


06th Dec, 2022

Mr. Muhammad Ayub Khan, Advocate for the appellant present.
Mr. Muhammad Jan, District Attorney alongwith Mr. Said Muhammad,
Superintendent for the respondents present.

Learned counsel for the appellant is again not present today. It was directed on the previous date that in case of failure of the appellant to argue this appeal it will be decided on the basis of available record. Let in the interest of justice another opportunity be granted but this time we will fix the case for order, learned counsel may argue the case at any time before the announcement. To come up for order on 08.02.2023 before the D.B.


(Fareeha Pauf)
Member (E)



(Kalim Arshad Khan)
Chairman


SCANNED
KPSI
Reshawan

20th Oct, 2022

Learned counsel for the appellant present. Mr. Muhammad Riaz Khan Paindakhel, Asst: AG for respondents present.

Learned counsel for the appellant seeks adjournment on the ground that he has not prepared the case. Last chance is given to argue the case failing which the case will be decided on the available record without arguments. To come up for arguments on 31.10.2022 before D.B.



(Fareeha Paul)
Member(Executive)


(Kalim Arshad Khan)
Chairman

31st Oct., 2022

Counsel for the appellant present. Mr. Muhammad Adeel Butt, Addl. Advocate General for respondents present.

Learned counsel for the appellant as well as learned AAG seek adjournment in order to further prepare the brief. Another opportunity is given to argue the case, failing which the case will be decided on the basis of available record without the arguments. To come up for arguments on 06.12.2022 before the D.B.


(Fareeha Paul)
Member (E)


(Kalim Arshad Khan)
Chairman

30.06.2022

Junior of learned counsel for the appellant, present. Mr. Riaz Khan Paindakheil, Assistant Advocate General for respondents present.

File to come up alongwith connected Service Appeal No.16227/2020 titled "Eng; Arshad Ali Vs. Government of Khyber Pakhtunkhwa" on 06.10.2022 before the D.B.



(Rozina Rehman)
Member (J)

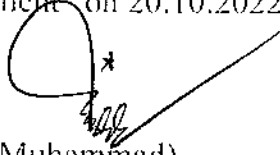


(Salah Ud Din)
Member (J)

06.10.2022

Counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional AG for respondents present.

File to come up alongwith connected Service Appeal No. 16227/2020 titled "Arshad Ali Vs. Mines & Mineral Department" on 20.10.2022 before S.B.



(Mian Muhammad)
Member (I)

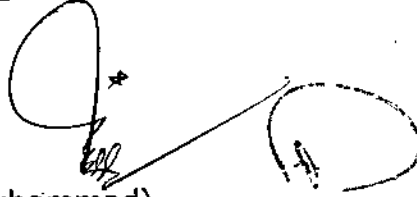


(Kalim Arshad Khan)
Chairman

04.10.2021

Counsel for the appellant present. Mr. Kabirullah Khattak, Additional Advocate General for respondents present.

Learned counsel for the appellant seeks adjournment on the ground that he has not prepared the brief. Granted. To come up for arguments on 05.01.2022 before the D.B.



(Mian Muhammad)
Member(E)

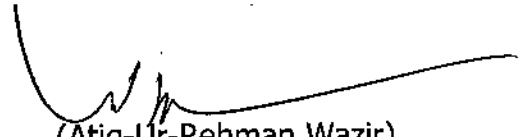


Chairman

05.01.2022

Junior to counsel for the appellant present. Mr. Kabirullah Khattak, Additional Advocate General for respondents present.

File to come up alongwith connected appeal bearing No. 16227/2020 titled Arshad Ali Vs Government of Khyber Pakhtunkhwa, before the D.B on 19.04.2022.



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

19-4-22

*Proper DB not available the case is
adjourned on 30-6-22*

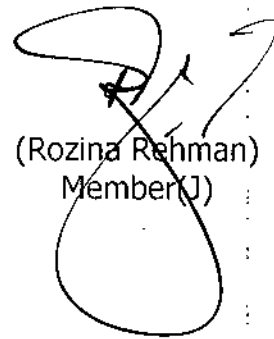
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30.03.2021

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

Points raised need consideration. Appeal is admitted to regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notice be issued to the respondents. To come up for written reply/comments on 17.06.2021 before S.B.

Appellate Proceedings
Security & Process Fee



(Rozina Rehman)
Member(J)

17.06.2021

Junior to counsel for the appellant and Mr. Sajid Superintendent for respondent No. 3 alongwith Mr. Kabirullah Khattak, Addl. AG for respondents present.

Learned AAG seeks time to submit reply/comments. He is required to contact the respondents for submission of written reply/comments in office within 10 days, positively. If the written reply/comments are not submitted within the stipulated time, the office shall submit the file with a report of non-compliance. File to come up for arguments on 04.10.2021 before the D.B.



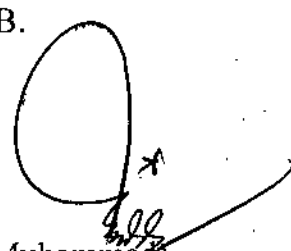


Chairman

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. - 16263 /2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	21/12/2020	<p>The appeal presented 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-		<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>19/03/21</u></p> <p style="text-align: right;"> CHAIRMAN</p>
	19.03.2021	<p>Junior to counsel for the appellant present.</p> <p>Former requests for adjournment as learned senior counsel is indisposed of today.</p> <p>Adjourned to 30.03.2021 before S.B.</p> <p style="text-align: right;"> (Mian Muhammad) Member (E)</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. _____/2020

SYED MUJAHID ALI SHAH VS GOVT: OF KP & OTHERS

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APPELLANT

THROUGH:


NOOR MOHAMMAD KHATTAK
ADVOCATE

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,

PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

APPEAL NO. 16263 /2020

Diary No. 16786

Eng: Syed Mujahid Ali Shah, Director Training (BPS-19),
Minerals Development Department, Khyber Pakhtunkhwa, Peshawar

Dated 21/12/2020

..... **APPELLANT**

VERSUS

- 1- The Government of Khyber Pakhtunkhwa through Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
- 2- The Secretary Establishment Department, Khyber Pakhtunkhwa, Peshawar.
- 3- The Secretary Finance Department, Khyber Pakhtunkhwa, Peshawar.
- 4- The Secretary Minerals Development Department, Khyber Pakhtunkhwa, Peshawar.

..... **RESPONDENTS**

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED INACTION OF THE RESPONDENTS BY NOT ALLOWING THE TECHNICAL ALLOWANCE @ 1.5 OF INITIAL BASIC PAY TO THE APPELLANT W-E-F 1ST NOVEMBER, 2018 VIDE ORDER DATED 19-10-2018 AND ORDER DATED 19-12-2018 AND AGAINST THE APPELLATE ORDER DATED 29-07-2020 COMMUNICATED TO THE APPELLANT ON 19-11-2020 WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT HAD BEEN REJECTED WITH COLORFUL JUSTIFICATIONS

PRAYER:

That on acceptance of this appeal the impugned order dated 19-10-2018 may kindly be modified to the extent that the technical allowance @ 1.5 of initial basic pay may be allowed to the appellant w-e-f 01-11-2018 with all back benefits, the impugned letter dated 19-12-2018 and appellate order dated 29-07-2020 may kindly be set aside. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

R/SHEWETH:

ON FACTS:

- 1- That Minerals Development Department is the Administrative Department consisting of three attached departments (i) Inspectorate of Mines, (ii) Directorate General Mines & Minerals and (iii) Commissionarate of Mines Labour Welfare. That

Filed to-day
Registrar
21/12/20

appellant is serving as Engineer in the Attached department and possessing Engineering Qualification from the accredited Engineering University duly recognized by the HEC and the appellant is registered with Pakistan Engineering Council.

- 2- That it is pertinent to mention here that the post on which the appellant is performing duties is a sanctioned post and is purely technical with the Mining Engineering Degree as the basic requirement. Copy of the Service Rules of the post is attached as annexure**A.**
- 3- That during the budget session of 2016-17 the then Chief Minister announced to give some relief package to the civil servants working in BPS-17 and above, in response to the mentioned announcement the PCS officers association took up the matter with the Chief Minister and resultantly the process of granting the Executive Allowance/ Schedule Post Allowance was initiated and finally the same was granted/allowed to the PCS, PMS and PAS officers after thorough deliberation and meetings of the Establishment department with Chief Minister vide Notification dated 02-02-2018. That the appellant's cadre and other BPS-17 and above were deprived from the mentioned allowance in a discriminated manner. Copy of the application and the notification dated 02-02-2018 are attached as annexure**B & C.**
- 4- That appellant beside having registration with the PEC is also a member of the K.P Association of Government Engineer (KPAGE) and the KPAGE took up the matter of technical allowance along with other demands on the analogy of the Executive/ schedule post allowance and finally a summary was moved by the Secretary Irrigation jointly supported by the Secretary Communication & Works, Public Health Engineering Department and Local Government Departments..-Copy of the summary is attached as annexure**D.**
- 5- That the Provincial Cabinet in its meeting dated 24-05-2018 approved Technical Allowance at the rate of 1.5 times of the initial basic pay to all Engineers working in Provincial Government Departments w.e.f 1st July, 2018. Copy of the minutes of the cabinet committee are attached as**E.**
- 6- That finally the Finance Department issued sanction of Technical Allowance to the Engineers serving only in the Four Government departments i.e. C&W, Irrigation, Public Health Engineering and Local Government vide impugned notification dated 19-10-2018 w-e-f 01-11-2018. Copy of the impugned notification dated 19-10-2018 is attached as annexure**F.**

- 7- That feeling aggrieved from the notification dated 19-10-2018; the Engineers of three attached departments of Mineral Development Department through their Administrative Secretary moved a summary for the Technical allowance through proper channel. Copy of the summary is attached as annexureG.
- 8- That the respondent No. 3 without any cogent reasons regretted the grant of technical allowance to the Engineers of the Minerals Development Department and the same has been communicated vide impugned letter dated 19-12-2018. Copy of the impugned letter dated 19-12-2018 is attached as annexureH.
- 9- That appellant feeling aggrieved from the impugned order dated 19-10-2018 and impugned letter dated 19-12-2018 preferred departmental appeal/ representation before the respondents but no response has been given by the respondents till the expiry of statutory period. Copy of the departmental appeal is attached as annexureI.
- 10- That by not deciding the departmental appeal/ representation the appellant along with other colleagues preferred writ petition No. 606-P/2019 and the same was decided/ disposed of vide judgment dated 10-03-2020, whereby the respondents were directed that **"we without going in to the merits of the case, are of the view that let the matter be referred to the Chief Secretary, Government of Khyber Pakhtunkhwa on the analogy of other writ petitions referred to by this court with the direction to look in to the matter and either pay the said allowance to all the eligible employees or none. The matter be decided within a period of three months, positively"**. Copy of the judgment dated 10-03-2020 is attached as annexureJ.
- 11- That by not deciding the matter of pay and allowance of the appellant within a period of three months according to the judgment mentioned above the appellant preferred COC petition wherein certain direction was made by the august Peshawar High Court Peshawar, and the respondents assailed the judgments passed in the writ petition mentioned above before the Apex Court of Pakistan in C.P No 210-P/2020 and during the arguments the respondents produced the appellate order dated 29-07-2020, whereby the departmental appeal/ representation was rejected with very colorful justifications and the mentioned Civil Petition pending before the apex court was also decided vide judgment dated 19-11-2020 with the direction to the appellant that if they feeling aggrieved from the appellate order they can approach the proper forum. Copies of the judgment

dated 19-11-2020 and appellate order dated 29-07-2020 are attached as annexure**K & L.**

- 12- That appellant feeling aggrieved and having no other remedy filed the instant service appeal on the following grounds amongst the others.

GROUND:

- A- That the action and inaction of the respondents by rejecting the departmental appeal and not granting/ allowing the Technical allowance on the analogy of the PMS, PCS and PAS officers and other Engineers of the Four Departments is illegal, against the law, facts, norms of natural justice.
- B- That the appellant have 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 action of the respondents is without any legal authority, discriminatory and in clear violation of fundamental rights duly conferred by the Constitution and is liable to be declared as null and void.
- D- That as the act of the respondents is illegal, unconstitutional, without any legal authority and not only discriminatory but is also the result of malafide on the part of respondents.
- E- That it is important to mention here that the technical allowance at the rate of 1.5 times of initial basic pay has already been granted to all the engineers working in the Mine and Minerals Department of the Punjab, GB and AJK. Copy of the notification are attached as annexure**M.**
- F- That appellant has the vested right of equal treatment before law and the act of the respondents to deprive the appellant from the technical allowance is unconstitutional and clear violation of fundamental rights.
- G- That the justifications and reason given in the appellate order dated 29-07-2020 are baseless, malafide and against the factual position because all the engineers of the Minerals Development Department are performing the same nature duties which the engineers of the other four mention departments perform.
- H- That the Minerals development department is a major revenue generating department of the government therefore they are entitled for the mentioned allowance.

- I- That the timing of the engineers working in the Minerals department is not fixed and they performed a hard work as mentioned in the following ground i.e. J.
- J- That all the engineers of Minerals development department are purely technical and are involved in various engineering works which include but are not limited to the following:
- a) Inspection of underground and surface mines in the field to check the prospecting and exploitation work done by the mineral title holders as well as to ensure compliance of all safety Laws by the mine workers.
 - b) Design and development of mines
 - c) Planning of prospecting and development schemes
 - d) Technical assessment of the illegally excavated minerals
 - e) Demarcation of granted sketches on ground
 - f) Imparting onsite training to the mine workers and practical demonstration regarding modern mining techniques
 - g) Conducting rescue operations during mines accidents.
- These functions are performed in the mines mainly located in very far flung areas of the province.
- K- That according to Article 38 (e) of the Constitution of Islamic Republic of Pakistan, 1973 the state is bound to reduce disparity in the income and earning of individuals including persons in the services of the federation, therefore in light of the said Article the appellant fully entitle for the grant of Executive Allowance/ Scheduled Post Allowance.
- L- That the appellant seeks permission of this Honorable Court to raise any other grounds available at the time of arguments.

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

APPELLANT


SYED MUJAHID ALI SHAH

THROUGH:


NOOR MUHAMMAD KHATTAK

&


KAMRAN KHAN
ADVOCATES

EXTRAORDINARY

GOVERNMENT



REGISTERED NO. P.III

GAZETTE



KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, MONDAY, 25th JUNE, 2018.

GOVERNMENT OF THE KHYBER PAKHTUNKHWA
MINERALS DEVELOPMENT DEPARTMENT

NOTIFICATION

Dated Peshawar, the 22nd November, 2017.

No.SOE/MDD/2-1/Vol-II/2017.-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, to the extent of posts borne in the Inspectorate of Mines Khyber Pakhtunkhwa, the Minerals Development Department in consultation with the Establishment Department and the Finance Departments, hereby lays down the method of recruitment, qualifications and other conditions specified in column No. 3 to 5 of the Appendix to this Notification which shall be applicable to the posts borne in the Inspectorate of Mines Khyber Pakhtunkhwa specified in column No. 2 of the said Appendix.

APPENDIX

S.No	Nomenclature of Posts	Minimum Qualification for Appointment by Initial Recruitment	Age Limit	Method of Recruitment
1	2	3	4	5
1.	Chief Inspector of Mines (BPS-20)	-----	-----	By promotion, on the basis of seniority-cum-fitness, from amongst the Deputy Chief Inspectors of Mines, Directors Training and Directors Planning and Mine Development.

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			<p>Cell with at least twelve (12) years service as such in BPS-18 and above or seventeen (17) years service as such in BPS-17 and above with successful completion of Senior Management Course (SMC):</p> <p>Provided that if no suitable person is available for promotion then by transfer.</p> <p>Note: A joint seniority list of Deputy Chief Inspectors of Mines, Directors Training and Directors Planning and Mine Development Cell shall be maintained for the purpose of promotion.</p>
2.	Deputy Chief Inspector of Mines (BPS-19)		<p>By promotion, on the basis of seniority-cum-fitness, from amongst the Senior Inspectors of Mines and Rescue Superintendents with at least seven (07) years service as such in BPS-18 or twelve (12) years service as such in BPS-17 and above:</p> <p>Provided that if no suitable person is available for promotion then by transfer.</p> <p>Note: A joint seniority list of Senior Inspectors of Mines and Rescue Superintendents shall be maintained for the purpose of promotion.</p>
3.	Director Training (BPS-19)		<p>By promotion, on the basis of seniority-cum-fitness, from amongst the Senior Inspectors of Mines and Rescue Superintendents with at least seven (07) years service as such in BPS-18 or twelve (12) years service in BPS-17 and above:</p>

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				<p>Provided that if no suitable person is available for promotion then by transfer.</p> <p>Note: A joint seniority list of Senior Inspectors of Mines and Rescue Superintendents shall be maintained for the purpose of promotion.</p>
4.	Director Planning and Mine Development Cell (BPS-19)			<p>By promotion, on the basis of seniority-cum-fitness, from amongst the Senior Inspectors of Mines and Rescue Superintendents with at least seven (07) years service as such in BPS-18 or twelve (12) years service as such in BPS-17 and above:</p> <p>Provided that if no suitable person is available for promotion then by transfer.</p> <p>Note: A joint seniority list of Senior Inspectors of Mines and Rescue Superintendents shall be maintained for the purpose of promotion.</p>
5.	Senior Inspector of Mines (BPS-18)	<p>(i) At least Second Class Bachelor's Degree in Mining Engineering from a recognized University;</p> <p>(ii) First Class Mine Manager Certificate of Competency granted under the provision of Mines Act 1923; and</p> <p>(iii) At least seven years experience in mining.</p>	28 to 40 years.	<p>By promotion, on the basis of seniority-cum-fitness, from amongst the Inspectors of Mines and Instructors with at least five years services as such and having First Class Mine Manager Certificate of Competency granted under the provision of Mines Act 1923:</p> <p>Provided that if no suitable person is available for promotion then by transfer or initial recruitment.</p> <p>Note: A joint seniority list of Inspectors of Mines and Instructors shall be maintained for the purpose of promotion.</p>

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67 Rescue Superintendent (BPS-18)	(i) At least Second Class Bachelor's Degree in Mining Engineering from a recognized University; (ii) First Class Mine Manager Certificate of Competency granted under the provision of the Mines Act 1923; and (iii) At least seven years experience in mining.	28 to 40 years.	By promotion, on the basis of seniority-cum-fitness, from amongst the Inspectors and Inspectors of Mines with at least five years services as such and having First Class Mine Manager Certificate of Competency granted under the provision of the Mines Act 1923; Provided that if no suitable person is available for promotion then by transfer or initial recruitment. Note: A joint seniority list of Inspectors of Mines and Inspectors shall be maintained for the purpose of promotion.	By initial recruitment.	7. Inspector of Mines (BPS-17)	At least Second Class Bachelor's Degree in Mining Engineering from a recognized University.	21 to 35 years.	(a) Fifty percent (50%) by promotion, on the basis of seniority-cum-fitness, from amongst the Rescue Supervisors having at least three years services as such; and (b) Fifty percent (50%) by initial recruitment.	By initial recruitment.	9. Assistant Director (Admn) (BPS-17)	At least Second Class Master's Degree in Business Administration, Public Administration, Commerce or Bachelor of Studies (4 years), Bachelor of Business Administration (Hons) or equivalent qualification from a recognized University.	21 to 35 years.	By initial recruitment.	10. Assistant Director (Budget & Account) (BPS-17)	At least Second Class Master's Degree in Master of Commerce or equivalent qualification from a recognized University.	21 to 35 years.	By initial recruitment.
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11.	Statistical Officer (BPS-17)	At least Second Class Master's Degree in Statistics. Economics, Mathematics or equivalent qualification from a recognized University.	21 to 35 years.	By initial recruitment.
12.	Superintendent (BPS-17)	-----	-----	By promotion, on the basis of seniority-cum-fitness, from amongst the Assistants and Senior Scale Stenographers with at least five years services as such. Note: A joint seniority of Assistants and Senior Scale Stenographers shall be maintained for the purpose of promotion to the post of Superintendent: Provided that when the date of continuous appointment of an Assistant and Senior Scale Stenographer is the same, the Assistant shall be deemed to be rank senior to the Senior Scale Stenographer.
13.	Rescue Apparatus Technician (BPS-16)	At least Second Class three years Diploma in Mechanical Technology from a recognized Board of Technical Education with two years experience as such.	21 to 32 years.	By initial recruitment.
14.	Rescue Supervisor (BPS-16)	At least Second Class Bachelor's Degree in Mining Engineering from a recognized University.	22 to 32 years.	By initial recruitment.
15.	Secretary Mines (BPS-16)	-----	-----	By promotion, on the basis of seniority-cum-fitness, from amongst the Project Mechanics with at least three years service as such.
16.	Senior Scale Stenographer (BPS-16)	(i) At least Second Class Bachelor's Degree or equivalent qualification from a recognized University;	21 to 32 years.	By promotion, on the basis of seniority-cum-fitness, from amongst the Stenographers with at least five year service as such:

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		<p>(ii) a speed of seventy (70) words per minute in shorthand in English and forty five (45) words per minute in typing; and</p> <p>(iii) Knowledge of computer in using MS Word, MS Excel.</p>		<p>Provided that if no suitable person is available for promotion then by initial recruitment.</p>
17	Assistant (BPS-16)	<p>At least Second Class Bachelor's Degree from a recognized University.</p>	20 to 32 years.	<p>(a) Seventy five percent (75%) by promotion, on the basis of seniority-cum-fitness, from amongst the Senior Clerks with at least five years service as Junior Clerk and Senior Clerks.</p> <p>Provided that if no suitable person is available for promotion then by initial recruitment; and</p> <p>(b) Twenty five percent (25%) by initial recruitment.</p>
18	Computer Operator (BPS-16)	<p>(i) At least Second Class Bachelor's Degree in Computer Science, Information Technology, Bachelor's of Computer Science (BCS) (4 years), Bachelor's of Information Technology (BIT) (04 years) or equivalent qualification from a recognized University; or</p> <p>(ii) at least Second Class Bachelor's Degree from a recognized University with one year Diploma in Information Technology from a recognized Board of Technical Education.</p>	18 to 32 years.	<p>By initial recruitment.</p>
19	Project Mechanic (BPS-15)	<p>At least Second Class three years Diploma in Electrical or Mechanical Engineering from a recognized Board of Technical Education with one year experience in the relevant field.</p>	21 to 32 years.	<p>By initial recruitment.</p>

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20.	Stenographer (BPS-14)	(i) At least Second Class Intermediate or equivalent qualification from a recognized Board; (ii) a speed of fifty (50) words per minute in shorthand in English and thirty five (35) words per minute in typing; and (iii) knowledge of computer in using MS Word, MS Excel.	18 to 32 years.	By initial recruitment.
21.	Senior Clerk (BPS-14)	-----	-----	By promotion, on the basis of seniority-cum-fitness, from amongst the Junior Clerks with at least two years service as such
22.	Medical Technician (BPS-12)	(i) At least Second Class Secondary School Certificate with Science from a recognized Board; (ii) Certificate of Medical Technician from a recognized medical faculty; and (iii) Two years experience in the relevant field.	21 to 32 years.	By initial recruitment.
23.	Surveyor (BPS-12)	At least Second Class Diploma of Associate Engineering in Civil Technology from a recognized Board of Technical Education.	18 to 30 years.	By initial recruitment.
24.	Junior Clerk (BPS-11)	(i) At least Second Class Secondary School Certificate or equivalent qualification from a recognized Board; and (ii) A speed of thirty (30) words per minute in typing.	18 to 32 years.	(a) Thirty three percent by promotion, on the basis of seniority-cum-fitness, from amongst the Daftaris, Qasids, Naib Qasids and holders of other equivalent posts with two years service as such and who have Second Class Secondary School Certificate from a recognized Board; and

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				<p>(b) Sixty seven (67%) percent by initial recruitment:</p> <p>Note: For the purpose of promotion, a joint seniority list of Daftaris, Qasids, Naib Qasids and holders of other equivalent posts shall be maintained with reference to the dates of their acquiring the Secondary School Certificate:</p> <p>Provided that-</p> <p>(a) If two or more officials have acquired the Secondary School Certificate 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 preference to the senior official or officials.</p>
25.	Store Keeper (BPS-09)	At least Second Class Secondary School Certificate or equivalent qualification from a recognized Board with one year experience as Store Keeper.	18 to 30 years.	By initial recruitment.
26.	Crew-Man (BPS-07)	<p>(i) At least Second Class Secondary School Certificate with Science from a recognized Board; and</p> <p>(ii) Mine Sirdar's Certificate granted under the Coal Mine Regulation, 1926:</p>	18 to 30 years.	By initial recruitment.

ACCEPTED

				<p>(b) Sixty seven (67%) percent by initial recruitment:</p> <p>Note: For the purpose of promotion, a joint seniority list of Daftaris, Qasids, Naib Qasids and holders of other equivalent posts shall be maintained with reference to the dates of their acquiring the Secondary School Certificate:</p> <p>Provided that-</p> <p>(a) If two or more officials have acquired the Secondary School Certificate 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 preference to the senior official or officials.</p>
25.	Store Keeper (BPS-09)	At least Second Class Secondary School Certificate or equivalent qualification from a recognized Board with one year experience as Store Keeper.	18 to 30 years.	By initial recruitment.
26.	Crew-Man (BPS-07)	(i) At least Second Class Secondary School Certificate with Science from a recognized Board; and (ii) Mine Sirdar's Certificate granted under the Coal Mine Regulation, 1926;	18 to 30 years.	By initial recruitment.

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		Provided that preference shall be given to the candidate. having experience in rescue and recovery as rescue apprentice at any recognized Mines Rescue and Safety Station.		
27.	Tube-Well Operator (BPS-6)	At least Second Class Secondary School Certificate from a recognized Board: Note: Preference shall be given to the candidate. having some experience in Tube-well operations.	18 to 40 years.	By initial recruitment.
28.	Driver (BPS-06)	(i) Literate; and (ii) having a valid HTV/LTV Driving License issued by competent authority provided that preference will be given to those who have sufficient experience in driving repairing and maintenance of vehicle.	18 to 40 years.	By initial recruitment.
29.	Daftri (BPS-04)	-----	-----	By promotion, on the basis of seniority-cum-fitness. from amongst the Matriculate Qasids and Naib Qasids with at least three years' service.
30.	Qasid (BPS-04)	-----	-----	By promotion. on the basis of seniority-cum-fitness. from amongst the Naib Qasids. Note: A Joint seniority list of Naib Qasids of all the regional offices shall be maintained by the Inspectorate of Mines (Admin Section) Headquarters' Office Peshawar.
31.	Naib Qasid (BPS-03)	Literate.	18 to 40 years.	By initial recruitment

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32.	Mines Guard (BPS-03)	At least Second Class Secondary School Certificate from a recognized Board.	18 to 40 years.	By initial recruitment.
33.	Farash (BPS-03)	Preferably Literate.	18 to 40 years.	By initial recruitment.
34.	Attendant (BPS-03)	Preferably Literate.	18 to 40 years.	By initial recruitment.
35.	Dak Runner (BPS-03)	Preferably Literate.	18 to 40 Years.	By initial recruitment.
36.	Chewkidar (BPS-03)	Literate with sound physique.	18 to 40 years.	By initial recruitment.
37.	Mali (BPS-03)	Literate and two years working experience as Mali.	18 to 40 years.	By initial recruitment.
38.	Sweeper (BPS-03)	Preferably Literate.	18 to 40 years.	By initial recruitment.
39.	Cook (BPS-03)	Literate with three years practical Experience in any Hotel or Guest House as Cook.	18 to 40 years.	By initial recruitment.

Note: The phrase "by transfer" appearing in these service rules shall mean transfer for the posting purpose in pursuance of section 10 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Act No. XVIII of 1973) and shall not vest a right of appointment or absorption or promotion against the post on regular basis.

SECRETARY TO
GOVERNMENT OF THE KHYBER PAKHTUNKHWA
MINERALS DEVELOPMENT DEPARTMENT.



GOVERNMENT OF THE KHYBER PAKHTUNKHWA
MINERALS DEVELOPMENT DEPARTMENT



NOTIFICATION
Peshawar dated the November 22, 2017

15

No.SOE/MDD/2-1/Vol-II/2017:- 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, to the extent of posts borne in the Commissionerate of Mines Labour Welfare Khyber Pakhtunkhwa, the Minerals Development Department in consultation with the Establishment Department and the Finance Departments, hereby lays down the method of recruitment, qualifications and other conditions specified in column No. 3 to 5 of the Appendix to this Notification which shall be applicable to the posts borne in the Commissionerate of Mines Labour Welfare Khyber Pakhtunkhwa specified in column No. 2 of the said Appendix.

APPENDIX

S.No	Nomenclature of Posts	Minimum Qualification for Appointment by Initial Recruitment	Age Limit	Method of Recruitment
1	2	3	4	5
1.	Chief Commissioner Mines Labour Welfare (BPS-20)	-----	-----	By promotion, on the basis of seniority-cum-fitness, from amongst the Commissioner Mines Labour Welfare having at least twelve (12) years service as such in BPS-18 and above or seventeen (17) years service as such in BPS-17 and above with successful completion of Senior Management Course (SMC).
2.	Commissioner Mines Labour Welfare (BPS-19)	-----	-----	By promotion, on the basis of seniority-cum-fitness, from amongst the Deputy Commissioner Mines Labour Welfare with at least seven (07) years service as such in case of initial appointment in BPS-18 or twelve (12) years service as such in BPS-17 and above: Provided that if no suitable person is available for promotion then by transfer from amongst the officers of the Provincial Government.

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3.	Deputy Commissioner Mines Labour Welfare (BPS-18)	At least Second Class Bachelor's Degree in Mining Engineering or equivalent qualification from a recognized University with five years experience in the relevant field.	28-45 Years.	By promotion, on the basis of seniority cum fitness, from amongst the Assistant Commissioners Mines Labour Welfare with at least five years service as such: Provided that if no suitable person is available for promotion then by transfer or initial recruitment.
4.	Assistant Commissioner Mines Labour Welfare (BPS-17)	At least Second Class Bachelor's Degree in Mining Engineering or equivalent qualification from a recognized University.	21-35 Years.	By initial recruitment.
5.	Assistant Engineer Civil (BPS-17)	At least Second Class Bachelor's Degree in Civil Engineering or equivalent qualification from a recognized University.	21-35 Years.	(a) Fifty percent (50%) by promotion, on the basis of seniority-cum-fitness, from amongst the Sub-Engineers with at least five year service as such; and (b) fifty percent (50%) by initial recruitment.
6.	Accounts Officer (BPS-17)	At least Second Class Master's Degree of Business Administration (Finance), Master's Degree in Commerce or equivalent qualification from a recognized University.	21-35 Years.	By transfer from amongst the officers of the Accountant General Office or Treasury Office Peshawar: Provided that if no suitable person is available by transfer, then by initial recruitment.
7.	Assistant Director Administration (BPS-17)	At least Second Class Master's Degree of Business Administration, Master's Degree of Public Administration, Master's Degree of Commerce, Bachelor of Studies (BS) 4 years, , Bachelor of Business Administration (Honors four years.) or equivalent qualification from a recognized University.	21-35 Years.	By initial recruitment.
8.	Superintendent (BPS-17)	-----	----	By promotion, on the basis of seniority-cum-fitness, from amongst the Assistants with at least five years service as such.
9.	Assistant (BPS-16)	At least Second Class Bachelor's Degree from a recognized University.	21-32 Years.	(a) Seventy five percent (75%) by promotion, on the seniority-cum-fitness basis, from amongst the Senior Clerks with at least five years service as Junior Clerk and Senior Clerk; and

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				(b) twenty five percent (25%) by initial recruitment.
10.	Computer Operator (BPS-16)	(i) At least Second Class Bachelor's Degree in Computer Sciences (BCS) (four years) Information Technology, (BIT) (four years) or equivalent qualification from a recognized University; or (ii) at least Second Class Bachelor's Degree from a recognized University with one year Diploma in Information Technology from a recognized Board of Technical Education.	21-32 Years.	By initial recruitment.
11.	Senior Clerk (BPS-14)			By promotion, on the basis of seniority-cum-fitness, from amongst the Junior Clerks with at least two years service as such.
12.	Sub-Engineer (BPS-12)	At least Second Class three years Diploma in Civil Engineering (DAE Civil) from a recognized Board of Technical Education.	21-32 Years.	By initial recruitment.
13.	Junior Clerk (BPS-11)	(i) At least Second Class Secondary School Certificate or equivalent qualification from recognized Board; and (ii) a speed of thirty (30) words per minute in typing.	18-32 Years.	(a) Thirty three percent (33%) by promotion, on the basis of seniority-cum-fitness, from amongst the Naib Qasids with at least two years service as such who have passed Secondary School Certificate Examination from a recognized Board; and (b) Sixty seven percent (67%) by initial recruitment: Provided that,- (i) if two or more officials have acquired the Secondary School Certificate 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 (ii) 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

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				qualification shall be promoted in preference to the senior official or officials.
14.	Cess Sub-Inspector (BPS-09)	At least Second Class Intermediate Certificate or equivalent qualification from a recognized Board.	18-32 Years.	By initial recruitment.
15.	Driver (BPS-06)	Literate; and possessing a valid HTV or LTV driving license issued by a competent authority. Preference will be given to those who have sufficient experience in driving, repairing and maintenance of vehicle.	18-32 Years.	By initial recruitment.
16.	Naib Qasid (BPS-03)	Preferably Literate.	18-40 Years.	By initial recruitment.
17.	Sweeper (BPS-03)	Preferably Literate.	18-40 Years.	By initial recruitment.

Note: The phrase "by transfer" appearing in these service rules shall mean transfer for the posting purpose in pursuance of section 10 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Act No. XVIII of 1973) and shall not vest a right of appointment or absorption or promotion against the post on regular basis.

SECRETARY TO
GOVERNMENT OF THE KHYBER PAKHTUNKHWA
MINERALS DEVELOPMENT DEPARTMENT.

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No. SO (E)/MDD/2-1/Vol-II/2017

6271-6360

Dated Peshawar, November 22, 2017

Copy is forwarded for information to:-

1. All Administrative Secretaries to Government of Khyber Pakhtunkhwa.
2. Accountant General, Khyber Pakhtunkhwa.
3. The Director General, Mines & Minerals Khyber Pakhtunkhwa
4. The Chief Commissioner, Mines & Labour Welfare Khyber Pakhtunkhwa
5. The Chief Inspector of Mines Khyber Pakhtunkhwa
6. All Heads of Attached Departments in Khyber Pakhtunkhwa.
7. All Divisional Commissioners of Khyber Pakhtunkhwa
8. All Deputy Commissioners in Khyber Pakhtunkhwa.
9. The Registrar, Peshawar High Court, Peshawar.
10. Secretary Public Service Commission Khyber Pakhtunkhwa.
11. All Executive District Officers Finance Government of Khyber Pakhtunkhwa
12. All District Account Officers Government of Khyber Pakhtunkhwa
13. Librarian Establishment Department Government of Khyber Pakhtunkhwa
14. Manager, Government Printing Press, Khyber Pakhtunkhwa for publication in the official Gazette with the request that twenty printed copies of the notification, when published may be furnished to this department.
15. PS to Secretary Minerals Development Department Government of Khyber Pakhtunkhwa.
16. PA to Additional Secretary Minerals Development Department Government of Khyber Pakhtunkhwa.
17. P.A to Deputy Secretary (Admn) Minerals Development Department Government of Khyber Pakhtunkhwa
18. Master file.
19. Concerned file.

(Muhammad Javed) 22/11/2017
Section Officer (Estt :)

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ATTACHED

KHYBER PAKHTUNKHWA
MINERALS DEVELOPMENT DEPARTMENT

Dated Peshawar the 17th September 2010

NOTIFICATION

J-Admn(MD)1-6/88 Vol-V - In pursuance of the provisions contained in sub-rule (2) of the North West Frontier Province Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, and in supersession of all Notifications issued in this behalf the Minerals Development Department, in consultation with the Establishment Department and the Directorate General Mines & Minerals, Khyber Pakhtunkhwa, hereby lay down the method of recruitment, qualifications and other conditions specified in column No. 3 to 5 of the Appendix to this Notification which shall be applicable to the posts borne in the Directorate General Mines & Minerals, Khyber Pakhtunkhwa, specified in column No. 2 of the said Appendix.

Secretary to Govt. of Khyber Pakhtunkhwa
Minerals Development Department

Dated Peshawar the 17th September 2010

Indst. No. SO-Admn(MD)1-6/88 Vol-V

Copy is forwarded to:-

- All Administrative Secretaries to Government of Khyber Pakhtunkhwa
- The Secretary to Governor, Khyber Pakhtunkhwa
- The Principal Staff Officer to Chief Minister, Khyber Pakhtunkhwa
- The Director General, Mines & Minerals, Khyber Pakhtunkhwa
- All Heads of Attached Department
- All DCO's/PA's in Khyber Pakhtunkhwa
- All District & Sessions Judges, Khyber Pakhtunkhwa
- The Registrar, Peshawar High Court, Peshawar
- The Secretary Board of Revenue, Khyber Pakhtunkhwa, Peshawar
- The Registrar, Khyber Pakhtunkhwa Services Tribunal, Peshawar
- PS to Minister for Minerals Development, Khyber Pakhtunkhwa, Peshawar
- The Section Officer (C&M), Government of Khyber Pakhtunkhwa, Establishment Department
- The Manager, Printing Press, Peshawar with the request to furnish fifty printed copies of the Gazette notification to this Department.

(SYED WALIKHAN)
Section Officer (Admn)

APPENDIX
DIRECTORATE GENERAL MINES AND MINERALS

1. Nomenclature of the post.	2. Minimum qualification for appointment by initial recruitment.	3. Age limit.	4. Method of recruitment.
Director General Mines and Minerals (BPS-20)			(a) By promotion, on the basis of selection on merit, from amongst the Director Exploration (Minerals), Director Licensing, Chief Inspector of Mines and Commissioner Mines Labour Welfare having at least seventeen years service in BPS-17 and above, and in case of persons initially appointed in BS-18 the length of service for promotion to the post shall be twelve years in BPS-18 and above; or. (b) by transfer from the provincial Government Department.
EXPLORATION PROMOTION DIVISION			
2. Director Exploration (Minerals) (BPS-19)			By promotion, on the basis of seniority-cum-fitness, from amongst the Deputy Directors (Exploration) with at least twelve years service in BPS-17 and above.
3. Deputy Director (Exploration) (BPS-18)			By promotion, on the basis of seniority-cum-fitness, from amongst the Assistant Directors (Geologist) and Assistant Directors (Mining Engineer) with at least five years service as such.
4. Manager Geographical Information System (GIS) (BPS-18)	(a) Master's Degree in Geographical Information System (GIS) or Computer Science or equivalent qualification from recognized University; and (b) minimum of five years Geo-graphical Information System related experience from a reputed Organization.	25 to 45 years.	By initial recruitment.
5. Assistant Director (Geologist) (BPS-17)	Master's Degree in Geology from a recognized University	21 to 30 years.	(a) By initial recruitment; or (b) if no suitable candidate is available for initial recruitment, then by transfer from amongst the Assistant Directors (Geologists).

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13	Cartographer/Draftsman (BPS-11)	Intermediate with Certificate or Diploma in Cartography from a recognized Board, with two years experience in AutoCAD/Geographical Information System Software.	21 to 32 years.	By initial recruitment.
LICENSING DIVISION				
14.	Director Licensing (BPS-19).			By promotion, on the basis of seniority-cum-fitness, from amongst the Deputy Directors (Technical), with at least twelve years service in BPS-17 and above.
15.	Deputy Director Technical (BPS-18).			By promotion, on the basis of seniority-cum-fitness, from amongst the Assistant Directors (Technical) (Mining Engineer)/ Geologists/Assistant Directors (Royalty), with at least five years service as such.
16.	Assistant Director Technical (Mining Engineer) (BPS-17).	Bachelor's Degree in Mining Engineering from a recognized University.	21 to 30 years.	(a) Thirty-five per cent by promotion, on the basis of seniority-cum-fitness from amongst the Mineral Development Officers (Technical) with at least five years service as such; (b) fifteen per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Mineral Development Officer (Non-Technical) with at least five years service as such; and (c) fifty per cent by initial recruitment.
17.	Geologist (BPS-17)	Master's Degree, in Geology from a recognized University.	21 to 30 years.	(a) Fifty per cent by initial recruitment; and (b) fifty per cent by promotion, on the basis of seniority-cum-fitness from amongst the Mineral Development Officers (Technical) with at least five years service as such.
18.	Assistant Director (Royalty) (BPS-17)			By promotion, on the basis of seniority-cum-fitness, from amongst the Mineral Development Officers (Non-Technical) with at least five years service as such.
19.	Assistant Director Survey and Drawing (BPS-17)			By promotion, on the basis of seniority-cum-fitness, from amongst the survey and drawing officers with at least five years service as such.
20.	Chief Draftsman (BPS-17)			By promotion, on the basis of seniority-cum-fitness, from amongst the Draftsmen with at least five years service as such.

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22	Mineral Development Officer (Non-technical) (BPS-16)			By promotion, on the basis of seniority-cum-fitness, from amongst the post of the Royalty Inspectors with at least seven years service as such.
23	Survey & Drawing Officer (BPS-16)			By promotion, on the basis of seniority-cum-fitness, from amongst the Surveyors with at least five years service as such.
24	Royalty Inspector (BPS-11)	Bachelor's Degree from a recognized University.	21 to 30 years	By initial recruitment.
25	Surveyors (BPS-11)	(a) Intermediate (Pre Engineering) or equivalent qualification from a recognized Board, (b) Mines Surveyors competency certificate under Mines Act, 1923; and (c) Certificate in Auto CAD from a recognized Institute.	18 to 30 years	By initial recruitment.
26	Draftsman (BPS-11)	(i) Secondary School Certificate or equivalent qualification from a recognized Board; and (ii) Diploma or Certificate in Draftsmanship / Survey from a recognized Institute.	18 to 30 years	(a) Fifty per cent by initial recruitment; and (b) Fifty per cent by promotion, on the basis of seniority-cum-fitness from amongst the Tracer with at least five years service as such.
26-A	Royalty Sub Inspector (BPS-09)	Intermediate or equivalent qualification from a recognized Board.	18-30 years	(a) 30% by promotion, on the basis of seniority-cum-fitness, from amongst the Mineral Guards having Intermediate Certificate with seven years service, as such, (b) 70% by initial recruitment.
27	Tracer (BPS-5)	Secondary School Certificate or equivalent qualification with drawing as one of the subject from a recognized Board.	18 to 30 years	(a) 80% by promotion, on the basis of seniority-cum-fitness from amongst the Ferro Printers with at least two years service as such, and (b) 20% by initial recruitment <i>(Notification dated 20.08.2011)</i>
28	Ferro Printer (BPS-2)	Secondary School Certificate from a recognized Board.	18 to 30 years	By initial recruitment; and
29	Chainman (BPS-1)	Secondary School Certificate from a recognized Board.	18 to 30 years	By initial recruitment; and
30	Mineral Guard (BPS-1)	Secondary School Certificate from a	18 to 30	By initial recruitment; and

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21.	Mineral Development Officer (Technical) (BPS-16)	Bachelor's Degree in Mining Engineering or Master's Degree in Geology from a recognized university	21-32 21-30 years	By initial recruitment.
22.	Mineral Development Officer (Non technical) (BPS-16)			By promotion, on the basis of seniority-cum-fitness, from amongst the post of the Royalty Inspectors with at least 10 years service as such.
23.	Survey & Drawing Officer (BPS-16)	Bachelor's Degree from a recognized university	21-30 years	By promotion, on the basis of seniority-cum-fitness, from amongst the Surveyors with at least five years service as such.
24.	Royalty Inspector (BPS-11)			By initial recruitment.
25.	Surveyors (BPS-11)	(a) Intermediate (P/E Engineering) or equivalent qualification from a recognized Board; (b) Mines Surveyors competency certificate under Mines Act, 1923; and (c) Certificate in Auto-CAD from a recognized institute.	18-30 years	By initial recruitment
26.	Draftsman (BPS-11)	(i) Secondary School Certificate or equivalent qualification from a recognized Board; and (ii) Diploma or Certificate in Draftsmanship/ Survey from a recognized institute.	18-30 years	(a) Fifty per cent by initial recruitment; and (b) Fifty per cent by promotion, on the basis of seniority-cum-fitness from amongst the Tracer with at least five years service as such.
27.	Tracer (BPS-5)	Secondary School Certificate or equivalent qualification with drawing as one of the subject from a recognized Board.	18-30 years	(a) Eighty ^{20%} per cent by initial recruitment; and (b) Twenty ^{80%} per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Ferro Printer with at least two years service as such.
28.	Ferro Printer (BPS-2)	Secondary School Certificate from recognized Board	18-30 years	By initial recruitment.

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18-32

18 to 30 years

18 to 30 years

18-32

Chainman (BPS-01)
Mineral Guard (BPS-01)

Secondary School Certificate from a recognized Board.
Secondary School Certificate from a recognized Board.

By initial recruitment.
By initial recruitment.

INSPECTORATE OF MINES LABOUR WELFARE

31

Chief Inspector of Mines/Commissioner Mines Labour Welfare (BPS-19).

(a) By promotion, on the basis of seniority-cum-fitness, from amongst the Senior Inspectors of Mines and Deputy Commissioner Mines Labour Welfare with at least twelve years service in SPS-17 and above; or
(b) if no suitable candidate is available for promotion then by transfer.

32

Deputy Commissioner Mines Labour Welfare (BPS-18).

Bachelor's Degree in Mining Engineering from a recognized University with at least seven years experience in the relevant field.

25 to 40 years.

(a) By promotion, on the basis of seniority-cum-fitness, from amongst the Assistant Commissioners of Mines Labour Welfare with at least five years service as such; or
(b) if no suitable candidate is available for promotion then by initial recruitment.

33

Senior Inspector of Mines/Rescue Superintendent (BPS-18).

By promotion, on the basis of seniority-cum-fitness, from amongst the Inspector of Mines/Instructor with at least five years service as such.

34

Inspector of Mines / Instructor (BPS-17).

- (a) Bachelor's Degree in Mining Engineering from a recognized University;
- (b) First Class Mines Managers Certificate of competency granted under the provisions of the Mines Act, 1923; and
- (c) two years experience in Govt or Semi-Govt Mining Industries registered under the Mines Act, 1923.

21 to 33 years.

By Initial recruitment.

Note:
In case of non availability of candidates possessing the qualification at clause (b) above, a candidate possessing the remaining qualification and experience may be appointed, provided that he shall have to pass First Class Mines Manager's Certificate of competency during the probation period failing which his services shall be terminated.

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35.	Assistant Commissioner Mines Labour Welfare (BPS-17).	Bachelor's Degree in Mining Engineering or Master's Degree in Social Sciences from a recognized University.	21 to 32 years.	By initial recruitment.
36.	Rescue Apparatus Technician (BPS-16).	Three years Diploma in Mechanical Technology from a recognized Polytechnic Institution.	21 to 30 years.	By initial recruitment.
37.	Rescue Supervisor (BPS-16).	Bachelor's Degree in Mining Engineering from a recognized University.	21 to 30 years.	By initial recruitment.
38.	Secretary Mines (BPS-16).			By promotion, on the basis of seniority-cum-fitness, amongst the Project Mechanic with at least three years service at such.
39.	Project Mechanic (BPS-14)	Three years Diploma in Electrical or Mechanical Engineering from a recognized Institute. Preference will be given to the candidate having some experience in the field.	21 to 30 years.	By initial recruitment.
40.	Overseer (BPS-14).	Three years Diploma in Civil Engineering from a recognized Institute.	21 to 32 years.	By initial recruitment.
41.	Medical Technician (BPS-11).	(a) Secondary School certificate with science, from a recognized Board; (b) Certificate of Medical Technician from a recognized Medical Faculty; and (c) two years experience, in the relevant field.	18 to 30 years.	By initial recruitment.
MINERALS TESTING LABORATORY				
42.	Chief Geochemist (BPS-19).	Master's Degree in Chemistry or Geology from a recognized University with twelve years experience in Mineral Testing/Analysis and Mineralogical Studies respectively.		(a) By promotion, on the basis of seniority-cum-fitness, from amongst the Senior Chemists and Senior Mineralogists with at least twelve years service in BPS-17. and above: (b) if no suitable officer is available for promotion then by initial recruitment.

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43	Principal Research Officer (BPS-19)	<p>(a) Bachelor's Degree in metallurgical or Mining Engineering from a recognized University; and</p> <p>(b) at least twelve years experience of Research Development work for Mineral Processing, Up-gradation, Concentration or Extraction conducted in any reputable Research and Development Organization or Mineral Processing Laboratory or Mineral Based Industry.</p>	30 to 45 years.	<p>(a) By promotion, on the basis of seniority-cum-fitness, from amongst the Senior Mineral Processing Engineers with at least twelve years service in BPS-17 and above; or</p> <p>(b) if no suitable officer is available for promotion then by initial recruitment.</p>
44.	Senior Chemist (BPS-18).			By promotion on the basis of seniority-cum-fitness from amongst the Assistant Chemists with at least five years service in BPS-17 as such.
45.	Senior Mineral Processing Engineer (BPS-18)	<p>(a) Bachelor's Degree in Metallurgical or Mining Engineering from a recognized University; and</p> <p>(b) at least seven years experience of Research and Development work for Mineral Processing, Up-gradation, Concentration or Extraction, conducted in any reputable Research and Development Organization or Mineral Processing Laboratory or Mineral Based Industry.</p>	28 to 40 years.	By initial recruitment.
46.	Senior Mineralogist (BPS-18).			By promotion, on the basis of seniority-cum-fitness, from amongst the Assistant Mineralogists and Assistant Gemologists with at least five years service in BPS-17 as such.
47.	Assistant Gemologist (BPS-17)	Master's Degree in Geology with Specialization in Mineralogy / Petrology from a recognized University.	25 to 35 years.	By initial recruitment.
48.	Assistant Mineralogist (BPS-17)	Master's Degree in Geology with specialization in Mineralogy/Petrology from a recognized University.	21 to 32 years.	By initial recruitment.
49.	Assistant Chemist (BPS-17).	Master's Degree in Chemistry with specialization in Inorganic/Analytical, or Applied Chemistry from a recognized University.	21 to 32 years.	By initial recruitment.

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50	Laboratory Technician (BPS-14)	Intermediate from a recognized Board with Diploma in Mechanical, Chemical or Electrical from a recognized Technical Board with seven years experience in the relevant field.	21 to 32 years.	(a) By promotion, on the basis of seniority-cum-fitness, from amongst the Junior Laboratory Technician with at least five years service in BPS-11 and above. (b) If no suitable person is available for promotion then by initial recruitment.
51.	Junior Laboratory Technician (BPS-11)	Secondary School Certificate from a recognized Board with Diploma in Chemical / Mechanical or Electrical Technology from a recognized Technical Board with at least five years experience in the relevant field.	21 to 32 years.	By initial recruitment.
52.	Electrical Supervisor (BPS-10)	Secondary School Certificate with Diploma in Electrical Technology from a recognized Technical Board with at least five years experience of work as Electrician in any reputable Organization.	18 to 32 years.	By initial recruitment.
53.	Laboratory Attendant (BPS-1)	Literate.	18 to 32 years.	By initial recruitment.
COMMON POSTS				
54.	Assistant Director (Administration) (BPS-17)			By promotion, on the basis of seniority-cum-fitness, from amongst the Administrative Officers having three years experience as Administrative Officer.
55.	Assistant Director (Accounts) (BPS-17)			By promotion, on the basis of seniority-cum-fitness, from amongst the Budget and Accounts Officers having three years experience as Budget and Accounts Officer.
56.	Assistant Director (Planning and Development) (BPS-17)	(a) Bachelor's Degree in Mining Engineering, from a recognized University; or (b) Master in Business Administration, Commerce, Geology and Economic from a recognized University.	21 to 32 years.	By initial recruitment.

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Senior Clerk
(BPS-03)

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Junior Clerk
(BPS-07)

- (i) Secondary School Certificate or equivalent qualification from a recognized Board; and
- (ii) a speed of 30 words per minute in typing.

18 to 32 years.

By promotion, on the basis of seniority-cum-fitness, from amongst the Junior Clerks with at least five years service as such.

- (a) Thirty-three per cent by promotion, from amongst BPS-01 and BPS-02, who have passed Secondary School Certificate from recognized Board and have at least two years service as such; and
- (b) sixty seven per cent by initial recruitment.

Note: A candidate passing the examination earlier shall rank senior the candidates passing the examination later, provided that if two or more candidates have passed the said examination in the same session. The candidate, older in age shall rank senior to the younger candidate.

66.

Crue-man
(BPS-05)

- (i) Secondary School Certificate with science, from a recognized Board; and
- (ii) Mine Sardar Certificate granted under the Coal Mines Regulation, 1926.

18 to 30 years.

Note: Preference shall be given to the candidate, having experience in rescue and recovery, as rescue apprentice, at any recognized Mines Rescue and Safety Station.

By initial recruitment.

67.

Tube-well Operator
(BPS-05)

Secondary School Certificate from a recognized Board.

Note: Preference shall be given to the candidate, having some experience, in Tube-well Operations.

18 to 30 years.

By initial recruitment.

68.

Driver
(BPS-04)

- (i) Literate; and
- (ii) in possession of a valid HTV/LTV Driving License with five years practical experience.

18 to 32 years.

By initial recruitment.

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	Daftari (BPS-02)	Middle passed.	18 to 28 years. 18-32	(a) Fifty per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Naib Qasids; and (b) fifty per cent by initial recruitment.
70.	Naib Qasid (BPS-01)		18 to 28 years. 18-32	By Initial recruitment.
71.	Chowkidar (BPS-01)		18 to 28 years. 18-32	By Initial recruitment.
72.	Mali (BPS-01)	Gardening experience.	18 to 30 years. 18-32	By initial recruitment.
73.	Sweeper (BPS-01)		18 to 28 years. 18-32	By initial recruitment.

SECRETARY TO GOVERNMENT OF THE KHYBER PAKHTUNKHWA
MINERALS DEVELOPMENT DEPARTMENT.


Section Officer (Admin.)
Government of N.W.F.P.
Mineral Dev. Department,
Peshawar.

AM-804
22



KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, THURSDAY, 4TH JANUARY, 2018.

**GOVERNMENT OF KHYBER PAKHTUNKHWA
MINERALS DEVELOPMENT DEPARTMENT**

NOTIFICATION

Peshawar dated the 28.12.2017.

No.SO.E/MDD/2-1/2017.-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, the Minerals Development Department in consultation with the Establishment and the Finance Departments, hereby directs that in this Department's Notification No. SO-Admn (MD) 1-6/88 Vol-V, dated 17/10/2010, the following further amendments shall be made, namely:

AMENDMENTS

In the Appendix,-

- (a) against serial No. 1, in column No. 5, for the existing entries, the following shall be substituted, namely:
- "(a) By promotion on the basis of seniority-cum-fitness from amongst the Additional Director General, Director Licensing and Director Exploration, having at least seventeen years service in BPS-17 and above, and in case of persons initially appointed in BPS-18 the length of service for promotion to the post shall be twelve years with successful completion of Senior Management Course; or
- "(b) if no eligible officer is available for promotion then by transfer of an officer from the Provincial Government.";
- (b) after serial No. 1, the following new serial No. alongwith the entries in the respective columns shall be inserted, namely:

"1(A)	Additional Director General (BPS-19)	---	---	By transfer from amongst the Director Licensing and Director Exploration.";
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- (c) after serial No. 3, the following new serials No's. alongwith the entries in the respective columns shall be inserted, namely:

"3(A)	Deputy Director Surveillance (BPS-18)	At least Second Class Bachelor's Degree in Mining Engineering from a recognized University with minimum seven (7) years experience in the relevant field.	25 to 40 Years.	(a) By promotion on the basis of seniority-cum-fitness, from amongst the Assistant Director Surveillance having second class Bachelor's Degree in Mining Engineering with at least five years service as such; or
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			25 to 40 Years.	(b) if no suitable officer is available, then by initial recruitment. 32/18
3(B)	Deputy Director (Survey and Drawing) (BPS-18)	At least Second Class Bachelor's of Sciences (Four years in Civil Engineering) or its equivalent qualification from a recognized University with at least seven years experience in the relevant field as such.	25 to 40 Years.	(a) By promotion on the basis of seniority-cum-fitness, from amongst the Assistant Directors (Survey and Drawing)/ Chief Draftsmen with at least five years service as such; or (b) if no suitable officer is available for promotion then by initial recruitment.
3(C)	Deputy Director (Planning) (BPS-18)	At least Second Class Master's Degree in Business Administration, Commerce, Economics, Statistics, Public Administration or at least second class Bachelor's Degree in Mining Engineering or Bachelor's of Sciences in Geology (Four years) or equivalent qualification from a recognized University with at least seven years experience in the relevant field as such.	25 to 40 Years.	(a) By promotion on the basis of seniority-cum-fitness, from amongst the Assistant Directors (Planning and Development) with at least five years service as such; or (b) if no suitable officer is available for promotion then by initial recruitment.";

(d) against serial No. 5, in columns No. 3, 4 and 5, the following shall respectively be substituted, namely:

"At least Second Class Master's Degree in Geology or Second Class Bachelor's of Science in Geology (four years) or equivalent qualification from a recognized University.	21 to 32 Years.	By initial recruitment: Provided that if no suitable candidate is available for initial recruitment, then by transfer of a suitable officer from other Departments having qualification prescribed for initial recruitment.";
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(e) after serial No. 6, the following new serial No's. alongwith the entries in the respective columns shall be inserted, namely:

(j) against serial No. 24, in column No. 3 and 5, for the existing entries, the following shall respectively be substituted, namely:

"At least Second Class Bachelor's Degree or equivalent qualifications from a recognized University.	By promotion on the basis of seniority-cum-fitness, from amongst the Royalty Sub-Inspectors having five 5 years service as such."
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(j) against serial No. 25, in column No. 3 and 4, for the existing entries, the following shall respectively be substituted, namely;

"At least Second Class Intermediate with Mines Surveyors Competency Certificate granted under the Mines Act, 1923, or Second Class Diploma in Aeronic Engineering or DAE (Civil) from a recognized Board of Technical Education.	21 to 32 years";
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33/A

(k) against serial No. 26, in column No. 3, 4, and 5, for the existing entries, the following shall respectively be substituted, namely;

"At least Second Class Secondary School Certificate or equivalent qualification from a recognized Board. with three years Diploma in Civil Technology and AutoCAD from a recognized Board of Technical Education.	18 to 32 Years.	(a) Twenty five (25%) percent by promotion on the basis of seniority-cum-fitness from amongst the Tracers with at least five years service as such.; and (b) seventy five (75%) percent by initial recruitment";
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(l) after serial No. 26, the following new serial No's. alongwith the entries in the respective columns shall be inserted, namely;

"26(A)	Royalty Sub Inspector (BPS-10)	At least Second Class Intermediate or equivalent qualification from a recognized Board.	18 to 32 Years.	(a) Fifty (50%) percent by promotion on the basis of Seniority-cum-fitness from amongst the Mineral Guards having the qualification prescribed for initial recruitment with five years' service as such; and (b) fifty (50%) percent by initial recruitment.
26(B)	Store Keeper (BPS-08)	At least Second Class Intermediate or equivalent qualification from a recognized Board.	18 to 32 Years.	By initial recruitment.
26(C)	Telephone Exchange Operator (BPS-06)	At least Second Class Secondary School Certificate from a recognized Board.	18 to 32 Years.	By initial recruitment.

26(d)	Electrician (BPS-06)	At least Second Class Secondary School Certificate from a recognized Board with Electrical Diploma from a recognized Technical Training or Vocational Center.	18 to 32 Years	By initial recruitment.”;
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- (m) against serial No. 27, in column No. 2, 3 and 4, for the existing entries, the following shall respectively be substituted, namely;

“Tracer (BPS-6)	At least Second Class Secondary School Certificate or equivalent qualification with Drawing as one of the subjects from a recognized Board.	18 to 32 Years.”;
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- (n) against serial No. 28, in column No. 2, 3 and 4, for the existing entries, the following shall respectively be substituted, namely;

“Ferro Printer (BPS-4)	At least Second Class Secondary School Certificate or equivalent qualification from a recognized Board.	18 to 40 Years.”;
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- (o) against serial No. 29, in column No. 2, 3 and 4, for the existing entries, the following shall respectively be substituted, namely;

“Chainman (BPS-3)	At least Second Class Secondary School Certificate or equivalent qualification from a recognized Board.	18 to 40 Years.”;
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- (p) against serial No. 30, in column No. 2, 3 and 4, for the existing entries, the following shall respectively be substituted, namely;

“Mineral Guard (BPS-3)	At least Second Class Secondary School Certificate or equivalent qualification from a recognized Board.	18 to 40 Years.”;
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- (q) against serial No. 47, in column No. 3, for the existing entries, the following shall be substituted, namely;

“At least Second Class Master’s Degree in Geology or Second Class Bachelor’s of Science in Geology (four years) or equivalent qualification from a recognized University with Certificate Diploma in Gemology from a recognized Board.”;

- (r) against serial No. 48, in column No. 3, for the existing entries, the following shall be substituted, namely;

“At least Second Class Master Degree in Geology or Second Class Bachelor’s of Science in Geology (four years) or equivalent qualification from a recognized University preferably with Mineralogy or Petrology as one of the subjects.”;

- (s) against serial No. 49, in column No. 3, for the existing entries, the following shall be substituted, namely;

“At least Second Class Master’s Degree in Chemistry or B.S in Chemistry (four year) with Specialization in Inorganic, Analytical or Applied Chemistry or equivalent qualification from a recognized University.”;

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- (t) against serial No. 53, in columns No. 2, 3 and 4, for the existing entries, the following shall respectively be substituted, namely;

"Laboratory Attendant (PBS-3)	At least Second Class Secondary School Certificate or equivalent qualification from a recognized Board.	18 to 40 Years.";
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34/A

- (u) against serial No. 69, in column No. 2 and 5, for the existing entries, the following shall respectively be substituted; namely;

"Daftari (BPS-4)	By promotion, on the basis of seniority-cum-fitness, from amongst the Naib Qasids having Second Class Secondary School Certificate from a recognized Board.";
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- (v) against serial No. 70, in columns No. 2, 3 and 4, for the existing entries, the following shall respectively be substituted, namely;

"Naib Qasid (BPS-3)	At least Second Class Secondary School Certificate from a recognized Board.	18 to 40 Years.";
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- (w) against serial No. 71, in columns No. 2, 3 and 4, for the existing entries, the following shall respectively be substituted, namely;

"Chowkidar (BPS-3)	Literate.	18 to 40 Years.";
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- (x) against serial No. 72, in column No. 2 and 4, for the existing entries, the following shall be substituted, namely;

"Mali (BPS-3)	18 to 40 Years"; and
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- (y) against serial No. 73, in column No. 2 and 4, for the existing entries, the following shall be substituted, namely;

"Sweeper (BPS-3)	18 to 40 Years".
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SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA,
MINERALS DEV: DEPARTMENT



Annex. (A)

PROVINCIAL CIVIL SERVICE OFFICERS' ASSOCIATION

Dated: 17/06/2015

To, Honorable Chief Minister,
Government of Khyber Pakhtunkhwa.

B-35

Subject: EXECUTIVE ALLOWANCE FOR CIVIL SERVANTS (PMS/PAS)

Dear Sir,

Reference to meeting with your good self on the issues of PMS Officers, dated 29/ 09/ 16, it is submitted that the PMS Officers are paid far less salaries vis-à-vis other cadres as well as the private sector. Besides, the salary package is meager given the level of responsibilities and challenging job of the PMS/ PAS Officers. The current pay structure is a source of demotivation thus affecting our efficiency and officers may resort to unfair means merely to fulfill their basic needs.

In light of the above, it is requested to review the pay structure of the PMS/PAS, which would lead to efficient service delivery and good governance. This Association has worked out a comprehensive package. A self-contained report is enclosed herewith. The financial implications are as follows:

FINANCIAL IMPLICATION OF PROPOSED EXECUTIVE ALLOWANCE (@2.5 INITIAL BASIC PAYS)

Grades	Sanctioned strength	PAS	PMS	Initial Basic Pays	Executive Allowance	Annual Financial Implication
17	726	48	678	25,440	63600	554,083,200
18	183	73	110	31,890	79725	175,076,100
19	122	61	61	49,370	123425	180,694,200
20	73	44	29	57,410	143525	125,727,900
21	16	10	6	63,780	159450	30,614,400
22	1	1	0	68,540	171350	2,056,200
GT	1121	237	884			1,058,252,000

APPROVED
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Provision for 20%
Vacancies

(10% 825,200)

213,650,400

TOTAL

APPROVED
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851,601,600

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TOTAL FINANCIAL IMPACT IS RS 85.4 CRORE PER ANUM

As evident from the above tables, the total financial implication of executive allowance from BPS 17 to BPS 22 is less than a billion.

NOTE: THE EXPENDITURE IS 8.5 % OF THE HPA.

The aforementioned proposal is submitted for consideration please.



Coordinator,
PCS Officer Association, KP

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Com

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ATTESTED



37

CHIEF MINISTER'S SECRETARIAT
KHYBER PAKHTUNKHWA

No. SO (Admn)/CMS/KP/2016
Dated Peshawar the, 11th November, 2016

To

The Secretary to Government of Khyber Pakhtunkhwa,
Establishment Department.


Subject:- EXECUTIVE ALLOWANCE FOR CIVIL SERVANTS (PMS/PAS)

Dear Sir,

I am directed to forward herewith a copy of self-contained letter of Coordinator, PCS Association, Khyber Pakhtunkhwa bearing No. nil dated 17-06-2016, on the subject cited above for further necessary action, as desired by the Competent Authority, please.

Yours faithfully,

Encls: As above


(Usman Ali Shah)
Section Officer (Admn.)


Endst: Even No. & Date

Copy for information is forwarded to:-

1. Secretary to Government of Khyber Pakhtunkhwa, Finance Department alongwith a copy of the above quoted letter for similar action.
2. Coordinator, PCS Association, Khyber Pakhtunkhwa.
3. PS to Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.


Section Officer (Admn.)

Attested


Ali Shah


Ali Shah
20



GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT
(REGULATION WING)

Dated Peshawar the 02/02/2018

NOTIFICATION

No.FD(SOSR-II)8-7/2016-17. The Government of Khyber Pakhtunkhwa has been pleased to sanction Executive Allowance to the tune of 1.5 Initial Basic Pay per month as per Pay Scale 2017 to PAS, PCS and PMS officers working against scheduled posts of Establishment and Administration Department as per rates mentioned against each in the following table with immediate effect-

S #	Pay Scale	Initial Basic Pay	Rate of Executive Allowance Per Month
01.	PAS/PCS/PMS officers in BS-21	Rs.76,720/-	Rs.1,15,080 /-
02.	PAS/PCS/PMS officers in BS-20	Rs.60,090/-	Rs.1,03,635 /-
03.	PAS/PCS/PMS officers in BPS-19	Rs.59,210/-	Rs.88,815/-
04.	PAS/PCS/PMS officers in BS-18	Rs.30,350/-	Rs.57,525/-
05.	PAS/PCS/PMS officers in BS-17	Rs.30,370/-	Rs.45,550/-

The above allowance will be admissible subject to the following conditions:-

1. It will be admissible to PAS, PCS and PMS officers working against scheduled posts only.
2. Officers of other cadres working against scheduled posts are not entitled to the above allowance.
3. PAS, PCS and PMS officers posted against scheduled post and are in receipt of such allowances other than regular allowances shall be entitled to one of the allowances, whichever is more beneficial.
4. Executive Allowance shall not be counted towards pension and gratuity.
5. Executive Allowance will not be admissible to OSD posts and officers who are on leave reserve posts.

SECRETARY TO GOVERNMENT
OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT

ENDST: NO. & DATE EVEN.

1. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
3. Principal Secretary to Governor, Khyber Pakhtunkhwa.
4. The Senior Member Board of Revenue.
5. The Additional Chief Secretary FATA.
6. The Additional Chief Secretary P&D Department.
7. The Secretary KP-Public Service Commission, Peshawar.
8. All the Administrative Secretaries to Govt. of Khyber Pakhtunkhwa.
9. All the Divisional Commissioners in Khyber Pakhtunkhwa.
10. All the Deputy Commissioners in Khyber Pakhtunkhwa.
11. All the District Account Officers in Khyber Pakhtunkhwa.
12. Director, FMIU Finance Department.
13. PSO to Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
14. Budget Officer-IV, Finance Department.
15. The PS to Secretary Finance Department.
16. The PS to Special Secretary Finance Department.
17. The PA to Additional Secretary (Regulations), Finance Department.
18. Master File.

SECTION OFFICER (SR)

ATTENDED

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(39)

GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT
(REGULATION WING)

Dated Peshawar the 02 August, 2018

NOTIFICATION

No.FD(SOSR-II)8-7/2018-19: The Government of Khyber Pakhtunkhwa has been pleased to sanction Scheduled Post Allowance as per the following rates to the Police Officers serving against the scheduled posts in the Provincial Government of Khyber Pakhtunkhwa with effect from 1st November, 2018 :-

S.#	Pay Scales	Initial Basic Pay of Pay Scales 2017	Rate of Scheduled Post Allowance Per Month (@ 1.5 initial Basic Pays as per Pay Scales 2017)
i.	Additional IGs in BS-21	Rs.76,720/-	Rs.1,15,080/-
ii.	DIGs in BS-20	Rs.69,090/-	Rs.1,03,635/-
iii.	SSPs in BS-19	Rs.59,210/-	Rs.88,815/-
iv.	SPs in BS-18	Rs.38,350/-	Rs.57,525/-
v.	ASPs/DSPs in BS-17	Rs.30,370/-	Rs.45,550/-

2. The above allowance will be admissible subject to the following conditions:-
- It will not be counted towards pension or gratuity.
 - It will not be admissible in any kind of leave as well as during training, posting against OSD and leave reserve posts.
 - Risk Allowance and Fixed Daily Allowance will not be admissible to those Police Officers in BS-17 to BS 21 who will draw the Scheduled Post Allowance.
 - It will not be admissible to deputationists.
 - Officers of other cadres working against the scheduled posts are not entitled to the above allowance.

**SECRETARY TO GOVERNMENT
OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT**

Endst: No & Date Even

- The Accountant General, Khyber Pakhtunkhwa, Peshawar
- The Inspector General of Police, Khyber Pakhtunkhwa.
- The Additional Chief Secretary P&D Department.
- The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
- The Secretary to Govt of Khyber Pakhtunkhwa, Home & TA Department.
- All Regional Police Officers in Khyber Pakhtunkhwa.
- All District Police Officers in Khyber Pakhtunkhwa.
- All the District Accounts Officers in Khyber Pakhtunkhwa.
- Director, FMIU, Finance Department.
- PSO to Chief Secretary, Khyber Pakhtunkhwa, Peshawar
- Budget Officer-III, Finance Department.
- PS to Secretary Finance Department, Khyber Pakhtunkhwa.
- PS to Special Secretary Finance Department, Khyber Pakhtunkhwa.
- Assistant Director (HR Data Base), Finance Department.
- PA to Additional Secretary (Regulation), Finance Department.
- PA to Deputy Secretary (Regulation-II), Finance Department.

A. J. J. J.

(NAEEM TABASSUM)
SECTION OFFICER (SR-II)

02/08/18



Amrur. (C) 11
GOVERNMENT OF KHYBER PAKHTUNKHWA
IRRIGATION DEPARTMENT

SUMMARY FOR CHIEF MINISTER

D-40

Subject: DEMANDS OF THE KHYBER PAKHTUNKHWA ASSOCIATION OF GOVERNMENT ENGINEERS

The Khyber Pakhtunkhwa Association of Government Engineers are agitating and have forwarded demands for one step up-gradation on their existing basic pay scales, professional allowance and private practice (Annex-I). Members of the association are referring to the cases of some of the Irrigation officers, who after initial recruitment in BS-17 are still languishing in their existing pay scale even after serving for 27 years in the same scale which is unjustice. Similar is the case of Engineers in C&W, PHE and Local Government Departments where the Engineers have spent decades in their original scale of appointment.

2. A meeting of the Administrative Secretaries of Nation Building Department was held on 03.04.2018 in the committee room of Irrigation Department to examine the demands of engineers association. (Minutes attached at Annex-II). During the meeting, Secretary PHE Department while endorsing the demands of the association quoted the example of civil judges who are granted BS-18 on initial appointment. After detailed discussion it was recommended that promotion/up-gradation to the next higher grade may be granted to the incumbent engineers of all the nation building departments, if they otherwise fulfill the requirement of length of service prescribed in the service rules (Annex-III).

3. Referring to the other demand of Professional Allowance to govt. engineers the members agreed that since doctors working in govt. hospitals have been granted the professional allowance, therefore the same may also be allowed to engineers, being technical professionals.

A. J. J.

Amrur

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4. The Secretary Irrigation while presenting the demands of engineers stated that the doctors after working in govt. hospitals are allowed with private practice in their clinics. Similarly, the engineers being technical hands should have the right to private practice after office hours or even on Saturdays and Sundays for earning livelihood for their children by putting extra hard work, provided it does not affect their official obligations. The demand being genuine was agreed to be recommended that engineers may be granted permission for undertaking private practice after office hours on the analogy of permission to Doctors.

5. The case is submitted for perusal of the Chief Minister, Khyber Pakhtunkhwa and orders as deemed appropriate, please.)

(Signature)
13/04/2018
(Engr: Muhammad Naeem Khan)
Secretary Irrigation

Minister for Irrigation, Sports, Culture,
Archeology, Museum & Youth Affairs
Khyber Pakhtunkhwa

(Signature)
Mahmood Khan
Minister For Irrigation, Sport,
Culture, Archeology, Museums &
Youth Affairs Khyber Pakhtunkhwa.

Secretary, C & W Khyber Pakhtunkhwa

(Signature)
13/4/18

Secretary, PHED Khyber Pakhtunkhwa

(Signature)
13/4/18

Secretary, LG&RDD Khyber Pakhtunkhwa

(Signature)
13.4.2018
Page 2 of 3

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IMMEDIATE/SECRET



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT AND ADMN: DEPARTMENT
(CABINET WING)
No.SOC(E&AD)27-312/2018
Dated Peshawar the 05th June, 2018.

CABINET BUSINESS

Annul R. "E"

E - 42

To,

The Secretary to Govt. of Khyber Pakhtunkhwa,
Home & Tribal Affairs Department

SUBJECT: DECISION OF MEETING OF THE PROVINCIAL CABINET DATED 24.05.2018.

Dear Sir,

I am directed to forward herewith the following decision of the meeting of Provincial Cabinet held on 24.05.2018 under the chairmanship Chief Minister, Khyber Pakhtunkhwa for implementation.

NON AGENDA ITEM NO. 03

SCHEDULED POST ALLOWANCE FOR POLICE, PAS/PCS/PMS OFFICERS

Decision of the Cabinet:

After detailed briefing by the Secretary Finance on various aspects of the earlier approved Executive Allowance for the Officers of PAS/PCS/PMS and subsequent extension of the same for police officers, the Cabinet decided to change the nomenclature of "Executive Allowance" to that of "Scheduled Post Allowance" which would be applicable to both police officers and officers of PAS/PCS and PMS. The Cabinet further decided that the Risk Allowance and Fixed Daily Allowance admissible to police officers would be abolished in the wake of approval of subject Scheduled Post Allowance. The committee already constituted for the purpose shall identify and calculate the exact financial implication for the same & thereafter Finance Department shall issue necessary notification accordingly

Implementing Department: Home & TAs Department.

2. I am to request that an implementation report of the Cabinet decision as required under Rule 25 (2) of the Khyber Pakhtunkhwa Government Rules of Business, 1985 may kindly be furnished on top priority basis to the Cabinet Section, Administration Department.

Yours faithfully,

(QASIM JAN)

SECTION OFFICER (CABINET)

ATTESTED

Attested
20/6/18

Attested
20/6/18



Annex
Government of Khyber Pakhtunkhwa
Finance Department
(Regulation Wing)

F-43

Dated Peshawar the 19th October, 2018

NOTIFICATION

No FD (SO SR-II) 8-7/2018-19: The Government of Khyber-Pakhtunkhwa has been pleased to sanction Technical Allowance as per the following rates to Engineers holding Engineering qualification from the accredited engineering programme of Higher Education Institutions (HEI) / Universities duly recognized by Higher Education Commission (HEC) and registered with Pakistan Engineering Council (PEC), serving against the sanctioned posts in the C&W, Irrigation, Public Health Engineering and Local Government Departments, Govt. of Khyber-Pakhtunkhwa with effect from 1st November 2018 :-

S.#	Pay Scales	Initial Basic Pay of Pay Scales 2017	Rate of Technical Allowance Per Month (@ 1.5 initial Basic Pays as per Pay Scales 2017)
i.	Engineers in BS - 20	Rs 69,090/-	Rs 1,03,635/-
ii.	Engineers in BS - 19	Rs 59,210/-	Rs 88,815/-
iii.	Engineers in BS - 18	Rs 38,350/-	Rs 57,525/-
iv.	Engineers in BS - 17	Rs 30,370/-	Rs 45,550/-

2. The above allowance will be admissible subject to the following conditions:-
- It will not be counted towards pension or gratuity.
 - It will not be admissible in any kind of leave as well as posting against OSD and leave reserve posts.
 - The Engineers in receipt of such allowances other than regular allowances as classified under major object A012-1 A012-2 shall be entitled to one of the allowances, whichever is more beneficial.
 - It will not be admissible to deputationists.

Secretary to Government
of Khyber Pakhtunkhwa
Finance Department

Endst: No & Date Even

1. The Accountant General, Khyber Pakhtunkhwa, Peshawar
2. The Additional Chief Secretary P&D Department
3. The Principal Secretary to Chief Minister, Khyber-Pakhtunkhwa
4. All the Administrative Secretaries to Govt of Khyber-Pakhtunkhwa
5. All the Divisional Commissioners in Khyber-Pakhtunkhwa
6. All The Deputy Commissioners in Khyber-Pakhtunkhwa
7. All the District Accounts Officers in Khyber-Pakhtunkhwa
8. Director, FMIU, Finance Department
9. PSO to Chief Secretary, Khyber-Pakhtunkhwa, Peshawar
10. All Budget Officer, Finance Department
11. PS to Secretary Finance Department
12. PS to Special Secretary Finance Department
13. Assistant Director (HR Data Base) Finance Department
14. PA to Additional Secretary (Regulation) Finance Department
15. PA to Deputy Secretary (Regulation-II), Finance Department

(Naeem Tabassum)
Section Officer (SR-II)

10-18

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GOVERNMENT OF
KHYBER PAKHTUNKHWA

MINERALS DEVELOPMENT DEPARTMENT

FIRST FLOOR AHQI WALI KHAN MULTIPLEX, CIVIL SECRETARIAT, PESHAWAR PH# 091-9223558

SUMMARY FOR THE CHIEF MINISTER

Subject: APPROVAL OF TECHNICAL ALLOWANCE FOR ENGINEERS WORKING IN MINERALS DEVELOPMENT DEPARTMENT KHYBER PAKHTUNKHWA.

Minerals Development Department Khyber Pakhtunkhwa is a technical department. Engineers serving in its three attached Departments i.e Directorate General Mines & Minerals, Inspectorate of Mines & Commissionerate of Mines Labour Welfare. All the Engineers working in these three departments are also registered with Pakistan Engineering Council, and are part of the Khyber Pakhtunkhwa Association of Government Engineers. (Annex-A).

2. The provincial cabinet in its meeting held on 24/05/2018 accepted demands of the Khyber Pakhtunkhwa Association of Government Engineers (KPAGE) including approval of Technical Allowance @ 1.5 times of the initial basic pay scales to all Engineers working in the Provincial Government Departments w.e.f 01.07.2018. (Annex-B).

3. The cabinet vide meeting dated 15.10.2018 endorsed the previous decision of the Provincial Cabinet, wherein the chair directed that the decision of the Provincial Cabinet for extension of Technical Allowance to the Engineers working in provincial Government Departments may be implemented in letter & spirit. (Annex-C).

4. The Finance Department Khyber Pakhtunkhwa notified Technical Allowance w.e.f 01.11.2018 only to the Engineers serving against the sanctioned posts in the C&W, Irrigation, Public Health Engineering and Local Government Departments of Khyber Pakhtunkhwa at the rate of 1.5 times of the initial basic pay as per pay scales of 2017 vide notification dated 19.10.2018. However, the Engineers working in other Provincial Government Departments were ignored. (Annex-D).


All-Set
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Director


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5. In view of the foregoing paras, as the Provincial Cabinet has approved Technical Allowance for all engineers working in the Provincial Government Departments w.e.f 01.07.2018, therefore to implement the decision of the Provincial Cabinet referred to above in its true spirit, it is requested that the Chief Minister Khyber Pakhtunkhwa may allow the Technical Allowance per month at the rate of 1.5 initial basic pay as per pay Scales 2017 to the Engineers serving in the Minerals Development Department so that the Mining Engineers are not discriminated against Engineers of the other department who are allowed the said allowance.

6. Para-5 is submitted for perusal and approval of the Chief Minister Khyber Pakhtunkhwa please.


(SYED ALAMGIR SHAH)
Secretary to Govt. of Khyber Pakhtunkhwa
Minerals Development Department

MINISTER FOR MINERALS DEVELOPMENT
DEPARTMENT KHYBER PAKHTUNKHWA


Minister for Mines & Minerals
Development Department
Khyber Pakhtunkhwa
14/18

MINISTER FINANCE
KHYBER PAKHTUNKHWA

CHIEF SECRETARY
KHYBER PAKHTUNKHWA

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GOVERNMENT OF
KHYBER PAKHTUNKHWA

MINERALS DEVELOPMENT DEPARTMENT

First Floor Abdul Wali Khan Complex, Civil Secretariat

Ph# 091-9223558

No. SO (G)/MDD/1-11/2018-19/Vol-I 112744-47
Dated Peshawar, the December 19, 2018.

To

1. The Director General,
Mines and Minerals,
Khyber Pakhtunkhwa, Peshawar.
2. The Commissioner Mines,
Commissionerate of Mines, Peshawar.
3. The Chief Inspector of Mines,
Inspectorate of Mines, Peshawar.

Subject: - EXTENSION OF TECHNICAL ALLOWANCE TO THE MINING ENGINEERS WORKING IN INSPECTORATE OF MINES KHYBER PAKHTUNKHWA.

I am directed to refer to your letter Nos. DGMM/Admin/1/1(G)/2018/18718 dated 01.11.2018, No.Com/Mines/1430 dated 19.11.2018 and No. CIM/Admn/Allowance/2018/5472 dated 25.10.2018 on the subject noted above and to intimate that Finance Department, Govt: of Khyber Pakhtunkhwa has regretted its inability to approve Technical Allowance for the Engineers working in Minerals Development Department.

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Copy forwarded to:-

Section Officer (General)
Minerals Dev: Department

1. PS to Secretary Minerals Dev: Department, Govt: of Khyber Pakhtunkhwa.



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Section Officer (General)

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19/12/18

To

The Honorable Chief Secretary,
Government of Khyber Pakhtunkhwa, Peshawar.

I - (47)

Subject: APPEAL FOR NON-GRANT OF TECHNICAL ALLOWANCE TO THE ENGINEERS OF MINERALS DEVELOPMENT DEPARTMENT, KHYBER PAKHTUNKHWA.

Respected Sir,

With great reverence, it is stated that the Provincial Cabinet in its meeting dated 24-05-2018 approved Technical Allowance @1.5 times of the initial basic pay scale to all the engineers working in the Provincial Government Departments w.e.f 01-07-2018.

Pursuance to the said decision of the Provincial Cabinet, the Finance Department issued Notification on 19-10-2018 for sanction of technical allowance only to the engineers serving in C & W, Irrigation, PHE and Local Government Department, depriving the Engineers of Minerals Development Department from the said allowance. This act sheerly forms injustice and discrimination to the said class of Government Servants. The following few points are submitted for your favorable consideration.

1. The Minerals Development Government of Khyber Pakhtunkhwa is the administrative department consisting of three attached departments i.e. (i) Directorate General Mines & Minerals, (ii) Inspectorate of Mines and (iii) Commissionerate of Mines Labor Welfare.
2. All the engineers serving in the attached departments of Minerals Development department are holding engineering qualification from the accredited engineering universities duly recognized by Higher Education Commission and registered with Pakistan Engineering Council (PEC). (Detailed list attached as **Annexure-I**).
3. All the sanctioned posts, on which these engineers are serving, are purely technical with Mining Engineering Degree as the basic requirement.
4. Beside, registration with PEC, all Mining Engineers of the attached departments area also part of the Khyber Pakhtunkhwa Association of Government Engineers (KPAGE).
5. Following the path of the four departments to whom Technical Allowance has been sanctioned vide Notification No. FD(SO SR-II) 8-7/2018-19 dated 19-10-2018, the three attached departments of Minerals Development Department also submitted a summary to Secretary Finance Department with the request to approve Technical Allowance in favor of all the engineers working in the attached departments.
6. The Secretary Minerals Development Department vide letter No.SO(G)/MDD/1-11/2018-19/Vol-1/ 12744-47 dated 19.12.2018, conveyed the decision of Finance Department thereby regretting to approve the Technical Allowance to the Engineers serving in the three attached departments.

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7. Minerals Development Department Khyber Pakhtunkhwa is one of the main revenue generation Department of the Provincial Government. Total strength of serving engineers in such Department is less than forty. Extension of Technical Allowance to such Engineers will encourage them to serve more enthusiastically and will hold in boosting up Government revenue

8. All Engineers of Minerals Development Department perform Technical duties including:

- i. Far flung/hilly areas where no access exist.
- ii. Inspections regarding safety, implementation of laws, mining operation, mine design and construction including prospecting, exploration, development and exploitation.
- iii. Conduct assessment of mines for Royalty, excise duty, Pit mouth value, Fine etc. and Survey/demarcation.
- iv. Prepare technical reports, PC-I etc
- v. Prepare and sign mine working plans, development & exploitation schemes.
- vi. Imparting training to mine workers on modern mining techniques, mine rescue and safety.
- vii. Conduct rescue operations in underground mines, mine ventilation survey, detection of mine gases and reopening of underground mines abandoned due to noxious gases and fires.

9. Mining/Mineral is the base of all industries.

10. Presently Mineral/Mining is the only industry of Pakistan where huge potential of foreign/local investment exist with creation of thousands of jobs and value to National/Provincial exchequer.

In view of the above facts, it is requested your kind honour that the Engineers of Minerals Development Department may also be allowed Technical Allowance with effect from 19th November 2018 to dispense with the justice and remove the discrimination amongst the Engineers.

We hope that our appeal will be considered sympathetically and we will be given our due right having equal right working under one roof.

ATTENDED

APPELLANT

Gued Mufahid Ali Shah

(3) (8) J-49

IN THE PESHAWAR HIGH COURT PESHAWAR

W.P No. _____/2019

Engineer Ziarat Khan and others.....**Petitioners**

V E R S U S

Government of Khyber Pakhtunkhwa & Others.....**Respondents**

ADDRESS OF PARTIES

Petitioners:

1. Engineer Ziarat Khan, Commissioner Mines (BPS-19)
2. Engineer Mian Farooq Iqbal, Deputy Chief Inspector of Mines (BPS-19)
3. Engineer Mustafa Kamal, Director Licensing (BPS-19)
4. Engineer Fazli Wahid, Additional Director General Mines & Minerals (BPS-19)
5. Engineer Fazli Raziq, Chief Inspector of Mines (BPS-19)
6. Engineer Fazal Hussain, Director Planning & Mine Development Cell (BPS-19)
7. Engineer Yaqoob Nawaz, Director Licensing (BPS-19)
8. Engineer Syed Mujahid Ali Shah, Director Training (BPS-19)
9. Engineer Irshad Khan, Director Licensing (BPS-19)
10. Engineer Muhammad Zulkifal Khan, Deputy Director Technical (BPS-18)
11. Engineer Ishfaq Ahmad Saleem, Deputy Director Technical (BPS-18)
12. Engineer Siraf Ahamd Khan, Deputy Director Technical (BPS-18)
13. Engineer Hayat Ur Rehman, Deputy Director Technical (BPS-18)
14. Engineer Muhammad Tahir, Deputy Commissioner Mines (BPS-18)
15. Engineer Aamir Muhammad, Senior Mineral Processing Engineer (BPS-18)
16. Engineer Asmat Ali, Assistant Director (Technical) (BPS-17)
17. Engineer Kamran Ahmad, Assistant Director Mining Engineer (BPS-17)
18. Engineer Ihsan Ullah, Instructor (BPS-17)
19. Engineer Bilal Khan, Assistant Commissioner Mines (BPS-17)
20. Engineer Qasim Jamal, Deputy Director (Technical) (BPS-17)
21. Engineer Jalal Rasool, Assistant Director (BPS-17)
22. Engineer Mohsin Khan, Assistant Director (Technical) (BPS-17)
23. Engineer Ihsan Ud Din, Assistant Director (Technical) (BPS-17)
24. Engineer Bashir Ahmad, Assistant Director (Technical) (BPS-17)
25. Engineer Muhammad, Tahir Assistant Director (Technical) (BPS-17)
26. Engineer Falak Zaman, Assistant Director (Technical) (BPS-17)
27. Engineer Majid Ali Khan, Assistant Director (Technical) (BPS-17)
28. Engineer Naveed Iqbal, Assistant Director (Technical) (BPS-17)
29. Engineer Zulfiqar Ahmad, Assistant Director (Technical) (BPS-17)
30. Engineer Rehman Ud Din, Assistant Director (Technical) (BPS-17)
31. Engineer Umair Ul Hassan, Mineral Development Officer (Technical) (BPS-16)
32. Engineer Salman Jaleel, Assistant Commissioner Mines (BPS-17)
33. Engineer Rahman Ullah, Assistant Commissioner Mines (BPS-17)

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EXAMINER
Peshawar High Court



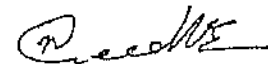
34. Engineer Fazl-e-Rabi Assistant Commissioner Mines (BPS-17)
All the Engineers are employees of the Minerals Development
Department, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.

Respondents:

1. Government of Khyber Pakhtunkhwa through Chief Secretary,
Civil Secretariat, Peshawar.
2. Secretary Establishment Department, Government of Khyber
Pakhtunkhwa Peshawar.
3. Secretary Finance Department, Government of Khyber
Pakhtunkhwa Peshawar.
4. Secretary Government of Khyber Pakhtunkhwa Mines and
Minerals Development Department, Civil Secretariat Peshawar.

Petitioners

Through

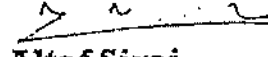


Naveed Akhtar

Advocate Supreme Court

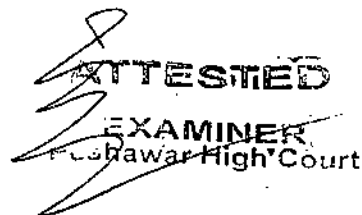
Date: __/01/2019

&



Altaf Siraj

Advocate High Court


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EXAMINER
Peshawar High Court


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**PESHAWAR HIGH COURT PESHAWAR
ORDER SHEET**



Date of Order or Proceedings	Order or other Proceedings with Signature of Judge or that of parties or counsel where necessary
1	2
10.03.2020	<p><u>Writ Petition No. 606-P/2019.</u></p> <p>Present: Naveed Akhtar, advocate for the petitioners.</p> <p>Syed Qaiser Shah, Addl. AG on behalf of respondents.</p> <p align="center">*****</p> <p><u>WAQAR AHMAD SETH, CJ:-</u> Through this constitutional petition, we intend to decide the instant petition as well as connected writ petition bearing No. 3698-P/2018, being identical in nature.</p> <p>2. Engineer Ziarat Khan, Commissioner Mines & others, petitioners herein aggrieved from the acts / inactions of respondents have directed this petition with the following relief:-</p> <p>a. It is, therefore, humbly prayed that on acceptance of this petition the impugned exclusion of the petitioners from benefits of the Technical Allowance through notification dated 19.10.2018 and subsequent refusal vide letter dated 19.12.2018 may kindly be declared illegal, unlawful, against the law and the constitution and thus ineffective upon the rights of the petitioners being discriminatory.</p> <p>b. It is further prayed that, the impugned decision conveyed vide letter dated 19.12.2018 may kindly be set aside and the Technical Allowance allowed to engineers.</p>

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EXAMINER
Peshawar High Court



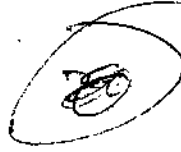
52

working in different government departments vide notification dated 19.10.2018 may kindly be extended to the petitioner as well.

3. Petitioners of the instant writ petition are Engineers, serving in the attached departments of Minerals Development Department, seeking grant of Technical Allowance on the analogy of notification No. FD (SO SR-II) 8-7/2018-19 dated Peshawar the 19th October, 2018 whereby the competent authority has granted Technical Allowance, to the Engineers holding Engineering qualification recognized by the Higher Education Commission, and serving against the sanctioned posts in the C&W, Irrigation, Public Health Engineering & Local Government Departments of Khyber Pakhtunkhwa; whereas petitioners of the connected writ petition quoted above, are Private Secretaries, performing their duties in the Civil Secretariat, have sought the grant of Executive Allowance rather Scheduled Post Allowance, on the analogy Notification No. FD (SOSR-II)8-7/2016-17 dated Peshawar the 02/02/2018, whereby the Competent Authority has granted Executive Allowance

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Peshawar High Cou.



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to the PAS / PCS & PMS Officers, working against the scheduled posts of Establishment & Administration Department. Learned Addl. AG at the very outset, objected to the maintainability of the writ petition in view of the judgment reported as 2018 PLC (CS) Note-40 and unreported judgment of this Court rendered in writ petition bearing No. 1226-A/2018 dated 30.05.2019, and states that allowances in question are part and parcel of the pay failing in terms and conditions of service, for which the Service Tribunal has the jurisdiction in view of Article-212 of the Constitution.

4. Although, learned counsel representing petitioners in rebuttal of the maintainability has also placed reliance on some reported judgments, however, we without going to the merits of the case, are of the view that let the matter be referred to the Chief Secretary, Govt. of Khyber Pakhtunkhwa, on the analogy of other writ petitions, referred to by this Court, with the direction to look into the matter and

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Peshawar High Court

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either pay the said allowance to all the eligible employees or none. The matter be decided within a period of three months, positively.

Chief Justice

Judge

DECLARIED TO BE TRUE COPY

Registrar
Peshawar High Court, Peshawar
Punjab, India under Article 87 of
the Constitution of India Order 1984

23 JUN 2020

No. 39544
 Date of Presentation of Application 23/6/2020
 No of Pages 27 - 37
 Copying Fee 286
 Total 286
 Date of Preparation of Copy 23/6/2020
 Date of Delivery of copy 23/6/2020
 Received By [Signature]

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SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT:

Mr. Justice Gulzar Ahmed, CJ
Mr. Justice Munib Akhtar
Mr. Justice Yahya Afridi

CIVIL PETITIONS NO.210-P AND 211-P OF 2020

(Against the order dated 10.03.2020, passed by the Peshawar High Court, Peshawar, in W.Ps. No.606-P of 2019 and 3698-P of 2018, respectively)

**Government of KPK through Chief Secretary,
Civil Secretariat, Peshawar and others** ...Petitioner(s)
(in both cases)

Versus

**Engineer Ziarat Khan and others
(in CP.210-P of 2020)**

**Muhammad Nawaz Khan and others
(in CP.211-P of 2020)** ...Respondent(s)

For the Petitioner(s)
(in both cases) : Barrister Qasim Wadood,
Additional Advocate General,
Khyber Pakhtunkhwa
Amanat Ullah Qureshi,
Deputy Secretary Finance, KP
Muhammad Anwar Khan,
S.O. Litigation-1,
Establishment Division, KP

For the Respondent(s)
(in both cases) : Mr. Naveed Akhtar, ASC

Date of Hearing : 19.11.2020

ORDER

GULZAR AHMED, CJ. We have heard the learned Additional Advocate General, Khyber Pakhtunkhwa and dictated in Court the following order: -

"The learned Additional Advocate General, Khyber Pakhtunkhwa, contends that pursuant to the impugned order dated 10.03.2020, the Chief Secretary, Government of Khyber Pakhtunkhwa has dealt with the matter as directed by the Peshawar High Court, Peshawar and passed order, stating that the respondents are not entitled

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[Signature]
Senior Court Associate
Supreme Court of Pakistan
Islamabad

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to grant of the allowance. He contends that against such order of the Chief Secretary, the respondents have filed COC No.389-P of 2020, in which the learned Division Bench of the High Court has passed the following order dated 01.09.2020:-

"Although, the compliance report has been placed on record, wherein the relief prayed by the petitioner is regretted, but the judgment of this Court, prima facie has not been complied with in its letter and spirit. Therefore, notice to the respondents to appear in person for framing of charge. Adjourned to a date in office."

He further contends that in the first place, the High Court has no jurisdiction in the matter in passing of the impugned order for the reason that the respondents are Civil Servants and the matter was with regard to their terms and conditions of service, and the High Court despite noting this objection and without entering upon the merits of the case has given direction to the Chief Secretary, which is not sustainable in law. He next contends that the very impugned order is not sustainable in law and even otherwise, such order has been complied with by the Chief Secretary, thus, no COC could have been filed and if at all, the respondents were aggrieved by the order of the Chief Secretary, they could have taken up the matter afresh before the appropriate forum.

2. The submissions made by the learned Additional Advocate General, Khyber Pakhtunkhwa, require consideration. Leave to appeal is granted to consider, *inter alia*, the same. The appeal stage paper-books be prepared from the available record with liberty to the parties to file additional documents, if any, within a period of one month. As the matter relates to service, the Office is directed to fix the appeal expeditiously, preferably after three months.

CMA's No.398-P and 399-P of 2020:

3. In the meantime, the operation of the impugned order dated 10.03.2020 so also the order dated

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Senior Court Associate
Supreme Court of Pakistan
Islamabad

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01.09.2020, passed in COC No.389-P of 2018, shall remain suspended."

2. Before the above order could be signed by the Bench, the learned counsel for the respondents has appeared and states that the respondents have no objection if the impugned order dated 10.03.2020 is set aside and the respondents are allowed to avail remedy before the appropriate forum.

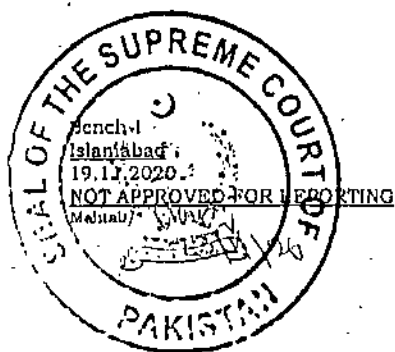
3. The learned Additional Advocate General has no objection to the submission of the learned counsel for the respondents that of setting aside the impugned order and converting these petitions into appeals and allowing the same.

4. Thus, by consent, the civil petitions are converted into appeals and allowed. Consequently, the impugned order dated 10.03.2020 is set aside. The respondents may avail remedy that may be permissible to them in accordance with law.

Sd/HCI

Sd/J

Sd/J



Certified to be True Copy

Senior Court Associate
Supreme Court of Pakistan
Islamabad

GR No: 17814/20
 Date of Presentation: 19-11-20
 No of Words: 90
 No of Folios: 7
 Requisition Fee Rs: 5-00
 Copy Fee In: 5-00
 Court Fee Stamps: 1-00
 Date of Completion of Copy: 24-11-20
 Date of Delivery of Copy: 24-11-20
 Compared by/Prepared by: [Signature]
 Received by: [Signature]



GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT
(REGULATION WING)

Peshawar, Dated the 29th July, 2020

L-58

OFFICE ORDER:

No.FD/SOSR-II/8-7/2020 Whereas, the Provincial Government of Khyber Pakhtunkhwa sanctioned Technical Allowance to the tune of 1.5 Initial Basic Pay per month as per Pay Scale of 2017 to the only Four Works Department i.e. C&W; Irrigation, Public Health Engineering & Local Govt Departments Engineers from BS-17 to BS-20 as per rates mentioned therein vide Finance Department Notification No.FD(SOSR-II)8-7/2018-19 Dated 19-10-2018 in pursuance of the approval of the Provincial Cabinet.

And whereas, the Engineers cadre of certain departments requested through proper representation for grant of the above allowance on the analogy of the Engineers of the Four Works Departments which was examined but not entertained, being not based on merit, in light of the approved cabinet decision and policy accordingly.

And whereas, following non-maintainability of their request by the Provincial Government the engineers of the Mines and Mineral Development Department filed a Writ Petition No. 606-P-2019 titled "Engr. Ziarat Khan & Others VS Chief Secretary Khyber Pakhtunkhwa & Others" in the Peshawar High Court, Peshawar in which they prayed for grant of the said allowance to their cadre on the analogy of the Engineers of Four Works Department.

And whereas, the Honourable Peshawar High Court, Peshawar in its judgment Dated 10-03-2020 and referred the case to Chief Secretary, Khyber Pakhtunkhwa to look into the matter and make decision within three months, positively.

And whereas, accordingly the Committee constituted by the Provincial Government under the Chairmanship of Minister Finance, examined the Court directions in the above Writ Petition in light of decision of the Provincial Cabinet on the subject and regretted the aforementioned allowance on the following grounds:

- I. That the Engineers working in 04 Departments i.e. C&W, Irrigation, PHE and LG&RD Department, to whom Technical Allowance has been allowed by the Provincial Government vide Notification No. FD(SOSR-II)8-7/2018-19 dated 19th October, 2018 are dealing totally with the infrastructure of the Province/Provincial Government. They are practically involved in Engineering Works like construction of Roads, Buildings, Canals, Drains and other construction/engineering works etc. throughout their duty hours and perform duties at field outside their offices. On many occasions they work overtime. While the Petitioners are not performing duties cited hereinbefore
- II. That the office timings for field formation are not fixed rather depends upon the quantum of work & number of sites which they visit/inspect. These inspections visits include far flung areas in same Districts, consumes time, energy and resources and application of technical/engineering skills. In case of defect/deficiency or any mis-

APPS

application on technical engineering skills. In case of defect / deficiency or any mis-happening abroad therein, the concerned engineer is held responsible for the less consequences. It is worth to mention that the petitioners do not undertake these duties as well.

III. That apart time filed work these engineers also manage the office work before start of proper the preparation of project estimates and contract / agreement etc. all these documents are technically checked by the engineers. Besides, field engineers are fully concerned with engineering and filed /office work and no relaxation for availing even Gazette holidays, whereas engineers of the other than 4 departments are not engaged with filed work only performing official assignment of duties and fully relax to avail all holidays where as the petitioners are performing normal duties in agriculture department.

IV. That similarly, the job / duty of engineers working in agriculture department is just desk type, having no application of engineering skill and do not involve practically in any type of construction work like constructions / maintenance of buildings, road, residential and non residential accommodations, maintenance and repair of roads, bridges, ferries, tunnels, rope ways, cause ways etc.

And where as, the matter was thereafter considered threadbare by Chief Secretary who also stated with aforesaid observation and now in light of the above intelligible differentia exist , the engineers who are granted "Technical Allowance" and the petitioner. Therefore, the petitioner being not entitled as per facts. Cabinet decision, policy and recommendations of the committee on the subject. The prayer of the engineers cadre of the concerned department made in the above mentioned writ petition filed in the Peshawar High Court, Peshawar is regretted being not stated of consideration and against the spirit of the cabinet decision of the provincial government Khyber Pakhtunkhwa on the subject.

CHIEF SECRETARY
Khyber Pakhtunkhwa

Endst: of Even No. & Date:

1. The Registrar, Peshawar High Court, Peshawar with reference to the above mentioned writ petition.
2. The Advocate General, Khyber Pakhtunkhwa, Peshawar. \
3. The Secretary to Govt. of Khyber Pakhtunkhwa, Law, Human Rights & Parliamentary Affairs Department.
4. The Secretary, Govt. of Khyber Pakhtunkhwa, Finance Department.
5. The Special Secretary -I, Finance Department.
6. The PSO o Chief Secretary, Khyber Pakhtunkhwa
7. Maser File.

BETTER COPY OF ANNEXURE-M

GOVERNMENT OF THE PUNJAB
FINANCE DEPARTMENT

Dated Lahore the 30th May, 2019

From:

Mr. Abdullah Khan
Finance Secretary

To:

1. All Administrative Secretaries to Government of Punjab.
2. The Secretary to Governor, Punjab Lahore.
3. The Secretary to Chief Minister Punjab, Lahore.
4. The Military Secretary to Governor Punjab, Lahore.
5. The Secretary Punjab, Provincial Assembly, Lahore.
6. The Secretary Punjab Public Service Commission, Lahore.
7. All Heads of Attached Departments in the Punjab.
8. All Commissioners in the Punjab.
9. All Deputy Commissioners in the Punjab.
10. All District & Sessions Judges in the Punjab.
11. The Chief Pilot VIP Flight Lahore.
12. The Registrar Lahore High Court, Lahore.
13. The Provincial Director Local Fund Audit Punjab, Lahore.
14. The Chief Inspector of Treasuries & Accounts Punjab, Lahore.

Subject:

PAY PACKAGES OF ENGINEERS WORKING IN VARIOUS DEPARTMENTS OF THE GOVERNMENT OF PUNJAB

I am directed to refer to the subject cited above and to state that the Governor of the Punjab has been pleased to allow Technical Allowance @ 1.5 times of the initial of Basic Pay Scales, 2017 w.e.f 01.07.2019 to Engineers, registered with Pakistan Engineering Council (PEC) and holding Engineering Degree from the accredited engineering programmes of Higher Education Institutions/Universities duly recognized by Higher Education Commission, working against the sanctioned posts in Agriculture, Communication & Works, Housing, Urban Development & Public Health Engineering, Irrigation, Local Government & Community Development, Mines & Minerals and Planning & Development Departments at the following rates.

BPS	Amount of Technical Allowance
20	Rs. 103,635/- p.m
19	Rs. 88,815/- p.m
18	Rs. 57,525/- p.m
17	Rs. 45,555/- p.m

2. The above allowances is subject to the following conditions:-
 - i) It will not be counted towards pension.
 - ii) It will not be admissible in any kind of leave of 120 days and above as well as posting against OSD and leave reserve posts.
 - iii) The Engineers in receipt of such allowances other than regular allowances, shall be entitled to one of the allowances, whichever is more beneficial.
 - iv) It will not be admissible to the deputationists on their posting out of above said departments and who are posted on deputation in the above said departments.
3. All the Departments/Attached Departments are requested to take further necessary action to implement the above policy.

(AMAN ULLAH)
DEPUTY SECRETARY (PC)

59

application of technical engineering skills. In case of defect/deficiency or any mis-happening observed therein, the concerned engineer is held responsible for the loss consequences. It is worth to mention that the Petitioners do not undertake these duties as well.

III That apart from field work these engineers also manage the office work before start of project like preparation of Project Estimates and Contract/ Agreements etc. all these documents are technically checked by the engineers. Besides, field Engineers are fully committed with Engineering and Field-Office work and no relaxation for availing even Gazetted holidays, whereas engineers of the other than 04 Departments are not engaged with field work, only performing official assignment of duties and fully relax to avail all holidays whereas the Petitioners are performing normal duties in agriculture department.

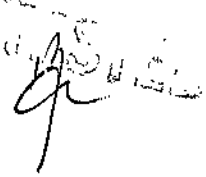
IV That similarly, the job/duty of Engineers working in Agriculture Department is just desk type, having no application of Engineering skill and do not involve practically in any type of construction work like constructions/maintenance of buildings, Road, Residential & Non Residential Accommodations, Maintenance & Repair of Roads, Bridges, Ferries, Tunnels, Rope-ways, cause ways etc.

And whereas, the matter was thereafter considered threadbare by Chief Secretary who also concurs with above said observation, and now, in light of the above intelligible differentia exist amongst the engineers who are granted "Technical Allowance" and the Petitioners, therefore, the Petitioners being not entitled as per facts, Cabinet Decision, Policy and recommendations of the Committee on the subject, the prayer of the Engineers Cadre of the concerned department made in the above mentioned Writ Petition filed in the Peshawar High Court, Peshawar is regretted, being not worthy of consideration and against the spirit of the Cabinet Decision of the Provincial Government of Khyber Pakhtunkhwa on the subject.

CHIEF SECRETARY,
KHYBER PAKHTUNKHWA

Ends: of Even No. & date:

- 1 The Registrar, Peshawar High Court, Peshawar with reference to the above mentioned Writ Petition.
- 2 The Advocate General, Khyber Pakhtunkhwa, Peshawar.
- 3 The Secretary to Govt. of Khyber Pakhtunkhwa, Law, Human Rights & Parliamentary Affairs Department.
- 4 The Secretary to Govt. of Khyber Pakhtunkhwa, Finance Department.
- 5 The Special Secretary-I, Finance Department.
- 6 The PSO to Chief Secretary, Khyber Pakhtunkhwa.
- 7 Master File

ATTEST



SECTION OFFICER (SR-11)



GOVERNMENT OF THE PUNJAB
FINANCE DEPARTMENT

Dated Lahore, the 20th May, 2019

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From

Mr. Abdulah Khan Sumari
Finance Secretary

To

- 1 All Administrative Secretaries to Government of the Punjab
- 2 The Secretary to Governor Punjab, Lahore
- 3 The Secretary to Chief Minister Punjab, Lahore
- 4 The Military Secretary to Governor Punjab, Lahore
- 5 The Secretary Punjab Provincial Assembly, Lahore
- 6 The Secretary Punjab Public Service Commission, Lahore
- 7 All Heads of Attached Departments in the Punjab
- 8 All Commissioners in the Punjab
- 9 All Deputy Commissioners in the Punjab
- 10 All District & Sessions Judges in the Punjab
- 11 The Chief Pilot, VIP Flight, Lahore
- 12 The Registrar, Lahore High Court, Lahore
- 13 The Provincial Director, Local Fund Audit, Punjab, Lahore
- 14 The Chief Inspector of Treasuries & Accounts, Punjab, Lahore

Subject

PAY PACKAGES OF ENGINEERS WORKING IN VARIOUS DEPARTMENTS OF THE GOVERNMENT OF PUNJAB

I am directed to refer to the subject cited above and to state that the Governor of the Punjab has been pleased to allow Technical Allowance @ 1.5 times of the initial of Basic Pay Scales, 2017 w.e 01.07.2019 to Engineers, registered with Pakistan Engineering Council (PEC) and holding Engineering Degree from the accredited engineering programmes of Higher Education Institutions/ Universities duly recognized by Higher Education Commission, working against the sanctioned posts in Agriculture, Communication & Works, Housing, Urban Development & Public Health Engineering, Irrigation, Local Government & Community Development, Mines & Minerals and Planning & Development Departments at the following rates

BPS	Amount of Technical Allowance
20	Rs 103,625/- p.m.
19	Rs 88,815/- p.m.
18	Rs 57,525/- p.m.
17	Rs 45,555/- p.m.

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2. The above allowance is subject to the following conditions

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- i) It will not be counted towards pension
- ii) It will not be admissible in any kind of leave of 120 days and above as well as posting against OSD and leave reserve posts
- iii) The Engineers, in receipt of such allowances other than regular allowances, shall be entitled to one of the allowances, whichever is more beneficial
- iv) It will not be admissible to the deputationists on their posting out of above said departments and who are posted on deputation in the above said departments

3. All the Departments/ Attached Departments are requested to take further necessary action to implement the above policy.

Amman Ullah

(AMAN ULLAH)
DEPUTY SECRETARY (PC)

NO. & DATE EVEN:

- A copy is forwarded for information and necessary action to:
1. The Accountant General Punjab, Lahore.
 2. All the District Accounts Officers in the Punjab.
 3. The Treasury Officer, Lahore.
 4. The Director General Audit, Lahore.
 5. The Director General Works (Accounts), Lahore.
 6. The Director General Works (Audit), Lahore.
 7. The Director General Audit (District Governments), Punjab, Lahore.

Zafar Ahmad

(ZAFAR AHMAD)
SECTION OFFICER (PR)

NO. & DATE EVEN:

- A copy is forwarded for information and necessary action to:
1. The Finance Secretary, Government of Pakistan, Islamabad
 2. The Finance Secretary, Government of Sindh, Karachi.
 3. The Finance Secretary, Government of Khyber Pakhtunkhwa, Peshawar.
 4. The Finance Secretary, Government of Balochistan, Quetta.
 5. The Finance Secretary, Azad State of Jammu & Kashmir, Muzaffarabad.
 6. The Finance Secretary, Government of Gilgit Baltistan, Gilgit.
 7. All Officers of the Finance Department, Government of the Punjab.

Amman Ullah

(AMAN ULLAH)
DEPUTY SECRETARY (PC)



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FINANCE DEPARTMENT
AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR
MUZAFFARABAD

"Muzaffarabad"
Dated 25.11.2020

NOTIFICATION

No. FD/R/17607-17676 /2020. The President Azad Jammu & Kashmir has been pleased to accord the approval for grant of the Technical Allowance @ 1.5 of Initial Basic Pay per month relevant Basic Pay Scales-2017 to the Engineers, w.e.f 01.12.2020 to the engineer registered with Pakistan Engineering Council and holding Engineering Degree from the accredited engineer programs of Higher Education Institutions / Universities duly recognized by Higher Education Commission, working against the sectioned posts of the Physical Planning & Housing / Commutation & Work / Central Design Office / Electricity / Local Government & Rural Development / Planning & Development Departments:-

Sr.#	Basic Pay Scale	Initial Basic Pay of Basic Pay Scales- 2017	Technical Allowance @1.5 times of initial Basic Pay of Basic Pay Scales- 2017 per month.
i.	Engineers in BS-20	Rs. 69,090/-	Rs. 1,03,635/-
ii.	Engineers in BS-19	Rs. 59,210/-	Rs. 88,815/-
iii.	Engineers in BS-18	Rs. 38,350/-	Rs. 57,525/-
iv.	Engineers in BS-17	Rs. 30,370/-	Rs. 45,550/-

2. The above allowance shall be admissible subject to the following conditions:-
- (i) It will not be counted towards Pension / Commutation or Gratuity.
 - (ii) It will not be admissible against OSD and leave reserve posts.
 - (iii) It will not be admissible during extra ordinary leave, study leave, long leave for more than 120 days, training abroad or suspension;
 - (iv) The engineers, in receipt of such allowances other than regular allowances, shall be entitled to one of the allowances, whichever is more beneficial.
 - (v) It will not be admissible to the deputationists on their posting out of their departments and who are posted on deputation in the Government Departments.

(Mehrban Hussain Ch.)
Additional Secretary (Regs.)

(cont. page 2)

A. J. STED

GOVERNMENT OF GILGIT BALTESTAN
GILGIT BALTESTAN SECRETARIAT
FINANCE DEPARTMENT

Gilgit dated the 3rd July, 2020

NOTIFICATION

No.Fin-Reg-2(33)/2020: Consequent upon the recommendations of the Gilgit Baltistan Cabinet and subsequent approval of the Finance Bill 2020-2021 by the Gilgit Baltistan Assembly, the Governor Gilgit Baltistan has been pleased to sanction Technical Allowance @ 1.5 times of initial Basic Pay Scales, 2017 with effect from 4th July, 2020 in favor of the Professional Engineers holding engineering qualification from the accredited engineering programs of Higher Education Institutions (HEI) Universities, duly recognized by Higher Education Commission (HEC) and registered with Pakistan Engineering Council (PEC) serving against the sanctioned posts in BS-17 & above in engineering related Departments under Government of Gilgit Baltistan as per rules mentioned below against each:-

S#	Pay Scales	Initial Basic Pay	Rate Per Month
1	BS-20	Rs. 69,090/-	Rs.103,635/-
2	BS-19	Rs. 59,210/-	Rs.88,815/-
3	BS-18	Rs.38,350/-	Rs.57,525/-
4	BS-17	Rs. 30,370/-	Rs.45,550/-

- The above allowances will be admissible subject to the following conditions.
- i) It will not be counted towards pension or gratuity.
 - ii) It will not be admissible in any kind of leave as well as posting against OSD and leave reserve posts.
 - iii) The Engineers in receipt of such allowances other than regular allowances as classified under major object A012-2 shall require to opt one of the allowances whichever is more beneficial.
3. The above Technical Allowances shall be accommodated from within the budgetary allocation for the year 2020-2021 by the respective departments.

MUHAMMAD SALEEM RAJPUT (PAS)
SECRETARY TO GOVERNMENT
OF GILGIT BALTISTAN



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Gilgit dated the 3rd July, 2020

NOTIFICATION

No. Fin-Reg-2(33)/2020: Consequent upon recommendations of the Gilgit-Baltistan Cabinet and subsequent approval of the Finance Bill-2020-2021, by the Gilgit-Baltistan Assembly, the Government of Gilgit-Baltistan has been pleased to sanction Technical Allowance @ 1.5 times of initial Basic Pay Scales 2017 with effect from 1st July, 2020 in favour of the professional Engineers holding engineering qualification from the accredited engineering programmes of Higher Education Institutions (HEI) Universities duly recognized by Higher Education Commission (HEC) and registered with Pakistan Engineering Council (PEC) serving against the sanctioned posts in BS-17 & above in engineering related Departments under Government of Gilgit-Baltistan as per rates mentioned below against each:

S #	Pay Scales	Initial Basic Pay	Rate Per Month
1	BS-20	Rs. 69,090/-	Rs. 103,635/-
2	BS-19	Rs. 59,210/-	Rs. 88,815/-
3	BS-18	Rs. 38,350/-	Rs. 57,525/-
4	BS-17	Rs. 30,370/-	Rs. 45,550/-

The above allowance will be admissible subject to the following conditions:

- It shall not be counted toward pension or gratuity.
- It shall not be admissible in any kind of leave as well as posting against OSD and leave reserve posts.
- The Engineers in receipt of such allowances other than regular allowances as classified under major object A0121, A012-2 shall require to opt one of the allowances whichever is more beneficial.

The above Technical Allowance shall be accommodated from within the budgetary allocation for the year 2020-2021 by the respective departments.

MUHAMMAD SALEEM RAJPUT (PAS)
SECRETARY TO GOVERNMENT
OF GILGIT-BALTISTAN

No & Date Even:

Copy forwarded for information and further necessary action:

- The Accountant General, Gilgit-Baltistan, Gilgit
- The Secretary Works, Gilgit-Baltistan, Gilgit
- The Secretary Water & Power, Gilgit-Baltistan, Gilgit
- The Secretary Education, Gilgit-Baltistan, Gilgit
- The Secretary Local Government & Rural Development, Gilgit-Baltistan, Gilgit
- The Secretary Agriculture, Livestock & Fisheries Department, Gilgit-Baltistan, Gilgit
- The Additional Secretary (Staff) to Chief Secretary, Gilgit-Baltistan.

Secretary

Secretary

Hussain Ali
(HUSSAIN ALI)
DEPUTY SECRETARY (FINANCE)
P.O. (058) 1920500

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VAKALATNAMA

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

_____ OF 2020

Syed Mujahid Ali Shah (APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Court of CP (RESPONDENT)
(DEFENDANT)

I/We Syed Mujahid Ali Shah

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

Dated. ____/____/2020

Ali

CLIENT

Noor
ACCEPTED

NOOR MOHAMMAD KHATTAK

Kamran
KAMRAN KHAN

MUHAMMAD MAAZ MADNI

&

Afrasiab
AFRASIAB KHAN WAZIR
ADVOCATES

OFFICE:

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