



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 Paul),
Member (E)


(Kalim Arshad Khan)
Chairman

SCANNED
KPST
Peshawar

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

19th April, 2022

Counsel for the appellant present. Neither written reply received nor any responsible person is in attendance. Learned Law Officer is also absent.

File to come up alongwith connected Service Appeal bearing No. 16227/020 titled Eng: Arshad Ali Vs Government of Khyber Pakhtunkhwa, before the D.B on 30.06.2022.



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 D.B.



(Mian Muhammad)
Member (E)



(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.

D



(Mian Muhammad)
Member(E)

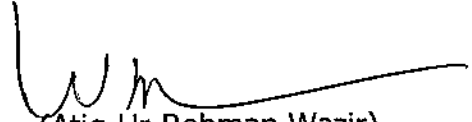


Chairman

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.



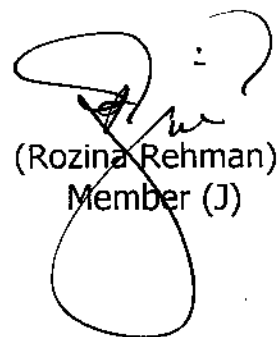
(Atiq-Ur-Rehman Wazir)
Member (E)

30.03.2021

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

Appellant Deposited
Security & Process Fee

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.


(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.

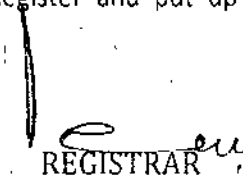

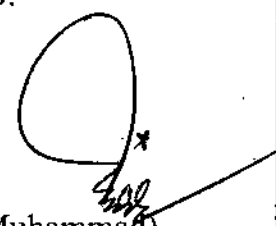

Chairman

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 16257 /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. 16257 /2020

BILAL KHAN

VS

GOVT: OF KP & OTHERS

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APPELLANT

THROUGH:


NOOR MOHAMMAD KHATTAK
ADVOCATE

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

APPEAL NO. _____/2020

Eng: Bilal Khan, Assistant Commissioner Mines (BPS-17),
Minerals Development Department, Khyber Pakhtunkhwa, Peshawar
..... **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

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 annexure**G.**
- 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 annexure**H.**
- 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 annexure**I.**
- 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 annexure**J.**
- 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 annexureK & 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 annexureM.
- 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


BILAL KHAN

THROUGH:


NOOR MUHAMMAD KHATTAK

&


KAMRAN KHAN
ADVOCATES

EXTRAORDINARY
GOVERNMENT



REGISTERED NO. P111
G A Z E T T E

KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, MONDAY, 25th JUNE, 2018.

GOVERNMENT OF THE KHYBER PAKHTUNKHWA
MINERALS DEVELOPMENT DEPARTMENT

NOTIFICATION

Date of issue: 25/06/2018. No. MD-2/2017

No. S.O.P/MDD/D-2/L/Vol II/2017. In pursuance of the provisions contained in sub rule 17 of rule 4 of the Khyber Pakhtunkhwa (Civil Servants) Regulations, 1974 and sub rule 17 of rule 4 of the Khyber Pakhtunkhwa (Civil Servants) Regulations, 1974, the Government of the Khyber Pakhtunkhwa hereby issues the following notification for the purpose of recruitment of all posts in the Department of Minerals Development, Peshawar, in accordance with the provisions of the Khyber Pakhtunkhwa (Civil Servants) Regulations, 1974 and the Finance Department, Peshawar, in the method of recruitment, qualifications and other conditions of the posts in the Appendix to this Notification which shall be applicable to the posts in the Department of Minerals Development, Peshawar, in accordance with the provisions of the Khyber Pakhtunkhwa (Civil Servants) Regulations, 1974 and the Finance Department, Peshawar, in accordance with the provisions of the Khyber Pakhtunkhwa (Civil Servants) Regulations, 1974.

APPENDIX

S.No	Nomenclature of Posts	Minimum Qualification for Appointment by Initial Recruitment	Age Limit	Method of Recruitment
1	Chief Inspector of Mines (P/S-20)	1	4	By promotion on the basis of seniority and fitness from amongst the Deputy Chief Inspectors of Mines, District Inspectors and Districts Planning and Mine Development

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(18)

4.	Director Planning and Mine Development Cell (BPS-19)	-----	<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> <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)	28 to 40 years.	<p>By promotion, on the basis of seniority-cum-fitness, from amongst the Inspectors of Mines and Inspectors 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 Inspectors shall be maintained for the purpose of promotion.</p>
	<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>		

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6	Rescue Superintendent (BPS-18)	(i) At least Second Class Bachelor's Degree in Mining Engineering from a recognized University. (ii) First Class Mining Mahagvy Certificate of Competency granted under the provision of the Mines Act 1923; and (iii) At least seven years experience in mining.	28 to 49 years	By promotion on the basis of seniority amongst the Inspectors and Inspectors of Mines (with at least five years service as such) and having passed this examination in the Manner 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 service as such; and (b) Fifty percent (50%) by initial recruitment. By initial recruitment.
9	Assistant Director (Admin) (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 (Hours) or equivalent qualification from a recognized University.	21 to 35 years	
10	Assistant Director (Budget & Account) (BPS-17)	At least Second Class Master's Degree in Master of Business Administration (Finance), Master of Commerce or equivalent qualification from a recognized University.	21 to 35 years	By initial recruitment.

<p>11 Statistical Officer (BPS-17) Superintendent (BPS-17)</p>	<p>At least Second Class Master's Degree in Statistics, Economics, Mathematics or equivalent qualification from a recognized University</p>	<p>By initial recruitment</p> <p>By promotion, on the basis of seniority cum fitness. From amongst the Assistants and Senior Scale Stenographers with at least five year services as such</p> <p>Note: A total vacancy of Assistants and Senior Scale Stenographers will be on an used for the recruitment procedure to direct level Superintendent</p>
<p>12 Assistant Superintendent (H.S. Job)</p>	<p>At least Second Class Master's Degree in Mechanical or Electrical Engineering or B.Sc. in Mechanical or Electrical Engineering with two year experience as such</p>	<p>By initial recruitment</p> <p>Provided that when the date of recruitment of an Assistant and Senior Scale Stenographer is the date of the period of recruitment to work under to the Senior Scale Stenographer</p>
<p>13 Revenue Superintendent (BPS-16)</p>	<p>At least Second Class Bachelor's Degree in Management Engineering from a recognized University</p>	<p>By initial recruitment</p> <p>By promotion, on the basis of seniority cum fitness from amongst the Project Mechanical with at least three years service as such</p>
<p>15 Secretary, Mines (BPS-16)</p>	<p>At least Second Class Bachelor's Degree or equivalent qualification from a recognized University</p>	<p>By promotion, on the basis of seniority cum fitness from amongst the Stenographers with at least five year service as such</p>
<p>16 Senior Stenographer (BPS-16)</p>	<p>At least Second Class Bachelor's Degree or equivalent qualification from a recognized University</p>	<p>By promotion, on the basis of seniority cum fitness from amongst the Stenographers with at least five year service as such</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 Daffaris, 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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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.
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.
				<p>(b) Sixty seven (67%) percent by initial recruitment:</p> <p>Note: For the purpose of promotion, a joint seniority list of Dafanis, 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>

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<p>Store Keeper (RPS-09)</p>	<p>At least Second Class Secondary School Certificate or equivalent qualification from a recognized Board with one year experience as Store Keeper.</p>	<p>18 to 30 years</p>	<p>(b) Sixty seven (67%) percent by initial recruitment.</p> <p>Note: For the purpose of promotion, a Joint Senior List of Daffars, Qasids, Naib Qasids and holders of other equivalent posts shall be maintained, with reference to the dates of their acquisition of the Seniority Certificate.</p> <p>Provided that-</p> <p>(a) If two or more officials have acquired the Seniority Certificate and are eligible for promotion to the higher posts, the seniority shall be maintained for the purpose of selection in the higher posts and</p> <p>(b) Where a Senior Official does not possess the requisite qualification at the time of the vacancy, the official present in the vacancy shall be eligible for promotion to the higher posts if he/she has acquired the requisite qualification before the date of the vacancy.</p> <p>By initial recruitment.</p>
<p>Grow-Main (RPS-07)</p>	<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>	<p>18 to 30 years</p>	<p>By initial recruitment.</p>

		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 HT/VLTV 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.	Daftiri (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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GOVERNMENT OF THE KHAYBER PAKHTUNKHWA
MINERALS DEVELOPMENT DEPARTMENT



NOTIFICATION
No. MDD/2019/100

No. SDC/MDD/2019/100. In pursuance of the provisions contained in rule 100 of rule 3 of the Khylar Pakhtunkhwa (Civil Services) (Appointments, Promotions and Transfer) Rules, 1989, and in accordance with the provisions of the Rules, the method of recruitment in extent of post 100 in the Government of Mineral Development Department and the Finance Department is hereby notified. The method of recruitment and other details are given in the Annexure to this notification which shall be applicable to the posts mentioned in the Annexure. Details of the posts are given in the Annexure to this notification.

APPENDIX

S. No	Designation of Posts	Minimum Qualification for Appointment by Initial Recruitment	Age Limit	Method of Recruitment
1	Chief Commissioner Mines, Labour Welfare (BPS-19)		45	By promotion on the basis of seniority-cum-fitness from amongst the Deputy Commissioner Mines, Labour Welfare having at least twelve (12) years service as such in BPS-17 and above or ten years (10) years service as such in BPS-17 and above with a record of selection in 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 posts 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

Signature

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3.	<p>Deputy Commissioner Mineral Labour Welfare (BPS-18)</p>	28-45 Years	<p>By promotion on the basis of seniority cum fitness from amongst the Assistant Commissioners Mineral Labour Welfare with at least five years service as such; Provided that if no such person is available for promotion then by transfer or initial recruitment By initial recruitment</p>
4.	<p>Assistant Commissioner Mineral Labour Welfare (BPS-17)</p>	21-45 Years	<p>(a) Fifty percent service in promotion on the basis of seniority cum fitness from amongst the Assistant Commissioners Mineral Labour Welfare with at least five years service as such and (b) fifty percent service in initial recruitment</p>
5.	<p>Assistant Commissioner Mineral Labour Welfare (BPS-16)</p>	14-45 Years	<p>By transfer from amongst the officers of the Assistant Commissioner Mineral Labour Welfare Provided that if no suitable person is available by transfer or by initial recruitment By initial recruitment</p>
6.	<p>Assistant Commissioner Mineral Labour Welfare (BPS-17)</p>	14-45 Years	<p>By transfer from amongst the officers of the Assistant Commissioner Mineral Labour Welfare Provided that if no suitable person is available by transfer or by initial recruitment By initial recruitment</p>
7.	<p>Assistant Commissioner Mineral Labour Welfare (BPS-17)</p>	14-45 Years	<p>By transfer from amongst the officers of the Assistant Commissioner Mineral Labour Welfare Provided that if no suitable person is available by transfer or by initial recruitment By initial recruitment</p>
8.	<p>Superintendent (BPS-17)</p>	14-45 Years	<p>By promotion on the basis of seniority cum fitness from amongst the Assistant Commissioners Mineral Labour Welfare with at least five years service as such</p>
9.	<p>Assistant (BPS-16)</p>	14-45 Years	<p>(a) seventy five percent (75%) by promotion on the basis of seniority cum fitness from amongst the Section Clerks with at least five years service as Junior Clerk and Senior Clerk and (b) twenty five percent (25%) by promotion on the basis of seniority cum fitness from amongst the Section Clerks with at least five years service as Junior Clerk and Senior Clerk and</p>

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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	(b) Twenty five percent (25%) by initial recruitment. 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. By initial recruitment.
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 inferior 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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No. SO (E)MDD/2-10/31-III/2017

271. (3350)

Dated Peshawar, November 22, 2017

(Signature)

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 Executive, Mines & Energy Welfare, Khyber Pakhtunkhwa
5. The Chief Justice of the Khyber Pakhtunkhwa
6. All Heads of All Government Departments, Khyber Pakhtunkhwa
7. All Divisions of Government of Khyber Pakhtunkhwa
8. All Deputy Commissioners, Khyber Pakhtunkhwa
9. The Registrar, Peshawar High Court, Peshawar
10. Secretary Public Services Commission, Khyber Pakhtunkhwa
11. All Executive Magistrate (Magistrate) in Government of Khyber Pakhtunkhwa
12. All District Administration, Government of Khyber Pakhtunkhwa
13. All Government Establishments, Government of Khyber Pakhtunkhwa
14. Magistrate Government of Khyber Pakhtunkhwa, Government of Khyber Pakhtunkhwa
15. Police Station, Government of Khyber Pakhtunkhwa
16. P.A. to All Government Officers, Government of Khyber Pakhtunkhwa
17. P.A. to Deputy Secretary, Government of Khyber Pakhtunkhwa
18. Member File
19. Copy to be filed

(Muhammad Javed)
Secretary (P. II)

2

(Signature)

KHYBER PAKHTUNKHWA
MINERALS DEVELOPMENT DEPARTMENT

Dated Peshawar the 17th September 2010

NOTIFICATION

20

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 Seniority) Rules, 1969, and in supersession of all Notifications issued in this behalf by the Minerals Development Department, in consultation with the Establishment Department and the Finance Department, 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

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

Dated Peshawar the 17th September 2010

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.

Secretary to Government
Minerals Development Department

21

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<p>7. Geographical Information System Development (EPSS-10)</p>	<p>(a) Master Plan for the development of a Geographical Information System (GIS) for the Department of Defense (DOD).</p> <p>(b) Master Plan for the development of a Geographical Information System (GIS) for the Department of Defense (DOD).</p>	<p>11/82</p>	<p>(a) 11/82</p> <p>(b) 11/82</p>
<p>8. Defense Administration (EPSS-10)</p>	<p>11/82</p>	<p>11/82</p>	<p>11/82</p>
<p>9. Research Information (EPSS-17)</p>	<p>11/82</p>	<p>11/82</p>	<p>11/82</p>
<p>10. Human (EPSS-10)</p>	<p>11/82</p>	<p>11/82</p>	<p>11/82</p>
<p>11. Computer Technique (EPSS-10)</p>	<p>11/82</p>	<p>11/82</p>	<p>11/82</p>
<p>12. Data Entry Operation (EPSS-12)</p>	<p>11/82</p>	<p>11/82</p>	<p>11/82</p>

SECRET

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with a Bachelor's Degree in Computer Science with a minimum of 2 years experience in AUTOCAD software

21 to 32

By written document

Director Information (BPS-19)

Deputy Director Technical (BPS-18)

IN LICENSING DIVISION

Assistant Director Technical (Mining Engineer) (BPS-17)

Bachelor's Degree in Mining Engineering

21 to 30

(a) Fully qualified by written document

Geological Engineer (BPS-17)

Master's Degree in Geology from University

24 to 30

(b) Fully qualified by written document

Assistant Director (Royalty) (BPS-17)

Assistant Director Survey and Mapping (BPS-17)

Chief (Royalty) (BPS-17)

By written document... (b) Fully qualified by written document... (c) Fully qualified by written document... (d) Fully qualified by written document...

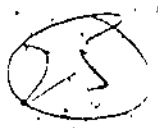
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22	Manuel Development Officer (Non-Professional) (PPS 16)				By proclamation on the basis of merit by competitive examination, from amongst the pool of the Royalty Inspector with all the relevant years' experience as such.
23	Survey & Design Officer (PPS 16)				By proclamation on the basis of merit by competitive examination amongst the Surveyors with all the relevant years' experience as such.
24	Royalty Inspector (PPS 11)	Royalty Inspector For employment through (a) direct recruitment (b) by promotion (c) by transfer from a former in a PPS 16 post.	21 to 30 years		By proclamation
25	Surveyor (PPS 11)	(a) Direct recruitment (b) by promotion (c) by transfer from a former in a PPS 16 post. (d) By promotion from a former in a PPS 16 post. (e) By transfer from a former in a PPS 16 post.	18 to 30 years		By proclamation
26	Inspector (PPS 11)	(a) Direct recruitment (b) by promotion (c) by transfer from a former in a PPS 16 post. (d) By promotion from a former in a PPS 16 post. (e) By transfer from a former in a PPS 16 post.	18 to 30 years		(a) By proclamation on the basis of merit by competitive examination from amongst the pool of the Royalty Inspectors with all the relevant years' experience as such. (b) By proclamation on the basis of merit by competitive examination from amongst the pool of the Royalty Inspectors with all the relevant years' experience as such. (c) By proclamation on the basis of merit by competitive examination from amongst the pool of the Royalty Inspectors with all the relevant years' experience as such.
26A	Royalty Sub Inspector (PPS C)	Royalty Sub Inspector For employment through (a) direct recruitment (b) by promotion (c) by transfer from a former in a PPS 16 post. (d) By promotion from a former in a PPS 16 post. (e) By transfer from a former in a PPS 16 post.	18 to 30 years		(a) By proclamation on the basis of merit by competitive examination from amongst the pool of the Royalty Sub Inspectors with all the relevant years' experience as such. (b) By proclamation on the basis of merit by competitive examination from amongst the pool of the Royalty Sub Inspectors with all the relevant years' experience as such. (c) By proclamation on the basis of merit by competitive examination from amongst the pool of the Royalty Sub Inspectors with all the relevant years' experience as such.
27	Inspector (PPS 5)	Inspector (PPS 5) For employment through (a) direct recruitment (b) by promotion (c) by transfer from a former in a PPS 16 post. (d) By promotion from a former in a PPS 16 post. (e) By transfer from a former in a PPS 16 post.	18 to 30 years		(a) By proclamation on the basis of merit by competitive examination from amongst the pool of the Inspectors with all the relevant years' experience as such. (b) By proclamation on the basis of merit by competitive examination from amongst the pool of the Inspectors with all the relevant years' experience as such. (c) By proclamation on the basis of merit by competitive examination from amongst the pool of the Inspectors with all the relevant years' experience as such.
28	Ferro Printer (BPS 2)	Secondary School Curriculum For employment through (a) direct recruitment (b) by promotion (c) by transfer from a former in a PPS 16 post. (d) By promotion from a former in a PPS 16 post. (e) By transfer from a former in a PPS 16 post.	18 to 30 years		By proclamation
29	Underground (PPS-1)	Underground (PPS-1) For employment through (a) direct recruitment (b) by promotion (c) by transfer from a former in a PPS 16 post. (d) By promotion from a former in a PPS 16 post. (e) By transfer from a former in a PPS 16 post.	18 to 30 years		By proclamation
30	Assistant Engineer (PPS 1)	Assistant Engineer (PPS 1) For employment through (a) direct recruitment (b) by promotion (c) by transfer from a former in a PPS 16 post. (d) By promotion from a former in a PPS 16 post. (e) By transfer from a former in a PPS 16 post.	18 to 30 years		By proclamation

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	Name of the Department (Office of Education) (Office of Technical Education) (Office of Higher Education)	21-22 21-22	Physical Description
24	Office of Technical Education (Office of Technical Education) (Office of Technical Education)	21-22	Physical Description
25	Office of Higher Education (Office of Higher Education) (Office of Higher Education)	21-22	Physical Description
26	Office of Education (Office of Education) (Office of Education)	21-22	Physical Description
27	Office of Higher Education (Office of Higher Education) (Office of Higher Education)	21-22	Physical Description
28	Office of Education (Office of Education) (Office of Education)	21-22	Physical Description

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<p>29. Chairman (BPS-01). Mineral Guard (BPS-01).</p>	<p>Secondary School Certificate from a recognized Board. Secondary School Certificate from a recognized Board.</p>	<p>18-32 years. (18 to 30) years.</p>	<p>By initial recruitment.</p>
<p>INSPECTORATE OF MINES LABOUR WELFARE</p>			
<p>31. Chief Inspector of Mines/Commissioner Mines Labour Welfare (BPS-19).</p>			<p>(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 BPS-17 and above or (b) if no suitable candidate is available for promotion then by transfer.</p>
<p>32. Deputy Commissioner Mines Labour Welfare (BPS-19).</p>	<p>Bachelor's Degree in Mining Engineering from a recognized University with at least seven years experience in the relevant field.</p>	<p>25 to 40 years.</p>	<p>(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.</p>
<p>33. Senior Inspector of Mines/Rescue Superintendent (BPS-18).</p>	<p>(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.</p>	<p>21 to 33 years.</p>	<p>By promotion, on the basis of seniority cum-fitness, from amongst the Inspectors of Mines Labour Welfare with at least five years service as such.</p>
<p>34. Inspector of Mines / Instructor (BPS-17).</p>			<p>By initial recruitment.</p>
<p>Note: In case of non availability of candidate possessing the qualification at clause (b) above, a candidate possessing the remaining qualification and experience may be appointed, provided that he should have to pass First Class Mines Managers Certificate of competency during the probation, period during which his services shall be terminated.</p>			

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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 promotion, on the basis of seniority-cum-fitness, amongst the Project Mechanics with at least three years service at such.
38. Secretary Mines (BPS-16).		21 to 30 years.	By initial recruitment.
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 32 years.	By initial recruitment.
40. Overseer (BPS-14).	Three years Diploma in Civil Engineering from a recognized Institute.	18 to 30 years.	By initial recruitment.
41. Medical Technician (BPS-11).	(a) Secondary school certificate with entrance from a recognized Board; (b) Certificate of Medical Technician from a recognized Medical Faculty; and (c) Two years experience in the relevant field.		
42. Chief Geochemist (BPS-19).	MINERALS TESTING LABORATORY 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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		30 to 45 years	
43.	(a) Bachelors Degree in Metallurgical or Mining Engineering from a recognized University; and (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.	30 to 45 years	(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 (b) if no suitable officer is available for promotion then by initial recruitment.
44.	Senior Chemist (BPS-18)		
45.	(a) Bachelors Degree in Metallurgical or Mining Engineering from a recognized University; and (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.	25 to 40 years	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. By initial recruitment.
46.	Senior Mineralogist (BPS-18)		
47.	Masters Degree in Geology with Specialization in Mineralogy / Petrology from a recognized University.	25 to 35 years	By promotion on the basis of seniority-cum-fitness from amongst the Assistant Mineralogists and Assistant Geologists with at least five years service in BPS-17 as such. By initial recruitment.
48.	Masters Degree in Geology with specialization in Mineralogy/Petrology from a recognized University.	21 to 32 years	By initial recruitment.
49.	Masters 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 (OPS-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 OPS-11 and above. (b) If no suitable person is available for promotion, then by initial recruitment.
51	Junior Laboratory Technician (HPS-10)	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 (HPS-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.	16 to 32 years.	By initial recruitment.
53	Laboratory Assistant (OPS-1)	Literata.	18 to 32 years.	By initial recruitment.
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54	Assistant Director (Administration) (HPS-17)			By promotion, on the basis of seniority cum fitness, from amongst the Assistant Director Officers having three years experience as Asst. Dir. Officer.
55	Assistant Director (Accounts) (HPS-17)			By promotion, on the basis of seniority cum fitness, from amongst the Budget and Accounts Officer having three years experience as Budget and Accounts Officer.
56	Assistant Director (Planning and Development) (HPS-17)	(a) Bachelor's Degree in Mining Engineering, from a recognized University; or (b) Master in Business Administration, Commerce, Technology and Economic from a recognized University.	21 to 32 years.	By initial recruitment.

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Senior Clerk
(BPS-04)

Junior Clerk
(BPS-03)

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66 Caretaker (BPS-05)	<p>(i) Secondary School Certificate or equivalent qualification from a recognized Board; and</p> <p>(ii) a speed of 30 words per minute in typing.</p>
70 Truck Driver (BPS-05)	<p>(i) Middle School Certificate granted under the Code Minister's Regulation, 1928.</p> <p>(ii) Preference shall be given to the candidates having experience in the past and having 25 years' experience, at any rate, in Motor Vehicle and Staff Transport.</p>
71 Trainer (BPS-04)	<p>Secondary School Certificate from a recognized Board;</p> <p>Note: Preference shall be given to the candidate having some experience in Technical Operations.</p> <p>(i) Literate; and</p> <p>(ii) in possession of a valid HT/VTV Driving License with five years practical experience.</p>

18 to 30 years	<p>By production, on the basis of satisfactory service record, of candidates with at least two years service in such posts.</p> <p>(i) Thirty-five per cent by promotion, from amongst BPS-04 and BPS-05 and those who have passed the examination in the past 5 years. The candidates who have passed the examination in the past 5 years shall be eligible for promotion to the posts of BPS-06 and BPS-07.</p> <p>(ii) Sixty-seven per cent by direct recruitment.</p> <p>Note: A candidate presenting an application for post of BPS-06 and BPS-07 shall be eligible for promotion to the posts of BPS-04 and BPS-05 and those who have passed the examination in the past 5 years shall be eligible for promotion to the posts of BPS-06 and BPS-07.</p>
18 to 32 years	<p>By direct recruitment.</p>
18 to 32 years	<p>By direct recruitment.</p>



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Daffan (BPS-02)	Materi pokok	Materi Yuris Aspek	Materi pokok dan sub pokok dari materi pokok tersebut
601 Mud Qadif (BPS-01)			(a) ... (b) ...
71 Chowkha (BPS-01)			(a) ... (b) ...
72 Hadi (BPS-01)			(a) ... (b) ...
73 Sweep (BPS-01)			(a) ... (b) ...

SECRETARY TO GOVERNMENT OF PEKINJIBER PARLITUNKHWA
 MINISTERS DIVISION DEPARTMENT

[Handwritten signature]
 Secretary to Government
 Government of Myanmar
 Ministerial Office
 Post Box

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KEYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, THURSDAY, 4TH JANUARY, 2018

GOVERNMENT OF KHYBER PAKHTUNKHWA
MINERALS DEVELOPMENT DEPARTMENT

NOTIFICATION

Peshawar dated the 28.12.2017.

No. SDE/MDD, 2-1/2017 in pursuance of the provisions of sub-section (2) of clause 3 of the Government of Khyber Pakhtunkhwa Civil Service (Appointment) Rules, 1985, the Mineral Development Department, Peshawar, in consultation with the Finance Department, Peshawar, hereby issues the following notification No. SDE/MDD, 1-2/2017, dated 17.10/2010, the contents of which are as follows:

AMENDMENTS

1. The following amendments are made in the following rules of the Government of Khyber Pakhtunkhwa Civil Service (Appointment) Rules, 1985:
2. In rule 10, the words "and in case of persons holding posts in the Government of Khyber Pakhtunkhwa" shall be deleted.
3. In rule 10, the words "and in case of persons holding posts in the Government of Khyber Pakhtunkhwa" shall be deleted.
4. In rule 10, the words "and in case of persons holding posts in the Government of Khyber Pakhtunkhwa" shall be deleted.

Approved by the Government of Khyber Pakhtunkhwa, Peshawar, on 28.12.2017.

For the Government of Khyber Pakhtunkhwa, Peshawar.

1. Director, Mineral Development Department, Peshawar.	2. Secretary, Government of Khyber Pakhtunkhwa, Peshawar.	3. Director, Finance Department, Peshawar.	4. Director, Government Secretariat, Peshawar.	5. Director, Public Works Department, Peshawar.	6. Director, Health Department, Peshawar.	7. Director, Education Department, Peshawar.	8. Director, Agriculture Department, Peshawar.	9. Director, Industries Department, Peshawar.	10. Director, Labour Department, Peshawar.	11. Director, Social Welfare Department, Peshawar.	12. Director, Information & Public Relations, Peshawar.	13. Director, Legal Services, Peshawar.	14. Director, Audit & Accounts, Peshawar.	15. Director, Transport & Roadways, Peshawar.	16. Director, Forest Department, Peshawar.	17. Director, Wildlife Department, Peshawar.	18. Director, Environment & Forest Department, Peshawar.	19. Director, Disaster Management, Peshawar.	20. Director, Fire & Emergency Services, Peshawar.	21. Director, Police Department, Peshawar.	22. Director, Prisons Department, Peshawar.	23. Director, Correctional Services, Peshawar.	24. Director, Mental Health Services, Peshawar.	25. Director, Physical & Occupational Therapy, Peshawar.	26. Director, Speech & Hearing Services, Peshawar.	27. Director, Vision Services, Peshawar.	28. Director, Hearing Services, Peshawar.	29. Director, Deaf Services, Peshawar.	30. Director, Blind Services, Peshawar.	31. Director, Multiple Disabilities Services, Peshawar.	32. Director, Autism Services, Peshawar.	33. Director, Intellectual Disability Services, Peshawar.	34. Director, Developmental Disability Services, Peshawar.	35. Director, Mental Retardation Services, Peshawar.	36. Director, Psychiatric Services, Peshawar.	37. Director, Substance Abuse Services, Peshawar.	38. Director, Addictive Disorders Services, Peshawar.	39. Director, Personality & Behavioral Disorders Services, Peshawar.	40. Director, Anxiety Disorders Services, Peshawar.	41. Director, Depressive Disorders Services, Peshawar.	42. Director, Bipolar Disorder Services, Peshawar.	43. Director, Schizophrenia Services, Peshawar.	44. Director, Personality & Behavioral Disorders Services, Peshawar.	45. Director, Anxiety Disorders Services, Peshawar.	46. Director, Depressive Disorders Services, Peshawar.	47. Director, Bipolar Disorder Services, Peshawar.	48. Director, Schizophrenia Services, Peshawar.	49. Director, Personality & Behavioral Disorders Services, Peshawar.	50. Director, Anxiety Disorders Services, Peshawar.	51. Director, Depressive Disorders Services, Peshawar.	52. Director, Bipolar Disorder Services, Peshawar.	53. Director, Schizophrenia Services, Peshawar.	54. Director, Personality & Behavioral Disorders Services, Peshawar.	55. Director, Anxiety Disorders Services, Peshawar.	56. Director, Depressive Disorders Services, Peshawar.	57. Director, Bipolar Disorder Services, Peshawar.	58. Director, Schizophrenia Services, Peshawar.	59. Director, Personality & Behavioral Disorders Services, Peshawar.	60. Director, Anxiety Disorders Services, Peshawar.	61. Director, Depressive Disorders Services, Peshawar.	62. Director, Bipolar Disorder Services, Peshawar.	63. Director, Schizophrenia Services, Peshawar.	64. Director, Personality & Behavioral Disorders Services, Peshawar.	65. Director, Anxiety Disorders Services, Peshawar.	66. Director, Depressive Disorders Services, Peshawar.	67. Director, Bipolar Disorder Services, Peshawar.	68. Director, Schizophrenia Services, Peshawar.	69. Director, Personality & Behavioral Disorders Services, Peshawar.	70. Director, Anxiety Disorders Services, Peshawar.	71. Director, Depressive Disorders Services, Peshawar.	72. Director, Bipolar Disorder Services, Peshawar.	73. Director, Schizophrenia Services, Peshawar.	74. Director, Personality & Behavioral Disorders Services, Peshawar.	75. Director, Anxiety Disorders Services, Peshawar.	76. Director, Depressive Disorders Services, Peshawar.	77. Director, Bipolar Disorder Services, Peshawar.	78. Director, Schizophrenia Services, Peshawar.	79. Director, Personality & Behavioral Disorders Services, Peshawar.	80. Director, Anxiety Disorders Services, Peshawar.	81. Director, Depressive Disorders Services, Peshawar.	82. Director, Bipolar Disorder Services, Peshawar.	83. Director, Schizophrenia Services, Peshawar.	84. Director, Personality & Behavioral Disorders Services, Peshawar.	85. Director, Anxiety Disorders Services, Peshawar.	86. Director, Depressive Disorders Services, Peshawar.	87. Director, Bipolar Disorder Services, Peshawar.	88. Director, Schizophrenia Services, Peshawar.	89. Director, Personality & Behavioral Disorders Services, Peshawar.	90. Director, Anxiety Disorders Services, Peshawar.	91. Director, Depressive Disorders Services, Peshawar.	92. Director, Bipolar Disorder Services, Peshawar.	93. Director, Schizophrenia Services, Peshawar.	94. Director, Personality & Behavioral Disorders Services, Peshawar.	95. Director, Anxiety Disorders Services, Peshawar.	96. Director, Depressive Disorders Services, Peshawar.	97. Director, Bipolar Disorder Services, Peshawar.	98. Director, Schizophrenia Services, Peshawar.	99. Director, Personality & Behavioral Disorders Services, Peshawar.	100. Director, Anxiety Disorders Services, Peshawar.
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Director Sugarcane	At least Second Class Bachelor's Degree in Mining	21 to 32 Years.	Dynamic recruitment.
EPS-17	Engineering or equivalent qualification from a recognized University.		
Director Exploration EPS-17	At least Second Class Masters of Science Degree in Geology or Second Class Bachelors of Science in Geology for a period of 10 to 15 equivalent years.	21 to 32 Years.	Dynamic recruitment.
Assistant Manager GIS EPS-17	At least Second Class Master's Degree in Computer Science or Geology with a minimum percentage of 50% in the final examination and a recognized University with a valid Diploma in GIS Mapping or equivalent qualification.	21 to 32 Years.	Dynamic recruitment (30% promotion on the basis of seniority and 70% on the basis of merit. 30% quota will be reserved for 5 years for SC and OBCs and 10% for reserved category (5% for backward tribes).

1. The posts are to be filled by direct recruitment on the basis of merit.

2. The candidates should be graduates in the relevant field.

3. The candidates should be above 21 years of age and below 32 years of age.

4. The candidates should be citizens of Pakistan.

5. The candidates should be domiciled in Khyber Pakhtunkhwa.

6. The candidates should be of sound mind and body.

7. The candidates should be of good character.

8. The candidates should be of good conduct.

9. The candidates should be of good reputation.

10. The candidates should be of good standing.

11. The candidates should be of good service.

12. The candidates should be of good work.

13. The candidates should be of good performance.

14. The candidates should be of good results.

15. The candidates should be of good achievement.

16. The candidates should be of good conduct.

17. The candidates should be of good character.

18. The candidates should be of good reputation.

19. The candidates should be of good standing.

20. The candidates should be of good service.

21. The candidates should be of good work.

22. The candidates should be of good performance.

23. The candidates should be of good results.

24. The candidates should be of good achievement.

25. The candidates should be of good conduct.

1



26. Electrical BPS-02, At least Second Class Secondary School Certificate from a recognized Board with 10 years Diploma in Electrical Engineering or equivalent.

Against para No. 27 in column No. 2, 3 and 4 for the existing posts, the following shall be substituted, namely:-

"At least Second Class Secondary School Certificate from a recognized Board with 10 years Diploma in any of the subjects from a recognized Board."

Against para No. 28 in column No. 2, 3 and 4 for the existing posts, the following shall be substituted, namely:-

"At least Second Class Secondary School Certificate from a recognized Board with 10 years Diploma in any of the subjects from a recognized Board."

Against para No. 29 in column No. 2, 3 and 4 for the existing posts, the following shall be substituted, namely:-

"At least Second Class Secondary School Certificate from a recognized Board with 10 years Diploma in any of the subjects from a recognized Board."

Against para No. 30 in column No. 2, 3 and 4 for the existing posts, the following shall be substituted, namely:-

"At least Second Class Secondary School Certificate from a recognized Board with 10 years Diploma in any of the subjects from a recognized Board."

Against para No. 31 in column No. 2, 3 and 4 for the existing posts, the following shall be substituted, namely:-

"At least Second Class Master's Degree in Chemistry or Secondary Class Bachelor's Degree in Geology from a recognized Board with 10 years Diploma in any of the subjects from a recognized Board."

Against para No. 40 in column No. 3, for the existing posts, the following shall be substituted, namely:-

"At least Second Class Master's Degree in Chemistry or Bachelor's Degree in Science or Applied Science from a recognized Board with 10 years Diploma in any of the subjects from a recognized Board."

Against para No. 43 in column No. 3, for the existing posts, the following shall be substituted, namely:-

"At least Second Class Master's Degree in Chemistry or Bachelor's Degree in Science with Specialization in Inorganic and/or Applied Chemistry or equivalent qualification from a recognized Board."

(l) 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:

Daftaar (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
-----------------	----------------

SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA
MINERALS DEV. DEPARTMENT



GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT
(REGULATION WING)

C - 38
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NOTIFICATION

Dated Peshawar the 02/02/2018

No.FD(SOSR-1)9-7/2018-17. 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-27	Rs.76,720/-	Rs.1,15,080/-
02.	PAS/PCS/PMS officers in BS-20	Rs.59,000/-	Rs.1,03,035/-
03.	PAS/PCS/PMS officers in BS-16	Rs.59,210/-	Rs.88,675/-
04.	PAS/PCS/PMS officers in BS-13	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 to PAS, PCS and PMS officers working against scheduled posts only.
- Officers of other cadres working against scheduled posts are not eligible for the above allowance.
- 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.
- Executive Allowance shall not be counted towards pension and gratuity.
- 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.

- The Accountant General, Khyber Pakhtunkhwa, Peshawar.
- Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
- Principal Secretary to Governor, Khyber Pakhtunkhwa.
- The Senior Member Board of Revenue.
- The Additional Chief Secretary PATA.
- The Additional Chief Secretary P&D Department.
- The Secretary HP-Public Service Commission, Peshawar.
- All the Administrative Secretaries to Govt. of Khyber Pakhtunkhwa.
- All the Divisional Commissioners in Khyber Pakhtunkhwa.
- All the Deputy Commissioners in Khyber Pakhtunkhwa.
- All the District Account Officers in Khyber Pakhtunkhwa.
- Director, F&D Finance Department.
- PSO to Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
- Budget Officer, Finance Department.
- The PS to Secretary Finance Department.
- The PS to Special Secretary Finance Department.
- The PA to Additional Secretary (Regulations), Finance Department.
- Master File.

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SECTION OFFICER (SRM)

ATTESTED

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Annulment ~~etc~~

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**GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT
(REGULATION WING)**

NOTIFICATION

Dated Peshawar the 02 August, 2018

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.73,720/-	Rs.1,15,080/-
ii.	IGs in BS-20	Rs.69,090/-	Rs.1,03,635/-
iii.	SSPs in BS-19	Rs.60,210/-	Rs.88,815/-
iv.	SPs in BS-18	Rs.55,350/-	Rs.57,525/-
v.	ASPs/DSPs in BS-17	Rs.39,670/-	Rs.45,550/-

2. The above allowance 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 during training, posting against CSD and leave reserve posts.
 - iii. 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.
 - iv. It will not be admissible to deputationists.
 - v. 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 Ever

1. The Accountant General, Khyber Pakhtunkhwa, Peshawar
2. The Inspector General of Police, Khyber Pakhtunkhwa.
3. The Additional Chief Secretary, P&D Department
4. The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa
5. The Secretary to Govt of Khyber Pakhtunkhwa, Home & TA Department.
6. All Regional Police Officers in Khyber Pakhtunkhwa
7. All District Police Officers in Khyber Pakhtunkhwa
8. All the District Accounts Officers in Khyber Pakhtunkhwa.
9. Director, F.M.U, Finance Department.
10. PSO to Chief Secretary, Khyber Pakhtunkhwa, Peshawar
11. Budget Officer-III, Finance Department.
12. PS to Secretary Finance Department, Khyber Pakhtunkhwa.
13. PS to Special Secretary, Finance Department, Khyber Pakhtunkhwa.
14. Assistant Director (HR Data Base), Finance Department.
15. PA to Additional Secretary, (Regulation), Finance Department.
16. PA to Deputy Secretary, (Regulation-III), Finance Department.

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**(NAEEM TABASSUM)
SECTION OFFICER (SR-II)**

02/08/18



GOVERNMENT OF
KHYBER PAKHTUNKHWA

MINERALS DEVELOPMENT DEPARTMENT

First Floor Abul Wali Khan Complex, Civil Secretariat

Ph: 091-9223558

No. SO. G. M.D. / 19/12/2018 - 113700-47

Dated Peshawar, the December 19, 2018

To

1. The Director General,
Wines 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.**

am directed to refer to your letter No. DG (Mines) (G) (2018) 16718
dated 07/11/2018, No. Com. Miner 1485 dated 19/11/2018 and
No. CM (Admin) (A) (Mines) 2018 (472) dated 17/11/2018 and to issue orders above
and to intimate the Finance Department, Government of Khyber Pakhtunkhwa as regretted
its inability to approve the technical allowance for the officers working in Minerals
Development Department.

ATTESTED

Section Officer (General)
Minerals Devt. Department

Copy forwarded to:-

1. PS to Secretary (Minerals Devt. Department), Government of Khyber Pakhtunkhwa.

Section Officer (General)

1335
19/12/2018

19/12/18

5 6 J-49

IN THE PESHAWAR HIGH COURT PESHAWAR

W.P No. _____ 2010

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-16)
2. Engineer Mian Farooq Iqbal, Deputy Commissioner Mines (BPS-16)
3. Engineer Mustafa Khalid, Director Licensing (BPS-16)
4. Engineer Rashid Waheed, Additional Director General Mines & Minerals (BPS-16)
5. Engineer Pariz Farooq, Chief Engineer Mines (BPS-16)
6. Engineer Fiaz Hussain, Director Licensing & Mine Development C&E (BPS-16)
7. Engineer Lagool Nawaz, Director Licensing (BPS-16)
8. Engineer Syed Muzahid Ali Shah, Director Training (BPS-16)
9. Engineer Irshad Khan, Director Licensing (BPS-16)
10. Engineer Muhammad Zaidul Hasan, Deputy Director Technical (BPS-16)
11. Engineer Ishfaq Ahmad Saleem, Deputy Director Technical (BPS-16)
12. Engineer Siraj Ahmad Khan, Deputy Director Technical (BPS-16)
13. Engineer Hayat Ur Rahman, Deputy Director Technical (BPS-16)
14. Engineer Muhammad Talib, Deputy Commissioner Mines (BPS-16)
15. Engineer Fandi Muhammad, Senior Mineral Processing Engineer (BPS-16)
16. Engineer Farhat Ullah, Assistant Director (Technical) (BPS-17)
17. Engineer Waseem Akhbar, Assistant Director Licensing Engineer (BPS-17)
18. Engineer Iqbal 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 Mubeen Khan, Assistant Director (Technical) (BPS-17)
23. Engineer Inam 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 Faruk Zaman, Assistant Director (Technical) (BPS-17)
27. Engineer Majid Ali Khan, Assistant Director (Technical) (BPS-17)
28. Engineer Nayaz Iqbal, Assistant Director (Technical) (BPS-17)
29. Engineer Zulfiqar Ahmad, Assistant Director (Technical) (BPS-17)
30. Engineer Rahman Ud Din, Assistant Director (Technical) (BPS-17)
31. Engineer Umair Ur Hassan, Mineral Development Officer (Technical) (BPS-16)
32. Engineer Salman Jaleel, Assistant Commissioner Mines (BPS-17)
33. Engineer Rabhan Ullah, Assistant Commissioner Mines (BPS-17)

TESTED
EXAMINER
High Court

PESHAWAR HIGH COURT PESHAWAR
ORDER SHEET



Date of Order or Proceedings	Order or other Proceedings with Signature of Judge or parties or counsel where necessary
1	2

10.03.2020 Writ Petition No. 606-P-2019

Present: Naveed Akhtar, advocate for the petitioners.

Syed Qaiser Shah, Addl AG on behalf of respondents.

WAQAR AHMAD SETH, CJ:- Through this constitutional petition, we intend to decide the instant petition as well as connected writ petition bearing No. 3608-P-2018, being identical in nature.

2 Engineer Ziarat Khan, Commissioner Mine & others, petitioners herein aggrieved from the acts & inactions of respondents have directed this petition with the following relief:-

- 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.
- 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

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ATTACHED
EXAMINER
Peshawar High Court

(CF)

(54)

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

[Signature]
CHIEF JUSTICE OF THE SUPREME COURT
FOR THE STATE OF PUNJAB
JALAN SARAI ALAUDA, LAHORE
THE HON'BLE CHIEF JUSTICE

[Signature]
Judge

23 JUN 2020

No. 39544

Date of Presentation of Application 23/6/2020

No of Pages 127/28 = 134

Copying fee 287

Total 287

Date of Preparation of Copy 23/6/2020

Date of Delivery of copy 23/6/2020

Received by *[Signature]*

Tarq Joo PS.

DB, Mr. Justice Wagar Ahmed Seth, Chief Justice & Mr. Justice Ijaz Anwar, Hd.

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[Signature]

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17/11/20

GULZHANA COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT:

Mr. Justice Gulzar Ahmed, C.J.
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 ...Respondent(s)
(In CP.211-P of 2020)

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-I,
Establishment Division, KP

For the Respondent(s)
(in both cases)

: Mr. Naweed Akhtar, ASC

Date of Hearing : 19.11.2020

ORDER

GULZAR AHMED, C.J.: 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 impugned order is not entitled

ATTESTED

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 respect 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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[Signature]
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.

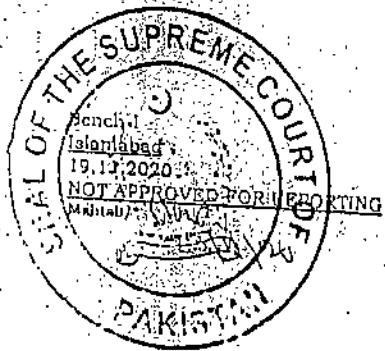
Sd/HC J

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: 92
No. of Pages: 1

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GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT
(REGULATION WING)

Peshawar, Dated the 29th July, 2020

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OFFICE ORDER:

No. FD/SOSR-11/8-7/2020 Whereas, the Provincial Government of Khyber Pakhtunkhwa sanctioned Technical Allowance to the tune of P.S. 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-11)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 10-01-2020 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-11)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-

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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.

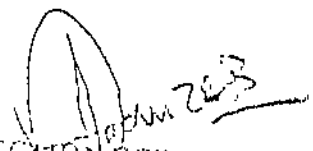
And whereas, the matter was thereafter considered threadbare by Chief Secretary who also took into account aforesaid observation, and now, in light of the above intelligible differentia exist between the engineers who are granted "Technical Allowance" and the Petitioners, therefore, the Petitioners being 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

ATTESTED


SECTION OFFICER (SR-II)

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)



NOTED FOR THE GOVERNOR
GOVERNMENT OF THE PUNJAB
FINANCE DEPARTMENT

Dated Lahore the 25th May 2015

M-60

From

The Additional Chief Secretary
 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 Government 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. 01.07.2015 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 67,525/- p.m.
	Rs 45,555/- p.m.

ATTESTED

2. The above allowance is subject to the following conditions

(61)

- 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.

ATTESTED

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/V/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 extraordinary 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)

ATTESTED

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

GOVERNMENT OF GILGIT-BALTISTAN
GILGIT-BALTISTAN SECRETARIAT
FINANCE DEPARTMENT

Gilgit dated the 3rd July 2020/20

NOTIFICATION

No. Fin-Rec-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.No.	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:

- (i) It shall not be counted toward pension or gratuity.
- (ii) It shall 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 A012-1 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 Recd:

Copy forwarded for information and further necessary action:

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

Secretary

Secretary

(HUSSAIN ALD)
DEPUTY SECRETARY (FINANCE)
PL: 70581 (2020/506)

ATTESTED

VAKALATNAMA

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

_____ OF 2020

Bilal Khan (APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Govt. of KP & others (RESPONDENT)
(DEFENDANT)

I/We Bilal Khan

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

Bilal Khan
CLIENT

Noor Mohammad Khattak
ACCEPTED
NOOR MOHAMMAD KHATTAK

Kamran Khan
KAMRAN KHAN

MUHAMMAD MAAZ MADNI

&

Afrasiab Khan Wazir
AFRASIAB KHAN WAZIR
ADVOCATES

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