


Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- _____ 1252/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	26/08/2022	<p>The appeal of Mr. Muhammad Rafeeq resubmitted today by Mr. Taimur Ali Khan 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>

The appeal of Mr. Muhammad Rafeeq Inspector Weights & Measures District Swabi received today i.e. on 16.08.2022 is incomplete on the following score which is returned to the counsel for the appellants for completion and resubmission within 15 days.

- 1- Appeal has not been flagged/marked with annexures marks.
- 2- Annexures of the appeal may be attested.
- 3- Check list is not attached with the appeal.
- 4- Memorandum of appeal may be got signed by the appellants.
- 5- Affidavit may be got attested by the Oath Commissioner.
- 6- Appeal may be page marked according to the index.
- 7- Nine copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 2403 /S.T,

Dt. 17/8 /2022



REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Taimur Ali Khan Adv. Peshawar.

Respected Sir,

- 1- Removed
- 2- Removed
- 3- Removed
- 4- Removed
- 5- Removed
- 6- Removed
- 7- Removed

Resubmitted after compliance


26/8/2022

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

SERVICE APPEAL NO. 1252/2022

Muhammad Rafiq

V/S


Chief Secretary & Others

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APPELLANT

THROUGH:


TAIMUR ALI KHAN
(ADVOCATE HIGH COURT)
PESHAWAR

Contact No. 03339390916

①

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

SERVICE APPEAL NO. 1252 /2022

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1008

Dated 16/8/2022

Mr. Muhammad Rafiq, Inspector (Weights & Measures) (BP-16),
District Swabi.

(APPELLANT)

VERSUS

1. The Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat Peshawar.
2. The Secretary Labour Department, Khyber Pakhtunkhwa, Civil Secretariat Peshawar.
3. The Director Labour, Directorate of Labour, Khyber Pakhtunkhwa, Peshawar, 3rd Floor FC Trust Building near Sunehri Masjid Road, Peshawar Cantt..
4. Mr. Altaf Hussain, Assistant Director Labour, (BS-17) District Labour Office, Nowshera.
5. Mr. ~~Shahid~~ Ahmad, Assistant Director Labour, (BS-17) District Labour Office, Swabi.
6. Mr. Qaiser Farooq, Assistant Director Labour, (BS-17 a.c.b) District Labour Office, Charsadda.
7. Mrs. Nabeela Safdar, Assistant Director Labour, (BS-17 a.c.b) District Labour Office, Kohat.

(RESPONDENTS)

Filed to-day

Registrar

16/8/2022

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974 AGAINST THE NOTIFICATION DATED 30.06.2022, WHEREBY THE PRIVATE RESPONDENTS NO.4 TO 7 WERE PROMOTED

(2)

FROM THE POST OF LABOUR OFFICER (BS-16) TO THE POST OF ASSISTANT DIRECTOR LABOUR (BS-17) AND AGAINST THE ORDER DATED 22.07.2022, WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT AGAINST THE PROMOTION NOTIFICATION DATED 30.06.2022 HAS BEEN REJECTED FOR NO GOOD GROUNDS.

PRAYER:

THAT ON THE ACCEPTANCE OF THIS APPEAL, THE ORDER DATED 30.06.2022 and 22.07.2022 MAY KINDLY BE SET ASIDE AND THE RESPONDENT DEPARTMENT MAY FURTHER BE DIRECTED TO CONSIDER THE APPELLANT FOR PROMOTION TO THE POST OF ASSISTANT DIRECTOR LABOUR (BS-17) FROM THE DATE I.E 30.06.2022, WHEN PRIVATE RESPONDENTS NO.4 TO 7 WERE PROMOTED TO THE POST OF ASSISTANT DIRECTOR LABOUR (BS-17). ANY OTHER REMEDY, WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT, MAY ALSO, BE AWARDED IN FAVOUR OF APPELLANT.

RESPECTFULLY SHEWTH:

FACTS:

1. That the, appellant was appointed on 09.01.2012 in the respondent department as Inspector W&M (BS-16), while the private respondent No.4 was appointed on 03.02.2014 as Labour Officer (BS-16), private respondent No.5 on 29.06.2015, private respondent No.6 on 17.04.2018 and private respondent No.7 on 10.04.2018 as Labour Officer (BS-16) respectively, which is evident from the seniority lists. **(Copies of seniority lists are attached as Annexure-A&B)**
2. That the respondent department issued the notification/rules dated 15.09.2020, wherein the post of Assistant Director Labour/Assistant Controller Weights and Measures can be filled by (a) thirty percent (30%) by promotion on the basis of seniority-cum-fitness from amongst the Labour Officer, Labour Officers (Female), Social Mobilizers with at least five (5) years service as such, (b) thirty percent (30%) by promotion on the basis of seniority-cum-fitness from amongst the Inspectors Weight and Measures with at least five (5) years service as such. **(Copy of notification dated 15.09.2020 is attached as Annexure-C)**
3. That the post of Assistant Director Labour (BP-17)/Assistant Controller Weights and Measures (BPS-17) can be filled by thirty percent (30%) by promotion on the basis of seniority-cum-fitness from amongst the Labour Officer, Labour Officers (Female), Social Mobilizers with at

least five (5) years service as such and (b) thirty percent (30%) by promotion on the basis of seniority-cum-fitness from amongst the Inspectors Weight and Measures with at least five (5) years service as such, but the respondent department maintain separate seniority of the Labour Officer, Labour Officers (Female), Social Mobilizers (BS-16) and Inspector (W&M) (BS-16) and the strength of Inspector (W&M) in the department is greater as compare to Labour Officer, Labour Officers (Female), Social Mobilizers (BS-16), which is evident from the seniority lists attached as Annexure-A with the appeal, therefore, the Labour Officers, Labour Officers (Female), Social Mobilizers (BS-16) have more chance of promotion to the post Assistant Director Labour (BS-17)/Assistant Controller Weights & Measures (BS-17) as compare to the Inspector (W&M) (B-16).

4. That due to the less strength of Labour Officer, Labour Officers (Female), Social Mobilizers (BS-16) in the department, they have more chance of promotion to the post of Assistant Director Labour (BPS-17)/Assistant Controller Weights & Measures (BPS-17) as compare to Inspector (W&M) by maintaining separate seniority and separate quota of promotion of Labour Officer, Labour Officers (Female), Social Mobilizers (BS-16) and Inspector (W&M) (BS-16), therefor the appellat filed service appeal No.786/2022 in this Honorable Tribunal with the prayer for rectifying/modifying the extent of serial No.5 Column 5(a)(b) that the quota to the post of Assistant Director Labour/Assistant Controller Weight & Measures (BS-17) for the purpose of promotion may be combine as (60 %) for Labour Officer/Social Mobilizer and Inspector weights and Measures. Furthermore the respondents may please be directed to issue joint/combine seniority list of Labour Officer/Social Mobilizers and Inspector Weights and Measures for the post of Assistant Director Labour/Assistant Controller Weights & Measures (BPS-17) along with application for restraining the respondents from promotion to the post of Assistant Director Labour/ Assistant Director Research, Planning and Statistics/ Assistant Controller Weights and Measures (BPS-17) till the final disposal of the appeal, which is still pending before this Honorable Tribunal for adjudication. **(Copy of service appeal No.786/2022 is attached as Annexure-D)**
5. That the appellat also filed submitted application on 26.05.2022 to the competent authority not to make promotion to the post of Assistant Director Labour (BPS-17) on the DPC hold on 25.05.2022 on the subjudice/disputed rules as his case is pending before the Honorable Tribunal till the decision of his case. **(Copy of application is attached as Annexure-E)**
6. That despite the pending service appeal of the appellat on the disputed rules of promotion to the post of Assistant Director Labour (BPS-17)/Assistant Controller Weights and Measures (BPS-17), the respondent department promoted the private respondents No.4 to 7 to

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the post of Assistant Director Labour (BS-17) on the disputed rules vide notification dated 30.06.2022. **(Copy of Notification dated 30.06.2022 is attached as Annexure-F)**

7. That the appellant filed departmental appeal on 19.07.2022 for cancellation of promotion to the post Assistant Director Labour (BS-17) which was rejected on 22.07.2022 for no good grounds. **(Copies of departmental appeal and rejection order dated 22.07.2022 are attached as Annexure-G&H)**
8. That the appellant has no other remedy except to file the instant service appeal in this Honorable Tribunal for redressal of his grievance on the following grounds amongst others.


GROUND:

- A) That impugned promotion notification dated 30.06.2022 and rejection order dated 22.07.2022 are against the law, facts, norms of justice and material on record, therefore not tenable and liable to be set aside.
- B) That the appellant has filed the service appeal No.786/2022 in this Honorable Tribunal with the prayer for rectifying/modifying the extent of serial No.5 Column 5(a) (b) that the quota to the post of Assistant Director Labour (BPS-17)/Assistant Controller Weight & Measures (BS-17) for the purpose of promotion may be combine as (60 %) for Labour Officer/ Social Mobilizer and Inspector weights and Measures. Furthermore the respondents may please be directed to issue joint/combine seniority list of Labour Officer/Social Mobilizers and Inspector Weights and Measures for the post of Assistant Director Labour/Assistant Controller Weights & Measures (BPS-17) along with application for restraining the respondents from promotion to the post of Assistant Director Labour/ Assistant Director Research, Planning and Statistics/ Assistant Controller Weights and Measures (BPS-17) till the final disposal of the appeal, which is still pending before this Honorable Tribunal for adjudication and it will be in interest of justice that the respondent department should not make promotion to the post of Assistant Director Labour (BS-17) on the disputed rules till the decision the appeal of the appellant.
- C) That the appellant has prima facie case and if the case of the appellant decides in the favour of the appellant, then valuable rights of promotion will be created in the favour of the appellant, therefore, the respondent department should not make promotion on the disputed rules till the decision of case of the appellant.


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- D) That the appellant was appointed on 09.01.2012, while private respondents No.4 was appointed on 03.02.2014, private respondent No.5 on 29.06.2012, private respondent No.6 on 17.04.2018 and private respondent No.7 on 10.04.2018 respectively and if the pending appeal of the appellant is decide in the favour of the appellant, then they will become juniors to the appellant and by impugned promotion notification dated 30.06.2022, juniors to the appellant have been promoted to the post of Assistant Director Labour (BS-17), which is against the law and rules.
- E) That if the pending case of the appellant decides in his favour then he will be senior to the private respondent No. 4 to 7 and promoting the private respondent No.4 to 7 through notification dated 30.06.2022 has deprived the appellant from his right of promotion to the post of Assistant Director Labour (BS-17) and it will also affect his future promotion, which will cause great financial loss in the shape of pension and other monetary benefits, therefore the impugned promotion dated 30.06.2022 is liable to be set aside.
- F) That promoting private respondent No.4 to 7 on the subjudice/disputed rules before this Honorable Tribunal through impugned notification dated 30.06.2022 is clear violation of Superior Courts judgment and as such the impugned notification dated 30.06.2022 is liable to be set aside.
- G) That the appellant filed application on 26.05.2022 to the competent authority (respondent No.2) not to make promotion to the post of Assistant Director Labour (BPS-17) on the DPC hold on 25.05.2022 as his case is pending before the Honorable Tribunal, but despite that the respondent department made promotion on the subjudice/disputed rules, which shows arbitrary manner of the respondents.
- H) That in the rejection order dated 22.07.2022 it was mentioned that the matter was not pending in the Service Tribunal at the time of DPC meeting, but the appellant timely informed the respondents department through application that his case is pending before the Honorable Service Tribunal on the disputed rules and not make promotion on the disputed rules which is evident from the application attached as Annexure-E with the appeal.
- I) That the appellant seeks permission of this Honorable Tribunal to advance others grounds and proofs at the time of hearing.

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


APPELLANT
Muhammad Rafiq

THROUGH:


TAIMUR ALI KHAN
(ADVOCATE HIGH COURT)
PESHAWAR

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MUHAMMAD NOUMAN
ADVOCATE

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

SERVICE APPEAL NO. _____/2022

Muhammad Rafiq

V/S

Chief Secretary & Others

.....

AFFIDAVIT

I, Muhammad Rafiq, Inspector (Weights & Measures) (BP-16), District Swabi, (Appellant) do hereby affirm and declare that the contents of this service appeal are true and correct and nothing has been concealed from this Honorable Tribunal.



DEPONENT

Muhammad Rafiq
(APPELLANT)

(8)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

SERVICE APPEAL NO. _____/2022

Muhammad Rafiq

V/S

Chief Secretary & Others

**APPLICATION FOR SUSPENDING THE OPERATION
OF IMPUGNED PROMOTION NOTIFICATION
DATED 30.06.2022 TILL THE DECISION OF
SERVICE APPEAL OF THE APPELLANT.**

RESPECTFULLY SHEWETH

1. That the appellant has filed an appeal along with this application in this Honorable Service Tribunal in which no date is fixed so far.
2. That the appellant filed service appeal No.786/2022 in this Honorable Tribunal with the prayer for rectifying/modifying the extent of serial No.5 Column 5(a)(b) of the notification/rules dated 15.09.2020 that the quota to the post of Assistant Director Labour/Assistant Controller Weight & Measures (BS-17) for the purpose of promotion may be combine as (60 %) for Labour Officer/ Social Mobilizer and Inspector weights and Measures. Furthermore the respondents may please be directed to issue joint/combine seniority list of Labour Officer/Social Mobilizers and Inspector Weights and Measures for the post of Assistant Director Labour/Assistant Controller Weights & Measures (BPS-17) along with application for restraining the respondents from promotion to the post of Assistant Director Labour/ Assistant Director Research, Planning and Statistics/ Assistant Controller Weights and Measures (BPS-17) till the final disposal of the appeal, which is still pending before this Honorable Tribunal for adjudication.
3. That despite the pending service appeal of the appellant on the disputed rules of promotion to the post of Assistant Director Labour (BPS-17)/Assistant Controller Weights and Measures (BPS-17), the respondent department promoted the private respondents No.4 to 7 to

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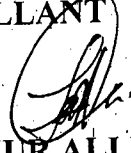
the post of Assistant Director Labour (BS-17) on the disputed rules vide notification dated 30.06.2022, which is liable to be suspended.

4. That the appellant has prima facie case and if the case of the appellant decides in the favour of the appellant, then the appellant will be senior to the private respondent No.4 to 7, then valuable rights of promotion will be created in the favour of the appellant, therefore, the impugned promotion notification dated 30.06.2022 is liable to be suspended till the decision of case of the appellant.
5. That promoting private respondent No.4 to 7 on the subjudice/disputed rules before this Honorable Tribunal through impugned notification dated 30.06.2022 is clear violation of Superior Courts judgment and as such the impugned notification dated 30.06.2022 is liable to be suspended.
6. That the appellant has a good prima facie case and all the three ingredients are in favour of the appellant.
7. That the grounds of main service appeal may also be considered as integral part of this application.

It is therefore most humbly prayed that on the acceptance of this application, the operation of impugned promotion notification dated 30.06.2022 may kindly be suspended till the decision of main appeal.


APPELLANT

THROUGH:


(TAIMUR ALI KHAN)
ADVOCATE HIGH COURT
PESHAWAR

AFFIDAVIT

it is solemnly affirmed that the contents of the application are true and correct to best of my knowledge and belief and nothing has been concealed from this Honorable Service Tribunal.


DEPONENT

**DIRECTORATE OF LABOUR
KHYBER PAKHTUNKHWA**

ORDER

Dated Peshawar the

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 (Appointment) 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	Remarks
				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. Muhammad 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. Saïd 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 BSc	01.04.1961 Mardan	22.07.1986	01.08.2016	16	By Promotion	Inspector W&M 01.08.2016	

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

-Sd/-
Director Labour,
Khyber Pakhtunkhwa Peshawar

Dated: 4/7/2019

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 concerning 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

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DIRECTORATE OF LABOUR
KHYBER PAKHTUNKHWA

Dated Peshawar the 24/02/2022

OFFICE ORDER

1807-13

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 Final 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 Notificationn 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	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 Salfar 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	

	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. Ramiz Murad MSc (Zoology)	02.05.1989 Chitral	16.06.2017	16.06.2017	16	-do-	Inspector W&M 16.06.2017	
13	Mr. Abdul Baais MSc (Chemistry)	13.01.1986 Buner	20.06.2017	20.06.2017	16	-do-	Inspector W&M 20.06.2017	
14	Muhammad Ilyas BSc (Engg)	25-01-1994 Dir Lower	27-04-2018	27-04-2018	16	-do-	Inspector W&M 27.04.2018	
15	Mr. Raza Shah MSc (Physics)	17-12-1991 Khyber Agency	30-04-2018	30-04-2018	16	-do-	Inspector W&M 30.04.2018	
16	Mr. Saad Shaukat BSc (Engg)	18-12-1989 Mansehra	11-05-2018	11-05-2018	16	-do-	Inspector W&M 11.05.2018	On Lien w.e.f 15.07.2021
17	Muhammad Adil Mahmood MPhil (Physics)	04.08.1991 Karak	20.09.2019	20.09.2019	16	-do-	Inspector W&M 20.09.2019	
18	Mr. Zafar MSc (Physics)	06.04.1991 Mohmand Agency	01.01.2016	07.05.2021	16	By Promotion	Inspector W&M 07.05.2021	

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

CERTIFICATE

It is certified that the seniority list has been circulated amongst all the officers /officials and is final / undisputed/ not subject to any court of law.

-sd/-
Director Labour,
Khyber Pakhtunkhwa Peshawar
Dated / /2022

Assistant Director Labour (Admn)
Hqtr: Office Peshawar

EXTRAORDINARY
GOVERNMENT



REGISTERED NO. III

GAZETTE

ANNEX 170

14

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)/Z-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.

Assistant Director Labour (Admin)
Hq. Office Peshawar

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TESTED

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.

Handwritten signature
Assistant Director Labour (Admin)
Hq. Office Peshawar

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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.

Attested

 Assistant Director Labour (Admin)
 Hq. Gujranwala

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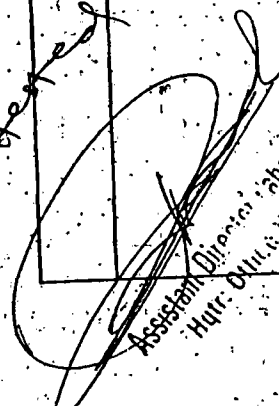
7.	Assistant Director (BPS-17).			By promotion on the basis of seniority-cum-fitness, from amongst the Superintendents with five (5) years service as such.
8.	Superintendent (BPS-17).			(a) Seventy-five percent (75%) by promotion, on the basis of seniority-cum-fitness, from amongst the Assistants with 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).	<ul style="list-style-type: none"> (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. 	25 to 35 years	By initial recruitment.

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 Assistant Director Labour (Admin)
 Hq: Union Peshawar

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10.	Inspector Factories (Technical) (BPS-17)	of (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 (ii) six months certificate in Advance Office automation from a recognized Institute.	25 to 35 years	By initial recruitment.
11.	Statistical Officer (BPS-17).	(i) Atleast Second Class Master's 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) Seventy-five percent (75%) by promotion; on the basis of seniority-cum-fitness, from amongst the Research and Statistical Officers and Statistical Investigators; and (b) twenty-five percent (25%) by initial recruitment.

Attested

 Assistant Director (Admin)
 Hq. Chitral Peshawar

ATTESTED



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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.	<p>Research Officer (BPS-17).</p> <p><i>Checked</i> <i>Assistant Director (Admin) Hq. Office Peshawar</i></p>	<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).	<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.

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 Assistant Director Labour (Admin)
 Hq. Office Peshawar

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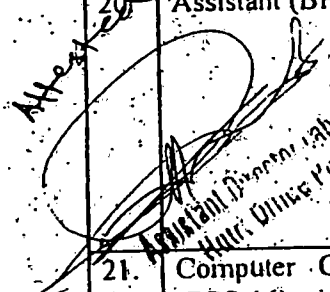
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		disciplines from a recognized University; and (ii) six months certificate in Advance Office automation from a recognized Institute.		
17.	Inspector Weights and Measures (BPS-16)	(i) At least Second Class Bachelor's Degree with Physics, Electronics 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) At least 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.

Assistant Director (Admin)
Hqrs. Office Peshawar

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19.	Social Mobilizer (BPS-16).	(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 (ii) six months certificate in Advance Office automation from a recognized Institute.	25 to 35 years	By initial recruitment.
20.	Assistant (BPS-16)	(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	(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 (b) forty percent (40%) by initial recruitment.
21.	Computer Operator (BPS-16).	(i) Atleast Second Class Bachelor's Degree in Computer Science/Information Technology (BCS/BIT) four years or equivalent qualification from a recognized University; or (ii) Atleast Second Class Bachelor's Degree or	22 to 32 years.	By initial recruitment.


 Assistant Director (Admin)
 H.Q. District Peshawar

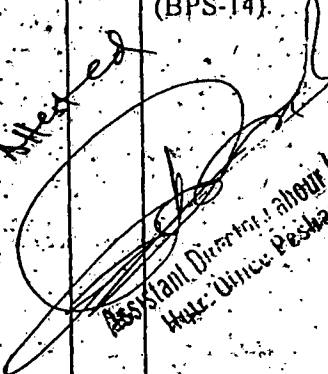
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			equivalent qualification from a recognized University with one year Diploma in Information Technology from a recognized Board of Technical Education.		
22.	Senior Scale Stenographer (BPS-16).				By promotion on the basis of seniority-cum-fitness, from amongst the Junior Scale Stenographers with at least five (5) years service as such.
23.	Junior Scale Stenographer (BPS-14).	(i)	At least Second Class Intermediate School Certificate or equivalent qualification from a recognized Board;	20 to 30 years	By initial recruitment.
		(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		
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.

Attended

 Assistant Director (Admin)
 Muz. Office Peshawar

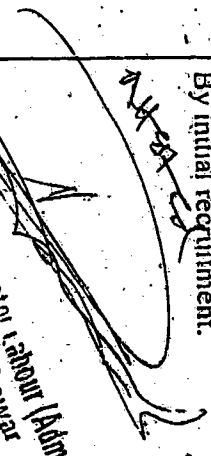
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KHYBER PAKHTUNKHWA GOVERNMENT GAZETTE, EXTRAORDINARY, 24th SEPTEMBER, 2020 356

25	Assistant Labour Officer (BPS-12).	(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 (ii) six months certificate in Advance Office automation from a recognized Institute.	22 to 32 years	(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 (b) twenty-five percent (25%) by initial recruitment.
26	Statistical Assistant (BPS-12).	(i) Atleast Second Class Bachelor's Degree with Statistics as one of the subject 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.
27	Laboratory Assistant (BPS-12).	(i) Atleast Second Class Bachelor's Degree with Physics or Chemistry as one of the subject 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.  Assistant Director Labour Admin Hurr, Union Peshawar

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> <p style="text-align: center;"><i>Accepted</i> Assistant Director Labour (Admin) Hqrs. Office Peshawar</p>	20 to 30 years	<p>(a) Twenty five percent (25%) by promotion. on the basis of seniority-cum-fitness, from amongst the Manual Asssistants 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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29	Labour Inspector (BPS-10)	(i) Atleast Second Class Degree or Bachelors 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. Intermediate of 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)
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 Dafdar, Nalb 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

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 Assistant Director Labour (Admin)
 Hq. Wazir Peshawar

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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.	Bahishtii (BPS-3).	Literate	18 to 40 years	By initial recruitment.
35.	Sweeper/Sanitary Worker (BPS-3).	Literate	18 to 40 years	By initial recruitment.

(Signature)
Assistant Director (Admin)
Hq. Office Peshawar

SECRETARY TO
GOVERNMENT OF THE KHYBER PAKHTUNKHWA,
LABOUR DEPARTMENT.

(12)

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

SERVICE APPEAL NO. 786/2022

Mr. Muhammad Rafiq, Inspector Weights & Measures (BPS-16),
Directorate of Labour, Khyber Pakhtunkhwa, Peshawar

..... APPELLANT

VERSUS


- 1- The Government of Khyber Pakhtunkhwa through Chief Secretary,
Khyber Pakhtunkhwa, Peshawar.
- 2- The Secretary Labour Department, Khyber Pakhtunkhwa, Peshawar.
- 3- The Secretary Establishment Department, Khyber Pakhtunkhwa,
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 Cantt.

..... RESPONDENTS

**APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED SERVICE
RULES NOTIFIED VIDE NOTIFICATION DATED 15-09-2020 TO THE
EXTENT OF SERIAL NO.5 COLUMN 5 (a)(b) WHEREBY QUOTA FOR
PROMOTION TO THE POST OF ASSISTANT DIRECTOR LABOUR/
ASSISTANT CONTROLLER WEIGHTS AND MEASURES (BPS-17)
HAS BEEN SEPARATED/ BIFURCATED FOR LABOUR OFFICER/
SOCIAL MOBILIZERS (30 %) AND INSPECTOR WEIGHTS AND
MEASURES (30 %) AND AGAINST NOT TAKING ACTION ON THE
DEPARTMENTAL APPEAL OF THE APPELLANT FOR COMBINING
THE MENTIONED QUOTA FOR THE PURPOSE OF PROMOTION
WITHIN THE STIPULATED PERIOD OF NINETY DAYS.**

PRAYER:

That on acceptance of this appeal the impugned service rules notified vide notification dated 15-09-2020 may very kindly be modified/ rectified to the extent of Serial No. 5 Column 5 (a)(b) that quota to the post of Assistant Director Labour/ Assistant Controller Weights & Measure (BPS-17) for the purpose of promotion may be combine as (60 %) for Labour Officer/ Social Mobilizers and Inspector Weights and Measures. Furthermore the respondents may please be directed to issue joint/ combine seniority list of Labour Officer/ Social Mobilizers and Inspector Weights and Measures for the post of Assistant Director Labour/ Assistant Controller Weights & Measure (BPS-17) with all back benefits. Any other remedy which this August Tribunal deems fit that may also be granted in favor of the appellant.



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R/SHEWETH:
ON FACTS:

- 1- That the appellant is the employee of the respondent department since 09-01-2012 and is presently performing his duties as Inspector Weights & Measures in the respondents department with zeal and zest.
- 2- The right from appointment till date the appellant had performed his duties with full devotion and up to the entire satisfaction of his superiors.
- 3- That the respondent department issued the seniority list of the Inspector Weights and Measures (BPS-16) for the year 2018 vide notification dated 04-01-2019, according to it the appellant stood at serial No. 6 of that seniority list. Copy of the seniority list is attached as annexure**A.**
- 4- That initially in the year 1982 service rules/ structure for Industries, Commerce, Mineral Development, Labour and Transport Department was drafted and was promulgated vide notification dated 12-07-1982, according to that service rules vide serial No. 8 Column 5 the method of recruitment for the post of Assistant Director Labour/ Assistant Controller Weights and Measures (BPS-17) was 50 % by promotion from amongst Labour Officer and Inspector Weights and Measures for which purpose there was a joint/ combine seniority list of that two. Copy of the notification dated 12-07-1982 are attached as annexure**B.**
- 5- That in the year 2012 when the Labour Department became a separate department, the government of Khyber Pakhtunkhwa introduced new service rules/ service structures for the Labour Department and it was issued vide notification dated 31-12-2012, wherein the method of recruitment for the post of Assistant Director Labour/ Assistant Controller Weights and Measure/ Assistant Director Research, Planning and Statistics (BPS-17) vide serial No. 4 of that rules was enhanced to 60 % but it was distributed to 30 % by promotion from Labour Officer and Statistical Officer etc. and 30 % quota was given to Inspector Weights & Measures. Copy of notification dated -2012 is attached as annexure**C.**
- 6- That it is pertinent to mention here that there are total 33 sanctioned posts of Inspector Weights and Measures and 22 sanctioned posts for Labour Officer and Social Mobilizers in the department keeping in view this ratio the division of 60 % quota to that of 30 % each is irrational and unlawful.
- 7- That feeling aggrieved from this irrational and illogical division of the promotion quota the appellant preferred departmental appeal



followed by service appeal No. 6747/2020 before this august service tribunal but during the course of arguments the official respondents presented another notification dated 15-09-2020 whereby once again the service rules/ structure of the appellant has been amended, hence the appellant withdrawn appeal supra with the permission to seek his remedy and to file fresh appeal if needed vide order dated 12-01-2022. Copies of departmental appeal, memo of appeal, notification dated 15-09-2020 and order sheet dated 12-01-2022 are attached as annexure D, E, F & G.

8- That the appellant feeling aggrieved from the amended service rules/ service structure notified vide notification dated 15-09-2020 communicated on 12-01-2022 preferred departmental appeal on 21-01-2022 but no response has been given within the stipulated period. Copy of the departmental appeal is attached as annexureH.

9- That feeling aggrieved from the inaction of the respondents and having no other remedy the appellant preferred the instant appeal on following grounds inter alia.

GROUND:

A- That the action and inaction of the respondents by issuing the impugned service rules notified vide notification dated 15-09-2020 to the extent of Serial No. 5 Column 5 (a)(b) that quota to the post of Assistant Director Labour/ Assistant Controller Weights & Measure (BPS-17) for the purpose of promotion has been separated for Labour Officer/ Social Mobilizers and Inspector Weights and Measures and not to issue joint/ combine seniority list of Labour Officer/ Social Mobilizers and Inspector Weights and Measures for the post of Assistant Director Labour/ Assistant Controller Weights & Measure (BPS-17) are against law, facts, norms of natural justice and material on record hence liable to be modified/ rectified.

B- That appellant has not been treated by the respondent department in accordance with law and rules on the subjected noted above and as such respondents violated the Article 4 and 25 of the Constitution of Islamic Republic of Pakistan.

C- That respondents acted in arbitrary and mala fide manner while issuing the separate seniority of inspector weights and measures and labour officer on the promulgation of new service rules.

D- That it is important to mentioned here that there are 33 sanctioned posts of Inspector Weights and Measures and 22 number of posts of Labour Officer in the department but even then the quota of promotion to the post of Assistant Director Labour/ Assistant

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Controller Weights and Measures has equally been divided to 30 % each.

E- That keeping in view of the mentioned proportion/ ratio of the sanctioned posts in the department both the cadre are required to be combine through joint/ combine seniority for the purpose of promotion to the post of Assistant Director Labour/ Assistant Controller Weights and Measures (BPS-17).

F- That keeping the mentioned scenario if the department/ respondents are not combining both the cadre through a joint seniority for the purpose of promotion to the subject post then it would amount to create disparity in the income of the appellant which would be the violation of Article 38(e) of the constitution of Islamic Republic of Pakistan, 1973.

G- That the act of the respondents by not maintain the joint/ combine seniority of the both the cadre for the purpose of promotion to the post of Assistant Director Labour/ Assistant Controller Weights and Measures is against Section-8 of the K.P Civil Servant Act, 1973 read with Rule-17 of the K.P Civil Servant (APT) Rules, 1989.

H- That act of the respondents by not maintain the joint/ combine seniority of the both the cadre for the purpose of promotion to the post of Assistant Director Labour/ Assistant Controller Weights and Measures is also in violation of the numerous judgment of the apex court of Pakistan as well as the judgments passed by this august tribunal in connected appeals No. 1411/2011, 1412/2011 & 1413/2011 decided on 01-09-2015. Copy of the judgment dated 01-09-2015 is attached as annexureI.

I- That the 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.

APPELLANT 

MUHAMMAD RAFIQ

THROUGH:
NOOR MUHAMMAD KHATTAK


KAMRAN KHAN


UMAR FAROOQ
ADVOCATES



32

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

C.M NO _____ /2022
IN
Appeal No. _____ /2022

MUHAMMAD RAFIQ 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:

Appellant

Through,


NOOR MOHAMMAD KHATTAK,
Advocate,
High Court, Peshawar

To,

The Secretary Labour Department,
Khyber Pakhtunkhwa, Peshawar.

E (33)

Subject :-

REQUEST FOR STOPPAGE OF PROCESS OF DPC MEETING HELD ON
25-05-2022

Sir,

With due respect the appellatant submits as under:-

- i. That Prior to 2012 in the Service Rules the Inspector weights and measures BPS-16 and labour officer BPS-16 had a combined seniority list for departmental promotion to the post of Assistant Director labour and Assistant Controller weights and measures (F/A).
- ii. That in the revised services rules of 2012 the promotion through the combined seniority list was amended with Inspector weights and measures @30% quota, labour officer @30% quota and 40% by initial recruitment (F/B).
- iii. That total number of Inspector weights and measures are 26, and labour officer are 10 which arises hindrance in the promotion of Inspector weights and measures as per service rules, 2012 (F/C).
- iv. That feeling aggrieved the appellatant and his colleagues knocked the door of august Service Tribunal in Appeal No. 10926/2020 but during final hearing / arguments in the ibid appeal the respondents submitted new rules Notified on 15-09-2020 published in the official Gazette on 24-09-2020. It is pertinent to mention that the new rules have not been communicated to the appellatant and his colleagues.
- v. That with the promulgation of ibid rules Notified on 15-09-2020 the old rules stands superseded, therefore the ibid new rules badly affects the further promotion of the appellatant which needs to be challenged Departmental appeal.
- vi. That the appellatant aggrieved from the rule notified on 15-09-2020, the applicant filed another appeal No. 785/2022 in the Khyber Pakhtunkhwa, Service Tribunal (F/D).

It may be noted that as mentioned above, the applicant challenge the rule notified 15-09-2020, the DPC meeting was held on 25-05-2022 under your kind chairmanship, wherein some Inspector weights and labour officer was promoted to Assistant Directors.

Forgoing in view, it is humbly requested that the further process of DPC was held on 25-05-2022 may kindly be stop/suspend till the final decision of the Khyber Pakhtunkhwa Service Tribunal in the service appeal No. 785/2022 filed by the applicant, as the next date of hearing is fixed on 31-05-2022 (F/E).

Yasir Samood
Inspector (WXM)
26/05/2022

Thanking you in anticipation.

Muhammad Rafiq
Inspector (WXM)
Your Obediently, 26/05/2022

1. Additional Secretary (Regulation), Establishment Department, Govt. of Khyber Pakhtunkhwa.
2. Additional Secretary (Regulation), Finance Department, Govt. of Khyber Pakhtunkhwa.
3. Registrar, Khyber Pakhtunkhwa, Service Tribunal, Peshawar.
4. Director Labour, Department, Khyber Pakhtunkhwa, Peshawar.
5. Assistant Director, Labour, Department, Khyber Pakhtunkhwa, Peshawar.



GOVERNMENT OF KHYBER PAKHTUNKHWA
LABOUR DEPARTMENT

Dated: Peshawar the 30th June, 2022

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

Sd/xxx
SECRETARY LABOUR
KHYBER PAKHTUNKHWA
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GOVERNMENT OF KHYBER PAKHTUNKHWA
LABOUR DEPARTMENT

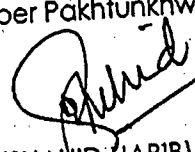
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Copy forwarded to :

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.


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

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The Secretary Labour,
Khyber Pakhtunkhwa
Peshawar.

Through proper channel

Subject:

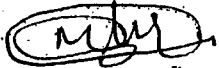
REQUEST TO CANCELLATION OF THE NOTIFICATION OF PROMOTION OF LABOUR OFFICER/INSPECTORS W&M TO THE POST OF ASSISTANT DIRECTOR LABOUR UNDER SUB-JUDICE SERVICE RULE 2020.

Respected Sir,

It is humbly stated that Four Labour Officers and Four Inspectors W&M were promoted to the post of Assistant Director Labour under the notification no. SOG/LD/3-12/DL/2021/Vol-I/3767-88 dated 30 June 2022. The said promotions were made under new service rules 2020 which are sub-judice in the Khyber Pakhtunkhwa Service Tribunal Court, Peshawar. It is necessary to bring it in your kind notice that the Inspectors W&M have challenged the said service rules in Service Tribunal Court Peshawar on 26-04-2022 and the case is under hearing/proceeding in the honorable Khyber Pakhtunkhwa Service Tribunal Court Peshawar. The said promotion grieved inspectors W&M because some senior Inspectors W&M (in term of service) were dropped and junior Labour Officers (in term of service) were promoted which violates the principle of equality and justice.

Therefore, Inspectors W&M request your kind office that the promotions may please be halted till court decision as the said service rules 2020 are sub-judice in the honorable Service Tribunal Court, Peshawar.

We shall be highly obliged.


Muhammad Rafiq
Inspector W&M
Swabi

19/07/202

Ans 15/8/22

19/7





GOVERNMENT OF KHYBER PAKHTUNKHWA
LABOUR DEPARTMENT

No. SOG/LD/3-12/2021/VoH/ 12203-5
Dated: 22 / 07 / 2022

(37)

H

- To
1. Mr. Yasir Samood,
Inspector W&M, Kohat.
 2. Mr. Muhammad Rafiq,
Inspector W&M, Swabi.

Subject: **REQUEST FOR CANCELLATION OF THE NOTIFICATION OF PROMOTION OF
LABOUR OFFICER/INSPECTORS W&M TO THE POST OF ASSISTANT DIRECTOR
LABOUR UNDER SUB-JUDICE SERVICE RULE 2020.**

Reference your applications no. nil dated 19-07-2022 on the subject cited above.

The Departmental Promotion Committee during the meeting had considered all aspects of the case. Neither the matter was pending in the Service Tribunal at the time of DPC meeting nor was any restraining / status-quo maintenance order submitted to the Committee. The Departmental Promotion Committee made the recommendation on merit and in accordance with the prevailing service Rules. Under the same rules four Inspectors of your cadre i.e., Weight & Measures were also recommended for promotion.

The promotion notification has already been issued after approval of the competent authority i.e., Worthy Chief Secretary, Khyber Pakhtunkhwa, which cannot be halted / undone at this stage. Besides, the competent authority in the matter is the Worthy Chief Secretary, Khyber Pakhtunkhwa.

In view of the above, your request is turned down.


Section Officer (General)

Copy of the above is forwarded to the PS to the Secretary Labour Department, Khyber Pakhtunkhwa.


Section Officer (General)