ORDER SHEET.
ISLAMABAD HIGH COURT, ISLAMABAD.
JUDICIAL DEPARTMENT.

W.P.No.2529/2019
Suriya Jamal
Vs.
Federation of Pakistan and others

S. No. of order/ proceedings	Date of order/ Proceedings	Order with signature of Judge and that of parties or counsel where necessary.
	10.12.2019	**Mr. Shajjar Abbas Hamdani, advocate for the petitioner.** **Mr. Arshid Mehmood Kiani, learned Dy: A-G.** **Mr. Mahmood Khan Lakho, S.O. Estb. Division.** **Mr. Akhtar Javed, S.O. M/o Information and Broadcasting.**

The petitioner is presently serving as Director General, Cyber Wing, Ministry of Information and Broadcasting. In the year 2013, the petitioner was promoted to BS-20. In December, 2018, the petitioner was considered for promotion by the Central Selection Board ("C.S.B.") to BS-21. Further, she was not promoted on the ground that her Performance Evaluation Report (PER) for the year 2017 was incomplete. Subsequently, the C.S.B. recommended that the petitioner's promotion be deferred in life with paragraph-1(b)(iii) of the Revised Promotion Policy, 2007. The petitioner's departmental representation against her deferment was not responded to.

The petitioner was again considered for promotion to BS-21 by the C.S.B. in its meeting held in May, 2019, but was again deferred. The reasons for the petitioner's deferment given in letter dated 08.08.2019, issued

by the Ministry of Information and Broadcasting are as follows:-

> ***"The Departmental Representative apprised the Board that the officer was deferred in CSB meeting held in 2015, 2016 and 2017, January, 2018 and November/December, 2018 owing to the reason that the officer had not attended the prescribed training and PER record was also incomplete. The Board was further apprised that the performance of the officer throughout the career had remained mediocre and she had not held independent assignment for the most part of her career. He corroborated his statement by making a reference to her dossier whereby she had only scored 63% in her NMC and was rated by her peers at the bottom as leader, professional and friend. The post record of the officer also corroborated statement of the Departmental Representative. Her PER for 2017 rates her output of work as 'Average'. In 2018 PER the countersigning officer had rated the assessment by the initiating officer as exaggerated .***
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> ***Keeping in view the above fact, the Board decided that the officer needs to be assessed for one year upon receipt of PER for 2019 when it becomes due and recommended the officer for deferment to further watch the performance of the officer for one year in line with para-1(b)(iii) of the Revised Promotion Policy, 2007"***

Learned counsel for the petitioner submitted that the reasons given for the petitioner's deferment are contrary to the fact inasmuch as the petitioner was not considered for promotion to BS-21 in the years 2015, 2016 and 2017; that the petitioner was first considered for promotion to BS-21 in December, 2018; that the sole ground on which the petitioner's promotion was deferred in December, 2018 was that her PER was incomplete; that the reasons for the petitioner's deferment in December, 2018 has no reference to petitioner being mediocre or not holding an independent

assignment during her career or her scoring less percentage in her National Management Course; that the documents brought on record clearly show that the petitioner's PER for the year 2017 was not "average"; that the Countersigning Officer in her PER for the year 2018 never reported that the Reporting Officer's remarks has been exaggerated; that that the reasons given in for the petitioner's deferment in the said letter dated 08.08.2019 are flawed; that the petitioner ought to be considered for promotion to BS-21 in the next meeting of the C.S.B.; and that the petitioner is entitled to be promoted with effect from the date when she was first considered for promotion to BS-21, but was deferred. Learned counsel for the petitioner prayed for the writ petition to be allowed in terms of the relief sought therein.

On the other hand, learned Deputy Attorney-General drew the attention of the Court to the letter dated 08.08.2019, issued by the Ministry of Information and Broadcasting and submitted that the reasons given in the said letter for the petitioner's deferment were sufficient not to promote her; that the petitioner is liable to be considered for promotion to BS-21 in the next meeting of the C.S.B., which shall evaluate her performance and if in its collective wisdom finds the petitioner fit for promotion; that benefits were already given to her under the law. The learned Deputy Attorney-General prayed for writ petition to be dismissed.

I have heard the contentions of the learned counsel for the petitioner as well as the learned Deputy Attorney-General.

The petitioner's PERs for the period between 01.01.2017 to 04.05.2017, the petitioner's overall grading was stated to be "good". The Reporting Officer had observed that she "can be considered" for promotion. The remarks of the Countersigning Officer in the said PERs are blank. As regards the petitioner's PERs for the period between 05.06.2017 and 27.10.2017 show that the petitioner's overall grading was reported to be *"good"* and she was also recommended to be promoted on her turn, subject to seniority. It was also reported that she has the capacity to meet the official assignments within the given deadline. The Countersigning Officer agreed with the comments and the grading given to the petitioner by the Reporting Officer.

The petitioner's PERs for the period between 03.02.2018 to 22.11.2018 show that the Reporting Officer had given an "outstanding" grading to the petitioner and had also found her fit for promotion. She had also written favourable and complementary remarks in the said PERs. The Countersigning Officer gave overall grading "very good" to the petitioner and recommended her promotion "on her turn".

No reply to the question as how well does he know the officer? If he disagrees with the assessment of the reporting officer, he remarked that "very well" the R.O. has not given any specific reasons for giving an "outstanding" report.

After having gone through the said PERs, I am of the view that the reasons given for the petitioner's deferment in the said letter dated 08.08.2019 are contrary to the record. As regards the remarks of the Countersigning Officer that the Reporting Officer had not given any reasons for giving an "outstanding" report to the petitioner, these could not have been made a ground for the petitioner's deferment. I am also of the view that the C.S.B. failed to take into account that even though the Reporting Officer had not given reasons for giving an "outstanding" report to the petitioner, but the Countersigning Officer had given a "very good" report to the petitioner. The petitioner's PERs for the year 2017 were, most definitely, not "average". Therefore, the reasons given in the said letter dated 08.08.2019 are liable to be struck off.

It is expected that the petitioner would be considered for promotion to BS-21 in the very next meeting of the C.S.B. It is well settled that where an officer's promotion is deferred and that officer is subsequently promoted, his/her seniority would be considered with effect from the date he/she was deferred.

Disposed of in the above terms.

(MIANGUL HASSAN AURANGZEB)
JUDGE

Sanaullah

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