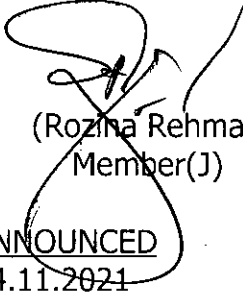
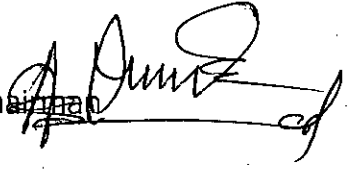


04.11.2021

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

Learned counsel for the appellant has submitted an application for withdrawal of the appeal. Application is placed on file. The appeal at hands is dismissed as withdrawn. File be consigned to the record room.


(Rozina Rehman)
Member(J)


Chairman

ANNOUNCED
04.11.2021

26.04.2021

Due to demise of the Worthy Chairman the Tribunal is defunct, therefore, case is adjourned to 11.08.2021 for the same as before.


Reader

11.08.2021

Junior to counsel for the appellant present.

Vide order dated 19.03.2021, pre-admission notice was given in the main service appeal. The next date was adjourned through Note Reader, so the pre-admission notice could not be implemented. I have gone through the Memorandum of appeal. Points raised need consideration. The appeal is admitted for full hearing, subject to all just and legal objections including that of limitation to be determined during full hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments in office within 10 days after receipt of notices, positively. If the written reply/comments are not submitted within the stipulated time, or extension of time is not sought through written application with sufficient cause, the office shall submit the file with a report of non-compliance. File to come up for arguments on 16.12.2021 before the D.B.


Chairman

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

Service Appeal No. 1242 /2021

ABDUL MAJEED

VS

Govt of KPK & others

**APPLICATION FOR SEEKING
PERMISSIONS FOR WITHDRAWAL OF
SERVICE APPEAL.**

Respectfully Sheweth:

1. That the titled service appeal is fixed for today i.e. 04.11.2021.
2. That applicant had challenged the vires of the rules in his service appeal, however, the rules are being amended to the satisfaction of the applicant hence he does not want to further contest the case.

It is therefore most humbly prayed that on acceptance of this application, may graciously be allowed to withdraw this service appeal.

Through: Applicant / Appellant


Bilal Ahmad Kakazai
Advocate Peshawar

Date: 04/11/2021

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

Service Appeal No. 1242 /2021

ABDUL MAJEED

VS

Govt of KPK & others

**APPLICATION FOR SEEKING
PERMISSIONS FOR WITHDRAWAL OF
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It is therefore most humbly prayed that on acceptance of this application, may graciously be allowed to withdraw this service appeal.

Through: Applicant / Appellant

Bilal Ahmad Kakazai
Advocate Peshawar

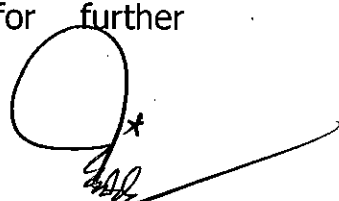
Date: 04/11/2021

19.03.2021

Counsel for the appellant present.

Arguments heard. Learned counsel for the appellant contended that Service Rules 2012 of the respondent-department duly notified on 31.12.2012, had entry at serial No.15 of the appendix according to which the post of Assistant was to be filled at the ratio of 75% from amongst the Senior Clerks. The said Service Rules have been changed vide notification dated 15.09.2020 reducing the quota reserved for promotion of Assistant to 60%. The appellant, having felt aggrieved of the later notification, submitted departmental appeal on 15.09.2020 which was not replied and no response communicated to the appellant hence, the instant service appeal instituted in Service Tribunal on 20.01.2021 under Section-4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974. The appellant has also submitted an application for interim relief with the main service appeal.

Let pre-admission notice on main service appeal as well as application for interim relief be issued to the Additional Advocate General to assist the Tribunal on the issue. Adjourned to 26.04.2021 for further proceedings before S.B.

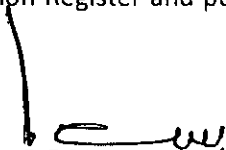


(Mian Muhammad)
Member (E)

Form- A

FORM OF ORDER SHEET

Court of _____

Case No. - 1242 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	20/01/2021	<p>The appeal of Mr. Abdul Majeed presented today by Mr. Bilal Ahmad Kakaizai 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>

BEFORE KPK SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. _____ / 2021.

Abdul Majeed

VS

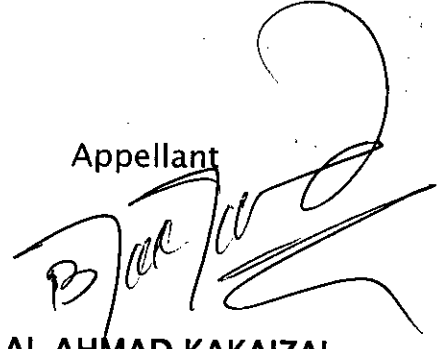
Government of KPK etc.

INDEX

Description of Documents		Page
Memo of Service Appeal		01-05
Affidavit		06
Addresses Sheet		07
Application for interim relief		08-09
Application for condonation of delay		10-11
<i>Annexure-A</i>	<i>Repealed Service Rules</i>	12-14
<i>Annexure-B</i>	<i>Impugned Notification / Service Rules</i>	15-16
<i>Annexure-C</i>	<i>Departmental Appeal</i>	17
<i>Annexure-D</i>	<i>Service Rules of some other departments</i>	18-30

Through,

Appellant



BILAL AHMAD KAKAIZAI

(Advocate, Peshawar)

213, Sunehri Masjid Road,

Peshawar Cantt.

0300-9020098

BEFORE KPK SERVICE TRIBUNAL, PESHAWAR.

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1514

Dated 20/1/2021

1242
Service Appeal No. _____ / 2021

Abdul Majeed Khan,
S/O Haji Muhammad Akbar Khan
Senior Clerk,
Directorate of Labour,
H/Q Office, Peshawar.

..... Appellant

VERSUS

1. **GOVERNMENT OF KHYBER PAKHTUNKHWA,**
Through Chief Secretary, Civil Secretariat Peshawar.
2. **SECRETARY LABOUR,**
Labour Department, Civil Secretariat,
Khyber Pakhtunkhwa, Peshawar.
3. **DIRECTOR LABOUR,**
Labour Directorate, FC Plaza, Peshawar Cantt.
4. **SECRETARY ESTABLISHMENT,**
Establishment Department, Civil Secretariat, KPK, Peshawar.
5. **SECRETARY FINANCE,**
Finance Department, Civil Secretariat, KPK, Peshawar.
6. **STANDING SERVICE RULES COMMITTEE,**
Through its Chairman,
Establishment Department, Peshawar.

..... Respondents

Filed to-day

Registrar

20/1/2021

APPEAL UNDER SECTION 4 OF KPK SERVICE TRIBUNAL ACT, 1974
AGAINST IMPUGNED NOTIFICATION NO. SOG(LD)/2-

62/2019/5181-5263 DATED 15.09.2020, TO THE EXTENT OF SERIAL NO. 20 PAGE 354 OF THE NOTIFICATION, WHEREBY RULES WERE MODIFIED AND PROMOTION QUOTA OF SENIOR CLERKS WERE REDUCED TO 60% FROM 75% AND DEPARTMENTAL APPEAL FILED AGAINST THE ABOVE MENTIONED NOTIFICATION HAS NOT YET BEEN DECIDED / RESPONDED DESPITE THE LAPSE OF STATUTORY PERIOD.

PRAYER: That on acceptance of this service Appeal, Impugned Notification dated 15.09.2020 may please be declared as ultra-vires to law as well as Constitution of Islamic Republic of Pakistan, 1973 and against the interests of the Appellant moreover the Respondents be directed to initiate the process of framing of new service rules as per recommendation of the Directorate i.e. 80% for promotion and 20% for initial Appointment, with such other relief as may deem fit in the circumstances of the case may also be granted.

Respectfully Sheweth,

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

1. That, Appellant, being a Civil Servant, is performing duties as Senior Clerk under the control of Respondent No. 2 & 3 in BPS-14.
2. That, as per rules, the post of Assistant is filled-in from amongst the holders of the post of Senior Clerks. It is important to mention here that Appellant is in promotion zone and has got to his credit the required length of service of 5 years as Senior Clerk for the purpose of promotion to the post of Assistant.
3. That, as per the sanctioned strength, there are 45 posts of Senior Clerks in Directorate of Labour i.e. Respondent No. 3 and 22 posts of Assistants.
4. That, according to old service rules, the promotion quota of Senior Clerks for the post of Assistants was 75% while 25% was allocated to initial recruitment, according to which 16 posts falls in Promotion Quota and 6 posts falls in quota of Initial Recruitment, copies of Repealed Service Rules are attached as Annexure A.

5. That, keeping in view the hardships for the cadre of Senior Clerks in respect of their promotion and waiting for promotion for long period of almost 10 to 15 years, the Directorate of Labor proposed increase in promotion quota from 75% to 80% and decrease in quota of Initial Recruitment from 25% to 20%, copy of the Comments of the Department in response to Departmental Appeal are attached with the Departmental Appeal in which the stance of the Directorate is already mentioned.
6. That, the SSRC i.e. Respondent No. 6, at its own sweet will, decrease the promotion quota from 75% to 60% vide Impugned Notification dated 15.09.2020, copy of the Impugned Notification / Service Rules are attached as **Annexure B**.
7. That, feeling aggrieved from the Impugned Notification, the Appellant served his Departmental Appeal to Respondent No. 2 which remained un-responded / undecided, copy of the Departmental Appeal is attached as **Annexure C**, hence instant Service Appeal on the following amongst other grounds:

GROUND:


- A. That, Impugned Notification dated 15.09.2020 is illegal, unlawful, void and ineffective.
- B. That, same is against the principles of Natural Justice, also.
- C. That, at present there are 19 Senior Clerks who have already completed the required 5 years' service as Senior Clerk and are waiting for their turn of promotion as per Seniority Position.
- D. That, it is strange for the Appellant that the proposal of enhancement in quota was initiated by the Respondent No. 3 Directorate but instead of enhancement, they have reduced the promotion quota which speaks volumes of malafides against the Appellant and his colleagues.
- E. That, keeping in view 19 Senior Clerks who are already in promotion zone, the reduction in promotion quota without consulting the Appellant or his colleagues is considered as deliberate attempt of allotting the posts of Assistants to blue eyed initial recruits.
- F. That, even otherwise, to improve the efficiency and morale of the Appellant and his colleagues in Labour Directorate, in post 18th amendment scenario, their promotion plays a vital role.

- G. That, in almost all the other Departments, the post of Assistant is filled in only through promotion and in this respect more than 75% quota is allotted for the post of Senior Clerk for promotion to Assistants; copies of few such Rules are attached as Annexure D.
- H. That, discrimination of Appellant and his colleagues viz-a-viz similarly placed Senior Clerks of other Departments is violative of the Constitution of Islamic Republic of Pakistan, 1973 moreover, there exists no reasonable and legal ground in favour of the Respondents to discriminate the Appellant.

It is, therefore, requested that appeal be accepted as prayed for.


Appellant

Through,


BILAL AHMAD KAKAIZAI
(Advocate, Peshawar)

BEFORE KPK SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. _____ / 2021.

Abdul Majeed

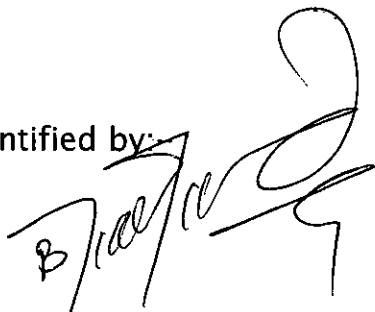
VS

Government of KPK etc.

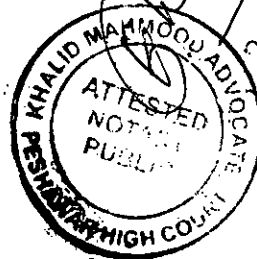
AFFIDAVIT

I, Abdul Majeed S/O Haji Muhammad Akbar Khan Senior Clerk, Directorate of Labour, District Labour Office Peshawar, Appellant do hereby on oath affirm and declare that the contents of the Service Appeal are true and correct to the best of my knowledge and belief and nothing has been kept secret from this Honourable Tribunal.

Identified by:



BILAL AHMAD KAKAIZAI
(Advocate, Peshawar)



Deponent.

BEFORE KPK SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. _____ / 2021.

Abdul Majeed

VS

Government of KPK etc.

ADDRESSES OF PARTIES.

APPELLANT:

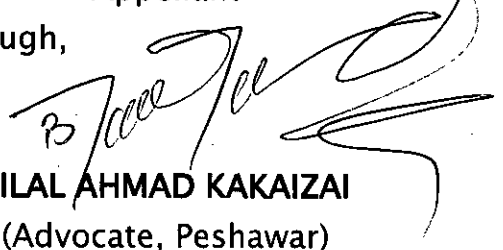
Abdul Majeed Khan, Senior Clerk, Directorate of Labour, H/Q office Peshawar.

RESPONDENTS:

1. **Government of Khyber Pakhtunkhwa**, Through Chief Secretary, Civil Secretariat Peshawar.
2. **Secretary Labour**, Labour Department, Civil Secretariat, Khyber Pakhtunkhwa, Peshawar.
3. **Director Labour**, Labour Directorate, FC Plaza, Peshawar Cantt.
4. **Secretary Establishment**, Establishment Department, Civil Secretariat, KPK, Peshawar.
5. **Secretary Finance**, Finance Department, Civil Secretariat, KPK, Peshawar.
6. **Standing Service Rules Committee**, Through its Chairman, Establishment Department, Peshawar.


Appellant

Through,


BILAL AHMAD KAKAIZAI
(Advocate, Peshawar)

BEFORE KPK SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. _____ / 2021.

Abdul Majeed Khan

VS

Government of KPK etc.

APPLICATION FOR INTERIM RELIEF TO THE EXTENT THAT DEPARTMENT / DIRECTORATE OF LABOUR MAY PLEASE BE RESTRAINED FROM ADVERTISING OR FILLING THE POST OF ASSISTANT THROUGH INITIAL RECRUITMENT AS PER NEW RULES, THROUGH ANY MEANS, TILL THE DISPOSAL OF MAIN APPEAL.

Respectfully Sheweth,

1. That, the subject mention Appeal has been filed by the Appellant / Applicant in which no date has yet been fixed.
2. That, the contents of the main Appeal may please be read as integral part of this Application.
3. That, from the perusal of Impugned Orders, it is crystal clear that the act of the Respondents is pregnant with malafides.
4. That, the promotion / seniority of the Appellant will suffer if any post of assistant is given to public service commission for filling the same as per new allotted quota.
5. That, the Applicant / Appellant has got prima facie case in his favour, therefore balance of convenience lies in his favour.

6. That, Applicant / Appellant will suffer irreparable loss if the post of Assistant is filled as per new rules which are impugned before this Honorable Tribunal.

It is, therefore, requested that till the disposal of main Appeal the Respondents be restrained from filling the post of Assistant, through any means, including through Public Service Commission, as per new rules, till the decision of main Appeal.

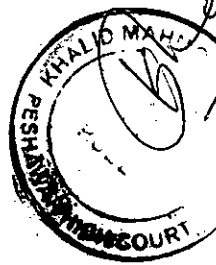
Appellant / Applicant

Through:

BILAL AHMAD KAKAIZAI
(Advocate, Peshawar)

AFFIDAVIT

I, **Abdul Majeed Khan S/O Haji Muhammad Akbar Khan**, Applicant / Appellant, do hereby on oath affirm and declare that the contents of the Application are true and correct to the best of my knowledge and belief and nothing has been kept secret from this Honorable Tribunal.



Deponent

BEFORE KPK SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. _____ / 2021.

Ihsanullah Khan

VS

Government of KPK etc.

APPLICATION FOR CONDONATION OF DELAY.

Respectfully Sheweth,

Application, on behalf of the Applicant / Appellant, is as under:

1. That, the accompanied Service Appeal has been filed today in which no date has yet been fixed.
2. That, due to present declared pandemic / epidemic, the Appellant was unable to institute the Appeal before this Honorable Tribunal due positive Covid-19 cases in the Directorate of Labour, FC Trust Building, Sunehri Masjid Road, Peshawar. Names of the Employees who are under treatment are as under:
 - i. Shakeel Muhammad Khan, Inspector.
 - ii. Aftab Ahmad, Senior Clerk.
 - iii. Noorullah, Naib Qasid.
 - iv. Munawwar Khan, Assistant.
 - v. Aqil Khan, Driver.
 - vi. Gula Nawaz Khan, Deputy Director.
3. That, apart from the above named employees who are tested positive, according to section 30 of Khyber Pakhtunkhwa Epidemic Control and Emergency Relief Act, 2020 the period of limitation mentioned in any law has been frozen. Relevant Provision of law is as under:


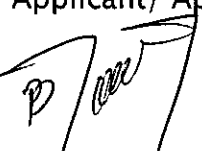
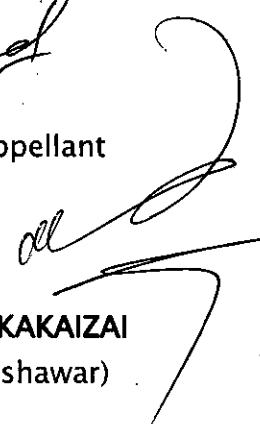
30. Period of limitation under various laws.---

Notwithstanding anything contained in the Limitation Act, 1908 (Act No. IX of 1908) or any other law prescribing limitation for initiating any legal proceedings, the limitation period provided under various laws shall remain frozen from 1st March 2020 till the culmination of the emergency period and the proceedings so filed before any court or tribunal during or immediately upon cessation of such emergency period, shall not be time barred on account of any delay for the aforesaid period.

4. That, even otherwise the Superior Courts had time and again held that matters be decided on merits rather than on technicalities.
5. That, the contents of the main Service Appeal may please be read as integral part of instant Application.
6. That, delay is not intentional nor malafide rather the same is due to the present scenario and situation.

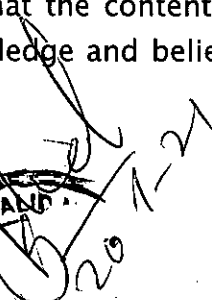

It is, therefore, requested that on acceptance of subject Application the delay, if any, be condoned.

Through:


Applicant/ Appellant

BILAL AHMAD KAKAIZAI
(Advocate, Peshawar)


AFFIDAVIT

I, Abdul Majeed Khan S/O Haji Muhammad Akbar Khan, Applicant / Appellant, do hereby on oath affirm and declare that the contents of the Application are true and correct to the best of my knowledge and belief and nothing has been kept secret from this Honorable Tribunal.


Deponent

EXTRAORDINARY
GOVERNMENT



REGISTERED NO. P
G A Z E T T E

ANNEX-A

12

KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, TUESDAY, 29TH JANUARY, 2013.

**GOVERNMENT OF KHYBER PAKHTUNKHWA
LABOUR DEPARTMENT.**

NOTIFICATION

Dated: 31st December, 2012

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

Secretary to Government of
Khyber Pakhtunkhwa
Labour Department.

595

ATTESTED

13

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

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

 ATTESTED

14

Nomenclature of post			Minimum qualification prescribed for appointment by initial recruitment or by transfer			Age limit for initial recruitment			Method of Recruitment		
Existing	Proposed	Reason	Existing	Proposed	Reason	Existing	Proposed	Reason	Existing	Proposed	Reason
2	3	4	5	6	7	8	9	10	11	12	13
Superintendent (BPS-16)	Superintendent (BPS-17)	General upgradation allowed by the government			No Change			No Change	By promotion, on the basis of seniority-cum-fitness, from amongst, Assistants with five years service as such	(i) Seventy-five percent by promotion, on the basis of seniority-cum-fitness, from amongst Assistants with five years service as such; and (ii) Twenty-five percent by promotion, on the basis of seniority-cum-fitness, from amongst Senior Scale Stenographers with at least five years service.	Allocation of share in the promotion to Senior Scale Stenographers having no other opportunity for promotion.
Assistant (BPS-14)	Assistant (BPS-16)	General upgradation	Second Class Bachelor's Degree from a recognized University.	(i) First Class Bachelor's degree or equivalent qualification from, a recognized university; and (ii) Certificate in Advance Office Automation from a recognized institute.	Qualification rationalized and re-phrased	20 to 30 years.	20 to 32 years.	Age Rationalized	(a) Twenty-five percent by initial recruitment; and (b) Seventy-five percent by promotion, on the basis of seniority-cum-fitness, from amongst Senior Clerks with at least five years service as such	(i) Eighty percent by promotion, on the basis of seniority-cum-fitness, from amongst Senior Clerks with at least five years service as such; and (ii) Twenty percent by initial recruitment.	Method of recruitment rationalized, re-arranged and numbered for uniformity.

ATTESTED

EXTRAORDINARY
GOVERNMENT



15

ANNEX B
REGISTERED NO. F111
GAZETTE

KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, THURSDAY, 24th SEPTEMBER, 2020.

GOVERNMENT OF THE KHYBER PAKHTUNKHWA
LABOUR DEPARTMENT

NOTIFICATION

Dated Peshawar, the 15th September, 2020.

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

1257
01/10/20

709 346
Dated 1-10-2020

ATTESTED

<p style="text-align: center;">By initial recruitment</p>	<p style="text-align: center;">25 to 35 years</p>	<p>(i) At least Second Class BS Degree in Social Work/Sociology or Gender Studies as one of the major subject or equivalent qualification in the same disciplines from a recognized University; and</p> <p>(ii) six months certificate in Advance Office automation from a recognized Institute.</p>	<p>19. Social Mobilizer (BP2-16)</p>
<p>(a) Sixty percent (60%) by promotion on the basis of seniority-comparability from amongst the Senior Clerks with at least five (5) years service as such; and</p> <p>(b) forty percent (40%) by initial recruitment.</p>	<p style="text-align: center;">25 to 35 years</p>	<p>(i) At least Second Class Bachelor's Degree or equivalent qualification from a recognized University; and</p> <p>(ii) six months certificate in Advance Office automation from a recognized Institute.</p>	<p>20. Assistant (BP2-16)</p>
<p style="text-align: center;">By initial recruitment.</p>	<p style="text-align: center;">25 to 35 years</p>	<p>(i) At least Second Class Bachelor's Degree in Computer Science/Information Technology (BCS/BIT) for years or equivalent qualification from a recognized University; or</p> <p>(ii) At least Second Class Bachelor's Degree or</p>	<p>21. Computer Operator (BP2-16)</p>

ATTACHED

To,

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

Through Proper Channel

Subject: APPEAL / REPRESENTATION AGAINST REVISED SERVICE RULES OF
DIRECTORATE OF LABOUR KHYBER PAKHTUNKHWA, 2020.

Respected Sir,

With due respect it is stated that:

- 1) The Directorate of Labour, Khyber Pakhtunkhwa has revised its service rules due to upgradation, creation of new cadre posts and change in promotion / initial recruitment quota etc.
- 2) The promotion quota of Senior Clerks (BPS-14) to the post of Assistant (BPS-16) was at the ratio of 75:25 (75 % promotion and 25% Initial) in the previous rules, which was not sufficient to cater the promotion issues of senior clerks, hence, it was proposed to enhance the ratio of promotion to 80:20 in the revised rules, as most of Senior Clerks have rendered more than 10 years services in the same pay scale.
- 3) The Committee rather to enhance the promotion / appointment ratio i.e. 80:20, has reduced the promotion quota to 60:40 without considering the enhanced number of posts of S/clerks during last few year and make it contrary to the standing service rules being maintained at the following major departments of the province:
 - a. Khyber Pakhtunkhwa Civil Secretariat.Peshawar (Annex-I).
 - b. Directorate of Transport and Mass Transit Khyber Pakhtunkhwa (Annex-II).
 - c. Directorate of Population Welfare department (Annex-III).
 - d. Khyber Pakhtunkhwa Employees' Social Security Institution (Annex-IV).
 - e. Directorate of Tourist Service Khyber Pakhtunkhwa (Annex-V).
- 4) Moreover, at present there are 45 posts of Senior Clerks (BPS-14) posts and 22 post of Assistants (BPS-16) are sanctioned in the Directorate. Out of these 22 posts 06 posts for initial recruitment and 16 posts are for promotion quota. It is justifiable to enhance the quota to 80:20 in order to promote the employees who have rendered more than 10 years services.
- 5) In view of the above, it is humbly requested to consider this appeal and revise the promotion quota of Senior Clerk to 80:20 or maintain the previous ratio of promotion i.e. 75:25 in order to meet the end of justice.

Note: We also reserve the right to approach the court of law being our fundamental right.

Dated:16-09-2020

ATTESTED

Yours Obediently

(Abdul Majid)
Senior Clerks
Directorate of Labour
Khyber Pakhtunkhwa



GOVERNMENT OF THE KHYBER PAKHTUNKHWA
ESTABLISHMENT AND ADMINISTRATION DEPARTMENT
(ESTABLISHMENT WING)

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NOTIFICATION

Peshawar, dated the 6th December 2012.

No SOE.IV(E&AD)/1-35/2012:- In pursuance of the provisions contained in sub-rule (2) of rule 3 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, and in supersession of all previous rules, issued in this behalf, the Establishment and Administration Department, in consultation with the Finance Department, hereby lays down the method of recruitment, qualifications and other conditions specified in column 3 to 5 of the Appendix to this Notification, which shall be applicable to posts in the Khyber Pakhtunkhwa Civil Secretariat, specified in column 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.	Superintendent.			By promotion, on the basis of seniority-cum-fitness, from amongst the holders of the post of Assistant with atleast five years service as such.

ATTESTED

(19)

S.No.	Nomenclature of posts:	Minimum qualification for appointment by initial recruitment.	Age limit.	Method of recruitment.
1.	2.	3.	4.	5.
2.	Assistant.	Second Class Bachelor's Degree from a recognized University.	20 to 32 years.	(a) Seventy-five per cent by promotion on the basis of seniority-cum-fitness, from amongst Senior Clerks with atleast five years service as Junior and Senior Clerk. (b) twenty-five per cent by initial recruitment.
3.	Senior Clerk.			By promotion, on the basis of seniority-cum-fitness from amongst the Junior Clerk with atleast two years service as such.
4.	Junior Clerk.	(i) Matriculation with second division or equivalent qualification from a recognized Board; and (ii) a speed of 30 words per minute in typing.	18 to 30 years	(a) Thirty-three per cent by promotion, on the basis of seniority-cum-fitness, from amongst Daftaris, Gestetner Operators, Qasids and Naib Qasids including holders of other equivalent posts in the Secretariat with two years service as such, who have passed S.S.C Examination; and (b) sixty-seven per cent by initial recruitment.

Note: For the purpose of promotion, there shall be maintained a common seniority list of Daftaries, Gestetner Operators, Qasids, Naib Qasids etc., with reference to the dates of their acquiring the Secondary School Certificate:

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EXTRAORDINARY
GOVERNMENT



REGISTERED NO. PIII
GAZETTE

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KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, WEDNESDAY, 13TH JUNE, 2018.

GOVERNMENT OF THE KHYBER PAKHTUNKHWA.
SPORTS, CULTURE, TOURISM, YOUTH AFFAIRS, ARCHAEOLOGY AND MUSEUMS DEPARTMENT.

NOTIFICATION

Dated Peshawar, the 31st October, 2017.

No. SO (DTS)6-17/2017/Service Rules:- 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 Sports, Culture, Tourism, Archaeology and Youth Affairs Department, in Consultation with the Establishment Department and the Finance Department, hereby lays down the method of recruitment, qualification and other conditions, specified in column No.3 to 5 of the Appendix to this Notification, which shall be applicable to the posts in the Directorate of Tourist Services Khyber Pakhtunkhwa, specified in column No.2 of the said Appendix.

APPENDIX

S.No.	Nomenclature of the post.	Minimum qualification for appointment by initial recruitment or by transfer.	Age limit.	Method of recruitment.
1	2	3	4	5
1.	Director General (BPS-19).			By promotion, on the basis of seniority-cum-fitness from amongst the Deputy Directors having twelve years service in BPS-17 and above;ki and Provided that if no suitable person is available for promotion then by transfer from amongst PMS or PAS officers.

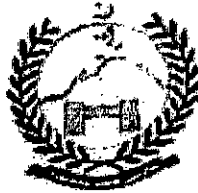
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KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, MONDAY, 30th JULY, 2018.

KHYBER PAKHTUNKHWA EMPLOYEE'S SOCIAL SECURITY INSTITUTION

NOTIFICATION

Dated Peshawar, the 20th June, 2018.

No. SSP/ADMN/6941-60 — In pursuance of all previous orders/notifications issued in this behalf the competent authority with approval of the Governing Body, Khyber Pakhtunkhwa, ESSI, made in its 75th meeting held on 29-6-2018, is pleased to approve the annexed Khyber Pakhtunkhwa Employees Social Security Institution (Revised) Service Regulation 2018.

Sd/-xxx
Secretary to Government of
Khyber Pakhtunkhwa Labour Deptt./
Commissioner, ESSI


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	Superintendent (BPS-17).			By promotion, on the basis of seniority-cum-fitness, from amongst the Assistants and Stenographers with at least five years service as such. Note: For the purpose of promotion a joint seniority list of Assistants and Stenographers shall be maintained.
8.	Inspector (BPS-16)	(a) At least Second Class Bachelor's Degree or equivalent qualification from a recognized University; and (b) Height...five feet and seven inches, Chest thirty three inches with expansion of one and half (1½) inches.	21 to 30 years.	(i) Fifty percent by promotion, on the basis of seniority-cum-fitness, from amongst the Sub-Inspectors with at least five years services as such: Provided that if no suitable person is available for promotion, then by initial recruitment; and (ii) fifty percent by initial recruitment.
9.	Legal Assistant (BPS-16).	At least Second Class LLB Degree from a recognized University with two years experience at the Bar.	25 to 35 years.	By initial recruitment.
10.	Assistant (BPS-16).	At least Second Class Bachelor's Degree or its equivalent qualification from a recognized University.	20 to 32 years.	(i) Seventy five percent by promotion, on the basis of seniority-cum-fitness, from amongst the Senior Clerks and Accountants with at least five years service as such: Provided that if no suitable person is available for promotion, then by initial recruitment; and (ii) twenty five percent by initial recruitment. Note: For the purpose of promotion, a joint list of Senior Clerks and Accountants shall be maintained.
11.	Stenographer (BPS-16).	At least Second Class Bachelor's Degree from a recognized University with— (a) a speed of seventy (70) words per minute in shorthand in English and forty-five(45) words per minute in typing; and (b) knowledge of Computer in using MS Word and MS Excel.	20 to 32 years.	By promotion, on the basis of seniority-cum-fitness, from amongst the Steno Typists with at least five years service as such: Provided that if no suitable person is available for promotion, then by initial recruitment.

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13	Assistant (BPS-16)	Graduation with at least 2 nd division from recognized University. Preferably computer literate.	18 to 30 years	i) 75% by promotion on seniority cum fitness basis from amongst members of staff holding the post of Senior Clerk with total service of 10 years as Junior Clerk and Senior Clerk ii) 25% by initial recruitment
14	Computer Operator BS-16	2 nd class graduation with one year Diploma in IT from Board of Technical Education or its equivalent	18 to 30 years	By initial recruitment
15	Senior Clerk BPS-14	N/A	N/A	By promotion on seniority cum fitness basis from amongst Junior Clerks
16	Junior Clerk HPS-11	i) Matriculation or equivalent qualification from recognized board and, ii) A speed of 30 words per minute in typing. iii) preferably computer literate	18 to 30 years	i) 33% by promotion on seniority cum fitness basis from amongst the Drivers, Bailiff Peons, Watchmen, Dars, Lah Attendants & Ward Boys etc including other equivalent posts who have passed S.S.C examination and with 2 years service in Khyber Pakhtunkhwa (ESS) as such ii) 67% by initial recruitment <u>Note:</u> For the purpose of promotion, there shall be maintained a promotion seniority list of Drivers, Bailiff Peons, Watchmen, Ward Boys, Sanitary Workers, Lah Attendants & Ward Attendants etc with reference to the dates of their acquiring the Secondary School Certificate. Provided that (a) If two or more officials have acquired the Secondary School Certificate in the same session the inter se seniority in the lower post shall be maintained for the purpose of determining seniority in the higher post. (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

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Population Dept - New

(24)



(xv) after serial No.18, the following new serial No. 18A, along with entries in the respective columns shall be inserted in the following manner, namely:

1.	2.	3.	4.	5.
"18A.	Assistant Sister Tutor.	A Grade Nurse.	18 to 30 years	By initial recruitment."

(xvi) against serial No.19, in column No.3, for the existing entries, the following shall be substituted, namely:

3.
"(i) At least Second Class Intermediate Certificate 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 and MS Excel."

(xvii) against serial No.20, for the existing entries in column No.3, the following shall be substituted, namely:

3.
"Diploma Associate Engineering (DAE) from an institute recognized by the Board of Technical Education in the field of Electrical or Electronics."

(xviii) against serial No.21, in column No.5, for the existing entries, the following shall be substituted, namely:

5.
(i) Seventy five percent (75%) by promotion, on the basis of seniority-cum-fitness, from amongst the Senior Clerks with five years service as such: Provided that if no suitable candidate is available for promotion, then by initial recruitment; and
(ii) twenty five (25%) by initial recruitment;

ATTESTED
(xix)

against serial No.24, in column No.3, for the existing entries, the following shall be substituted, namely:

3.
"Diploma Associate Engineering (DAE) from an institute recognized by the Board of Technical Education in the field of Electrical or Electronics."

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Population Dept. Previous

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Assistant	Bachelor's Degree from a recognized University.	18 to 30 years	(i) Fifty per cent of the posts available for recruitment, on the basis of seniority-cum-fitness from amongst the Senior Clerks with five years' experience; and (ii) fifty per cent of the posts available for recruitment.
Statistical Assistant	Second Class Bachelor's Degree from a recognized University with Statistics / Economics/Mathematics/Sociology or Commerce as one of the subject and having Diploma/Certificate in Computer/Information Technology from a recognized Institute.	18 to 30 Years	By initial recruitment.
Accountant Assistant	Bachelor's Degree in Commerce or Business Administration from a recognized University and Diploma/Certificate in Computer/Information Technology from a recognized Institute.	18 to 30 Years	(i) Fifty per cent of the posts available for recruitment, on the basis of seniority-cum-fitness from amongst the Senior Clerks with five years' experience; and (ii) fifty per cent of the posts available for recruitment.
Photographer	Secondary School Certificate from a recognized Board with 07 years experience in Photography in a commercial/ Government Organization.	18 to 30 years	By initial recruitment.
Family Welfare Counselor/Trainer/Supervisor	(a) Secondary School Certificate from a recognized Board. (b) Certificate in Midwifery from a recognized Institute. (c) Three years service experience in Family Welfare Centre; and (d) Training as Family Welfare Worker.	18 to 30 Years	(i) By promotion - fitness of Senior Family Welfare Workers available for promotion; and (ii) if no suitable candidates are available for promotion, by initial recruitment.
Maternity Nurse	"A" Grade qualified Nurse.	18 to 30 Years	By initial recruitment.

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Population Dept. Previous

[Signature]

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GOVERNMENT



REGISTERED NO. PIII
GAZETTE

KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, TUESDAY, 14th JULY, 2020.

GOVERNMENT OF KHYBER PAKHTUNKHWA TRANSPORT & MASS TRANSIT DEPARTMENT

NOTIFICATION

Dated: 1st July, 2020.

NO. SO(E)/TD/16-8/Vol-IV/2019-20/SSRC In exercise of powers conferred by sub-rule (2) of rule 3 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, and in supersession of all previous Notifications, issued in this behalf, the Government of Khyber Pakhtunkhwa Transport and Mass Transit Department, in consultation with the Establishment Department and Finance Department, lays down the method of recruitment, promotion, qualification and other conditions specified in columns 2 to 5 of the appendix to this Notification which shall be applicable to the posts in the Directorate of Transport & Mass Transit, Khyber Pakhtunkhwa, specified in column 2 of the said Appendix, with immediate effect.

S.No.	Name of the post	Minimum Qualification prescribed for initial recruitment	Age limit	Method of recruitment
1	2	3	4	5
1	Director Transport & Mass Transit (BPS-19)			By transfer from amongst the officers of the Provincial Civil Service (PCS) or Provincial Management Service (PMS) or Pakistan Administrative Service (PAS).

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14.	Assistant (BPS-16)	At least 2 nd class Bachelor's Degree, obtained after 14 years of education from a recognized university.	21-30 years	i. Seventy Five percent by promotion on the basis of seniority cum-fitness; from amongst the Senior Clerks and Stenographers (BPS-14) with at least five years service as such and ii. Twenty Five percent by initial recruitment. Note: Joint seniority list of Senior Clerks and Stenographers (BPS-14) shall be maintained for the purpose of promotion to Assistant (BPS-16).
15.	Senior Motor Vehicles Examiner/District Motor Vehicles Examiner (BPS-16)	i. At least Second Class Bachelor of Technology (Honrs). Four years Degree in Automobile/Auto & Diesel Technology from Govt. recognized College of Technology or University of Engineering and Technology; or ii. At least Second Class BSc. Mechanical Engineering from recognized University of Engineering and Technology. Note: Preference will be given to B Tech (Hons) in Automobile/Auto & Diesel Technology.	21-30 years	i. Fifty percent by promotion on the basis of seniority-cum-fitness from amongst the Motor Vehicles Examiners (BPS-12) with five years service as such. ii. Ten percent by promotion on the basis of seniority-cum-fitness from amongst the Maintenance Supervisors (BPS-13) with five years service as such and iii. Forty percent by initial recruitment.
16.	Motor Mobile Patrolling Inspector (BPS-16)			By promotion on the basis of seniority-cum-fitness from amongst the Sub-Inspectors (BPS-14) with at least five years service as such.
17.	Sub-Inspector (BPS-14)	At least Second Class Bachelor's Degree obtained after 14 years of education from recognized university	21-30 years	By initial recruitment
18.	Stenographer (BPS-14)	i. Intermediate or equivalent qualification from the recognized board; and ii. Speed of 50 words per minute in shorthand in English and 35 words per minutes in typing and Knowledge of Computer in using MS Word, MS Excel & Power-Point.	18-30 years	By initial recruitment

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DIRECTORATE OF LABOUR
GOVERNMENT OF KHYBER PAKHTUNKHWA

No. DL/Admn/3/1/V-III/ 7/104

Dated: 21/11/2020

To,

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

Subject: - **APPEAL /REPRESENTATION AGAINST REVISED SERVICE RULES OF DIRECTORATE OF LABOUR KHYBER PAKHTUNKHWA 2020.**

I am directed to refer to your letters No.SOG(LD)2-62/2020/6208 dated 15/10/2020, No.SOG(LD)2-62/2020/6299 dated 20/10/2020 and No No.SOG(LD)2-62/2020/6400-1 dated 28/10/2020 on the subject noted above and to say that reply/comments of the Directorate of Labour are as under:-

S.No	Appeal Representation submitted by	Views/Comments of the Directorate of Labour
1.	Senior Clerk (BPS-14)	<p>Keeping in view increased number of posts of Senior Clerks during the last few years the Directorate of Labour had proposed increase in promotion quota of Senior Clerks from 75% to 80%. SSRC rather increasing the quota, decreased the quota of promotion of senior clerks to 60% against the Directorate's proposal of 80% without considering the Directorate's view.</p> <p>There are 16 posts of Assistants under promotion quota against which 45 Senior Clerks are promoted. Due to proposed increase in promotion quota the number of posts of Assistant would have increased to 18. Usually a senior Clerk take ten to fifteen years to be promoted to the post of Assistant. At present there are 19 Senior Clerks waiting for their turn to be promoted (as per 2012 service rules).</p> <p>The Directorate is of the view that the promotion quota may be increased to 80% in order to give fair chance of promotion/career progression to the senior clerks and avoid further litigation.</p>
2.	Superintendent	<p>In the previous service rules 2012, Superintendents were promoted to the post of Accounts Officer. In the past there was a single post of Superintendent to be promoted to the post of Accounts officer but during the last few years the number of posts of Superintendents has increased to five resulting in less chance of promotion. Therefore, the Directorate had proposed promotion of Superintendents to the posts of Accounts Officer (one post) and Assistant Director (Worker Education Wing) (one post). SSRC approved promotion of Superintendents to the post of Assistant Director (Worker Education Wing) and the post of Accounts Officer was reserved for deputation from Accountant General's office against the proposal of the</p>

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DIRECTORATE OF LABOUR
GOVERNMENT OF KHYBER PAKHTUNKHWA

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		<p>Directorate. At present there are 02 Superintendents waiting for their turn to be promoted.</p> <p>The Directorate is of the view that the promotion quota of Superintendents may be revised i.e Superintendents may be promoted to the post of Accounts Officer as well as Assistant Director (Worker Education Wing).</p>
3.	Assistant Directorate (Labour)/ Assistant Controller (W&M)/ Assistant Director Labour (Litigation)	<p>In the previous service rules 2012, Inspector of Factories (Technical) were promoted to the post of Chief Inspector of Factories with ratio of 50% promotion and 50% initial. Now the SSRC approved 100% promotion quota for Chief inspector of Factories (BPS-18).</p> <p>There are 17 posts of Assistant Directors Labour/ Assistant Controller Weights and Measures/Assistant Director Labour (Litigation) who are eligible for promotion to 7 posts of Deputy Directors Labour/ Deputy Controller Weights and Measures/Deputy Director (WEW).</p> <p>There are two types of Inspector of Factories: first, the Inspector notified/appointed under section 11 (1) of the Khyber Pakhtunkhwa Factories Act, 2013 from amongst the Assistant Directors Labour, Labour Officers and Assistant Labour Officers in some instances, who are responsible for implementation of the legal portion of the aforementioned Act and the technical portion of the Act as well. Secondly, the Inspectors by designation, i.e., the Inspector of Factories (Technical) appointed on the basis of initial recruitment, who are responsible for implementation of the technical side of the Factories Act only.</p> <p>That the incumbents of the post of Assistant Director Labour/Assistant Director Labour (Litigation)/Assistant Controller (W&M) (BPS-17) also deserve to be promoted as Chief Inspector of Factories (BPS-18), for they too perform the duties of Inspector and majority of them are careered Inspectors. In the Directorate of Labour, the Chief Inspector of Factories performs both the functions, i.e., legal and technical. Moreover, the Assistant Directors Labour and Labour Officers are also appointed as Inspectors under various Labour laws such as the KP Payment of Wages Act, 2013; KP Minimum Wages Act, 2013, the KP Prohibition of Employment of Children Act, 2015, KP Bonded Labour System Abolition Act, 2015 and KP Industrial & Commercial Employment (Standing Orders) Act, 2013 etc. who report to Chief Inspector of Factories on the other hand Inspector of Factories (Technical) is notified only Factories Act 2013 and report under only a single Act.</p> <p>There are two Inspector of Factories (Technical), recently appointed, in line of promotion to one post of Chief Inspector of Factories. If one Inspector of Factories (Technical) is promoted to the post of Chief Inspector of Factories, the other would wait for his promotion/retirement.</p>

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DIRECTORATE OF LABOUR

GOVERNMENT OF KHYBER PAKHTUNKHWA

		<p>The Directorate is of the view that the post of 'Chief Inspector of Factories' (BPS-18) may be clubbed with that of the Deputy Director Labour /Deputy Controller (W & M)/Deputy Director (WEW) (BPS-18), resultantly, the seniority of Assistant Directors Labour/Assistant Controller (W & M)/ Assistant Director Labour (Litigation)/Assistant Director (WEW) and Inspector of Factories (Technical) may be clubbed jointly and declared eligible for promotion to the clubbed posts of Chief Inspector of Factories (BPS-18), Deputy Controller (W & M) and Deputy Director Labour (BPS-18) giving fair chance of career progression/promotion to all the cadres.</p>
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It is therefore proposed that meeting of SSRC may be called to amend the Directorate of Labour's Service Rules 2020 please.

Assistant Director Labour (Admn)
Hqtr: Office Peshawar

ATTESTED

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

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

Abdul Majeed Khan VERSUS Government of KPK etc

On behalf of _____ **Appellant** _____

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

He is authorized:-

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

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

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

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

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

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

Accepted Advocate

Client:

