

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

SERVICE APPEAL NO. 10926 /2020

RAMIZ MURAD

V/S

GOVT. OF KP & OTHERS

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Dated: 31-08-2020

APPELLANT

Through:

NOOR MOHAMMAD KHATTAK
ADVOCATE

FLATE NO. 04, 2ND FLOOR,
JUMA KHAN PLAZA, NEAR FATA
SECRETARIAT,

WARSAK ROAD, PESHAWAR

0345-9383141

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

APPEAL NO. 10926 /2020

RAMIZ MURAD, Inspector Weights & Measures (BPS-16),
Directorate of Labour, Khyber Pakhtunkhwa, District PESHAWAR-II
..... APPELLANT

VERSUS

- 1- Government of Khyber Pakhtunkhwa through Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
- 2- The Secretary, Labour Department, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
- 3- The Secretary (Establishment), Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
- 4- The Secretary Finance Department, Khyber Pakhtunkhwa, Peshawar.
- 5- The Director (Labour), Directorate of Labour, 3rd Floor FC Trust Building, Sunehri Masjid Road, Peshawar City.

..... RESPONDENTS

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE INACTION OF THE RESPONDENTS REGARDING NON PREPARATION/FRAMING OF JOINT SENIORITY LIST OF INSPECTOR WEIGHT & MEASURES (BPS-16) AND LABOUR OFFICER (BPS-16) FOR PROMOTION TO THE POST OF ASSISTANT DIRECTOR LABOUR/ASSISTANT DIRECTOR RESEARCH, PLANNING & STATISTICS/ASSISTANT CONTROLLER WEIGHTS & MEASURES (BPS-17) AND AGAINST NO ACTION TAKEN ON THE DEPARTMENTAL APPEAL DATED 02-05-2020 OF APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS

PRAYER:

That on acceptance of this appeal the respondents by kindly be directed to frame/prepare joint/combine seniority list of Inspector Weight & Measure (BPS-16) & Labour Officer (BPS-16) for the purpose of promotion to the post of Assistant Director Labour/Assistant Director Research, planning & Statistics/Assistant Controller Weights & Measures (BPS-17). That the respondents may further please be directed to considered the appellant for promotion to the above mentioned post of (BPS-17) on the basis of joint seniority list. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

R/SHEWETH:
ON FACTS:

- 1- That appellant is the employee of the respondent Department since 09-01-2012 and is presently working as Inspector Weights & Measures in Directorate of Labour at District Mardan.
- 2- That right from appointment till date the appellant is performing his duty quite efficiently and up to the entire satisfaction of his superiors.
- 3- That appellant while working with the respondent Department for quite sufficient time, the respondent Department prepared Seniority List of Inspector Weights and Measures (BPS-16) for the year 2018 vide notification dated 04-01-2019 whereupon the appellant stood at serial No. 13 of the seniority List. Copy of the Seniority List is attached as **Annexure** **A.**
- 4- That in the year 1982 service rules for Industries, Commerce, Mineral Development, Labour and Transport Department was prepared and was notified vide notification dated 12-07-1982 which was properly published in the official Gazette on 1st December 1982 wherein in column 8 of the notification it was attracted for promotion to the post of Assistant Director Labour/Assistant Director Weight and Measures a combine seniority list of Labour Officer & Inspector Weights and Measures had to be prepared. Copy of the Notification dated 12/07/1982 is attached as **Annexure** **B.**
- 5- That in the year 2012 when Labour Department become a separate Department the Government of Khyber Pakhtunkhwa introduced service rule for Labour Department vide notification dated 31-12-2012 which was attracted in the official Gazette of Khyber Pakhtunkhwa on 29th January 2013 wherein in column 4 of the notification it was attracted for promotion to the post of Assistant Director Labour/Assistant Director Research, Planning and Statistics/Assistant Controller Weight and Measures (BPS-17), 30% quota is reserved for Labour Officers, Statistical Officer and Research and statistical officer & 30% quota was reserved for Inspector Weight and Measure by separating both the cadres and also seniorities. Copy of the Notification dated 31/12/2012 is attached as **Annexure** **C.**
- 6- That there is total sanctioned posts of 26 Inspector Weights & Measures where the total sanctioned posts of Labour Officers are 10 in number and for both the cadres 30% each of the quota has been reserved for promotion to the post Assistant Director Labour/Assistant Director Research, planning & Statistics/Assistant Controller Weights & Measures (BPS-17).

7- That feeling aggrieved the appellant filed Departmental Appeal dated 02-05-2020 for joint/combined seniority where in the appellant stated in Para-3 of the representation regarding the sanctioned strength of Labour Officers and Inspector Weights and Measures which is not responded till date. Copy of the Departmental appeal is attached as Annexure
..... D.

8- That appellant feeling aggrieved and having no other remedy but to file the instant service appeal on the following grounds amongst the others.

GROUND:

- A- That the inaction of the respondents by not preparing and framing joint/combine seniority list of Inspector Weights & Measures (BPS-16) & Labour Officer (BPS-16) is against the Law, facts, norms of natural justice and materials on the record hence not tenable in the Eye of Law.
- B- That appellant has not been treated by the respondent Department in accordance with law and rules on the subject noted above and as such the respondents violated Article-4 and 25 of the Constitution of Islamic Republic of Pakistan-1973.
- C- That the respondents acted in arbitrary and malafide manner while separating seniority lists of Inspector Weights & Measure (BPS-16) & Labour Officer (BPS-16) on the promulgation of new service rules of 2012.
- D- That the appellant has served the Department for a long period with unblemished service record and separate seniority list has lessened prospects of promotion to the post of Assistant Director Labour/Assistant Director Research, Planning and Statistics/Assistant Controller Weight and Measures (BPS-17).
- E- That act of the respondents while separating and framing the seniority list of Inspector Weights & Measures (BPS-16) & Labour Officer (BPS-16) is against Article-38 (e) of the Constitution of Islamic Republic of Pakistan.
- F- That the appellant has been highly discriminated by the respondents while not preparing and framing joint/combine seniority list of Inspector Weights & Measures (BPS-16) & Labour Officer (BPS-16).

G- That act of the respondents by not preparing and framing joint/combine seniority list of Inspector Weights & Measures (BPS-16) & Labour Officer (BPS-16) is against Section-8 of the Civil Servant Act 1973 read with Rule-17 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer), Rule 1989.

H- That both the cadres i.e. Labour Officers and Inspector Weights and Measures have the same job description as well as the basic pay scale is also the same and NON preparation/framing of joint seniority list for Inspector Weight & Measures (BPS-16) And Labour Officer (BPS-16) for promotion to the post of Assistant Director Labour/Assistant Director Research, Planning & Statistics/Assistant Controller Weights & Measures (BPS-17)

I- That act of the respondent by not preparing combine seniority list of Inspector Weights & Measures (BPS-16) & Labour Officer (BPS-16) is also against various judgment passed by the apex court as well as judgment passed by this Honourable Tribunal in connected Appeals No. 1411/2011, 1412/2011 & 1413/2012 Title Shamsul Islam & 2 Others VS Govt. of Khyber Pakhtunkhwa through Secretary (E&SE) Peshawar & other vide dated 01-09-2015 wherein separation of seniority list was declared illegal. Copy of the judgments dated 01-09-2015 is attached as **Annexure** E.

J- That appellant seeks permission to advance other grounds and proofs at the time of hearing.

It is therefore, most humbly prayed that the appeal of the appellant may be accepted as prayed for.


Dated: 31-08-2020

APPELLANT

RAMIZ MURAD

THROUGH:

NOOR MOHAMMAD KHATTAK

&

MUHAMMAD MAAZ MADNI,
ADVOCATES
HIGH COURT, PESHAWAR

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Appeal No. _____/2020

RAMIZ MURAD

V/S

GOVT. OF KP & OTHERS

**APPLICATION FOR RESTRAINING THE RESPONDENTS FROM
PROMOTION TO THE POST OF ASSISTANT DIRECTOR
LABOUR/ASSISTANT DIRECTOR RESEARCH, PLANNING AND
STATISTICS/ ASSISTANT CONTROLLER WEIGHT AND
MEASURES (BPS-17) TILL FINAL DISPOSAL OF THE INSTANT
APPEAL**

Respectfully Sheweth;


1. That the appellant has filed the instant service appeal in which no date has so far been fixed.
2. That the appellant has challenged the separate seniority list prepared for Labour Officer (BPS-16) & Inspector Weights and Measures (BPS-17).
3. That all the three ingredients required for the grant of status quo is in favour of the appellant.
4. That this petition may be considered as part & parcel of the in the main appeal.

It is, therefore, most humbly prayed that on acceptance of the instant petition the respondents may kindly be restrained from promotion to the post of Assistant Director Labour/Assistant Director Research, Planning And Statistics/Assistant Controller Weight & Measures (BPS-17) till final decision of the instant service appeal.

Dated: 31-08-2020

Through,

Appellant


NOOR MOHAMMAD KHATTAK,
Advocate,
High Court, Peshawar

**DIRECTORATE OF LABOUR
KHYBER PAKHTUNKHWA**

Dated Peshawar the

ORDER

mn/11/235/136-52 : In pursuance of Section-08 of Khyber Pakhtunkhwa, Civil Servants Act, 1973 read with Rule-17 of Khyber Pakhtunkhwa Civil Servants (Appointer) Rules 1989, with the approval of Competent Authority, Tentative Seniority List of Inspector Weights and Measures (BPS-16) Directorate of Labour, Khyber Pakhtunkhwa 2018 is hereby notified/circulated for general information. Total Sanctioned Posts of Inspector W&M=26.

S No	Name of Officer with Qualification	Date of Birth with Domicile	Date of 1 st Entry into Govt. Service	Regular Appointment / Promotion to the Present Post			Present Appointment with Date	Ret.
				Date	BPS	Method of Recruitment: a) 5% on the basis of Seniority -cum- Fitness from Laboratory Assistant with eight Years Services such; and b) 95% by initial recruitment		
01	02	03	04	05	06	07	08	
1	Mr. Hashmat Ali (B.Sc)	02.04.1985 Mardan	09.01.2012	09.01.2012	16	By Initial	Inspector W&M 09.01.2012	
2	Mr. Muhammah Yaqoob (M.Sc. Chemistry)	5.04.1986 L/Marwat	11.01.2012	11.01.2012	16	-do-	Inspector W&M 11.01.2012	
3	Mr. Ali Akbar (M.Sc Chemistry)	7.2.1981 Malakand	11.1.2012	11.01.2012	16	-do-	Inspector W&M 11.01.2012	
4	Mr. Muhammad Rafeeq (M.Sc-Phy, B.Ed)	06.10.1986 Swat	10.01.2012	10.01.2012	16	-do-	Inspector W&M 10.01.2012	
5	Mr.Said Badshah (M.A Pol. Science, M.Sc Phy)	02.04.1982 Bajawar Agency	09.01.2012	09.01.2012	16	-do-	Inspector W&M 09.01.2012	
6	Mr. Yasir Samood (M.Sc Phy)	12.04.1983 Karak	09.01.2012	09.01.2012	16	-do-	Inspector W&M 09.01.2012	
7	Mr. Muhammad Rafeeq (M.Sc Phy M.Ed)	01.01.1981 Swabi	09.01.2012	09.01.2012	16	-do-	Inspector W&M 09.01.2012	
8	Mr. Sarfaraz Ahmad (M.Sc Electronics)	05.01.1984 Abbottabad	09.01.2012	09.01.2012	16	-do-	Inspector W&M 09.01.2012	
9	Mr.Tausaf Mushtaq M.Sc (Electronics)	04.11.1984 Mansehra	20.08.2014	20.08.2014	16	-do-	Inspector W&M 20.08.2014	
10	Mr.Fida Hussain M.Sc (Electronics)	28.02.1990 Bauun	20.08.2014	20.08.2014	16	-do-	Inspector W&M 20.08.2014	
11	Mr.Majeed Ullah M.sc (Physics)	25.09.1983 Karak	01.01.2015	01.01.2015	16	-do-	Inspector W&M 01.01.2015	
12	Mr. Muhammad Shahid	01.04.1961 Mardan	22.02.1986	01.08.2016	16	By Promotion	Inspector W&M 01.08.2016	

						By Initial	Inspector W&M
13	Mr. Ramiz Murad M.Sc (Zoology)	02.05.1989 Chitral	16.05.2017	16.05.2017	16		16.05.2017
14	Mr. Abdul Baais M.Sc (Chemistry)	13.01.1986 Buner	20.06.2017	20.06.2017	16	-do-	20.06.2017
15	Muhammad Ilyas BSc (Engg)	25-01-1994 Dir Lower	27-04-2018	27-04-2018	16	-do-	27.04.2018
16	Mr. Raza Shah MSc (Physics)	17-12-1991 Khyber Agency	27-11-2018	27-11-2018	16	-do-	27.11.2018
17	Mr. Saad Shaukat BSc (Engg)	18-12-1989 Mansehra	11-05-2018	11-05-2018	16		11.05.2018

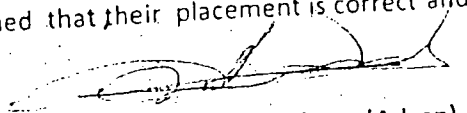
-Sd/-
Director Labour,
Khyber Pakhtunkhwa Peshawar

Dated: 4/1/2019

Ref No: DL/Admn/11/235/ 136-52

IFICATE

Copy of the above is forwarded to all Officers/officials concerned for information. They are requested to confirm their placement in the list and if there is any objection on seniority list, they can submit presentation within 15 -days of the receipt of this communication, otherwise it will be presumed that their placement is correct and seniority will


Assistant Director Labour (Admn)
Hqtr: Office Peshawar

RECEIVED

4

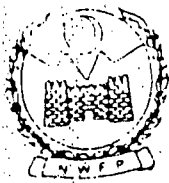
1982

NO. SOI (IND) 2-1/91/Vol. II/10489

GOVERNMENT OF N.-W.F.P.
INDUSTRIES, COMMERCE, MINERAL DEVELOPMENT,
LABOUR AND TECHNICAL EDUCATION DEPARTMENT

30-07-2003

Dated Peshawar the



TO

The Director,
Industries, Commerce & Labour,
NWFP, Peshawar.

A - (8)

SUBJECT:- SERVICE RULES FOR THE POST OF DIRECTOR INDUSTRIES,
COMMERCE & LABOUR AND DEPUTY CONTROLLER WEIGHTS &
MEASURES.

I am directed to refer to your letter No. DL/Admn/
3/1/2926 dated 26/7/2003 on the subject noted above and to
state that the comments on the minutes of the meeting of
SSRC held on 26/4/2003 regarding the post of Deputy Controller
Weight & Measures BPS-18 may be included in the draft service
Recruitment/Appointment Rules being prepared in the Directorate
and jointly submitted for placing before the SSRC, for
consideration.

Shahir
(SHAHIR-UC-DIN)
SECTION OFFICER (ADMN.)

DSA
litera in progress?

DL
31/7/03

ATTACHED

10/2
2/2/03

Pl. put up for
EA
2/8

NORTH WEST FRONTIER PROVINCE
Published by Authority
PESHAWAR, WEDNESDAY, 1st DECEMBER, 1982

PART-I
N.W.F.P GOVERNMENT NOTIFICATION AND ORDERS.
INDUSTRIES, COMMERCE, MINERAL DEVELOPMENT, LABOUR AND
TRANSPORT DEPARTMENT
NOTIFICATION
12 July, 1982.

No. SO1/13-2/75-Vol-II:- in exercise of the powers conferred by sub-rule (2) of rule-3 of North West Frontier Province Government Servants (Appointment, Promotion & Transfer) Rules 1975, and in supersession of all rules on the subject; in this behalf the Governor of the North West Frontier Province is pleased to make following rules, namely:-

THE LABOUR DEPARTMENT (RECRUITMENT & APPOINTMENT) RULES,
1982

1. (1) These rules may be called the Labour Department (Recruitment & Appointment) Rules, 1982
(2) They Shall come into force at once.

2. The method of recruitment minimum qualification, age limit and other matters related thereto for the post specified in column-2 of the Schedule annexed shall be such as given in column-3 in 6 of the said schedule.

S#	Nomenclature of Post	Minimum qualification for appointment, initial recruitment or by transfer	Minimum qualification for appointment by promotion	Age limit for initial recruitment	Method of recruitment
8.	Assistant Director, Labour/Assistant Controller, Weights and Measures/ Assistant Director Planning and Statistics, (Labour Wing)	Master's Degree in Electrical or Mechanical Engineering from a recognized University.		21 years to 30 years	(a) Fifty percent by promotion on the basis of seniority cum fitness from amongst the holders of the posts of Labour Officer (Factories), Inspector, Weights and Measures and Statistical Officer with at least five years service as such and (b) fifty percent by initial recruitment

Annex



GOVERNMENT

GAZETTE

9

North-West Frontier Province

Published by Authority

PESHAWAR, WEDNESDAY, 1st DECEMBER, 1982.

[OF 1982-83]

Separate paging is given to this part in order that it may be filed as a separate compilation.

CONTENTS.

North-West Frontier Province Government Notifications and Orders.

PART II.—Notifications by the Commissioners—Local Government Departments.

Nil.

PART III.—Republications from the "Gazette of Pakistan" and other Government Gazettes.

Nil.

PART IV.—Notifications by Heads of Departments.

Nil.

PART V.—

(1) Acts of the Pakistan Legislature assented to by the President of Pakistan.

Nil.

(2) Bills introduced into Pakistan Legislature and Bills published before introduction.

Nil.

PART VI.—Notifications by the North-West Frontier Province Provincial Assembly.

1

SUPPLEMENT.—

PART I.—Statistical.

Nil.

PART II.—General—Miscellaneous Notices/Advertisements, etc.

Nil.

PART I

N. W. F. P. GOVERNMENT NOTIFICATIONS AND ORDERS. INDUSTRIES, COMMERCE, MINERAL DEVELOPMENT, LABOUR AND TRANSPORT DEPARTMENT.

NOTIFICATION.

12th Dec 1982.

No. SOI/13-2/75-Vol.II—In exercise of the powers conferred by sub-rule (2) of rule 5 of North-West Frontier Province Government Servants (Appointment, Promotion and Transfer) Rules, 1975, and in supersession of all the rules on the subject, in this behalf the Governor of the North-West Frontier Province is pleased to make the following rules, namely:—

THE LABOUR DEPARTMENT (RECRUITMENT AND APPOINTMENT) RULES, 1982.

- (1) These rules may be called the Labour Department (Recruitment and Appointment) Rules, 1982.
- (2) They shall come into force at once.
2. The method of recruitment, minimum qualifications, age limit and other matters related thereto for the post specified in column 2 of the Schedule annexed shall be such as given in column 3 to 6 of the said Schedule.

Sd/- X X X
Secretary,
Government of N.-W. F. P.,
Industries, Commerce, Mineral Development,
Labour and Transport Department

ATTACHED

Price: Complete Copy Rs 2.00

A. ANNEXURE.

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Nomenclature of post	Minimum qualification for appointment or by promotion	Minimum qualification for appointment by promotion	Age limit for initial recruitment	Method of recruitment
Director, Labour Welfare.	(i) Master's Degree (2nd Class) in Economics, Statistics, Sociology, Public Administration or Social Work from a recognised University; and	Minimum qualification for appointment by promotion	25 years to 35 years.	(a) By promotion, on the basis of seniority-cum-fitness, from amongst holders of the posts of Deputy Director (Labour Wing), Deputy Director (Training Wing), Chief Inspector of Factories and Mines Safety Engineers or
Deputy Director (Labour, Wing)	(ii) Five years' experience in Grade-17 in a Government Department/Autonomous Body.	Minimum qualification for appointment by promotion	25 years to 35 years.	(b) By temporary transfer. (a) Two-third by promotion on the basis of seniority-cum-fitness, from amongst holders of the posts of Assistant Director Labour, Assistant Controller (Weights and Measures) and Assistant Director, Research, Planning and Statistics, with at least five years service as such; and
Deputy Director, (Manpower, Employment and Training Wing)	(i) Master's Degree in Economics, Statistics, Sociology, Public Administration or Social Work from a recognised University; and	Minimum qualification for appointment by promotion	25 years to 35 years.	(a) Two-third by promotion on the basis of seniority-cum-fitness from amongst holders of the posts of Assistant Director Employment Exchange, Assistant Director Manpower and Employment, Regional Employment Exchange, Advisor, Vocational Guidance Unit, Assistant Director, Apprenticeship Training and Principal Technical Training Centre, with at least 5 years service as such.
Chief Inspector of Factories (Labour, Wing)	(ii) Five years' experience in Grade-17 in a Government Department/Autonomous Body.	Minimum qualification for appointment by promotion	21 years to 30 years.	(b) One-third by initial recruitment. (a) Fifty per cent by promotion on the basis of seniority-cum-fitness, from amongst holders of the posts of Inspectors of Factories (Technical), with at least five years service as such; and
Chief Inspector of Factories (Labour, Wing)	(ii) Bachelor's Degree in Mechanical, Electrical, Chemical, Civil or Mining Engineering from a recognised University; and	Minimum qualification for appointment by promotion	21 years to 30 years.	(b) Fifty per cent by initial recruitment.

deleted by forming separate Service Rules for
is Discontinued & Manpower and Inspector of Mines
N.W.F.P.

GOVERNMENT OF N.W.F.P.
 DIRECTORATE OF
 INDUSTRIES, COMMERCE AND MINERAL DEVELOPMENT
 PESHAWAR

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1	2	3	4	5	6
Engineer	(i) Bachelor's Degree in Mining Engineering from a recognised University; and (ii) Two years experience in mining.			21 years to 30 years.	(a) Fifty per cent by promotion on the basis of seniority-fitness from amongst the holders of the post of Inspectors of Mines, with at least five years service as such; and (b) fifty per cent by initial recruitment.
Assistant Director, Employment Exchange/Manpower and Employment/Regional Manager, Employment Exchange/Vocational Advisor (Manpower Employment and Training Wing).	Note.—Preference shall be given to persons having teaching experience in Mining Engineering or Occupational Safety Health and Hygiene. Master's Degree (2nd Class) in Economics, Public Administration, Statistics, Sociology or Social Work.			21 years to 30 years.	(a) Fifty per cent by promotion on the basis of seniority-fitness from amongst the holders of the posts of Manager Employment Exchange and Research Officer, in Manpower, Employment and Training Wing and Vocational Guidance Unit; and (b) fifty per cent by initial recruitment.
Assistant Director, Apprenticeship Training (Manpower, Employment and Training Wing).	Bachelor's Degree in Electrical or Mechanical Engineering from a recognised University.			21 years to 30 years.	(a) Fifty per cent by promotion on the basis of seniority-fitness from amongst the holders of the post of Apprenticeship Officer, with at least five years service as such; and (b) fifty per cent by initial recruitment.
Assistant Director, Labour/Assistant Controller, Weights and Measures/Assistant Director, Planning and Statistics. (Labour Wing).	Master's Degree (2nd Class) in Economics, Public Administration, Statistics, Social Work or Sociology, Physics, from a recognised University.			21 years to 30 years.	(a) Fifty per cent by promotion on the basis of seniority-fitness from amongst the holders of the posts of Labour Officer (Factories), Inspector, Weights and Measures and Statistical Officer, with at least five years service as such; and (b) fifty per cent by initial recruitment.
Inspector of Factories, Technical (Labour Wing).	Bachelor's Degree in Civil, Mechanical, Electrical, Mining or Chemical Engineering from a recognised University.			21 years to 30 years.	By initial recruitment.
Inspector of Mines (Mines Wing).	Bachelor's Degree in Mining Engineering from a recognised University.			21 years to 30 years.	By initial recruitment.
Principal, Technical Training Centre (Manpower, Employment and Training Wing).	(i) Bachelor's Degree in Mechanical or Electrical Engineering from a recognised University; and (ii) three years experience in the relevant field.			21 years to 30 years.	(a) Seventy-five per cent by promotion on the basis of seniority-fitness from amongst holders of the posts of Vice-Principal and Chief Instructor, with at least five years service as such; and (b) twenty-five per cent by initial recruitment.

RESTRICTED

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Manager/Research Officer
(Manpower, Employment
and Training Wing).

Master's Degree in
Economics or Statist-
ics from a recognised
University.

21 years to
30 years.

(a) Thirty per cent by promo-
tion on the basis of
seniority-cum-fitness from
amongst holders of the
post of Manpower, Survey
Officers and Statistical
Assistant of the Manpower,
Employment and Training
Wing with at least three
years experience as such;

(b) twenty per cent by promo-
tion on the basis of
seniority-cum-fitness from
amongst the holders of the
posts of Superintendent
of the respective Wing; and

(c) fifty per cent by initial
recruitment.

By initial recruit

21 years to
30 years.

13. Apprenticeship Officer
(Manpower, Employment
and Training Wing).

Diploma in Electrical
or Mechanical Engineer-
ing from a recognised
Polytechnic Institute.

By transfer from amongst
the holders of the posts of
Chief Instructors in the
respective Wades.

14. Vice-Principal, Technical
Training Centre (Manpower,
Employment and Training Wing)

Law Graduate (I
Division) from
recognised Univ

Bachelor's Degree
from a recognised
University. 21 years to
30 years.

(a) Thirty-five per cent by
promotion on the basis of
seniority-cum-fitness from
amongst the holders of the
posts of Assistant Labour
Officers, with at least 10
years service as such, of
no suitable Assistant Labour
Officer is available, from
amongst the holders of
the posts of Labour Inspo-
rers with at least five
years service as such;

(b) fifteen per cent by promo-
tion on the basis of
seniority-cum-fitness from
amongst the holders of
the posts of Superinten-
dents in the respective Wades.

(c) fifty per cent by initial
recruitment.

15. Labour Officer (Factories
(Labour Wing).

Note: Applicable
only in the
case of
promotion of Superin-
tendents.

16. Inspector (Weighing
Measures) (Labour Wing).

(i) B.Sc. (1st Division)
with Physics, Chemis-
try or Maths
as one of the subjects
from a recognised
University; or

Bachelor's Degree
from a recognised
University. 21 years to
30 years.

Note: Applicable
only in the case
of promotion of
Superintendents.

(a) Thirty-five per cent by
promotion on the basis of
seniority-cum-fitness from
amongst holders of posts
of Assistant Labour
Officers with at least 2 years
service as such, or if no
suitable Assistant Labour
Officer is available, from
amongst the holders of the
post of Labour Inspo-
rers with at least 5 years ser-
vice as such.

(b) fifteen per cent by promo-
tion on the basis of
seniority-cum-fitness from
amongst the holders of the
post of Superintendents in
the respective wing; and

(c) fifty per cent by initial
recruitment.

(ii) Diploma in
Mechanical Instru-
mentation with 4
years experience.

ATTESTED

13

Statistical Officer,
(Labour Wing)

Master's Degree
(2nd Division) in
Economics, Statistics
or Maths from a
recognised University.

11 years to
30 years

(a) Fifty per cent by promotion on the basis of seniority-cum-fitness from amongst holders of the posts of Statistical Assistant and Statistical Investigator of the Labour Wing with at least 5 years service as such; and

(b) fifty per cent by initial recruitment.

Secretary, Mines (Mines Wing)

Bachelor's Degree
from a recognised
University.

Bachelor's Degree
from a recognised
University.

(a) By temporary transfer of the holders of the posts of Superintendent in any Wing of the Labour Welfare Directorate; or

(b) If no suitable Superintendent is available, then by selection on merit from amongst holders of the posts of Assistant and Senior Scale Stenographers of the Labour Wing with at least 10 years service in the Department. (However joint seniority of senior scale Stenographers and Assistants will continue.

By deputation from Accountant-General's Office.

Accounts Officer (Labour Wing)

S.A.S. qualified.

By promotion on the basis of seniority-cum-fitness from amongst holders of the post of Assistant and Senior Scale Stenographers of the Labour Wing with at least 10 years service as such.

Superintendent

Chief Instructor, Technical
Training Centre (Manpower,
Employment and Training Wing)

Diploma from a
recognised Polytechnic
Institute with
4 years practical
experience after
obtaining the Diploma.

21 years to
30 years.

(a) Fifty per cent by promotion on the basis of seniority-cum-fitness from amongst holders of the posts of Senior Supervisor/Instructors in Grade-14 of the concerned trade group with at least 3 years service as such; and

(b) Fifty per cent by initial recruitment.

Senior Supervisor/Instructors,
(Manpower, Employment and
Training Wing)

Diploma from a
recognised polytechnic
Institute with
2 years practical
experience after
obtaining the Diploma.

21 years to
30 years.

(a) Fifty per cent by promotion on the basis of seniority-cum-fitness from amongst holders of posts of Instructors in Grade-10 of the concerned trade group with at least 5 years service as such; and

(b) fifty per cent by initial recruitment.

Project Mechanic (Mines Wing)

Diploma in Electrical
or Mechanical Technology
from a recognised
Institute with 2 years
practical experience
after obtaining the
Diploma.

21 years to
35 years.

By initial recruitment.

Senior Scale Stenographer

(i) Matriculation or
equivalent qualification
from a recognised
Board; and

A speed of 140
words per minute
in shorthand in
English and 140
words per minute
in typing

18 years to
25 years.

(a) Not more than 50% by promotion on the basis of Seniority-cum-fitness from amongst the holders of the posts of Junior Scale Stenographer with at least 2 years service as such, or if no suitable Junior Scale Stenographer is available by initial recruitment; and

(b) not less than fifty per cent by initial recruitment.

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Statistical Assistant (Labour Wing)	Bachelor's Degree (2nd Division) with Statistics as one of the subjects from a recognised University.	18 years to 25 years.	By initial recruitment.
Assistant Labour Officer (Labour Wing)	B.Sc. (2nd Division) in Physics or Chemistry from a recognised University.	18 years to 25 years.	By promotion, with due regard to seniority and fitness from holders of the post of Labour Inspectors with at least 7 years service in the Department.
Laboratory Assistant (Labour Wing)	Bachelor's Degree (2nd Division) with Statistics as one of the subjects from a recognised University.	18 years to 25 years.	By initial recruitment.
Manpower Survey Officer (Manpower, Employment and Training Wing)	Bachelor's Degree from a recognised University.	18 years to 25 years.	(a) Fifty per cent by promotion on the basis of seniority and fitness from holders of the posts of Accountants in M & E W. & from Senior Clerks in other wings with at least three years experience in the case of Senior Clerks, as such (preference will be given to Accountants); and (b) Fifty per cent by initial recruitment.
Assistant	Bachelor's Degree from a recognised University.	18 years to 25 years.	(a) By promotion on the basis of seniority and fitness from holders of the posts of Senior Clerks in the respective Wings with at least 3 years service as such; or (b) If no suitable stenotypist is available, by initial recruitment.
30. Junior Scale Stenographer.	(a) Matriculation or equivalent qualification from recognised Board;	20 years to 45 years	By initial recruitment.
31. Instructor (Manpower, Employment and Training Wing).	(b) a speed of 100 words per minute in shorthand in English and 40 words per minute in typing.		
	(i) Matriculation or equivalent qualification from a recognised Board; and		
	(ii) (a) A certificate in the relevant trade from Government Vocational Institute, Technical Training Centre or other recognised institutes with 3 years practical experience in the relevant trade after obtaining a course certificate; or		
	(b) 2 years trade certificate from the NWFP, Higher Technical Education Board with at least 8 years experience after obtaining trade course certificate; or		
	(c) 1 year trade course certificate from the NWFP Board of Technical Education with at least 10 years experience after obtaining trade course certificate; or		
	(d) Armament Artificer's certificate with at least 8 years experience as Artificer; or		
	(e) Diploma from a Polytechnic Institute in the respective trade.		
32. Statistical Assistant (Manpower, Employment & Training Wing).	Bachelor's Degree (2nd Division) with Statistics as one of the subjects from a recognised University.	18 years to 25 years.	By initial recruitment.

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C-15

EXTRAORDINARY
GOVERNMENT



REGISTERED NO. F
GAZETTE

KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, TUESDAY, 29TH JANUARY, 2013.

**GOVERNMENT OF KHYBER PAKHTUNKHWA
LABOUR DEPARTMENT.**

NOTIFICATION

Dated: 31st December, 2012

No. SOL(LD)8-12/2012/1232-92.--- In pursuance of the provisions contained in sub-rule (2) of rule 3 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, and in supersession of all previous notifications issued in this behalf; the Labour Department, in consultation with the Establishment Department and Finance Department, hereby lay down the method of recruitment, qualifications and other conditions specified in columns 1 to 5 of the Appendix to this Notification which shall be applicable to the posts borne in the Directorate of Labour, Khyber Pakhtunkhwa, specified in column 2 of the said Appendix.

Secretary to Government of
Khyber Pakhtunkhwa
Labour Department.

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APPENDIX

S. No.	Nomenclature of posts	Minimum qualification prescribed for appointment by initial recruitment or by transfer	Age limit	Method of recruitment
1	2	3	4	5
1.	Director Labour (BPS-19)			By promotion, on the basis of seniority-cum-fitness, from amongst the Chief Inspectors of Factories, Deputy Directors Labour and Deputy Controller Weights & Measures, with at least twelve years service in BPS-17 and above; provided that if no suitable officer is available for promotion, then by transfer from amongst the DMG/PMS Officers.
2.	Chief Inspector of Factories (BPS-18)	First Class Bachelor's Degree in Mechanical, Electrical, Chemical, Civil, Mining, Electronics or Mechatronics Engineering from a recognized University with five years experience in the relevant field	25 to 35 years	(a) Fifty per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Inspector of Factories (Technical) with five years service as such; and
3.	Deputy Director Labour/ Deputy Controller Weights & Measures (BPS-18)			By promotion, on the basis of seniority-cum-fitness, from amongst Assistant Directors Labour, Assistant Directors Research Planning and Statistics, Accounts Officers and Assistants Controller Weights & Measures with atleast five years service as such.
4.	Assistant Director Labour/ Assistant Director Research, Planning and Statistics/Assistant Controller Weights & Measures (BPS-17)	<u>For Assistant Director Labour/Assistant Director Research and Planning and Statistics:</u> (i) Second Class Master's degree in any Social Sciences Business Administration or Public Administration or Statistics or LL.B. from a recognized University; and	21 to 30 years	(a) Thirty per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Labour Officers, Statistical Officer and Research & Statistical Officers with atleast five years service as such; (b) thirty per cent by promotion, on the basis of seniority-cum-fitness, from amongst the

ATTESTED

KHYBER PAKHTUNKHWA GOVERNMENT GAZETTE, EXTRAORDINARY, 29TH JANUARY, 2013.

1	2	3	4	5
		For Assistant Controller Weights & Measures: (ii) Second Class Master's Degree in Physics or Chemistry from a recognized University.		Inspectors Weights & Measures years service as such; and (c) forty per cent by initial recruitment
5.	Inspector of Factories (Technical) (BPS-17)	First Class Bachelor's Degree in Mechanical, Electrical, Chemical, Civil, Mining, Electronics or Mechatronics Engineering from a recognized University.	22 to 30 years	By initial recruitment.
6.	Labour Officer (BPS-16)	LL.B or Second Master's degree in Economics Business Administration and Public Administration from a recognized University.	21 to 30 years	(a) Fifty per cent by promotion, seniority-cum-fitness, from Assistant Labour Officers with years service as such; and (b) fifty per cent by initial recruitment
7.	Assistant Labour Officer (BPS-11)	LL.B or Second Class Bachelor's Degree from a recognized University with Economics, Statistics, Mathematics, or Law as one of the subjects or in Business Administration.	21 to 30 years	(a) Seventy-five per cent by promotion of seniority-cum-fitness, from Labour Inspectors with five years service as such; and (b) twenty-five per cent by initial recruitment
8.	Labour Inspector (BPS-09)	Second Class Bachelor's Degree from a recognized University.	18 to 30 years	By initial recruitment.
9.	Inspector Weights and Measures (BPS-16)	Second Class Bachelors' Degree with Physics, Chemistry, Electronics or Mathematics as one of the subjects from a recognized University.	21 to 30 years	(a) Five per cent, on the basis of seniority-cum-fitness, from Laboratory Assistants with years service as such; and (b) ninety-five per cent by initial recruitment

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1	2	3	4	5
		shorthand in English and 35 words per minute in typing; and (iii) knowledge of computer in using MS Words, MS Excel.		
21.	Computer Operator (BPS-12)	Second class Bachelor's Degree or equivalent qualification from a recognized university with one year Diploma in Information Technology from a recognized Board of Technical Education or its equivalent qualification.	18 to 30 years	By initial recruitment.
22.	Driver (BPS-04)	Possessing a valid HTV/LTV Driving license with five years practical experience in driving. Preferably SSC qualified.	25 to 35 years	(a) Twenty per cent by promotion Class-IV employees having Driving License or by initial suitable candidate is available and (b) eighty per cent by initial recruitment that preference will be given to those who have passed S.S.C. Examination
23.	Naib Qasid (BPS-01)		18 to 32 years	By initial recruitment.
24.	Chowkidar (BPS-01)		18 to 32 years	By initial recruitment.
25.	Bahishti (BPS-01)		18 to 32 years	By initial recruitment.
26.	Sweeper (BPS-01)		18 to 32 years	By initial recruitment.

SECRETARY TO
GOVERNMENT OF THE KHYBER PAKHTUNKHWA
LABOUR DEPARTMENT.

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SECRETARY TO
LABOUR DEPARTMENT

The Secretary Labour
Khyber Pakhtunkhwa, Peshawar

2/5/2020
D-(21)

Through: Proper Channel

Subject: Request for Combined Seniority of Labour officers and Inspectors Weights & Measures in new Service Rules 2020 of Directorate of Labour Khyber Pakhtunkhwa

Respected Sir,

With due respect, Inspectors Weights & Measures, Directorate of Labour Khyber Pakhtunkhwa, beg to submit the following paras for your kind considerations please.

1. Prior 2012, in service rules the Inspectors Weights & Measures (BPS-16) and Labour officers (BPS-16) had **Combined Seniority list** for departmental promotion.
2. In revised Service Rules of 2012, the promotion through the combined seniority list was amended with Inspectors Weights & Measures (30%) quota; Labour Officers (30%) quota; and 40% by initial recruitment.
3. Total numbers of sanctioned posts of Inspectors Weights & Measures are 26, and Labour Officers are 10, which arises hindrance in the promotion of Inspectors Weights & Measures as per service rules 2012.
4. As new Service rules 2020 are in process and the aforementioned service rules of 2012 are being followed for promotion which results in discriminative promotional skeleton.
5. The applicants are being suffered in promotion, as labour officers BPS(16)- being junior in term of service-are promoted earlier than Inspectors Weights & Measures.
6. Previously with similar analogy, cases of the similar nature in other departments have been challenged in the Service Tribunal and Supreme Court, where the courts ordered for combined seniority, as the division goes against merit.

Respected Sir, in view of the above mentioned facts, it is very humbly requested that directions may kindly be advised for **Combined Seniority list** in under-process new Service Rules 2020 of the Directorate of Labour.

The applicants will be very grateful for this act of kindness.

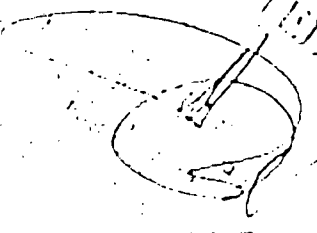
Yours Sincerely,

RAMIZ MURAD
Inspector W&M
Peshawar-ii

ATTACHED

Sr. No.	Date of order/ proceedings	Order or other proceedings with signature of Judge Magistrate
1	01.09.2015	<p style="text-align: center;">KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.</p> <p>1. Appeal No. 1411/2011, Shamsul Islam. 2. Appeal No. 1412/2011, Khalid Rahman, & 3. Appeal No. 1413/2011, Mir Qadam.</p> <p>Versus Government of KPK through Secretary, E&SE, Peshawar etc.</p> <p style="text-align: center;"><u>JUDGMENT</u></p> <p><u>PIR BAKHSH SHAI, MEMBER.</u> - Counsel for the appellant (Mr. Bashir Naveed, Advocate), Mr. Muhammad Jan, GP with Khurshed Khan, SO and Javed Ahmad, Suptd. for the official respondents; counsel for private respondents No. 4 to 8 (Syed Younis Jan, Advocate) and Counsel for private respondents No. 9 to 12 (Mr. Muhammad Asif Yousafzai, Advocate) present.</p> <p>2. Appellants are aggrieved with preparation of joint seniority list of the Headmasters and Subject Specialists. The appellants are of the Headmasters cadre and the private respondents of the Subject Specialists. In the said perspective the appellants have instituted these separate appeals under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974.</p> <p>3. The learned counsel for the appellants submitted that cadre of the appellants is totally different from the cadre of Subject Specialists; therefore, preparation of their</p>

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joint seniority list for the purpose of their promotion to BS-18 is against the rules and norms of justice. It was further submitted that such preparation of joint seniority list is not substantiated by any law; hence the respondent department may be directed to bifurcate such list.

4. The learned counsel for private respondents and learned GP resisted these appeals by stating that joint seniority list is prepared in the light of service rules notified in 1994 and further modified in 2004. Hence, the appeals are devoid of merits. It was further submitted that by way of the said rules of 1994, almost 300 Headmasters were promoted on the basis of joint seniority list and when the turn of Subject Specialists came so the appellants raised hue & cry on this joint seniority list for no good reason. A copy of the Judgment dated 02.08.2005 in the service appeal No. 88/Neem/1998 decided by this Tribunal was presented and it was stated that this decision has got finality which was also maintained by the august Supreme Court of Pakistan and not over-ruled by this Tribunal in any fresh decision. Hence the practice of joint seniority list being in accordance with the law and rules has been left intact. Finally, it was submitted that framing of rules and prescription of qualification and criteria for promotion/ appointment are the prerogative of the government which cannot be interfered with by this Tribunal. Reliance was placed on 2005-PLC(C.S)962.

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5. We have considered arguments of the learned counsel for the appellants, learned GP for the official respondents and counsel for private respondents and perused the record.

6. It is evident that this Tribunal has already given its verdict in the cited case of Mr. Muhammad Jamil decided on 02.08.2005 and the plea of the appellants to do away with joint seniority list has ^{not} been acceded to in the said judgment. It was not shown to the Tribunal that this judgment has been set aside by the august Supreme Court of Pakistan or has been over-ruled by this Tribunal. Hence on the principles of consistency, the Tribunal is constrained to dismiss ^{as} the appeals being devoid of any merits. The same are dismissed. Parties are left to bear their own costs. File be consigned to the record.

ANNOUNCED
01.9.2015.

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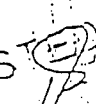
ATTESTED

PESHAWAR HIGH COURT, PESHAWAR.

FORM 'A'
FORM OF ORDER SHEET

(Handwritten marks)

S.No.	Date of order	Order or other proceedings with signature of the Judge
1	2	3
	5.3.2010.	<p><u>W.P.No.870/2010.</u></p> <p>Present: Mr.Ibad-ur-Rehman, Advocate for the petitioners. _____</p> <p><u>ABDUL AZIZ KUNDI, J.</u> Jehanzeb and six others, employees of Education Department as SETs, seek issuance of an appropriate writ directing the respondents to treat them equally in the matter of promotion with other senior English Teachers(General) and act in accordance with law and further to declare the undertaking obtained from them by the respondents as void, illegal and un-warranted.</p> <p>2. Earlier the petitioners had filed W.P.No.656/2007 and a Division Bench of this court vide order dated 31.10.2007 while converting the said writ petition into departmental appeal, sent the same to Secretary, Government of NWFP, Schools and Literacy Department, Peshawar, for disposal.</p> <p>3. Pursuant to the said order after considerable correspondence amongst various offices of the department, ultimately Director of</p>

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 MEMBER
 Peshawar High Court

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Education, vide its letter bearing No.3894-F. No.A-SS/SL/B-16/Appeal, dated 5.6.2009, addressed to secretary, Govt: of NWFP (Elementary and secondary Education) Department, proposed allocation of 5% share to SET (Technical) for promotion to the posts of Head Masters in B-17 (Regular). Government of NWFP, Elementary and Secondary Education Department, responded to the same, vide its number SO (PE)9-4/SET-Tech/Gen/07/court cases, dated Peshawar, the 31-7-2009, and paras-2 and 3 of the same are reproduced hereunder:-

2. In the light of the foregoing it is proposed that:
- i. The SET (Tech) and SET (Commerce) may be included in the seniority list of SET (General/Science) with the condition that this inclusion will only be for the purpose of promotion to the post of Headmaster (B-17) in light of the service rules for the posts of Headmaster duly notified vide Notification No.SOG/ S&LD/ 1-28/2003/VOL.II dated 9.04.2004 and these SETs (Technical and Commerce) will not claim any other benefits which will accrue of their inclusion in the seniority list that would affect the SET (General/Science).
 - ii. A written undertaking will be obtained from all SET (Tech) and SET (Commerce) regarding the condition mentioned in para-i above which will also discourage further litigation. This condition will be reflected in the revised seniority list of all SETs.
 - iii. This inclusion in the seniority list will be compulsory and any teacher who does not furnish the relevant undertaking mentioned in para-ii above will be kept on static list and he/she will not claim any service benefits which his other colleagues will enjoy.

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EXAMINED

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3. The Directorate is advised to implement the above decisions in letter and spirit and send compliance report."

4. Thereafter, the Directorate of Elementary and Secondary Education, Peshawar, vide its letter dated 25.9.2009, addressed to all Executive District Officers (E&SE) in NWFP, directed that a written undertaking be obtained from the SETs (Tech)/ SET (Commercc) (on judicial Stamp Paper), as under:-

"I am agreed for including my name in the General seniority list of SETs and I will not claim any other benefits which will accrue of my inclusion in the general seniority list. This condition will be reflected in the revised seniority list of all SETs. I will also not make further litigation."

5. After hearing the learned counsel for the petitioner at some length, - whose main gricvance was that inspite of the aforesaid decision as contained in the letter dated 31.7.2009, respondents are not implementing the said decision in letter and spirit, resulting into non-issuance of a joint seniority list and making promotion strictly in accordance with the said decision. Learned counsel ultimately argued that if this court directs the respondent department to strictly adhere to the said decision and give the petitioners and others alike them, their due rights as highlighted

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above, petitioners shall feel satisfied.

Accordingly, we direct the respondents to strictly adhere to the said decision while making promotions on regular basis to the posts of Headmasters in B-17 from SETs and while doing so, keep the merit their prime goal. This writ petition, with the observations, is accordingly disposed of limine.

sd/ Abdul Aziz K
sd/ Maetha ul Din

CERTIFIED TO BE TRUE COPY

Examiner
Peshawar High Court Peshawar
Authorized Under Section 75 Act's Order

M-1582
Dad I. Registrar
9/3

No. 10031
Date of Presentation of Application 6/3/20
No of Pages 5
Copying Fee 10
Urgent Fee
Total 10
Date of Preparation of Copy 9/3/20
Date of Submission of Copy
Received by V. G. J. P. S.

M. Gul

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BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Civil Miscellaneous No: _____ / 2020
In Service Appeal No: 10926 / 2020

RAMIZ MURAD VS Govt. of Khyber Pakhtunkhwa etc.

WRITTEN REPLY ON BEHALF OF ADDED / IMPEADED RESPONDENTS

Respectfully Sheweth,

Reply, on behalf of Added / Impleaded Respondents, is as under:

PRELIMINARY OBJECTIONS:

- A. That, Appellant has got no cause of action or locus standi against the Answering Respondent.
- B. That, the Appeal of the Appellant is not maintainable in its present form.
- C. That, the Appellant has been estopped by his own conduct to file the instant Appeal.
- D. That, Appellant has not come to the Court with clean hands and has suppressed material facts from this Honourable Tribunal.
- E. That, Appellant has not questioned vires of the Rules before this Honorable Tribunal and seeks remedy of promotion against the allotted quota of Answering Respondents hence the Appeal of the Appellant is not maintainable on this score alone.

- F. That, Appellant has suppressed the factum from this Honorable Tribunal that the promotion quota allotted to their category / cadre has already been exhausted.
- G. That, as per Rules, Joint Seniority List is maintained only for those cadres of Civil Servants for whom separate quota is not allotted moreover direction of issuance of joint Seniority List is always mentioned in the Rules where it is expedient / necessary to mention.
- H. That, if, for couple of moments, it is presumed that Joint Seniority List is allowed as per the prayer of the Appellant, even than the promotion will be done as per allotted quota / share hence instant Appeal is meritless and fruitless for the Appellant.
- I. That, after promulgation of new service rules, titled Appeal has become infructuous.
- J. That, the Service Appeal is hopelessly time barred, as the rules for promotion were notified in the year 2012 which were never challenged by the Appellant or any of his colleague, followed by amendment in the said Rules in recent past i.e. during the pendency of instant Appeal.

FACTS:

1. Para 1 pertains to record, hence needs no Reply from the Answering Respondents.
2. Para 2 pertains to Official Respondents, hence needs no Reply from the Answering Respondents.
3. Para 3 pertains to Official Respondents, hence needs no Reply from the Answering Respondents.
4. In response to Para 4 of the Appeal, it is submitted that in the Rules of 1982, the concept of Joint Seniority List was allowed, for the purpose of promotion to the post of Assistant Director Labour,

Assistant Director Weights & Measure & Assistant Director Planning the Statistics (Labour Wing), due to the fact that all the above mentioned cadres were allotted collective quota of 50%, and as per law the promotion was given to the incumbents according to seniority position. In Column 6 of the Rules of 1982 no specific quota was allotted to any specific cadre hence separate Seniority List could not be maintained as per Rules of 1982. However nowadays the scenario is changed and separate quota of 30% each is allocated to the post of Inspector Weights & Measure as well as Labour Officers / Research & Statistical Officers.

5. Para 5 needs no comments as per above clarifications.
6. Incorrect & misleading one, hence denied. As per Rules, the post of Labour Officer is filled-in by promotion from amongst the holders of the post of Assistant Labour Officers. Assistant Labour Officer is promoted from amongst the holders of post of Inspector Labour. The hierarchy mention in the instant Para is supported by the Rules while on the other hand the post of Inspector Weight & Measure is initial / direct recruitment post. The numbers mentioned in the Para in response are incorrect moreover, the number of posts of Labour Officers, Labour Officers (Female) & Social Mobilizers are almost equal to the Appellant, as per new rules.
7. Incorrect. As per information of the Answering Respondents, no Departmental Appeal has been filed by the Appellant before approaching this Honorable Forum, hence instant Appeal is not maintainable.


GROUND:

- A. Incorrect. As per rules, issuance of joint Seniority List is not permissible.
- B. Incorrect. The cadre of Appellant has already been accommodated and their quota of promotion is exhausted more than the allotted quota. It is important to mention here that the Appellant and his colleagues, in order to get the promotion in excess of their allotted quota, has filed the instant Appeal under malafide intention.

- C. Incorrect. No malafide has been done by any authority while issuing the Seniority List or Service Rules of 2012. The Appellant should have brought his grievance before this Honorable Tribunal in the year 2012 if he was aggrieved from the promulgation of Rules.
- D. Incorrect hence denied. As per allotted quota promotion of the Appellant as well as Answering Respondents are just and the same cannot be amalgamated with Appellant's Quota, in any manner.
- E. Incorrect & misleading one hence denied. Article 38 of the Constitution of Islamic Republic of Pakistan, 1973 does not contain any reference regarding the joint or separate Seniority List.
- F. Incorrect. As per the contents of preceding Para(s).
- G. Incorrect. As per the contents of preceding Para(s).
- H. Incorrect and misleading one hence denied. Labour Officers and Inspectors Weights & Measures are distinct cadres having different job descriptions and nature of duties moreover both the cadres originates from different channel of recruitment and promotion.
- I. Incorrect & misleading one hence denied as per the contents of preceding Para(s).

Through


Added Respondents


BILAL AHMAD KAKAIZAI
(Advocate, Peshawar)

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Civil Miscellaneous No: _____ / 2020
In Service Appeal No: 10926 / 2020

RAMIZ MURAD VS Govt. of Khyber Pakhtunkhwa etc.

AFFIDAVIT

I, Altaf Hussain, Labour Officer, Presently Posted as Assistant Director, OPS, Nowshera, Applicant, do hereby on oath affirm and declare that the contents of the Reply are true and correct to the best of my knowledge and belief and nothing has been kept secret from this Honourable Tribunal.

Identified by:



BILAL AHMAD KAKAIZAI
(Advocate, Peshawar)


Deponent

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Appeal No. 10926/2020

RAMIZ MURAD, Inspector Weights & Measure (BPS-16) & (06) OTHERS.

Directorate of Labour, Khyber Pakhtunkhwa, District Peshawar..... Appellant.

Versus

1. Government of Khyber Pakhtunkhwa through Chief Secretary,
Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
2. The Secretary, to Government of Khyber Pakhtunkhwa Labour Department.
3. The Secretary to Government of Khyber Pakhtunkhwa, Establishment Department.
4. The Secretary to Government of Khyber Pakhtunkhwa, Finance Department.
5. The Director Labour Khyber Pakhtunkhwa, 3rd floor FC Trust Building Peshawar
Cantt.....**Respondents**

PARAWISE COMMENTS ON BEHALF OF RESPONDENT NO. 1, 2, 3, 4 and 5.

Respectfully Sheweth that the respondent submits as under.

Preliminary Objections:

1. That Appellant has got no locus standi and cause of action to file the instant appeal.
2. That the Appellant has not come to this Honourable Court with clean hands.
3. That the instant Appeal is not maintainable.
4. That the instant Appeal is based on mala fide with ulterior motive to coerce and pressurize the respondents.
5. That the Appellant is estopped by his own conduct.
6. That the appeal of the applicant is badly time barred.

ON FACTS:

1. Para No. 1 is incorrect that current posting of appellant is in Mardan, his previous station of posting was Peshawar-II and currently he is serving at Peshawar-III order dated 20-11-2020 is attached for ready reference as **(Annexure-A)**, according to official record his date of appointment is 16-05-2017 and not 09-01-2012. Office order of notified seniority list no DL/Admn/11/235/368-85 dated 06-01-2021, (serial no.13, column no.4) issued by Directorate of Labour on 06-01-2021 is attached as **(Annexure-B)**.

That Para No. 2 pertains to record.

3. That Para No. 3 is correct to the extent. Hence needs no comments.
4. Correct to the extent that the seniority of both cadres i.e Inspector Weights & Measures and Labour Officers was joint in the year 1982 Service Rules (**Annexure-C**). Later on, according to the framed service rules 1989 the seniority of the said cadres was separated (**Annexure-D**). It may be clarified here that the post of **Assistant Director Weights & Measures** never existed on the strength of Directorate of Labour.
5. As explained at Para-4 above.

6. That Para No. 6 is correct to the extent that there are 26 sanctioned posts of Inspector weights and Measure. However, it may be clarified here that there are 22 Sanctioned Posts of

(i)	Labour Officers (BPS-16)	=	10
(ii)	Female Labour Officer (BPS-16)	=	5
(iii)	Social Mobilizers (BPS-16)	=	7

which were clubbed in the revised Service Rules issued on 15.09.2020 S. No. 5, meaning there by that against 26 posts of Inspector Weights & Measure, there are 22 posts of Labour Officers, Female Labour Officer and Social Mobilizer for promotion to the post of Assistant Director Labour @ 30% Quota

It is also worth adding that 95% Inspector Weights & Measure (BPS-16) are appointed through initial recruitment and 5% by promotion amongst the laboratory Assistant (BPS-12) according to revised Service Rules issued on 15.09.2020 S. No. 17 and Labour Officers are 50% by initial recruitment and 50% by promotion from among Assistant Labour Officers (BPS-12) S. No. 15 of revised Service Rules issued on 15.09.2020. (**Annexure-E Revised Service Rules 2020**)

It is also pertinent to note that the Inspector Weights & Measures (BPS-16) have already exhausted their 30% Quota of promotion to the post of Assistant Director (BPS-17) Departmental Promotion Committee Notification dated 06-01-2017 is attached as (**Annexure-F**).

7. That Para No.7 pertains to the record.
8. Incorrect.

ON GROUNDS:

- A. That the appellant kept silent since long, enjoyed / availed the promotion to the post of Assistant Director Labour (BPS-17) and exhausted their 30% promotion quota in the year 2017 as already explained in the end of para-6 under the same rules. Now when it come to the turn of promotion of Labour Officers (BPS-16) they are agitating the criteria / quota in the Service Rules. As already stated in the Para-4 of the facts, the seniority of both cadres was separated in the rules notified in 1989, 2005, 2012 and 2020 respectively.

- 4
- B. That the appellant treated as per Law and Rules.
- C. Incorrect. As already explained at Para-4, 6 of the facts and Ground-A of the para-wise comments.
- D. Pertains to Record.
- E. Pertains to Record.
- F. That the appellant treated as per Law and Rules.
- G. That the appellant treated as per Law and Rules.
- H. In reply to ground-H, it is submitted that job description as well as required qualification of both cadres are different. It is pertinent to note here that there is only 1 post of Assistant Controller Weights & Measures and 17 posts of Assistant Director Labour. In order to minimize the chances of stagnancy of the career of the appellants cadre a 30% quota for promotion has been granted to the posts of Assistant Director Labour and Assistant Controller Weights & Measures.
- I. That the appellant treated as per Law and Rules.
- J. That the appellant treated as per Law and Rules.

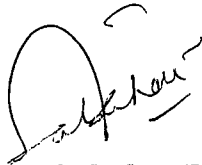
It is therefore, prayed that on acceptance of this instant reply the appeal of the appellant may kindly be dismissed with cost.



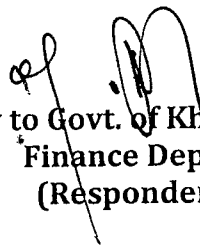
**Chief Secretary
Government Khyber Pakhtunkhwa
(Respondent No.1)**



**Secretary to Govt. of Khyber Pakhtunkhwa
Labour Department
(Respondent No. 2)**



**Secretary to Govt. of Khyber Pakhtunkhwa
Establishment Department
(Respondent No.3)**



**Secretary to Govt. of Khyber Pakhtunkhwa
Finance Department
(Respondent No.4)**



**Director Labour
Directorate of Labour Khyber Pakhtunkhwa
(Respondent No. 5)**

5

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Appeal No. 10926/2020

RAMIZ MURAD, Inspector Weights & Measure (BPS-16) & (06) OTHERS.

Directorate of Labour, Khyber Pakhtunkhwa, District Peshawar Appellant

Versus

1. Government of Khyber Pakhtunkhwa through Chief Secretary,
Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
2. The Secretary, to Government of Khyber Pakhtunkhwa Labour Department.
3. The Secretary to Government of Khyber Pakhtunkhwa, Establishment Department.
4. The Secretary to Government of Khyber Pakhtunkhwa, Finance Department.
5. The Director Labour Khyber Pakhtunkhwa, 3rd floor FC Trust Building Peshawar Cantt.
..... **Respondents.**

AFFIDAVIT

I, Jamil Ahmad Qurashi Assistant Director (Litigation), Directorate of Labour, Khyber Pakhtunkhwa at Peshawar, do hereby solemnly affirm and declare on oath that the contents of the accompanying Comments are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Court.


10/02/2021
DEPONENT

CNIC No: 17301-1392156-3

Contact Number: 0343-7779998

01 6

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Appeal No. 10926/2020

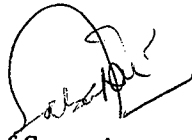
RAMEEZ MURAD, INSPECTOR WEIGHTS & MEASURE (BPS-16) & (06) OTHERS.

Versus

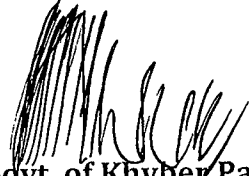
1. Government of Khyber Pakhtunkhwa through Chief Secretary,
Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
2. The Secretary, to Government of Khyber Pakhtunkhwa Labour Department.
3. The Secretary to Government of Khyber Pakhtunkhwa, Establishment Department.
4. The Secretary to Government of Khyber Pakhtunkhwa, Finance Department.
5. The Director Labour Khyber Pakhtunkhwa, 3rd floor FC Trust Building Peshawar
Cantt.

AUTHORITY

Mr. Jamil Ahmad Qurashi, Assistant Director Labour (Litigation), is hereby authorized and deputed to appear before the honourable, Khyber Pakhtunkhwa Service Tribunal, Peshawar on behalf of the respondents No. 1, 2, 3, 4 and 5 in the above title and to produce necessary documents to the Honourable Court required in this behalf. The officer shall attend the Court regularly on each date of hearing till the decision of the case and will be responsible for obtaining certified copy of the final order/ judgment in the above case for submission to the department well in time.



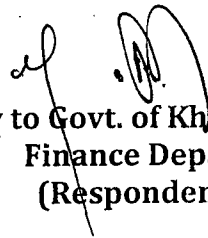
**Chief Secretary
Government Khyber Pakhtunkhwa
(Respondent No.1)**



**Secretary to Govt. of Khyber Pakhtunkhwa
Labour Department
(Respondent No. 2)**



**Secretary to Govt. of Khyber Pakhtunkhwa
Establishment Department
(Respondent No.3)**



**Secretary to Govt. of Khyber Pakhtunkhwa
Finance Department
(Respondent No.4)**



**Director Labour
Directorate of Labour Khyber Pakhtunkhwa
(Respondent No. 5)**

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Appeal No. 16926 /2020

RAMIZ MURAD VS **Govt: of KPK & others**

REJOINDER ON BEHALF OF THE APPELLANT IN RESPONSE
TO THE REPLY SUBMITTED BY THE RESPONDENTS

R/SHEWETH:

(A to J):

All the preliminary objections raised by the respondents are incorrect and baseless and not in accordance with law and rules rather the respondents are estopped due to their own conduct to raise any objection at this stage of the appeal.

ON FACTS:

- 1- Incorrect and not replied accordingly. That appellant is the employee of the respondent department since from the date of his initial appointment and is presently working as Inspector Weights and Measures in Directorate of Labour.
- 2- Not replied accordingly hence denied.
- 3- Not replied accordingly hence denied.
- 4- Incorrect and not replied accordingly. In service rules of 1989 the seniority of Assistant Director Labour and Assistant Controller Weights and Measures (BPS-17) was joint. Furthermore, the seniority of Deputy Director Labour and Deputy Controller Weights and Measures (BPS-18) was also joint. Therefore, it is clear cut discrimination and mala fide that only seniority of inspectors (W &M) and labour officers was separated. As per notification, Deputy Director Labours and Assistant Director Labours are notified as deputy and Assistant Controller Weights & Measures respectively. As per notification, Deputy Director Labours can be transferred/posted against deputy Controller Weights & Measures. As per order as labour officers also performed/performing the duties of Inspector Weight and Measure. That as per order Assistant labour officers and labour inspector also performed/performing the duties of Inspector Weight and Measure. Both the Inspector Weights and Measures and Labour Officers are promoted to same post i.e Assistant Director Labour/Assistant Controller Weights and Measures, then there is no need to issue separate seniority lists for Inspector Weights and Measures and Labour Officers. As per service rules, the seniority of Assistant Director Labour and Assistant Controller

Weights & Measures (BPS-17) is joint/combined. In the same manner Deputy Director Labour and Deputy Controller Weights & Measures (BPS-18) is also joint. On the same ground and facts the seniority of lower grade BPS-16 need to be joint/combined in order to avoid discrimination. Notifications are attached as annexure **R.**

5- Not replied accordingly hence denied.

6- Incorrect and not replied accordingly. That at the time of lodging the appeal total sanctioned posts of Inspector Weights & Measures were 26 and that of Labour Officers were only 10 but later on in the service rules of 2020, 05 females Labour Officers and 07 Social Mobilizers were also included in Labour Officers quota. The sanctioned posts of Inspector Weights and Measures are also increased from 26 to 33. (Notification attached as Annexure **R1.**

Total Inspector Weights & Measures	33
While	
Labour Officers	10
Females Labour Officers	05
<u>Social Mobilizers</u>	<u>07</u>
Total	22

The statement of the respondents is misleading and illogical because by clubbing the seniority, share of promotion of Labour Officers to the post Assistant Director Labours will not be disturbed. Labour Officers will be promoted according to their seniority and as a result, line of promotion of Assistant Labour Officers to the post of Labour Officers against 50% quota will not be disturbed at all

7- Not replied accordingly hence denied.

8- Not replied accordingly hence denied.

GROUND:

(A to J):

All the grounds of main appeal are correct and in accordance with law and prevailing rules and that of the respondents are incorrect and baseless hence denied. That the inaction of the respondents by not preparing and framing joint/combine seniority list of Inspector Weights & Measures (BPS-16) & Labour Officer (BPS-16) is against the Law, facts, norms of natural justice and materials on the record hence not tenable in the Eye of Law. That appellant has not been treated by the respondent Department in accordance with law and rules on the subject noted above and as such the respondents violated Article-4 and 25 of the Constitution of Islamic Republic of Pakistan-1973. That the respondents acted in arbitrary and

malafide manner while separating seniority lists of Inspector Weights & Measure (BPS-16) & Labour Officer (BPS-16) on the promulgation of new service rules of 2012. That the appellant has served the Department for a long period with unblemished service record and separate seniority list has lessened prospects of promotion to the post of Assistant Director Labour/Assistant Director Research, Planning and Statistics/Assistant Controller Weight and Measures. (BPS-17). That act of the respondents while separating and framing the seniority list of Inspector Weights & Measures (BPS-16) & Labour Officer (BPS-16) is against Article-38 (e) of the Constitution of Islamic Republic of Pakistan. That the appellant has been highly discriminated by the respondents while not preparing and framing joint/combine seniority list of Inspector Weights & Measures (BPS-16) & Labour Officer (BPS-16). That act of the respondents by not preparing and framing joint/combine seniority list of Inspector Weights & Measures (BPS-16) & Labour Officer (BPS-16) is against Section-8 of the Civil Servant Act 1973 read with Rule-17 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer), Rule 1989. That both the cadres i.e. Labour Officers and Inspector Weights and Measures have the same job description as well as the basic pay scale is also the same and NON preparation/framing of joint seniority list for Inspector Weight & Measures (BPS-16) And Labour Officer (BPS-16) for promotion to the post of Assistant Director Labour/Assistant Director Research, Planning & Statistics/Assistant Controller Weights & Measures (BPS-17). That act of the respondent by not preparing combine seniority list of Inspector Weights & Measures (BPS-16) & Labour Officer (BPS-16) is also against various judgment passed by the apex court as well as judgment passed by this Honourable Tribunal in connected Appeals No. 1411/2011, 1412/2011 & 1413/2012 Title Shamsul Islam & 2 Others VS Govt. of Khyber Pakhtunkhwa through Secretary (E&SE) Peshawar & other vide dated 01-09-2015, wherein separation of seniority list was declared illegal.

It is therefore most humbly prayed that on acceptance of this rejoinder the appeal of the appellant may be accepted as prayed for.

APPELLANT

THROUGH:


NOOR MOHAMMAD KHATTAK
ADVOCATE

Annexure R

4

GOVERNMENT OF KHYBER PAKHTUNKHWA
LABOUR DEPARTMENT / 2989-91

Dated Peshawar the, 21st May 2019

NOTIFICATION

2019/11/6-3/2019 In supersession of all the previous notifications issued in this behalf and in pursuance to 25th Constitutional Amendment in the Constitution of Pakistan 1973 and in exercise of the powers conferred by sub section- (1) of Section-19 of the Khyber Pakhtunkhwa, Standard Weights and Measures Enforcement Act, 1976, the Government of Khyber Pakhtunkhwa, is pleased to appoint with immediate effect the Officers of the Directorate of Labour, Khyber Pakhtunkhwa, hereinafter appearing in the schedule below, to be the Controller, Deputy Controllers, Assistant Controllers and Inspectors Weights and Measures for the territorial limits shown against each:-

SCHEDULE.

Sr.No.	Designation	To be notified (appointment)	Jurisdiction.
1	2	3	4
1	Director Labour, Khyber Pakhtunkhwa, Peshawar	Controller Weights and Measures. Khyber Pakhtunkhwa	Khyber Pakhtunkhwa Province.
2	Deputy Controller Weights and Measures Khyber Pakhtunkhwa	Deputy Controller Weights and Measures Khyber Pakhtunkhwa	Khyber Pakhtunkhwa Province
3	Assistant Controller Weights and Measures, Khyber Pakhtunkhwa, Peshawar	Assistant Controller Weights and Measures Khyber Pakhtunkhwa	Khyber Pakhtunkhwa Province
4	Deputy Director Labour, Haripur	Deputy Controller Weights and Measures Haripur	Hazara Division.
5	Deputy Director Labour Swat	Deputy Controller Weights and Measures Swat	a. District Malakand b. District Swat c. District Shangla d. District Buner e. District Dir Upper f. District Lower g. District Chitral h. Tribal District Bajaur.
6	Assistant Director Labour Abbottabad	Assistant Controller Weights and Measures Abbottabad	District Abbottabad, District Mansehra, District Battagram, District Torghar, District Kohistan Upper, District Kohistan Lower, District Kolai Pallas
7	Assistant Director Labour Charsadda	Assistant Controller Weights and Measures	District Charsadda and Tribal District Mohmand
8	Assistant Director Labour, Mardan	Assistant Controller Weights and Measures Mardan	District Mardan
9	Assistant Director Labour, Nowshera	Assistant Controller Weights and Measures Nowshera	District Nowshera.
10	Assistant Director Labour, Swabi	Assistant Controller Weights and Measures Swabi	District Swabi

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with A-D (Admin)

AC/WE/M

	Assistant Director Labour Kohat	Assistant Controller Weights and Measures Kohat	a. District Kohat b. District Hangu c. District Karak d. Tribal District orakzai e. Tribal District Kurrum
	Assistant Director Labour Bannu	Assistant Controller Weights and Measures Bannu	a. District Bannu b. District Lakki Marwat c. Tribal District North Waziristan d. District D.I.Khan e. District Tank f. Tribal District South Waziristan
13	Inspector Weights and Measures Peshawar-I	Inspector Weights and Measures Peshawar-I	Tribal District Khyber and Peshawar (Kohat Road, Ring road from Kohat Road to Pishakara Chowk, Bara Road, Qayyum stadium, Mall Road, Ramdas Chowk, dabgari garden, Rehman Baba Colony, Namak Mandi, Shoba Bazar, Jail Road(Pul) Civil Secretariat, FC Chowk, Saddar Bazar, Saddar Road Peshawar)
14	Inspector Weights and Measures Peshawar-II	Inspector Weights and Measures Peshawar-II	Peshawar (Ring road From Kohat Road to Zakori Pul upto Warsak Road, Hazar Khwani, Charsadda Road circular Road, Sarki Gate, Phandu Road, Jamil Chowk, Kakshal, Wazir Bagh Chamkani, Tarnab, Haji Camp Bus Adda, hashtnagri, City Area, Faqir Abad, Ashraf Road, Dalazak Road, Charsadda Road, Bacha Khan Chowk, Pajagi Road, Artillery Road Cantt area, Nazar Bagh Road, Cinema Road, Khyber Bazar, Qaisa Khwani Bazar LRH Hospital Road Peshawar).
15	Inspector Weights and Measures Peshawar-III	Inspector Weights and Measures Peshawar-III	Peshawar (Khyber Road from Chungi Warsak Road to Warsak, Shani Bala, Sufaidasang, Machani Road, Hasan garhi, Warsak Road, Gora kabrisstan, Tahkal payan, Takhal Bala, Shaheen town, university Road, university town, palosi, Hayatabad Karkhano Market, Industrial area, Ring road from Pishtakara chowk to onward Hayat abad Peshawar).
16	Inspector Weights and Measures Charsadda	Inspector Weights and Measures Charsadda	District Charsadda Tribal District Mohmand.
17	Inspector Weights and Measures Nowshera	Inspector Weights and Measures Nowshera	District Nowshera
18	Inspector Weights and Measures Mardan	Inspector Weights and Measures Mardan	District Mardan.

Inspector Weights and Measures Malakand	Inspector Weights and Measures Malakand	District Malakand
Inspector Weights and Measures Swat	Inspector Weights and Measures Swat	District Swat
Inspector Weights and Measures Shangla	Inspector Weights and Measures Shangla	District Shangla
Inspector Weights and Measures Dir Upper	Inspector Weights and Measures Dir Upper	District Dir (upper)
Inspector Weights and Measures Chitral	Inspector Weights and Measures Chitral	District Chitral
Inspector Weights and Measures Dir Lower	Inspector Weights and Measures Dir Lower	District Dir (Lower) and Tribal District Bajaur
Inspector Weights and Measures Buner	Inspector Weights and Measures Buner	District Buner
Inspector Weights and Measures Swabi	Inspector Weights and Measures Swabi	District Swabi
Inspector Weights and Measures Haripur	Inspector Weights and Measures Haripur	District Haripur
Inspector Weights and Measures Abbottabad	Inspector Weights and Measures Abbottabad	District Abbottabad
Inspector Weights and Measures Battagram	Inspector Weights and Measures Battagram	District Battagram, District Torghar, District Kohistan (U&L) District Kolal Pallas
Inspector Weights and Measures Mansehra	Inspector Weights and Measures Mansehra	District Mansehra
Inspector Weights and Measures Kohat	Inspector Weights and Measures Kohat	District Kohat
Inspector Weights and Measures Hangu	Inspector Weights and Measures Hangu	District Hangu, Tribal District Orakzai and Tribal District Kurram
Inspector Weights and Measures Karak	Inspector Weights and Measures Karak	District Karak
Inspector Weights and Measures Bannu	Inspector Weights and Measures Bannu	District Bannu & Tribal District North Waziristan
Inspector Weights and Measures Lakki Marwat	Inspector Weights and Measures Lakki Marwat	District Lakki Marwat
Inspector Weights and Measures Tank	Inspector Weights and Measures Tank	District Tank & Tribal District South Waziristan
Inspector Weights and Measures D.I.Khan	Inspector Weights and Measures D.I.Khan	District Dera Ismail Khan
Inspector Weights and Measures Nowshera (for calibration of Oil Depot)	For calibration Point at Oil Depot PSO, Shell, & Chevron	Taru Jabba

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21.5.15

SECRETARY TO
GOVERNMENT OF KHYBER PAKHTUNKHWA
LABOUR DEPARTMINTS

Encl. No. & Date as above.

Copy of the above is forwarded to :-

1. The Director Labour, Khyber Pakhtunkhwa.
2. The Manager Government Printing & Stationery Department, Khyber Pakhtunkhwa, Peshawar for publication in the official gazette.
3. The Deputy Controller (W&M) Khyber Pakhtunkhwa Peshawar.

Copy No. DE/Admn.
Dated

Section Officer (General)
Labour Department

**GOVERNMENT OF KHYBER PAKHTUNKHWA
LABOUR DEPARTMENT**

7

Date of Revision: 23rd Nov, 2010

NOTIFICATION

No. 276/LO/2010/4976-707 The Competent Authority has been pleased to order the following posting / transfers of Officers of Directorate of Labour, Khyber Pakhtunkhwa with immediate effect in the public interest:

S. No	Name	From	To
1	Mr. Javed Dy. Director Labour (BS-16)	Deputy Director Labour District Peshawar	Deputy Commissioner (Weights & Measures) District Peshawar
2	Mr. Shaukat Ahmad Dy. Controller (W&M) (BS-16)	Deputy Controller (Weights & Measures) High Peshawar	Deputy Director Labour District Peshawar vice S.No. 1
3	Mr. Mansoor Khan Dy. Director Labour (BS-16)	Deputy Director Labour Haripur	Deputy Director Labour High Peshawar vice S.No. 4
4	Mr. Fayaz Shafiq Dy. Director Labour (BS-16)	Deputy Director Labour High Peshawar	Deputy Director Labour Swat by relieving Mr. Naimat Khan AGL (BS-17) posted as DDL Swat in OPS.
5	Mr. Gul Nawaz Khan Dy. Director Labour (BS-16)	Deputy Director Labour Workers Education Wing High Peshawar	Deputy Director Labour High Peshawar vice S.No. 6
6	Mr. Muhammad Sherif Khatik Dy. Director Labour (BS-16)	Deputy Director Labour High Peshawar	Deputy Director Labour Workers Education Wing High Peshawar vice S.No. 5
7	Mrs. Samra Rehman Assistant Director Labour (BS-17)	Child & Bonded Labour Unit High Office Peshawar	High Office Peshawar
8	Mr. Azhar Hussain, Assistant Director Labour (BS-17)	High Office Peshawar	Child & Bonded Labour Unit High Office Peshawar
9	Mr. Ifanullah, Assistant Director Labour (BS-17)	Assistant Director Labour Swabi	Deputy Director Labour Haripur in his own pay & scale
10	Senior Abdul Rehman Assistant Director Labour (BS-17)	Assistant Director Labour Atakhtasad	Assistant Director Labour Swabi vice S.No. 9
11	Mr. Mansoor Khan Assistant Director (BS-17)	Assistant Director Labour Bannu	Assistant Director Labour Kohat against the vacant post. He will also look after the post of Assistant Director Labour Bannu till further orders.

Contd. On Page 22



GOVERNMENT OF KHYBER PAKHTUNKHWA
LABOUR DEPARTMENT

8

Page / 2

S.No	Name & Designation	From	To
12	Mr. Muzaffar, Assistant Director Labour (BS-17)	Assistant Director Labour Buner	Assistant Director Labour Dir Lower against the vacant post. He will also look after the post of Assistant Director Labour Buner till further orders.
13	Mr. Noman Khan, Assistant Director Labour (BS-17)	Deputy Director Labour Swat in his own pay & scale.	Assistant Director Labour Mardan against the vacant post
14	Mr. Tahir Mahmood, Superintendent (BS-17)	Office of the DDL Haripur	Assistant Director Workers Education Wing Haripur in his own pay & scale.
15	Mr. Yaseen Akmal, Superintendent (BS-17)	Weights & Measures Cell-Hqtr office Peshawar	Superintendent Hqtr Office Peshawar
16	Mr. Tariq Iqbal, Superintendent (BS-17)	Hqtr office Peshawar	Weights & Measures Cell Hqtr Office Peshawar
17	Mr. Aftab Hussain Labour Officer (BS-16)	District Labour Office Peshawar	Assistant Director Labour Nowshera against the vacant post in his own pay & scale.
18	Mr. Shauq Ahmad Labour Officer (BS-16)	District Labour Office Swat	Assistant Director Labour Abbottabad in his own pay & scale

Secretary to Govt. of Khyber Pakhtunkhwa
Labour Department

Encls: No. & date even

Copy forwarded to

- (i) Accountant General, Khyber Pakhtunkhwa
- (ii) Principal Secretary to Chief Minister, Khyber Pakhtunkhwa
- (iii) PSO to Chief Secretary, Khyber Pakhtunkhwa
- (iv) Director Labour, Directorate of Labour, Khyber Pakhtunkhwa.
- (v) Section Officer (Cabinet), Establishment & Administration Department
(Cabinet Wing), Khyber Pakhtunkhwa
- (vi) PS to Minister for Labour & Culture, Khyber Pakhtunkhwa
- (vii) PS to Secretary Labour Department, Khyber Pakhtunkhwa
- (viii) District Accounts Officer concerned
- (ix) All concerned officers.

Section Officer (General)



(9)

**DIRECTORATE OF LABOUR
KHYBER PAKHTUNKHWA PESHAWAR**

ORDER

The Posting/Transfer of the following Officers is hereby Ordered with immediate effect in the public interest till further Orders;-

S. No.	Name & Designation of Officials	From	To
1.	Mr. Qudrat Ullah Khan, Assistant Labour Officer (BPS-12) posted against the vacant post of Labour Officer (in his own pay scale).	The District Labour Office D.I.Khan.	Office of the Assistant Director Labour, Bannu, against the vacant post of Assistant Labour Officer.
2.	Mr. Muhammad Yaqoob, Labour Officer (BPS-16) posted against the vacant post of Inspector (W&M).	Office of the <u>Inspector (W&M)</u> Hangu	The District Labour Office D.I.Khan against the vacant post of <u>Labour Officer</u> vacated by S. No. 1

Note: No TA/DA will be admissible to S. No. 2.

Sd/-
Director Labour,
Khyber Pakhtunkhwa Peshawar

Endst: No. DL/Admn/2/37/1293-1304

Dated 20/02/2020

Copy of the above is forwarded for information to:-

1. The District Accounts Officers D.I.Khan. Hangu & Bannu.
2. P.A to Director Labour, Khyber Pakhtunkhwa.
3. The Deputy Director (Accounts) Hqtr: Office, Peshawar.
4. The Assistant Director Labour Bannu.
5. The office Incharge District Labour office D.I.Khan.
6. The office Incharge Inspector (W&M) office Hangu.
7. The Officers concerned.
7. The Computer Operator-II with the advice to update HR Database.
8. P/File of the Officers concerned.

(Azhar Hussain)
Assistant Director Labour (Admn)
Hqtr: Office Peshawar



10

**DIRECTORATE OF LABOUR
KHYBER PAKHTUNKHWA PESHAWAR**

ORDER

In exercise of the powers conferred under Section-20(1) of the Khyber Pakhtunkhwa, Standard (W&M) Enforcement Act, 1976 (Amended 2012), the Controller W&M, is pleased to authorize the following officials to look after the charge of the post of Inspector (W&M) as mentioned against each, in addition to their own duties with immediate effect, till further orders:-

S No	Name of Official	Designation/Office	Additional Charge
1	Muhammad Qasim Tanoli	Assistant Labour Officer	Inspector W&M Haripur
2	Mr. Kifayatullah	Labour Inspector	Inspector W&M Char'sadda

Both the Officials will be responsible to achieve their individual receipts targets.


Sd/-
Director Labour/Controller W&M
Khyber Pakhtunkhwa, Peshawar

Ends No: DL/Admn/3/6-A/ 7679-89

Dated 25/10/2019

Copy of the above is forwarded for information to:-

1. P.A to Director Labour, Khyber Pakhtunkhwa.
2. The Deputy Director Labour, Haripur & Peshawar (District).
3. The Assistant Controller W&M, Hqtr: Office Peshawar.
4. The R&RO, RC&RS, Hqtr: Office Peshawar.
5. The Inspector (W&M) Nowshera.
6. The Computer Operator-II, with the advice to update HR Database.
7. The Official Concerned.
8. P/File of the Officials Concerned.


(Azhar Hussain)
Assistant Director Labour (Admn)
Hqtr: Office Peshawar

MOST IMMEDIATE



**GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT**

Finance Department Civil Secretariat Peshawar <http://www.finance.gkp.pk> [facebook.com/GoKPPD](https://www.facebook.com/GoKPPD) twitter.com/GoKPPD

No.B.O.1/FD/5-17/2020-21/SNE

Dated Peshawar the 09/12/2020

To

1. The Secretary to Govt: of Khyber Pakhtunkhwa, Home & Tribal Affairs Department.
2. The Secretary to Govt: of Khyber Pakhtunkhwa, Population Welfare Department.
3. The Secretary to Govt: of Khyber Pakhtunkhwa, Labour Department.
4. The Secretary to Govt: of Khyber Pakhtunkhwa, Higher Education Department.
5. The Secretary to Govt: of Khyber Pakhtunkhwa, Local Government Department.

Subject: - MINUTES OF THE MEETING OF THE COMMITTEE REGARDING PROPOSED SNEs HELD UNDER THE CHAIRMANSHIP OF MINISTER FOR FINANCE HELD ON 18th NOVEMBER, 2020 IN FINANCE DEPARTMENT

Dear Sir,

I am directed to refer to the subject noted above and to enclosed herewith minutes of the meeting held under the chairmanship of Minister for Finance, Khyber Pakhtunkhwa on 18.11.2020 in the Committee Room of Finance Department which are self-explanatory, for information and necessary action, please.

Yours faithfully

Encl.As above

(SAEED AHMAD KHAN)
BUDGET OFFICER-I

Endst: No & Date of even:

Copy forwarded alongwith a copy of the minutes of the meeting for information and necessary action to the: -

- 1) PS to Minister for Finance, Khyber Pakhtunkhwa.
- 2) PS to Secretary Finance, Khyber Pakhtunkhwa.
- 3) PS to Special Secretary (NMAs), Finance Department, Khyber Pakhtunkhwa.

BUDGET OFFICER-I

MINUTES OF THE MEETING OF SNE COMMITTEE HELD UNDER THE CHAIRMANSHIP OF FINANCE MINISTER ON 18TH NOVEMBER, 2020 IN FINANCE DEPARTMENT

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A meeting of the SNE Committee was held under the chairmanship of Minister for Finance, Khyber Pakhtunkhwa on 18-11-2020 regarding consideration of proposed SNEs received from various Departments pertaining to Newly Merged Areas (NMAs):

2. The meeting commenced with recitation from the Holy Quran. Opening the discussion, the Minister for Finance welcomed the participants and highlighted aims and objectives of the meeting. Proposed SNEs of the following Departments were discussed and decided as per detail given below:

A. CIVIL DEFENCE

Discussion:

3. The representative of the Relief Department demanded for creation of 92 posts for Civil Defence in the Newly Merged Areas. However, the representative of Finance Department apprised the forum that in preliminary meeting 59 instead of 92 posts of various categories have been agreed by the Finance Department. Total financial implications on account of creation of 92 posts comes to Rs.45.677 million per annum, whereas Rs.32.040 million will accrue annually on creation of 59 posts.

Decisions.

4. After detailed discussion, the forum recommended to create the following 59 posts, during current financial year (2020-21):

S.No	Designation	BPS	Demanded	Recommended	Financial Implication PKR M
1	Deputy Director (Admin)	18	1	01	1.280
2	Assistant Director (Admin)	17	1	01	1.027
3	Civil Defence Officer	17	3	03	3.080
4	Assistant	16	1	0	0
5	Computer Operator	16	2	01	1.647
6	Instructor G-I (Male)	15	07	07	0
7	Instructor G-I (Female)	15	07	04	4.904
8	Senior Clerk	14	01	0	0
9	Instructor G-II (Male)	12	07	01	0.400
10	Instructor G-II (Female)	12	07	07	3.873
11	Junior Clerk	11	10	08	5.185
12	Fire Officer	10	03	0	1.437
13	Instructor G-III (Male)	08	08	01	0.420
14	Instructor G-III (Female)	08	08	07	3.447
15	Driver	07	05	05	1.250
16	Fire Man	06	04	0	0.990
17	Naib Qasid	3	11	05	1.200
18	Chowkidar	3	02	03	0.700
19	Sweeper	3	04	05	1.200
TOTAL			92	59	32.040

B. POPULATION WELFARE DEPARTMENT

Discussion:

5. The representative of the Department presented SNE proposal for creation of 246 posts. However, the representative of Finance Department pointed out that in the preliminary meeting at department level, the demand was rationalized and reduced to 64 posts as financial implications on creation of 246 posts comes to Rs.125.908 million per annum whereas the financial implications on creation of 64 posts will be Rs.33.383 million per annum.

DECISIONS

6. After detailed discussion, the forum recommended to create the following 64 posts during current financial year:

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S.No	Designation	BPS	Posts Demanded	Posts recommended	Financial implications
1.	Director	19	1	0	0
2.	District Population Welfare Officer	19	2	0	0
3.	Deputy Director (Planning)	18	1	0	0
4.	District Population Welfare Officer	18	5	7	8.959
5.	Assistant Director (Planning)	17	1	0	0
6.	Deputy District Population Welfare Officer (N.T)	17	4	0	0
7.	Deputy District Population Welfare Officer (T)	17	7	0	0
8.	Woman Medical Officer	17	1	0	0
9.	Deputy Demographer	17	8	0	0
10.	Account Officer	17	1	0	0
11.	Assistant District Population Welfare Officer	17	2	0	0
12.	Accountant	17	2	0	0
13.	Assistant	16	5	0	0
14.	Field Technical Officer	16	11	7	5.764
15.	Senior Scale Stenographer	16	3	0	0
16.	Accounts Assistant	16	6	4	1.647
17.	Computer Operator	16	0	2	3.294
18.	Junior Scale Stenographer	14	4	0	0
19.	Supervisor Male	14	7	0	0
20.	Senior Clerk	14	5	0	0
21.	Storekeeper	14	8	0	0
22.	Projectionist	13	7	0	0
23.	Statistical Assistant	12	5	0	0
24.	Family Welfare Counsellor	12	9	0	0
25.	Theater Nurse	12	3	0	0
26.	Junior Clerk	11	14	7	3.630
27.	Family Welfare Worker	9	2	6	2.723
28.	Operation Theater Technician (OT)	8	1	0	0
29.	Family Welfare Assistant (Male)	7	10	6	1.526
30.	Family Welfare Assistant (Female)	7	9	5	1.272
31.	Driver	6	15	2	0.495
32.	Aya/Helper	3	12	10	2.263
33.	Naib Qasid	3	13	7	1.584
34.	Sweeper	3	8	0	0
35.	Female Sweeper	3	2	0	0
36.	Chowkidar	3	52	1	0.226
Total			246	64	33.383

C. LABOUR DEPARTMENT**Discussion:**

7. The representative of the Department presented the following two demands for consideration: -

- i) Creation of 77 posts of different categories in Labour Department.
- ii) Creation of 35 posts of different categories in Weights & Measures.

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8. The representative of Finance Department pointed out that in preliminary meeting with Labour Department, the demand was rationalized and reduced to 49 posts with financial implications of Rs. 26.975 million per annum against 77 posts demanded with financial implications of 48.760 million per annum. The representative of Finance Department added that in the internal meeting, 21 posts with financial implications of Rs.6.504 million per annum recommended instead of 35 posts with financial implication of Rs.10.840 million per annum in the Weights & Measures Wing of the Labour Department during current financial year.

DECISIONS

9. After detailed discussion, the forum recommended to create the following 49 and 21 posts for Labour as well as Weights & Measures Wings of the Labour Department, during current financial year:

i. Labour Wing

SNO	Designation	BPS	Positions Demanded by Dept	Positions Recommended by FD	Financial Implications/ Annum PKR M
1	Assistant Director Labour	17	07	07	7.186
2	Labour Officer	16	07	0	0
3	Assistant	16	07	0	0
4	Social Mobilizer	16	07	0	0
5	Computer Operator	16	07	07	5.764
6	Senior Clerk	14	07	0	0
7	Assistant Labour Officer	12	07	07	3.873
8	Junior Clerk	11	07	07	3.630
9	Labour Inspector	10	07	07	3.354
10	Chowkidar	03	07	07	1.584
11	Naib Qasid	03	07	07	1.584
Total			77	49	26.975

ii. Weight & Measures Wing

SNO	Designation	BPS	Posts Demanded by Dept	Posts Recommended by FD	Financial Implications/ Annum PKR M
1	Inspector Weights and Measures	16	07	07	3.168
2	Senior Clerk	14	07	0	0
3	Junior Clerk	11	07	0	0
04	Manual Assistant	06	07	07	1.765
04	Chowkidar	03	07	07	1.571
Total			35	21	6.504

D. HIGHER EDUCATION DEPARTMENT

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Discussion:

10. The representative of the Department presented SNE proposal for creation of 122 posts. However, the representative of Finance Department pointed out that in the preliminary meeting at department level, the demand was rationalized and reduced to 85 posts with financial implications of Rs.87.044 million instead of creation of 122 posts with financial implication of Rs.125.908 million per annum.

DECISIONS

11. After detailed discussion, the forum recommended to create the following 85 posts during current financial year:

S.No.	Designation	BPS	Posts Demanded by AD	Posts recommended	Financial Implication/ Annum PKR M.
1	Professor/Principal	20	05	-	0
2	Associate Professor	19	16	16	27.472
3	Assistant Professor	18	26	26	33.276
4	Lecturer	17	09	09	9.239
5	DPE	17	03	03	3.080
6	Librarian	17	04	04	4.106
7	Superintendent	17	05	-	0
8	Assistant	16	04	04	3.294
9	Senior Clerk	14	04	-	0
10	Junior Clerk	11	04	04	2.074
11	Com. Lab. Asstt:	07	05	05	1.272
12	Driver	06	03	03	0.742
13	Tube Well Operator	03	04	04	0.905
14	Com. Lab. Attendant	03	03	03	0.679
15	Library Attendant	03	04	04	0.905
16	Naib Qasid	03	02	-	0
17	Chowkidar	03	08	-	0
18	Cook	03	01	-	0
19	Bearer	03	05	-	0
20	Mali	03	06	-	0
21	Sweeper	03	01	-	0
Total:-			122	85	87.044

E. LOCAL GOVERNMENT DEPARTMENT

Discussion:

12. The representative of the Department presented the following two demands for consideration:-

- i) Creation of 6 posts in DG Local Government Office.
- ii) Creation of 18 posts in Local Government Department for District South Waziristan.

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13. The representative of Finance Department pointed out that in preliminary meeting with Local Government Department, the demand was rationalized and reduced to 4 posts with financial implications of Rs. 3.814 million per annum against 6 posts demanded with financial implications of 4.921 million per annum. The representative of Finance Department further added that in the internal meeting, 18 posts recommended in Local Government Department for District South Waziristan with financial implications of Rs.6.121 million per annum.

i. DG Local Government Office.

Designation	BPS	Posts Demanded by AD	Posts Agreed	Financial Implication
Director	19	1	1	1.717
Assistant Director IT	17	1	1	1.027
Computer Operator	16	1	1	0.823
Sub Engineer	12	2	0	0
Driver	6	1	1	0.247
Total		6	4	3.814

ii. Local Government Department for District South Waziristan

Designation	BPS	Posts demanded by AD	Posts Agreed	Financial Implication
Neighborhood Council Secretary	9	9	9	4.084
Naib Qasid	3	9	9	2.037
Total		18	18	6.121

14.

The meeting ended with vote of thanks from and to the chair.



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BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Civil Miscellaneous No: _____ / 2020
In Service Appeal No: ¹⁰⁹⁷ ~~1097~~ / 2020

Romiz Meeraed VS Govt. of Khyber Pakhtunkhwa etc.

APPLICATION FOR IMPLEADMENT

Respectfully Sheweth,

- 1) That, the titled Service Appeal is pending subjudice before this Honorable Court and is fixed for today.
- 2) That, Applicants are Labour Officers working in the Directorate of Labour i.e. the Respondent No. 5.
- 3) That, the Appellant in fact wants to merge the seniority list of the Applicants with his cadre of Inspector Weights & Measure.
- 4) That, the Appellant has purposely and malafidely not arrayed the Applicants as Respondents in the panel of Respondents despite having knowledge of the fact that the main affectees of outcome of the titled Appeal, in any manner, would be Applicants.
- 5) That, more interestingly, instant Appeal has been filed by the Appellant for the purpose of promotion by merging the cadre of the Applicants and the Appellant.
- 6) That, if the Appeal of the Appellant is accepted, without hearing the Applicants, the valuable service rights / Seniority Position of the Applicants would be infringed.
- 7) That, any benefit if granted or refused will ultimately affect the Applicants Seniority / Promotion / Promotion Quota.
- 8) That, there is no legal lacuna or bar in impleading the Applicants as necessary party.

Sir, I have no objection on the application for impleadment.
 D.R. 24/11/2020

9) That, in post Impleadment scenario, Applicants will help and assist this Honourable Court to arrive at a correct and just decision of the IIs, as early as possible, according to law.

10) That, following are the particulars of the Applicants:

Respondent No. 6
Kaiser Alam, Labour Officer, Kohat.

Respondent No. 7
Altaf Hussain, Labour Officer, Presently Posted as Assistant Director, OPS, Nowshera.


Respondent No. 8
Muhammad Sharif, Labour Officer, Presently Posted as Assistant Director, OPS, Abbottabad.

Respondent No. 9
Rizwan Zia, Labour Officer, Peshawar.

It is, therefore, requested that Applicants may please be arrayed / added as necessary parties, in the Column of Respondents.

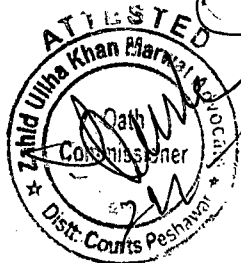
Applicants

Through:


BILAL AHMAD KAKAIZAI
(Advocate, Peshawar)

AFFIDAVIT

I, Altaf Hussain, Labour Officer, Presently Posted as Assistant Director, OPS, Nowshera, Applicant, do hereby on oath affirm and declare that the contents of the Application are true and correct to the best of my knowledge and belief and nothing has been kept secret from this Honourable Tribunal.




Deponent

**BEFORE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,
PESHAWAR**

Suit / Appeal / Claim / Petition / Application No. _____

Ramiz Moxol to VERSUS Govt etc

On behalf of _____ **Applicant/Respondent** _____

KNOW ALL to whom these present shall come that I / We _____ through my legally constituted attorney _____ do hereby appoint **MR. BILAL AHMAD KAKAIZAI** (herein after called the advocate) to be my / our Advocate in above noted case.

He is authorized:-

1. To act, appear and plead in the above-noted case in Court / Tribunal / Authority / Commission etc or in any other Court in which the same may be tried or heard.
2. To sign, file verify and present pleadings, appeals cross objections, written statement, comments or petitions for execution review, revision, withdrawal, compromise or other petitions or affidavits or other documents as may be deemed necessary or proper for the prosecution / disposal of the said case in all its stages.
3. To file and take back documents, to admit and / or deny the documents of opposite party.
4. To withdraw or compromise the said case with my / our prior approval.
5. To take execution proceedings.
6. To do all other acts and things, which may be necessary to be one for the progress and in the course of prosecution / proceedings of the said case.
7. To appoint and instruct any other Legal Practitioner, authorizing him to exercise the power and authority hereby conferred upon the Advocate whenever he may think it to do so.

And I / We the undersigned do hereby agree to ratify and confirm all acts done by Advocate or his substitute in the matter as my / our own acts, as if done by me / us to all intents and purposes.

And I / We undertake that I / we or my / our duly authorized agent would appear in the Court on all hearings and will inform the Advocates for appearance when the case is called.

And I / We undersigned do hereby agree not to hold the advocate or his substitute responsible for the result of the said case. The adjournment costs whenever ordered by the Court shall be of the Advocate which he shall receive and retain himself.

And I / We undersigned do hereby agree that in event of the whole or part of the fee agreed by me / us to be paid to the Advocate remaining unpaid he shall be entitled to withdraw from the prosecution / proceedings of the said case until the same is paid up. The fee settled is only for the above case and above Court. I / We hereby agree that once the fee is paid. I / we will not be entitled for the refund of the same in any case whatsoever.

I / we do hereunto set my / our hand to these presents the contents of which have been understood by me / us on this _____ day of _____.

Accepted Advocate


الحقوقي

Client:


الحقوقي

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Civil Miscellaneous No: _____ / 2020
In Service Appeal No: 10926 / 2020

RAMIZ MURAD VS Govt. of Khyber Pakhtunkhwa etc.

WRITTEN REPLY ON BEHALF OF ADDED / IMPEADED RESPONDENTS

Respectfully Sheweth,

Reply, on behalf of Added / Impleaded Respondents, is as under:

PRELIMINARY OBJECTIONS:

- A. That, Appellant has got no cause of action or locus standi against the Answering Respondent.
- B. That, the Appeal of the Appellant is not maintainable in its present form.
- C. That, the Appellant has been estopped by his own conduct to file the instant Appeal.
- D. That, Appellant has not come to the Court with clean hands and has suppressed material facts from this Honourable Tribunal.
- E. That, Appellant has not questioned vires of the Rules before this Honorable Tribunal and seeks remedy of promotion against the allotted quota of Answering Respondents hence the Appeal of the Appellant is not maintainable on this score alone.

- F. That, Appellant has suppressed the factum from this Honorable Tribunal that the promotion quota allotted to their category / cadre has already been exhausted.
- G. That, as per Rules, Joint Seniority List is maintained only for those cadres of Civil Servants for whom separate quota is not allotted moreover direction of issuance of joint Seniority List is always mentioned in the Rules where it is expedient / necessary to mention.
- H. That, if, for couple of moments, it is presumed that Joint Seniority List is allowed as per the prayer of the Appellant, even than the promotion will be done as per allotted quota / share hence instant Appeal is meritless and fruitless for the Appellant.
- I. That, after promulgation of new service rules, titled Appeal has become infructuous.
- J. That, the Service Appeal is hopelessly time barred, as the rules for promotion were notified in the year 2012 which were never challenged by the Appellant or any of his colleague, followed by amendment in the said Rules in recent past i.e. during the pendency of instant Appeal.

FACTS:

1. Para 1 pertains to record, hence needs no Reply from the Answering Respondents.
2. Para 2 pertains to Official Respondents, hence needs no Reply from the Answering Respondents.
3. Para 3 pertains to Official Respondents, hence needs no Reply from the Answering Respondents.
4. In response to Para 4 of the Appeal, it is submitted that in the Rules of 1982, the concept of Joint Seniority List was allowed, for the purpose of promotion to the post of Assistant Director Labour,

Assistant Director Weights & Measure & Assistant Director Planning the Statistics (Labour Wing), due to the fact that all the above mentioned cadres were allotted collective quota of 50%, and as per law the promotion was given to the incumbents according to seniority position. In Column 6 of the Rules of 1982 no specific quota was allotted to any specific cadre hence separate Seniority List could not be maintained as per Rules of 1982. However nowadays the scenario is changed and separate quota of 30% each is allocated to the post of Inspector Weights & Measure as well as Labour Officers / Research & Statistical Officers.

5. Para 5 needs no comments as per above clarifications.
6. Incorrect & misleading one, hence denied. As per Rules, the post of Labour Officer is filled-in by promotion from amongst the holders of the post of Assistant Labour Officers. Assistant Labour Officer is promoted from amongst the holders of post of Inspector Labour. The hierarchy mention in the instant Para is supported by the Rules while on the other hand the post of Inspector Weight & Measure is initial / direct recruitment post. The numbers mentioned in the Para in response are incorrect moreover, the number of posts of Labour Officers, Labour Officers (Female) & Social Mobilizers are almost equal to the Appellant, as per new rules.
7. Incorrect. As per information of the Answering Respondents, no Departmental Appeal has been filed by the Appellant before approaching this Honorable Forum, hence instant Appeal is not maintainable.

GROUND:

- A. Incorrect. As per rules, issuance of joint Seniority List is not permissible.
- B. Incorrect. The cadre of Appellant has already been accommodated and their quota of promotion is exhausted more than the allotted quota. It is important to mention here that the Appellant and his colleagues, in order to get the promotion in excess of their allotted quota, has filed the instant Appeal under malafide intention.

- C. Incorrect. No malafide has been done by any authority while issuing the Seniority List or Service Rules of 2012. The Appellant should have brought his grievance before this Honorable Tribunal in the year 2012 if he was aggrieved from the promulgation of Rules.
- D. Incorrect hence denied. As per allotted quota promotion of the Appellant as well as Answering Respondents are just and the same cannot be amalgamated with Appellant's Quota, in any manner.
- E. Incorrect & misleading one hence denied. Article 38 of the Constitution of Islamic Republic of Pakistan, 1973 does not contain any reference regarding the joint or separate Seniority List.
- F. Incorrect. As per the contents of preceding Para(s).
- G. Incorrect. As per the contents of preceding Para(s).
- H. Incorrect and misleading one hence denied. Labour Officers and Inspectors Weights & Measures are distinct cadres having different job descriptions and nature of duties moreover both the cadres originates from different channel of recruitment and promotion.
- I. Incorrect & misleading one hence denied as per the contents of preceding Para(s).

Through


Added Respondents

BILAL AHMAD KAKAIZAI
(Advocate, Peshawar)

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

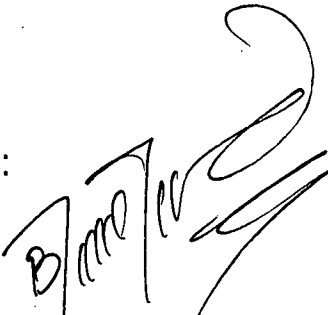
Civil Miscellaneous No: _____ / 2020
In Service Appeal No: 10926 / 2020

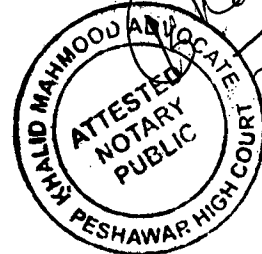
RAMIZ MURAD **VS** Govt. of Khyber Pakhtunkhwa etc.

AFFIDAVIT

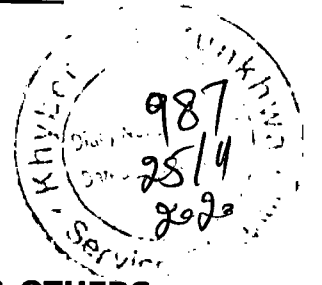
I, Altaf Hussain, Labour Officer, Presently Posted as Assistant Director, OPS, Nowshera, Applicant, do hereby on oath affirm and declare that the contents of the Reply are true and correct to the best of my knowledge and belief and nothing has been kept secret from this Honourable Tribunal.

Identified by:


BILAL AHMAD KAKAIZAI
(Advocate, Peshawar)



BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL
PESHAWAR



C.M NO. _____/2020

IN

APPEAL NO. _____/2020

RAZA SHAH

V/S


GOVT. OF K.P.K & OTHERS

APPLICATION FOR EARLY HEARING OF THE ABOVE MENTIONED
APPEAL

R/SHEWETH:

- 1) That the above mentioned appeal is pending before this Honorable Tribunal which is fixed for hearing on 05.01.2021.
- 2) That appellant filed the above mentioned service appeal against the impugned notification dated 02.05.2020 whereby many junior colleagues to the appellant have been promoted to the post of Assistant Director Labor/ Assistant Director Research, Planning and Statistics/ Assistant Controller Weights and measures (BPS-17) while the appellant has been ignored.
- 3) That the above mentioned appeal was fixed for preliminary hearing on 02.11.2020 but due to Bar Strike, the said appeal has been adjourned till 05.01.2021.
- 4) That during pendency of the aforementioned service appeal, the respondent Department prepared working papers on 19.11.2020 and meeting of Departmental Promotion Committee is going to be held in nearby future. (Copy of letter is attached).
- 5) That if once the respondents succeed in their purpose by promoting other juniors to the appellant, the appellant will face with irreparable loss and the appeal in hand would become anfractuious.
- 6) That the interest of justice demands that such like matter be heard as early as possible to meet the ends of justice and also to meet the principles of access to Justice.

It is therefore, most humbly prayed that on acceptance for this application appeal of the appellant may very kindly be fixed for hearing as early as possible.

Through: 
NOOR MUHAMMAD KHATTAK
(ADVOCATE)

2



**DIRECTORATE OF LABOUR
KHYBER PAKHTUNKHWA PESHAWAR**

No. DL/ Admn/2/4/7433.

Dated 19 / 11 / 2020

The Section Officer (General)
Government of Khyber Pakhtunkhwa,
Labour Department.

- Subject: 1. DRAFT WORKING PAPER FOR PROMOTION TO THE POSTS OF ASSISTANT DIRECTOR LABOUR (BPS-17) ON REGULAR BASIS.
2. DRAFT WORKING PAPER FOR PROMOTION TO THE POST OF LABOUR OFFICER (BPS- 16) ON REGULAR BASIS.
3. DRAFT WORKING PAPER FOR PROMOTION TO THE POST OF SYSTEM SUPERVISOR (BPS- 17) ON REGULAR BASIS.

I am directed to refer to the subject cited above and to enclose herewith draft working papers alongwith seven (07) sets of relevant documents for promotion of Labour Officers to the post of Assistant Director Labour (BPS-17), Assistant Labour Officer to the post Labour Officer (BPS-16) and Computer Operators to the post of System Supervisor (BPS-17) on regular basis. The original ACRs in respect of the Officers/Officials will be presented during the meeting.

I am further directed to request you to place the working papers before the Departmental Promotion Committee (DPC) for promotion to the above mentioned posts please.

(Azhar Hussain)
Assistant Director Labour (Admn)
Hqtr: Office Peshawar

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Civil Miscellaneous No: _____ / 2020
In Service Appeal No: MTB / 2020

VS Govt. of Khyber Pakhtunkhwa etc.

APPLICATION FOR IMPLEADMENT

Respectfully Sheweth,

- 1) That, the titled Service Appeal is pending subjudice before this Honorable Court and is fixed for today.
- 2) That, Applicants are Labour Officers working in the Directorate of Labour i.e. the Respondent No. 5.
- 3) That, the Appellant in fact wants to merge the seniority list of the Applicants with his cadre of Inspector Weights & Measure.
- 4) That, the Appellant has purposely and malafidely not arrayed the Applicants as Respondents in the panel of Respondents despite having knowledge of the fact that the main affectees of outcome of the titled Appeal, in any manner, would be Applicants.
- 5) That, more interestingly, instant Appeal has been filed by the Appellant for the purpose of promotion by merging the cadre of the Applicants and the Appellant.
- 6) That, if the Appeal of the Appellant is accepted, without hearing the Applicants, the valuable service rights / Seniority Position of the Applicants would be infringed.
- 7) That, any benefit if granted or refused will ultimately affect the Applicants Seniority / Promotion / Promotion Quota.
- 8) That, there is no legal lacuna or bar in impleading the Applicants as necessary party.

9) That, in post Impleadment scenario, Applicants will help and assist this Honourable Court to arrive at a correct and just decision of the IIs, as early as possible, according to law.

10) That, following are the particulars of the Applicants:

Respondent No. 6
Qaiser Alam, Labour Officer, Kohat.

Respondent No. 7
Altaf Hussain, Labour Officer, Presently Posted as Assistant Director, OPS, Nowshera.

Respondent No. 8
Muhammad Sharif, Labour Officer, Presently Posted as Assistant Director, OPS, Abbottabad.

Respondent No. 9
Rizwan Zia, Labour Officer, Peshawar.

It is, therefore, requested that Applicants may please be arrayed / added as necessary parties, in the Column of Respondents.

Applicants

Through:

BILAL AHMAD KAKAIZAI
(Advocate, Peshawar)

AFFIDAVIT

I, Altaf Hussain, Labour Officer, Presently Posted as Assistant Director, OPS, Nowshera, Applicant, do hereby on oath affirm and declare that the contents of the Application are true and correct to the best of my knowledge and belief and nothing has been kept secret from this Honourable Tribunal.

Deponent

VAKALATNAMA

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

_____ OF 2020

Ramiz Murad

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Govt. of KP & others

(RESPONDENT)
(DEFENDANT)

I/We Ramiz Murad

Do hereby appoint and constitute **NOOR MOHAMMAD KHATTAK, Advocate, Peshawar** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated. ____/____/2020

RAMIZ MURAD 
CLIENT

ACCEPTED
NOOR MOHAMMAD KHATTAK

KAMRAN KHAN

MIR ZAMAN SAFI

&

AFRASIAB KHAN WAZIR
ADVOCATES

OFFICE:
Flat No.4, 2nd Floor, Juma Khan
Plaza, near FATA Secretariat,
Warsak Road, Peshawar.
Mobile No.0345-9383141

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWARAppeal No. **10926/2020****RAMIZ MURAD, Inspector Weights & Measure (BPS-16) & (06) OTHERS.****Directorate of Labour, Khyber Pakhtunkhwa, District Peshawar..... Appellant.*****Versus***

1. Government of Khyber Pakhtunkhwa through Chief Secretary,
Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
2. The Secretary, to Government of Khyber Pakhtunkhwa Labour Department.
3. The Secretary to Government of Khyber Pakhtunkhwa, Establishment Department.
4. The Secretary to Government of Khyber Pakhtunkhwa, Finance Department.
5. The Director Labour Khyber Pakhtunkhwa, 3rd floor FC Trust Building Peshawar
Cantt.....**Respondents**

PARAWISE COMMENTS ON BEHALF OF RESPONDENT NO. 1, 2, 3, 4 and 5.

Respectfully Sheweth that the respondent submits as under.

Preliminary Objections:

1. That Appellant has got no locus standi and cause of action to file the instant appeal.
2. That the Appellant has not come to this Honourable Court with clean hands.
3. That the instant Appeal is not maintainable.
4. That the instant Appeal is based on malafide with ulterior motive to coerce and pressurize the respondents.
5. That the Appellant is estopped by his own conduct.
6. That the appeal of the applicant is badly time barred.

ON FACTS:

1. Para No. 1 is incorrect that current posting of appellant is in Mardan, his previous station of posting was Peshawar-II and currently he is serving at Peshawar-III order dated 20-11-2020 is attached for ready reference as **(Annexure-A)**, according to official record his date of appointment is 16-05-2017 and not 09-01-2012. Office order of notified seniority list no DL/Admn/11/235/368-85 dated 06-01-2021, (serial no.13, column no.4) issued by Directorate of Labour on 06-01-2021 is attached as **(Annexure-B)**.

- That Para No. 2 pertains to record.
- 3. That Para No. 3 is correct to the extent. Hence needs no comments.
- 4. Correct to the extent that the seniority of both cadres i.e Inspector Weights & Measures and Labour Officers was joint in the year 1982 Service Rules (**Annexure-C**). Later on, according to the framed service rules 1989 the seniority of the said cadres was separated (**Annexure-D**). It may be clarified here that the post of **Assistant Director Weights & Measures** never existed on the strength of Directorate of Labour.
- 5. As explained at Para-4 above.
- 6. That Para No. 6 is correct to the extent that there are 26 sanctioned posts of Inspector weights and Measure. However, it may be clarified here that there are 22 Sanctioned Posts of

(i)	Labour Officers (BPS-16)	=	10
(ii)	Female Labour Officer (BPS-16)	=	5
(iii)	Social Mobilizers (BPS-16)	=	7

 which were clubbed in the revised Service Rules issued on 15.09.2020 S. No. 5, meaning there by that against 26 posts of Inspector Weights & Measure, there are 22 posts of Labour Officers, Female Labour Officer and Social Mobilizer for promotion to the post of Assistant Director Labour @ 30% Quota
 It is also worth adding that 95% Inspector Weights & Measure (BPS-16) are appointed through initial recruitment and 5% by promotion amongst the laboratory Assistant (BPS-12) according to revised Service Rules issued on 15.09.2020 S. No. 17 and Labour Officers are 50% by initial recruitment and 50% by promotion from among Assistant Labour Officers (BPS-12) S. No. 15 of revised Service Rules issued on 15.09.2020. (**Annexure-E Revised Service Rules 2020**)
 It is also pertinent to note that the Inspector Weights & Measures (BPS-16) have already exhausted their 30% Quota of promotion to the post of Assistant Director (BPS-17) Departmental Promotion Committee Notification dated 06-01-2017 is attached as (**Annexure-F**).
- 7. That Para No.7 pertains to the record.
- 8. Incorrect.

ON GROUNDS:

A. That the appellant kept silent since long, enjoyed / availed the promotion to the post of Assistant Director Labour (BPS-17) and exhausted their 30% promotion quota in the year 2017 as already explained in the end of para-6 under the same rules. Now when it come to the turn of promotion of Labour Officers (BPS-16) they are agitating the criteria / quota in the Service Rules. As already stated in the Para-4 of the facts, the seniority of both cadres was separated in the rules notified in 1989, 2005, 2012 and 2020 respectively.

- 4
- B. That the appellant treated as per Law and Rules.
- C. Incorrect. As already explained at Para-4, 6 of the facts and Ground-A of the para-wise comments.
- D. Pertains to Record.
- E. Pertains to Record.
- F. That the appellant treated as per Law and Rules.
- G. That the appellant treated as per Law and Rules.
- H. In reply to ground-H, it is submitted that job description as well as required qualification of both cadres are different. It is pertinent to note here that there is only 1 post of Assistant Controller Weights & Measures and 17 posts of Assistant Director Labour. In order to minimize the chances of stagnancy of the career of the appellants cadre a 30% quota for promotion has been granted to the posts of Assistant Director Labour and Assistant Controller Weights & Measures.
- I. That the appellant treated as per Law and Rules.
- J. That the appellant treated as per Law and Rules.

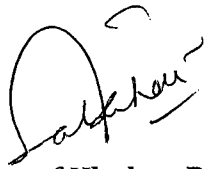
It is therefore, prayed that on acceptance of this instant reply the appeal of the appellant may kindly be dismissed with cost.



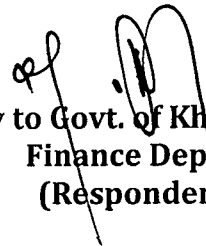
**Chief Secretary
Government Khyber Pakhtunkhwa
(Respondent No.1)**



**Secretary to Govt. of Khyber Pakhtunkhwa
Labour Department
(Respondent No. 2)**



**Secretary to Govt. of Khyber Pakhtunkhwa
Establishment Department
(Respondent No.3)**



**Secretary to Govt. of Khyber Pakhtunkhwa
Finance Department
(Respondent No.4)**



**Director Labour
Directorate of Labour Khyber Pakhtunkhwa
(Respondent No. 5)**

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Appeal No. 10926/2020

RAMIZ MURAD, Inspector Weights & Measure (BPS-16) & (06) OTHERS.

Directorate of Labour, Khyber Pakhtunkhwa, District Peshawar Appellant

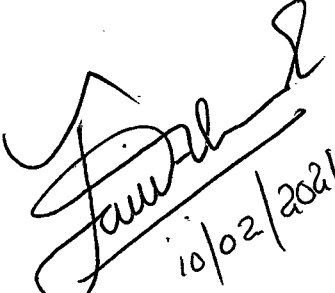
Versus

1. Government of Khyber Pakhtunkhwa through Chief Secretary,
Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
2. The Secretary, to Government of Khyber Pakhtunkhwa Labour Department.
3. The Secretary to Government of Khyber Pakhtunkhwa, Establishment Department.
4. The Secretary to Government of Khyber Pakhtunkhwa, Finance Department.
5. The Director Labour Khyber Pakhtunkhwa, 3rd floor FC Trust Building Peshawar Cantt.

..... **Respondents.**

AFFIDAVIT

I, Jamil Ahmad Qurashi Assistant Director (Litigation), Directorate of Labour, Khyber Pakhtunkhwa at Peshawar, do hereby solemnly affirm and declare on oath that the contents of the accompanying Comments are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Court.


 10/02/2021
DEPONENT

CNIC No: 17301-1392156-3

Contact Number: 0343-7779998

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KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Appeal No. 10926/2020

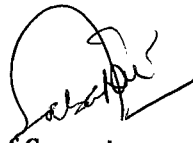
RAMEEZ MURAD, INSPECTOR WEIGHTS & MEASURE (BPS-16) & (06) OTHERS.

Versus

1. Government of Khyber Pakhtunkhwa through Chief Secretary,
Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
2. The Secretary, to Government of Khyber Pakhtunkhwa Labour Department.
3. The Secretary to Government of Khyber Pakhtunkhwa, Establishment Department.
4. The Secretary to Government of Khyber Pakhtunkhwa, Finance Department.
5. The Director Labour Khyber Pakhtunkhwa, 3rd floor FC Trust Building Peshawar
Cantt.

AUTHORITY

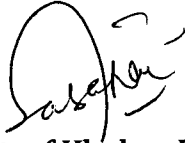
Mr. Jamil Ahmad Qurashi, Assistant Director Labour (Litigation), is hereby authorized and deputed to appear before the honourable, Khyber Pakhtunkhwa Service Tribunal, Peshawar on behalf of the respondents No. 1, 2, 3, 4 and 5 in the above title and to produce necessary documents to the Honourable Court required in this behalf. The officer shall attend the Court regularly on each date of hearing till the decision of the case and will be responsible for obtaining certified copy of the final order/ judgment in the above case for submission to the department well in time.



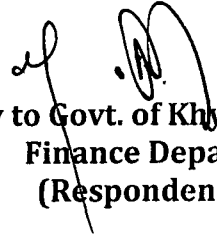
**Chief Secretary
Government Khyber Pakhtunkhwa
(Respondent No.1)**



**Secretary to Govt. of Khyber Pakhtunkhwa
Labour Department
(Respondent No. 2)**



**Secretary to Govt. of Khyber Pakhtunkhwa
Establishment Department
(Respondent No.3)**



**Secretary to Govt. of Khyber Pakhtunkhwa
Finance Department
(Respondent No.4)**



**Director Labour
Directorate of Labour Khyber Pakhtunkhwa
(Respondent No. 5)**

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Appeal No. 10926 /2020

RAMIZ MURAD

VS

Govt: of KPK & others

REJOINDER ON BEHALF OF THE APPELLANT IN RESPONSE
TO THE REPLY SUBMITTED BY THE RESPONDENTS

R/SHEWETH:

(A to J):

All the preliminary objections raised by the respondents are incorrect and baseless and not in accordance with law and rules rather the respondents are estopped due to their own conduct to raise any objection at this stage of the appeal.

ON FACTS:

- 1- Incorrect and not replied accordingly. That appellant is the employee of the respondent department since from the date of his initial appointment and is presently working as Inspector Weights and Measures in Directorate of Labour.
- 2- Not replied accordingly hence denied.
- 3- Not replied accordingly hence denied.
- 4- Incorrect and not replied accordingly. In service rules of 1989 the seniority of Assistant Director Labour and Assistant Controller Weights and Measures (BPS-17) was joint. Furthermore, the seniority of Deputy Director Labour and Deputy Controller Weights and Measures (BPS-18) was also joint. Therefore, it is clear cut discrimination and mala fide that only seniority of inspectors (W &M) and labour officers was separated. As per notification, Deputy Director Labours and Assistant Director Labours are notified as deputy and Assistant Controller Weights & Measures respectively. As per notification, Deputy Director Labours can be transferred/posted against deputy Controller Weights & Measures. As per order as labour officers also performed/performing the duties of Inspector Weight and Measure. That as per order Assistant labour officers and labour inspector also performed/performing the duties of Inspector Weight and Measure. Both the Inspector Weights and Measures and Labour Officers are promoted to same post i.e Assistant Director Labour/Assistant Controller Weights and Measures, then there is no need to issue separate seniority lists for Inspector Weights and Measures and Labour Officers. As per service rules, the seniority of Assistant Director Labour and Assistant Controller

Weights & Measures (BPS-17) is joint/combined. In the same manner Deputy Director Labour and Deputy Controller Weights & Measures (BPS-18) is also joint. On the same ground and facts the seniority of lower grade BPS-16 need to be joint/combined in order to avoid discrimination. Notifications are attached as annexure **R.**

5- Not replied accordingly hence denied.

6- Incorrect and not replied accordingly. That at the time of lodging the appeal total sanctioned posts of Inspector Weights & Measures were 26 and that of Labour Officers were only 10 but later on in the service rules of 2020, 05 females Labour Officers and 07 Social Mobilizers were also included in Labour Officers quota. The sanctioned posts of Inspector Weights and Measures are also increased from 26 to 33. (Notification attached as Annexure **R1.**

Total Inspector Weights & Measures	33
While	
Labour Officers	10
Females Labour Officers	05
<u>Social Mobilizers</u>	<u>07</u>
Total	22

The statement of the respondents is misleading and illogical because by clubbing the seniority, share of promotion of Labour Officers to the post Assistant Director Labours will not be disturbed. Labour Officers will be promoted according to their seniority and as a result, line of promotion of Assistant Labour Officers to the post of Labour Officers against 50% quota will not be disturbed at all

7- Not replied accordingly hence denied.

8- Not replied accordingly hence denied.

GROUND:

(A to J):

All the grounds of main appeal are correct and in accordance with law and prevailing rules and that of the respondents are incorrect and baseless hence denied. That the inaction of the respondents by not preparing and framing joint/combine seniority list of Inspector Weights & Measures (BPS-16) & Labour Officer (BPS-16) is against the Law, facts, norms of natural justice and materials on the record hence not tenable in the Eye of Law. That appellant has not been treated by the respondent Department in accordance with law and rules on the subject noted above and as such the respondents violated Article-4 and 25 of the Constitution of Islamic Republic of Pakistan-1973. That the respondents acted in arbitrary and

malafide manner while separating seniority lists of Inspector Weights & Measure (BPS-16) & Labour Officer (BPS-16) on the promulgation of new service rules of 2012. That the appellant has served the Department for a long period with unblemished service record and separate seniority list has lessened prospects of promotion to the post of Assistant Director Labour/Assistant Director Research, Planning and Statistics/Assistant Controller Weight and Measures (BPS-17). That act of the respondents while separating and framing the seniority list of Inspector Weights & Measures (BPS-16) & Labour Officer (BPS-16) is against Article-38 (e) of the Constitution of Islamic Republic of Pakistan. That the appellant has been highly discriminated by the respondents while not preparing and framing joint/combine seniority list of Inspector Weights & Measures (BPS-16) & Labour Officer (BPS-16). That act of the respondents by not preparing and framing joint/combine seniority list of Inspector Weights & Measures (BPS-16) & Labour Officer (BPS-16) is against Section-8 of the Civil Servant Act 1973 read with Rule-17 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer), Rule 1989. That both the cadres i.e. Labour Officers and Inspector Weights and Measures have the same job description as well as the basic pay scale is also the same and NON preparation/framing of joint seniority list for Inspector Weight & Measures (BPS-16) And Labour Officer (BPS-16) for promotion to the post of Assistant Director Labour/Assistant Director Research, Planning & Statistics/Assistant Controller Weights & Measures (BPS-17). That act of the respondent by not preparing combine seniority list of Inspector Weights & Measures (BPS-16) & Labour Officer (BPS-16) is also against various judgment passed by the apex court as well as judgment passed by this Honourable Tribunal in connected Appeals No. 1411/2011, 1412/2011 & 1413/2012 Title Shamsul Islam & 2 Others VS Govt. of Khyber Pakhtunkhwa through Secretary (E&SE) Peshawar & other vide dated 01-09-2015 wherein separation of seniority list was declared illegal.

It is therefore most humbly prayed that on acceptance of this rejoinder the appeal of the appellant may be accepted as prayed for.

APPELLANT

THROUGH:


NOOR MOHAMMAD KHATTAK
ADVOCATE

Anxave R

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GOVERNMENT OF KHYBER PAKHTUNKHWA
LABOUR DEPARTMENT / 2989-91
Dated Peshawar the, 21st May 2019

NOTIFICATION

106/11/6-B/2019 In supersession of all the previous notifications issued in this behalf and in pursuance to 25th Constitutional Amendment in the Constitution of Pakistan 1973 and in exercise of the powers conferred by sub section- (1) of Section-19 of the Khyber Pakhtunkhwa, Standard Weights and Measures Enforcement Act, 1976, the Government of Khyber Pakhtunkhwa, is pleased to appoint with immediate effect the Officers of the Directorate of Labour, Khyber Pakhtunkhwa, hereinafter appearing in the schedule below, to be the Controller, Deputy Controllers, Assistant Controllers and Inspectors Weights and Measures for the territorial limits shown against each:-

SCHEDULE			
Sr.No.	Designation	To be notified (appointment)	Jurisdiction.
1	2	3	4
1	Director Labour, Khyber Pakhtunkhwa, Peshawar	Controller Weights and Measures. Khyber Pakhtunkhwa	Khyber Pakhtunkhwa Province.
2	Deputy Controller Weights and Measures Khyber Pakhtunkhwa	Deputy Controller Weights and Measures Khyber Pakhtunkhwa	Khyber Pakhtunkhwa Province
3	Assistant Controller Weights and Measures, Khyber Pakhtunkhwa, Peshawar	Assistant Controller Weights and Measures Khyber Pakhtunkhwa	Khyber Pakhtunkhwa Province
4	Deputy Director Labour, Haripur	Deputy Controller Weights and Measures Haripur	Hazara Division.
5	Deputy Director Labour Swat	Deputy Controller Weights and Measures Swat	a. District Malakand b. District Swat c. District Shangla d. District Buner e. District Dir Upper f. District Lower g. District Chitral h. Tribal District Bajaur.
6	Assistant Director Labour Abbottabad	Assistant Controller Weights and Measures Abbottabad	District Abbottabad, District Mansehra, District Battagram, District Tor ghar, District Kohistan upper, District Kohistan Lower District Kolai Pallas
7	Assistant Director Labour Charsadda	Assistant Controller Weights and Measures	District Charsadda and Tribal District Mohmand
8	Assistant Director Labour, Mardan	Assistant Controller Weights and Measures Mardan	District Mardan
9	Assistant Director Labour, Nowshera.	Assistant Controller Weights and Measures Nowshera	District Nowshera.
10	Assistant Director Labour, Swabi	Assistant Controller Weights and Measures Swabi	District Swabi

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ACKWEM

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Assistant Director Labour Kohat	Assistant Controller Weights and Measures Kohat	a. District Kohat b. District Hangu c. District Karak d. Tribal District orakzai e. Tribal District Kurram
Assistant Director Labour Bannu	Assistant Controller Weights and Measures Bannu	a. District Bannu b. District Lakki Marwat c. Tribal District North Waziristan d. District D.I.Khan e. District Tank f. Tribal District South Waziristan
Inspector Weights and Measures Peshawar-I	Inspector Weights and Measures Peshawar-I	Tribal District Khyber and Peshawar (Kohat Road. Ring road from Kohat Road to Pishtakara Chowk, Bara Road, Qayyum stadium, Mall Road, Ramdas Chowk, dabgari garden Rehman Baba Colony, Namak Mandi, Shoba Bazar, Jail Road(Pul) Civil Secretariat, FC Chowk, Saddar Bazar, Saddar Road Peshawar)
Inspector Weights and Measures Peshawar-II	Inspector Weights and Measures Peshawar-II	Peshawar (Ring road From Kohat Road to Zakori Pul upto Warsak Road, Hazar Khwani, Charsadda Road, circular Road, Sarki Gate, Phandu Road, Jamil Chowk, Kakshal, Wazir Bagh Chamkani, Tarnab, Haji Camp Bus Adda, hashtnagri, City Area, Faqir Abad, Ashraf Road, Dalazak Road, Charsadda Road, Bacha Khan Chowk, Pajagi Road, Artillery Road Cantt area, Nazar Bagh Road, Cinema Road, Khyber Bazar, Qaissa Khwani Bazar LRH Hospital Road Peshawar).
Inspector Weights and Measures Peshawar-III	Inspector Weights and Measures Peshawar-III	Peshawar (Khyber Road from Chungi Warsak Road to Warsak, Shani Bala, Sufaidsang, Machani Road, Hasan garhi, Warsak Road, Gora kabrisstan, Tahkal payan, Takhal Bala, Shaheen lown, university Road, university town, palosi, Hayatabad Karkhano Market, Industrial area, Ring road from Pishtakara chowk to onward Hayat abad Peshawar).
Inspector Weights and Measures Charsadda	Inspector Weights and Measures Charsadda	District Charsadda Tribal District Mohmand
Inspector Weights and Measures Nowshera	Inspector Weights and Measures Nowshera	District Nowshera
Inspector Weights and Measures Mardan	Inspector Weights and Measures Mardan	District Mardan

Inspector Weights and Measures Malakand	Inspector Weights and Measures Malakand	District Malakand
Inspector Weights and Measures Swat	Inspector Weights and Measures Swat	District Swat
Inspector Weights and Measures Shangla	Inspector Weights and Measures Shangla	District Shangla
Inspector Weights and Measures Dir Upper	Inspector Weights and Measures Dir Upper	District Dir (upper)
Inspector Weights and Measures Chitral	Inspector Weights and Measures Chitral	District Chitral
Inspector Weights and Measures Dir Lower	Inspector Weights and Measures Dir Lower	District Dir (Lower) and Tribal District Bajaur
Inspector Weights and Measures Buner	Inspector Weights and Measures Buner	District Buner
Inspector Weights and Measures Swabi	Inspector Weights and Measures Swabi	District Swabi
Inspector Weights and Measures Haripur	Inspector Weights and Measures Haripur	District Haripur
Inspector Weights and Measures Abbottabad	Inspector Weights and Measures Abbottabad	District Abbottabad
Inspector Weights and Measures Battagram	Inspector Weights and Measures Battagram	District Battagram, District Torghar, District Kohistan (U&L) District Kolai Pallas
Inspector Weights and Measures Mansehra	Inspector Weights and Measures Mansehra	District Mansehra,
Inspector Weights and Measures Kohat	Inspector Weights and Measures Kohat	District Kohat,
Inspector Weights and Measures Hangu	Inspector Weights and Measures Hangu	District Hangu, Tribal District Orakzai and Tribal District Kurram
Inspector Weights and Measures Karak	Inspector Weights and Measures Karak	District Karak
Inspector Weights and Measures Bannu	Inspector Weights and Measures Bannu	District Bannu & Tribal District North Waziristan
Inspector Weights and Measures Lakki Marwat	Inspector Weights and Measures Lakki Marwat	District Lakki Marwat
Inspector Weights and Measures Tank	Inspector Weights and Measures Tank	District Tank & Tribal District South Waziristan
Inspector Weights and Measures D.I.Khan	Inspector Weights and Measures D.I.Khan	District Dera Ismail Khan
Inspector Weights and Measures Nowshera (for calibration of Oil Depot)	For calibration Point at Oil Depot PSO, Shell, & Chevron	Taru Jabba

AD(A)/44

P. circular

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25/5/12

SECRETARY TO
GOVERNMENT OF KHYBER PAKHTUNKHWA
LABOUR DEPARTMNTS

Undt No. & Date as above.

Copy of the above is forwarded to :-

1. The Director Labour, Khyber Pakhtunkhwa.
2. The Manager Government Printing & Stationery Department, Khyber Pakhtunkhwa, Peshawar for publication in the official gazette.
3. The Deputy Controller (W&M)-Khyber Pakhtunkhwa Peshawar.

Dairy No. DL/A/Amr
Dated

Section Officer (Genera)
Labour Department

ATTACHED

Contd. on Page 13

S.No.	Name	Post	Remarks
1	Mr. Jagan	Deputy Director (Machinery & Mechanical Dept)	Deputy Director (Machinery & Mechanical Dept)
2	Mr. Chandra Shekhar	Deputy Director (Machinery & Mechanical Dept)	Deputy Director (Machinery & Mechanical Dept)
3	Mr. Rajesh Kumar	Deputy Director (Machinery & Mechanical Dept)	Deputy Director (Machinery & Mechanical Dept)
4	Mr. Rajat Kumar	Deputy Director (Machinery & Mechanical Dept)	Deputy Director (Machinery & Mechanical Dept)
5	Mr. Rajesh Kumar	Deputy Director (Machinery & Mechanical Dept)	Deputy Director (Machinery & Mechanical Dept)
6	Mr. Manoj Kumar	Deputy Director (Machinery & Mechanical Dept)	Deputy Director (Machinery & Mechanical Dept)
7	Mr. Satish Kumar	Deputy Director (Machinery & Mechanical Dept)	Deputy Director (Machinery & Mechanical Dept)
8	Mr. Anand Kumar	Deputy Director (Machinery & Mechanical Dept)	Deputy Director (Machinery & Mechanical Dept)
9	Mr. Anand Kumar	Deputy Director (Machinery & Mechanical Dept)	Deputy Director (Machinery & Mechanical Dept)
10	Mr. Anand Kumar	Deputy Director (Machinery & Mechanical Dept)	Deputy Director (Machinery & Mechanical Dept)
11	Mr. Anand Kumar	Deputy Director (Machinery & Mechanical Dept)	Deputy Director (Machinery & Mechanical Dept)

The Government of Karnataka has been pleased to order the taking up of the post of Deputy Director / Assistant Director in the public interest.

NOTIFICATION

Order No. 2301/2023

**GOVERNMENT OF KARNATAKA
LABOUR DEPARTMENT**



7

(8)

**GOVERNMENT OF KHYBER PAKHTUNKHWA
LABOUR DEPARTMENT**

Page / 2

S.No	Name & Designation	From	To
12	Mr. Mujahid, Assistant Director Labour (BS-17)	Assistant Director Labour Buner	Assistant Director Labour Dir Lower against the vacant post. He will also look after the post of Assistant Director Labour Buner till further order.
13	Mr. Nazam Khan, Assistant Director Labour (BS-17)	Deputy Director Labour Swat in his own pay & scale.	Assistant Director Labour Mardan against the vacant post.
14	Mr. Tariq Mahmood, Superintendent (BS-17)	Office of the DDL Hafizpur	Assistant Director Workers Education Wing Hafizpur in his own pay & scale.
15	Mr. Sher Afzal, Superintendent (BS-17)	Weights & Measures Cell Hqtr office Peshawar	Superintendent Hqtr Office Peshawar
16	Mr. Tahir Za, Superintendent (BS-17)	Hqtr office Peshawar	Weights & Measures, Cell Hqtr Office Peshawar
17	Mr. Afzal Hussain, Labour Officer (BS-16)	District Labour Office Peshawar	Assistant Director Labour Nowshera against the vacant post in his own pay & scale.
18	Mr. Shauq Ahmad Labour Officer (BS-16)	District Labour Office Swat	Assistant Director Labour Abbottabad in his own pay & scale.

**Secretary to Govt. of Khyber Pakhtunkhwa
Labour Department**

Encl: No & date even

Copy forwarded to

- i) Accountant General, Khyber Pakhtunkhwa.
- ii) Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
- iii) PSO to Chief Secretary, Khyber Pakhtunkhwa.
- iv) Director Labour, Directorate of Labour, Khyber Pakhtunkhwa.
- v) Section Officer (Cabinet), Establishment & Administration Department (Cabinet Wing), Khyber Pakhtunkhwa.
- vi) PS to Minister for Labour & Culture, Khyber Pakhtunkhwa.
- vii) PS to Secretary Labour Department, Khyber Pakhtunkhwa.
- viii) District Accounts Officer concerned
- ix) All concerned officers.


Section Officer (General)

ATTACHED

9



**DIRECTORATE OF LABOUR
KHYBER PAKHTUNKHWA PESHAWAR**

ORDER

The Posting/Transfer of the following Officers is hereby Ordered with immediate effect in the public interest till further Orders:-

S. No.	Name & Designation of Officials	From	To
1.	Mr. Qudrat Ullah Khan, Assistant Labour Officer (BPS-12) posted against the vacant post of Labour Officer (in his own pay scale).	The District Labour Office D.I.Khan.	Office of the Assistant Director Labour, Bannu, against the vacant post of Assistant Labour Officer.
2. ✓	Mr. Muhammad Yaqoob, Labour Officer (BPS-16) posted against the vacant post of Inspector (W&M).	Office of the <u>Inspector (W&M)</u> Hangu	The District Labour Office D.I.Khan against the vacant post of <u>Labour Officer</u> vacated by S. No. 1

Note: No TA/DA will be admissible to S. No. 2.

Sd/-
Director Labour,
Khyber Pakhtunkhwa Peshawar

Endst: No. DL/Admn/2/37/1293-1304

Dated 20/02/2020

Copy of the above is forwarded for information to:-

1. The District Accounts Officers D.I.Khan. Hangu & Bannu.
2. P.A to Director Labour, Khyber Pakhtunkhwa.
3. The Deputy Director (Accounts) Hqtr: Office, Peshawar.
4. The Assistant Director Labour Bannu.
5. The office Incharge District Labour office D.I.Khan.
6. The office Incharge Inspector (W&M) office Hangu.
7. The Officers concerned.
7. The Computer Operator-II with the advice to update HR Database
8. P/File of the Officers concerned.

(Azhar Hussain)

Assistant Director Labour (Admn)
Hqtr: Office Peshawar



**DIRECTORATE OF LABOUR
KHYBER PAKHTUNKHWA PESHAWAR**

ORDER

In exercise of the powers conferred under Section-20(1) of the Khyber Pakhtunkhwa, Standard (W&M) Enforcement Act, 1976 (Amended 2012), the Controller W&M, is pleased to authorize the following officials to look after the charge of the post of Inspector (W&M) as mentioned against each, in addition to their own duties with immediate effect, till further orders:-

S No	Name of Official	Designation/Office	Additional Charge
1	Muhammad Qasim Tanoli	Assistant Labour Officer	Inspector W&M Haripur
2	Mr. Kifayatullah	Labour Inspector	Inspector W&M Charsadda

Both the Officials will be responsible to achieve their individual receipts targets.

Sd/-
Director Labour/Controller W&M
Khyber Pakhtunkhwa, Peshawar

Ends No: DL/Admn/3/6-A/ 7679-89

Dated 25/10/2019

Copy of the above is forwarded for information to:-

1. P.A to Director Labour, Khyber Pakhtunkhwa.
2. The Deputy Director Labour, Haripur & Peshawar (District).
3. The Assistant Controller W&M, Hqtr: Office Peshawar.
4. The R&RO, RC&RS, Hqtr: Office Peshawar.
5. The Inspector (W&M) Nowshera.
6. The Computer Operator-II, with the advice to update HR Database.
7. The Official Concerned.
8. P/File of the Officials Concerned.

**(Azhar Hussain)
Assistant Director Labour (Admn)
Hqtr: Office Peshawar**

ATTACHED

MOST IMMEDIATE



**GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT**

Anwar R/1

11

Finance Department Civil Secretariat Peshawar <http://www.finance.gkp.pk> [facebook.com/GoKPFD](https://www.facebook.com/GoKPFD) twitter.com/GoKPFD

No.B.O.1/FD/5-17/2020-21/SNE

Dated Peshawar the 09/12/2020

To

1. The Secretary to Govt: of Khyber Pakhtunkhwa, Home & Tribal Affairs Department.
2. The Secretary to Govt: of Khyber Pakhtunkhwa, Population Welfare Department.
3. The Secretary to Govt: of Khyber Pakhtunkhwa, Labour Department.
4. The Secretary to Govt: of Khyber Pakhtunkhwa, Higher Education Department.
5. The Secretary to Govt: of Khyber Pakhtunkhwa, Local Government Department.

Subject: - MINUTES OF THE MEETING OF THE COMMITTEE REGARDING PROPOSED SNEs HELD UNDER THE CHAIRMANSHIP OF MINISTER FOR FINANCE HELD ON 18th NOVEMBER, 2020 IN FINANCE DEPARTMENT

Dear Sir,

I am directed to refer to the subject noted above and to enclosed herewith minutes of the meeting held under the chairmanship of Minister for Finance, Khyber Pakhtunkhwa on 18.11.2020 in the Committee Room of Finance Department which are self-explanatory, for information and necessary action, please.

Yours faithfully

Encl.As above

(SAEED AHMAD KHAN)
BUDGET OFFICER-I

Endst: No & Date of even:

Copy forwarded alongwith a copy of the minutes of the meeting for information and necessary action to the: -

- 1) PS to Minister for Finance, Khyber Pakhtunkhwa.
- 2) PS to Secretary Finance, Khyber Pakhtunkhwa.
- 3) PS to Special Secretary (NMAs), Finance Department, Khyber Pakhtunkhwa.

(SAEED AHMAD KHAN)
BUDGET OFFICER-I

ATTACHED

MINUTES OF THE MEETING OF SNE COMMITTEE HELD UNDER THE CHAIRMANSHIP OF FINANCE MINISTER ON 18TH NOVEMBER, 2020 IN FINANCE DEPARTMENT

12

A meeting of the SNE Committee was held under the chairmanship of Minister for Finance, Khyber Pakhtunkhwa on 18-11-2020 regarding consideration of proposed SNEs received from various Departments pertaining to Newly Merged Areas (NMAs).

2. The meeting commenced with recitation from the Holy Quran. Opening the discussion, the Minister for Finance welcomed the participants and highlighted aims and objectives of the meeting. Proposed SNEs of the following Departments were discussed and decided as per detail given below:

A. CIVIL DEFENCE

Discussion:

3. The representative of the Relief Department demanded for creation of 92 posts for Civil Defence in the Newly Merged Areas. However, the representative of Finance Department apprised the forum that in preliminary meeting 59 instead of 92 posts of various categories have been agreed by the Finance Department. Total financial implications on account of creation of 92 posts comes to Rs.45.677 million per annum, whereas Rs.32.040 million will accrue annually on creation of 59 posts.

Decisions.

4. After detailed discussion, the forum recommended to create the following 59 posts, during current financial year (2020-21):

S.No	Designation	BPS	Demanded	Recommended	Financial Implication PKR M
1	Deputy Director (Admin)	18	1	01	1.280
2	Assistant Director (Admin)	17	1	01	1.027
3	Civil Defence Officer	17	3	03	3.080
4	Assistant	16	1	0	0
5	Computer Operator	16	2	01	1.647
6	Instructor G-I (Male)	15	07	07	0
7	Instructor G-I (Female)	15	07	04	4.904
8	Senior Clerk	14	01	0	0
9	Instructor G-II (Male)	12	07	01	0.400
10	Instructor G-II (Female)	12	07	07	3.873
11	Junior Clerk	11	10	08	5.185
12	Fire Officer	10	03	0	1.437
13	Instructor G-III (Male)	08	08	01	0.420
14	Instructor G-III (Female)	08	08	07	3.447
15	Driver	07	05	05	1.250
16	Fire Man	06	04	0	0.990
17	Naib Qasid	3	11	05	1.200
18	Chowkidar	3	02	03	0.700
19	Sweeper	3	04	05	1.200
TOTAL			92	59	32.040

B. POPULATION WELFARE DEPARTMENT

Discussion:

5. The representative of the Department presented SNE proposal for creation of 246 posts. However, the representative of Finance Department pointed out that in the preliminary meeting at department level, the demand was rationalized and reduced to 64 posts as financial implications on creation of 246 posts comes to Rs.125.908 million per annum whereas the financial implications on creation of 64 posts will be Rs.33.383 million per annum.

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DECISIONS

6. After detailed discussion, the forum recommended to create the following 64 posts during current financial year:

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S.No	Designation	BPS	Posts Demanded	Posts recommended	Financial implications
1.	Director	19	1	0	0
2.	District Population Welfare Officer	19	2	0	0
3.	Deputy Director (Planning)	18	1	0	0
4.	District Population Welfare Officer	18	5	7	8.959
5.	Assistant Director (Planning)	17	1	0	0
6.	Deputy District Population Welfare Officer (N.T)	17	4	0	0
7.	Deputy District Population Welfare Officer (T)	17	7	0	0
8.	Woman Medical Officer	17	1	0	0
9.	Deputy Demographer	17	8	0	0
10.	Account Officer	17	1	0	0
11.	Assistant District Population Welfare Officer	17	2	0	0
12.	Accountant	17	2	0	0
13.	Assistant	16	5	0	0
14.	Field Technical Officer	16	11	7	5.764
15.	Senior Scale Stenographer	16	3	0	0
16.	Accounts Assistant	16	6	4	1.647
17.	Computer Operator	16	0	2	3.294
18.	Junior Scale Stenographer	14	4	0	0
19.	Supervisor Male	14	7	0	0
20.	Senior Clerk	14	5	0	0
21.	Storekeeper	14	8	0	0
22.	Projectionist	13	7	0	0
23.	Statistical Assistant	12	5	0	0
24.	Family Welfare Counsellor	12	9	0	0
25.	Theater Nurse	12	3	0	0
26.	Junior Clerk	11	14	7	3.630
27.	Family Welfare Worker	9	2	6	2.723
28.	Operation Theater Technician (OT)	8	1	0	0
29.	Family Welfare Assistant (Male)	7	10	6	1.526
30.	Family Welfare Assistant (Female)	7	9	5	1.272
31.	Driver	6	15	2	0.495
32.	Aya/Helper	3	12	10	2.263
33.	Naib Qasid	3	13	7	1.584
34.	Sweeper	3	8	0	0
35.	Female Sweeper	3	2	0	0
36.	Chowkidar	3	52	1	0.226
Total			246	64	33.383

C. LABOUR DEPARTMENT

Discussion:

7. The representative of the Department presented the following two demands for consideration: -

- i) Creation of 77 posts of different categories in Labour Department.
- ii) Creation of 35 posts of different categories in Weights & Measures.

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8. The representative of Finance Department pointed out that in preliminary meeting with Labour Department, the demand was rationalized and reduced to 49 posts with financial implications of Rs. 26.975 million per annum against 77 posts demanded with financial implications of 48.760 million per annum. The representative of Finance Department added that in the internal meeting, 21 posts with financial implications of Rs.6.504 million per annum recommended instead of 35 posts with financial implication of Rs.10.840 million per annum in the Weights & Measures Wing of the Labour Department during current financial year.

DECISIONS

9. After detailed discussion, the forum recommended to create the following 49 and 21 posts for Labour as well as Weights & Measures Wings of the Labour Department, during current financial year:

i. Labour Wing

SNO	Designation	BPS	Positions Demanded by Dept	Positions Recommended by FD	Financial Implications/ Annum PKR M
1	Assistant Director Labour	17	07	07	7.186
2	Labour Officer	16	07	0	0
3	Assistant	16	07	0	0
4	Social Mobilizer	16	07	0	0
5	Computer Operator	16	07	07	5.764
6	Senior Clerk	14	07	0	0
7	Assistant Labour Officer	12	07	07	3.873
8	Junior Clerk	11	07	07	3.630
9	Labour Inspector	10	07	07	3.354
10	Chowkidar	03	07	07	1.584
11	Naib Qasid	03	07	07	1.584
Total			77	49	26.975

ii. Weight & Measures Wing

SNO	Designation	BPS	Posts Demanded by Dept	Posts Recommended by FD	Financial Implications/ Annum PKR M
1	Inspector Weights and Measures	16	07	07	3.168
2	Senior Clerk	14	07	0	0
3	Junior Clerk	11	07	0	0
04	Manual Assistant	06	07	07	1.765
04	Chowkidar	03	07	07	1.571
Total			35	21	6.504

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D. HIGHER EDUCATION DEPARTMENT

15

Discussion:

10. The representative of the Department presented SNE proposal for creation of 122 posts. However, the representative of Finance Department pointed out that in the preliminary meeting at department level, the demand was rationalized and reduced to 85 posts with financial implications of Rs.87.044 million instead of creation of 122 posts with financial implication of Rs.125.908 million per annum.

DECISIONS

11. After detailed discussion, the forum recommended to create the following 85 posts during current financial year:

S.No.	Designation	BPS	Posts Demanded by AD	Posts recommended	Financial Implication/ Annum PKR M
1	Professor/Principal	20	05	-	0
2	Associate Professor	19	16	16	27.472
3	Assistant Professor	18	26	26	33.276
4	Lecturer	17	09	09	9.239
5	DPE	17	03	03	3.080
6	Librarian	17	04	04	4.106
7	Superintendent	17	05	-	0
8	Assistant	16	04	04	3.294
9	Senior Clerk	14	04	-	0
10	Junior Clerk	11	04	04	2.074
11	Com. Lab. Asstt:	07	05	05	1.272
12	Driver	06	03	03	0.742
13	Tube Well Operator	03	04	04	0.905
14	Com. Lab. Attendant	03	03	03	0.679
15	Library Attendant	03	04	04	0.905
16	Naib Oasid	03	02	-	0
17	Chowkidar	03	08	-	0
18	Cook	03	01	-	0
19	Bearer	03	05	-	0
20	Mali	03	06	-	0
21	Sweeper	03	01	-	0
Total:-			122	85	87.044

E. LOCAL GOVERNMENT DEPARTMENT

Discussion:

12. The representative of the Department presented the following two demands for consideration: -

- i) Creation of 6 posts in DG Local Government Office.
- ii) Creation of 18 posts in Local Government Department for District South Waziristan.

APPROVED

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13. The representative of Finance Department pointed out that in preliminary meeting with Local Government Department, the demand was rationalized and reduced to 4 posts with financial implications of Rs. 3.814 million per annum against 6 posts demanded with financial implications of 4.921 million per annum. The representative of Finance Department further added that in the internal meeting, 18 posts recommended in Local Government Department for District South Waziristan with financial implications of Rs.6.121 million per annum.

i. DG Local Government Office.

Designation	BPS	Posts Demanded by AD	Posts Agreed	Financial Implication
Director	19	1	1	1.717
Assistant Director IT	17	1	1	1.027
Computer Operator	16	1	1	0.823
Sub Engineer	12	2	0	0
Driver	6	1	1	0.247
Total		6	4	3.814

ii. Local Government Department for District South Waziristan

Designation	BPS	Posts demanded by AD	Posts Agreed	Financial Implication
Neighborhood Council Secretary	9	9	9	4.084
Naib Qasid	3	9	9	2.037
Total		18	18	6.121

14. The meeting ended with vote of thanks from and to the chair.

EXTRAORDINARY
GOVERNMENT



REGISTERED NO. PIII
G A Z E T T E

KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, THURSDAY, 24th SEPTEMBER, 2020.

GOVERNMENT OF THE KHYBER PAKHTUNKHWA
LABOUR DEPARTMENT

NOTIFICATION

Dated Peshawar, the 15th September, 2020.

No. SOG(LD)/2-62/2019/5181-5263 --- In exercise of the powers conferred by sub-rule (2) of rule 3 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 and in supersession of all previous notifications issued in this behalf, the Labour Department, in consultation with the Establishment and Finance Department, hereby lay down the method of recruitment, qualifications and other conditions specified in Column Nos.1 to 5 of the Appendix to this Notification which shall be applicable to the posts borne in the Directorate of Labour, Khyber Pakhtunkhwa, specified in Column No. 2 of the said Appendix.

APPENDIX

S. No.	Nomenclature of the post.	Minimum qualification for appointment by initial recruitment or by transfer.	Age limits.	Method or recruitment.
1.	2.	3.	4.	5.
1.	Director Labour (BPS-19).	---	---	By promotion, on the basis of seniority-cum-fitness, from amongst the Chief Inspectors of Factories, Deputy Directors Labour, Deputy Controller Weights and Measures, Deputy Directors and Deputy Director Labour (Planning) with at least twelve (12) years service in BPS-17 and above: Provided that if no suitable officer is available for promotion then by transfer from amongst the PAS/PMS officers.
2.	Chief Inspector of Factories (BPS-18).	---	---	By promotion, on the basis of seniority-cum-fitness, from amongst the Inspector of Factories (Technical) with at least five (5) years service as such.
3.	Deputy Director Labour (BPS-18), Deputy Director (BPS-18), Deputy Controller Weights and Measures (BPS-18).	---	---	By promotion, on the basis of seniority-cum-fitness, from amongst the Assistant Directors Labour, Assistant Directors, Assistant Directors Labour (Litigation) and Assistant Controller Weights and Measures with at least five (5) years as such.
4.	Deputy Director Labour Planning (BPS-18).	---	---	By promotion, on the basis of seniority-cum-fitness, from amongst the Planning Officers, Research Officers and Statistical Officers with at least five (5) years service as such.

5.	Assistant Director Labour (BPS-17)/ Assistant Controller Weights and Measures (BPS-17).	<p><u>Assistant Director Labour</u></p> <p>(i) At least Second Class Master's Degree in any Social Sciences or Business or Public Administration. Statistics or BS (Law) or equivalent qualification in the same disciplines from a recognized University; and</p> <p>(ii) six months certificate in Advance Office Automation from a recognized institute.</p> <p><u>Assistant Controller Weights and Measures</u></p> <p>(i) First Class Master's Degree in Physics or equivalent qualification in the same discipline from a recognized University; and</p> <p>(ii) six months certificate in Advance Office automation from a recognized Institute.</p>	25 to 35 years.	<p>(a) Thirty percent (30%) by promotion, on the basis of seniority-cum-fitness, from amongst the Labour Officers. Labour Officers (female). Social Mobilizers with at least five (5) years service as such;</p> <p>(b) thirty percent (30%) by promotion, on the basis of seniority-cum-fitness, from amongst the Inspectors Weights and Measures with at least five (5) years service as such; and</p> <p>(c) forty percent (40%) by initial recruitment.</p>
6.	Accounts Officer (BPS-17)	---	---	By deputation of a suitable Accounts Officer from the Accountant General's Office.

7.	Assistant Director (BPS-17).	---	---	By promotion on the basis of seniority-cum-fitness. from amongst the Superintendents with five (5) years service as such.
8.	Superintendent (BPS-17).	---	---	(a) Seventy-five percent (75%) by promotion. on the basis of seniority-cum-fitness. from amongst the Assistants with at least five (5) years service as such; and (b) twenty-five percent (25%) by promotion. on the basis of seniority-cum-fitness. from amongst the Senior Scale Stenographers with at least five (5) years service as such.
9.	Assistant Director Labour (Litigation) (BPS-17).	(i) Atleast Second Class LLB or BS(Law) Degree or equivalent qualification in the same discipline from a recognized University; (ii) having been enrolled as practicing lawyer with a bar; (iii) two years standing experience at a bar; and (iv) six months certificate in Advance Office automation from a recognize Institute.	25to 35 years	By initial recruitment.

10.	Inspector of Factories (Technical) (BPS-17)	<p>(i) First Class Bachelor's Degree in Mechanical, Electrical, Chemical, Civil, Mining, Electronics or Mechatronics Engineering or equivalent qualification in the same discipline from a recognized University; and</p> <p>(ii) six months certificate in Advance Office automation from a recognized Institute.</p>	25 to 35 years	By initial recruitment.
11.	Statistical Officer (BPS-17).	<p>(i) Atleast Second Class Master's Degree in Statistics, Mathematics or equivalent qualification in the same disciplines from a recognized University; and</p> <p>(ii) six months certificate in Advance Office automation from a recognized Institute.</p>	25 to 35 years	<p>(a) Seventy-five percent (75%) by promotion, on the basis of seniority-cum-fitness, from amongst the Research and Statistical Officers and Statistical Investigators; and</p> <p>(b) twenty-five percent (25%) by initial recruitment.</p>

12.	Planning Officer (BPS-17).	<p>(i) Atleast Second Class Master's Degree in Economics. Rural Planning. Strategic Planning. Business Administration or Public Administration or equivalent qualification in the same disciplines from a recognized University; and</p> <p>(ii) six months certificate in Advance Office automation from a recognized Institute.</p>	25 to 35 years	By initial recruitment.
13.	Research Officer (BPS-17).	<p>(i) Atleast Second Class Master's Degree in Economics. Rural Planning. Strategic Planning. Business Administration or Public Administration or equivalent qualification in the same disciplines from a recognized University; and</p> <p>(ii) six months certificate in Advance Office automation from a recognized Institute.</p>	25 to 35 years	<p>(a) Fifty percent (50%) by promotion. on the basis of seniority-cum-fitness. from amongst the Research Assistants with at least five (5) years service as such; and</p> <p>(b) fifty percent (50%) by initial recruitment.</p>

14.	System Supervisor (BPS-17).	<p>(i) Atleast Second Class Master's Degree in Computer Sciences or Information Technology or equivalent qualification in the same disciplines from a recognized University; and</p> <p>(ii) six months certificate in Advance Office automation from a recognized Institute.</p>	25 to 35 years	<p>(a) Fifty percent (50%) by promotion, on the basis of seniority-cum-fitness, from amongst the Computer Operators with at least five (5) years service as such:</p> <p>Provided that if no suitable person is available for promotion, then by deputation or by transfer; and</p> <p>(b) fifty percent (50%) by initial recruitment.</p>
15.	Labour Officer (BPS-16).	<p>(i) Atleast Second Class LLB or BS (Law) Degree or Second Class Master's Degree in Economics, Business Administration, Public Administration or equivalent qualification in the same disciplines from a recognized University; and</p> <p>(ii) six months certificate in Advance Office automation from a recognized Institute.</p>	25 to 35 years	<p>(a) Fifty percent (50%) by promotion, on the basis of seniority-cum-fitness, from amongst the Assistant Labour Officers with at least five (5) years service as such; and</p> <p>(b) fifty percent (50%) by initial recruitment.</p>
16.	Labour Officer (Female) (BPS-16).	<p>(i) Atleast Second Class LLB or BS (Law) Degree or Second Class Master's Degree in Economics, Business Administration, Public Administration or equivalent qualification in the same</p>	25 to 35 years	By initial recruitment.

		disciplines from a recognized University; and (ii) six months certificate in Advance Office automation from a recognized Institute.		
17.	Inspector Weights and Measures (BPS-16).	(i) Atleast Second Class Bachelor's Degree with Physics, Electronics or Mathematics as one of the subject or equivalent qualification in the same disciplines from a recognized University; and (ii) six months certificate in Advance Office automation from a recognized Institute.	25 to 35 years	(a) Five percent (5%) by promotion, on the basis of seniority-cum-fitness, from amongst the Laboratory Assistants with at least five (5) years service as such: and (b) ninety-five percent (95%) by initial recruitment.
18.	Research and Statistical Officer (BPS-16)/Statistical Investigator (BPS-16)/Research Assistant (BPS-16).	(i) Atleast Second Class BS Degree in Statistics, Mathematics or equivalent qualification in the same disciplines from a recognized University; and (ii) six months certificate in Advance Office automation from a recognized Institute.	25 to 35 years	(a) Thirty-three percent (33%) by promotion, on the basis of seniority-cum-fitness, from amongst the Statistical Assistant with at least five (5) years service as such: and (b) sixty-seven percent (67%) by initial recruitment.

19.	Social Mobilizer (BPS-16).	<p>(i) Atleast Second Class BS Degree in social Work/Sociology or Gender Studies as one of the major subject or equivalent qualification in the same disciplines from a recognized University; and</p> <p>(ii) six months certificate in Advance Office automation from a recognized Institute.</p>	25 to 35 years	By initial recruitment.
20.	Assistant (BPS-16)	<p>(i) Atleast Second Class Bachelor's Degree or equivalent qualification from a recognized University; and</p> <p>(ii) six months certificate in Advance Office automation from a recognized Institute.</p>	22 to 32 years	<p>(a) Sixty percent (60%) by promotion, on the basis of seniority-cum-fitness, from amongst the Senior Clerks with at least five (5) years service as such; and</p> <p>(b) forty percent (40%) by initial recruitment.</p>
21.	Computer Operator (BPS-16).	<p>(i) Atleast Second Class Bachelor's Degree in Computer Science/Information Technology (BCS/BIT) four years or equivalent qualification from a recognized University; or</p> <p>(ii) Atleast Second Class Bachelor's Degree or</p>	22 to 32 years.	By initial recruitment.

		equivalent qualification from a recognized University with one year Diploma in Information Technology from a recognized Board of Technical Education.		
22.	Senior Scale Stenographer (BPS-16).	---	---	By promotion on the basis of seniority-cum-fitness. from amongst the Junior Scale Stenographers with at least five (5) years service as such.
23.	Junior Scale Stenographer (BPS-14).	(i) Atleast Second Class Intermediate School Certificate or equivalent qualification from a recognized Board; (ii) a speed of fifty (50) words per minute in English shorthand and thirty five (35) words per minute in typing; and (iii) six months certificate in Advance Office automation from a recognized Institute	20 to 30 years	By initial recruitment.
24.	Senior Clerk (BPS-14).	---	---	By promotion on the basis of seniority-cum-fitness. from amongst the Junior Clerks with at least two (2) years service as such.

25.	Assistant Labour Officer (BPS-12).	<p>(i) Atleast Second Class LLB or Bachelor's Degree or equivalent qualification from a recognized University with Economics, Statistics, Mathematics, or Law as one of the subject or in Business Administration; and</p> <p>(ii) six months certificate in Advance Office automation from a recognized Institute.</p>	22 to 32 years	<p>(a) Seventy-five percent (75%) by promotion, on the basis of seniority-cum-fitness, from amongst the Labour Inspectors, with at least five (5) years service as such: and</p> <p>(b) twenty-five percent (25%) by initial recruitment.</p>
26.	Statistical Assistant (BPS-12).	<p>(i) Atleast Second Class Bachelor's Degree with Statistics as one of the subject or equivalent qualification from a recognized University; and</p> <p>(ii) six months certificate in Advance Office automation from a recognized Institute.</p>	22 to 32 years	By initial recruitment.
27.	Laboratory Assistant (BPS-12).	<p>(i) Atleast Second Class Bachelor's Degree with Physics or Chemistry as one of the subject or equivalent qualification from a recognized University; and</p> <p>(ii) six months certificate in Advance Office automation from a recognized Institute.</p>	22 to 32 years.	By initial recruitment.

28.	Junior Clerk (BPS-11).	<p>(i) Atleast Second Class Intermediate School Certificate or equivalent qualification from a recognized Board;</p> <p>(ii) A speed of thirty (30) words per minute in typing; and</p> <p>(iii) six months certificate in Advance Office automation from a recognized Institute.</p>	20 to 30 years	<p>(a) Twenty five percent (25%) by promotion. on the basis of seniority-cum-fitness. from amongst the Manual Assistants who have passed FA/FSc Examination or its equivalent qualification from a recognized Board alongwith six months certificate in advance Office automation from a recognized Institution with three (3) years service as such:</p> <p>(b) seventy-five percent (75%) by initial recruitment:</p> <p>Note:-</p> <p>(a) If two or more officials have acquired the Intermediate School Certificate or equivalent qualification in the same session, the inter-seniority in the lower post shall be maintained for the purpose of determining seniority in the higher post; and</p> <p>(b) where a senior official does not possess the requisite qualification at the time of filling up a vacancy, the official next junior to him possessing the requisite qualification shall be promoted in the preference to the senior official or officials:</p> <p>Provided that the condition of</p>
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				Intermediate or its equivalent qualification from a recognized Board. shall not apply for a period of three (3) years from the date of commencement of this Notification to the existing matriculate incumbents of the post of Manual Assistants for promotion to the post of Junior Clerks (BPS-11)
29.	Labour Inspector (BPS-10).	(i) Atleast Second Class Bachelor's Degree or equivalent qualification from a recognized University; and (ii) six months certificate in Advance Office automation from a recognized Institute.	22 to 32 years.	By initial recruitment.
30.	Manual Assistant (BPS-6).	(i) Atleast Second Class Matriculate or equivalent qualification from a recognized Board; and (ii) six months certificate in Advance Office automation from a recognized Institute.	18 to 32 years.	(a) Twenty-five percent (25%) by promotion, on the basis of seniority-cum-fitness, from amongst the Daftari, Naib Qasids, Chowkidars and other equivalent posts having Secondary School Certificate examination with computer literacy and having two (2) years service as such; and (b) seventy-five percent (75%) by initial recruitment.

31.	Driver (BPS-6).	(i) Atleast Second Class Matriculate or equivalent qualification from a recognized Board; and (ii) Physically fit, with one year practical experience in driving and possessing a valid LTV/HTV driving license.	20 to 32 years	(a) Twenty percent (20%) by promotion, on the basis of seniority-cum-fitness, from amongst the Class-IV employees having passed Matriculate examination with at least Second Division with valid HTV/LTV driving license or by initial recruitment, if no suitable candidate is available under this quota; and (b) eighty percent (80%) by initial recruitment.
32.	Naib Qasid (BPS-3).	Literate	18 to 40 years	By initial recruitment.
33.	Chowkidar (BPS-3).	Literate	18 to 40 years	By initial recruitment.
34.	Bahishti (BPS-3).	Literate	18 to 40 years	By initial recruitment.
35.	Sweeper/Sanitary Worker (BPS-3).	Literate	18 to 40 years	By initial recruitment.

SECRETARY TO
GOVERNMENT OF THE KHYBER PAKHTUNKHWA,
LABOUR DEPARTMENT.

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR**

SERVICE APPEAL No. 10750 /2020

**RAZA SHAH & OTHERS VS GOVERNMENT &
OTHERS.**

**APPLICATION FOR WITHDRAWAL OF THE ABOVE
MENTIONED APPEAL WITH THE PERMISSION TO FILE
FRESH APPEAL.**

R/SHEWETH:

- 1- That the above mentioned appeal has been filed by the appellant before this august service Tribunal.
- 2- That the instant appeal filed by the appellant in respect to the seniority and which now is fixed for today i.e. 12/01/2021.
- 3- That the appellant filed the instant service appeal for the promotion as well as not preparing/framing the joint seniority on the basis of Notification vide dated 31-12-2012 whereby the respondents department issued another Notification vide dated 5-10-2021 during pending appeal which very much clearly violated the rights of the appellant.

It is therefore, most humbly prayed that on acceptance of this application the above titled service appeal may kindly be withdrawn with the permission to file a fresh.

Dated: 12-1-2022

APPLICANT

RAZA SHAH

**THROUGH:
NOOR MOHAMMAD KHATTAK
ADVOCATES**



KHYBER PAKHTUNKHWA
Published by Authority

PESHAWAR, MONDAY, 11th OCTOBER, 2021.

GOVERNMENT OF KHYBER PAKHTUNKHWA
LABOUR DEPARTMENT

3/1 s/Recd
file.

NOTIFICATION

Dated Peshawar, the 5th October, 2021.

No. SOG/LD/3-11/DL/2021/. -----In exercise of the powers conferred by sub-rule (2) of rule 3 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the Labour Department, in consultation with the Establishment Department and the Finance Department, hereby direct that in this Department's Notification No.SOG(LD)/2-62/2019/5181-5263 dated: 15.09.2020, the following amendments shall be made, namely:

AMENDMENTS

In the APPENDIX-

- (a) against Serial No. 1, in Column No. 5, for the existing entry, the following shall be substituted, namely:

“By transfer from amongst the holders of the posts of Additional Controller:

Provided that if no suitable officer is available, then by transfer from amongst PAS/PMS Officers.”

- (b) after Serial No. 1, as so amended, the following new entries shall be inserted in the respective Columns, namely:

“1-A	Additional Controller (BPS-19).	---	---	By promotion, on the basis of seniority-cum-fitness, from amongst the holders of the posts of Chief Inspector of Factories, Deputy Director Labour, Deputy Controller Weight and Measures, Deputy Director and Deputy Director Labour Planning with at least twelve (12) years service in BPS-17 and above.”;
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- (c) for Serial No. 6, following shall be substituted, namely;

“6	Assistant Director/Accounts Officer (BPS-17)	---	---	By promotion, on the basis of seniority-cum-fitness, from amongst the holders of the posts of Superintendent with at least five (5) years service as such: Provided that if no suitable officer is available for promotion to the post of Accounts Officer, then by transfer on deputation of an officer of BPS-17 from Treasury Office / Audit Office / AG Office or any other department.”;
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- (d) Serial No.7 shall be deleted;
- (e) against S No.11, in Column No.5, after the word "Investigators", the words, brackets and figure "with at least five (5) years service as such" shall be inserted;
- (f) for Serial No. 14, the following shall be substituted, namely:

"14	System Supervisor (BPS-17)	---	---	By promotion, on the basis of seniority-cum-fitness, from amongst the holders of the posts of Computer Operator with at least five (5) years service as such.";
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- (g) after Serial No. 14, as so substituted, the following new entries shall be inserted in the respective Columns, namely:

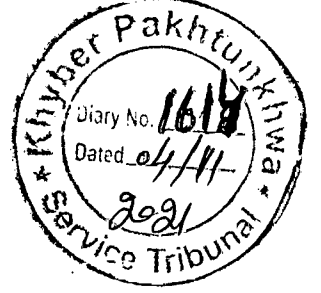
"14-A	Data Administrator (BPS-17)	At least Second Class Master's Degree in Computer Science or equivalent qualification in the same disciplines from a recognized university.	25 to 35 years	By initial recruitment.";
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- (h) against Serial No. 20, in Column No. 5, for the existing entry, the following shall be substituted, namely:

- "(a) seventy five percent (75%) by promotion, on the basis of seniority-cum-fitness, from amongst the holders of the posts of Senior Clerk with at least five (5) years service as such; and
- (b) twenty five percent (25%) by initial recruitment."

**Secretary to
Government of Khyber Pakhtunkhwa
Labour Department**

BEFORE THE HONORABLE CHAIRMAN SERVICE TRIBUNAL,
PESHAWAR.



Civil Miscellaneous No: _____ / 2021
In Service Appeals No. 10926 / 2020

Rameez Murad ... VS ... Govt. of Khyber Pakhtunkhwa etc

APPLICATION FOR INTERIM RELIEF ON BEHALF OF ADDED / IMPLEADED
RESPONDENTS NO. 6 TO 9

Respectfully Sheweth,

Short facts giving rise to the present Application, are as under: -

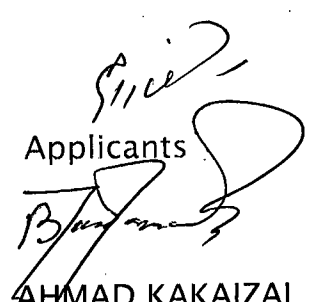
1. That, titled Service Appeals are pending subjudice before this Honorable Tribunal and are fixed for 01.12.2021.
2. That, the Appellants malafidely did not impleaded the Applicants as necessary parties and obtained Interim Injunction under malafide intention in order to stop the process of promotion of the Applicants.
3. That, all the pre-requisites i.e. Comments / Written Statement etc on behalf of the Official Respondents as well as on behalf of the Applicants / Respondents have already been completed and the case is already ripe-up for final hearing.
4. That, previously on the basis of an Early Hearing Application, the titled Appeal was fixed for 02.11.2021 however due to ailment of one of the member of this Honorable Tribunal, no proceedings were conducted on the said date and the Appeal was adjourned on the basis of reader's note.
5. That, on 02.11.2021 an Application for Interim Relief on behalf of the Applicant / Appellant was also fixed to the effect that the process of Initial Appointment should be stopped in order to save the parties from further litigation regarding the Seniority, however due to above

stated reason of ailment of one of the member of this Honorable Tribunal, no proceedings were conducted.

6. That, now, apart from the Initial Recruits through Public Service Commission, the Department is going to accommodate and promote other employees of the Department to BPS-17 who happened to be juniors from the Applicants.
7. That, the Appeals of the Appellants pertains to seniority, promotion and merging of cadres etc.
8. That, justice delayed is justice denied.

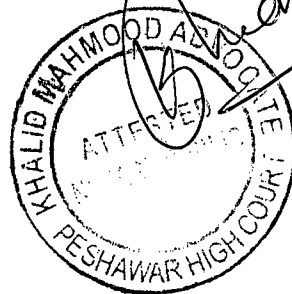
It is, therefore, requested that on acceptance of this Application, Interim Relief may please be granted to the effect that the process of promotion of other employees as well as process of Appointment through initial recruitment may please be suspended till the decision of instant Appeal as the promotion of the Applicants / Private Respondents have been stopped by this Honorable Tribunal in the subject Appeal.

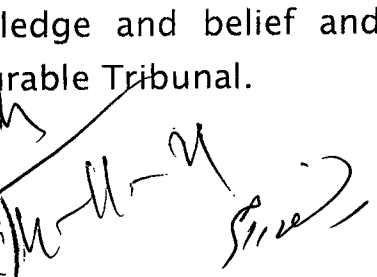
Through:


Applicants
BILAL AHMAD KAKAIZAI
(Advocate, Peshawar)

AFFIDAVIT

I, Altaf Hussain, Labour Officer, Presently Posted as Assistant Director, OPS, Nowshera, Applicant / Respondent No. 4, do hereby on oath affirm and declare that the contents of the Application are true and correct to the best of my knowledge and belief and nothing has been kept secret from this Honourable Tribunal.




Deponent.

Appellant

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL, PESHAWAR

Service Appeal No. 868/2019

Date of Institution 20.08.2018

Date of Decision 14.01.2021



Iftikhar Khan, Assistant (BPS-16),
Khyber Pakhtunkhwa, Service Tribunal, Peshawar. (Appellant)

VERSUS

The Government of Khyber Pakhtunkhwa through Chief Secretary,
Khyber Pakhtunkhwa, Civil Secretariat, Peshawar and three other
respondents. (Respondents)

Mr. IFTIKHAR KHAN,
Appellant

In person

MR. RIAZ AHMAD PAINDAKHEIL,
Assistant Advocate General

For respondents

MUHAMMAD JAMAL KHAN
MIAN MUHAMMAD
ATIQU-UR-REHMAN WAZIR

MEMBER (Judicial)
MEMBER (Executive)
MEMBER (Executive)

JUDGEMENT:

MUHAMMAD JAMAL KHAN, MEMBER:- By virtue of the
instant service appeal submitted under Section-4 of the Khyber
Pakhtunkhwa Services Tribunal Act, 1974, the vires of notification/rules
dated 03.04.2018 have been challenged.

2. That on establishment of the Khyber Pakhtunkhwa Services
Tribunal, while adhering to the provisions contained in Article 212 of the
Constitution of Islamic Republic of Pakistan the Service Tribunal has
been conferred exclusive jurisdiction in the matter pertaining to terms
and conditions of civil servants of the Province, Appellant being a civil
servant is also rendering duties as Office Assistant in BPS-16 in this

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ENAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Tribunal since 25.08.2017 and he is acting as such to the entire satisfaction of his higher-ups. On 03.04.2018, the Secretary Establishment Department Khyber Pakhtunkhwa Civil Secretariat, Peshawar, notified Service Rules which are not only irrational but also disadvantageous to the service career of appellant as the number of officials working in each cadres and their prospects of promotion have not been brought under consideration. For bringing the matter into the notice of competent authority, departmental appeal was moved on 24.04.2018 waiting for the expiry of the statutory period but without having any response, therefore having no other adequate remedy the instant service appeal was instituted.

3. Respondents were summoned, in compliance thereof they attended the Tribunal through their authorized representative thereby controverting the claim of appellant by submitting reply/comments by raising legal and factual objections.

4. We have heard arguments of the appellant as well as learned Assistant Advocate General and were able to go through the record on file with their valuable assistance in view of which our findings are recorded in the following paras:

5. Here it is deemed appropriate to mention that in the past due to split judgment, pro and contra of the Divisional Bench of this Tribunal one Hon'ble Member declared and accepted the appeal whereas the other Hon'ble Member dismissed the same, therefore, the instant appeal was referred to Larger Bench for the decision.

6. Before embarkation on adjudicating the issue involved in the instant case it is appropriate to have a look at the arguments advanced by the appellant himself. According to appellant in the service structure there are three contestants/aspirants for a single post of Registrar in BPS-18, that are, Additional Registrar, Superintendent and Budget & Accounts Officer all holding posts in BPS-17, according to the rules notified for the Ministerial Establishment of the Service Tribunal separate rather distinct seniority lists have been provided for all cadres. For Law Drafter and Assistant Registrar both falling in BPS-16 each cadre having one post has to be promoted to the post of Additional Registrar. As regard Office Assistants holding nine posts in BPS-16 have

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to be promoted to the post of Superintendent (BPS-17) and still further a Cashier-cum-Assistant holding BPS-16 having one post has to be promoted as Budget & Accounts Officer in BPS-17. It is worth to be noted that seniority list of all the three cadres have been merged when the official of each cadre attains BPS-17 where-after a common seniority list have to be maintained. Appellant opined that while keeping in view the number of posts available for Office Assistant holding BPS-16 which are nine in numbers whereas other cadres of Additional Registrar and Budget & Accounts Officer having two and one post respectively would be promoted to higher grade with accelerated pace as compared to the chances of promotion available to the Office Assistants when he is promoted to BPS-17 on his turn thus having dismal chances of promotion and at the same time lagging behind by remaining junior to the lateral entrants in service. That except the post of Law Drafter qualification for all the remaining posts is a Bachelor Degree and B.Com. While keeping in view the principles of parity and maintaining equilibrium such scheme of things as provided in the rules would not uphold the cardinal principles of justice, therefore, he submitted that each official having different cadre but having the same grade should have equal chances of promotion, he placed reliance on PLD 1980 S C 153, wherein it has been held that Article 212 read with Civil Servants Act, 1973, Section-25 of the Act ibid vires of rules competency to determine-Rules having altered terms and conditions of service, bar of Article 212 applicable with full force- question of vires of rules vis-à-vis with section-25 of Civil Servants Act, 1973, in such exercise to be necessarily considered vide citation (e) and last two paras of the aforesaid judgement. He referred to 1991 SCMR 1041, wherein it has been held that if a statutory rule or a notification adversely affects the terms and conditions of a civil servant, the same can be treated as an order in terms of Section-4 (1) of the Service Tribunal Act (LXX of 1973) and can file an appeal in the Service Tribunal, even if the fundamental rights of a civil servant are bypassed or violated, it has been further provided in the aforesaid dictum that all citizens are equal before law and entitled to equal protection of law, state however is not prohibited to treat its citizens on the basis of reasonable qualification vide citations (d), (e), (i) of the referred to dictum. He referred to PLD 2004 S C 317, wherein it has been held if

an objection is raised qua the validity of amendment in the rules by a civil servant on the ground that the same had adversely affected his right in the service as to promotion, jurisdiction of the High Court was barred by virtue of Article 212 of the Constitution. It was ordained that the civil servant should approach the Services Tribunal for redressal of his grievance, which was vested with the jurisdiction not only to go in to the question of validity or vires of the rules qua right of such a civil servant but also the question of mala-fides if raised in the appeal vide citation (b) and para-5 of the referred to judgement. While making reference to 2002 PLC (C.S) 94, vide discussing the vires of Section-4 of the Services Tribunal Act (LXX of 1973) vis-a-vis the Constitution of Pakistan 1973 Articles 199 & 212 it has been held that the matter relating to the terms and conditions of service would not come within the jurisdiction of the High Court- even if a statutory rule was ultra vires, the Services Tribunal would have the jurisdiction to strike down the same vide para-8 of the referred to judgement. He referred to 2012 PLC (C.S) 142, while discussing the scope of Section-4 (1) of the Balochistan Services Tribunal Act, 1974, that appeal challenging the vires of law, statutory service rules or notification adversely affecting terms and conditions of civil servants such law/rules/notification could be in turn an order in term of Section 4 (1) of Balochistan Services Tribunal Act, 1974, and could be challenged in an appeal before Services Tribunal. It has further been provided that the jurisdiction conferred upon Services Tribunal is not limited and all service matters including vires of service laws can be challenged before it vide citation c of the referred to judgement. Similar question of jurisdiction has also been tackled in 2012 PLC (C.S) 1211. He made reference to 2015 PLC (C.S) 215, it has been held categorically that the Services Tribunal has got exclusive jurisdiction to entertain and adjudicate upon the matters relating to the right to be considered for promotion to a higher grade vested in the Khyber Pakhtunkhwa Services Tribunal Act, 1974, vide citation-a read with para-12 of the referred to judgement. He referred to 2018 PLC (C.S) 40, wherein it has been held unequivocally that the Service Tribunal was fully competent to entertain and decide the cases wherein vires of Service Rules or notification had been challenged on the touch stone of being violative of Fundamental Rights and to direct the authority for framing such rules beneficial to the

prospect of promotion of civil servants and was held that the claim of petitioner/employees would fall in terms and conditions of service vide citation (a) and paras-10 & 11 of the referred to judgment. He referred to 2019 PLC (C.S) 995, wherein it has been held that the vires of rules could be challenged before Service Tribunal vide summarized para at the inception of judgement read with para-7 ibid of the referred to dictum. He made reference to Services Appeal No. 231/2011 Captioned Mian Farooq Iqbal Versus Mines and Minerals Department Khyber Pakhtunkhwa decided on 19.01.2013, the rules in vogue in the Mines and Minerals Department till 16.10.2010 were revoked and new rules were notified where clause-b of the rule was replaced on mala-fide intention which notification was set-aside by dent of which rules were notified on 17.10.2010 by restoring clause-b of notification No. SOI(IND)1-688-Vol-V dated 10.12.2003 and furthermore that promotion to be made strictly keeping in view section-9 (2)(a)(b) of Civil Servants Act, 1973, and Esta Code directions. He placed reliance on Service Appeal No. 1218/2011 titled Fozia Shehzadi Versus Education Department Government of Khyber Pakhtunkhwa decided on 19.12.2017, wherein the department of Elementary & Secondary Education Government of Khyber Pakhtunkhwa amended method of recruitment in exercise of the powers under sub-rule 2 of Rule-3 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 which changed the qualification for promotion, was challenged to be ultra vires of the Fundamental Rights and it was held by this Tribunal that it is now a settled position of law that vires of any rules or law touching the terms and conditions of civil servants can be decided by this Tribunal and reference was made to the dictums laid down in PLD 1980 Supreme Court 153 and 1991 SCMR 1041 which were stated to be much clear, therefore, it was held that this Tribunal has the jurisdiction to look into the vires of law and rules touching the terms and conditions of the Civil Servants vide para-6 of the referred to judgement. He placed reliance on PLD 1990 SC 1092, while elaborating discretion, it has been held that where ever wide worded powers conferring discretion exist, there remains always the need to structure the discretion and courts when can interfere with the discretion vide citation (s) of the judgement. In 1997 SCMR 1804, it has been held that the general principles that discretionary decision

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should be made according to rational reasons needs: (a) that there be findings of primary fact based on good evidence and (b) that decision about the fact be made for reasons which serve the purpose of the statute in an intelligible and reasonable manner. The actions which do not meet these threshold requirements are arbitrary and may be considered a misuse of powers vide citation (c) of the referred to dictum. In 1999 SCMR 467, while elaborating Article 25 of the Constitution of Pakistan wherein the principles of equality of citizens has been enunciated, it has been held that Government is not supposed to discriminate between the citizens and its functionaries cannot be allowed to exercise discretion at their whims, sweet will or as they please rather they are bound to act fairly, evenly and justly vide citation (a) of the referred to dictum. He made reference to 2005 SCMR 25, wherein distinction has been drawn in discretionary decision and arbitrary decision it was held that discretionary decisions should be made according to rational reasons. In discretionary decision there must be findings of primary facts based on good evidence and the decision about the fact be made for reasons which serve the purpose of statute in intelligible and reasonable manner and the actions which do not meet the threshold requirements are arbitrary and may be considered as misuse of powers. It has further been held that discretion powers have certain pre-conditions and that are seven instruments useful in structuring of discretionary powers, are open plans, open policy statement, open rules, open findings, open reasons, open precedents and fair informal procedure. Still further it has been held that functionaries of any organization or establishment cannot be allowed to exercise discretion at their whims, sweet will or in arbitrary manner, rather they are bound to act fairly, evenly and justly vide citation (c) (d) (e) para-15 of the referred to judgement. He placed reliance on 2015 SCMR 630, while discussing Section-24-A of the General Clauses Act, (X of 1897) wherein it has been held that the executive authority having discretionary powers, its exercise and scope--when legislature conferred a wide range of power it must be deemed to have assumed that the powers would be firstly, exercised in good faith; secondly, for the advancement of the objects of the legislation, and, thirdly, in a reasonable manner--- where the authorities failed to regulate their discretion by the framing of rules, or policy statements or

precedents it became mandatory for the courts to intervene in order to maintain the requisite balance for the exercise of statutory powers vide citation (e) and para-10 of the referred to dictum. He made reference to 2015 SCMR 1257, wherein it has been held that every public functionary is supposed to function in good faith, honestly and within the precincts of his powers so that person concerned should be treated in accordance with law as guaranteed by Article-4 of the Constitution. It has also been held that the objects of good governance cannot be achieved by exercising discretionary powers unreasonably or arbitrarily and without application of mind but the objective can be achieved by following the rules of justness, fairness, and openness, in consonance with the command of the Constitution enshrined in different Articles including Articles 4 & 25 vide paras-11 & 12 of the referred to judgement. He made reference to PLD 2017 Sindh High Court 690, wherein it has been held that when legislature confer powers on the government to frame rules, it is expected that such powers have been used only bonafide, in a responsible spirit and true interest of public and in furtherance of the object for attainment of which such powers have been conferred---powers conferred upon government to frame rules is not unlimited but subject to certain per-requisites and pre-conditions---unlimited right of delegation is not inherent in legislative power itself---court may reject a regulation as invalid and ultra vires if it fails to comply with statutory essential. It has also been held that where authority failed to regulate their discretions by framing of rules, policy statements or precedents, it becomes mandatory for courts to intervene in order to maintain requisite balance for exercise of statutory powers vide citations (c) & (d) and para-15 (a) (b) (c) (f) (g) (h) (i) of the judgement.

17. The appellant pointed out that the Khyber Pakhtunkhwa Services Tribunal had submitted draft rules and dispatched it to SSRC but the same have not been brought under consideration by the forum concerned without assigning any reason. Appellant referred to Section-24-A of the General Clauses Act, 1897, elaborating that when powers are conferred on the authority, it has to be exercised reasonably and also referred to Sections 21 and 23 of the Act ibid. Registrar of the Khyber Pakhtunkhwa Services Tribunal represented the institution at •

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the SSRC but was not able to emphatically forward the stance of the institution thus remaining just a signatory to the same. He further placed reliance on 2018 SCMR 598 wherein it was held that the terms and conditions of service cannot be unilaterally altered by the employer to the disadvantage of the employees vide citation (a) and para-6 of the judgement. The office of Registrar Khyber Pakhtunkhwa Services Tribunal has to perform functions of Trio nature i.e. scrutiny of record, judicial and accounts. A person rich in experience in manifold fields and spheres would contribute to proper functioning of the office of Registrar and such a scheme of things could not be ensured when seniority of different cadres have been split. He submitted that when they are on better footing or in a position of advantage, reference is being made to the issue of specialization but when they have no such advantage no reference to it at all is being given. He referred to Article 25 & 38E of the Constitution of Islamic Republic of Pakistan wherein it has been held that all citizens are to be treated equally ruling out possibilities of discrimination. He further placed reliance on 2003 PLC (C.S) 965, wherein it has been held that state subjects are equal before law and are entitled to equal protection of law---state subject could not be discriminated or refused their rights of services---rights of service would mean and include appointment, promotion and all other ancillary matters attached to the service of a citizen. It has further been held that rules prescribed being subservient to the original Act--- any rule enacted in derogation of original Act or defeating the spirit of the constitution could not be allowed to prevail vide citations (c) (d) of the referred to dictum. In 2015 PLC (C.S) 1495, similar principle has been laid down while making reference to Article 25 of the Constitution of Pakistan vide citation (b) and para 12 of the judgement he added. He placed reliance on 2004 CLD 260, while discussing mala fides it was held that an action taken with mala fides is an action taken maliciously for personal motives whether to hurt the person against whom action is taken or to benefit oneself. The term mala fides is equated with bad faith. Some of the instances of mala-fides are evasion of the spirit of bargain, lack of diligence and slacking off, willful tendering of imperfect performance, abuse of a power to specify terms and interference with or failure to cooperate in the other party's performance vide citation (c). He placed reliance on 2010 SCMR 511,

wherein it has been held that no employee had vested right in promotion but where rules, regulation and policy had been framed for appointment or promotion for mala-fide reason or due to arbitrary act of the competent authority, aggrieved person was entitled to challenge the same vide citation (e) of the referred to judgement. He further submitted that in other departments such as Education, Agriculture, Live Stock and C&W similar principles have been adopted by maintaining common seniority list of the officials having the same grades but holding different cadres. He submitted that adoption of the rules in other departments in the circumstances is indispensable, for full delivery of services by each and every official of the Services Tribunal, therefore, providing for efficient service structure is need of the hour and norm of the day. He placed reliance on 2010 SCMR 511 and submitted that the acts done in the promulgation and adoption of rules suffers from elements of mala-fide.

8. On the contrary, the learned Assistant Advocate General contended that the notion regarding the lesser chances of promotion is just a misnomer having no nexus with ground reality. The present appeal is not competent due to conduct of appellant who is estopped to have recourse to this Tribunal. In fact the Registrar of this Tribunal has attended the meeting of SSRC and has participated in the rules framing process, the rules are based on sound reasons and are consensus oriented which are not just whimsical rather having a pragmatic approach to the actual realities. As regard the assertion of appellant regarding mala-fide the learned Assistant Advocate General submitted that it is in fact an abstract concept carrying broad implications, no mala-fide could be attributed to the rules framing bodies. Whether there was any mala-fide on the part of rule framing body with the rest of officials who have greater chances of promotion while exemplifying that a Primary School Teacher is required Bachelor of Science qualification whereas at the eve of his retirement he would reach Grade-16 although channel of promotion are open to him or he can become District Education Officer or even a Director of the institution. For Senior English Teacher the criteria of qualification is the same. While making reference to the post of Law Drafter he submitted that the holder of the same post in the High Court is having grade 17 whereas the appointment of

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the Civil Judge is made in BPS-18. As regard the job descriptions of various posts of distinct cadres the appellant remained mum. The appellant has not made recourse to this Tribunal with clean hands as he has instituted the present case on petty grounds with mala-fide intention and intends to infringe upon the rights of other employees of the Tribunal. However, the prospects of promotion is just like pyramid which narrows down in every department in higher scale. The Service Rules were notified after thorough deliberation by the SSRC Committee in which the representative of Services Tribunal was also present and all the stake holders have developed consensus while finalizing the service rules. He placed reliance on 2015 SCMR 269 (citation d) that under Article 212 of the Constitution of Islamic Republic of Pakistan, 1973, a criteria has been laid down and domain has been provided which falls exclusively within the ambit of the concerned department/legislature, therefore, extinguishing right of appellant. He placed reliance on 2019 PLC (C.S) 995 and submitted that the government has prerogative to frame rules which fall within its exclusive domain. He placed reliance on 2019 PLC (C.S) 282, 2018 PLC (C.S) 1135 that every legislation is subject to judicial review. It is not a vested right of a civil servant to seek amendment in the rules.

9. The perusal of record clarifies the fact that there are four different cadres working in this Tribunal i.e. the Law Drafter (BPS-16) one post, Assistant Registrar (BPS-16), Cashier-cum-Assistant (BPS-16) and Office Assistant (BPS-16). Out of the four cadres, the officials of former three cadres are having one post each whereas the cadre of Office Assistant have nine posts. The academic qualification for initial recruitment to the post of Law Drafter (BPS-16) is L.L.B, for Assistant Registrar and for the Office Assistant a Bachelor Degree is required whereas for Cashier-cum-Assistant qualification is D.Com. According to the rules notified, there are just two posts of Grade-16 to be promoted to the post of Additional Registrar (BPS-17) i.e. Law Drafter and Assistant Registrar, a Cashier-cum-Assistant is having a single post to be promoted as Budget & Accounts Officer (BPS-17) whereas the Office Assistants (BPS-16) have nine posts to be promoted to a single post of Superintendent (BPS-17). On attainment of promotion in BPS-17 a common seniority list has to be maintained who in turn would get promotion to the single post of

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EXAMINER

Services Tribunal

Registrar (BPS-18) on the principle of seniority-cum-fitness. Thus while looking at the scenario in this context, the Law Drafter and Assistant Registrar as well as Cashier-cum-Assistant would have rapid chances of promotion as compared to the promotion chances of Office Assistants (BPS-16). The question arises that when the holders of all the three posts sans Law Drafter having more or less the same academic qualification whether they should not have equal chances of promotion? For best delivery of services and for amelioration of the lot of the public at large, each cadre should have equal chances of promotion so that no official of any cadre have a feeling of discrimination. How an official can render duties to the best of his abilities in the public interest when he is not provided equal chances of promotion and are thus discriminated. The officials of each cadre would have a bright career when the channel of promotion is open to all equally so that the possibility of deprivation of one cadre at the cost of other is ruled out subject to an exception of Law Drafter who stands on a high pedestal as far as his respective qualification is concerned, therefore, a mechanism can be set making of his adjustment in the seniority list at appropriate place, however, maintaining of equilibrium for the entire set of the officials by maintaining a common seniority list would be the only solution for addressing the problem. When the seniority of the officials have later on being merged when they get promotion in BPS-17 whether it cannot be equated at initial stage. The guiding principles for formulation of rules should be devised in a manner to safeguard the rights of all and similarly placed employees who are to be treated across the board. A single institution having different categories of services must have rules devised in such manner to provide equal opportunity of promotion. Since all the employees are part of the same institution, therefore, employees of one set of cadre can conveniently get adequate knowledge of other cadres and in this regard appropriate opportunities can be provided by making internal arrangements. While giving effect to the rules the case of Office Assistants have not been taken care of or taken into account vis-a-vis other office holder resulted into infringements of their rights. The rules must not have a negative impact on employees of one cadre at the cost of other employees serving in other cadres. Such a scheme of thing shall definitely distort and malign the whole atmosphere and a workable peaceful environment and a

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 CHIEF JUSTICE
 National Public Service Commission
 Islamabad

smooth working with cohesion would be an impossible phenomenon having a negative impact on the overall performance of the institution the ultimate sufferer of which would be civil servants and their dependents. Injustice or discrimination of course begets a sense of deprivation leading to distortion in thoughts entailing on the mental cognitive faculties, which play havoc by creating chaos which are elements detrimental to the public serenity which unbalances the whole fabric of society. It destroys career, to handicap families which results in financial problems. Discrimination which leads to a sense of deprivation rather consternation foreclosing the doors of creative mind the beginning of this sort of tension results into the end of talent. Accordingly, healthy mental activities abates. When there are no creative minds or there is dearth of creative minds the progress of institution stops and its down fall commences which have a far reaching repercussions on other institution and the society at large, therefore ensurance of complete justice can be ensured only when similarly placed employees are treated at par without an iota of discrimination.

10. The reasons assigned in the preceding paras are to be converged on a single principle to give effect to the rules in a concrete form by devising of a mechanism so that the issue is addressed in a manner to give everyone his due otherwise the action so taken would have momentous consequences. The SSRC which seized with the matter must have acted in perspicacity by encompassing all aspects and facets so that the accomplishment so made should have not resulted into deprivation of one cadre. Formulation of rules for promotion must be in a way to have equal avenues of promotion for each cadre which is not possible without merger of seniority list by maintaining common seniority list at all levels indiscriminately. Similar principles of maintaining a common seniority list of officials having different cadres but the same grade and working in the same institution/department have been provided such as C&W Department, Agriculture Department, Mines and Minerals Department and Irrigation Department etc. Such actions, acts are explicitly in contravention of Section-24-A of the General Clauses Act, 1897 and violative of Articles 25 & 38-E of Constitution of Islamic Republic of Pakistan wherein it has been provided that all citizens are to be treated equally ruling out possibility

ATTESTED

EXAMINER

Ministry of Education, Government of Punjab

12/11/2018

of discrimination. The authorities referred to by appellant clearly enunciate when service rules are based on discrimination the Services Tribunal is conferred with jurisdiction to take cognizance of the matter and in this regard reliance is placed on the entire set of precedents produced by appellant in support thereof.

11. As regard conferment of discretionary powers on the competent authority/forum it has been provided in a number of precedents of the Hon'ble Supreme Court of Pakistan that it should always be exercised judiciously in a reasonable way without any sort of discrimination and to the prejudice of none. Certain principles of lofty nature have been laid down by the august Supreme Court of Pakistan adherence to which is a pre-requisite for exercising discretionary powers when it has been vested in the authority. The matter regarding exercise of discretionary powers is not paltry in nature and utmost care and caution is required, it must be for the betterment and good of all. The principles so laid down are seven instruments i.e. useful in structuring of discretionary powers that are open plans, open policy statements, open rules, open findings, open reasons, open precedents and fair informal procedure, reliance in this regard is placed on PLD 1990 Supreme Court 1092, 1997 SCMR 1804, 1999 SCMR 467, 2005 SCMR 25, 2015 SCMR 630, 2015 SCMR 1257, PLD 2017 Sindh 690. The jurisdiction of the Services Tribunal is not limited and all service matters falling within the ambit of service rules can be challenged before it when statutory rules or a notification adversely affecting the terms and conditions of a civil servant and the same can be treated an order passed under the provision of the Service Laws.

12. No evidence has just emanated that prior to the promulgation of the subject rules, the Draft rules were circulated to obtain opinion of the employees who are to be regulated under those rules by providing a service structure whether the rights of the civil servants have not be infringed when the modalities required were not set in motion? The consultative process must have preceded before finalizing and giving effect to the rules as it has put some of the employees at disadvantageous position as compared to the case of others, thus violative of Section-23 of General Clauses Act, 1897, therefore, the recasting of the rules in the circumstances becomes essential,

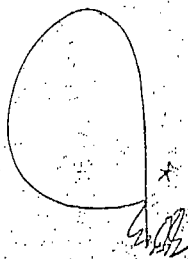
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therefore, unless and until the issue involved is tackled and necessary, appropriate modification and amendments in the rules are made for the purpose of maintaining the joint seniority list of the officials the anomaly and grievance shall remain in the field unresolved and unsettled.

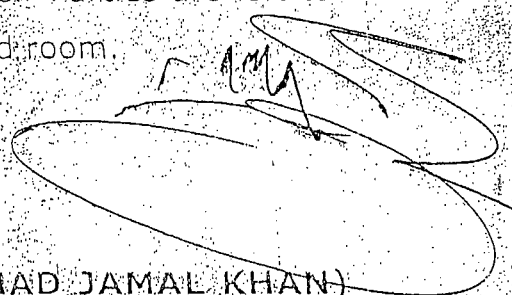
13. As regard the dictums relied upon by the learned Assistant Advocate General appearing on behalf of respondents in utmost deference and regard thereto the principles laid down in the precedents relied upon by appellant viably resolve the controversy vis-à-vis the precedents relied upon by the learned Assistant Advocate General. While looking at the human conduct the chances of errors and mistakes are there and a forum must be there to have jurisdiction in the matter to address the issue otherwise the inevitable result would be perpetuating the anomaly to the entire prejudice of the sufferers. Needless to mention here that government has been invested with powers to frame rules but in accordance with the true spirit of the law and precedents referred to above.

14. The upshot of what has been discussed above is that on the acceptance of the instant appeal respondents are directed to give effect to the rules in the light of observations made above. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
14.01.2021



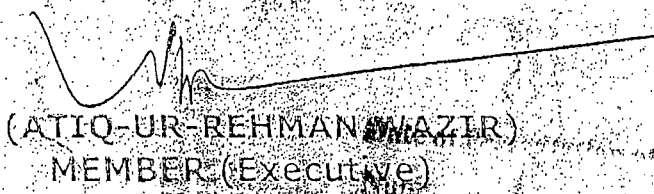
(MIAN MUHAMMAD)
Member (Executive)



(MUHAMMAD JAMAL KHAN)
Member (Judicial)

Certified to be true copy

EC JINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar



(ATIQU-UR-REHMAN WAZIR)
MEMBER (Executive)

31/8/21

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Date of Copy 31/8/21
Date of Delivery of Copy 31/8/21

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,

PESHAWAR.



put up to the court with
relevant app.

Civil Miscellaneous No: _____ / 2021

Service Appeal No: 10926 / 2021

15/10/21

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Place on file.

APPLICATION FOR INTERIM RELIEF

Respectfully Sheweth,

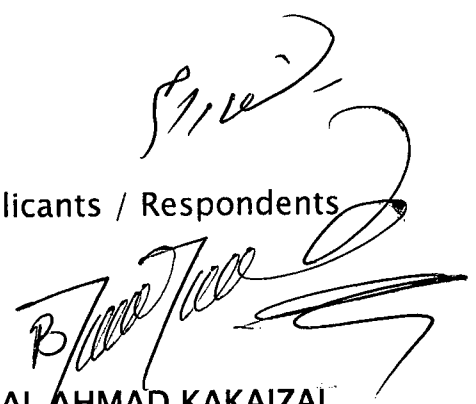
- 1) That, the titled Service Appeal is pending subjudice before this Honorable Court and is fixed for 18.10.2021.
- 2) That, the Appellant has obtained Interim Order from this Honorable Court due to which promotion of the Applicant / Respondents has been stopped.
- 3) That, now the Department is going to fill up the vacancies of the Assistant Directors BPS-17, through Public Service Commission and interviews for the said post are scheduled to be held on 01.11.2021 & 02.11.2021, copy attached.
- 4) That, if the new incumbents in BPS-17 came-in through initial recruitment, the Applicant / Respondent or any promotee will be placed below in Seniority List of Assistant Directors.
- 5) That, due to Interim Order issued by this Honorable Court, the Promotion of the Applicants / Respondents have been withheld.
- 6) That, Applicants / Respondent will suffer irreparable loss if the new incumbents are inducted.

- 7) That, balance of convenience also lies in favour of the Applicants / Respondents moreover the Applicant / Respondents have prima-facie case in their favour.

It is, therefore, requested that Interim Relief be granted to the effect that the process of Interview for the posts mentioned at Panel-I (first three) of the attached Interview Program may please be suspended or else may not be finalized till the decision of subject Appeal, with such other relief as may deem fit in the circumstances of the case may also be granted.

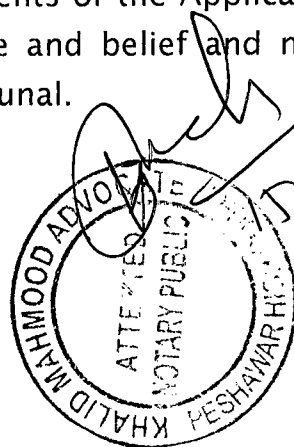
Applicants / Respondents

Through:


BILAL AHMAD KAKAIZAI
(Advocate, Peshawar)

AFFIDAVIT

I, ALTAF HUSSAIN, Labour Officer, Applicant / Added Respondent No. 7, presently posted as Assistant Director Labour, Nowshera, do hereby on oath affirm and declare that the contents of the Application are true and correct to the best of my knowledge and belief and nothing has been kept secret from this Honourable Tribunal.



Deponent



INTERVIEW PROGRAMME FOR THE MONTH OF NOVEMBER, 2021

PANEL – I

NOVEMBER, 2021					Post(s)	Advt. No.	Candidates	Dealing Superintendent
M	T	W	TH	F				
1	-	-	-	-	(01) Planning Officer (BPS-17) in Directorate of Labour.	01/2021. Sr. 44	05 in all	Mr. Ifikhar Bangash
					(01) Research Officer (BPS-17) in Directorate of Labour	01/2021 Sr. 45	05 in all	//
-	2	-	-	-	(01) Assistant Director (BPS-17) in Directorate of Labour	01/2021, Sr. 46	05 in all	//
					(01) Zilladar (BPS-15) Minority Quota in Irrigation Department	03/2021. Sr. 69	05 in all	Mr. Muhammad Rafi
-	-	3	4	5	(06) Forest Rangers (BPS-16) in Forestry, Environment & Wildlife Department	03/2020, Sr. 10	12 daily 06 on Friday Total=30	Mr. Javed
8	-	-	-	-	(02) Assistant Superintendent Jail (Female Quota) (BPS-14) in Inspectorate of Prisons	10/2019. Sr. 83	12 in all	Mr. Muhammad Rafi
-	9	10	-	-	(02) Male Lecturer Bio Informatics (BPS-17) in Higher Education Department	06/2021 Sr. 01 (II)	12 daily Total=24	Mr. Muhammad Shoab
			11	-	(01) Veterinary Officer/ Surgeon (BPS-17) Leftover in the Office of Chief Conservator of Wildlife.	01/2021. Sr. 14	05 in all	Mr. Javed
					(01) Assistant Director (BPS-17) in Directorate of Archives & Libraries.	01/2021. Sr. 33	05 in all	Mr. Muhammad Shoab
-	-	-	-	12	(03) Female Lecturer in Textile & Clothing (BPS-17) in Higher Education Department	01/2021 Sr. 34	13 daily 09 on Friday Total=22	Mr. Muhammad Shoab
15	-	-	-	-				

PANEL – II

M	T	W	TH	F	Post(s)	Advt. No.	Candidates	Dealing Superintendent
1	2	3	4	5				
1	2	3	4	5	(13) Accounts Officer (BPS-17) in Local Govt. Department.	10/2019 Sr. 95 (a, b)	12 daily 05 on Friday Total=65	Mr. Javed
8	-	-	-	-				
-	9	-	-	-	(02) Deputy Director (BPS-18) in the Office of Director General, Environmental Protection Agency.	09/2019 Sr. 07	11 in all	Mr. Javed
-	-	10	11	12	(06) Research Officer/ Farm Manager (BPS-17) in Agriculture, Livestock & Dairy Development Department	01/2021 Sr. 01	13 daily 08 on Friday Total=34	Mr. Ifikhar Bangash
15	-	-	-	-	(04) Female Lecturer in Human Development (BPS-17) in Higher Education Department	03/2021, Sr. 61	09 in all	Mr. Muhammad Shoab
					(01) Female Subject Specialist Physics (Disable Quota) (BPS-17) in Elementary & Secondary Education Department	07/2021, Sr. 07	01 in all	Mr. Noor Muhammad

PANEL – III

M	T	W	TH	F	Post(s)	Advt. No.	Candidates	Dealing Superintendent
1	2	3	4	5				
1	2	-	-	-	(21) Pharmacist (BPS-17) in Health Department	02/2020 Sr. 13	13 daily Total=26	Mr. Javed
-	-	3	4	5				
8	9	-	-	-	(10) Drug Inspectors (BPS-17) in Health Department	02/2020 Sr. 12	13 daily 04 on Friday Total=56	Mr. Javed
		10	-	-	(01) Assistant Professor Medical Education (BPS-18) (Leftover) in Saidu Medical College Swat.	03/2021, Sr. 13	01 in all	Mr. Tanveer Musharaf
					(01) Assistant Professor Forensic Medicine (BPS-18) (Leftover) in Saidu Medical College Swat.	03/2021, Sr. 32	04 in all	//
					(17) Nursing Instructors/ Nursing Superintendent/ Nursing Directress (BPS-17) in Health Department	09/2019 Sr. 09,10	01 in all	//
-	-	-	11	-	(01) Associate Professor Psychiatry (BPS-19) (Leftover) in Saidu Medical College Swat.	03/2021, Sr. 10	01 in all	//
					(01) Associate Professor Forensic Medicine (BPS-19) Leftover in Saidu Medical College Swat.	03/2021, Sr. 31	01 in all	//
					(01) Associate Professor Physiology (BPS-19) in Saidu College of Dentistry Saidu Sharif Swat.	03/2021, Sr. 21	02 in all	//
-	-	-	-	12	(01) Associate Professor Bio Chemistry (BPS-19) in Saidu College of Dentistry Saidu Sharif Swat	03/2021, Sr. 22	03 in all	//
					(01) Associate Professor Pharmacology (BPS-19) in Saidu College of Dentistry Saidu Sharif Swat	03/2021, Sr. 23	03 in all	//

NOVEMBER, 2021					Post(s)	Advt. No.	Candidates	Dealing Superintendent
M	T	W	TH	F				
15	-	-	-	-	(01) Associate Professor Pathology (BPS-19) in Sa Ju College of Dentistry Saidu Sharif Swat	03/2021, Sr. 24	04 in all	//
					(01) Professor Forensic Medicine (BPS-20) (Leftover) in Saidu Medical College Swat.	03/2021, Sr. 29	04 in all	//
-	16	-	-	-	(01) Associate Professor Ophthalmology (BPS-19) (Leftover) in Saidu Medical College Swat.	03/2021, Sr. 54	01 in all	Mr. Tanveer Musharaf
					(01) Assistant Professor Cardiothoracic (BPS-18) (Leftover) in saidu Medical College Swat.	03/2021, Sr. 12	05 in all	//
-	-	17	18	19	(05) Male Lecturer Gender Studies (BPS-17) in Higher Education Department	06/2021 Sr. 01 (ix)	13 daily 07 on Friday Total=73	Mr. Muhammad Shoab
22	23	24	-	-				
-	-	-	25	26	(10) Account Assistant (BPS-16) in Population Welfare Department	01/2021 Sr. 51	14 daily 08 on Friday Total=50	Mr. Iftikhar Bangash
29	30	-	-	-				

PANEL - IV

M	T	W	TH	F				
1	2	3	4	5	(130) Male ASDEOs/ ADEOs (BPS-16) in Elementary & Secondary Education Department	09/2019 Sr. 05 (a,b,c)	12 daily 08 on Friday Total=160	Mr. Noor Muhammad
8	9	10	11	12				
15	16	17	18	19				
22	-	-	-	-	(07) Assistant District Attorney (BPS-17) in Law Parliamentary Affairs & Human Development Department	03/2020, Sr. 12	08 in all	Mr. Iftikhar Bangash
-	23	-	-	-	(04) Assistant District Attorney (BPS-17) in Law, Parliamentary Affairs & Human Development Department	11/2019, Sr. 07	11 in all	Mr. Iftikhar Bangash
-	-	24	25	26	(03) Female Lecturer Food Science (BPS-17) in Higher Education Department	06/2021 Sr. 02 (xxi)	12 daily 10 on Friday Total=58	Mr. Muhammad Shoab
29	30	-	-	-				

PANEL - V

M	T	W	TH	F				
1	2	3	4	5	(420) Assistant Sub Inspectors (BPS-11) in Police Department.	04/2018	20 daily 15 on Friday Total=778	Mr. Alam Zeb
8	9	10	11	12				
15	16	17	18	19				
22	23	24	25	26				
29	30	-	-	-				

Continue.....

DIRECTOR RECRUITMENT