


# FORM OF ORDER SHEET

Court of

**Appeal No. 1684/2023**

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	18/08/2023	<p>The appeal of Mr. Zahir Shah is re-submitted today by Mr. Bilal Ahmad Kakaizai Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

The appeal of Mr. Zahir Shah Process Server Labour Court Peshawar received today i.e. on 04.08.2023 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Appeal has not been flagged/marked with annexures marks.
- 2- Check list is not attached with the appeal.
- 3- Annexures of the appeal are unattested.
- 4- Affidavit be attested by the Oath Commissioner.
- 5- Annexures-C & D of the appeal are incomplete and illegible which may be completed and replaced by legible/better one.
- 6- Annexures of the appeal are not in sequence which may be annexed serial wise as mentioned in the memo of appeal.
- 7- Index and condonation of delay application is on letter size paper which is not acceptable.
- 8- Six more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 2096 /S.T,

DL. 7/8 /2023.

  
7/8/23

REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Bilal Ahmad Kakaizai Adv.  
High Court Peshawar.

*objection Removed*

*Annexure - C and Annexure D are the relevant rules of District Judiciary, which are annexed specifically for the proving disparity vis-a vis Appellant's case. Complete Rules are next necessary.*

*B/ccccccc*  
18/08/23 *S*

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

CHECK LIST

Case Title: Zahir Shah vs Govt of KPK Etc

S#	CONTENTS	YES	NO
1	This Appeal has been presented by:	✓	
2	Whether Counsel/Appellant/Respondent/Deponent have signed the requisite documents?	✓	
3	Whether appeal is within time?	✓	
4	Whether the enactment under which the appeal is filed mentioned?	✓	
5	Whether the enactment under which the appeal is filed is correct?	✓	
6	Whether affidavit is appended?	✓	
7	Whether affidavit is duly attested by competent Oath Commissioner?	✓	
8	Whether appeal/annexures are properly paged?	✓	
9	Whether certificate regarding filing any earlier appeal on the subject, furnished?	✓	
10	Whether annexures are legible?	✓	
11	Whether annexures are attested?	✓	
12	Whether copies of annexures are readable/clear?	✓	
13	Whether copy of appeal is delivered to AG/DAG?	✓	
14	Whether Power of Attorney of the Counsel engaged is attested and signed by petitioner/appellant/respondent?	✓	
15	Whether numbers of referred cases given are correct?	✓	
16	Whether appeal contains cutting/overwriting?	✓	
17	Whether list of books has been provided at the end of the appeal?	✓	
18	Whether case relate to this court?	✓	
19	Whether requisite number of spare copies attached?	✓	
20	Whether complete spare copy is filed in separate file cover?	✓	
21	Whether addresses of parties given are complete?	✓	
22	Whether index filed?	✓	
23	Whether index is correct?	✓	
24	Whether Security and Process Fee deposited? On	✓	
25	Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules 1974 Rule 11, notice along with copy of appeal and annexures has been sent to respondents? On	✓	
26	Whether copies of comments/reply/rejoinder submitted? On	✓	
27	Whether copies of comments/reply/rejoinder provided to opposite party? On	✓	

It is certified that formalities/documentation as required in the above table have been fulfilled.

Name:

Bilal Ahmad Kadi

Signature:

Bilal Ahmad Kadi

Dated:

17/08/2023

**BEFORE KPK SERVICE TRIBUNAL, PESHAWAR.**

Service Appeal No. 1684/2023

Zahid Shah

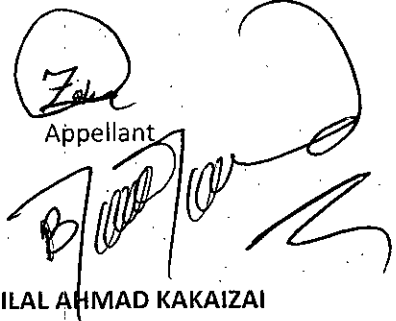
VS

Government of KPK etc

**INDEX**

Description of Documents		Page
MEMO OF SERVICE APPEAL		2-5
AFFIDAVIT		6
ADDRESSES SHEET		7
Application for Condonation of Delay along with Office Order dated 31.07.2023 (Annexure App/ 1).		07-A to 07-D
Annexure-A	Appointment Order of the Appellant.	08-09
Annexure-B	General Upgradation Notification dated 30.06.2015.	10
Annexure-C	Old Rules of Sub – Ordinate Judiciary Employees.	11-12
Annexure-D	New Rules of Sub-Ordinate Judiciary Employees.	13-17
Annexure-E	Order / Judgment dated 21.02.2023 in Writ Petition No. 664-P / 2022	18-24
Annexure-F	Departmental Appeal	25-28
Wakalat Nama		NIL

Through,

  
Appellant

**BILAL AHMAD KAKAIZAI**  
(Advocate, Supreme Court of Pakistan)  
213, Sunehri Masjid Road, Near HBL  
Nothia Branch, Peshawar Cantt.  
0300-9020098

**BEFORE KPK SERVICE TRIBUNAL, PESHAWAR**

Service Appeal No. 1684 / 2023

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 6883

Dated 04/08/23

ZAHIR SHAH,  
Process Server, BPS-03.  
Labour Court, Old Judicial Complex, Peshawar.

..... APPELLANT

**VERSUS**

1. GOVERNMENT OF KHYBER PAKHTUNKHWA,  
Through Secretary Labour, Labour Department,  
Civil Secretariat, Peshawar.
2. SECRETARY FINANCE,  
Finance Department, Government of Khyber Pakhtunkhwa,  
Civil Secretariat, Peshawar.
3. SECRETARY ESTABLISHMENT,  
Establishment Department, Government of Khyber Pakhtunkhwa,  
Civil Secretariat, Peshawar.
4. PRESIDING OFFICER,  
Labour Court, Old Judicial Complex, Peshawar.

..... RESPONDENTS

**SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL ACT, 1973 AGAINST NOT AMENDING SERVICE  
RULES OF LABOUR COURTS OF THE PROVINCE, AS PER DIRECTION  
MENTIONED AT SERIAL # 3 OF THE NOTIFICATION DATED 30.06.2015.**

Prayer in Appeal:

On acceptance of this Appeal, the Respondents  
be directed to amend Service Rules to the  
extent of cadre of Appellant keeping in view  
the analogy contained in the Notification dated  
30.06.2015, and then place the Appellant to  
his original grade, retrospectively i.e. from the

~~Filed to Registrar~~  
18/08/23

Submitted to -day  
and filed.  
IN  
18/08/23  
Registrar

date of Appointment or consider the Appointment of the Appellant in modified scale with all back benefits, with such other relief as may deem fit in the circumstances of the case may also be granted.

*Respectfully Sheweth,*

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

1. That, the Appellant is the employee of Labour Court, Peshawar and is performing duties as Process Server / Bailiff, copy of the Appointment Order of the Appellant is attached as Annexure A.
2. That, the Appellant perform the similar duties as being performed by the Process Servers and Bailiffs of the Sessions Courts / Civil Courts at Peshawar.
3. That, before the Appointment of Appellant, the Provincial Government vide Notification dated 30.06.2015 generally upgraded all the cadres / employees from BPS 1 to 15 in pursuance of which the Process Servers and Bailiffs of Sessions Court as well as Labour Court, Peshawar were upgraded from BPS-03 to BPS-05 and BPS-04 to BPS-06, respectively, copies of the General Upgradation Notification dated 30.06.2015 & Salary Slip of one blessed employee of Labour Court, Peshawar namely Muhammad Bilal are attached as Annexure B.
4. That, as per the contents of said Notification dated 30.06.2015, all the Departments were directed to amend the Service Rules of their respective Departments in pursuance of which the Sub-Ordinate Judiciary / District Courts amended the Service Rules in consequence whereof the fresh recruits / incumbents are now being recruited / appointed in higher pay scales i.e. BPS-05 and BPS 06, copies of relevant Old and New Rules of Sub-Ordinate Judiciary Employees are attached as Annexure C & D.
5. That, Appellant, on many occasions applied with the request to amend the Service Rules of the Labour Court, as well, in accordance with the Notification dated 30.06.2015 but no heed was paid to the requests of the Appellant, hence Appellant approached the

Honorable Peshawar High Court, Peshawar in Constitutional Jurisdiction under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973.

6. That, the said Writ Petition was disposed of by the Honorable Peshawar High Court, Peshawar vide Order / Judgment dated 21.02.2023, with the direction to treat the Writ Petition as a Departmental Appeal, copy of the Order / Judgment dated 21.02.2023 in Writ Petition No. 664-P / 2022 is attached as Annexure E.
7. That, since the Writ Petition was filed by 7 different employees of Labour Court, Peshawar and as per Rules joint Departmental Appeal is not permissible for approaching this Honorable Tribunal, hence the Appellant, while keeping him on a safe track, also filed separate & individual Departmental Appeal before the Competent Authority, through proper channel, copy of the Departmental Appeal is attached as Annexure F.
8. That, the Respondents failed to decide the fate of Departmental Appeal within requisite statutory period, hence, this Appeal for indulgence and enforcement of rights of the Appellant *inter alia* on the following grounds.

GROUND:

- A. That, not amending the Service Rules, in consequence thereof not granting the Appellant his due Pay Scale as per the contents of Notification dated 30.06.2015 is illegal, unlawful, void and ineffective.
- B. That, same is against the principles of Natural Justice, also.
- C. That, it was incumbent upon the Respondent to have started and taken the exercise of amendment of Service Rules from the date when it was directed to them vide Notification dated 30.06.2015, however no attention was given to this aspect, hence Appellant, at the time of their Appointment were discriminated.
- D. That, Appellant deserves to be treated in accordance with law moreover since the Appellant were in probation period hence

they did not agitate the matter before the Competent Authority at the time of Appointment.

- E. That, it is incumbent duty of the State to remove the disparity and discrimination in the pay scales of similarly placed persons in different Departments of the Government and inaction on part of the Department / Government vis-à-vis pay scales of the Appellant is illegal, unlawful, void and ineffective.
- F. That, under Article 37 & 38 of the Constitution of Islamic Republic of Pakistan, 1973 the State is bound to promote social justice, social and economic well being of the people and particularly under clause (e) of Article 38, it is obligation of the state to reduce disparity in the income and earnings of the individuals, including various classes of service of Pakistan.
- G. That, disparity and the discrimination in pay scales of similarly placed employees / inspectors is violative of the Constitution of Islamic Republic of Pakistan, 1973.
- H. That, there exists no reasonable and legal ground, which disfavors the Appellant moreover the Respondents cannot discriminate and refuse the benefit of higher pay scale.
- I. That, Appellant being low paid employee deserves to be treated in accordance with law and inaction on part of the Respondents Department is violative of his rights.

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

Through,

  
Appellant

**BILAL AHMAD KAKAIZAI**

(Advocate, Supreme Court of Pakistan)

213, Sunehri Masjid Road, Near HBL

Nothia Branch, Peshawar Cantt.

0300-9020098.



**BEFORE KPK SERVICE TRIBUNAL, PESHAWAR,**

Service Appeal No. \_\_\_\_\_ / 2023.

ZAHIR SHAH

VS

Government of KPK etc.

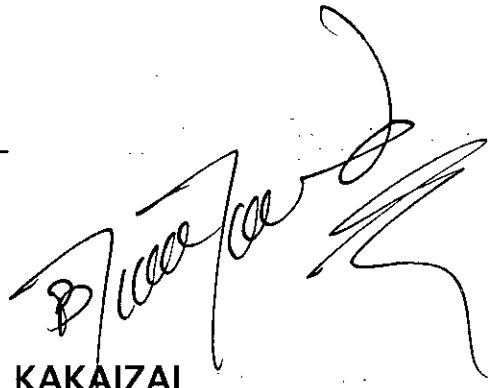
**AFFIDAVIT**

I, ZAHIR SHAH, Process Server, BPS-03, Labour Court, Old Judicial Complex, Peshawar, Appellant, do hereby on oath affirm and declare that the contents of the Service Appeal are true and correct to the best of my knowledge and belief and nothing has been kept secret from this Honourable Tribunal.



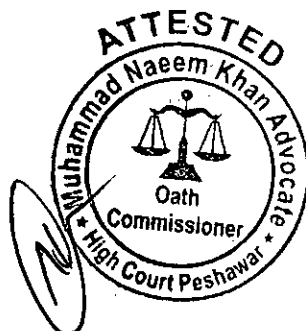
Deponent.

Identified by:-



**BILAL AHMAD KAKAIZAI**

(Advocate, Supreme Court of Pakistan)



16 AUG 2023

**BEFORE KPK SERVICE TRIBUNAL, PESHAWAR,**

Service Appeal No. \_\_\_\_\_ / 2023.

**ZAHIR SHAH** VS **Government of KPK etc.**

**ADDRESSES OF PARTIES.**

**APPELLANT:**

**ZAHIR SHAH,**  
Process Server, BPS-03.  
Labour Court, Old Judicial Complex, Peshawar.

**RESPONDENTS:**

1. Government of Khyber Pakhtunkhwa, Through Secretary Labour, Labour Department, Civil Secretariat, Peshawar.
2. Secretary Finance, Finance Department, Government of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
3. Secretary Establishment, Establishment Department, Government of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
4. Presiding Officer, Labour Court, Old Judicial Complex, Peshawar.

  
Appellant

Through,

  
**BILAL AHMAD KAKAIZAI**

(Advocate, Supreme Court of Pakistan)

213, Sunehri Masjid Road, Near HBL

Nothia Branch, Peshawar Cantt.

0300-9020098.

7A

**BEFORE HONOURABLE SERVICE TRIBUNAL,**  
**PESHAWAR**

Service Appeal No. \_\_\_\_\_ / 2023.

Zahid Shah

Vs

Government of KPK etc.

**APPLICATION FOR CONDONATION OF DELAY.**

*Respectfully Sheweth,*

Short facts, giving rise to present Application, are as under:

1. That, the accompanied Service Appeal is filed today in which no date has yet been fixed.
2. That, the case of the Appellant pertains to correction / amendment in Service Appeal for which considerable time was also spent before the Honorable Peshawar High Court, Peshawar.
3. That, even otherwise the nature of cause agitated before the Honorable Forum is continuous and recurring in nature for which the time limitations are immaterial.
4. That, in fact, the Appellant was verbally informed by the Officials of Labour Department (Section Officer) on 18.07.2023 that his Departmental Appeal has been dismissed by the Secretary Labour, hence the Appellant waited for receiving and impugning the said Rejection Order with his Appeal.
5. That, when the Office Order dated 31.07.2023 was handed over to the Appellant, he came to know that the Department has played foul play with him as in the said Order the case of the Appellant was advised to be sent to Upgradation Committee and no Order on the Departmental Appeal was given, copy of the Order dated 31.07.2023 is attached as Annexure App / 1.
6. That, although the period of 90 days after submission of Departmental Appeal expired on 20.06.2023 and Appellant was required to submit his Appeal on or before 20.07.2023 but due to wrong, Incorrect and dishonest information, they waited for the good response of the Department. It merits mentioning here that the Appeal of the Appellant was ready well before the expiry date i.e. 20.07.2023.
7. That, delay in filing Appeal is not intentional nor malafide rather the same is due to above stated facts.
8. That, the counsel for the Appellant had already prepared the draft of appeal but due to dishonest information the Appellant could not manage to submit the same within time.
9. That, the superior Courts had time and again held that matters be decided on its own merits rather than on Technicalities.

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

7B

*Zahir*

Appellant

Through,

*Bilal Ahmad Kakaizai*

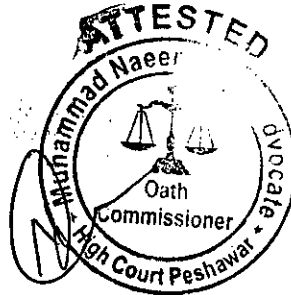
**BILAL AHMAD KAKAIZAI**  
(Advocate, Supreme Court of Pakistan)  
213, Sunehri Masjid Road, Near HBL  
Nothia Branch, Peshawar Cantt.  
0300-9020098

AFFIDAVIT

I ZAHIR Shah Appellant, do hereby on oath affirm and declare that the contents of the Application are true and correct and nothing has been kept secret from this Honorable Court.

*Zahir*

Deponent



16 AUG 2023



GOVERNMENT OF KHYBER PAKHTUNKHWA  
LABOUR DEPARTMENT

7c

No. SOL/LD/2-105/2022/W.P664  
Dated: 31.07.2023

To

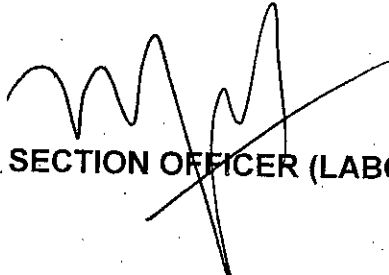
The Presiding Officer,  
Labour Court, Peshawar.

**SUBJECT: DEPARTMENTAL APPEALS / REPRESENTATIONS FOR AMENDMENT IN SERVICE RULES OF LABOUR COURTS OF THE PROVINCE AS PER NOTIFICATION DATED 30/06/2015 IN WRIT PETITION NO. 664/2022 TITLED MUHAMMAD SHAH RUKH VS GOVT OF KPK ETC.**

I am directed to refer to your letter No. 150/LC/PESH dated 29.03.2023 on the subject noted above and to state that this department has taken up the case with Establishment Department as per judgment of the of Peshawar High Court, but Establishment Department has replied vide letter No. SO(Lit-II)E&AD/2-1696/2023 dated 19.07.2023 (copy enclosed) that the upgradation is not the mandate of SSRC rather it is the mandate of upgradation committee of Finance Department and conveyed that Labour Department may take up the case with Finance Department further necessary action.

2. In view of the above, it is requested that working paper (complete in all respects) having detail of sanctioned posts of Process Servers (BS-03) and Baliff Attendants (BS-04) and calculation of financial implications on proposed upgradation to BPS- 05 and BPS- 06 respectively may be furnished to this department for onward submission to Finance Department for its placements before the upgradation committee, please.

**Encl as above**

  
SECTION OFFICER (LABOUR)

**Endst No. & date even:-**

13484-88

Copy forwarded to the:

- ✓ 1. Additional Registrar (Judicial), Peshawar High Court, w/r to subject cited writ Petition in Judgment dated 21.02.2023.
2. Section Officer (Lit-II), Establishment Department, Khyber Pakhtunkhwa w/r to the letter quoted above.
3. PS to Secretary Labour Department, Khyber Pakhtunkhwa.
4. Office copy.

  
SECTION OFFICER (LABOUR)

8 A



GOVERNMENT OF KHYBER PAKHTUNKHWA  
OFFICE OF THE PRESIDING OFFICER  
LABOUR COURT, PESHAWAR

OFFICE ORDER

On the recommendations of the Departmental Selection Committee, the Competent Authority is pleased to order the appointment on temporary basis of the following candidates as Process Server (BPS-03), with effect from the date of assumption of charge of the post, subject to medical fitness, antecedents verification and verification of testimonials through quarter(s) concerned.

Sr#	Name of Candidate	Father's Name
1	Muhammad Shah Rukh	Muhammad Arshad
2	Zahir Shah	Faqir Gul
3	Sabeehullah	Zibayat, Ur Rehman

Their appointment to the service shall be subject to the following terms and conditions:

1. They shall be governed by the NWFP Civil Servants Act, 1973 and NWFP Government Servant (Appointment, Promotion & Transfer) Rules, 1989.
2. They shall be allowed the minimum pay of BPS-03 plus other allowances as admissible under the rules. Those who are already in Govt Service and whose pay is more than the minimum of BPS-03 will be allowed to draw pay which they were drawing before their appointment, subject to permission by the Competent Authority. Their pay shall be fixed at proper stage in BPS-03.
3. They shall be governed by such rules and instructions relating to leave, T.A and Medical Attendance as may be prescribed from time to time.
4. They shall be on probation initially for a period of two years extendable upto three years.
5. They shall be eligible for continuance and eventual confirmation in the post on satisfactory completion of their probationary period, subject to availability of permanent posts and the completion of prescribed training, if any.

*[Handwritten signature]*

Their services shall be liable to be dispensed with at any time without notice and assigning any reason before the expiry of the period of their probation/extended period of probation, if their work or conduct during this period is not found satisfactory. In the event of termination from service, fourteen days' notice or in lieu thereof fourteen days' pay will be paid by the Government. In case of resignation, they will give one month notice to the Government Authority or in lieu thereof one month pay shall be forfeited to the Government. The resignation shall, however, be subject to the acceptance by the Competent Authority.

- 7. They shall be governed by the KPK Government Servants (Efficiency & Discipline) Rules, 2011 and the NWFP Government Servants Conduct Rules, 1987 and any other instructions which may issue by the Competent Authority from time to time.

If the above terms and conditions of appointment are acceptable to them, they should report for duty to the undersigned immediately. The offer of appointment shall be deemed to have been cancelled if they fail to report for duty within one month from the date of issue of this order.

They shall join duty at their own expenses.

(SHAIBER KHAN)  
Presiding Officer, Labour  
Court, Peshawar

Endorsement No. 442-49 Dated Peshawar the 29/08/2016

Copy forwarded to:-

- 1 The Accountant General, Khyber Pakhtunkhwa, Peshawar.
- 2 Mr. Noor Ali Shah, Section Officer (Labour), Govt of KPK, Labour Department, Peshawar
- 3 The Assistant, Labour Court, Peshawar.
- 4 The Accountant, Labour Court, Peshawar.
- 5 The official concerned by name.

} for information, please

} for information and necessary action

(SHAIBER KHAN)  
Presiding Officer, Labour  
Court, Peshawar



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

(10)

B

Dated Peshawar, the 30-06-2015

**NOTIFICATION**

NO.FD/SO(FR)7-20/2015 The competent authority has been pleased to accord approval to the upgradation of pay scales of the following provincial government employees with effect from 01-07-2015:

- a) Two pay scale upgradation will be allowed to all provincial government employees from BS-01 to BS-05.
- b) One pay scale upgradation will be allowed to all provincial government employees from BS-06 to BS-15
- c) Special Compensatory Allowance equal to difference of notional upgradation of BS-16 to BS-17 will be allowed to all provincial government employees in BS-16 in lieu of upgradation.
- d) Upgradation will be applicable to both pay and allowances with freezing limits and other conditions currently in vogue unless revised by the government.
- e) Pay fixation on upgradation will be applicable w.e.f. 01-07-2015 or 01-12-2015 on the option to be given by the concerned employee.
- f) All provincial government employees who have been upgraded en-block or individually in last five years starting from 01-07-2010 or have been granted special allowance / pay equal to 40 % or more of their normal pay shall not be entitled for the instant upgradation.

2. Pay of existing incumbents of the posts shall be fixed in higher pay scales at a stage next above the pay in the lower pay scale.

3. All the concerned Departments will amend their respective service rules to the same effect in the prescribed manner.

4. The above upgradation scheme shall not be applicable to employees of Autonomous Bodies, Semi Autonomous Bodies and Public Sector Companies.

5. Explanatory note and subsidiary instructions on the subject will be issued separately.

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

2  
**ATTES? ED**



C  
11/1

C.No. 2(2-2)

**PESHAWAR HIGH COURT (SUBORDINATE COURTS  
STAFF) RECRUITMENT RULES, 2003****NOTIFICATION**

Dated Peshawar the 26.3.2003

**No. 39-J** In pursuance of the provisions contained in Sub Rule (2) of Rule 3 of the North West Frontier Province Civil Servants (appointment, Promotion and Transfer) Rules, 1989, and in supersession of all previous rules, issued in this behalf, the Competent Authority is pleased to lay down the method of recruitment, qualifications and other conditions specified in column 3 to 5 of the Appendix to this Notification, which shall apply to posts in Subordinate Courts in the N.W.F.P specified in column # 2 of the said Appendix.

**APPENDIX**

Peshawar High Court (Subordinate Courts Staff) Recruitment Rules, 2003.

1 S No	2 Nomenclature of Post	3 Minimum qualification for appointment by initial recruitment	4 Age Limit	5 Method of recruitment
1	Superintendent BPS-16			By promotion, on the basis of seniority-cum-fitness, from amongst holders of the posts of Assistant/Reader, Assistant/Clerk of Court, Assistant/Assistant Clerk of Court, Assistant/Accountant and Assistant/Civil Nazir at serial # 4 to 8 (all BPS-11) with at least five years service as such: Provided that a common seniority list of holders of the posts at serial # 4 to 8 below shall be maintained for the purpose of promotion to the

F  
ATTESTED

C  
11  
2

20	Driver BPS-4	Middle standard and in possession of; i. HTV license or; ii. LTV License in case of light duty vehicle with at least five years experience as such.	30 -- 45 years	By initial recruitment.
21	Daftari BPS-2			By promotion, on the basis of seniority-cum-fitness, from amongst holders of the posts of Chowkidar, Naib Qasid, Sweeper, Chowkidar-cum-Mali, Mali and Water Carrier (all BPS-1) with at least two years service as such and having passed Middle Standard examination:  Provided that a common seniority list of holders of the posts at serial # 25 to 30 below shall be maintained for the purpose of promotion to the post of Daftari.
22	Record Lifter BPS-2			By promotion, on the basis of seniority-cum-fitness, from amongst holders of the posts of Chowkidar, Naib Qasid, Sweeper, Chowkidar-cum-Mali, Mali and Water Carrier (all BPS-1) with at least two years service as such and having passed Middle Standard examination:  Provided that a common seniority list of holders of the posts at serial # 25 to 30 below shall be maintained for the purpose of promotion to the post of Daftari.

2

ATTES? ED

23	Bailiff BPS-2			By promotion, on the basis of seniority-cum-fitness, from amongst holders of the post of Process Server.
24	Process Server BPS-1	Matric	18 - 35 years	By initial recruitment.
25	Chowkidar BPS-1	Preferably literate	25 - 40 years	By initial recruitment.
26	Naib Qasid BPS-1	Preferably Literate	18 - 40 years	By initial recruitment.
27	Sweeper BPS-1	Preferably literate	18 - 40 years	By initial recruitment.
28	Chowkidar-cum-Mali BPS-1	Literate	25 - 40 years	By initial recruitment.
29	Mali BPS-1	Preferably literate	18 - 40 years	By initial recruitment.
30	Water Carrier	Preferably literate	18 - 40 years	By initial recruitment.


C.No. 3(2-2)

### APPOINTING AUTHORITIES, CONSTITUTION OF DEPARTMENTAL SELECTION AND DEPARTMENTAL PROMOTION COMMITTEES

The Honourable Chief Justice has been pleased to direct that for all the District Courts the Officers specified in column 3 of the table below shall perform the functions of Chairman and Members of the Departmental Promotion Committee (DPC) and Departmental Selection Committee (DSC), respectively, for the purposes of making selection and recommendations to the appointing authorities authorized and specified in column 4 of the said table for appointment, by promotion and initial recruitment, to posts specified in column 2 of the said table:

D  
13

				service and qualification shall be promoted in preference to the senior official.
18-A	Female Support Assistant <sup>1</sup> - BPS-11	Secondary School Certificate Examination or Equivalent qualification from a recognized Board. Preference will be given to candidates having experience in the field of Child care/Day care centers/shelter house of the government recognized institutions	18-30 years	By initial recruitment.
19	Junior Clerk/Naib Nazir BPS-11 <sup>2</sup>			By promotion, on the basis of seniority-cum-fitness, from amongst holders of the posts of Bailiff, who have passed Secondary School Certificate Examination, with at least three years' service as such: Provided that in case no suitable candidate from amongst holders of the post of Bailiff is available, then by promotion, on the basis of seniority-cum-fitness, from amongst holders of the post of Process Server who have passed Secondary School

<sup>1</sup> Added vide Notification No.233-J Dated 15<sup>th</sup> October 2020<sup>2</sup> Finance department Rectification No.BD-II/ED/SNE/PHC/2020-21 Dated 07<sup>th</sup> July 2020
  
 ATTESTED

16

				<p>Certificate Examination with at least five years' service as such.</p> <p><b>Note.</b> Seniority of the officials in the same BPS shall, be reckoned with reference to the date of their acquiring 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 official having longer service shall rank senior to other officials; and</p> <p>b. where a senior official does not have the requisite service at the time of filling up a vacancy, the official next junior to him having the requisite service and qualification shall be promoted in preference to the senior official</p>
19-A	Pesh Imam BPS-5	<p>i) A candidate of successful completion of Dars-i-Nizami or equivalent qualification from a recognized institution.</p> <p>ii) Proficiency in Tafseer and Hadith.</p> <p>iii) Free from sectarian bias.</p>	30-45	By initial recruitment

Added vide Notification No.152-I Dated 18<sup>th</sup> May, 2012

  
ATTES? ED

20	Driver BPS-6 <sup>1</sup>	iv) Unblemished good moral character. Middle standard and in possession of; i. HTV license or; ii. LTV License in case of light duty vehicle with at least five years' experience as such.	30 -- 45 years	By initial recruitment.
21	Daftari BPS-04 <sup>2</sup>			By promotion, on the basis of seniority-cum-fitness, from amongst holders of the posts of Chowkidar, Naib Qasid, Sweeper, Chowkidar-cum-Mali, Mali and Water Carrier (all BPS-1) with at least two year service as such and having passed Middle Standard examination:  Provided that a common seniority list of holders of the posts at serial # 25 to 30 below shall be maintained for the purpose of promotion to the post of Daftari.
22	Record Lifter BPS-4 <sup>3</sup>			By promotion, on the basis of seniority-cum-fitness, from amongst holders of the posts of Chowkidar, Naib Qasid, Sweeper, Chowkidar-cum-Mali, Mali and Water Carrier (all BPS-1) with at least two year service as such and having passed Middle Standard examination:

<sup>1</sup> Basic pay scale upgraded vide Notification No.FD/SO(FR)/7-20/2015 Dated 30<sup>th</sup> June, 2015

<sup>2</sup> Basic pay scale upgraded vide Notification No.FD/SO(FR)/7-20/2015 Dated 30<sup>th</sup> June, 2015

<sup>3</sup> Basic pay scale upgraded vide Notification No.FD/SO(FR)/7-20/2015 Dated 30<sup>th</sup> June, 2015

2  
ATTESTED

18

				Provided that a common seniority list of holders of the posts at serial # 25 to 30 below shall be maintained for the purpose of promotion to the post of Daftari.
23	Bailiff BPS-6 <sup>1</sup>			By promotion, on the basis of seniority-cum-fitness, from amongst holders of the post of Process Server.
23 A	Lift Operator BPS-4 <sup>2</sup>	Middle standard with one year experience in any recognized organization.	18-30	
24	Process Server BPS-5 <sup>3</sup>	Matric	18 - 35 years	By initial recruitment.
25	Chowkidar BPS-3 <sup>4</sup>	Preferably Literate	25 - 40 years	By initial recruitment.
26	Naib Qasid BPS-3 <sup>5</sup>	Preferably Literate	18 - 40 years	By initial recruitment.
27	Sweeper BPS-3 <sup>6</sup>	Preferably literate	18 - 40 years	By initial recruitment.
28	Chowkidar-cum-Mali BPS-3 <sup>7</sup>	Literate	25 - 40 years	By initial recruitment.
29	Mali BPS-3 <sup>8</sup>	Preferably literate	18 - 40 years	By initial recruitment.
30	Water Carrier	Preferably Literate	18-40 years	By initial recruitment

#

#

<sup>1</sup>Basic pay scale upgraded vide Notification No.FD/SO(FR)7-20/2015 Dated 30<sup>th</sup> June, 2015

Added vide Peshawar High Court Notification No.152-J Dated 18-5-2012

<sup>2</sup>Basic pay scale upgraded vide Notification No.FD/SO(FR)7-20/2015 Dated 30<sup>th</sup> June, 2015<sup>3</sup>Basic pay scale upgraded vide Notification No.FD/SO(FR)7-20/2015 Dated 30<sup>th</sup> June, 2015<sup>4</sup>Basic pay scale upgraded vide Notification No.FD/SO(FR)7-20/2015 Dated 30<sup>th</sup> June, 2015<sup>5</sup>Basic pay scale upgraded vide Notification No.FD/SO(FR)7-20/2015 Dated 30<sup>th</sup> June, 2015<sup>6</sup>Basic pay scale upgraded vide Notification No.FD/SO(FR)7-20/2015 Dated 30<sup>th</sup> June, 2015<sup>7</sup>Basic pay scale upgraded vide Notification No.FD/SO(FR)7-20/2015 Dated 30<sup>th</sup> June, 2015<sup>8</sup>Basic pay scale upgraded vide Notification No.FD/SO(FR)7-20/2015 Dated 30<sup>th</sup> June, 2015

2  
**ATTESTED**

17

Endst No. & Date even.

Copy of the above is forwarded for information and necessary action to the: -

- 1) PS to Additional Chief Secretary, FATA.
- 2) All Administrative Secretaries Government of Khyber Pakhtunkhwa.
- 3) Senior Member, Board of Revenue, Khyber Pakhtunkhwa Peshawar.
- 4) Accountant General, Khyber Pakhtunkhwa, Peshawar.
- 5) Secretary to Governor, Khyber Pakhtunkhwa, Peshawar.
- 6) Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
- 7) Secretary Provincial Assembly, Khyber Pakhtunkhwa.
- 8) All Heads of Attached Departments in Khyber Pakhtunkhwa.
- 9) Registrar, Peshawar High Court, Peshawar.
- 10) All Deputy Commissioners, Political Agents, District & Sessions Judges / Executive District Officers in Khyber Pakhtunkhwa.
- 11) Chairman, Khyber Pakhtunkhwa, Public Service Commission, Peshawar.
- 12) Registrar, Service Tribunal Khyber Pakhtunkhwa.
- 13) Secretary to Govt; of Punjab, Sindh and Baluchistan, Finance Department, Lahore, Karachi and Quetta.
- 14) The District Comptroller of Accounts, Peshawar, Mardan, Kohat, Bannu, Abbottabad, Swat and D.I. Khan.
- 15) The Senior District Accounts Officer Nowshera, Swabi, Charsadda, Haripur, Manshira and Dir Lower.
- 16) The Treasury Officer, Peshawar.
- 17) All District/Agency Accounts Officers in Khyber Pakhtunkhwa / FATA.
- 18) PSO to Senior Minister for Finance, Khyber Pakhtunkhwa.
- 19) PSO to Chief Secretary, Khyber Pakhtunkhwa.
- 20) Director Local Fund Audit, Khyber Pakhtunkhwa Peshawar.
- 21) PS to Finance Secretary.
- 22) PAs to All Additional Secretaries/ Deputy Secretaries in Finance Department.
- 23) All Section Officers/Budget Officers in Finance Department.
- 24) Mr. Jabir Hussain Bangash, President, Class-IV Association, Civil Secretariat, Khyber Pakhtunkhwa, Peshawar.
- 25) Mr. Manzoor Khan, President, Civil Secretariat Driver Association Khyber Pakhtunkhwa, Peshawar.
- 26) Mr. Akbar Khan Mohmand, Provincial President, Class-IV Association, Khyber Pakhtunkhwa, Peshawar.

  
(MURAD AHMED)  
SECTION OFFICER (FR)

ATTES: ED



**BEFORE PESHAWAR HIGH COURT, PESHAWAR**

Writ Petition No. \_\_\_\_\_ / 2022



- |    |                     |                 |         |
|----|---------------------|-----------------|---------|
| 1. | MUHAMMAD SHAH RUKH, | Process Server, | BPS-03. |
| 2. | ZAHIR SHAH,         | Process Server, | BPS-03. |
| 3. | SABEEHULLAH,        | Process Server, | BPS-03. |
| 4. | AKBAR ALI,          | Bailiff,        | BPS-04. |
| 5. | SUNIL PERVAIZ,      | Bailiff,        | BPS-04. |
| 6. | SADDAM HUSSAIN      | Bailiff,        | BPS-04. |
| 7. | MUHAMMAD FAROOQ     | Bailiff,        | BPS-04. |

All Employees of Labour Court, Old Judicial Complex, Peshawar.

..... PETITIONERS

**VERSUS**

1. GOVERNMENT OF KHYBER PAKHTUNKHWA,  
Through Secretary Labour, Labour Department, Civil Secretariat,  
Peshawar.
2. SECRETARY FINANCE,  
Finance Department, Government of Khyber Pakhtunkhwa, Civil  
Secretariat, Peshawar.
3. SECRETARY ESTABLISHMENT,  
Establishment Department, Government of Khyber Pakhtunkhwa,  
Civil Secretariat, Peshawar.
4. PRESIDING OFFICER,  
Labour Court, Old Judicial Complex, Peshawar.

..... RESPONDENTS

ATTESTED

ATTESTED  
EXAMINER  
Peshawar High Court

WRIT PETITION UNDER ART 199 OF THE CONSTITUTION OF ISLAMIC  
REPUBLIC OF PAKISTAN, 1973.

*Respectfully Sheweth,*

Short facts, giving rise to the present Writ Petition, are as under:

1. That, all the Petitioners are employees of Labour Court, Peshawar and are performing duties as Process Servers & Bailiffs, copies of the Appointment Orders of the Petitioners are attached as Annexure A.
2. That, the Petitioners perform the similar duties as being performed by the Process Servers and Bailiffs of the Sessions Courts / Civil Courts at Peshawar.
3. That, before the Appointment of Petitioners, the Provincial Government vide Notification, dated 30.06.2015 upgraded all the employees from BPS 1 to 15 in pursuance of which the Process Servers and Bailiffs of Sessions Court as well as Labour Court, Peshawar were upgraded from BPS-03 to BPS-05 and BPS-04 to BPS-06, respectively, copy of the General Upgradation Notification dated 30.06.2015 is attached as Annexure B.
4. That, as per the contents of said Notification dated 30.06.2015, all the Departments were directed to amend the Service Rules of their respective Departments in pursuance of which the sub-ordinate judiciary / District Courts amended their Service Rules due to which the fresh recruits / incumbents are now being recruited in upgraded pay scales i.e. BPS-05 and BPS 06, copies of relevant Old and New Rules of Sub-Ordinate Judiciary Employees are attached as Annexure C & D.
5. That, Petitioners, on many occasions applied with the request to amend the Service Rules of the Labour Court, as well, in accordance with the Notification dated 30.06.2015 but no heed was paid to the requests of the Petitioners, hence this Writ Petition on the following amongst other grounds as there is no alternate, adequate and efficacious remedy available to the Petitioners except to approach this Honourable Court. (ANN: E)

ATTESTED

**ATTESTED**  
EXAMINER  
Peshawar High Court

↓  
GROUNDS:

- A. That, not amending the Service Rules and not upgrading the Petitioners as per the contents of Notification dated 30.06.2015 is illegal, unlawful, void and ineffective.
- B. That, same is against the principles of Natural Justice, also.
- C. That, it was incumbent upon the Respondent to have started and taken the exercise of amendment of Service Rules from the date when it was directed to them vide Notification dated 30.06.215, however no attention was given to this aspect hence Petitioners, at the time of their Appointment were discriminated.
- D. That, Petitioners deserves to be treated in accordance with law moreover since the Petitioners were in probation period hence they did not agitate the matter before the Competent Authority at the time of Appointment.
- E. That, it is incumbent duty of the State to remove the disparity and discrimination in the pay scales of similarly placed persons in different Departments of the Government and inaction on part of the Department / Government vis-à-vis pay scales of the Petitioners is illegal, unlawful, void and ineffective.
- F. That, under Article 37 & 38 of the Constitution of Islamic Republic of Pakistan, 1973 the State is bound to promote social justice, social and economic well being of the people and particularly under clause (e) of Article 38, it is obligation of the state to reduce disparity in the income and earnings of the individuals, including various classes of service of Pakistan.
- G. That, disparity and the discrimination in pay scales of similarly placed employees / inspectors is violative of the Constitution of Islamic Republic of Pakistan, 1973.
- H. That, there exists no reasonable and legal ground, which disfavors the Petitioners moreover the Respondents cannot discriminate and refuse the benefit of upgradation.

**ATTESTED**  
**EXAMINER**  
Peshawar High Court

**ATTESTED**

21

- I. That, Petitioners being low paid employees are deserved to be treated in accordance with law and inaction on part of the Respondents Department is violative of their rights.

It is, therefore, requested that a proper Writ be issued, directing the Respondents for amendment in Service Rules as per the contents of Notification dated 30.06.2015, to the extent of Petitioners cadres and then upgrade the Petitioners from the date of their initial Appointment or consider the Appointment of the Petitioners in upgraded scales with all back benefits, with such other relief as may deem fit in the circumstances of the case may also be granted.

  
Petitioners

Through,

BILAL AHMAD KAKAIZAI  
(Advocate, Peshawar)

LAW BOOKS:

1. Constitution of Islamic Republic of Pakistan, 1973.
2. Other Law Books will be produced at the time of arguments.

Certificate: - Certified that no such Writ Petition has been filed earlier by the Petitioner.

  
**ATTESTED**  
**EXAMINER**  
Peshawar High Court

  
**ATTESTED**

BEFORE PESHAWAR HIGH COURT, PESHAWAR,

Writ Petition No. \_\_\_\_\_ / 2022.

MUHAMMAD SHAH RUKH ETC VS Government of KPK etc.

AFFIDAVIT

I, SABEEHULLAH, Process Server, BPS-03, Labour Court, Old Judicial Complex, Peshawar, Petitioner No. 3, do hereby on oath affirm and declare that the contents of the Writ Petition are true and correct to the best of my knowledge and belief and nothing has been kept secret from this Honourable Court.

*Sabeehullah*

Deponent.

57149150362 ✓

encl 17301-6476155-1

Identified by:-

*Bilal Ahmad Kakaizai*

BILAL AHMAD KAKAIZAI

(Advocate, Peshawar)

3342

Certified that the above is a correct and solemn affirmation before me in office, this 16 day of Feb 22, Sabeehullah s/o. Zahayat ur Rehman Peshawar who was identified to me by Bilal Ahmad who is personally known to me.

*[Signature]*  
Coh. Commissioner  
Peshawar High Court, Peshawar

16/02/2022

CERTIFIED TO BE TRUE COPY

Examiner  
Peshawar High Court Peshawar  
Authorized Under Article 87 of the  
The Qanun-e-Shahadat Order 1984

25 FEB 2023

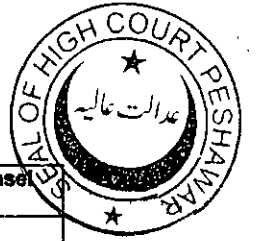
ATTES TED

23

**PESHAWAR HIGH COURT, PESHAWAR**

**Form "A"**

**FORM OF ORDER SHEET**



Date of Order or Proceedings	Order or other Proceedings with Signature of Judge or that of parties or counsel where necessary
1	2
21.02.2023	<p><b><u>Writ Petition No.664-P/2022</u></b></p> <p>Present: Mr. Bilal Ahmad Kakaizai, Advocate, for the petitioners.</p> <p>Syed Sikandar Hayat Shah, AAG, for the respondents.</p> <p>*****</p> <p><b><u>SHAKEEL AHMAD, J.-</u></b> By means of this constitutional petition filed under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973, the petitioners have asked for the following relief:-</p> <p><i>"It is, therefore, requested that a proper Writ be issued, directing the Respondents for amendment in Service Rules as per the contents of Notification dated 30.06.2015, to the extent of Petitioners cadres and then upgrade the Petitioners from the date of their initial Appointment or consider the Appointment of the Petitioners in upgraded scales with all back benefits, with such other relief as may deem fit in the circumstances of the case may also be granted."</i></p> <p>2. The facts of the case are that petitioners are the employees of the Labour Court, Peshawar and are performing their duties as Process Servers in BPS-03 and Bailiffs in BPS-4. It was pleaded in the petition, that vide Notification dated 30.06.2015, the Provincial Government of Khyber Pakhtunkhwa upgraded all the posts of all the employees serving in BPS-1 to 15, and in pursuance thereof, the posts of Process Servers and Bailiffs of Sessions Court/Labour Court</p>

2  
ATTESTED

ATTESTED  
EXAMINER  
Peshawar High Court

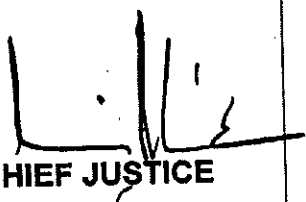
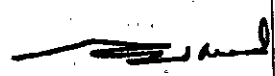
were upgraded from BPS-03 to BPS-05 and BPS-04 to BPS-06. It was asserted that in the light of the said notification, the petitioners requested the respondents to upgrade their posts accordingly by amending their Service Rules, but all their efforts in this respect proved to be a wild goose chase, which necessitated to file the instant petition.

3. During the course of arguments, the learned AAG representing the respondents informed the Court, that proposed draft of amended rules, as claimed by the petitioners has been sent to the Secretary S&GAD, for consideration and thereafter, notification, which is under process, on this, the learned counsel for the petitioners stated that let this petition be treated as departmental appeal/representation and be sent to the Secretary Establishment/respondent No.3 for consideration.

4. In view of the above, this petition is converted into departmental appeal/representation and sent to the worthy Secretary Establishment/respondent No.3 for consideration in accordance with law.

5. This writ petition is disposed of in the above terms.

**Announced:**  
21.02.2023

  
CHIEF JUSTICE  
  
JUDGE

71761  
Date of Presentation of Application 22-2-2023  
No of Pages 7  
Copying fee 28-00  
Total 28-00  
Date of Preparation of Copy 25-2-2023  
Date of Delivery of Copy 25-2-2023  
Received By Alamgir

(Shahid Nawaz, Steno)

(DB)

Hon'ble Mr. Justice Qaiser Rashid Khan, CJ  
Hon'ble Mr. Justice Shakeel Ahmad

CERTIFIED TO BE TRUE COPY  
Examiner  
Peshawar High Court Peshawar  
Authorized Under Article 87 of  
The Constitution of Pakistan  
25 FEB 2023

ATTES<sup>2</sup>ED

To

F  
25

1. WORTHY PRESIDING OFFICER,  
Labour Court, Peshawar
2. SECRETARY LABOUR,  
Labour Department, Government of Khyber Pakhtunkhwa,  
Civil Secretariat, Peshawar.

Through Proper Channel:

DEPARTMENTAL APPEAL / REPRESENTATION FOR AMENDMENT IN THE SERVICE RULES OF  
LABOUR COURTS OF THE PROVINCE AS PER NOTIFICATION DATED 30.06.2015.

Respected Sir / Madam,

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

1. That, the Appellant is the employee of Labour Court, Peshawar and is performing duties as Process Server, since initial Appointment.
2. That, the Appellant perform almost similar duties as being performed by the Process Servers and Bailiffs of the Sessions Courts / Civil Courts.
3. That, before the Appointment of Appellant, the Provincial Government vide Notification dated 30.06.2015 upgraded all the employees from BPS 1 to 15 in pursuance of which the Process Servers and Bailiffs of Sessions Courts as well as Labour Court, Peshawar were upgraded from BPS-03 to BPS-05 and BPS-04 to BPS-06, respectively.
4. That, as per contents of said Notification dated 30.06.2015, all the Departments were directed to amend their Service Rules of their respective Departments in pursuance of which the Sub-ordinate Judiciary / District Courts amended their Service Rules in pursuance of which the fresh recruits / incumbents are now being recruited in upgraded pay scales i.e. BPS-05 and BPS 06.
5. That, Appellant, on many occasions, requested for amendment in the Service Rules of the Labour Court, as well, in accordance with Notification dated 30.06.2015 but no heed was paid to his request, hence Writ Petition was filed before the Honorable Peshawar High Court, Peshawar.
6. That, vide Order dated 21.02.2023 the Writ Petition was disposed of by the Honorable Peshawar High Court on the plea that matter in controversy pertains to terms and conditions of service hence the Honorable High Court is having no jurisdiction due to bar contained in Article 212 of the Constitution of Islamic Republic of Pakistan, 1973, however the Writ Petition was treated as Departmental Appeal.
7. That, since for the purpose of agitating the grievance before the Honorable Service Tribunal, combined Departmental Appeal is not allowed, as per law, hence separate and individual Department Appeal is required to be filed, hence this Appeal on the following amongst other grounds.

2



GROUNDS:

- A. That, not amending the Service Rules and not upgrading the Appellant as per the contents of Notification dated 30.06.2015 is illegal, unlawful, void and ineffective.
- B. That, same is against the principles of Natural Justice, also.
- C. That, it was incumbent upon the Department to have started and taken the exercise of amendment of Service Rules from the date when it was directed to them vide Notification dated 30.06.2015, however no attention was given to this aspect on the case malafidely, hence the Appellant, at the time of his Appointment was discriminated.
- D. That, Appellant deserves to be treated in accordance with law moreover since the Appellant was in probation period hence he did not agitate the matter before the Competent Authority soon after the Appointment.
- E. That, it is incumbent duty of the State to remove the disparity and discrimination in the pay scales of similarly placed persons in different Departments of the Government and inaction on part of the Department / Government vis-à-vis pay scales of the Appellant is unfair.
- F. That, under Article 37 & 38 of the Constitution of Islamic Republic of Pakistan, 1973 the State is bound to promote social justice, social and economic well being of the people and particularly under clause (e) of Article 38, it is obligation of the state to reduce disparity in the income and earnings of the individuals, including various classes of service of Pakistan.
- G. That, disparity and the discrimination in pay scales of similarly placed employees is violative of the Constitution of Islamic Republic of Pakistan, 1973.
- H. That, there exists no reasonable and legal ground, which disfavors the Appellant moreover the Department cannot discriminate and refuse the benefit of upgradation.
- I. That, Appellant being low paid employee, deserve to be treated in accordance with law and inaction on part of the Department is violative of his rights.

It is, therefore, requested that on acceptance of this Department Appeal, for the cadre of Appellant be amended / modified keeping in view the analogy contained in the Notification dated 30.06.2015, and then place the Appellant to his original grade, retrospectively i.e. from the date of Appointment or consider the Appointment of the Appellant in modified scale with all back benefits, with such other relief as may deem fit in the circumstances of the case may also be granted.

Thanking you,

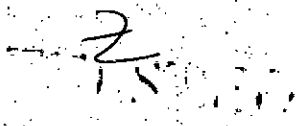
Yours Faithfully



Zahid Shah

Process Server Labour Court

Peshawar



27



**GOVERNMENT OF KHYBER PAKHTUNKHWA  
OFFICE OF THE PRESIDING OFFICER  
LABOUR COURT, PESHAWAR**

No. 15<sup>o</sup> /LC/PESH

Date: 29-03-2023

To

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

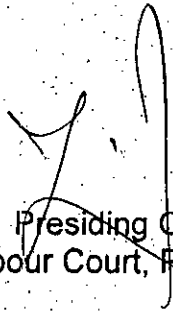
**SUBJECT: DEPARTMENTAL APPEALS / REPRESENTATIONS FOR  
AMENDMENT IN SERVICE RULES OF LABOUR COURTS OF  
THE PROVINCE AS PER NOTIFICATION DATED 30/06/2015.**

Memo,

Please find enclosed herewith self-explanatory Departmental Appeals /  
Representations filed by the employees of Labour Court, Peshawar for onward  
submission to the Competent Authority.

It is to inform you that Honorable Peshawar High Court in Writ Petition  
No. 664-P / 2022 on 21/02/2023 also converted the same nature of grievance / Writ  
Petition into Departmental Appeal / Representations which has already been sent to  
your honor, through Registrar of Peshawar High Court, Peshawar for consideration in  
accordance with law. Copies of eight (8) number of Departmental Appeals /  
Representations and Order dated 21/02/2023 in Writ Petition No. 664-P / 2022 are  
attached herewith for ready reference.

Enclosed as above

  
Presiding Officer  
Labour Court, Peshawar

ATTACHED

**Government of Khyber Pakhtunkhwa**  
**Accountant General Khyber Pakhtunkhwa, Peshawar**  
**Monthly Salary Statement (June-2022)**



**Personal Information of Mr MUHAMMAD BILAL d/w/s of ABDUL JABBAR**

Personnel Number: 00732948 CNIC: 1730167261779 NTN:  
 Date of Birth: 09.03.1986 Entry into Govt. Service: 31.01.2015 Length of Service: 07 Years 05 Months 002 Days

**Employment Category: Active Temporary**

Designation: PROCESS SERVER 80003847-GOVERNMENT OF KHYBER PAKH  
 DDO Code: PR4083- PRESIDING OFFICER LABOUR COURT PESHAWAR.  
 Payroll Section: 008 GPF Section: 004 Cash Center:  
 GPF A/C No: GPF Interest applied **GPF Balance: 44,826.00 (provisional)**  
 Vendor Number: 30350963 - MUHAMMAD BILAL 23-23-79001524-03 HBL

**Pay and Allowances:** Pay scale: BPS For - 2017 Pay Scale Type: Civil BPS: 05 Pay Stage: 7

Wage type		Amount	Wage type		Amount
0001	Basic Pay	13,760.00	1004	House Rent Allow-45% KP21	3,610.00
1210	Convey Allowance 2005	1,932.00	1300	Medical Allowance	1,500.00
2148	15% Adhoc Relief All-2013	252.00	2199	Adhoc Relief Allow @10%	183.00
2211	Adhoc Relief All 2016 10%	943.00	2224	Adhoc Relief All 2017 10%	1,376.00
2247	Adhoc Relief All 2018 10%	1,376.00	2264	Adhoc Relief All 2019 10%	1,376.00
2309	Adhoc Relief All 2021 10%	1,376.00	2311	Dress Allowance - 2021	1,000.00
2312	Washing Allowance 2021	1,000.00	2313	Integrated Allowance 2021	600.00
2341	Dispr. Red All 15% 2022KP	2,064.00			0.00

**Deductions - General**

Wage type		Amount	Wage type		Amount
3005	GPF Subscription	-890.00	3501	Benevolent Fund	-1,200.00
4004	R. Benefits & Death Comp:	-450.00			0.00

**Deductions - Loans and Advances**

Loan	Description	Principal amount	Deduction	Balance
6505	GPF Loan Principal Instal	60,000.00	-3,000.00	48,000.00

**Deductions - Income Tax**

Payable: 0.00 Recovered till JUN-2022: 0.00 Exempted: 0.00 Recoverable: 0.00

**Gross Pay (Rs.): 32,348.00 Deductions: (Rs.): -5,540.00 Net Pay: (Rs.): 26,808.00**

Payee Name: MUHAMMAD BILAL

Account Number: 23237900152403

Bank Details: HABIB BANK LIMITED, 222323 Warsak Road Br. Peshawar. Warsak Road Br. Peshawar., PESHAWAR

**Leaves:** Opening Balance: Aailed: Earned: Balance:

Permanent Address:

City: PESHAWAR

Domicile: -

Housing Status: No Official

Temp. Address:

City:

Email: uhammadbilal19@gmail.com

*Attested*

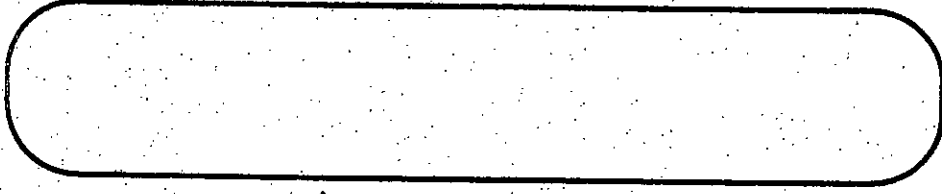
System generated document in accordance with APPM 4.6.12.9(87333/19.06.2022/v3.0)

\* All amounts are in Pak Rupees

\* Errors & omissions excepted (SERVICES/01.07.2022/14:59:28)

**ATTESTED**

بعدالت جناب خیبر پختونخواہ سروس ٹریڈیونل، پشاور



منجانب

مورخہ

Govt. of KPK etc.

بنام Zahir Shah

مقدمہ

دعویٰ

## باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ آن مقام پشاور کے لیے بلال احمد کے زنی اینڈ وکیٹ سپریم کورٹ آف پاکستان مقرر کر کے اقرار کیا جاتا ہے۔ کہ وکیل موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ برحلف دینے، جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ اور عرضی دعویٰ اور درخواست ہر قسم کی تصدیق زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از ضرورت مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے۔ اور اس کا ساختہ پرواختہ منظور و قبول ہوگا۔ دوران مقدمہ میں جو خرچہ و ہرجانہ التوائے مقدمہ کے سبب سے ہوگا یا کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سندر ہے۔

کے لیے منظور ہوا  
Bilal Ahmad

المرقوم

بمقام

Attested & Accepted

bilalahmad78@gmail.com

Bar Council No. bc-11-1062

Mobile No: 0300-9020098