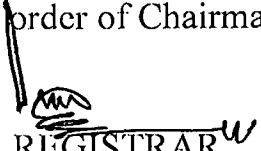


FORM OF ORDER SHEET

Court of _____

Case No.- 1658/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	23/11/2022	<p>The appeal of Mr. Altaf Hussain presented today by Mr. Bilal Ahmad Kakaizai Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on _____. Notices be issued to appellant and his counsel for the date fixed.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>


OBFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Service Appeal No. 1658 / 2022.

ALTAF HUSSAIN --- Vs --- Government of KPK etc.

I N D E X

<i>Description of Documents</i>		<i>Page No.</i>
<i>MEMO OF SERVICE APPEAL.</i>		<i>1 - 7</i>
<i>AFFIDAVIT</i>		<i>8</i>
<i>ADDRESSES SHEET</i>		<i>9</i>
<i>Annexure-A</i>	Previous Seniority List containing the particulars of the Appellant.	<i>10 - 12</i>
<i>Annexure-B</i>	Rules & Fresh Seniority List.	<i>13 - 25</i>
<i>Annexure-C</i>	Service Appeal No. 10926 / 2020 and Interim Order.	<i>26 - 40</i>
<i>Annexure-D</i>	Withdrawal Order in Service Appeal No. 10926 / 2020.	<i>41</i>
<i>Annexure-E</i>	Promotion Order dated 30.06.2022 of the Appellant.	<i>42 - 43</i>
<i>Annexure-F</i>	Promotion Order of Statistical Officer dated 15.12.2021.	<i>44</i>
<i>Annexure-G</i>	New Rules.	<i>45 - 58</i>
<i>Annexure-H</i>	Departmental Appeal / Representation dated 26.07.2022.	<i>59 - 61</i>
<i>Court Fee (Attached)</i>		<i>Nil</i>
Wakalat Nama		<i>Nil</i>


Appellant

Through,

BILAL AHMAD KAKAIZAI
(Advocate, Supreme Court of Pakistan)
213, Sunehri Masjid Road, Near HBL
Nothia Branch, Peshawar Cantt.
0300-9020098

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Service Appeal No. 1658 / 2022.

ALTAF HUSSAIN,
Assistant Director, Labour,
District Labour Office, Nowshera.

..... **APPELLANT**

--- ***VERSUS*** ---

1. **GOVERNMENT OF KHYBER PAKHTUNKHWA**
Through Chief Secretary, Civil Secretariat,
Peshawar.
2. **SECRETARY LABOUR,**
Government of Khyber Pakhtunkhwa,
Labour Department, Civil Secretariat, Peshawar.
3. **DIRECTOR,**
Directorate of Labour,
Government of Khyber Pakhtunkhwa,
3rd Floor, FC Trust Building Sunehri Masjid Road, Peshawar.
4. **Miss SIDRA JABEEN,**
Statistical Officer / Assistant Director,
Directorate of Labour, Government of Khyber Pakhtunkhwa,
3rd Floor, FC Trust Building Sunehri Masjid Road, Peshawar.

..... **RESPONDENTS**

APPEAL UNDER SECTION 4 OF KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
ACT, 1974 FOR GRANTING ANTE-DATED PROMOTION OR GIVING
RETROSPECTIVE EFFECT TO PROMOTION OF THE APPELLANT, FROM THE
DATE OF ELIGIBILITY OR ELSE FROM 19.01.2021 I.E. THE SCHEDULE DATE

OF MEETING OF DEPARTMENTAL PROMOTION BOARD / COMMITTEE, WHICH WAS NOT CONVENED AND WAS CANCELLED DUE TO ISSUANCE OF INTERIM ORDER DATED 09.12.2020 BY THIS HONORABLE TRIBUNAL, PESHAWAR IN APPEAL NO. 10751 / 2020 FILED BY EMPLOYEES OF LABOUR DIRECTORATE IN PURSUANCE OF WHICH THE PROCESS OF PROMOTION OF APPELLANT WAS STOPPED WITHOUT HIS FAULT.

Prayer: *That, on acceptance of this Appeal / Representation, the Promotion of the Appellant dated 30.06.2022 may please be given retrospective effect (Antedating) / Proforma Promotion as mentioned in the heading of the Appeal, with such other relief as may deem fit in the circumstances of the case may also be granted.*

Respectfully Sheweth;

Short facts, giving rise to present Service Appeal, are as under:

1. That, Appellant was appointed as Labour Officer in BPS-16 on 29th of January 2014, copy of Previous Seniority List containing the particulars of the Appellant is attached as *Annexure A*.
2. That, as per rules of the Department for the purpose of promotion, 30% quota has been allotted to the holders of the posts of Labour Officers, Labour Officers (Female) and Social Mobilizers, with five years' service as such, on seniority-cum-fitness basis. It is important to mention here that separate 30% quota is allocated to the holders of the posts of Inspectors Weights & Measures and rest of the 40% quota is reserved for initial recruitment, copies of Rules & Fresh Seniority List are attached as *Annexure B*.
3. That, Appellant became eligible for promotion in the year 2019, as per his seniority position moreover posts in BPS-17 were also lying vacant hence Summary / Proposal / Working Papers for the purpose

of promoting the Appellant to BPS-17 were prepared and sent to Respondent No. 2 on 11.01.2021.

4. That, meeting of the Promotion was scheduled to be held on 19.01.2021, however before the said date the Inspectors of Weights and Measures obtained Interim Order from the Khyber Pakhtunkhwa Service Tribunal, Peshawar on 09.12.2020, which, unfortunately, created hurdles in way of Appellant's Promotion, copy of the Service Appeal and Interim Order is attached as Annexure C.
5. That, the Interim Order of the Tribunal culminated with the withdrawal of Service Appeals No. 10~~926~~ / 2020 (Six different Appeals) by the Inspectors Weights & Measures on 12.01.2022, copy of the Withdrawal Order is attached as Annexure D.
6. That, with the Withdrawal / Dismissal of Appeals of the Inspectors Weights & Measures from the Honorable Tribunal, there was left no embargo on Appellant's consideration for promotion to the post of Assistant Director BPS-17, in pursuance of which the Appellant was considered and promoted to the post of Assistant Director on 30.06.2022, copy of the Promotion Order dated 30.06.2022 of the Appellant is attached as Annexure E.
7. That, during the Interim Order, one Statistical Investigator BPS-16 was also promoted whereby Appellant's Seniority was disturbed. It is important to mention here that although the Statistical Investigator is different Cadre from the Labour Officer however when someone is promoted to the post of Statistical Officer (BPS-17) from the post of Statistical Investigator, the promotee incumbent automatically born on Seniority List along with Assistant Directors for his / her further promotion to Deputy Director Labour as per Rules, copy of the Promotion Order of Statistical Officer dated 15.12.2021 is attached as Annexure F.
8. That, Appellant reserves the right to claim his Seniority and retrospective / ante-dated promotion under FR-17, once he is promoted to BPS-17. It is important to mention here that the Statistical Investigator promoted to the post of Statistical Officer BPS-17 was junior from the Appellant in service, moreover she has

been accommodated malafidely under the old Service Rules which are now been amended on 15.09.2020, copies of New Rules are attached as Annexure G.

9. That, Appellant, considered himself aggrieved due to not-granting ante-dation to his promotion by giving retrospective effect to his promotion, from the date of eligibility or else from 19.01.2021 i.e. the date of meeting of Departmental Promotion Board / Committee, which was not convened / cancelled due to issuance of Interim Order dated 09.12.2020 by this Honorable Tribunal, Peshawar in Appeal no. 10751 / 2020 filed by employees of Labour Directorate in pursuance of which the process of promotion of Appellant was stopped without his fault, hence he submitted his Departmental Appeal / Representation on 26.07.2022 which remained undecided for more than 90 days, copy of the Departmental Appeal / Representation dated 26.07.2022 is attached as Annexure H, hence this Appeal for indulgence and enforcement of rights *inter alia* on the following grounds:

GROUND:

- A. That, actions and inactions of the Respondents Department / Directorate are illegal, unlawful, void and ineffective.
- B. That, same are against the principles of Natural Justice, also.
- C. That, Appellant deserved to be promoted from the date when he became eligible or at least from the date when the meeting of the Departmental Promotion Board was scheduled to be held on 19.01.2021 however he has been deprived of his right due to no fault on his part.
- D. That, contents of Fundamental Rule 17, also favors the situation of the Appellant as meeting of the Departmental Promotion Committee / Board was not held due to issuance of Interim Order by this Honorable Tribunal on 09.12.2020 and the circumstances existed at that time were beyond the control of the Appellant.

- E. That, it seems that the aim of the Inspectors Weights & Measures was just to accommodate the Respondent No. 4 and the Department also favors her promotion ahead of the Appellant hence she has born on the Seniority List of Assistant Directors above the name of the Appellant.
- F. That, the Respondent No. 4 who was promoted on 15.12.2021 was otherwise junior in service from the Appellant, as she was entered into BPS 16 after the induction of the Appellant in BPS-16.
- G. That, although the Seniority List of Statistical Investigator (BPS-16) is different from the Seniority List of Labour Officers (BPS-16) however on promotion the Statistical Officer and Assistant Directors are born on the same joint Seniority List for the purpose of promotion to the post of Deputy Director (BPS-18).
- H. That, apart from the promotion of the Respondent No.4, as per Fundamental Rule 17, the case of the Appellant could be considered by the Departmental Authority for ante dating his promotion / granting Proforma Promotion as at the relevant time he was handicapped due to issuance of the Interim Order by this Honorable Tribunal.
- I. That, the fundamental, legal and constitutional rights of the Appellant are being violated by the Respondents.
- J. That, the Respondents Department, being public office, cannot be allowed to exercise its powers, in sheer violation of law nor are they allowed to promote nepotism and favoritism.
- K. That, the Departments are also not allowed to damage the honour and prestige of Civil Servants, moreover the action of the Department is without any just and legal ground.
- L. That, the Respondents have violated Articles 4, 9, 10-A, 25, 27 and 37 of the Constitution of the Islamic Republic of Pakistan, 1973. The indulgence of this august Tribunal is, therefore, necessary and indispensable in order to save the ends of justice and to prevent the abuse of the process of law.

- M. That, the Departmental Appeal / Representation or any other Application submitted by the Appellant in respect of his due right of Seniority / Retrospective Promotion may please be treated as integral part of this Service Appeal.
- N. The Appellant seeks permission to raise any other additional legal grounds at the time of hearing of this writ petition.

It is, therefore, prayed that Appeal be accepted as prayed for.



Appellant

Through,

BILAL AHMAD KAKAIZAI
(Advocate, Supreme Court of Pakistan)
213, Sunehri Masjid Road, Near HBL
Nothia Branch, Peshawar Cantt.
0300-9020098

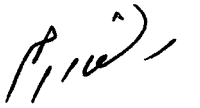
BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Service Appeal No. _____ / 2022.

ALTAF HUSSAIN --- vs --- Government of KPK etc.

AFFIDAVIT

I, ALTAF HUSSAIN, Assistant Director, Labour, District Labour Office, Nowshera, do hereby on oath affirm and declare that the contents of the Writ Petition are true and correct and nothing has been kept secret from this Honourable Court.



Deponent

Identified by:-

BILAL AHMAD KAKAIZAI
(Advocate, Supreme Court of Pakistan)

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Service Appeal No. _____ / 2022.

ALTAF HUSSAIN --- Vs --- Government of KPK etc.

ADDRESSES OF PARTIES.

APPELLANT:

ALTAF HUSSAIN, Assistant Director, Labour, District Labour Office, Nowshera.

RESPONDENTS

1. Government of Khyber Pakhtunkhwa, Through Chief Secretary, Civil Secretariat, Peshawar.
2. Secretary Labour, Government of Khyber Pakhtunkhwa, Labour Department, Civil Secretariat, Peshawar.
3. Director, Directorate of Labour, Government of Khyber Pakhtunkhwa, 3rd Floor, FC Trust Building Sunehri Masjid Road, Peshawar.


Appellant

Through,

BILAL AHMAD KAKAIZAI
(Advocate, Supreme Court of Pakistan)
213, Sunehri Masjid Road, Near HBL
Nothia Branch, Peshawar Cantt.
0300-9020098



GOVERNMENT OF KHYBER PAKHTUNKHWA LABOUR DIRECTORATE

10 ANNEX A

NOTIFICATION

FINAL SENIORITY LIST OF LABOUR OFFICERS/RESEARCH OFFICER (MWB) (BPS-16) IN THE DIRECTORATE OF LABOUR KHYBER PAKHTUNKHWA PESHAWAR AS STOOD ON 28.05.2015.

**TOTAL SANCTIONED POSTS OF LABOUR OFFICERS
SANCTIONED POST OF RESEARCH OFFICER (MWB)**

**=08
=01**

S. No.	Name of Officer with Qualification.	Date of Birth with Domicile	Date of 1st entry into Govt. Service	Regular Appointment / Promotion to the Present Post			Present Appointment with Date	Remarks
				Date	BPS	Method of Recruitment		
1	Mr. Menhasullah B.A, L.L.B	01.10.1974 S.W. Agency	18.05.2005	18.05.2005	16	(By Initial)	Labour Officer 18.05.2005	-
2	Mr. Amir Khaliq B.A.	04.09.1958 F.R Peshawar	21.10.1976	21.03.2009	16	(By Promotion)	Labour Officer 21.03.2009	-
3	Mr. Akber Khel B.Sc	03.11.1969 Miran Shah	23.04.1992	10.12.2011	16	i. Seventy five percent by promotion, on the basis of seniority-cum fitness, from amongst the Statistical Assistant or Statistical Investigator with five years' service as such; and ii. Twenty Five percent by initial requirement. (By Promotion)	Research Officer 10.12.2011	-
4	Mr. Altaf Hussain M.Sc, MBA (IT)	05.01.1983 Peshawar	03.02.2014	03.02.2014	16	(By initial)	Labour Officer 03.02.2014	-

- Sd/-
Director Labour
Khyber Pakhtunkhwa Peshawar

Dated: / /2015

Endst.No.DL/Admn/11/235/

Certificate:

Copy of the above is forwarded for information to all concerned.

(Zahid Khan Afridi)
Deputy Director (Admn)
Khyber Pakhtunkhwa, Peshawar



GOVERNMENT OF KHYBER PAKHTUNKHWA LABOUR DIRECTORATE

FINAL SENIORITY LIST OF LABOUR OFFICERS, STATISTICAL OFFICER/ RESEARCH & STATISTICAL OFFICER (MINIMUM WAGES BOARD) (BPS-16)

IN THE DIRECTORATE OF LABOUR KHYBER PAKHTUNKHWA PESHAWAR AS STOOD ON 31.12.2016.

TOTAL SANCTIONED POSTS OF LABOUR OFFICERS = 10

= 10

SANCTIONED POST OF STATISTICAL OFFICER/RESEARCH & STATISTICAL OFFICER (MWB) = 02

= 02

11

S. No.	Name of Officer with Qualification.	Date of Birth with Domicile	Date of 1st entry into Govt. Service	Regular Appointment / Promotion to the Present Post			Present Appointment with Date	Remarks	
				Date	BPS	Method of recruitment			
						Labour Officer			Research Officer (MWB)
1	Mr. Farzand Ali, M.A Economics	<u>15.04.1969</u> Mardan	22.04.1992	01.03.2011	17	By Promotion	<u>Statistical Officer</u> 01.03.2011	On the recommendation of the up gradation committee in its meeting held on 08.01.2014, the competent authority upgraded the post of statistical officer from (BPS-16 to 17) w.e.f 17/04/2014. The post of statistical officer will be included in the category of BPS-17 officers after amendment in the existing service rules.	
2	Mr. Akber Khel B.Sc	<u>03.11.1969</u> Miran Shah	23.04.1992	10.12.2011	16	By Promotion	<u>Research Officer</u> 10.12.2011	-	
3	Mr. Altaf Hussain M.Sc, MBA (IT)	<u>05.01.1983</u> Peshawar	03.02.2014	03.02.2014	16	(By initial)	<u>Labour Officer</u> 03.02.2014	-	
4	Mr. Sharif Ahmad M.Sc (Economics)	<u>15.02.1990</u> Chitral	29.06.2015	29.06.2015	16	(By initial)	<u>Labour Officer</u> 29.06.2015	-	

Endst:No.DL/Admn:/11/235/

2692-95

CERTIFICATE

Copy of the above is forwarded to all concerned officers for information.

Sd/-
Director Labour
Khyber Pakhtunkhwa Peshawar

Dated 17/5/2017

Assistant Director Labour (Admn)
Hqtr Office Peshawar



GOVERNMENT OF KHYBER PAKHTUNKHWA LABOUR DIRECTORATE
TENTATIVE SENIORITY LIST OF LABOUR OFFICERS, STATISTICAL OFFICER/ RESEARCH & STATISTICAL OFFICER (MINIMUM WAGES BOARD) (BPS-16)
IN THE DIRECTORATE OF LABOUR KHYBER PAKHTUNKHWA PESHAWAR AS STOOD ON 31.12.2017.
TOTAL SANCTIONED POSTS OF LABOUR OFFICERS = 10
SANCTIONED POSTS OF STATISTICAL OFFICER/RESEARCH & STATISTICAL OFFICER (MWB) = 02

12

S No	Name of Officer with Qualification.	Date of Birth with Domicile	Date of 1st entry into Govt. Service	Regular Appointment / Promotion to the Present Post			Present Appointment with Date	Remarks	
				Date	BPS	Method of recruitment			
						Labour Officer			Research Officer (MWB)
						a) Fifty percent by promotion, on the basis of seniority-cum-fitness, from amongst the Assistant Labour Officers with atleast seven years service as such; and b) fifty percent by initial Appointment	(a) Seventy-five percent by promotion, on the basis of seniority-cum-fitness, from amongst the Statistical Assistants or Statistical Investigators with five years service as such; and (b) twenty-five percent by initial recruitment.		
1	2	3	4	5	6	7	8	9	
1	Mr. Farzand Ali, M.A Economics	<u>15.04.1969</u> <u>Mardan</u>	22.04.1992	01.03.2011	17	By Promotion	<u>Statistical Officer</u> 01.03.2011	On the recommendation of the up gradation committee in its meeting held on 08.01.2014, the competent authority upgraded the post of statistical officer from (BPS-16 to 17) w.e.f 17/04/2014. The post of statistical officer will be included in the category of BPS-17 officers after amendment in the existing service rules.	
2	Mr. Akber Khel B.Sc	<u>03.11.1969</u> Miran Shah	23.04.1992	10.12.2011	16	-do-	<u>Research Officer</u> 10.12.2011	-	
3	Mr. Altaf Hussain M.Sc, MBA (IT)	<u>05.01.1983</u> Peshawar	03.02.2014	03.02.2014	16	(By initial)	<u>Labour Officer</u> 03.02.2014	-	
4	Mr. Sharif Ahmad M.Sc (Economics)	<u>15.02.1990</u> Chitral	29.06.2015	29.06.2015	16	-do-	<u>Labour Officer</u> 29.06.2015	-	
5	Mr. Mohammad Yaqoob B.A, LLB	07.06.1972 D.I.Khan	24.10.2009	09-10- 2017	16	By Promotion	Labour Officer 09.10.2017	-	

Endst:No.DL/Admn:/11/235/

266-70

-Sd/-
 Director Labour
 Khyber Pakhtunkhwa Peshawar
 Dated 4/1/2018

CERTIFICATE

Copy of the above is forwarded to all concerned officers for information. They are requested to confirm their placement in the list and if there is any objection on their placement in the 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 be finally notified.

Assistant Director Labour (Admn)
Hqtr Office Peshawar

(13) Ans-B



GOVERNMENT OF
KHYBER PAKHTUNKHWA
LABOUR DEPARTMENT

Dated Pesh: the, December 31, 2012.

NOTIFICATION

No.SOL(LD)8-12/2012. 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 its 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

Endst: No. as above

Date: 31/12/2012

Copy forwarded to:-

1. All Administrative Secretaries to Govt. of Khyber Pakhtunkhwa.
2. The Secretary to Governor Khyber Pakhtunkhwa.
3. The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
4. All Heads of Attached Department.
5. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
6. The Secretary, Khyber Pakhtunkhwa Public Service Commission.
7. PS to Minister Labour, Khyber Pakhtunkhwa, Peshawar.
8. PS to Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
9. PS to Secretary Establishment Deptt. Khyber Pakhtunkhwa, Peshawar.
10. PS to Secretary, Labour, Khyber Pakhtunkhwa, Peshawar.
11. The Director Labour, Khyber Pakhtunkhwa, Peshawar.
12. The Director Information, Khyber Pakhtunkhwa, Peshawar.

naishah
Section Officer (Labour)

Diary No. DLPAJ 1

Dated: 1.1.2013

No. 08

1-1-2013

E.A
29/01/13

[Signature]
1.1.2013

APPENDIX

14

167

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 (b) fifty per cent by initial recruitment.
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.

EXTRAORDINARY
GOVERNMENT



REGISTERED NO. P.
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.

596 KHYBER APKHTUNKHWA GOVERNMENT GAZETTE, EXTRAORDINARY, 29TH JANUARY, 2013.

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 & Measres, 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)	For Assistant Director Labour/Assistant Director Research and Planning and Statistics: (i) Second Class Master's Degree in any Social Sciences or 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

17

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 with atleast five 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, on the basis of seniority-cum-fitness, from amongst the Assistant Labour Officers with atleast seven 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, on the basis of seniority-cum-fitness, from amongst the 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 eight years service as such; and (b) ninety-five per cent by initial recruitment; and

598 KHYBER APKHTUNKHWA GOVERNMENT GAZETTE, EXTRAORDINARY, 29TH JANUARY, 2013.

1	2	3	4	5
10.	Statistical Officer/ Research & Statistical Officer (Minimum Wages Board) (BPS-16)	(i) Second Class Master's Degree in Economics, Statistics, Mathematics or Business Administration from a recognized University; and (ii) Certificate in Advance Office Automation from a recognized institute.	22 to 30 years	(a) Seventy-five per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Statistical Assistants or Statistical Investigators with five years service as such; and (b) twenty-five per cent by initial recruitment; and
11.	Statistics Assistant/ Statistical Investigator (BPS-11)	(i) Second Class Bachelor's Degree with Statistics as one of subject from a recognized University; and (ii) Certificate in Advance Office Automation from a recognized institute.	21 to 30 years	By initial recruitment.
12.	Laboratory Assistant (BPS-11)	(i) Second Class B.Sc with Physics, Chemistry or Electronics as one of the subject from a recognized University; and (ii) Certificate in Advance Office Automation from a recognized institute.	21 to 30 years	By initial recruitment.
13.	Accounts Officer (BPS-17)			By promotion, on the basis of seniority-cum-fitness, from amongst the Superintendents with five years service as such; provided that if no suitable person is available for promotion, then by deputation of a suitable Accounts Officer from the Accountant General's Office.
14.	Superintendent (BPS-16)			By promotion, on the basis of seniority-cum-fitness, from amongst the Assistants with five years service as such.

KHYBER APKHTUNKHWA GOVERNMENT GAZETTE, EXTRAORDINARY, 29TH JANUARY, 2013. 599

1	2	3	4	5
15.	Assistant (BPS-14)	Second Class Bachelor's Degree from a recognized University.	20 to 32 years	(a) twenty-five per cent by initial recruitment; and (b) seventy-five per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Senior Clerks with at least five years service as such.
16.	Senior Clerks (BPS-09)			By promotion, on the basis of seniority-cum-fitness, from amongst the as Junior Clerks with two years service as such.
17.	Junior Clerks (BPS-07)	(i) Second Class Secondary School Certificate or equivalent qualification from a recognized Board; and (ii) a speed of 30 words per minute in typing.	18 to 30 years	(a) Thirty per cent by promotion, on the basis of seniority-cum-fitness, from amongst Manual Assistant who have passed Secondary School Certificate Examination with two years service as such; and (b) seventy per cent by initial recruitment.
18.	Manual Assistant (BPS-04)	Second Class Secondary Certificate from a recognized University	18 to 30 years	(a) Seventy per cent by initial recruitment; and (b) thirty per cent by promotion on the basis of seniority-cum-fitness, from amongst Daftari, Naib Qasid, Chowkidars and other equivalent posts who have passed S.S.C. Examination and have two years services as such.
19.	Senior Scale Stenographer (BPS-16)			By promotion, on the basis of seniority-cum-fitness, from amongst Stenographers (BPS-14) with five years service as such.
20.	Stenographer (BPS-14)	(i) Intermediate or equivalent qualifications from a recognized Board; and (ii) a speed of 50 words per minute in	18 to 30 years	By initial recruitment.

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

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 from amongst Class-IV employees having valid HTV/LTV Driving License or by initial recruitment, if no suitable candidate is available under this quota; and (b) eighty per cent by initial recruitment; provided that preference will be given to candidates 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.

Printed and published by the Manager,
Staty. & Ptg. Deptt., Khyber Pakhtunkhwa, Pesh.



OFFICE ORDER

**DIRECTORATE OF LABOUR
KHYBER PAKHTUNKHWA**

21

Dated Peshawar the 4 / 01 / 2019

L/Admn/11/235/ 106-12 : In pursuance of Section-08 of Khyber Pakhtunkhwa, Civil Servants Act, 1973 read with Rule-17 of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion Transfer) Rules 1989, with the approval of Competent Authority, Tentative Seniority List of Statistical Officer (BPS-17), Research Officer (BPS-16) and Labour Officer (BPS-16) Directorate of Labour, Khyber Pakhtunkhwa as stood on 31-12-2018 is hereby notified/circulated for general information. Total Sanctioned Posts of Statistical Officer, Research Officer=02 and Labour Officer=10.

S No	Name of Officer with Qualification.	Date of Birth with Domicile	Date of 1st entry into Govt. Service	Regular Appointment / Promotion to the Present Post			Present Appointment with Date	Remarks		
				Date	BPS	Method of recruitment				
						Labour Officer			Research Officer (MWB)	Statistical Officer
						a) Fifty percent by promotion, on the basis of seniority-cum-fitness, from amongst the Assistant Labour Officers with at least seven years service as such; and b) fifty percent by Initial Appointment			(a) Seventy-five percent by promotion, on the basis of seniority-cum-fitness, from amongst the Statistical Assistants or Statistical Investigators with five years' service as such; and (b) twenty-five percent by initial recruitment.	
1	2	3	4	5	6	7	8	9		
1	Mr. Farzand Ali, M.A Economics	15.04.1969 Mardan	22.04.1992	01.03.2011	17	By Promotion	Statistical Officer 01.03.2011	On the recommendation of the up gradation committee in its meeting held on 08.01.2014, the competent authority upgraded the post of statistical officer from (BPS-16 to 17) w.e.f 17/04/2014.		
2	Mr. Akber Khel B.Sc	03.11.1969 Miran Shah	23.04.1992	10.12.2011	16	-do-	Research Officer 10.12.2011			
3	Mr. Altaf Hussain M.Sc, MBA (IT)	05.01.1983 Peshawar	03.02.2014	03.02.2014	16	By initial	Labour Officer 03.02.2014			
4	Mr. Sharif Ahmad M.Sc (Economics)	15.02.1990 Chitral	29.06.2015	29.06.2015	16	-do-	Labour Officer 29.06.2015			
5	Mr. Mohammad Yaqoob B.A, LLB	07.06.1972 D.I.Khan	24.10.2009	09-10-2017	16	By Promotion	Labour Officer 09.10.2017			
6	Mr. Qaisar Farooq MBA	01-04-1987 Karak	17-04-2018	17-04-2018	16	By Initial	Labour Officer 17.04.2018			
7	Miss. Nabeela Farooq MPA	01-03-1988 Hangu	10-04-2018	10-04-2018	16	By Initial	Labour Officer 10.04.2018			

22

-Sd/-
Director Labour,
Khyber Pakhtunkhwa Peshawar

Dated 6/1/2019

dst No: DL/Admn/11/235/ 106-12

CERTIFICATE

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 to the 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 certified.

Assistant Director Labour (Admn)
Hqtr: Office Peshawar



23

**DIRECTORATE OF LABOUR
KHYBER PAKHTUNKHWA**

Dated Peshawar the 12/10/2020

OFFICE ORDER

DL/Admn/11/235/6780-84 : In pursuance of Section-08 of Khyber Pakhtunkhwa, Civil Servants Act, 1973 read with Rule-17 of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules 1989, with the approval of Competent Authority, Final Seniority List of Labour Officer (BPS-16) Directorate of Labour, Khyber Pakhtunkhwa as stood on 01-10-2020, as per revised Service Rules issued vide Gazette Notification dated 24.09.2020, is hereby notified/circulated for general information. Total Sanctioned Posts of Labour Officer=10, Labour Officer (Female)=05 and Social Mobilizer=07 Total =22

S No	Name of Officer with Qualification.	Date of Birth with Domicile	Date of 1st entry into Govt. Service	Regular Appointment / Promotion to the Present Post			Present Appointment with Date	Remarks
				Date	BPS	Method of recruitment		
						Labour Officer		
						a) Fifty percent by promotion, on the basis of seniority-cum-fitness, from amongst the Assistant Labour Officers with at least five years service as such; and b) fifty percent by initial Appointment		
1	2	3	4	5	6	7	8	9
1	Mr. Altaf Hussain M.Sc, MBA (IT)	05.01.1983 Peshawar	03.02.2014	03.02.2014	16	By initial	Labour Officer 03.02.2014	
2	Mr. Sharif Ahmad M.Sc (Economics)	15.02.1990 Chitral	29.06.2015	29.06.2015	16	-do-	Labour Officer 29.06.2015	
3	Mr. Mohammad Yaqoob M.A (Political Science), LLB	07.06.1972 D.I.Khan	24.10.2009	09-10-2017	16	By Promotion	Labour Officer 09.10.2017	
4	Mr. Qaisar Farooq MBA	01-04-1987 Karak	30-06-2017	17-04-2018	16	By Initial	Labour Officer 17.04.2018	
5	Miss. Nabeela Safdar MPA	01-03-1988 Hangu	10-04-2018	10-04-2018	16	-do-	Labour Officer 10.04.2018	

Ends No: DL/Admn/11/235/6780-84

CERTIFICATE

It is certified that the Seniority list has been circulated amongst all the Officers/Officials and is final/undisputed.

-Sd/-
Director Labour,
Khyber Pakhtunkhwa Peshawar
Dated 12/10/2020

Assistant Director Labour (Admn)
Hqtr: Office Peshawar



OFFICE ORDER

KHYBER PAKHTUNKHWA

923-29

Labour
Nowshera

(24)

Dated Peshawar the 27/01/2022

DL/Admn/11/235/ : In pursuance of Section-08 of Khyber Pakhtunkhwa, Civil Servants Act, 1973 read with Rule-17 of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules 1989, the Competent Authority is pleased to notify the Tentative Seniority List of Labour Officer, Labour Officer (Female) and Social Mobilizer (BPS-16) Directorate of Labour, Khyber Pakhtunkhwa as stood on 31-12-2021, as per revised Service Rules issued vide Gazette Notification dated 24.09.2020, is hereby notified/circulated for general information.

Total Sanctioned Posts = 26

- (i) Labour Officer (BS-16) = 07 (Filled)
Labour Officer (BS-16) = 07 (Vacant)
(ii) Labour Officer Female (BS-16) = 05 (Vacant)
(iii) Social Mobilizer (BPS-16) = 07 (Vacant)

S No	Name of Officer with Qualification.	Date of Birth with Domicile	Date of 1st entry into Govt. Service	Regular Appointment / Promotion to the Present Post		Present Appointment with Date	Remarks	
				Date	BP S			Method of recruitment
								For Labour Officer (BPS-16) (a) Fifty percent (50%) by promotion, on the basis of seniority-cum-fitness, from amongst the Assistant Labour Officers with at least five years' service as such; and (b) Fifty percent (50%) by initial Appointment For Labour Officer (Female) BPS-16 By Initial Recruitment. For Social Mobilizer (BPS-16) By Initial Recruitment.
1	2	3	4	5	6	7	8	9
1	Mr. Altaf Hussain M.Sc, MBA (IT)	05.01.1983 Peshawar	03.02.2014	03.02.2014	16	By initial	Labour Officer 03.02.2014	-
2	Mr. Sharif Ahmad M.Sc (Economics)	15.02.1990 Chitral	29.06.2015	29.06.2015	16	-do-	Labour Officer 29.06.2015	-
3	Mr. Mohammad Yaqoob M.A (Political Science), LLB	07.06.1972 D.I. Khan	24.10.2009	09-10-2017	16	By Promotion	Labour Officer 09.10.2017	-
4	Mr. Qaisar Farooq MBA	01-04-1987 Karak	30.06.2017	17-04-2018	16	By Initial	Labour Officer 17.04.2018	-
5	Miss. Nabeela Safdar MPA	01-03-1988 Hangu	10-04-2018	10-04-2018	16	-do-	Labour Officer 10.04.2018	-
6	Mr. Rizwan Zia B.A	13.04.1964 Peshawar	25.04.1987	11.02.2021	16	By Promotion	Labour Officer 11.02.2021	-
7	Mr. Muhammad Qasim Tanoli, B.A.	02.02.1968 Mansehra	18.01.1992	11.02.2021	16	-do-	Labour Officer 11.02.2021	-

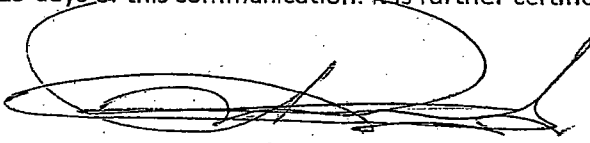
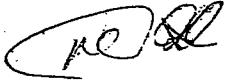
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Ends No: DL/Admn/11/235/923-29

-Sd/-
Director Labour,
Khyber Pakhtunkhwa Peshawar
Dated 27/01/2022

CERTIFICATE

Copy of the Tentative Seniority List of Tentative Seniority List of Labour Officer, Labour Officer (Female) and Social Mobilizer (BPS-16) for the year 2021 has been circulated for information and confirmation of their placement amongst all the officer concerned for any objection/presentation within 15-days of this communication. It is further certified that the Tentative Seniority List as stood on 31.12.2021 is final/undisputed/not subjudice in any court of law.



Assistant Director Labour (Admn)
Hqtr: Office Peshawar

26 ANNEX C



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

APPEAL NO. 10926 /2020

Khyber Pakhtunkhwa Service Tribunal
Peshawar
Dated: 31/8/2020
9397

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

ATTESTED

[Handwritten signature]
Khyber Pakhtunkhwa Service Tribunal
Peshawar

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.

[Vertical handwritten notes on the left margin]


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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.**

ATTESTED


EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Mardan

- 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).

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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.

ATTESTED 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).


Khyber Pakhtunkhwa
Service Tribunal
Peshawar

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 appellants seeks permission to advance other grounds and proofs at the time of hearing.

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

Dated: 31-08-2020

Date of Presentation of Application 15/11/20

No. of Pages 16/20

Number of Copies 5/12

Title As above

Name of Applicant As above

Date of Delivery of Copy 15/11/20

18/11/20

APPELLANT
[Signature]
RAMIZ MURAD

THROUGH:
NOOR MOHAMMAD KHATTAK

[Signature]
CLERK
Khyber Pakhtunkhwa
Service Tribunal
Peshawar



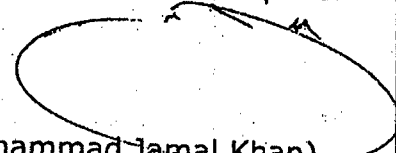
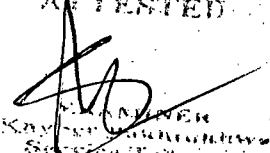
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MUHAMMAD MAAZ MADNI,
ADVOCATES
HIGH COURT, PESHAWAR

Form- A
FORM OF ORDER SHEET

30

Court of _____

Case No.- 10926 /2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	14/09/2020	<p>The appeal resubmitted today by Mr. Noor Muhammad Khattak Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	02.11.2020	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>02/11/2020</u></p> <p style="text-align: right;"> CHAIRMAN</p> <p>Nemo for appellant.</p> <p>Since the Members of the High Court as well as of the District Bar Association, Peshawar, are observing strike today, therefore, learned counsel for appellant is not available today. Adjourned to 05.01.2021 on which date to come up for preliminary hearing before S.B.</p> <p style="text-align: right;"> (Muhammad Jamal Khan) Member (Judicial)</p> <p style="text-align: center;">ATTESTED  Khan Secretary District Bar Association Peshawar</p>

09.12.2020

Appellant present through counsel. Preliminary arguments heard. File perused.

Points raised need consideration. Admitted to regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to respondents for written reply/comments. To come up for written reply/comments on 24.12.2020 before S.B.

Appellant Deposited Security Process Fee
09/12/20

Annexed with memo of appeal is an application for interim relief. Notice of the said application be issued to respondents. Process of promotion shall not be finalized till the date fixed.

(Rozina Rehman)
Member (J)

ATTESTED
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

24.12.2020

Counsel for the appellant and Asstt. AG for the official respondents present.

Mr. Bilal Ahmad, Kakaizai, Advocate has submitted an application for impleadment of (1) Qaiser Alam, Labour Officer Kohat (2) Altaf Hussain, Labour Officer presently posted as Assistant Director OPS Nowshera (3) Muhammad Sharif, Labour Officer, presently posted as Assistant Director OPS Abbottabad and (4) Rizwan Zia, Labour Officer, Peshawar as respondents. Application placed on record. Learned counsel for the appellant as well as learned AAG have raised no objection on the impleadment.


Application is, therefore, allowed. The above named applicants are impleaded as private respondents No. 6, 7, 8 and 9, respectively. Office is required to make entry in the memo. of appeal with red ink. Counsel for the appellant is required to arrange copies of memo. of appeal alongwith complete documents for the newly impleaded respondents within 10 days.

To come up for written reply/comments of all the respondents on 08.01.2021 before S.B.



Chairman

ATTESTED


EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

08.01.2021

Junior to the senior counsel is present for appellant. Mr. Kabirullah Khattak, Additional Advocate General and Mr. Sameen Shah, Senior Clerk, on behalf of official respondents are also present.

Written reply on behalf of respondents not submitted. Representative of the department seeks further time for submission of written reply/comments. Adjourned to 25.01.2021 on which date requisite written reply/comments shall be positively submitted by respondents. In the meanwhile process of promotion shall not be finalized till the date fixed.

(MUHAMMAD JAMAL KHAN)
MEMBER (JUDICIAL)

25.01.2021

Counsel for appellant is present. Mr. Kabirullah Khattak, Additional Advocate General alongwith Mr. Samin Shah, Senior Clerk on behalf of official respondents and junior counsel for private respondents, are also present.

Junior counsel for private respondents furnished written reply which is placed on record. Written reply on behalf of official respondents not submitted. Representative of the department is seeking further time for submission of written reply/comments. Time is give but as a last chance. File to come up for written reply/comments on behalf of official respondents on 12.02.2021. In the meanwhile, process of promotion shall not be finalized till the date fixed.

(MUHAMMAD JAMAL KHAN)
MEMBER (JUDICIAL)

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

12.02.2021

Junior to counsel for appellant present.

Kabir Ullah Khattak learned A.A.G for respondents present.

Written reply on behalf of respondents is still awaited. Representative of respondents is not in attendance. Case is adjourned on the request of learned A.A.G but on cost of payment of Rs.1000/-. To come up for written reply/comments on 26.02.2021 before S.B. In the meanwhile, process of promotion shall not be finalized till the date fixed.

(Rozina Rehman)
Member (J)

26.02.2021

Counsel for appellant is present. Mr. Kabirullah Khattak, Additional Advocate General and Mr. Muhammad Ibrar, Legal Assistant, on behalf of official respondents are also present.

Written reply on behalf of impleaded respondents has already been submitted while written reply on behalf of official respondents has not been submitted despite given of last chance and imposition of costs of Rs. 1000/-, therefore, the appeal is posted to D.B for rejoinder and arguments for 16.03.2021. In the meanwhile, process of promotion shall not be finalized till the date fixed.

(Muhammad Jamal Khan)
Member

ATTESTED

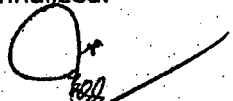
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

16.03.2021

Counsel for the appellant and Addl. AG alongwith Jamil Ahmad Qureshi, A.D (Litigation) for respondents No. 1 to 5 present.

On 12.02.2021 the official respondents were burdened with cost of Rs. 1000/- on account of non-submission of written reply/comments. On 26.02.2021, the respondents were further required to deposit Rs. 1000/- as costs, in addition to the one ordered on the previous date.

The representative of respondents No. 1 to 5 has deposited today the requisite cost and has also submitted parawise comments on behalf of the said respondents. Made part of the record. To come up for arguments on 29.04.2021. In the meanwhile, the process of promotion shall not be finalized.



(Mian Muhammad)
Member (E)



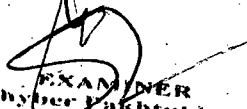
Chairman

29.4-2021

due to COVID-19, the case is adjourned to 31-8-2021 for the same.



ATTESTED


EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Done by M. A. Qureshi
M. A. Qureshi

08.07.2021

Mr. Noor Muhammad Khattak, Advocate, for the appellant present. Mr. Jameel Ahmed Qurashi, Assistant Director alongwith Mr. Kabirullah Khattak, Additional Advocate General for official respondents No. 1 to 5 present. Mr. Bilal Ahmed Kakazai, Advocate, for private respondents No. 6 to 9 present.

Learned counsel for the appellant requested that time may be granted to him for submission of rejoinder. Learned counsel for private respondents No. 6 to 9 as well as learned Additional Advocate General for official respondents No. 1 to 5 are having no objection on adjournment. Adjourned. To come up for rejoinder as well as arguments before the D.B on 28.07.2021. In the meanwhile, the process of promotion shall not be finalized till the date fixed.

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

(SALAH-UD-DIN)
MEMBER (JUDICIAL)

28.07.2021

Clerk of counsel for the appellant present. Mr. Jamil Ahmed Qurashi Assistant Director alongwith Mr. Asif Masood Ali Shah, Deputy District Attorney for official respondent No. 1 to 5 for the respondents present.

Clerk of counsel for the appellant stated that learned counsel for the appellant is unable to attend the Tribunal today due to strike of Lawyers. Adjourned. To come up for arguments before the D.B. on 06.09.2021. In the meanwhile, the process of promotion shall not be finalized till the date fixed.

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

(SALAH-UD-DIN)
MEMBER (JUDICIAL)

ATTESTED

EXAMINER
Khalid Iqbal
Service Tribunal
Islamabad

37

06.09.2021

Mr. Said Khan, junior of learned counsel for the appellant present. Mr. Muhammad Rasheed, Deputy District Attorney for the respondents present.

Junior of learned counsel for the appellant submitted rejoinder, copy of which handed over to learned Deputy District Attorney.

Junior of learned counsel for the appellant requested for adjournment for arguments on the ground that learned counsel for the appellant is not feeling well today. Adjourned. To come up for arguments before the D.B on 24.09.2021. In the meanwhile, the process of promotion shall not be finalized till the date fixed.

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

(SALAH-UD-DIN)
MEMBER (JUDICIAL)

24.09.2021

Counsel for appellant present.

Muhamma Adeel Butt learned A.A.G for respondents present.

Former made a request for adjournment. Request is accorded. To come up for arguments on 10.12.2021 before D.B. In the meanwhile, the process of promotion shall not be finalized till the date fixed.

(Rozina Rehman)
Member (J)

Chairman

ATTESTED
EXAMINER
Office of the District Attorney
District Court
District


Noted by appellant.
22/10/21

38

02.11.2021


Counsel for the appellant, Mr. Kabirullah Khattak,
Addl. AG for the respondents present.

The learned Member (Judicial) is on leave,
therefore, case is adjourned. To come up for arguments
on 01.12.2021 before the D.B.


Chairman

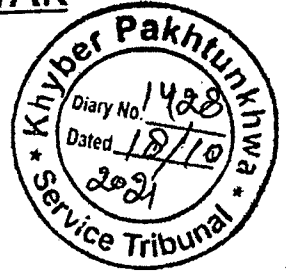
01.12.2021 Due to non-availability of DB,
the case is adjourned to 07-01-2022.


Amir
Reader.

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

(39)

BEFORE KPK SERVICE TRIBUNAL PESHAWAR



Put up to the working chain — on
with relevant appal.
Service Appeal No. 10926/2020

18/10/21

RAMEEZ MURAD

Vs

Government of KPK etc.

reads

APPLICATION FOR EARLY HEARING

Respectfully Sheweth,

Application on behalf of the Applicant / Respondent is as under:

Allowed
2nd week of
November
18/11/2021
21.11.21
not from
01/11/21

1. That, titled appeal is pending subjudice before this Honorable Tribunal which is fixed for 10.12.2021.
2. That, last date of hearing was 24.09.2021 however despite the grant of Interim Order to the effect that the promotion of the Applicant / Respondent may not be finalized, the next date of hearing is given as 10.12.2021.
3. That, now the Department is going to appoint the Assistant Directors from the quota of initial Appointment and in this respect, the Interviews are scheduled to be held on 01.11.2021.
4. That, if the initial incumbent came / appointed, the Appellant / Respondent will lose his seniority against him.
5. That, justice delayed is justice denied.

It is, therefore, requested that the matter be fixed for an early date preferably before 01.11.2021.

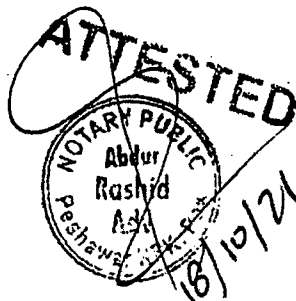
Applicant / Respondent

Through

BILAL AHMAD KAKAIZAI
(Advocate Peshawar)

AFFIDAVIT:

I, Altaf Hussain, Applicant / Responded, do hereby on oath affirm and declare that the content of the Application are true and correct and nothing is concealed.



Deponent:

(40)

BEFORE KPK SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 10926/2020

RAMIEZ MURAD

Vs

Government of KPK etc.

APPLICATION FOR EARLY HEARING

Respectfully Sheweth,

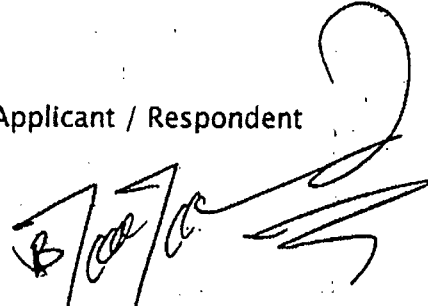
Application on behalf of the Applicant / Respondent is as under:

1. That, titled appeal is pending subjudice before this Honorable Tribunal which is fixed for 10.12.2021.
2. That, last date of hearing was 24.09.2021 however despite the grant of Interim Order to the effect that the promotion of the Applicant / Respondent may not be finalized, the next date of hearing is given as 10.12.2021.
3. That, now the Department is going to appoint the Assistant Directors from the quota of initial Appointment and in this respect, the Interviews are scheduled to be held on 01.11.2021.
4. That, if the initial incumbent came / appointed, the Appellant / Respondent will lose his seniority against him.
5. That, justice delayed is justice denied.

It is, therefore, requested that the matter be fixed for an early date preferably before 01.11.2021.

Applicant / Respondent

Through


BILAL AHMAD KAKAIZAI
(Advocate Peshawar)

AFFIDAVIT:

I, Altaf Hussain, Applicant / Responded, do hereby on oath affirm and declare that the content of the Application are true and correct and nothing is concealed.

Deponent:

ANN-1

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12.01.2022

Counsel for the appellant, Asif Masood Ali Shah, DDA alongwith Jamil Ahmad Qureshi, DDA for the official respondents and counsel for private respondents No. 6 to 9 present.

Learned counsel for the appellant has submitted an application seeking withdrawal of the appeal with permission to file fresh appeal.

Arguments on application have been heard and record perused.

The reason given in the application maintains that the appellant filed instant service appeal for promotion as well as preparing/framing the joint seniority on the basis of notification dated 31.12.2012. The respondent department has issued another notification dated 05.10.2021 during pendency of appeal which framed rules in violation of rights of the appellant. The copy of the notification dated 05.10.2021 was not annexed with the application but on direction, the same has been produced and placed on file. The said notification is meant to make certain amendment in appendix relating to method of recruitment and has been issued in exercise of powers conferred by sub rule (2) of Rule 3 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 by the department in consultation with the Establishment Department and the Finance Department. If the appellant is advised to challenge the said notification subject to his locus-standi and other legal requirements, he may do so on an independent legal advice but permission for filing of fresh appeal in continuation of the present appeal is not workable as interest of private-respondents is also involved. Therefore, this appeal is dismissed as withdrawn. However, this order shall not be treated as impediment, if the appellant is advised to challenge the notification dated 05.10.2021 in case he is able to make out a case for fresh cause of action in accordance with the law. File be consigned to the record room.

(Atiq-ur-Rehman Wazir)
Member(E)

Chairman

ANNOUNCED
12.01.2022

Certified to be true copy

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Number of Presentation of Application 15-11-22

Copies 4000
Legal 3/1
Total 46/1

Date 15-11-22
15-11-22



GOVERNMENT OF KHYBER PAKHTUNKHWA
LABOUR DEPARTMENT

Dated: Peshawar the 30th June, 2022

ANNI- E

(42)

NOTIFICATION

No.SOG/LD/3-12/DL/2021/Vol-I/3767-88 On the recommendations of Departmental Promotion Committee, the Competent Authority (Chief Secretary, Khyber Pakhtunkhwa), is pleased to promote / appoint the following Labour Officers (BS-16) / Inspector Weights & Measures (BS-16) of Directorate of Labour, Khyber Pakhtunkhwa to the post of Assistant Director Labour (BS-17) on regular / acting charge basis with immediate effect: -

Officials promoted on regular basis:

- i. Mr. Altaf Hussain, Labour Officer (BS-16)
- ii. Mr. Sharif Ahmad, Labour Officer (BS-16)
- iii. Mr. Hashmat Ali, Inspector (Weights & Measures) (BS-16)
- iv. Muhammad Yaqoob, Inspector (Weights & Measures) (BS-16)
- v. Mr. Ali Akbar, Inspector (Weights & Measures) (BS-16)
- vi. Mr. Muhammad Rafeeq S/o Mian Salar, Inspector (Weights & Measures) (BS-16)

Official appointed on acting charge basis:

- vii. Mr. Qaiser Farooq, Labour Officer (BS-16)
- viii. Mrs. Nabeela Safdar, Labour Officer (BS-16)

2. The Officers on promotion, mentioned at Sr.No.i to vi, will remain on probation for a period of one year in terms of Section 6(2) of Khyber Pakhtunkhwa Civil Servants Act, 1973 read with Rule 15(1) of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989.

3. Consequent upon the above, the following posting / transfer / adjustments are hereby ordered with immediate effect in the public interest:

S.#	Name & Designation	Posted In:
1	Mr. Altaf Hussain Assistant Director Labour (BS-17)	District Labour Office Nowshera
2	Mr. Sharif Ahmad Assistant Director Labour (BS-17)	District Labour Office Swabi
3	Mr. Hashmat Ali Assistant Director Labour (BS-17)	District Labour Office Mohmand
4	Mr. Muhammad Yaqoob Assistant Director Labour (BS-17)	District Labour Office South Waziristan
5	Mr. Ali Akbar Assistant Director Labour (BS-17)	District Labour Office Lower Dir
6	Mr. Muhammad Rafeeq Assistant Director Labour (BS-17)	District Labour Office Buner
7	Mr. Qaiser Farooq Assistant Director Labour (BS-17 a.c.b)	District Labour Office Charsadda
8	Mrs. Nabeela Safdar Assistant Director Labour (BS-17 a.c.b)	District Labour Office Kohat

Qaiser Farooq
Sd/xxx
30/6/2022

Sd/xxx
SECRETARY LABOUR
KHYBER PAKHTUNKHWA

Contd. On Page/2

GOVERNMENT OF KHYBER PAKHTUNKHWA
LABOUR DEPARTMENT



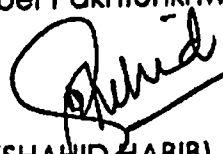
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Endst: No. & date even

Copy forwarded to :

1. Accountant General, Khyber Pakhtunkhwa.
2. Director Labour, Directorate of Labour, Khyber Pakhtunkhwa.
3. Concerned District Accounts Officers.
4. Concerned District Labour Offices.
5. PS to Secretary, Labour Department, Khyber Pakhtunkhwa.
6. Officers concerned.


(SHAHID HABIB)
SECTION OFFICER (GENERAL)
30/6/2022.



GOVERNMENT OF KHYBER PAKHTUNKHWA
LABOUR DEPARTMENT

Dated: Peshawar the 15th December, 2021

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ANNI-F

NOTIFICATION

No. SOG/LD/3-12/DL/DPC/2021/Vol-1/6554-56 The Competent Authority on the recommendations of Departmental Promotion Committee in its meeting held on 05-11-2021, is pleased to promote the following Officers of Directorate of Labour Khyber Pakhtunkhwa on the posts noted against their names on *regular basis* with immediate effect:

Sr.#	Name of Officer	Promoted as
1	Mr. Akbar Khel Research & Statistical Officer (BS-16)	Statistical Officer (BS-17)
2	Miss Sidra Jabeen Statistical Investigator (BS-16)	Statistical Officer (BS-17)

27/12/21
2. The above named officers on their promotion shall remain on probation for a period of one year, in terms of Section 6(2) of Khyber Pakhtunkhwa Civil Servants Act, 1973 read with Rule 15(1) of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989 and extendable for another year with the specific orders of appointing authority within two months of the expiry of first year of probation period as specified in Rule-15(2) of Rules ibid.

3. Consequent upon their promotion, Mr. Akbar Khel & Miss Sidra Jabeen are hereby posted as Statistical Officers (BS-17) in the Directorate of Labour (HQtr: Office) Peshawar.

Sd/xxx
Secretary Labour
Khyber Pakhtunkhwa

Secretary Labour,
Directorate of Labour, Khyber Pakhtunkhwa.
Labour Department, Khyber Pakhtunkhwa.

Section Officer (General)

DL/Adm

2382/

27/12/21

M

EXTRAORDINARY
GOVERNMENT



REGISTERED NO. PIII

45

GAZETTE

ANNEX

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.

1257-
01/09/20

709 346
Dated 1-10-2020

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.

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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.

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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.

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10.	Inspector 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>

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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).	(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	25 to 35 years	By initial recruitment.

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		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.

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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.

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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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57

				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.	Bahishtī (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.

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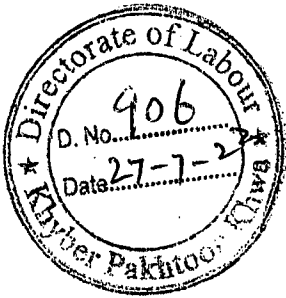
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To

The Secretary,
Labour Department,
Government of Khyber Pakhtunkhwa, Peshawar.

Through Proper Channel:

SUBJECT: APPEAL / REPRESENTATION FOR GRANTING ANTE-DATED PROMOTION OR GIVING RETROSPECTIVE EFFECT TO THE PROMOTION OF THE APPELLANT, FROM THE DATE OF ELIGIBILITY OR ELSE FROM 19.01.2021 I.E. THE DATE OF MEETING OF DEPARTMENTAL PROMOTION BOARD / COMMITTEE, WHICH WAS NOT CONVENED / CANCELLED DUE TO ISSUANCE OF INTERIM ORDER DATED 09.12.2020 BY THE HONORABLE KP SERVICE TRIBUNAL, PESHAWAR IN APPEAL NO. 10751 / 2020 FILED BY NUMBER OF EMPLOYEES OF LABOUR DIRECTORATE IN PURSUANCE OF WHICH THE PROCESS OF PROMOTION OF APPELLANT WAS STOPPED WITHOUT HIS FAULT.



Prayer: That, on acceptance of this Appeal / Representation, the Promotion of the Appellant dated 30.06.2022 may please be given retrospective effect (Antedating) as mentioned in the heading of the Appeal / Representation, with such other relief as may deem fit in the circumstances of the case may also be granted.

Respected Sir,

I, Altaf Hussain, Labour Officer Nowshera performing duties as Assistant Director Labour Nowshera in his own pay & scale, submit instant Application for your honors sympathetic and benevolent considerations, as under:

1. That, Appellant was appointed as Labour Officer in BPS-16 on 29th of January 2014.
2. That, as per rules of the Department for the purpose of promotion, 30% quota has been allotted to the holders of the posts of Labour Officers, Labour Officers (Female) and Social Mobilizers, with five years service as such, on seniority cum-fitness basis.
3. That, Appellant became eligible for promotion in the year 2019, as per his seniority position moreover posts in BPS-17 were also lying vacant hence Summary / Proposal / Working Papers for the purpose of promoting the Appellant to BPS-17 were prepared and sent to your honor office on 11.01.2021.
4. That, meeting of the Promotion was scheduled on 19.01.2021 however the Inspectors Weights and Measures obtained Interim Order from the Khyber Pakhtunkhwa Service Tribunal, Peshawar on 09.12.2020, which, unfortunately, created hurdles in the way of Appellant's Promotion.
5. That, the Interim Order of the Tribunal culminated with the withdrawal Service Appeals No. 10751 / 2020 (Six different Appeals) by the Inspectors Weights & Measures on 12.01.2022.
6. That, it is important to mention here that separate 30% quota is also allocated to the holders of the posts of Inspectors Weights & Measures and rest of the 40% quota is reserved for initial recruitment.
7. That, with the Withdrawal / Dismissal of Appeals of the Inspectors Weights & Measures, there was left no embargo on Appellant's consideration for promotion to the post of Assistant Director BPA-17, in pursuance of which the Appellant was promoted to the post of Assistant Director on 30.06.2022.

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8. That, during the Interim Order, one Statistical Investigator BPS-16 was also promoted whereby Appellant's Seniority was disturbed.
9. That, Appellant reserves the right to claim his Seniority and retrospective / ante-dated promotion under FR-17, once he is promoted to BPS-17. It is important to mention here that the Statistical Investigator promoted to the post of Statistical Officer BPS-17 was junior from the a Appellant in service, moreover she has been accommodated malafidely under the old Service Rules which are now been amended on 15.09.2020.

It is, therefore, requested that Appellant's Appeal may please be accepted as prayed for:

Thanking you,

Yours Faithfully

Altaf Hussain - 26/07/20

(ALTAF HUSSAIN)

Assistant Director Labour,
Nowshera.

O/C

بعدالت خیبر پختونخواہ سروس ٹریڈیونل، پشاور

Appellant

مخانب

2021

مورخہ

Govt. of KPK etc.

بنام

Attaf Hussain

مقدمہ

دعویٰ

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی وجواب دہی وکل کاروائی متعلقہ آن مقام پشاور کے لیے،
بلال احمد کے زنی ایڈوکیٹ مقرر کر کے اقرار کیا جاتا ہے۔ کہ وکیل موصوف کو مقدمہ کی کل کاروائی کا کامل
اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ بر حلف دینے، جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ اور عرضی دعویٰ اور درخواست ہر قسم کی تصدیق زرائیں پر دستخط
کرنے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری کی طرفہ یا اپیل کی برآمدگی اور منسوخی نیز دائر کرنے اپیل نگرانی و
نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از ضرورت مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی
کواپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں
گے۔ اور اس کا ساختہ پرواختہ منظور و قبول ہوگا۔ دوران مقدمہ میں جو خرچہ و ہرجانہ التوائے مقدمہ کے سبب سے ہو گیا
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے کہ پیروی مذکور کریں۔ لہذا وکالت نامہ
لکھ دیا کہ سندر ہے۔

2021

ہا

23-11-2021

کے لیے منظور ہوا۔

بمقام

Attested &
Accepted

Mob: 0300-9020098

enr 17301-13530337

B.C 11-1062

Bilal Ahmed 78 Gmail.com

Attaf Hussain