

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

Service Appeal No. 1412 of 2023.

Engr. Muhammad Ikram Khan, Instructor (BPS-17),  
Mines Rescue, Safety & Training Centre, Jalozei, District Nowshera.

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 7359

Dated 5/9/2023

..... (Appellant)

**VERSUS**

Government of Khyber Pakhtunkhwa through Chief Secretary Khyber  
Pakhtunkhwa & others.

.... (Respondent)

**INDEX**

S#	Description of Documents	Annex	Pages
1.	Para wise Comments	--	2-4
2.	Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989	A	5-7
3.	Seniority list of Inspectors of Mines/Instructors (BS-17)	B	8-10
4.	Service Rules	C	11-14
5.	Rejection letter of Establishment Department	D	15-16
6.	Requisition of the post of Senior Inspector of Mines (BS-18)	E	17-20
7.	Affidavit	--	21

**Deponent: Director  
(Administration)  
Inspectorate of Mines  
Khyber Pakhtunkhwa**

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

Service Appeal No. 1412 of 2023

Engr. Muhammad Ikram Khan, Instructor (BPS-17),  
Mines Rescue, Safety & Training Centre, Jalozai, District Nowshera.  
..... (Appellant)

**VERSUS**

Government of Khyber Pakhtunkhwa through Chief Secretary Khyber  
Pakhtunkhwa & others.  
.... (Respondent)

**PARA WISE COMMENTS ON BEHALF OF RESPONDENTS NO. 1, 2 & 3, 4, 5**


**Respectfully Shewith:**

**Preliminary Objections:**

1. That the appellant has ~~neither~~ come to this tribunal with clean hands nor the appeal is based on factual grounds, legal footing and is, therefore, liable to be dismissed.
2. That the appellant has no cause of action/locus standi to file the instant appeal, hence, the appeal is not maintainable in its present form.
3. That the appellant is estopped by his own conduct to file the instant appeal.
4. That the appeal in its present form is defective, bad and is liable to be dismissed.
5. That the appellant is bound to abide by law, rules and regulations issued by government from time to time.
6. That the appeal is barred by law and limitation.
7. That the appeal is bad for mis-joinder and non-joinder of necessary parties.

**ON FACTS:**

1. Correct.
2. Correct.
3. Correct.
4. Correct.

**Assistant Director  
(Administration)  
Inspectorate of Mines  
Khyber Pakhtunkhwa**  




5. Correct to the extent that Inspectorate of Mines did circulate the Joint Seniority List of Inspector of Mines and Instructor as stood on 31.12.2022 and the appellant stood at No. 11 on the same list based on Seniority provision of Rule-17 of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989 wherein the rule stipulates that seniority shall be based in order of merit in case of recruitment on initial appointment basis **(Annex-A & B)**.
6. Correct to the extent that method of recruitment to the post of Senior Inspector of Mines (BS-18) is **“By promotion, on the basis of seniority-cum-fitness, from amongst the Inspectors of Mines and Instructors with at least five years services as such and having First Class Mine Manager Certificate of Competency granted under the provision of Mines Act 1923”**. However, it is necessary to clarify here as per proviso of the ibid service rules: **“if no suitable person is available for promotion then the post will be filled by transfer or initial recruitment”** (Annex-C).
7. Incorrect. As per existing Service Rules, for promotion to the post of Senior Inspector of Mines (BPS-18) at serial No. 5 **(Annex-D)**, the appellant will have to complete five years (05) in his cadre in Inspectorate of Mines Khyber Pakhtunkhwa, the Promotion Policy 2009, is not applicable in this case.
8. Incorrect. The requisition for the post of Senior Inspector of Mines (BS-18) was sent to Khyber Pakhtunkhwa Public Service Commission in 2018 under the existing Service Rules **(Annex-E)** when there was shortage of competent Inspectors of Mines (BS-17) in the Inspectorate of Mines Khyber Pakhtunkhwa for the initial recruitment on the basis proviso of the ibid rules.
9. Incorrect. As stated in para-7 & 8 above.
10. As stated in para-7 of the above.
11. No comments.

**ON GROUNDS:**

- A. Incorrect. As stated in para-7 of the Fact, above.
- B. Incorrect.
- C. Incorrect. As stated in para-7 of the Fact, above.
- D. Incorrect. As stated in para-8 of the Fact, above.
- E. Incorrect. No discrimination has been made against the appellant.

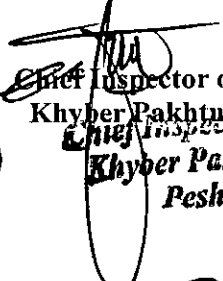
F. No comments.


G. No comments.


**PRAYERS:**

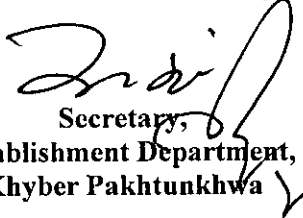
*In light of the above detail, the appeal of the appellant is devoid of any merit consideration which may graciously be dismissed with cost, please.*

**Respondents:**


④  
  
Chief Inspector of Mines  
Khyber Pakhtunkhwa Mines  
Khyber Pakhtunkhwa  
Peshawar.

②  
  
Secretary,  
Minerals Development Department,  
Khyber Pakhtunkhwa

⑤  
  
Chairman,  
Khyber Pakhtunkhwa Public Service  
Commission,

③  
**SECRETARY**  
to Govt of Khyber Pakhtunkhwa  
Minerals Dev. Deptt:  
  
Secretary,  
Establishment Department,  
Khyber Pakhtunkhwa



①  
  
Chief Secretary,  
Government of Khyber Pakhtunkhwa



**Assistant Director  
(Administration)  
Inspectorate of Mines  
Khyber Pakhtunkhwa**

5

**THE <sup>1</sup>KHYBER PAKHTUNKHWA CIVIL SERVANTS  
(APPOINTMENT, PROMOTION & TRANSFER) RULES, 1989**

PART-I

GENERAL

1. **Short title and commencement:** - (1) These rules may be called the <sup>2</sup>[Khyber Pakhtunkhwa] Civil Servants (Appointment, Promotion and Transfer) Rules, 1989.

(2) They shall come into force at once.

2. **Definitions:-**(1) In these rules, unless the context otherwise requires:-

(a) "Appointing Authority" in relation to a post, means the persons authorized under rule 4 to make appointment to that post;

(b) "Basic Pay Scale" means the Basic Pay Scale for the time being sanctioned by Government, in which a post or a group of posts is placed;

(c) "Commission" means the <sup>3</sup>[Khyber Pakhtunkhwa] Public Service Commission;

<sup>4</sup>(d) "Departmental Promotion Committee" means a committee constituted for making selection for promotion or transfer to such posts under a Department, or offices of Government, which do not fall within the purview of the Provincial Selection Board;

<sup>5</sup>(dd) "Departmental Selection Board" means a Board constituted for the purpose of making selection for initial recruitment /appointment to posts under a Department or office of Government in Basic Pay Scale 17 not falling within the purview of the Commission:

Provided that more than one such committees may be constituted for civil servants holding different scales of pay".

(e) "Departmental Selection Committee" means a committee constituted for the purpose of making selection for initial appointment to posts under a department, or office of Government [in Basic Pay Scale 17 and below not falling within the purview of the Commission];

(f) "Post" means a post sanctioned in connection with the affairs of the Province, but not allocated to all Pakistan Unified Grades ; and


<sup>1</sup> For the words "NWFP" or "North-West Frontier Province", wherever occurred, the words "Khyber Pakhtunkhwa" substituted by the Khyber Pakhtunkhwa Laws (Amendment) Act, 2011 (Khyber Pakhtunkhwa Act No. IV of 2011) published in the Khyber Pakhtunkhwa Government Gazette Extraordinary dated 2<sup>nd</sup> April, 2011

<sup>2</sup> Sub.by the Khyber Pakhtunkhwa Act No. IV of 2011.

<sup>3</sup> Sub.by the Khyber Pakhtunkhwa Act No. IV of 2011.

<sup>4</sup> Substituted by Clause (d) of sub-rule (1) of Rule 2 vide Notification No. SOR-I (S&GAD) 4-1/80 (Vol-II) dated 14-01-92.

<sup>5</sup> Clause (dd) added by Notification No. SOR-III (S&GAD) 2-7/86, dated 8-12-1994

  
**Assistant Director  
(Administration)  
Inspectorate of Mines  
Khyber Pakhtunkhwa**

## SENIORITY

17. **Seniority :-** (1) the seniority inter se of civil servants <sup>47</sup>(appointed to a service, cadre or post) shall be determined:-

- (a) in the case of persons appointed by initial recruitment, in accordance with the order of merit assigned by the Commission <sup>48</sup>[or as the case may be, the Departmental Selection Committee;] provided that persons selected for appointment to post in an earlier selection shall rank senior to the persons selected in a later selection; and
- (b) in the case of civil servants appointed otherwise, with reference to the date of their continuous regular appointment in the post; provided that civil servants selected for promotion to a higher post in one batch shall, on their promotion to the higher post, retain their inter se seniority as in the lower post.

**Explanation-I:-** If a junior person in a lower post is promoted to a higher post temporarily in the public interest, even though continuing later permanently in the higher post, it would not adversely effect the interest of his seniors in fixation of his seniority in the higher post.

**Explanation-II:-** If a junior person in a lower post is promoted to a higher post by superseding a senior person and subsequently that senior person is also promoted the person promoted first shall rank senior to the person promoted subsequently; provided that junior person shall not be deemed to have superseded a senior person if the case of the senior person is deferred for the time being for want of certain information or for incomplete record or for any other reason not attributing to his fault or demerit.

**Explanation-III:-** A junior person shall be deemed to have superseded a senior person only if both the junior and the senior persons were considered for the higher post and the junior person was appointed in preference to the senior person.

(2) Seniority in various cadres of civil servants appointed by initial recruitment vis-à-vis those appointed otherwise shall be determined with reference to the dates of their regular appointment to a post in that cadre; provided that if two dates are the same, the person appointed otherwise shall rank senior to the person appointed by initial recruitment.

<sup>49</sup>(3) In the event of merger/restructuring of the Departments, Attached Departments or Subordinate Offices, the inter se seniority of civil servants affected by the merger/restructuring as aforesaid shall be determined in accordance with the date of their regular appointment to a cadre or post.

<sup>50</sup>(4) The inter-se-seniority of civil servants in a certain cadre to which promotion is made from different lower posts, carrying the same pay scale shall be determined from the date of regular appointment/promotion of the civil servants in the lower post.


Provided that if the date of regular appointment of two or more civil servants in the

<sup>47</sup> Substituted for the words appointment to a post in the same basic pay scale in a cadre by Notification No. SOR-I(S&GAD)4-1/80, dated 17-05-1989.

<sup>48</sup> The words inserted by Notification No. SOR-I(S&GAD)4-1/80/II, dated 04-02-1996.

<sup>49</sup> Sub-rule (3) of Rule 17 added vide Notification No. SOR-I(E&AD)4-1/80/IV, dated 28-5-2002.

<sup>50</sup> Sub-rule (4) of Rule 17 added vide Notification No. SOR-VI (E&AD) 1-3/2008 dated 19-11-2009.


  
 Assistant Director  
 (Administration)  
 Inspectorate of Mines  
 Khyber Pakhtunkhwa

lower post is the same, the civil servant older in age, shall be treated senior.

18. **General Rules:** - In all matters not expressly provided for in these rules, civil servants shall be governed by such rules as have been or may hereafter be prescribed by Government and made applicable to them.

19. **Repeal:-** The <sup>51</sup>[Khyber Pakhtunkhwa] Civil Servants (Appointment, Promotion and Transfer) Rules, 1975, are hereby repealed.


(Authority; No. SORI(S&GAD)4-1/80, dated 13<sup>th</sup> May, 1989)

  
Assistant Director  
(Administration)  
Directorate of Mines  
Khyber Pakhtunkhwa

<sup>51</sup> Sub. by the Khyber Pakhtunkhwa Act No. IV of 2011.

REGISTERED

*u/f-15*



**INSPECTORATE OF MINES**  
**KHYBER PAKHTUNKHWA, PESHAWAR**  
**ATTACHED DEPARTMENT, NEAR JUDICIAL COMPLEX**  
**KHYBER ROAD PESHAWAR**

Ph: 091-9211746 Fax No: 091-9210236 Email: lomadm@gmail.com

No. CIM/Admn/Seniority/Officers/Vol-II/ *162-111* Dated: 5/01/2023

To

1. The Inspector of Mines, Mardan, Swat, Chitral, Buner, D.I. Khan, Kohat, Mansehra, Orakzai.
2. The Instructors, MRSTC, Jalozai, Nowshera.
3. The Assistant Directors, Model Coal Mines, Nowshera.

Subject: TENTATIVE SENIORITY LIST OF OFFICERS FOR THE YEAR 2022 AS STOOD ON 31-12-2022.

I am directed to refer to the subject noted above and to enclose herewith Tentative Seniority list for the calendar year 2022 as stood on 31-12-2022 with the remarks to go through the same carefully and intimate if any wrong information has been incorporated in the said Seniority List.

It is requested to intimate your reply to the Administrative Wing within Seven (07) days, and if no reply received within the stipulated time period, then it will be presumed that the information incorporated in the Seniority List is correct and it will be given a final shape.

I am further directed to request you to visit Headquarter Office Peshawar to Sign the same tentative seniority list mentioned above at the earliest as Administrative Department has fixed a deadline of 31<sup>st</sup> January, 2023, please.

*[Signature]*

**Assistant Director  
 (Administration)  
 Inspectorate of Mines  
 Khyber Pakhtunkhwa**

*[Signature]*

**Assistant Director  
 (Administration)  
 Inspectorate of Mines  
 Khyber Pakhtunkhwa**

*[Signature]*  
 2023





Government of  
Khyber Pakhtunkhwa  
Minerals Development Department

15  
-45-

No. SO(E)/MDD/1-108/2020/  
Dated Peshawar, 26.04.2023

5843

To

The Chief Inspector of Mines,  
Inspectorate of Mines,  
Khyber Pakhtunkhwa.

Subject:

COUNTING OF SERVICE IN LOWER SCALE FOR PROMOTION TO  
BS-18.

I am directed to refer to your letter No. CIM/Admin/PF/1/11/2020/982 dated 10.01.2023 on the subject cited above and to enclose herewith a copy of Establishment Department letter No. SO(O&M)/E&AD/10-1/Misc/2023 dated 13.04.2023, which is self-explanatory with the remarks that the subject case may be dispose of in light of the Service Rules of the Inspectorate of Mines, Khyber Pakhtunkhwa, please.

Enclose as above.

*[Signature]*  
Section Officer (Estt.)

*AD (Admin) / O.A*

*In 28/4/2023*

*Asst. Secy (M) Perceives to be completed*

*2/5/23*

Diary No. 2252  
Date: 28-4-23  
Inspectorate of Mines  
Khyber Pakhtunkhwa

*wlc*

*[Signature]*

Chief Inspector of Mines  
Inspectorate of Mines  
Khyber Pakhtunkhwa



GOVT. OF KHYBER PAKHTUNKHWA  
ESTABLISHMENT & ADMIN. DEPARTMENT  
(REGULATION WING)

No. Kc. SO(O&M)E&AD/10-1/Misc./2023  
Dated Peshawar, the 15<sup>th</sup> April, 2023

To

The Secretary to Govt. of Khyber Pakhtunkhwa,  
Minerals Development Department.

Mineral Dev. Deptt. (KPK)

Secy: Diary No. 531

Date: 18-04-23

Subject:

SERVICE APPEAL FOR PROMOTION TO THE VACANT POST OF  
SENIOR INSPECTOR OF MINES ON ACTING CHARGE BASIS.

Dear Sir,

I am directed to refer to your letter No. SO(E)/MDD/1-108/PF/2020/4316-17 dated 29.03.2023 on the subject noted above and to state that the Administrative Department may dispose of the case in the light of the Service Rules of Inspectorate of Mines, Khyber Pakhtunkhwa, please.

Yours faithfully,

(Badri Zaman)

SECTION OFFICER (O&M)

Encls: No. & date even.

Copy to the:-

1. PS to Secretary, Establishment Department.
2. PS to Special Secretary (Regulation), Establishment Department.
3. PA to Additional Secretary (Reg-II), Establishment Department.
4. PA to Deputy Secretary (Policy), Establishment Department.
5. Master File.

SECTION OFFICER (O&M)

A S/O

SO (EST)  
Advice arrived.

DS (EST) process pl.

19/4/2023

Secretary MDD  
18/4/23

Diary S.O (E)

No: 04

Date: 19-04-23

19/04/23

Addl. Sec (Admin) D. No: 695

Date: 19-04-2023

Minerals Dev. Department (KPK)

Assistant Director  
(Administration)  
Inspectorate of Mines  
Khyber Pakhtunkhwa



INSPECTORATE OF MINES  
KHYBER PAKHTUNKHWA, PESHAWAR  
ATTACHED DEPARTMENT, NEAR JUDICIAL COMPLEX  
KHYBER ROAD PESHAWAR  
Phn. 091-9211746-9210018- Fax No. 091-9210226

Amien - e

(11) 17

No. CIM/Admn/Adli/Ract/PSC/ 2301 Dated: 23/04/2018

To The Section Officer (E)  
Mineral Development Department  
Government of Khyber Pakhtunkhwa  
Peshawar.

Subject: REQUISITION FOR THE POSTS OF SENIOR INSPECTOR OF MINE (BPS-18).

I am directed to refer to your letter No. SOE/MDD/2-25/Vol-11/2017 dated 16/04/2018 on the subject noted above and to enclose please find herewith requisition for the recruitment to the posts of Senior Inspector of Mines (BPS-18) alongwith relevant documents in respect of Inspectorate of Mines Khyber Pakhtunkhwa Peshawar for onward submission to Khyber Pakhtunkhwa Public Service Commission please.

Administrative Officer  
For Chief Inspector of Mines  
Khyber Pakhtunkhwa  
Peshawar

o/c

Assistant Director  
(Administration)  
Inspectorate of Mine  
Khyber Pakhtunkhwa

Scanned with CamScanner

Assistant Director  
(Administration)  
Inspectorate of Mines  
Khyber Pakhtunkhwa

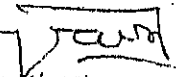
Scanned with CamScanner


KHYBER PAKHTUNKHWA PUBLIC SERVICE COMMISSION  
 REQUISITION FOR RECRUITMENT TO THE POST (S) OF JUNIOR INSPECTOR OF MINES  
 (BPS-18)

18

a	Designation and No. of post(s) requisitioned	Junior Inspector of Mines (BPS-18) (05 Posts) Regular
b	Nature of the post(s) Permanent/Temporary/Contract	
c	Life of post(s)	As per prevailing Govt. order / 03/01/2018
d	Date(s) of occurrence of vacancy/ Vacancies	
e	Percentage of promotion and Direct recruitment	By Initial Recruitment.
f	No. of post(s) reserved for Disabled person against 2% quota as prescribed by the Government	N/A
g	No of posts reserved for Woman Quota @10% as prescribed by the Government if it is joint cadre for both sexes.	Nil
h	Zonal allocation of the posts for General Seats (Zones and Moit) are to be specified as per Notification No.SOS-III(S&GAD) 3-39/70 dated 03-02-1990.	Open Moit = 01 Post Zone I = 01 Post Zone II = 01 Post Zone III = 01 Post Open Moit = 01 Post Zone IV = 00 Post Zone V = 00 Post Female Reserved Quota = 00 Post Total = 05 Posts (As Per Government Policy) (BPS-18) (Provincial).
2.	a. Grade and service	
b.	Service Rules governing recruitment (to be attached)	Attached.
c.	If notified service are not available, indicate the suggested rules if any framed and copy be attached.	N/A.
3.	a. Pay Scale	(30,350-2870-95,750) (BPS-18)
b.	Any provision for higher initial pay for special qualifications or experience.	Nil.
c.	Any special concession such as Rent free house, light, water, Prospects of promotion to higher time scale.	Nil.
4.	a. Duties of the post.	(i) Implementation of the Mines Safety Laws and Rules Regulations made there under for

Scanned with CamScanner

  
 Assistant Director  
 (Administration)  
 Inspectorate of Mines  
 Khyber Pakhtunkhwa

  
 Assistant Director  
 (Administration)  
 Inspectorate of Mines  
 Khyber Pakhtunkhwa

Scanned with CamScanner

<p>b. When involved to help, c. Place(s) where required to serve.</p>	<p>The purpose of entry of mine and other related matters. (ii) Payment respectively of other allowances. Khyber Pakhtunkhwa Khyber Pakhtunkhwa</p>
<p>Qualifications a. Academic (If more than one prescribed, specify which is to be given more weight).</p>	<p>(i) At least two class Bachelor's Degree in Mining Engineering from a recognized university. (ii) First Class Mine Managers Certificate of Competency granted under the provision of Mines Act 1923; and (iii) At least seven years experience in mining.</p>
<p>b. In case of equivalent qualification is acceptable, specify that</p>	
<p>c. Training and experience.</p>	
<p>d. Minimum academic qualification after which the prescribed experience in column 5a will count.</p>	
<p>e. Any other qualification.</p>	
<p>6. a. Minimum and maximum age limit</p>	<p>28 - 40 years</p>
<p>b. Sex.</p>	<p>Male/Female</p>
<p>c. Nationality and domicile.</p>	<p>Khyber Pakhtunkhwa/FATA</p>
<p>7. Any other condition or qualification not covered above.</p>	
<p>8. In case Government Servant (s) / are eligible Which conditions are relaxable in their favor. Do they get any special concessions?</p>	<p>In case of a person whose services under the Government have terminated for want of a vacancy, the period of service already rendered by him shall for the purpose of upper age limit under the rules be excluded from his age.</p>
<p>9. Was/ were this/these posts) are advertised? If so, give No. and year of PSC advertisement.</p>	<p>No.</p>
<p>10. Name of appointment of the Departmental Officer recommended to assist the PSC in Advisory capacity during the interview.</p>	<p>Chief Inspector c. Mines Khyber Pakhtunkhwa.</p>
<p>11. Whether it is the ever first requisition of the subject post</p>	<p>Yes</p>

Scanned with CamScanner

*[Signature]*  
Assistant Director  
(Administration)  
Inspectorate of Mines  
Khyber Pakhtunkhwa

*[Signature]*

Scanned with CamScanner

Assistant Director  
(Administration)  
Inspectorate of Mines  
Khyber Pakhtunkhwa

placed before the Commission  
or otherwise.

291  
(19)  
20

I certify that:

- i. The requisition is complete in all respects.
- ii. No other requisition has been placed on PSC for the requisitioned post(s).
- iii. No adhoc / contract appointee can claim regular appointment against the requisitioned post(s).
- iv. The vacancy / vacancies fall to the share of initial recruitment quota as per ratio fixed in the Service Rules for promotion and initial recruitment quota.

It is confirmed that the total number of vacancy / vacancies indicated in the requisition also includes the post(s) which is / are at present held by contract adhoc appointee(s).

CHIEF INSPECTOR OF MINES  
KHYBER PAKHTUNKHWA

*[Handwritten signature]*  
Chief Inspector of Mines  
Khyber Pakhtunkhwa

SECRETARY  
MINERAL DEVELOPMENT DEPARTMENT  
KHYBER PAKHTUNKHWA  
PESHAWAR.

*[Handwritten signature]*

Assistant Director  
(Administration)  
Inspectorate of Mines  
Khyber Pakhtunkhwa

*[Handwritten signature]*

Assistant Director Scanned with CamScanner  
(Administration)  
Inspectorate of Mines  
Khyber Pakhtunkhwa

INITIATIVE SENIORITY LIST OF THE INSPECTOR OF MINES, INSTRUCTOR OF THE INSPECTORATE OF MINES  
 KHYBER PAKHTUNKHWA, AS STOOD ON 31.12.2022

Post: INSPECTOR OF MINES/INSTRUCTOR (BPS-17)

Total Sanction Strength: 22

Vacant: 11

No	Name of Officer	Qualification	Date of Birth With Domicile	Date of 1 <sup>st</sup> entry into Government Service	Regular appointment / promotion to the present post			Present posting with date
					Date	BPS	Method of Rec./Appt	
01	Engr. Mahum Waheed	B.S Mining Engineering	16.05.1995 Peshawar	30.12.2019	30.12.2019	17	By Initial Recruitment	Inspector of Mines, Peshawar 28.01.2020
02	Engr. Atshad Ali	B.S Mining Engineering	06.11.1988 Swat	30.12.2019	30.12.2019	17	By Initial Recruitment	Inspector of Mines, Swat 28.01.2020
03	Engr. Usman Ghani	B.S Mining Engineering	01.01.1991 Mardan	30.12.2019	30.12.2019	17	By Initial Recruitment	Inspector of Mines, Mardan 28.01.2020
04	Engr. Muhammad Owais	B.S Mining Engineering	05.03.1995 Peshawar	30.12.2019	30.12.2019	17	By Initial Recruitment	Inspector of Mines, Karak 28.01.2020
05	Engr. Rahim Dad	B.S Mining Engineering	22.02.1993 Bannu	30.12.2019	30.12.2019	17	By Initial Recruitment	Inspector of Mines, Kohat 16.09.2021
16	Engr. Bushra Nawaz	B.S Mining Engineering	14.08.1993 Mansehra	30.12.2019	30.12.2019	17	By Initial Recruitment	Inspector of Mines, Mansehra 28.01.2020
7	Engr. Abdur Rahman	B.S Mining Engineering	15.04.1991 Buner	30.12.2019	30.12.2019	17	By Initial Recruitment	Inspector of Mines, Buner 28.01.2020

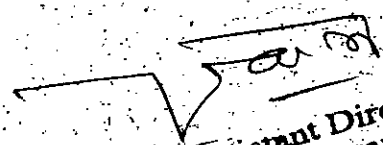
Assistant Director  
 (Administration)  
 Inspectorate of Mines  
 Khyber Pakhtunkhwa

-17-

10

8	Engr. Syed Muhammad Haris	B.S Mining Engineering	10.09.1995 Charsadda	30.12.2019	30.12.2019	17	By Initial Recruitment	Mines Abbottabad 06.08.2020
9	Engr. Abdullah	B.S Mining Engineering	14.03.1992 Karak	30.12.2019	30.12.2019	17	By Initial Recruitment	Inspector of Mines, D.I.Khan 28.01.2020
3	Engr. Muhammad Raziq	B.S Mining Engineering	01.04.1987 Karak	30.12.2019	30.12.2019	17	By Initial Recruitment	Inspector of Mines, Chitral. 06.08.2020
1	Engr. Muhammad Ikram Khan	B.S Mining Engineering	11.12.1986 Dir Lower	16.02.2016	17.04.2020	17	By Initial Recruitment	Instructor MRSTC Jaloza Nowshera 01.09.2020
2	Engr. Ayesha Nisar	B.S Mining Engineering	09.09.1997 Mansehra	23.02.2022	23.02.2022	17	By Initial Recruitment	Inspector of Mines, Kohistan 18.04.2022

CHIEF INSPECTOR OF MINES  
KHYBER PAKHTUNKHWA

  
Assistant Director  
(Administration)  
Inspectorate of Mines  
Khyber Pakhtunkhwa





GOVERNMENT OF THE KHYBER PAKHTUNKHWA  
MINERALS DEVELOPMENT DEPARTMENT

NOTIFICATION

Peshawar dated the November 22, 2017.

No.SOE/MDD/2-1/Vol-II/2017.- In pursuance of the provisions contained in sub-rule (2) of rule 3 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, and in supersession of all previous Notifications issued in this behalf, to the extent of posts borne in the Inspectorate of Mines Khyber Pakhtunkhwa, the Minerals Development Department in consultation with the Establishment Department and the Finance Departments, hereby lays down the method of recruitment, qualifications and other conditions specified in column No. 3 to 5 of the Appendix to this Notification which shall be applicable to the posts borne in the Inspectorate of Mines Khyber Pakhtunkhwa specified in column No. 2 of the said Appendix.

APPENDIX

S.No	Nomenclature of Posts	Minimum Qualification for Appointment by Initial Recruitment	Age Limit	Method of Recruitment
1	2	3	4	5
1.	Chief Inspector of Mines (BPS-20)			By promotion, on the basis of seniority-cum-fitness, from amongst the Deputy Chief Inspectors of Mines, Directors Training and Directors Planning and Mine Development Cell with at least twelve (12) years' service as such in BPS-18 and above or seventeen (17) years' service as such in BPS-17 and above with successful completion of Senior Management Course (SMC):  Provided that if no suitable person is available for promotion then by transfer.  Note: A joint seniority list of Deputy Chief Inspectors of Mines, Directors Training and Directors Planning and

*[Signature]*  
Assistant Director  
(Administration)  
Inspectorate of Mines  
Khyber Pakhtunkhwa

				<b>Note:</b> A joint seniority list of Senior Inspectors of Mines and Rescue Superintendents shall be maintained for the purpose of promotion.
5.	Senior Inspector of Mines (BPS-18)	(i) At least Second Class Bachelor's Degree in Mining Engineering from a recognized University; (ii) First Class Mine Manager Certificate of Competency granted under the provision of Mines Act 1923; and (iii) At least seven years experience in mining.	28 to 40 years.	By promotion, on the basis of seniority-cum-fitness, from amongst the Inspectors of Mines and Instructors with at least five years services as such and having First Class Mine Manager Certificate of Competency granted under the provision of Mines Act 1923;  Provided that if no suitable person is available for promotion then by transfer or initial recruitment.  <b>Note:</b> A joint seniority list of Inspectors of Mines and Instructors shall be maintained for the purpose of promotion.
6.	Rescue Superintendent (BPS-18)	(i) At least Second Class Bachelor's Degree in Mining Engineering from a recognized University; (ii) First Class Mine Manager Certificate of Competency granted under the provision of the Mines Act 1923; and (iii) At least seven years experience in mining.	28 to 40 years.	By promotion, on the basis of seniority-cum-fitness, from amongst the Instructors and Inspectors of Mines with at least five years services as such and having First Class Mine Manager Certificate of Competency granted under the provision of the Mines Act 1923;  Provided that if no suitable person is available for promotion then by transfer or initial recruitment.  <b>Note:</b> A joint seniority list of Inspectors of Mines and Instructors shall be maintained for the purpose of promotion.
7.	Inspector of Mines (BPS-17)	At least Second Class Bachelor's Degree in Mining Engineering from a recognized University.	21 to 35 years.	By initial recruitment.
8.	Instructor (BPS-17)	At least Second Class Bachelor's Degree in Mining Engineering from a recognized University.	21 to 35 years.	(a) Fifty percent (50%) by promotion, on the basis of seniority-cum-fitness, from amongst the Rescue Supervisors having at least three years services as such; and (b) Fifty percent (50%) by initial recruitment.

**Assistant Director**  
**(Administration)**  
**Inspectorate of Mines**  
**Hyder Pakhtunkhwa**

36.	Chowkidar (BPS-03)	Literate with sound physique.	18 to 40 years.	By initial recruitment.
37.	Mali (BPS-03)	Literate and two years working experience as Mali.	18 to 40 years.	By initial recruitment.
38.	Sweeper (BPS-03)	Preferably Literate.	18 to 40 years.	By initial recruitment.
39.	Cook (BPS-03)	Literate with three years practical Experience in any Hotel or Guest House as Cook.	18 to 40 years.	By initial recruitment.

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

**SECRETARY TO  
GOVERNMENT OF THE KHYBER PAKHTUNKHWA  
MINERALS DEVELOPMENT DEPARTMENT.**


*[Signature]*  
**Assistant Director  
(Administration)  
Inspectorate of Mines  
Khyber Pakhtunkhwa**

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

Dated Peshawar, November 22, 2017

**Copy is forwarded for information to:-**

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

  
**Assistant Director  
 (Administration)  
 Inspectorate of Mines  
 Khyber Pakhtunkhwa**

**(Muhammad Javed)  
Section Officer (Estt :)**

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

Writ Petition No. 1412 of 2023

Engr. Muhammad Ikram Khan, Instructor (BPS-17),  
Mines Rescue, Safety & Training Centre, Jalozai, District Nowshera.  
..... (Appellant)

**VERSUS**

Government of Khyber Pakhtunkhwa through Secretary Minerals  
Development Department & others.  
.... (Respondent)

**AFFIDAVIT**

I, **Zaka Ullah**, Assistant Director Administration,  
Inspectorate of Mines, Khyber Pakhtunkhwa, Peshawar, do  
hereby solemnly affirm and declare that the contents of the  
accompanying **reply** are true and correct to the best of my  
knowledge and belief and nothing has been concealed from this  
Hon'ble Tribunal.

It is further stated on oath that in this appeal, the  
answering respondents have neither been placed ex-parte nor  
their defense have been struck off.

**DEPONENT**

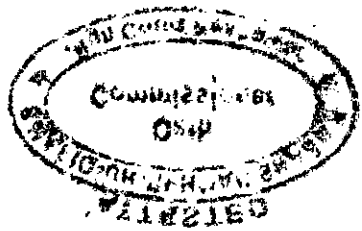


*[Handwritten signature]*

05/09/23.

*[Handwritten signature]*

CNIC: 11201-2820198-7  
Cell No. 0345-5736343



**IN THE HONORABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA,**  
**PESHAWAR.**

Appeal No. 1412/2023

Mr. Muhammad Ikram ..... (Appellant)

VS

Government of Khyber Pakhtunkhwa & Others ..... (Respondents)

**AUTHORITY LETTER**

Mr. Zaka Ullah, Assistant Director (Administration), Inspectorate of Mines, Khyber Pakhtunkhwa is hereby authorized/nominated on behalf of Respondent to submit comments/reply in the Honorable Khyber Pakhtunkhwa Service Tribunal Peshawar.

  
Chief Inspector of Mines  
Khyber Pakhtunkhwa



INSPECTORATE OF MINES  
KHYBER PAKHTUNKHWA, PESHAWAR  
ATTACHED DEPARTMENT, NEAR JUDICIAL COMPLEX  
KHYBER ROAD PESHAWAR  
Ph: 091-9211746- Email: iomadmn@gmail.com

No. CIM/Admn/Court Cases/Ikram/2023 4338


Dated: 05/09/2023

To

The Registrar,  
Service Tribunal Khyber Pakhtunkhwa,  
Peshawar.

Subject: - SERVICE APPEAL NO. 1412/2023 TITLED MUHAMMAD IKRAM VS GOVT: OF KHYBER PAKHTUNKHWA & OTHERS


I am directed to refer to the subject noted above and to submit herewith the Parawise Comments of subject appeal of Muhammad Ikram vs Govt: of Khyber Pakhtunkhwa in original and 3 copies of the same, scheduled for hearing date on 05.09.2023 for further process, please.

  
Assistant Director  
(Administration)  
Inspectorate of Mines  
Khyber Pakhtunkhwa

Endstt: No. CIM/Admn/Court Cases/Ikram/2023 \_\_\_\_\_  
Copy forwarded to:

Dated: /09/2023

1. The Chief Inspector of Mines Khyber Pakhtunkhwa.
2. P.S to Chief Secretary Government of Khyber Pakhtunkhwa.
3. P.S to Secretary Minerals Development Department.
4. P.S to Secretary Establishment Department Khyber Pakhtunkhwa.
5. P.S to Chairman Public Service Commission.
6. Section Officer (Litigation) Minerals Development Department.

  
Assistant Director  
(Administration)  
Inspectorate of Mines  
Khyber Pakhtunkhwa