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SCANNED
KPST
Peshawar
7/3/2023

BEFORE THE KP SERVICE TRIBUNAL PESHAWAR

MISC. APPL. NO. 152/2023

Appeal No. 786 /2022

Khyber Pakhtunkhwa
Service Tribunal

Case No. 4147

Dated 7/3/2023

Muhammad Rafiq

VERSUS

Govt of KP & Others

**APPLICATION FOR RESTRAINING
THE OFFICIAL RESPONDENTS NOT
TO PROMOTE THE JUNIOR OFFICER
(LABOUR OFFICER BPS-16) TO THE
POST OF A-D LABOUR (BPS-17),
FURTHERMORE THEY DPC FOR ANY
OFFICER TILL THE DISPOSAL OF
MAIN APPEAL.**

Respectfully Sheweth;

Paid Adjudicate a fixed for 26.05.2023

1. That the above mentioned appeal is pending before this Hon'ble Tribunal and fixed for 26.05.2023
2. That the in the titled appeal the appellant has challenged the vires of the service rules which are ultra vires of the law rules on the subject.
3. That the official respondents promoting some junior officers belonging to labour officer cadre for which DPC has been held but his promotion order has not been issued. Therefore it is required that the respondents be restrained from doing so. (Copy of seniority list 14.02.2022 & letter dated 11.01.2023 are attached as annexure "A & B").
4. That vide letter dated 16.02.2023 another DPC and working paper has been requisition for

conducting DPC and promoting of the labour officer, irrespective of fact that they are juniors to the appellants be restrained as the same is in violate of law and rules as well as the matter is sub-judice before this Hon'ble Tribunal. (Copy letter dated 16.02.2023 is attached as annexure "C").

5. That all the three ingredients of stay/interim are in favour of the appellant.
6. That there is no bar submitted such like an applications.


It is, therefore, humbly prayed that on acceptance of the instant application, this application the respondent be restrained from issuance of promotion order as well as conducting D.P.C for further promotion.

Dated: 07/03/2023.



Appellant / Applicant

Through


Noor Muhammad Khattak
ASC

AFFIDAVIT

It is stated that on oath that, the contents of the accompanied application are true and correct to the best of my knowledge and belief and nothing has been concealed or withheld from this Hon'ble Court.



DEPONENT





OFFICE ORDER

DIRECTORATE OF LABOUR
KHYBER PAKHTUNKHWA-3-
"A"

Dated Peshawar the 24/10/2022

DL/Admn/11/235/1994-31. In pursuance of Section-08 of Khyber Pakhtunkhwa, Civil Servants Act, 1973 read with Rule-17 of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules 1989, the Competent Authority is pleased to notify the Final Seniority List of Inspector W&M (BPS-16) Directorate of Labour, Khyber Pakhtunkhwa as stood on 31-12-2021, as per revised Service Rules issued vide Gazette Notification dated 24.09.2020, is hereby notified/circulated for general information.

Total Sanctioned Posts = 33

- (i) Inspector W&M (BS-16) = 18 (Filled)
(ii) Inspector W&M (BS-16) = 15 (Vacant)

S No	Name of Officer with Qualification	Date of Birth with Domicile	Date of 1 st Entry into Govt: Service	Regular Appointment / Promotion to the Present Post			Present Appointment with Date	Remarks
				Date	BPS	Method of Recruitment: a) Five percent 5% by promotion, on the basis of Seniority – cum- fitness from amongst the Laboratory Assistant with at least five (5) Years Services such; and b) Ninety five 95% by initial recruitment		
01	02	03	04	05	06	07	08	09
1	Mr. Hashmat Ali (B.Sc)	02.04.1985 Mardan	09.01.2012	09.01.2012	16	By Initial	Inspector W&M 09.01.2012	-
2	Mr. Muhammah Yaqoob (M.Sc. Chemistry)	5.04.1986 Lakki Marwat	09.01.2012	09.01.2012	16	-do-	Inspector W&M 09.01.2012	-
3	Mr Ali Akbar (M.Sc Chemistry)	7.2.1981 Malakand	09.01.2012	09.01.2012	16	-do-	Inspector W&M 09.01.2012	-
4	Mr. Muhammad Rafeeq (M.ScPhy, B.Ed)	06.10.1986 Swat	09.01.2012	09.01.2012	16	-do-	Inspector W&M 09.01.2012	-
5	Mr. Said Badshah (M.A Pol. Science, M.ScPhy)	02.04.1982 Bajawar Agency	09.01.2012	09.01.2012	16	-do-	Inspector W&M 09.01.2012	-
6	Mr. Yasir-Samood (M.ScPhy)	12.04.1983 Karak	09.01.2012	09.01.2012	16	-do-	Inspector W&M 09.01.2012	-
7	Mr. Muhammad Rafeeq (M.Sc Phy M.Ed)	01.01.1981 Swabi	09.01.2012	09.01.2012	16	-do-	Inspector W&M 09.01.2012	-
8	Mr. Sarfaraz Ahmad (M.Sc Electronics)	05.01.1984 Abbotabad	09.01.2012	09.01.2012	16	-do-	Inspector W&M 09.01.2012	-
9	Mr. Tauseef Mushtaq MSc (Electronics), M. A Political Science, B.Ed	04.11.1984 Mansehra	20.08.2014	20.08.2014	16	-do-	Inspector W&M 20.08.2014	On lien w.e.f 07.12.2020
10	Mr. Fida Hussain M.Sc (Electronics)	28.02.1990 Bannu	20.08.2014	20.08.2014	16	-do-	Inspector W&M 20.08.2014	-

	Mr. Majeed Ullah M.sc (Physics)	25.09.1983 Karak	01.01.2015	01.01.2015	16	-do-	Inspector W&M 01.01.2015	-
12	Mr. Ramiz Murad MSc (Zoology)	02.05.1989 Chltral	16.06.2017	16.06.2017	16	-do-	Inspector W&M 16.06.2017	-
13	Mr. Abdul Baais MSc (Chemistry)	13.01.1986 Buner	20.06.2017	20.06.2017	16	-do-	Inspector W&M 20.06.2017	-
14	Muhammad Ilyas BSc (Engg)	25-01-1994 Dir Lower	27-04-2018	27-04-2018	16	-do-	Inspector W&M 27.04.2018	-
15	Mr. Raza Shah MSc (Physics)	17-12-1991 Khyber Agency	30-04-2018	30-04-2018	16	-do-	Inspector W&M 30.04.2018	-
16	Mr. Saad Shaukat BSc (Engg)	18-12-1989 Mansehra	11-05-2018	11-05-2018	16	-do-	Inspector W&M 11.05.2018	On Lien w.e.f 15.07.2021
17	Muhammad Adil Mahmood MPhil (Physics)	04.08.1991 Karak	20.09.2019	20.09.2019	16	-do-	Inspector W&M 20.09.2019	-
18	Mr. Zafar MSc (Physics)	06.04.1991 Mohmand Agency	01.01.2016	07.05.2021	16	By Promotion	Inspector W&M 07.05.2021	-

Ends No: DL/Admn/11/235/

CERTIFICATE

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

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

Assistant Director Labour (Admn)
Hqtr: Office Peshawar



OFFICE ORDER

1807-13

-5- 5

DIRECTORATE OF LABOUR
KHYBER PAKHTUNKHWA

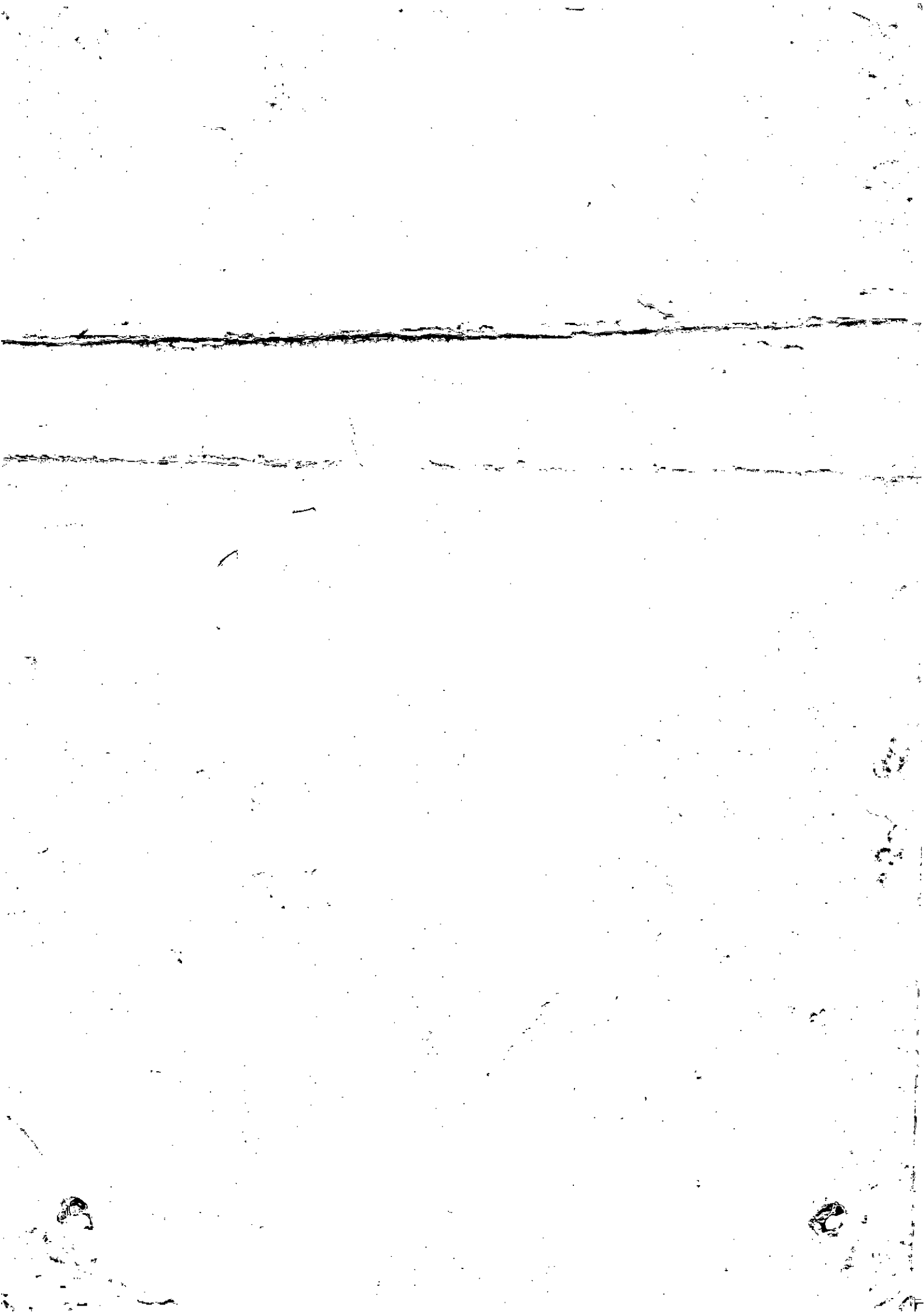
Dated Peshawar the 14/02/2022

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

Total Sanctioned Posts = 26

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

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



-6- "B"

GOVERNMENT OF KHYBER PAKHTUNKHWA
LABOUR DEPARTMENT

No. SOG/LD/3-12/DL/2021/ 266-71
Dated: 11/01/2023

To,

1. The Additional Secretary (Regulation),
Government of Khyber Pakhtunkhwa, Establishment Department.
2. The Additional Secretary (Regulation),
Government of Khyber Pakhtunkhwa, Finance Department
3. The Director Labour,
Directorate of Labour, Khyber Pakhtunkhwa, Peshawar.
4. The Deputy Secretary
Government of Khyber Pakhtunkhwa, Labour Department.

SUBJECT: MEETING OF THE DEPARTMENTAL PROMOTION COMMITTEE.

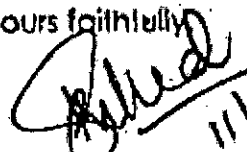
Dear Sir,

I am directed to refer to the subject noted above and to inform that a meeting of the Departmental Promotion Committee is scheduled to be held on Wednesday, 18-01-2023 at 12:00 noon under the Chairmanship of Secretary Labour Khyber Pakhtunkhwa in his office to consider the following promotion case of Directorate of Labour, Khyber Pakhtunkhwa. Working papers are enclosed herewith:

S.No.	Description of Cases / Agenda	Panel	Post(s)
1	Working paper for Promotion of Mr. Muhammad Yaqoob, Assistant Director Labour (BPS-17) from acting charge basis to the post of Assistant Director Labour (BPS-17) on regular basis.	02	01

2. You are requested kindly to make it convenient to attend the meeting as per above schedule, please.

Yours faithfully


(Shadia Habib)
Section Officer (General)

AD(A)/PA

Encls: No. & date even

C.C

1. PS to Secretary, Labour Department, Khyber Pakhtunkhwa.
2. Assistant Director Labour (Admn), Directorate of Labour, Khyber Pakhtunkhwa with the request to bring original PERs of the officials concerned included in the panel.

Section Officer (General)

12/1/23

MINUTES OF THE DEPARTMENTAL PROMOTION COMMITTEE MEETING

A meeting of the Departmental Promotion Committee was held on 18th January, 2023 at 11:00 AM under the Chairmanship of Secretary Labour Department, Khyber Pakhtunkhwa, in his office. The following officers attended the meeting (List of participants also attached at Annex-I):-

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1. Mr. Roohullah Khan,
Secretary, Labour Department,
Khyber Pakhtunkhwa Chairman
2. Mr. Irfan Ullah Khan,
Director Labour, Directorate of Labour,
Khyber Pakhtunkhwa Member
3. Mr. Masood Ahmad Jan,
Deputy Secretary,
Labour Department, Khyber Pakhtunkhwa Member
4. Mr. Badri Zaman,
Section Officer (O&M),
Establishment & Administration Department,
Khyber Pakhtunkhwa Member
5. Mr. Momin Khan,
Section Officer SR-I, Finance Department,
Khyber Pakhtunkhwa Member
6. Mr. Shahid Habib,
Section Officer (General),
Labour Department, Khyber Pakhtunkhwa Co-Opted member

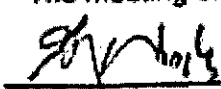
2. The Director Labour, apprised the forum that on the recommendation of DPC held on 16-09-2022 Mr. Muhammad Yaqoob, was appointed as Assistant Director Labour BS-17 on acting charge basis. He further informed that the officer has now completed the required 05-years length of service on 10-10-2022 and as per service rules of the Directorate of Labour, he is now eligible for regular promotion

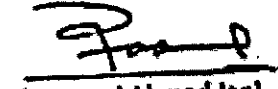
3. It was also certified that neither any disciplinary / departmental proceedings were pending against him nor his seniority was disputed

Decision:-


4. After thorough examination of service record, the Departmental Promotion Committee recommended promotion of Mr. Muhammad Yaqoob, Assistant Director (BS-17) on regular basis.


5. The meeting ended with vote of thanks from and to the Chair.

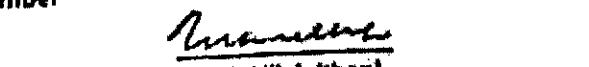

(Irfanullah Khan)
Director Labour
Member


(Masood Ahmad Jan)
Dy. Secretary, Labour
Department / Member


(Badri Zaman)
Section Officer (O&M)
Establishment Department / Member


(Momin Khan)
Section Officer (SR-I)
Finance Deptt./Member


(Shahid Habib)
Section Officer (General)
Labour Deptt. Co-opted Member


(Rooh Ullah Khan)
Secretary to Government of Khyber Pakhtunkhwa
Labour Department / Chairman





DIRECTORATE OF LABOUR
KHYBER PAKHTUNKHWA PESHAWAR

No. DL/Admn/2/4/ 1785

Dated 16/02/2023

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

SUBJECT: - WORKING PAPER FOR APPOINTMENT OF LABOUR OFFICER (BPS-16) TO THE POST OF ASSISTANT DIRECTOR LABOUR (BPS-17) ON ACTING CHARGE BASIS

I am directed to refer to the subject cited above and to enclose herewith working paper along with seven (07) sets of relevant documents for appointment of Labour Officer (BPS-16) to the post of Assistant Director Labour (BPS-17) on acting charge basis. The Original ACRs in respect of the Officers will be presented during the meeting.

I am further directed to request you to place the working paper before the Departmental Promotion Committee (DPC) for appointment to the post of Assistant Director Labour (BPS-17) on acting charge basis.

Encl: As above.

Assistant Director Labour (Admn)
Hqtr: Office Peshawar

Ends No DL/ Admn/2/4/

Dated ___/___/2023

Copy along with working papers is forwarded for information to:-

1. PA to Director Labour Khyber Pakhtunkhwa, Peshawar.

put up
ASST
28/2

Assistant Director Labour (Admn)
Hqtr: Office Peshawar