

**CHANGES IN P.E.R. FORMS FOR JUDICIAL OFFICERS TO
MAKE IT MORE REALISTIC, OBJECTIVE AND MERIT ORIENTED.**

Syed Asghar Ali Shah,

For proper appreciation of the role and value of Performance evaluation report (P.E.R) in service life and consequent on governance in a State, one has to grasp the historical development of it till the present day. Hence this write-up will highlight the subject.

History of performance evaluation report (P.E.R.)

No definite recorded information is available as per search of the writer as to when and by whom the practice of P.E.R (old named ACR) for state servants was introduced. A notification of the year 1948 was found containing mention of ACR which indirectly indicate that this system was introduced in British era. The philosophical approach available in the columns of P.E.R do support the aforesaid view as the same is based on very very deep appreciation of factual and natural performances which in humble view of the writer seldom remained local cultural approach. It is not governed by any statutory law or rules but under instructions of government. The nomenclature of P.E.R. was Annual confidential report (ACR) which though changed but no fundamental changes were brought in its formulation keeping in view the nature of job of officers particularly judicial officers. Confidentiality of P.E.R was kept intact. In humble view of the writer, if communication of PER (positive or negative) is allowed, this will has very positive effects for future reformation of an officer.

Object and importance of P.E.R.

The object of writing P.E.R. is to assess the actual performance and hidden potential of a state servant and decide about his future responsibility and promotion in service. The practice was aimed at ensuring common approach and equal competence of state servants so that system runs on a straight policy objectives to achieve understanding , familiarity and maturity in due course of time. Negative entries in the P.E.R are considered penal step in service matters and communicated to the effected servant so that he may be provided an opportunity of improvement as well as defence and the principle of natural justice “ *no one should be condemned unheard*” is met. It is also aimed at securing upright servant and weeding out the incompetent and corrupt. The P.E.R. is considered highly sacred and secret and writing of the same do require much expertise, visionary approach and upright/honest caliber of the reporting officer and of course the countersigning authority wherever applicable. Importance of P.E.R. can be summarized in the following one sentence;-

“It is the backbone of service life of a servant and foundation of good governance in a state”

Civil services are divided in two main categories i.e. selection post and non-selection post. During consideration for promotion of a servant to non-selection post i.e. upto BPS-18, fitness cum seniority remain the subjects of equal importance for consideration at the time of

promotion. Seniority is maintained under separate rules while fitness is assessed from entries in P.E.R. of a servant.

In selection post i.e. BPS-19 and above, seniority is though subject of consideration in promotion process but has no decisive role. Decisive role is played by fitness of a servant for promotion which is generally and usually determined from entries in the P.E.R. Here the role of seniority is limited to the extent of first consideration of senior officers but if an officer is found unfit as per prescribed standard he is superseded.

The aforesaid importance of P.E.R. writing requires more vigilant and versatile expert approach and cast a high duty on the reporting and countersigning authorities . Not only carrier of a state servant is based on P.E.R but the whole system of governance is indirectly based on the right exercise of P.E.R. writing. If proper appreciation is depicted in the P.E. R of a servant, only competent, vigilant and dashing servants will promote to the highest posts who will in turn play responsible and patriotic role in visualizing policies for the Nation. Thus by analysis of its importance, the objective of P.E.R is too lofty not perceptible in common sense.

Evaluation of P.E.R.

The P.E.R form meant for evaluation purposes is kept on changes with the change in demands of jobs and gradual expertise. P.E.R forms are applied to both executive officers and judicial officers alike and no difference of job appreciation is maintained between the two. Resultantly the performance of judicial officers could not improve as per requirements because neither their assessment was according to the required traits of a judge nor the P.E.R writing

was extended so much sensitivity and deep appreciation qua its efficacy. The writer is of the view that even the status of civil servant for a judicial officer is misnomer as public service and justice delivery are never synonymous job.

Federal government visualized formula for quantification of P.E.R and has introduced the same for consideration during promotion process of officers of selection posts. The P.E.R. is allotted marks in terms of its grading i.e. very good, good, average and below average. Then a benchmark is fixed, if an officer fails to obtain marks more than the benchmark, he is dropped from consideration for promotion. Those who have achieved the benchmark are considered in panel of three i.e. three officers for one post and the best of them is promoted and inferior in comparative assessment is left over and stands superseded. By keeping the aforesaid practice, federal government has succeeded to ensure promotion of those officers who are having more or less the like qualities, abilities and future vision.

At provincial level, the said formula is also now made applicable but judiciary is following the old subjective practice in writing P.E.R and consideration of the same in promotion process. The non-formulation of any criteria affected meritorious promotion in judicial organization which in turn causes far-reaching adverse consequences on judicial performance as well as judicial system. Another factor does play a role in this pathetic situation which is the non-hierarchical structure of judicial organization. P.E.R writing is sometime suffered from lack of proper appreciation, expertise and required acumen.

In order to make the assessment of performance of judicial officers realistic, meritorious and objective oriented which will transform judicial organization with uniformed judicial approach, character and vision, following suggestions for changes in the assessment part of prevailing P.E.R forms for different posts of judicial officers are recommended for consideration.

ASSESSMENT TABLES.

The present formulation in P.E.R forms for assessment of post 17 & 18 officers.

The rating in part III should be recorded by initiating the appropriate box.

The ratings denoted by alphabets are as follow:

‘A’ Very Good, ‘B’ Good ‘C’ Average, ‘D’ Below Average.

For uniform interpretation of qualities, two extreme shades are mentioned against each quality.

		A	B	C	D	
1.	Intelligence Exceptionally bright; Excellent comprehension					Dull; Slow
2.	Confidence and will power. Exceptionally confident and resolute					Uncertain; hesitant
3.	Acceptance of responsibility. Always prepared to take on responsibility even in difficult cases.					Reluctant to take on responsibility; will avoid it whenever possible.
4.	Reliability under pressure. Calm and exceptionally reliable at all times.					Confused and easily flustered even under normal pressure.
5.	Financial responsibility Exercise due care and discipline					Irresponsible.
6.	Relation with i)Superiors Cooperative and trusted.					Un-Cooperative
	ii)Colleague Works well in a team					Difficult colleague
	iii)Subordinates Courteous and effective; encouraging					Discourteous and intolerant;
	Behavior with public Courteous and helpful					Arrogant, discourteous and indifferent.
	Ability to decide routine matters Logical and decisive					Indecisive; vacillating.
	Knowledge of relevant laws,rules,regulations,instructions and procedures. Exceptionally well informed, keep abreast of latest developments.					Ignorant and uninformed.
	Role of officer in vaccination immunization campaign (applicable to district officer like DCOs political agent,EDOs Health and other dealing officers)					Indifferent and sluggish.

Proposed assessment table for qualitative evaluation of the Civil Judges/ SCJ and Judicial Magistrate in
view of nature of the job.

Assessment table

Total marks = 100

S.no	Traits	A	marks	initial	B	Marks	initial	C	marks	initial
1	Honesty	Above board	14		Medium	8		Dubious	6	
2	Knowledge	Good	14		Satisfactory	8		Poor	5	
3	Drafting skill	Appreciable	12		Average	6		Poor	4	
4	Aptitude	Judicial	10		Non-judicial	4		Uncertain	2	
5	Public relations	Very limited	10		Limited	6		Unlimited	4	
6	Accountability	Very good	10		Good	6		Poor	4	
7	Mentality	Comprehensive	8		Shaky	6		Dull	4	
8	Perception	Deliberative	8		Spontaneous	6		Relax	4	
9	Behavior	Humble	8		Rude	6		Aggressive	5	
10	Resistance	Assertive	6		Medium	4		Passive	2	
Total			100			60			40	

The present formulation in P.E.R forms for assessment of post 19 & 20 officers.

PART III

(REPORTING OFFICER'S EVALUATION FOR BPS-19&20)

1. Please Comment on the officer's performance on the job as given in PartII(2) with special reference to his knowledge of work, ability to plan, organize and supervise, analytical skills competence to take decisions and quality and quantity of output. How far was the officer able to achieve the targets? Comment on the officer's contribution, with the help of statistical data, if, any in the overall performance of the organization. Do you agree with what has been stated in part II(2)
2. Integrity (Morality,uprightness,honesty)
3. Pen picture including the officer's strengths and weaknesses with focus on emotional stability, ability to work under pressure communication skills and interpersonal effectiveness(weakness will not be considered as adverse entry unless intended to be treated as adverse)

4. Area and level of professional expertise with suggestions for future posting.
5. Training and development needs.
6. Overall grading.

Very Good

Good

Average

Below average

7. Fitness for promotion Comment on the officer's potential for holding a higher position and additional responsibilities.

Proposed assessment table for qualitative evaluation of Additional District & Sessions Judges.

Assessment table

Total marks = 100

S.no	Traits	A	marks	Initial	B	marks	initial	C	Marks	initial
1	Patriotism	Assertive	14		Passive	8		vague	6	
2	Integrity	Above board	14		Medium	8		Dubious	6	
3	Juristic vision	Visible	12		obscure	6		Poor	4	
4	Behavior	Humble	12		Rude	6		Aggressive	4	
5	Analytical ability	Impressive	10		Normal	6		Poor	4	
6	Public relation	Very limited	10		Limited	8		Unlimited	4	
7	Knowledge depth	Attractive	10		Limited	6		Poor	4	
8	Drafting skill	Appreciable	10		Average	6		poor	4	
9	Administrative skill	Progressive	8		Follower	6		Indifferent	4	
Total			100			60			40	

The present formulation in P.E.R forms for assessment of BPS 21 officers.

PART III

(EVALUATION BY REPORTING OFFICER FOR BPS-21)

8. Comments on the officer's performance on the job.
9. Assessment of officer's
 - i) Strategic Vision (Ability to transform the organization in view of changing environment)

- ii) Integrity (Morality,uprightness,honesty and commitment to national interest)
- iii) Ability to supervise, guide and motivate subordinates
- iv) Area of professional expertise with recommendations for future posting.

10. Pen pictures.

11. Overall grading.

Very Good

Good

Average.

12. Comparative grading.

Compared to other officer of his rank, the officer falls in

Top 10%

Next 20%

Next 70

Name of the reporting officer _____ Signature _____

Designation; _____ Date _____

Proposed assessment table for qualitative evaluation of District & Sessions Judges.

Assessment table

Total marks = 100

S.no	Traits	A	marks	Initial	B	marks	initial	C	marks	initial
1	Patriotism	Assertive	20		Passive	14		vague	8	
2	Integrity	Above board	20		Medium	14		Dubious	8	
3	Futuristic vision	Good	16		Medium	9		Poor	6	
4	Creativity	Good	16		Medium	9		Poor	6	
5	Supervision	Impressive	14		Medium	7		Poor	6	
6	Leadership	Good	14		Medium	7		poor	6	
Total			100			60			40	

Note:- The grading of assessment is divided in three i.e. A, B, C with specification of marks for each trait. Efforts are made to avoid ambiguous terms for trait assessment and these are specified in such terms which are understandable and ascertainable during observation of performance of an officer.

Classification of P.E.R through quantification.

- P.E.R. will be recorded “*very good*” if an officer earns 75% marks in the annual assessment.
- P.E.R will be recorded “*good*” if an officer earns more than 65% marks in the annual assessment. .
- P.E.R. will be recorded “*average*” if an officer earns less than 55 % marks in annual assessment.
- P.E.R. will be recorded “*below average*” if marks obtained are less than 45% in annual assessment.
- P.E.R. will be recorded “*adverse*” if marks obtained are 40% in annual assessment.
- Each adverse P.E.R. (if not expunged) will entail three % deduction from the computed percentage of ensuing year.

Eligibility criteria for promotion

- Benchmark for eligibility for consideration for promotion from the post of civil judge to the post of Senior Civil Judge (18 to 19) shall be earning of three good P.E.Rs for the last consecutive three years.

- Bench mark for consideration for promotion of Senior Civil Judge to the post of Additional District & Sessions Judge (19 to 20) shall be earning of one very good and two good P.E.Rs for the last three consecutive Years.
- Benchmark for consideration for promotion of additional District & Sessions judge to the post of Sessions Judge (20 to 21) shall be earning of two very good and one good P.E.R for the last three consecutive years.
- If judicial officer earns adverse P.E.R. for three consecutive years, he shall be dismissed from service on the ground of having ceased to be efficient subject to condition that he is issued prior notice of such dismissal at the eve of conveying him 2nd consecutive adverse P.E.R so that he may have an ample opportunity for improvement in the next year.

Panel consideration for promotion of judicial officer.

- A panel of three judicial Officers having obtained the benchmark should be taken for consideration for promotion to a vacancy of senior civil Judge and additional District & Sessions Judge. Best of the three should stand promoted in comparative assessment.
- A panel of two judicial officers having obtained the benchmark should be taken for consideration for promotion to a vacancy of District & Sessions Judge and the best of the two should stand promoted in comparative assessment.

- Besides the aforesaid, writing of P.E.R. should be taken as a sacred duty and discharged in the same spirit. It should not be considered as casual exercise by the concerned authorities. The writer reiterates that judicial Secretariat having different wings for different jobs should be established at the earliest raising a separate permanent establishment repatriating all judicial officers to judicial posts so that the judicial organization is brought on right track for required reformation and service delivery for the cause of nation. A carrier planning wing manned by reputed practical experts may be created in the judicial secretariat to deal with matters under discussion exclusively as the exercise needs expertise and consistent review and is all time job.

The writer is District & Sessions Judge in K.P.K having variety of expertise in services.