagnostic and rehabilitative facilities available at the Government hospital or in private hospital in which the patient is treated, and includes-
- (i) the employment of such medical, surgical, pathological, bacteriological, radiological, rehabilitative or other methods, as is considered necessary by the Authorized Medical Attendant;
 - (ii) the supply of such medicines, vaccines, sera or other therapeutic substances as are ordinarily available in the Government hospital or private hospital, as case may be;
 - (iii) the supply of such medicines, vaccines sera or other therapeutic substances not ordinarily so available, as the Authorized Medical Attendant may certify in writing to be essential for the recovery or for the prevention of serious deterioration in the condition of the patient; and
 - (iv) such accommodation as is ordinarily provided in the Government hospital or private hospital, as the case may be and is suited to his status. Such nursing care as is ordinarily provided to inpatients by the hospital. Such diagnostics/laboratory investigations/imaging etc., as are ordinarily available in such hospitals.

- (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 Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973).

3. Entitlement. ---(1) A patient is entitled to free of charge medical attendance or treatment, as the case may be, subject to such ceiling as may be fixed by Government.

- (2) Where a patient is entitled to receive free of charge medical attendance or treatment, as the case may be, any amount paid by him on account of such medical attendance or treatment, as the case may be, shall be reimbursed by Government on production of a certificate in writing by the Authorized Medical Attendant in this behalf with all necessary documents as determined, and after proper verification or authentication by the Deputy Director (Admn) of Directorate General.

(3) The necessary documents shall include-

- (a) a written certificate by the Authorized Medical Attendant;
- (b) medical record of the patient;
- (c) the printed tariff of the Government hospital or private hospital;
- (d) detailed bill of the Government hospital or private hospital; and
- (e) duly signed receipt in token of having paid

4. Referral. ---(1) If the Authorized Medical Attendant is of opinion that the case of a patient is of such a serious or special nature as to require medical attendance or treatment, as the case may be, by another medical attendant, he may-

- (a) send the patient to the nearest Government hospital, where in his opinion, medical attendance or treatment, as the case may be, is required for the patient, or in case of serious or life-threatening conditions, to the place in the Province or Country, as the case may be, where such medical attendance or treatment is available. The referral has to be to Government hospital in the first instance, and if not available, then he may refer the patient to private hospital with full justification and with prior approval of Director General:

Provided that the approval or otherwise of the Director General, for such referral, shall be communicated within seven (07) working days of such referral request; or

- (b) request such specialist or other medical officer, to attend upon the patient, if the patient is unable to travel due to illness.
- (2) The Casualty Medical Officer shall be authorized medical attendant in serious cases, needing immediate referral, if there is no such hospital as mentioned in sub-rule (1), to such hospital in the Province as may, in the opinion of such Authorized Medical Attendant, provide the necessary medical attendance or treatment, as the case may be.
- (3) In any exceptional case where the Authorized Medical Attendant is of the opinion that the necessary medical attendance or treatment, as the case may be, is available only in a hospital outside the Province, he may with the prior approval of Director General, refer the patient for such medical attendance or treatment, as the case may be, in such hospitals:

Provided that the approval or otherwise of the Director General, for such referral, shall be communicated within seven (07) working days of such referral request.

- 5. Travelling Allowance.**---(1) When a patient is referred by the Authorized Medical Attendant under rule 4, the patient shall be entitled to travelling allowance at tour rates for the journey to and from the initial referral point.

(2) If the patient is unable to travel due to illness, the Authorized Medical Attendant shall be entitled to travelling allowance at tour rates for the journey to and from the initial referral point:

Provided that a patient shall not be entitled to travelling allowance for a journey for attendance by a dentist.

- 6 Treatment.**---(1) Subject to rule 4, the patient shall be entitled to free of charge treatment in Government hospital or private hospital, as the case may be, at or near the place where he falls ill as in the opinion of

the Authorized Medical Attendant to provide the necessary and suitable medical attendance or treatment, as the case may be.

(2) In case of emergency or for diseases mentioned in the Medical Attendance Card to be issued by the Finance Department of the Government, any medical consultant or Specialist anywhere in the Country, duly registered with Pakistan Medical and Dental Council, shall be the Authorized Medical Attendant, of private hospital.

(3) The family members shall also be entitled, free of charge, to medical attendance or treatment, as the case may be, on the scale and under the conditions allowed to the Civil Servant himself, at a Government hospital or private hospital at which the Civil Servant is entitled to receive such medical attendance or treatment, as the case may be.

(4) Civil Servants, who are sent abroad on duty, shall be allowed the following facilities for purposes of treatment during the period they are on duty abroad-

- (a) reasonable cost of treatment shall be met by Government if a Civil Servant actually falls ill while he is on duty abroad. The medical attendance or treatment, as the case may be, shall be subject to such ceiling as may be fixed by Government;
- (b) no routine checkup shall be permitted at Government expense nor would Government accept liability for treatment of any diseases from which a Civil Servant may have been suffering while in the Country and for which he may take the opportunity of his visit to a foreign country to receive medical attendance and treatment, as the case may be. Cases in which a disease from which a Civil Servant may have been suffering while in the Country, takes a turn for the worse and requires urgent medical attendance and treatment, as the case may be, may be considered on merits; and
- (c) the treatment shall be limited to the Country and the place to which the Civil Servant has been sent on duty.

7 Payment in advance.---(1) In case a disease or condition of the patient is of such a nature that requires medical attendance or treatment, as the

case may be, at a private or specialized hospital or center in the Country and the cost is such that cannot be afforded by the patient within his available means, the patient shall be entitled to obtain the cost of treatment from such hospital or institute in the Country in advance, duly certified by head of that hospital or institute in the following manner,-

- (a) the Civil Servant shall submit the case to his respective authority, who after ascertaining facts, shall forward the case to Medical Section of Directorate General;
- (b) the Deputy Director (Admn) of Directorate General after due verification or authentication and obtaining approval of the Director General, shall place the proposal, for approval or otherwise, before the Standing Medical Board to be notified by the Health Department of Government. The Standing Medical Board after due verification and authentication may approve the case or otherwise; and
- (c) in case of approval, the Medical Section of Directorate General shall then forward the case through proper channel to the Finance Department of the Government for consideration of advance payment.

(2) The diseases and other conditions for the purposes of sub-rule (1) shall be notified by the Health Department of Government from time to time.

8 Claims by the Family Members of the Deceased.---In case of death of the patient, while under treatment, the medical reimbursement claims shall be paid to the family members upon production of record and after necessary verification or authentication by the Medical Section of Directorate General in accordance with the procedure mentioned in rules 3 and 4 of these rules. In case of approval, the Medical Section of Directorate General shall forward the case through proper channel to Finance Department of the Government for reimbursement. All such claims shall be submitted within two (2) years after death of the patient.

9 Empanelment of Government hospitals and private hospitals outside the Province.---(1) Government shall make arrangements for the patients with certain hospitals, outside the Province for certain

diseases to be notified by the Health Department of Government, where the treatment is specialized and where the facilities are not available in Government hospitals or private hospital in the Province, through an agreement. For this purpose, Government shall constitute a committee comprising of representatives of the Finance Department and Establishment Department of Government, representatives of Khyber Pakhtunkhwa Public Procurement Regulatory Authority, concerned specialists from Government hospitals and Special Secretary Health Department of Government which shall be headed by the Director General for empanelment.

(2) The committee while considering any hospital for empanelment shall ascertain that such hospitals must have the capacity and capabilities to address the disease satisfactorily and provide the quality of medical attendance or treatment, as the case may be to the patient.

(3) If a hospital empaneled by the committee, later on proves to provide sub-standard medical attendance or treatment, as the case may be, the empanelment of such hospital shall be delisted.

10 Medical Attendance Card.---As soon as may be, after the notification of these rules, the Finance Department of Government shall issue to all Civil Servants including retired Civil Servants a computerized bar-coded card, to be known as the Medical Attendance Card specifying the entitlement of the Civil Servant:

Provided that for the intervening period the diseases so to be mentioned in the Medical Attendance Card will be notified by Health Department of the Government:

Provided further that on conversion of entitlement to Health Insurance, to be so decided by Government, the Medical Attendance Card shall also stand converted.

11 Penalty. ---If any Civil Servant makes any fake or false claims, or those issuing false certificates or signing false medical documents and processing false medical claims, shall be punishable with imprisonment which may extend to six (6) months or fine which may extend to one lac rupees or with both.

12 Cognizance of offence. ---(1) No court inferior to that of Magistrate of first class shall take cognizance of an offence under these Rules:

Provided that the court shall take cognizance of an offence on the complaint made in writing by Director General or the controlling officer, as the case may be.

13 Repeal and savings. ---(1) The West Pakistan Government Servants (Medical Attendance) Rules, 1959, notified vide notification No. 4/III-S.O(V)-57, dated: 24th July, 1959 are hereby repealed in its application to the extent of civil servants of the Province of Khyber Pakhtunkhwa.

(2) Notwithstanding the repeal of the said rules, everything done, order passed, action taken or obligation, liability, penalty or punishment incurred under any of the provisions of the said rules, shall, if not inconsistent with the provisions of these Rules, continue in force and be deemed to have been done, passed, taken or incurred under the provisions of these Rules.

C.No. 7(1-7)

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. 8(1-7)

¹[KHYBER PAKHTUNKHWA] CIVIL SERVANTS REVISED LEAVE RULES, 1981

GOVERNMENT OF [Khyber Pakhtunkhwa]² FINANCE DEPARTMENT
(SR-IV SECTION)

NOTIFICATION
17th December, 1981

No.FD.SO(SR-IV)5-54/80(Vol:II).__In exercise of the powers conferred by section 26 of the [Khyber Pakhtunkhwa]³ Civil Servants Act, 1973 [(Khyber Pakhtunkhwa)⁴ Act XVIII of 1973] and in supersession of this Department's Notification No.FD.SO(SR-IV)1-17/78, dated the 20th November, 1979, the Governor of the ⁵[Khyber Pakhtunkhwa] is pleased to make the following rules namely:-

[KHYBER PAKHTUNKHWA]⁶ CIVIL SERVANTS REVISED LEAVE RULES, 1981

1. Short title, commencement and application. __ (1) These rules may be called the [Khyber Pakhtunkhwa]⁷ Civil Servants Revised Leave Rules, 1981.

(2) They shall come into force at once

(3) They shall apply to all Civil Servants under the rule making authority of the Governor except those who opted not to be governed by the [Khyber Pakhtunkhwa]⁸ Civil Servants Leave Rules, 1979.

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

⁸ Substituted by The Khyber Pakhtunkhwa Laws (Amendment) Act, 2011

2. Admissibility of Leave to Civil Servant.__ Leave shall be applied for, expressed and sanctioned in terms of days and shall be admissible to a civil servant at the following rate and scale: __

- (i) A civil servant shall earn leave only on full pay. It shall be calculated at the rate of four days for every calendar months of the period of duty rendered and credited to the leave account as “leave on fully pay” duty period of 15 days or less in a calendar month being ignored and those of more than 15 days being treated as a full calendar month, for the purpose. If a civil servant proceeds on leave during a calendar month and returns from it during another calendar month and the period of duty in either month is more than 15 days, the leave to be credited for both the incomplete months will be restricted to that admissible for one full calendar month only.
- (ii) The provisions of clause (i) will not apply to vacation departments. A civil servant of a vacation department may earn leave on full pay as under:__
 - (a) When he avails himself of vacation in a calendar year At the rate of one day for every calendar month of duty rendered;
 - (b) When during any year he is prevented from availing himself of the full vacation. As for a civil servant in non-vacation Department for that year; and
 - (c) When he avails himself of only a part of the vacation As in (a) above plus such proportion of thirty days as the number of days of vacation not taken bears to the full vacation.
- (iii) There shall be no maximum limit on the accumulation of such leave.

Note____¹ (deleted).

3. When leave earned.__ (a) All service rendered by a civil servant qualifies him to earn leave in accordance with these rules but shall not be earned during the period of leave.

¹ Deleted by Notification No. FD.50 (SR-IV) 5-54/80 (Vol.II), dated 1.6.1982

- (b) Any period spent by a civil servant in foreign service qualifies him to earn leave provided that a contribution towards leave salary is paid to the Government on account of such period.

4. Grant of Leave on Full Pay. __ (1) The maximum period of leave on full pay that may be granted at one time by the competent authority shall be as follows: -

- | | | |
|-------------|---|----------|
| (i) | Without medical certificate | 120 days |
| (ii) | With medical certificate | 180 days |
| PLUS | | |
| (iii) | On medical certificate from leave account in entire service | 365 days |

(2) The maxima prescribed at (i) and (ii) of sub-rule (1) are independent of each other. In other words, a civil servant may be granted, at a time, total leave on full pay on medical certificate up to the permissible extent in continuation of leave up to 120 days without medical certificate, subject to given conditions.

5. Grant of Leave on Half Pay._(1) Leave on full pay may be converted into leave on half pay, at the option of the civil servant.

(2) Debits to the leave account will be at the rate of one day of the former for every two days of the latter, fraction of one-half counting as one full day's leave on full pay.

(3) The request for such conversion shall be specified by the civil servant in his application for the grant of leave.

(4) There shall be no limit on the grant of leave on half pay so long as it is available by conversion in the leave account.

6. Conversion of Leave Account._(1) All leave at credit in the account of a civil servant who was in service on the 1st day of July, 1978, shall be carried forward and expressed in terms of leave on full pay. The leave account in such cases shall, with effect from 1st July, 1978 or in the case of a civil servant who was on leave on that date with effect from the date of his return from leave, be recast as under, ignoring the fraction if any:-

- | | | |
|------|---------------------|---------|
| (i) | Leave on full pay__ | |
| | (a) 1 month | 30 days |
| | (b) 1 day | 1 day |
| | | |
| (ii) | Leave on half pay__ | |
| | (a) 1 month | 15 days |
| | (b) 2 days | 1 day |

(2) In carrying forward the leave, the leave at credit of a civil servant in columns 7 and 8 and half of the leave at credit in column 9 of the existing leave account shall be carried forward to the new leave account of the civil servant.

(3) The leave availed under the existing rules from column 13 (a) of the leave account shall be debited against the maximum limit of three hundred and sixty-five days fixed under rule 4(1) (iii).

7. Leave not due. __ (1) **Leave** not due may be granted on full pay, to be offset against leave to be earned in future, for a maximum period of three hundred and sixty-five days in the entire period of service, subject to the condition that during the first five years of service it shall not exceed ninety days in all.

(2) Such leave may be converted into leave on half pay.

(3) Such leave shall be granted only when there are reasonable chances of the Civil Servant resuming duty on the expiry of the leave.

(4) Such leave shall be granted sparingly and to the satisfaction of the sanctioning authority but it shall not be admissible to the temporary civil servants.

8. Leave Salary. __ (1) leave pay admissible during leave on full pay shall be the greater of-

- (a) the average monthly pay earned during the twelve complete months immediately preceding the month in which the leave begins; and
- (b) the rate equal to the rate of pay drawn on the day immediately before the beginning of the leave.

(2) When leave on half pay is taken, the amount calculated under clause (a) and (b) of sub-rule (1) shall be halved to determine the greater of the two rates.

¹ [(3) A civil servant shall be entitled to the leave pay at the revised rate of pay if a general revision in pay of civil servants takes place or an annual increment occurs during the period of leave of the civil servant].

9. Special Leave to Female Civil Servants.___ A female civil servant may, on the death of her husband, be granted special leave on full pay not exceeding 130 days. This leave shall not be debited to her leave account and will commence from the date of death of her husband. For this purpose, she will have to produce death certificate issued by competent authority either along with her application for special leave or, if that is not possible, the said certificate may be furnished to the leave sanctioning authority separately.

10. Maternity Leave.___ (1) Maternity leave may be granted on full pay, outside the leave account, to a female civil servant to the extent of ninety days in all from the date of its commencement or forty-five days from the date of her confinement, whichever be earlier.

(2) Such leave may not be granted for more than three times in the entire service of a female civil servant except in the case of a female civil servant employed in a vacation department who may be granted maternity leave without this restriction.

(3) For confinement beyond the third one, the female civil servant would have to take leave from her normal leave account.

(4) The spells of maternity leave availed of prior to the coming into force of these rules shall be deemed to have been taken under these rules.

(5) Maternity leave may be granted in continuation of, or in combination with, any other kind of leave including extraordinary leave as may be due and admissible to a female civil servant.

(6) Leave salary to be paid during maternity leave shall be regulated as for other leave, in accordance with the formula provided in rule 8.

¹ Added by Notification No. FD.SO(SR-IV)5-54/80-Vol.III, dated 26.10.1994

(7) The leave salary to be paid during maternity leave will, therefore, remain unaffected even if any increment accrues during such leave and the effect of such an increment will be given after the expiry of maternity leave.

11. Disability Leave.__ (1) Disability leave may be granted outside leave account on each occasion up to a maximum of seven hundred and twenty days on such medical advice as the head of office may consider necessary, to a civil servant, other than civil servant in part time service, disabled by injury, ailment or disease contracted in course or in consequence of duty or official position.

(2) The leave salary during disability leave shall be equal to full pay for the first one hundred and eighty days and on half pay for the remaining period.

12. Extraordinary Leave. (Leave without pay).__ (1) Extraordinary leave may be granted on any ground up to a maximum period of five years at a time; provided that the civil servant to whom such leave is granted has been in continuous service for a period of not less than ten years. In case a civil servant has not completed ten years of continuous service, extraordinary leave without pay for a maximum period of two years may be granted at the discretion of the leave sanctioning authority. This leave can be granted irrespective of the fact whether a civil servant is a permanent or temporary employee.

(2) The maximum period of extraordinary leave without pay combined with leave on full pay and leave on half pay shall be subject to the limit of 5 years prescribed in FR-18, i.e. the maximum period of extraordinary leave without pay that would be admissible to a civil servant who has rendered continuous service for a period of not less than 10 years shall be 5 years less the period of leave on full pay and leave on half pay so combined.

¹[(3) Extraordinary leave may be granted retrospectively in lieu of absence without leave].

13. Leave on Medical Certificate.__ Leave applied for on medical certificate shall not be refused. The authority competent to sanction leave may, however, at its discretion, secure a second medical opinion by requesting the Civil Surgeon or the Medical Board to have the applicant medically examined. The existing provisions contained in Supplementary Rules 212, 213 and Rule 220 to 231 for the grant of leave on medical grounds will continue to apply.

¹ Added by Notification No. FD-SO(SR-IV)5-54/80(Vol-II) dated 1.6.1982

14. Leave Preparatory to Retirement.__ The maximum period up to which a Civil Servant may be granted leave preparatory to retirement shall be 365 days only. It may be taken subject to availability in the leave account, either on full pay or partly on full pay and partly on half pay, or entirely on half pay, at the discretion of the Civil Servant and it will not extend beyond the age of superannuation.

15. Recreation Leave.__ Recreation leave may be granted for fifteen days once in a calendar year, the debit to the leave account may, however, be for ten days leave on full pay:

Provided that such leave shall not be admissible to a Civil servant in a vacation department.

Note: Casual Leave (as Recreation Leave) shall, however, continue to be granted for 10 days only subject to other conditions under Government instructions.

16. Leave Ex-Pakistan.__ (1) Leave Ex-Pakistan may be granted on full pay to a civil servant who applied for such leave or who proceeds abroad during leave, or takes leave while posted abroad or is otherwise on duty abroad and makes a specific request to that effect.

(2) The leave pay to be drawn abroad shall be restricted to a maximum of three thousand rupees per month.

(3) The leave pay shall be payable in sterling, if such leave is spent in Asia other than Pakistan and India.

(4) Such leave pay shall be payable for the actual period of leave spent abroad subject to maximum of one hundred and twenty days at a time.

(5) The civil servants appointed after 17th May, 1958 shall draw their leave salary in rupees in Pakistan irrespective of the country where they spent their leave.

(6) Leave Ex-Pakistan will be regulated and be subject to the same limits and conditions as prescribed in rule 4,5 and 12.

17. Assigning reasons for leave.__ It shall not be necessary to specify the reasons for which leave has been applied, so long as that leave is due and admissible to a civil servant.

18. Commencement and end of leave.__ Instead of indicating whether leave starts/ends in the forenoon or after-noon, leave shall commence from the day following that on which a civil servant hands over the charge of his post. It shall end on the day preceding that on which he resumes duty.

19. Absence after the expiry of leave.__ Unless his leave is extended by the leave sanctioning authority, a civil servant who remains absent (except for circumstances beyond his control) after the end of his leave shall not be entitled to any remuneration for the period of such absence and double period of such absence shall be debited against his leave account. Such debit shall if there is insufficient credit in the leave account, be adjusted against future accumulations. Such double debit shall not preclude any disciplinary action that may be considered necessary under any rule for the time being in force after affording a reasonable opportunity to the civil servant concerned to indicate his position.

¹[**20. Encashment of Leave Preparatory to Retirement.**__²(1) Where a civil servant opts not to avail the leave preparatory to retirement admissible to him under rule 14, he shall be allowed leave salary for the period for which leave preparatory to retirement is admissible, subject to a maximum of ³[three hundred and sixty-five] days. For the purpose of lump sum payment in lieu of leave preparatory to retirement only the senior post allowance will be included in the leave pay so admissible. The payment of leave pay in lieu of leave preparatory to retirement may be made to the civil servant either in lump sum at the time of retirement or may at his option, be drawn by him month wise, in arrears, for and during the period of leave preparatory to retirement. This amendment shall take effect from 1.7.1983].

⁴[(2) Encashment of leave preparatory to retirement (LPR) not exceeding three hundred and sixty-five days shall be effective from the first day of July, 2012 and shall, for the entire period of leave refused or opted for encashment, be applicable to a civil servant retired, as the case may be, retiring on or, after the first day of July, 2012, provided such leave is available at his credit to a maximum of three hundred and sixty-five days.

(3) If at any time during such period, leave is granted on account of ill health supported by medical certificate or for performance of Hajj, the amount of cash

¹ Substituted by Notification No. FD.SO (SR-IV) 5-54/80(Vol:II), dated 24th August, 1983.

² Substituted by Notification No.SO (FR) FD 5-92/2005/VOL-V dated 13-12-12

³ Substituted by Notification No.SO (FR) FD 5-92/2005/VOL-V dated 13-12-12

⁴ Substituted by Notification No.SO (FR) FD 5-92/2005/VOL-V dated 13-12-12

compensation on account of leave pay shall be reduced by an amount equal to the leave pay for the period of leave so granted.

(4) Leave pay for the purpose of encashment of LPR shall be computed on the basis of pay and allowances reckonable towards pension as shown on the last pay certificate of a civil servant.]

¹ [21. **In Service Death, etc.**__ (1) In case a civil servant dies, or is declared permanently incapacitated for further service by a Medical Board, while in service, a lump sum payment equal to leave pay up to one hundred and eighty days out of the leave at his credit shall be made to his family as defined for the purposes of family pension or, as the case may be, to the civil servant].

(2) For the purpose of lump sum payment under sub rule (1), only the “senior post allowance” will be included in the “leave pay” so admissible.

22. Recall from Leave. __ If a civil servant is recalled to duty compulsorily with the approval of the leave sanctioning authority, from leave of any kind, which he is spending away from his headquarters, he may be granted single return fare plus daily allowance as admissible on tour from the station where he is spending his leave to the place where he is required to report for duty. In case he is recalled to duty at headquarters and his remaining leave is cancelled, the fare then admissible shall be for one-way journey only. If the order of recall to the civil servant is optional then the concession above mentioned will not be admissible.

23. Any type of leave may be applied.__ A civil servant may apply for the type of leave which is due and admissible to him and it shall not be refused on the ground that another type of leave should be taken in the particular circumstances for example, a civil servant may apply for extraordinary leave or leave on half pay even if leave on full pay is otherwise due and admissible to him, or he may proceed on extraordinary leave followed by leave on half pay and full pay rather than on full pay, half pay and without pay.

24. Combination of different types of leave etc.__ One type of leave may be combined with joining time or with any other type of leave otherwise admissible to the civil servant:

Provided that leave preparatory to retirement shall not be combined with any other kind of leave.

¹ Substituted by Notification No. FD.SO (SR-IV) 5-54/80 (Vol: III), dated 3.5.1988.

25. Civil Servants on leave not to join duty without permission before its expiry. _ Unless he is permitted to do so by the authority which sanctioned his leave a civil servant on leave may not return to duty before the expiry of the period of leave granted to him.

26. Leave due may be granted on abolition of post, etc._ (1) When a post is abolished, leave due to the civil servant, whose services are terminated in consequence thereof, shall be granted without regard to the availability of a post for the period of leave.

(2) The grant of leave in such cases shall, so long as he does not attain the age of superannuation be deemed automatically to have also extended the duration of the post and the tenure of its incumbent.

27. Manner of handing over charge when proceeding on leave, etc._ (1) A civil servant proceeding on leave shall hand over the charge of his post, and if he is in Grade-16 and above, he shall, while handing over charge of the post, sign the charge relinquishment report.

(2) If leave ex-Pakistan has been sanctioned on medical grounds, the civil servant shall take abroad with him copy of the medical statement of his case.

28. Assumption of charge on return from leave, etc._ (1) A civil servant, on return from leave, shall report for duty to the authority that sanctioned his leave and assume charge of the post of which he is directed by that authority unless such direction has been given to him in advance.

(2) In case he is directed to take charge of a post at a station other than that from where he proceeded on leave, travel expenses as on transfer shall be payable to him.

29. Account Office to maintain leave account. _ (1) Leave account in respect of a civil servant shall be maintained as part of his Service Book.

(2) The Account Offices shall maintain the leave accounts of civil servants of whom they were maintaining the accounts immediately before the coming into force of these rules.

30. Leave to lapse when civil servant quits service. _ All leave at the credit of a civil servant shall lapse when he quits service.

31. Leave application, its sanction, etc._ (1) Except where otherwise stated, an application for leave or for an extension of leave must be made to the head of office where a civil servant is employed and, in the case of the head of office to the next-above administrative authority and the extent of leave due and admissible shall be stated in the application.

(2) An audit report shall not be necessary before the leave is sanctioned.

(3) When a civil servant submits a medical certificate for the grant of leave, it shall be by an authorized medical attendant in the form attached to these rules.

(4) Leave as admissible to a civil servant under these rules may be sanctioned by the head of a Department, Attached Department, Office or any other officer authorized by him to do so and, when so required, leave shall be notified in the official Gazette.

(5) In cases where all the applications for leave cannot, in the interest of public service, be sanctioned to run simultaneously, the authority competent to sanction leave shall, in deciding the priority of the applications consider:

- (i) whether, and how many applicants can, for the time, best be spared;
- (ii) whether any applicants were last recalled compulsorily from leave; and
- (iii) whether any applicants were required to make adjustment in the timing of their leave on the last occasion.

**FORM OF MEDICAL CERTIFICATE
FORM-I**

Signature of applicant _____

**MEDICAL CERTIFICATE FOR CIVIL SERVANTS RECOMMENDED
FOR LEAVE OR EXTENSION**

I _____ after
careful _____ personal examination of the case, hereby
certify that, _____ whose signature is given above, is
suffering from _____ and I consider that a period of absence
from duty of _____ more with effect
from _____ is absolutely necessary for the
restoration of his/her health.

Dated, the _____ Government Medical Attendant _____

**APPLICATION FOR LEAVE
FORM-II**

Notes:- Item 1 to 9 must be filled in by all applicants. Item 12 applies only in the case of Government servants of Grade 16 and above.

1. Name of applicant.
2. Leave Rules applicable.
3. Post held
4. Department or office
5. Pay
6. House rent allowance/conveyance allowance or other compensatory allowances drawn in the present post.
7. Nature of leave applied for.
 - (a) Nature of leave applied for.
 - (b) Period of leave in days.
 - (c) Date of commencement.
8. Particular Rule /Rules under which leave is admissible.
9. (a) Date of return from last leave.
 - (b) Nature of leave.
 - (c) Period of leave in days.

Signature of applicant

10. Remarks and recommendation of the Controlling Officer.
11. Certified that leave applied for is admissible under Rule and necessary conditions are fulfilled.

Signature
Designation

12. Report of Audit office.

Signature
Designation

13. Orders of the sanctioning authority certifying that on the expiry of leave the application is likely to return to the same post carrying the compensatory allowances being drawn by him.

Dated

Signature
Designation

FORM III																						
FORM OF LEAVE ACCOUNT UNDER THE REVISED LEAVE RULES,1981																						
Leave Account of Mr./Miss/Mrs..... Date of commencement of service..... Date of attaining age of superannuation.....					(N.B---Instruction for filling in the form are printed on the succeeding pages.																	
Government/Department served under	PERIOD OF DUTY				Leave earned on full Pay 4 days for each calendar month.	Leave at Credit(column 21 +6)	LEAVE TAKEN (From Column 8 to 20)												Total Leave (Columns 20-21)	Balance on 1.7.1978/return from leave (Columns 7-20)	Re- mar- ks	ATTESTATION
							PERIOD		Leave on Full pay without medical certificate subject to maximum of 120 days & 365 days in case of	Leave on full pay on medical certificate subject to maxim of 180	Leave on full pay on medical certificate subject to maximum of	LEAVE ON HALF PAY		Recreation leave of 15 days in a year but 10 days to be debited.	LEAVE NOT DUE		ABSENC E					
												In terms of half pay	In terms of full pay		In terms of half pay	In terms of full pay	Actual No. of days	No. of days debitabale (double the actual number)				
	From	To	Y.M. D.	Full Cal - end -ar mo nths	Days	Days	Fro m	To	Days	Days	Days	Days	Day s	Da ys	Da ys	Days	D ay s	Day s	D ay s	Day s	Day s	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23

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