



**OMBUDSMAN (محاسب) SECRETARIAT,
GOVERNMENT OF KHYBER PAKHTUNKHWA**

CLOSURE FINDINGS		
1	COMPLAINT NO.	PO/Complaint/0267/01/2024.
2	NAME & ADDRESS OF THE COMPLAINANT	Mr. Kamil Zada r/o KPRA Southern Region Bannu, House No. 207 Sector-B Bannu Township District Bannu, (Contact # 0346-9442613).
3	NAME OF THE AGENCY COMPLAINED AGAINST	Director General, Khyber Pakhtunkhwa Revenue Authority, Peshawar.
4	NAME OF THE INVESTIGATION OFFICER	Sadiq Dilawar, Senior Investigation Officer.
5	SUBJECT OF COMPLAINT	Request for Inquiry.
6	DATE OF REGISTRATION	06/02/2024.
7	DATE OF FINDINGS	23/09/2024.

THE COMPLAINT

Mr. Kamil Zada, Audit Officer in KPRA has filed a complaint stating that his case for promotion is pending for the last four years in the HR Department of KPRA. He alleged that the department has appointed individuals illegally, in violation of KPRA rules. Despite several requests to the authority to address this issue and consider his case, no action has been taken. He approached this forum and requested that injustice done to him may be redressed.

REPLY OF THE AGENCY

Notice under section 10(4) of the Khyber Pakhtunkhwa Provincial Ombudsman Act, 2010 was issued to Director General, Khyber Pakhtunkhwa Revenue Authority, Peshawar to meet the allegations contained in the complaint and submit reply including rebuttal, if any. In response, Director (HR, Admin & Coord) KPRA submitted that Director General KPRA called the complainant in person on 29/02/2024 to listen to his observations in detail for prompt redressal of his grievance. However, the complainant repeated the same claim/request which he has made to this authority. The authority in the interest of fairness and transparency, had constituted two Committees for redressal of the grievances of the complainant. The Committee report shows that Mr. Kamil Zada, Audit Officer (BPS-16) through his application stated that his experience of 10 months from 01/04/2011 to 31/01/2012 at Millat Tobacco Industries (Pvt) Limited and that two months from 28/08/2009 to 28/10/2009 have not been counted and requested for inclusion in the calculation of his experience marks and his aggregate marks may be adjusted accordingly. The Committee examined the applications and its annexures as well as the short listing sheet and final evaluation sheet and found that the certificates for the above mentioned experience were not provided/mentioned at the time of recruitment. The Committee found that his experience marks are calculated as per the experience certificates provided by the complainant comes to be of 06 years and there was no error/omission in calculating his experience vis-à-vis to the documents provided at that time. The Committee, therefore, agreed that no change in the second tentative seniority list is required.



REJOINDER

Reply of the Agency was shared with the complainant for feedback/rejoinder. In response, he controverted the stance of the Agency and reiterated his earlier stance.

HEARING

Due to divergent stance taken by both the parties case was fixed for hearing. The complainant appeared in person, while DD (Admn) and Mr. Sadiq Shah AD (HR) represented the Agency. Complainant provided experience Certificates, which the Agency representative denied its submission during appointment. The complainant submitted the transcript, clearly finds mention of two months experience. In the bottom of transcript and KPRA rules C(iii)C stated that practical training undergone by a candidate for becoming eligible for the award of an actual degree shall be counted as experience, if gained after and not during the academic session. The complainant argued that if they denied his experience Certificates, they should also deny his transcript on which his appointment was made. The representatives raised objection, stating that the experience gained was during the academic session. The transcript and other documents were sent to the concerned university Registrar to provide actual position, who confirmed the complainant version. The Registrar confirmed that the experience was gained by the complainant after completion of the course.

FINDINGS

Record shows that complainant was appointed as an Audit officer in KPRA. Despite submitting several applications for promotion, the complainant was ignored due to non-provision of experience Certificates. However, during hearing proceedings, the complainant provided the experience Certificates, which were denied by the representatives on the ground that they were not provided during appointment. Nevertheless, the transcript provided by the complainant clearly mentions two months of experience at the bottom, which was later verified by the concerned university Registrar to have been gained after completing the course. According to KPRA APT Rules, 2018, practical training undergone by a candidates after completing the academic session shall be counted as experience. The Hon'ble Peshawar High Court in Writ Petition No. 3353-P/2020, also granted relief to the petitioner based on the same KPRA APT Rules.

RECOMMENDATIONS


Based on the above Findings, it is recommended that the Agency considers the two months of experience mentioned in the complainant transcript because the complainant was appointed on the basis of that transcript and the Agency cannot deny this fact. The Agency should adhere to the KPRA Rules Schedule-II Clause C(iii)C and the judgement of the



**OMBUDSMAN (محتسب) SECRETARIAT,
GOVERNMENT OF KHYBER PAKHTUNKHWA**

Honorable Peshawar High Court Peshawar. The Agency is advised to do so within 45 days under intimation to this forum.

NOTE: Non-compliance shall warrant disciplinary/defiance proceedings in terms of Section 14 Sub-Section 6&7 of the Khyber Pakhtunkhwa Provincial Ombudsman Act, 2010, whereby, the Government will take necessary action for ensuring good governance.


Syed Jamalud Din Shah
Provincial Ombudsman.

23.9.2024