

13th June, 2022

Appellant in person present.

Altaf Hussain, Shareef Ahmad, Qaiser Farooq, Nabeela Safdar, Muhammad Rafiq, Ali Akbar and Hashmat Ali have filed an application for impleadment as respondents in this appeal. Notice of the application be issued to the appellant. Counsel are on strike. To come up preliminary hearing as well as arguments on impleadment application on 27.06.2022 before S.B..



(Kalim Arshad Khan)
Chairman

27.06.2022

Learned Member (Executive), is on leave. Therefore, the case is adjourned to 05.08.2022 for the same as before.



READER

13.05.2022

Learned counsel for the appellant present and requested for adjournment to properly document the appeal. To come up for preliminary hearing before the S.B on 31.05.2022.



(Kalim Arshad Khan)
Chairman

31.01.2022

Learned counsel for the appellant present and requested for adjournment to further prepare the brief. Adjourned. To come up for preliminary hearing on 13.06.2022 before S.B.



(Mian Muhammad)
Member (E)

Learned counsel for the appellant present and requested for adjournment to further prepare the brief. Adjourned. To come up for preliminary hearing on 13.06.2022 before S.B.

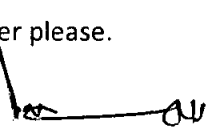
Learned counsel for the appellant present and requested for adjournment to further prepare the brief. Adjourned. To come up for preliminary hearing on 13.06.2022 before S.B.

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 786/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	12/05/2022	<p>The appeal of Mr. Muhammad Riaz resubmitted today by Mr. Noor Muhammad Khattak Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-		

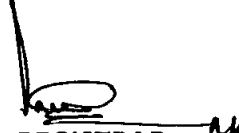
The appeal of Mr. Muhammad Rafiq Inspector Weights & Measures Directorate of Labour received today i.e. on 28.04.2022 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

Annexure-B of the appeal is illegible which may be replaced by legible/better one.

No. 974 /S.T,

Dt. 29-4- /2022

Mr. Noor Muhammad Khattak Adv. Pesh.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Re-submitted after completion

12/5/22

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

SERVICE APPEAL NO. 786 /2022

MUHAMMAD RAFIQ

V/S GOVT. OF KP & OTHERS

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Dated: 04.2022

APPELLANT

Through:

NOOR MOHAMMAD KHATTAK
ADVOCATE
0345-9383141

(1)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

SERVICE APPEAL NO. _____/2022

Mr. Muhammad Rafiq, Inspector Weights & Measures (BPS-16),
Directorate of Labour, Khyber Pakhtunkhwa, Peshawar

..... **APPELLANT**

VERSUS

- 1- The Government of Khyber Pakhtunkhwa through Chief Secretary, Khyer Pakhtunkhwa, Peshawar.
- 2- The Secretary Labour Department, Khyber Pakhtunkhwa, Peshawar.
- 3- The Secretary Establishment Department, Khyber Pakhtunkhwa, Peshawar.
- 4- The Secretary Finance Department, Khyber Pakhtunkhwa, Peshawar.
- 5- The Director (Labour), Directorate of Labour, 3rd Floor FC Trust Building, Sunehri Masjid Road, Peshawar Cantt.

..... **RESPONDENTS**

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED SERVICE RULES NOTIFIED VIDE NOTIFICATION DATED 15-09-2020 TO THE EXTENT OF SERIAL NO.5 COLUMN 5 (a)(b) WHEREBY QUOTA FOR PROMOTION TO THE POST OF ASSISTANT DIRECTOR LABOUR/ ASSISTANT CONTROLLER WEIGHTS AND MEASURES (BPS-17) HAS BEEN SEPARATED/ BIFURCATED FOR LABOUR OFFICER/ SOCIAL MOBILIZERS (30 %) AND INSPECTOR WEIGHTS AND MEASURES (30 %) AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT FOR COMBINING THE MENTIONED QUOTA FOR THE PURPOSE OF PROMOTION WITHIN THE STIPULATED PERIOD OF NINETY DAYS.

PRAYER:

That on acceptance of this appeal the impugned service rules notified vide notification dated 15-09-2020 may very kindly be modified/ rectified to the extent of Serial No. 5 Column 5 (a)(b) that quota to the post of Assistant Director Labour/ Assistant Controller Weights & Measure (BPS-17) for the purpose of promotion may be combine as (60 %) for Labour Officer/ Social Mobilizers and Inspector Weights and Measures. Furthermore the respondents may please be directed to issue joint/ combine seniority list of Labour Officer/ Social Mobilizers and Inspector Weights and Measures for the post of Assistant Director Labour/ Assistant Controller Weights & Measure (BPS-17) with all back benefits. Any other remedy which this August Tribunal deems fit that may also be granted in favor of the appellant.

R/SHEWETH:
ON FACTS:

(2)

- 1- That the appellant is the employee of the respondent department since 09-01-2012 and is presently performing his duties as Inspector Weights & Measures in the respondents department with zeal and zest.
- 2- The right from appointment till date the appellant had performed his duties with full devotion and up to the entire satisfaction of his superiors.
- 3- That the respondent department issued the seniority list of the Inspector Weights and Measures (BPS-16) for the year 2018 vide notification dated 04-01-2019, according to it the appellant stood at serial No. 6 of that seniority list. Copy of the seniority list is attached as annexure**A.**
- 4- That initially in the year 1982 service rules/ structure for Industries, Commerce, Mineral Development, Labour and Transport Department was drafted and was promulgated vide notification dated 12-07-1982, according to that service rules vide serial No. 8 Column 5 the method of recruitment for the post of Assistant Director Labour/ Assistant Controller Weights and Measures (BPS-17) was 50 % by promotion from amongst Labour Officer and Inspector Weights and Measures for which purpose there was a joint/ combine seniority list of that two. Copy of the notification dated 12-07-1982 are attached as annexure**B.**
- 5- That in the year 2012 when the Labour Department became a separate department, the government of Khyber Pakhtunkhwa introduced new service rules/ service structures for the Labour Department and it was issued vide notification dated 31-12-2012, wherein the method of recruitment for the post of Assistant Director Labour/ Assistant Controller Weights and Measure/ Assistant Director Research, Planning and Statistics (BPS-17) vide serial No. 4 of that rules was enhanced to 60 % but it was distributed to 30 % by promotion from Labour Officer and Statistical Officer etc. and 30 % quota was given to Inspector Weights & Measures. Copy of notification dated-2012 is attached as annexure**C.**
- 6- That it is pertinent to mention here that there are total 33 sanctioned posts of Inspector Weights and Measures and 22 sanctioned posts for Labour Officer and Social Mobilizers in the department keeping in view this ratio the division of 60 % quota to that of 30 % each is irrational and unlawful.
- 7- That feeling aggrieved from this irrational and illogical division of the promotion quota the appellant preferred departmental appeal

(3)

followed by service appeal No. 6747/2020 before this august service tribunal but during the course of arguments the official respondents presented another notification dated 15-09-2020 whereby once again the service rules/ structure of the appellant has been amended, hence the appellant withdrawn appeal supra with the permission to seek his remedy and to file fresh appeal if needed vide order dated 12-01-2022. Copies of departmental appeal, memo of appeal, notification dated 15-09-2020 and order sheet dated 12-01-2022 are attached as annexure **D, E, F & G.**

- 8- That the appellant feeling aggrieved from the amended service rules/ service structure notified vide notification dated 15-09-2020 communicated on 12-01-2022 preferred departmental appeal on 21-01-2022 but no response has been given within the stipulated period. Copy of the departmental appeal is attached as annexure**H.**
- 9- That feeling aggrieved from the inaction of the respondents and having no other remedy the appellant preferred the instant appeal on following grounds inter alia.

GROUND:

- A- That the action and inaction of the respondents by issuing the impugned service rules notified vide notification dated 15-09-2020 to the extent of Serial No. 5 Column 5 (a)(b) that quota to the post of Assistant Director Labour/ Assistant Controller Weights & Measure (BPS-17) for the purpose of promotion has been separated for Labour Officer/ Social Mobilizers and Inspector Weights and Measures and not to issue joint/ combine seniority list of Labour Officer/ Social Mobilizers and Inspector Weights and Measures for the post of Assistant Director Labour/ Assistant Controller Weights & Measure (BPS-17) are against law, facts, norms of natural justice and material on record hence liable to be modified/ rectified.
- B- That appellant has not been treated by the respondent department in accordance with law and rules on the subjected noted above and as such respondents violated the Article 4 and 25 of the Constitution of Islamic Republic of Pakistan.
- C- That respondents acted in arbitrary and mala fide manner while issuing the separate seniority of inspector weights and measures and labour officer on the promulgation of new service rules.
- D- That it is important to mentioned here that there are 33 sanctioned posts of Inspector Weights and Measures and 22 number of posts of Labour Officer in the department but even then the quota of promotion to the post of Assistant Director Labour/ Assistant

(4)

Controller Weights and Measures has equally been divided to 30 % each.

- E- That keeping in view of the mentioned proportion/ ratio of the sanctioned posts in the department both the cadre are required to be combine through joint/ combine seniority for the purpose of promotion to the post of Assistant Director Labour/ Assistant Controller Weights and Measures (BPS-17).
- F- That keeping the mentioned scenario if the department/ respondents are not combining both the cadre through a joint seniority for the purpose of promotion to the subject post then it would amount to create disparity in the income of the appellants which would be the violation of Article 38(e) of the constitution of Islamic Republic of Pakistan, 1973.
- G- That the act of the respondents by not maintain the joint/ combine seniority of the both the cadre for the purpose of promotion to the post of Assistant Director Labour/ Assistant Controller Weights and Measures is against Section-8 of the K.P Civil Servant Act, 1973 read with Rule-17 of the K.P Civil Servant (APT) Rules, 1989.
- H- That act of the respondents by not maintain the joint/ combine seniority of the both the cadre for the purpose of promotion to the post of Assistant Director Labour/ Assistant Controller Weights and Measures is also in violation of the numerous judgment of the apex court of Pakistan as well as the judgments passed by this august tribunal in connected appeals No. 1411/2011, 1412/2011 & 1413/2011 decided on 01-09-2015. Copy of the judgment dated 01-09-2015 is attached as annexureI.
- I- That the appellants seek permission to advance other grounds and proofs at the time of hearing.

It is therefore, most humbly prayed that the appeal of the appellants may be accepted as prayed for.

APPELLANT


MUHAMMAD RAFIQ

THROUGH:


NOOR MUHAMMAD KHATTAK


KAMRAN KHAN


**UMAR FAROOQ
ADVOCATES**

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

SERVICE APPEAL NO. _____/2022

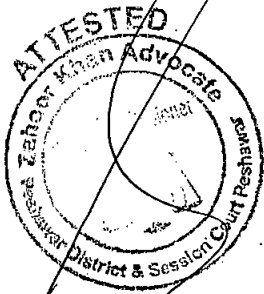
MUHAMMAD RAFIQ

V/S

GOVT: OF K.P DEPTT:

AFFIDAVIT

Stated on oath that the contents of the accompanying service appeal are correct to best of my knowledge and belief and nothing has been concealed from this Honorable Service Tribunal.




DEPONENT

CERTIFICATE:

Certify that no earlier service appeal has been filed by the appellant in the instant matter before this Honorable Service Tribunal.


CERTIFICATION

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

C.M NO _____ /2022

IN

Appeal No. _____/2022

MUHAMMAD RAFIQ V/S GOVT. OF KP & OTHERS

APPLICATION FOR RESTRAINING THE RESPONDENTS FROM PROMOTION TO THE POST OF ASSISTANT DIRECTOR LABOUR/ASSISTANT DIRECTOR RESEARCH, PLANNING AND STATISTICS/ ASSISTANT CONTROLLER WEIGHT AND MEASURES (BPS-17) TILL FINAL DISPOSAL OF THE INSTANT APPEAL

Respectfully Sheweth:

1. That the appellant has filed the instant service appeal in which no date has so far been fixed.
2. That the appellant has challenged the separate seniority list prepared for Labour Officer (BPS-16) & Inspector Weights and Measures (BPS-17).
3. That all the three ingredients required for the grant of status quo is in favour of the appellant.
4. That this petition may be considered as part & parcel of the in the main appeal.

It is, therefore, most humbly prayed that on acceptance of the instant petition the respondents may kindly be restrained from promotion to the post of Assistant Director Labour/Assistant Director Research, Planning And Statistics/Assistant Controller Weight & Measures (BPS-17) till final decision of the instant service appeal.

Dated:

Appellant •

Through,

NOOR MOHAMMAD KHATTAK,
Advocate,
High Court, Peshawar

**DIRECTORATE OF LABOUR
KHYBER PAKHTUNKHWA**

ORDER

Dated Peshawar the

mn/11/235/136-52 : In pursuance of Section-08 of Khyber Pakhtunkhwa, Civil Servants Act, 1973 read with Rule-17 of Khyber Pakhtunkhwa Civil Servants (Appointer) Rules 1989, with the approval of Competent Authority, Tentative Seniority List of Inspector Weights and Measures (BPS-16) Directorate of Labour, Khyber Pakhtunkhwa 2018 is hereby notified/circulated for general information. Total Sanctioned Posts of Inspector W&M=26.

ANNEX A (7)

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	Ren
				Date	BPS	Method of Recruitment: a) 5% on the basis of Seniority -cum- Fitness from Laboratory Assistant with eight Years Services such; and b) 95% by initial recruitment		
01	02	03	04	05	06	07	08	
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 L/Marwat	11.01.2012	11.01.2012	16	-do-	Inspector W&M 11.01.2012	
3	Mr. Ali Akbar (M.Sc Chemistry)	7.2.1981 Malakand	11.1.2012	11.01.2012	16	-do-	Inspector W&M 11.01.2012	
4	Mr. Muhammad Rafeeq (M.Sc Phy, B.Ed)	06.10.1986 Swat	10.01.2012	10.01.2012	16	-do-	Inspector W&M 10.01.2012	
5	Mr.Said Badshah (M.A Pol. Science, M.Sc Phy)	02.04.1982 Bajawar Agency	09.01.2012	09.01.2012	16	-do-	Inspector W&M 09.01.2012	
6	Mr. Yasir Samood (M.Sc Phy)	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 Abbottabad	09.01.2012	09.01.2012	16	-do-	Inspector W&M 09.01.2012	
9	Mr.Tausaf Mushtaq (M.Sc (Electronics)	04.11.1984 Mansehra	20.08.2014	20.08.2014	16	-do-	Inspector W&M 20.08.2014	
10	Mr.Fida Hussain (M.Sc (Electronics)	28.02.1990 Bauun	20.08.2014	20.08.2014	16	-do-	Inspector W&M 20.08.2014	
11	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. Muhamad Shahid BSc	01.04.1961 Mardan	22.07.1986	01.08.2016	16	By Promotion	Inspector W&M 01.08.2016	

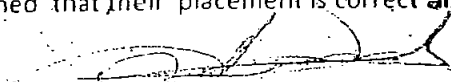
13	Mr. Ramiz Murad M.Sc (Zoology)	02.05.1989 Chitral	16.05.2017	16.05.2017	16	By Initial	Inspector W&M 16.05.2017
14	Mr. Abdul Baals M.Sc (Chemistry)	13.01.1986 Buner	20.06.2017	20.06.2017	16	-do-	Inspector W&M 20.06.2017
15	Muhammad Ilyas BSc (Engg)	25-01-1994 Dir Lower	27-04-2018	27-04-2018	16	-do-	Inspector W&M 27.04.2018
16	Mr. Raza Shah MSc (Physics)	17-12-1991 Khyber Agency	27-11-2018	27-11-2018	16	-do-	Inspector W&M 27.11.2018
17	Mr. Saad Shaukat BSc (Engg)	18-12-1989 Mansehra	11-05-2018	11-05-2018	16		Inspector W&M 11.05.2018

Sd/-
Director Labour,
Khyber Pakhtunkhwa Peshawar.

Dated: 9/1/2019

8
t No: DL/Admn/11/235/ 136-52
IFICATE

Copy of the above is forwarded to all Officers/officials concerned for information. They are requested to confirm their placement in the list and if there is any objection in seniority list, they can submit presentation within 15 -days of the receipt of this communication, otherwise it will be presumed that their placement is correct and seniority will


Assistant Director Labour (Admn)
Hqtr: Office Peshawar.

ATTESTED





OFFICE ORDER

1807-13

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	BPS	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. Nabeeia Safdar MPA	01-03-1988 Hangu	10-04-2018	10-04-2018	15	-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	

11	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 Chitral	16.05.2017	16.06.2017	16	-do-	Inspector W&M 16.06.2017	
13	Mr. Abdul Raais MSc (Chemistry)	13.01.1986 Buner	20.06.2017	20.06.2017	16	-do-	Inspector W&M 20.06.2017	
14	Muhamamad 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

GOVERNMENT



GAZETTE

14

North- West Frontier Province

Published by Authority

PESHAWAR, WEDNESDAY, 1ST DECEMBER 1982

Of 1982-83

Separate paging is given to this part in order that it may be filled as a separate compilation

Content

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Part. II Notification by the commission -- Local by North- West Frontier Government Department Provincial Assembly. Nil	Part. VI. Notification Province,
Part. III Republication from the "Gazette of Pakistan" and Other Govt Gazette. Nil	SUPPLEMENT---- Part. I. Statistical Nil
Part. IV Notification by the Head of the Department Nil	
Part. V Miscellaneous, National (1) Acts of the Pakistan, Legislature, asserted etc. by the president of Pakistan. Nil	Part II. General _____ advertisement Nil

PART 1

N.W.F.P GOVERNMENT NOTIFICATION AND ORDERS
INDUSTRIES, COMMERCE, MINERAL DEVELOPMENT, LABOUR AND TRANSPORT
DEPARTMENT.

11/A

NOTIFICATION

12. JULY.1982

NO. SOI/13-2/75 Vol II -- In exercise of the power certified by sub- rule (2) of rule 3 of North West Frontier Province Government Servant (Appointment, Promotion & transfer) Rules, 1975, and in suppression of all as rules on the subject in this behalf the Governor of the North West Frontier Province is pleased to make the following rules namely----

THE LABOUR DEPARTMENT (RECRUITMENT AND APPOINTMENT) RULES 1982 .

1. These rules may called the Labour Department (Recruitment and Appointment) rules, 1982.

2. They shall come into force at once:

2. The method of recruitment, minimum qualification, age limits and other matter related thereto for the post exist in column 2 of the schedule annexed shall be such as given in column 3 to 6 of the said schedule.

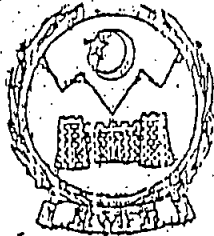
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Sd/ X X X

Secretary

Government of NWF Industries, Commerce,
Mineral Development Labour and Transport Department

GOVERNMENT



GAZETTE

North-West Frontier Province

Published by Authority

22] PESHAWAR, WEDNESDAY, 1st DECEMBER, 1982. [OF 1982-83

Separate page is given to this part in order that it may be filed as a separate compilation.

CONTENTS.

North-West Frontier Province Government Notifications and Orders.	(2) Bills Introduced into Pakistan Legislature and Bills published before introduction.—
PART II.—Notifications by the Commissioners—Local Government Departments.	NIL
PART III.—Republications from the "Gazette of Pakistan" and other Government Gazettes.	PART VI.—Notifications by the North-West Frontier Province, Provincial Assembly.
PART IV.—Notifications by Heads of Departments.	SUPPLEMENT.—
PART V.—	PART I.—Statistical.
(1) Acts of the Pakistan Legislature assented to by the President of Pakistan.	PART II.—General—Miscellaneous Notices, Advertisements, etc.
	NIL

PART I

N.-W. F. P. GOVERNMENT NOTIFICATIONS AND ORDERS. INDUSTRIES, COMMERCE, MINERAL DEVELOPMENT, LABOUR AND TRANSPORT DEPARTMENT.

NOTIFICATION.

12th December 1982.

No. SOI/13-2/75-Vol.II—In exercise of the powers conferred by sub-rule (2) of rule 3 of North-West Frontier Province Government Servants (Appointment, Promotion and Transfer) Rules, 1975, and in supersession of all the rules on the subject, in this behalf the Governor of the North-West Frontier Province is pleased to make the following rules, namely:—

THE LABOUR DEPARTMENT (RECRUITMENT AND APPOINTMENT) RULES, 1982.

- (1) These rules may be called the Labour Department (Recruitment and Appointment) Rules, 1982.
- (2) They shall come into force at once.

2. The method of recruitment, minimum qualifications, age limit and other matters related thereto for the post specified in column 2 of the Schedule annexed shall be such as given in column 3 to 6 of the said Schedule.

Sd/- X X X Secretary, Government of N.-W. F. P., Industries, Commerce, Mineral Development, Labour and Transport Department.

Price : Complete Copy Rs 2.00

7	Nomenclature of post	Minimum qualification for appointment	Minimum qualification for appointment by promotion	Age limit for recruitment	Method of recruitment
2	Director Labor Welfare				a) By promotion on the basis of seniority-cum-fitness from amongst holders of the post of Deputy Director labor wing, Deputy Director Training wing, Chief Instructor of Factories and Mines Safety or b) By temporary
3	Deputy Director Labor wing	i) Master degree (2 nd class) in Economics, Statistics, Sociology, Public Administration or social work from a recognized University; and ii) Five years experience in Grade-17 in a Government department		25 years to 35 years	a) Two third by promotion on the basis of seniority cum-fitness from amongst holders of the Assistant Director Labor, Assistant Controller weights and measures) and Assistant Director Research, Planning and with at least five years service as such; and b) one third by initial recruitment
4	Deputy Director (Manpower, Employment and Training wing)	i) Master Degree in Economics, Statistics, Sociology, Public Administration or Social Work from a recognized university; and ii) Two years experience in Grade-17 in a Government Department/Autonomous Body.		25 years to 35 years	a) Two third by promotion on the basis of seniority cum-fitness from amongst holders of the post of Assistant Director Employment Exchange, Assistant Controller Manpower and Employment, Regional Manage Employment Exchange, Vocational Assistant Director Research, Planning and with at least five years service as such; and b) one third by initial recruitment
5	Chief Inspector (Factories Labor wing)	i) Bachelor degree in Mechanical, Electrical, Chemical, Civil or Mining Engineering from a recognized University; and ii) Five years in the relevant field.		21 years to 30 years	i) Fifty percent from promotion on the basis of seniority-cum-fitness from amongst holders of the post of Inspector of Factories (technical) with at least five years service as such; and ii) Fifty percent b initial recruitment
6	Engineers	I) Bachelor degree in Mining Engineering from a recognized University; and II) Two years experience in Mining Note: preference shall be given to		21 years to 30 years	a) Fifty percent by promotion on the basis of seniority-cum-fitness from amongst holders of the post of Inspector of Mining with at least five years service as such; and b) Fifty percent by initial recruitment.

A. ANNEXURE

Sl. No.	Nomenclature of post	Minimum qualification for appointment or by transfer	Minimum qualification for appointment by promotion	Age limit for initial recruitment	Method of recruitment
	Director, Labour Welfare.				(a) By promotion, on the basis of seniority-cum-fitness, from amongst holders of the posts of Deputy Director (Labour Wing), Deputy Director (Ink), Training Wing, Chief Inspector of Factories and Mines Safety Engineer or
	Deputy Director, (Labour Wing)	(i) Master's Degree (2nd Class) in Economics, Statistics, Sociology, Public Administration or Social Work from a recognised University; and (ii) Five years experience in Grade-17 in a Government Department/Autonomous Body.		25 years to 35 years.	(a) Two-third by promotion on the basis of seniority-cum-fitness, from amongst holders of the posts of Assistant Director Labour, Assistant Controller (Weights and Measures) and Assistant Director, Research, Planning and Statistics, with at least five years service as such; and (b) One-third by initial recruitment.
	Deputy Director, (Manpower, Employment and Training Wing)	(i) Master's Degree in Economics, Statistics, Sociology, Public Administration or Social Work from a recognised University; and (ii) five years experience in Grade-17 in a Government Department/Autonomous Body.		25 years to 35 years.	(a) Two-third by promotion on the basis of seniority-cum-fitness from amongst holders of the posts of Assistant Director, Employment Exchange, Assistant Director, Manpower and Employment, Regional Manager, Employment Exchange, Advisor, Vocational Guidance Unit, Assistant Director, Apprenticeship Training and Principal, Technical Training Centre; with at least 5 years service as such. (b) One-third by initial recruitment.
	Chief Inspector of Factories (Labour Wing)	(i) Bachelor's Degree in Mechanical, Electrical, Chemical, Civil or Mining Engineering from a recognised University; and (ii) five year's experience in the relevant field.		21 years to 30 years.	(a) Fifty per cent by promotion on the basis of seniority-cum-fitness, from amongst holders of the posts of Inspectors of Factories (Technical), with at least five years service as such; and (b) Fifty per cent by initial recruitment.

Deleted by forming separate Service Rules for the Director of Handpower and Inspection of Mines, N.W.F.P.

Deputy Director (Ink), Training Wing, Chief Inspector of Factories and Mines Safety Engineer or

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 DIRECTORATE OF
 INDUSTRIES, COMMERCE AND MINERAL DEVELOPMENT
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		person having teaching experience in Mining Engineering or occupational safety health and hygiene.			
7	Assistant Director Employment Exchange/Manpower and Employment /Regional Manager Employment Exchange/Vocational Advisor (Manpower Employment and Training wing)	Master degree (2 nd class) in Economics, Public Administration, Sociology or social work .		21 years to 30 years	a) Fifty percent by promotion on the basis of seniority-cum-fitness from amongst holders of the post of Inspector of Mining with at least five years service as such; and Fifty percent by initial recruitment.
8	Assistant Director Apprenticeship training (Manpower Employment & Training wing)	Bachelor's degree in Electrical, or mechanical Engineering from a recognized University.		21 years to 30 years	a) Fifty percent by promotion on the basis of seniority-cum-fitness from amongst holders of the post of Inspector of Mining with at least five years service as such; and Fifty percent by initial recruitment.
4	Assistant Director Labor /Assistant Controller Weights and measures /assistant Director Training and Statistics(lab or wing)	Master degree(2 nd class) in Economics, Public Administration, Statistics, Social work or Sociology , Physics from a recognized University.		21 years to 30 years	a) Fifty percent by promotion on the basis of seniority-cum-fitness from amongst holders of the post of Inspector of Mining with at least five years service as such; and Fifty percent by initial recruitment.
10	Inspector of Factories Technical(Labor wing)	Bachelor degree in Civil, Mechanical, Electrical Mining or Chemical Engineering from a recognized University.		21 years to 30 years	By initial
11	Inspector of Mines(Mines wing)	Bachelor degree in Mining Engineering from a recognized University.		21 years to 30 years	By initial recruitment.
12	Principal, Technical, training Manpower, Employment and Training wing.	a) Bachelor Degree in Mechanical or Electrical Engineering from a recognized University; and b) Three years experience in the relevant field.		21 years to 30 years	a) Seventy five percent by promotion on the basis of seniority-cum fitness from amongst holders of the posts of Vice Principal and Chief Inspector with at least five years service as such; and b) Twenty five per cent by initial recruitment.
13	Manager/Research	c) Master's degree in Economics or		21 years to 30 years	a) Thirty five percent by

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Engineer	(I) Bachelor's Degree in Mining Engineering from a recognised University; and (II) Two years experience in mining.	21 years to 30 years.		(a) Fifty per cent by promotion on the basis of seniority-suitability from amongst the holders of the posts of Inspectors of Mines, with at least five years service as such; and (b) Fifty per cent by initial recruitment.
<p><i>Note:</i>—Preference shall be given to persons having teaching experience in Mining Engineering or Occupational Safety Health and Hygiene.</p>				
6. Assistant Director, Employment Exchange/Manpower and Employment (Regional) Manager, Employment Exchange/Vocational Advisor (Manpower Employment and Training Wing).	Master's Degree (2nd Class) in Economics, Public Administration, Statistics, Sociology or Social Work.	21 years to 30 years.		(a) Fifty per cent by promotion on the basis of seniority-suitability from amongst the holders of the posts of Manager Employment Exchange and Research Officer in Manpower, Employment and Training Wing and Vocational Guidance Unit; and (b) Fifty per cent by initial recruitment.
7. Assistant Director, Apprenticeship Training (Manpower, Employment and Training Wing).	Bachelor's Degree in Electrical or Mechanical Engineering from a recognised University.	21 years to 30 years.		(a) Fifty per cent by promotion on the basis of seniority-suitability from amongst the holders of the posts of Apprenticeship Officer, with at least five years service as such; and (b) Fifty per cent by initial recruitment.
8. Assistant Director, Labour/Assistant Controller, Weights and Measures/Assistant Director, Planning and Statistics, (Labour Wing).	Master's Degree (2nd Class) in Economics, Public Administration, Statistics, Social Work or Sociology, Physics, from a recognised University.	21 years to 30 years.		(a) Fifty per cent by promotion on the basis of seniority-suitability from amongst the holders of the posts of Labour Officer (Factories), Inspector, Weights and Measures and Statistical Officer, with at least five years service as such; and (b) Fifty per cent by initial recruitment.
9. Inspector of Factories, Technical (Labour Wing).	Bachelor's Degree in Civil, Mechanical, Electrical, Mining or Chemical Engineering from a recognised University.	21 years to 30 years.		By initial recruitment.
10. Inspector of Mines (Mines Wing).	Bachelor's Degree in Mining Engineering from a recognised University.	21 years to 30 years.		By initial recruitment.
11. Principal, Technical Training Centre (Manpower, Employment and Training Wing).	(I) Bachelor's Degree in Mechanical or Electrical Engineering from a recognised University; and (II) three years experience in the relevant field.	21 years to 30 years.		(a) Seventy-five per cent by promotion on the basis of seniority-suitability from amongst holders of the posts of Vice-Principal and Chief Instructor, with at least five years service as such; and (b) Twenty-five per cent by initial recruitment.

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Officer (Manpower, Employment and Training wing).	Statistics from a recognized University.			<p>promotion on the basis of seniority-cum-fitness from amongst holders of the post Manpower, Survey Officers and Statistical Assistant of the Manpower Employment and Training wing with a least three years experience as such.</p> <p>b) Twenty per cent by promotion on the basis of seniority-cum-fitness from amongst the holders of the posts of superintendent of the respective wing; and</p> <p>c) Fifty percent by initial recruitment.</p>
14 Apprenticeship Officer (Manpower, Employment and training wing)	Diploma in Electrical or Mechanical engineering from a recognized Polytechnic Institute		21 years to 30 years	By initial recruitment
15 Vice Principal, Technical Training Centre (Manpower, Employment and Training Wing)				By transfer from amongst the holders of the post of chief Instructors in the respective cadres.
16 Labour Officer Factories (Labour wing)	Law Graduate (2 nd Division) from a recognized University.	21 years to 30 years	21 years to 30 years	<p>a) Thirty five percent by promotion on the basis of seniority cum fitness from amongst holders of the posts of Assistant Labor officers with 'at least five years services such; if no suitable Assistant labour officer is available from amongst the holders of the post Labour Inspector with atleast five years service as such;</p> <p>b) Fifteen per cent by promotion on the basis of seniority-cum-fitness from amongst the holders of the post of Superintendent in the labour wing.</p> <p>c) Fifty percent by initial recruitment.</p>

12. Manager/Research Officer (Manpower, Employment and Training Wing).

Master's Degree in Economics or Statistics from a recognised University.

21 years to 30 years.

(a) Thirty per cent by promotion on the basis of seniority-cum-fitness from amongst holders of the post of Manpower, Survey Officers and Statistical Assistant of the Manpower, Employment and Training Wing with at least three years experience as such;

(b) twenty per cent by promotion on the basis of seniority-cum-fitness from amongst the holders of the posts of Superintendent of the respective Wing; and

(c) fifty per cent by initial recruitment.

13. Apprenticeship Officer (Manpower, Employment and Training Wing).

Diploma in Industrial or Mechanical Engineering from a recognised Polytechnic Institute.

21 years to 30 years.

by initial recruit

14. Vice-Principal, Technical Training Centre (Manpower, Employment and Training Wing).

By transfer from amongst the holders of the posts of Chief Instructors in the respective Wings.

15. Labour Officer, Electronics (Labour Wing).

Law Graduate (Division) from a recognised University.

Bachelor's Degree from a recognised University. 21 years to 30 years.

(a) Thirty-five per cent by promotion on the basis of seniority-cum-fitness from amongst the holders of the posts of Assistant Labour Officers, with at least two years service as such, or if no suitable Assistant Labour Officer is available, from amongst the holders of the posts of Labour Inspectors with at least five years service as such;

(b) fifteen per cent by promotion on the basis of seniority-cum-fitness from amongst the holders of the posts of Superintendents in the respective Wing;

(c) fifty per cent by initial recruitment.

16. Inspector, Weights and Measures (Labour Wing).

(i) B.Sc. (1st Division) with Physics, Chemistry or Maths at one of the subjects from a recognised University; or

Bachelor's Degree from a recognised University. 21 years to 30 years.

Note:- Applicable only in the case of promotion of Superintendents.

(a) Thirty-five per cent by promotion on the basis of seniority-cum-fitness from amongst holders of posts of Assistant Labour Officers with at least 2 years service as such, or if no suitable Assistant Labour Officer is available, from amongst the holders of the post of Labour Inspector with at least 3 years service as such.

(b) fifteen per cent by promotion on the basis of seniority-cum-fitness from amongst holders of the post of Superintendents in the respective wing; and

(c) fifty per cent by initial recruitment.

(ii) Diploma in Mechanical Instrumentation with 4 years experience.

17	Inspector (weights and measures Labor wing)	<p>i) MSc (1st division) with Physicals, Chemistry or Math's as one of the subjects from a recognized University; or</p> <p>ii) Diploma in Mechanical Instrumentation with 4 years experience</p>	Bachelor Degree from a recognized University Note:- applicable only in the case of promotion of Superintendents.	21 to 30 years	<p>a) Thirty five percent from promotion on the basis of seniority-cum-fitness from amongst holders of the post of Assistant Labour Officer if available from amongst holders of the post of labour Inspector with atleast 5 years service as such;</p> <p>b) Fifteen percent by promotion on the basis of seniority-cum-fitness from amongst holders of the post of Superintendent in the respective wing ; and</p> <p>c) Fifty percent by initial recruitment.</p>
18	Mining officer (labor wing)	Master Degree (2 ND Division) in Economics, Statistics or Maths from a recognized University.		21 years to 30 years	<p>a) A) fifty percent by promotion on the basis of seniority-cum-fitness from amongst holders of the posts of Statistical Assistant and Statistical Investigator of the labor wing with atleast 5 years service as such; and</p> <p>b) Fifty percent by initial recruitment.</p>
19	Secretary Mines (Mines wing)	Bachelor's Degree from a recognized University.	Bachelor's Degree from a recognized University.		<p>a) By temporary transfer of the holders of the post of Superintendent in any wing of labour Welfare Directorate; or</p> <p>b) If no suitable Superintendent is available then by selection on merit from amongst holders of the post of Assistant and Senior Scale Stenographer of the labour wing with atleast 5 years in the department. However, joint seniority of senior Scale Stenographer and Assistant will continue.</p>
20	Accounts Officer (Labor wing)	S.A.S qualified.	By deputation from Accountant General's office		By deputation from Accountant General office
21	Superintendent				By promotion on the basis of seniority cum fitness from amongst the holders of the post of Senior Scale Stenographer of the respective wing with atleast 5 years service as such.
22	Chief Instructor Technical	Diploma from a recognized Polytechnic Institute with four years practical		21 year to 30 years	a. Fifty percent by promotion on the basis of seniority cum fitness

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	Officer (Labour Wing)	Master's Degree (2nd Division) in Economics, Statistics or Maths from a recognised University.	11 years to 30 years		(a) Fifty per cent by promotion on the basis of seniority-cum-fitness from amongst holders of the posts of Statistical Assistant and Statistical Investigator of the Labour Wing with at least 5 years service as such; and (b) fifty per cent by initial recruitment.
18	Secretary, Mines (Mines Wing)	Bachelor's Degree from a recognised University.	Bachelor's Degree from a recognised University.		(a) By temporary transfer of the holders of the posts of Superintendent in any Wing of the Labour Welfare Directorate; or (b) If no suitable Superintendent is available, then by selection on merit from amongst holders of the posts of Assistants and Senior Scale Stenographers of the Labour Wing with at least 10 years service in the Department. (However joint seniority of senior scale Stenographers and Assistants will continue.) By deputation from Accountant-General's Office.
19	Accounts Officer (Labour Wing)	S.A.S. qualified.			By promotion on the basis of seniority-cum-fitness from amongst holders of the post of Assistant and Senior Scale Stenographers of the Labour Wing with at least 5 years service as such.
20	Superintendent				(a) Fifty per cent by promotion on the basis of seniority-cum-fitness from amongst holders of the posts of Senior Supervisor/Instructors in Grade-14 of the concerned trade group with at least 3 years service as such; and (b) Fifty per cent by initial recruitment.
21	Chief Instructor, Technical Training Centre (Manpower, Employment and Training Wing)	Diploma from a recognised Polytechnic Institute with 4 years practical experience after obtaining the Diploma.	21 years to 30 years.		(a) Fifty per cent by promotion on the basis of seniority-cum-fitness from amongst holders of the posts of Senior Supervisor/Instructors in Grade-14 of the concerned trade group with at least 3 years service as such; and (b) Fifty per cent by initial recruitment.
	Senior Supervisor/Instructors (Manpower, Employment and Training Wing)	Diploma from a recognised polytechnic Institute with 2 years practical experience after obtaining the Diploma.	21 years to 30 years.		(a) Fifty per cent by promotion on the basis of seniority-cum-fitness from amongst holders of posts of Instructors in Grade-10 of the concerned trade group with at least 5 years service as such; and (b) fifty per cent by initial recruitment.
22	Project Mechanic (Mines Wing)	Diploma in Electrical or Mechanical Technology from a recognised Institute with 2 years practical experience after obtaining the Diploma.	21 years to 35 years.		By initial recruitment.
23	Senior Scale Stenographer	(i) Matriculation or equivalent qualification from a recognised Board; and (ii) A speed of 140 words per minute in Shorthand in English and 40 words per minute in typing.	A speed of 140 words per minute in Shorthand in English and 40 words per minute in typing. 18 years to 25 years.		(a) Not more than 50% by promotion on the basis of Seniority-cum-fitness from amongst the holders of the posts of Junior Scale Stenographer with at least 2 years service as such, or if no suitable Junior Scale Stenographer is available by initial recruitment; and (b) not less than fifty per cent by initial recruitment.

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23	Training Centre(Manpower . Employment and Training wing)	experience after obtaining the diploma.			from amongst holders of the post of senior Supervisor /Instructor in Grade-14 of the concerned trade group with atleast three service as such; and b. Fifty percent by initial recruitment.
24	Senior Scale Stenographer	i) Matriculation or equivalent qualification from a recognized Board; and ii) A speed of 140 words per minute in shorthand in English and 40 words per minute in typing	A speed of 140 words per minute in shorthand and in English 40 words per minute in typing.	18 years to 25 years	c. A) not more than 50% by promote on the basis of seniority cum fitness from amongst the holders of the posts of Junior Scale Stenographers with atleast 2 years service as such or if no suitable Junior Scale Stenographer is available by initial recruitment; and d. Not less than fifty per cent by initial recruitment.
25	Statistical Assistant/Statistical Investigator (labour wing)	Bechelor's Degree (2 nd Division) with Statistics as one of the subjects from a recognized University.		18 years to 25 years	By initial recruitment.
26	Assistant labor officer (labor wing)				By promotion with due regard to the seniority cum fitness from holders of the post of labor Inspector with atleast years service in the department.
27	Laboratory Assistant(labor wing)	BSc (2 nd division) in Physicals or Chemistry from a recognized University		18 years to 25 years	By initial recruitment.
28	Manpower Survey Officer (Manpower employment and Training wing)	Bechelor degree(2 nd Division) one of the subject from a recognized university.		18 years to 25 years	By initial recruitment
29	Assistant	Bechelor's Degree from a recognized University		18 years to 25 years	By initial recruitment
30	Junior Scale Stenographer	Matriculation or equivalent qualification from a recognized Board.			By promotion from seniority cum- fitness from amongst holders of the post of Stenographer from the respective wing with service as such.
31	Instructor(Manpower , Employment and Training wing)	Matriculation or equivalent qualification from a recognized		20 years to 45 years	By initial recruitment.

<p>Statistical Assistant (Labour Wing)</p>	<p>Bachelor's Degree (2nd Division) with Statistics as one of the subjects from a recognised University.</p>	<p>18 years to 25 years.</p>	<p>By initial recruitment.</p>
<p>Assistant Labour Officer (Labour Wing)</p>	<p></p>	<p></p>	<p>By promotion, with due regard to seniority, from holders of the post of Labour Inspectors with at least 1 years service in the Department.</p>
<p>Laboratory Assistant (Labour Wing)</p>	<p>B.Sc. (2nd Division) in Physics or Chemistry from a recognised University.</p>	<p>18 years to 25 years.</p>	<p>By initial recruitment.</p>
<p>Manpower Survey Officer (Manpower, Employment and Training Wing)</p>	<p>Bachelor's Degree (2nd Division) with Statistics as one of the subjects from a recognised University.</p>	<p>18 years to 25 years.</p>	<p>By initial recruitment.</p>
<p>Assistant</p>	<p>Bachelor's Degree from a recognised University.</p>	<p>18 years to 25 years.</p>	<p>(a) Fifty per cent by promotion on the basis of seniority, from holders of the post of Accountant in M & E W. 1, from Senior Clerks in other wings with at least three years experience in the case of Senior Clerks, as such (preference will be given to Accountants); and (b) fifty per cent by initial recruitment.</p>
<p>Junior Scale Stenographer</p>	<p>(a) Matriculation or equivalent qualification from recognised Board;</p>	<p></p>	<p>(a) By promotion on the basis of seniority, from holders of the posts of Stenographer in the respective Wings with at least 3 years service as such; or</p>
	<p>(b) a speed of 100 words per minute in shorthand in English and 40 words per minute in typing.</p>		<p>(b) If no suitable stenotypist is available, by initial recruitment.</p>
<p>Instructor (Manpower, Employment and Training Wing)</p>	<p>(i) Matriculation or equivalent qualification from a recognised Board; and</p>	<p>20 years to 45 years</p>	<p>By initial recruitment.</p>
	<p>(ii) (a) A certificate in the relevant trade from Government Vocational Institute, Technical Training Centre or other recognised institutes with 5 years practical experience in the relevant trade after obtaining 4 or more certificate or</p>		
	<p>(b) 2 years trade course certificate from the NWFP Board of Technical Education with at least 8 years experience after obtaining trade course certificate; or</p>		
	<p>(c) 1 year trade course certificate from the NWFP Board of Technical Education with at least 10 years experience after obtaining trade course certificate; or</p>		
	<p>(d) Artisan's Certificate with at least 8 years experience as Artisan; or</p>		
	<p>(e) Diploma from a Polytechnic Institute in the respective trade.</p>		
<p>Statistical Assistant (Manpower, Employment & Training Wing)</p>	<p>Bachelor's Degree (2nd Division) with Statistics as one of the subjects from a recognised University.</p>	<p>18 years to 25 years.</p>	<p>By initial recruitment.</p>

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KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, TUESDAY, 29TH JANUARY, 2013.

ANNEX "C"

**GOVERNMENT OF KHYBER PAKHTUNKHWA
LABOUR DEPARTMENT.**

NOTIFICATION

Dated: 31st December, 2012

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

Secretary to Government of
Khyber Pakhtunkhwa
Labour Department.

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APPENDIX

S. No.	Nomenclature of posts	Minimum qualification prescribed for appointment by initial recruitment or by transfer	Age limit	Method of recruitment
1	2	3	4	5
1.	Director Labour (BPS-19)			By promotion, on the basis of seniority-cum-fitness, from amongst the Chief Inspectors of Factories, Deputy Directors Labour and Deputy Controller Weights & Measures, with at least twelve years service in BPS-17 and above; provided that if no suitable officer is available for promotion, then by transfer from amongst the DMG/PMS Officers.
2.	Chief Inspector of Factories (BPS-18)	First Class Bachelor's Degree Mechanical, Electrical, Chemical, Civil, Mining Electronics or Mechatronics Engineering from a recognized University with five years experience in the relevant field	25 to 35 years	(a) Fifty per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Inspector of Factories (Technical) with five years service as such; and
3.	Deputy Director Labour/ Deputy Controller Weights & Measures (BPS-18)			By promotion, on the basis of seniority-cum-fitness, from amongst Assistant Directors Labour, Assistant Directors Research Planning and Statistics, Accounts Officers and Assistants Controller Weights & Measures with atleast five years service as such.
4.	Assistant Director Labour/ Assistant Director Research, Planning and Statistics/Assistant Controller Weights & Measures (BPS-17)	For Assistant Director Labour/Assistant Director Research and Planning and Statistics; (i) Second Class Master's degree in any Social Sciences Business Administration or Public Administration or Statistics or LL.B. from a recognized University; and	21 to 30 years	(a) Thirty per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Labour Officers, Statistical Officer and Research & Statistical Officers with atleast five years service as such; (b) thirty per cent by promotion, on the basis of seniority-cum-fitness, from amongst the

KHYBER PAKHTUNKHWA GOVERNMENT GAZETTE, EXTRAORDINARY, 29TH JANUARY, 2013.

1	2	3	4	5
		For Assistant Controller Weights & Measures: (ii) Second Class Master's Degree in Physics or Chemistry from a recognized University.		Inspectors Weights & Measures years service as such; and (c) forty per cent by initial recruitment.
5.	Inspector of Factories (Technical) (BPS-17)	First Class Bachelor's Degree in Mechanical, Electrical, Chemical, Civil, Mining, Electronics or Mechatronics Engineering from a recognized University.	22 to 30 years	By initial recruitment.
6.	Labour Officer (BPS-16)	LL.B or Second Master's degree in Economics Business Administration and Public Administration from a recognized University.	21 to 30 years	(a) Fifty per cent by promotion, seniority-cum-fitness, from Assistant Labour Officers with years service as such; and (b) fifty per cent by initial recruitment.
7.	Assistant Labour Officer (BPS-11)	LL.B or Second Class Bachelor's Degree from a recognized University with Economics, Statistics, Mathematics, or Law as one of the subjects or in Business Administration.	21 to 30 years	(a) Seventy-five per cent by promotion of seniority-cum-fitness, from Labour Inspectors with five years service as such; and (b) twenty-five per cent by initial recruitment.
8.	Labour Inspector (BPS-09)	Second Class Bachelor's Degree from a recognized University.	18 to 30 years	By initial recruitment.
9.	Inspector Weights and Measures (BPS-16)	Second Class Bachelors' Degree with Physics, Chemistry, Electronics or Mathematics as one of the subjects from a recognized University.	21 to 30 years	(a) Five per cent, on the basis of fitness, from Laboratory Assistants with years service as such; and (b) ninety-five per cent by initial recruitment.

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10.	Statistical Officer/ Research & Statistical Officer (Minimum Wages Board) (BPS-16)	(i) Second Class Master's Degree in Economics, Statistics, Mathematics or Business Administration from a recognized University; and (ii) Certificate in Advance Office Automation from a recognized institute.	22 to 30 years	(a) Seventy-five per cent by promotion of seniority-cum-fitness, from Statistical Assistants or Statistical with five years service as such; and (b) twenty-five per cent by initial recruit
11.	Statistics Assistant/ Statistical Investigator (BPS-11)	(i) Second Class Bachelor's Degree with Statistics as one of subject from a recognized University; and (ii) Certificate in Advance Office Automation from a recognized institute.	21 to 30 years	By initial recruitment.
12.	Laboratory Assistant (BPS-11)	(i) Second Class B.Sc with Physics, Chemistry or Electronics as one of the subject from a recognized University; and (ii) Certificate in Advance Office Automation from a recognized institute.	21 to 30 years	By initial recruitment.
13.	Accounts Officer (BPS-17)			By promotion, on the basis of seni from amongst the Superintendents service as such; provided that if no su available for promotion, then by d suitable Accounts Officer from t General's Office.
14.	Superintendent (BPS-16)			By promotion, on the basis of senio from amongst the Assistants with five as such.

KHYBER PAKHTUNKHWA GOVERNMENT GAZETTE, EXTRAORDINARY, 29TH JANUARY, 2013.

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

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		shorthand in English and 35 words per minute in typing; and (iii) knowledge of computer in using MS Words, MS Excel.		
21.	Computer Operator (BPS-12)	Second class Bachelor's Degree or equivalent qualification from a recognized university with one year Diploma in Information Technology from a recognized Board of Technical Education or its equivalent qualification.	18 to 30 years	By initial recruitment.
22.	Driver (BPS-04)	Possessing a valid HTV/LTV Driving license with five years practical experience in driving. Preferably SSC qualified.	25 to 35 years	(a) Twenty per cent by promotion Class IV employees having Driving License or by initial suitable candidate is available and (b) eighty per cent by initial recruitment that preference will be given to those who have passed S.S.C. Examination
23.	Naib Qasid (BPS-01)		18 to 32 years	By initial recruitment.
24.	Chowkidar (BPS-01)		18 to 32 years	By initial recruitment.
25.	Bahishti (BPS-01)		18 to 32 years	By initial recruitment.
26.	Sweeper (BPS-01)		18 to 32 years	By initial recruitment.

SECRETARY TO
GOVERNMENT OF THE KHYBER PAKHTUNKHWA
LABOUR DEPARTMENT.

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ANNEX "D"

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The Secretary Labour,
Khyber Pakhtunkhwa, Peshawar

Through: Proper Channel

Subject: Request for Combined Seniority of Labour officers and Inspectors Weights & Measures in new Service Rules 2020 of Directorate of Labour Khyber Pakhtunkhwa

Respected Sir,

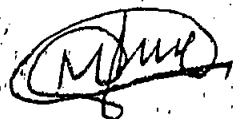
With due respect, Inspectors Weights & Measures, Directorate of Labour Khyber Pakhtunkhwa, beg to submit the following paras for your kind considerations please.

1. Prior 2012, in service rules the Inspectors Weights & Measures (BPS-16) and Labour officers (BPS-16) had Combined Seniority list for departmental promotion.
2. In revised Service Rules of 2012, the promotion through the combined seniority list was amended with Inspectors Weights & Measures (30%) quota; Labour Officers (30%) quota; and 40% by initial recruitment.
3. Total numbers of sanctioned posts of Inspectors Weights & Measures are 26, and Labour Officers are 10, which arises hindrance in the promotion of Inspectors Weights & Measures as per service rules 2012.
4. As new Service rules 2020 are in process and the aforementioned service rules of 2012 are being followed for promotion which results in discriminative promotional skeleton.
5. The applicants are being suffered in promotion, as labour officers BPS(16)- being junior in term of service-are promoted earlier than Inspectors Weights & Measures.
6. Previously with similar analogy, cases of the similar nature in other departments have been challenged in the Service Tribunal and Supreme Court, where the courts ordered for combined seniority, as the division goes against merit.

Respected Sir, in view of the above mentioned facts, it is very humbly requested that directions may kindly be advised for Combined Seniority list in under-process new Service Rules 2020 of the Directorate of Labour.

The applicants will be very-grateful for this act of kindness.

Yours Sincerely,


Muhammad Rafiq

Inspector W&M
Peshawar-I

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

APPEAL NO. _____/2020

Muhammad Rafiq, Inspector Weights & Measures (BPS-16),
Directorate of Labour, Khyber Pakhtunkhwa, District Peshawar.

..... APPELLANT

VERSUS

- 1- Government of Khyber Pakhtunkhwa through Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
- 2- The Secretary, Labour Department, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
- 3- The Secretary (Establishment), Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
- 4- The Secretary Finance Department, Khyber Pakhtunkhwa, Peshawar.
- 5- The Director (Labour), Directorate of Labour, 3rd Floor FC Trust Building, Sunehri Masjid Road, Peshawar City.

..... RESPONDENTS

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE INACTION OF THE RESPONDENTS REGARDING NON PREPARATION/FRAMING OF JOINT SENIORITY LIST OF INSPECTOR WEIGHT & MEASURES (BPS-16) AND LABOUR OFFICER (BPS-16) FOR PROMOTION TO THE POST OF ASSISTANT DIRECTOR LABOUR/ASSISTANT DIRECTOR RESEARCH, PLANNING & STATISTICS/ASSISTANT CONTROLLER WEIGHTS & MEASURES (BPS-17) AND AGAINST NO ACTION TAKEN ON THE DEPARTMENTAL APPEAL DATED 02-05-2020 OF APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS

PRAYER:

That on acceptance of this appeal the respondents by kindly be directed to frame/prepare joint/combine seniority list of Inspector Weight & Measure (BPS-16) & Labour Officer (BPS-16) for the purpose of promotion to the post of Assistant Director Labour/Assistant Director Research, planning & Statistics/Assistant Controller Weights & Measures (BPS-17). That the respondents may further please be directed to considered the appellant for promotion to the above mentioned post of (BPS-17) on the basis of joint seniority list. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

R/SHEWETH:
ON FACTS:

- 1- That appellant is the employee of the respondent Department since 09-01-2012 and is presently working as Inspector Weights & Measures in Directorate of Labour at District Mardan.
- 2- That right from appointment till date the appellant is performing his duty quite efficiently and up to the entire satisfaction of his superiors.
- 3- That appellant while working with the respondent Department for quite sufficient time, the respondent Department prepared Seniority List of Inspector Weights and Measures (BPS-16) for the year 2018 vide notification dated 04-01-2019 whereupon the appellant stood at serial No. 6 of the seniority List. Copy of the Seniority List is attached as **Annexure A.**
- 4- That in the year 1982 service rules for Industries, Commerce, Mineral Development, Labour and Transport Department was prepared and was notified vide notification dated 12-07-1982 which was properly published in the official Gazette on 1st December 1982 wherein in column 8 of the notification it was attracted for promotion to the post of Assistant Director Labour/Assistant Director Weight and Measures a combine seniority list of Labour Officer & Inspector Weights and Measures had to be prepared. Copy of the Notification dated 12/07/1982 is attached as **Annexure B.**
- 5- That in the year 2012 when Labour Department become a separate Department the Government of Khyber Pakhtunkhwa introduced service rule for Labour Department vide notification dated 31-12-2012 which was attracted in the official Gazette of Khyber Pakhtunkhwa on 29th January 2013 wherein in column 4 of the notification it was attracted for promotion to the post of Assistant Director Labour/Assistant Director Research, Planning and Statistics/Assistant Controller Weight and Measures (BPS-17), 30% quota is reserved for Labour Officers, Statistical Officer and Research and statistical officer & 30% quota was reserved for **Inspector Weight and Measure by separating both the cadres and also seniorities.** Copy of the Notification dated 31/12/2012 is attached as **Annexure C.**
- 6- That there is total sanctioned posts of 26 Inspector Weights & Measures where the total sanctioned posts of Labour Officers are 10 in number and for both the cadres 30% each of the quota has been reserved for promotion to the post Assistant Director Labour/Assistant Director Research, planning & Statistics/Assistant Controller Weights & Measures (BPS-17).

7- That feeling aggrieved the appellant filed Departmental Appeal dated 02-05-2020 for joint/combined seniority where in the appellant stated in Para-3 of the representation regarding the sanctioned strength of Labour Officers and Inspector Weights and Measures which is not responded till date. Copy of the Departmental appeal is attached as Annexure D.

8- That appellant feeling aggrieved and having no other remedy but to file the instant service appeal on the following grounds amongst the others.

GROUND:

- A- That the inaction of the respondents by not preparing and framing joint/combine seniority list of Inspector Weights & Measures (BPS-16) & Labour Officer (BPS-16) is against the Law, facts, norms of natural justice and materials on the record hence not tenable in the Eye of Law.
- B- That appellant has not been treated by the respondent Department in accordance with law and rules on the subject noted above and as such the respondents violated Article-4 and 25 of the Constitution of Islamic Republic of Pakistan-1973.
- C- That the respondents acted in arbitrary and malafide manner while separating seniority lists of Inspector Weights & Measure (BPS-16) & Labour Officer (BPS-16) on the promulgation of new service rules of 2012.
- D- That the appellant has served the Department for a long period with unblemished service record and separate seniority list has lessened prospects of promotion to the post of Assistant Director Labour/Assistant Director Research, Planning and Statistics/Assistant Controller Weight and Measures (BPS-17).
- E- That act of the respondents while separating and framing the seniority list of Inspector Weights & Measures (BPS-16) & Labour Officer (BPS-16) is against Article-38 (e) of the Constitution of Islamic Republic of Pakistan.
- F- That the appellant has been highly discriminated by the respondents while not preparing and framing joint/combine seniority list of Inspector Weights & Measures (BPS-16) & Labour Officer (BPS-16).

G- That act of the respondents by not preparing and framing joint/combine seniority list of Inspector Weights & Measures (BPS-16) & Labour Officer (BPS-16) is against Section-8 of the Civil Servant Act 1973 read with Rule-17 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer), Rule 1989.

H- That both the cadres i.e. Labour Officers and Inspector Weights and Measures have the same job description as well as the basic pay scale is also the same and NON preparation/framing of joint seniority list for Inspector Weight & Measures (BPS-16) And Labour Officer (BPS-16) for promotion to the post of Assistant Director Labour/Assistant Director Research, Planning & Statistics/Assistant Controller Weights & Measures (BPS-17)

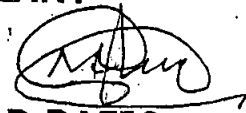
I- That act of the respondent by not preparing combine seniority list of Inspector Weights & Measures (BPS-16) & Labour Officer (BPS-16) is also against various judgment passed by the apex court as well as judgment passed by this Honourable Tribunal in connected Appeals No. 1411/2011, 1412/2011 & 1413/2012 Title Shamsul Islam & 2 Others VS Govt. of Khyber Pakhtunkhwa through Secretary (E&SE) Peshawar & other vide dated 01-09-2015 wherein separation of seniority list was declared illegal. Copy of the judgments dated 01-09-2015 is attached as **Annexure** **E.**

J- That appellant seeks permission to advance other grounds and proofs at the time of hearing.

It is therefore, most humbly prayed that the appeal of the appellant may be accepted as prayed for.

Dated: 31-08-2020

APPELLANT



MUHAMMAD RAFIQ

THROUGH:

NOOR MOHAMMAD KHATTAK

&

**MUHAMMAD MAAZ MADNI,
ADVOCATES
HIGH COURT, PESHAWAR**

EXTRAORDINARY

GOVERNMENT



REGISTERED NO. P111

GAZETTE

ANNEX F

28

KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, THURSDAY, 24th SEPTEMBER, 2020.

GOVERNMENT OF THE KHYBER PAKHTUNKHWA
LABOUR DEPARTMENT

NOTIFICATION

Dated Peshawar, the 15th September, 2020.

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

Assistant Director Labour (Admin)
Hqrs. Office Peshawar

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APPENDIX

S. No.	Nomenclature of the post.	Minimum qualification for appointment by initial recruitment or by transfer.	Age limits.	Method or recruitment.
1.	2.	3.	4.	5.
1.	Director Labour (BPS-19).	---	---	By promotion, on the basis of seniority-cum-fitness, from amongst the Chief Inspectors of Factories, Deputy Directors Labour, Deputy Controller Weights and Measures, Deputy Directors and Deputy Director Labour (Planning) with at least twelve (12) years service in BPS-17 and above. Provided that if no suitable officer is available for promotion then by transfer from amongst the PAS/PMS officers.
2.	Chief Inspector of Factories (BPS-18).	---	---	By promotion, on the basis of seniority-cum-fitness, from amongst the Inspector of Factories (Technical) with at least five (5) years service as such.
3.	Deputy Director Labour (BPS-18), Deputy Director (BPS-18), Deputy Controller Weights and Measures (BPS-18).	---	---	By promotion, on the basis of seniority-cum-fitness, from amongst the Assistant Directors Labour, Assistant Directors, Assistant Directors Labour (Litigation) and Assistant Controller Weights and Measures with at least five (5) years as such.
4.	Deputy Director Labour Planning (BPS-18).	---	---	By promotion, on the basis of seniority-cum-fitness, from amongst the Planning Officers, Research Officers and Statistical Officers with at least five (5) years service as such.

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 Assistant Director Labour (Admin)
 Hq: Office Peshawar

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5.	Assistant Director Labour (BPS-17)/ Assistant Controller Weights and Measures (BPS-17).	<p><u>Assistant Director Labour</u></p> <p>(i) At least Second Class Master's Degree in any Social Sciences or Business or Public Administration, Statistics or BS (Law) or equivalent qualification in the same disciplines from a recognized University; and</p> <p>(ii) six months certificate in Advance Office Automation from a recognized institute.</p> <p><u>Assistant Controller Weights and Measures</u></p> <p>(i) First Class Master's Degree in Physics or equivalent qualification in the same discipline from a recognized University; and</p> <p>(ii) six months certificate in Advance Office automation from a recognized Institute.</p>	25 to 35 years.	<p>(a) Thirty percent (30%) by promotion, on the basis of seniority-cum-fitness, from amongst the Labour Officers, Labour Officers (female), Social Mobilizers with at least five (5) years service as such;</p> <p>(b) thirty percent (30%) by promotion, on the basis of seniority-cum-fitness, from amongst the Inspectors Weights and Measures with at least five (5) years service as such; and</p> <p>(c) forty percent (40%) by initial recruitment.</p>
6.	Accounts Officer (BPS-17)	---	---	By deputation of a suitable Accounts Officer from the Accountant General's Office.

Attested

 Assistant Director Labour (Admin)
 Hq. W. Peshawar

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 Hq. W. Peshawar

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7.	Assistant Director (BPS-17).	---	---	By promotion on the basis of seniority-cum-fitness, from amongst the Superintendents with five (5) years service as such.
8.	Superintendent (BPS-17).	---	---	(a) Seventy-five percent (75%) by promotion, on the basis of seniority-cum-fitness, from amongst the Assistants with at least five (5) years service as such; and (b) twenty-five percent (25%) by promotion, on the basis of seniority-cum-fitness, from amongst the Senior Scale Stenographers with at least five (5) years service as such.
9.	Assistant Director Labour (Litigation) (BPS-17).	(i) Atleast Second Class LLB or BS(Law) Degree or equivalent qualification in the same discipline from a recognized University; (ii) having been enrolled as practicing lawyer with a bar; (iii) two years standing experience at a bar; and (iv) six months certificate in Advance Office automation from a recognize Institute.	25 to 35 years	By initial recruitment.

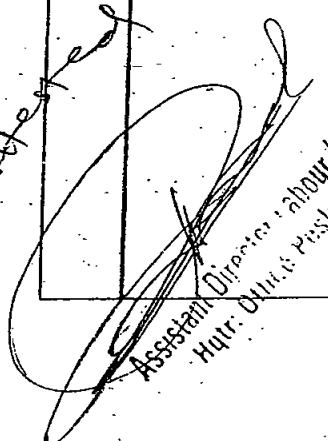
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Assistant Director Labour (Litigation)
Hqtr: Office Peshawar

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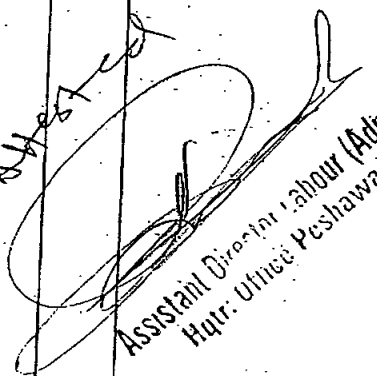
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10.	Inspector of Factories (Technical) (BPS-17)	<p>(i) First Class Bachelor's Degree in Mechanical, Electrical, Chemical, Civil, Mining, Electronics or Mechatronics Engineering or equivalent qualification in the same discipline from a recognized University; and</p> <p>(ii) six months certificate in Advance Office automation from a recognized Institute.</p>	25 to 35 years	By initial recruitment.
11.	Statistical Officer (BPS-17).	<p>(i) Atleast Second Class Master's Degree in Statistics, Mathematics or equivalent qualification in the same disciplines from a recognized University; and</p> <p>(ii) six months certificate in Advance Office automation from a recognized Institute.</p>	25 to 35 years.	<p>(a) Seventy-five percent (75%) by promotion, on the basis of seniority-cum-fitness, from amongst the Research and Statistical Officers and Statistical Investigators; and</p> <p>(b) twenty-five percent (25%) by initial recruitment.</p>

Attested

 Asst. Director (Admin)
 Hqr. Dist. Peshawar.

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12.	Planning Officer (BPS-17).	<p>(i) Atleast Second Class Master's Degree in Economics, Rural Planning, Strategic Planning, Business Administration or Public Administration or equivalent qualification in the same disciplines from a recognized University; and</p> <p>(ii) six months certificate in Advance Office automation from a recognized Institute.</p>	25 to 35 years	By initial recruitment.
13.	Research Officer (BPS-17).	<p>(i) Atleast Second Class Master's Degree in Economics, Rural Planning, Strategic Planning, Business Administration or Public Administration or equivalent qualification in the same disciplines from a recognized University; and</p> <p>(ii) six months certificate in Advance Office automation from a recognized Institute.</p>	25 to 35 years	<p>(a) Fifty percent (50%) by promotion, on the basis of seniority-cum-fitness, from amongst the Research Assistants with at least five (5) years service as such; and</p> <p>(b) fifty percent (50%) by initial recruitment.</p>

Approved

 Assistant Director (Admin)
 Hq. Utrice Peshawar

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14.	System Supervisor (BPS-17).	<p>(i) Atleast Second Class Master's Degree in Computer Sciences or Information Technology or equivalent qualification in the same disciplines from a recognized University; and</p> <p>(ii) six months certificate in Advance Office automation from a recognized Institute.</p>	25 to 35 years	<p>(a) Fifty percent (50%) by promotion, on the basis of seniority-cum-fitness, from amongst the Computer Operators with at least five (5) years service as such:</p> <p>Provided that if no suitable person is available for promotion, then by deputation or by transfer; and</p> <p>(b) fifty percent (50%) by initial recruitment.</p>
15.	Labour Officer (BPS-16).	<p>(i) Atleast Second Class LLB or BS (Law) Degree or Second Class Master's Degree in Economics, Business Administration, Public Administration or equivalent qualification in the same disciplines from a recognized University; and</p> <p>(ii) six months certificate in Advance Office automation from a recognized Institute.</p>	25 to 35 years	<p>(a) Fifty percent (50%) by promotion, on the basis of seniority-cum-fitness, from amongst the Assistant Labour Officers with at least five (5) years service as such; and</p> <p>(b) fifty percent (50%) by initial recruitment.</p>
16.	Labour Officer (Female) (BPS-16).	<p>(i) Atleast Second Class LLB or BS (Law) Degree or Second Class Master's Degree in Economics, Business Administration, Public Administration or equivalent qualification in the same</p>	25 to 35 years	By initial recruitment.

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 Assistant Director Labour (Admin)
 Hill, District Peshawar

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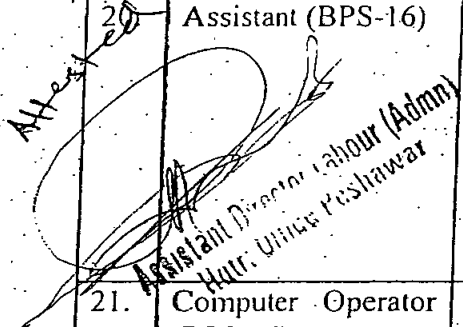
		disciplines from a recognized University; and		
		(ii) six months certificate in Advance Office automation from a recognized Institute.		
17.	Inspector Weights and Measures (BPS-16).	(i) Atleast Second Class Bachelor's Degree with Physics, Electronics or Mathematics as one of the subject or equivalent qualification in the same disciplines from a recognized University; and (ii) six months certificate in Advance Office automation from a recognized Institute.	25 to 35 years	(a) Five percent (5%) by promotion, on the basis of seniority-cum-fitness, from amongst the Laboratory Assistants with at least five (5) years service as such; and (b) ninety-five percent (95%) by initial recruitment.
18.	Research and Statistical Officer (BPS-16)/Statistical Investigator (BPS-16)/Research Assistant (BPS-16).	(i) Atleast Second Class BS Degree in Statistics, Mathematics or equivalent qualification in the same disciplines from a recognized University; and (ii) six months certificate in Advance Office automation from a recognized Institute.	25 to 35 years	(a) Thirty-three percent (33%) by promotion, on the basis of seniority-cum-fitness, from amongst the Statistical Assistant with at least five (5) years service as such; and (b) sixty-seven percent (67%) by initial recruitment.

Assistant Director Labour (Admin)
Hqtr: Office Peshawar

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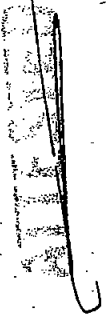
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19.	Social Mobilizer (BPS-16).	<p>(i) Atleast Second Class BS Degree in social Work/Sociology or Gender Studies as one of the major subject or equivalent qualification in the same disciplines from a recognized University; and</p> <p>(ii) six months certificate in Advance Office automation from a recognized Institute.</p>	25 to 35 years	By initial recruitment.
20.	Assistant (BPS-16)	<p>(i) Atleast Second Class Bachelor's Degree or equivalent qualification from a recognized University; and</p> <p>(ii) six months certificate in Advance Office automation from a recognized Institute.</p>	22 to 32 years	<p>(a) Sixty percent (60%) by promotion, on the basis of seniority-cum-fitness, from amongst the Senior Clerks with at least five (5) years service as such; and</p> <p>(b) forty percent (40%) by initial recruitment.</p>
21.	Computer Operator (BPS-16).	<p>(i) Atleast Second Class Bachelor's Degree in Computer Science/Information Technology (BCS/BIT) four years or equivalent qualification from a recognized University; or</p> <p>(ii) Atleast Second Class Bachelor's Degree or</p>	22 to 32 years.	By initial recruitment.



 Assistant Director Labour (Admin)

 Hatt: Union Peshawar



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			equivalent qualification from a recognized University with one year Diploma in Information Technology from a recognized Board of Technical Education.		
22.	Senior Stenographer (BPS-16).	Scale			By promotion on the basis of seniority-cum-fitness, from amongst the Junior Scale Stenographers with at least five (5) years service as such.
23.	Junior Stenographer (BPS-14).	Scale	<p>(i) Atleast Second Class Intermediate School Certificate or equivalent qualification from a recognized Board;</p> <p>(ii) a speed of fifty (50) words per minute in English shorthand and thirty five (35) words per minute in typing; and</p> <p>(iii) six months certificate in Advance Office automation from a recognized Institute</p>	20 to 30 years	By initial recruitment.
24.	Senior Clerk (BPS-14).				By promotion on the basis of seniority-cum-fitness, from amongst the Junior Clerks with at least two (2) years service as such.

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 Assistant Director Labour (Admin)
 Hq. Qu. Peshawar

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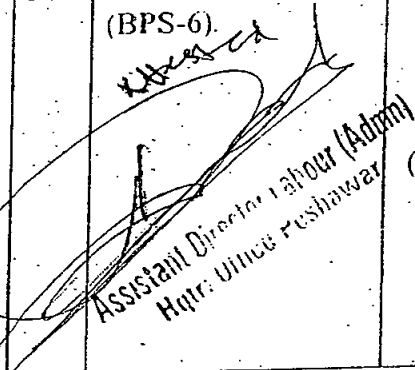
25.	Assistant Labour Officer (BPS-12).	<p>(i) Atleast Second Class LLB or Bachelor's Degree or equivalent qualification from a recognized University with Economics, Statistics, Mathematics, or Law as one of the subject or in Business Administration; and</p> <p>(ii) six months certificate in Advance Office automation from a recognized Institute.</p>	22 to 32 years	<p>(a) Seventy-five percent (75%) by promotion, on the basis of seniority-cum-fitness, from amongst the Labour Inspectors, with at least five (5) years service as such; and</p> <p>(b) twenty-five percent (25%) by initial recruitment.</p>
26.	Statistical Assistant (BPS-12).	<p>(i) Atleast Second Class Bachelor's Degree with Statistics as one of the subject or equivalent qualification from a recognized University; and</p> <p>(ii) six months certificate in Advance Office automation from a recognized Institute.</p>	22 to 32 years	By initial recruitment.
27.	Laboratory Assistant (BPS-12).	<p>(i) Atleast Second Class Bachelor's Degree with Physics or Chemistry as one of the subject or equivalent qualification from a recognized University; and</p> <p>(ii) six months certificate in Advance Office automation from a recognized Institute.</p>	22 to 32 years.	<p>By initial recruitment.</p> <p><i>[Signature]</i></p> <p>Assistant Director Labour (Admin) Hqrs: Office Peshawar</p>

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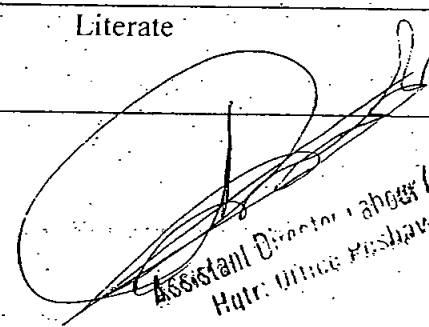
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28.	Junior Clerk (BPS-11).	<p>(i) Atleast Second Class Intermediate School Certificate or equivalent qualification from a recognized Board;</p> <p>(ii) A speed of thirty (30) words per minute in typing; and</p> <p>(iii) six months certificate in Advance Office automation from a recognized Institute.</p> <p style="text-align: center;"><i>Attested</i> Assistant Director Labour (Admin) Hqtr: Office Peshawar</p>	20 to 30 years	<p>(a) Twenty five percent (25%) by promotion on the basis of seniority-cum-fitness from amongst the Manual Assistants who have passed FA/FSc Examination or its equivalent qualification from a recognized Board alongwith six months certificate in advance Office automation from a recognized Institution with three (3) years service as such:</p> <p>(b) seventy-five percent (75%) by initial recruitment:</p> <p>Note:-</p> <p>(a) If two or more officials have acquired the Intermediate School Certificate or equivalent qualification in the same session, the inter-seniority in the lower post shall be maintained for the purpose of determining seniority in the higher post; and</p> <p>(b) where a senior official does not possess the requisite qualification at the time of filling up a vacancy, the official next junior to him possessing the requisite qualification shall be promoted in the preference to the senior official or officials:</p> <p>Provided that the condition of</p>
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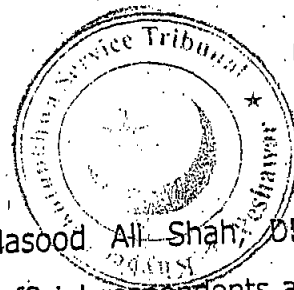
				Intermediate or its equivalent qualification from a recognized Board; shall not apply for a period of three (3) years from the date of commencement of this Notification to the existing matriculate incumbents of the post of Manual Assistants for promotion to the post of Junior Clerks (BPS-11)
29.	Labour Inspector (BPS-10).	(i) Atleast Second Class Bachelor's Degree or equivalent qualification from a recognized University; and (ii) six months certificate in Advance Office automation from a recognized Institute.	22 to 32 years.	By initial recruitment.
30.	Manual Assistant (BPS-6). <i>K. H. S. S. S.</i>  Assistant Director Labour (Admin) Hqtr: Office Peshawar	(i) Atleast Second Class Matriculate or equivalent qualification from a recognized Board; and (ii) six months certificate in Advance Office automation from a recognized Institute.	18 to 32 years.	(a) Twenty-five percent (25%) by promotion, on the basis of seniority-cum-fitness, from amongst the Daftari, Naib Qasids, Chowkidars and other equivalent posts having Secondary School Certificate examination with computer literacy and having two (2) years service as such; and (b) seventy-five percent (75%) by initial recruitment.

31.	Driver (BPS-6).	(i) Atleast Second Class Matriculate or equivalent qualification from a recognized Board; and (ii) Physically fit, with one year practical experience in driving and possessing a valid LTV/HTV driving license.	20 to 32 years	(a) Twenty percent (20%) by promotion, on the basis of seniority-cum-fitness, from amongst the Class-IV employees having passed Matriculate examination with at least Second Division with valid HTV/LTV driving license or by initial recruitment, if no suitable candidate is available under this quota; and (b) eighty percent (80%) by initial recruitment.
32.	Naib Qasid (BPS-3).	Literate	18 to 40 years	By initial recruitment.
33.	Chowkidar (BPS-3).	Literate	18 to 40 years	By initial recruitment.
34.	Bahishti (BPS-3).	Literate	18 to 40 years	By initial recruitment.
35.	Sweeper/Sanitary Worker (BPS-3).	Literate	18 to 40 years	By initial recruitment.


Assistant Director Labour (Admin)
Hqtr: Office Peshawar

SECRETARY TO
GOVERNMENT OF THE KHYBER PAKHTUNKHWA,
LABOUR DEPARTMENT.

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12.01.2022

Counsel for the appellant, Asif Masood, All Shah, DDA alongwith Jamil Ahmad Qureshi, DDA for the official respondents and counsel for private respondents No. 6 to 9 present.

Learned counsel for the appellant has submitted an application seeking withdrawal of the appeal with permission to file fresh appeal.

Arguments on application have been heard and record perused.

The reason given in the application maintains that the appellant filed instant service appeal for promotion as well as preparing/framing the joint seniority on the basis of notification dated 31.12.2012. The respondent department has issued another notification dated 05.10.2021 during pendency of appeal which framed rules in violation of rights of the appellant. The copy of the notification dated 05.10.2021 was not annexed with the application but on direction, the same has been produced and placed on file. The said notification is meant to make certain amendment in appendix relating to method of recruitment and has been issued in exercise of powers conferred by sub rule (2) of Rule 3 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 by the department in consultation with the Establishment Department and the Finance Department. If the appellant is advised to challenge the said notification subject to his locus-standi and other legal requirements, he may do so on an independent legal advice but permission for filing of fresh appeal in continuation of the present appeal is not workable as interest of private respondents is also involved. Therefore, this appeal is dismissed as withdrawn. However, this order shall not be treated as impediment, if the appellant is advised to challenge the notification dated 05.10.2021 in case he is able to make out a case for fresh cause of action in accordance with the law. File be consigned to the record room.

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

Chairman

Certified to be true copy

CHIEF CLERK
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

ANNOUNCED
12.01.2022

To,

The Secretary Labour Department,
Khyber Pakhtunkhwa, Peshawar.

Subject:-

Departmental appeal against the service rules notified in the official gazette vide dated 15-09-2020 communicated to the appellant during court proceedings (on 7.1.2022) to the extent of serial No. 5 column 5(a) & (b) of the rules ibid

Sir,

With due respect the appellant submits as under:-

1. That prior to 2012 in the service rules the Inspector weights and measures BPS-16 and labour officer BPS-16 had a combined seniority list for departmental promotion to the post of Assistant Director labour and Assistant Controller weights and measures.
2. That in the revised services rules of 2012 the promotion through the combined seniority list was amended with Inspector weights and measures @ 30% quota, labour officer @ 30% quota and 40% by initial recruitment.
3. That total number of Inspector weights and measures are 26, and labour officer are 10 which arises hindrance in the promotion of Inspector weights and measures as per service rules 2012.
4. That feeling aggrieved the appellant and his colleagues knocked the door of august Service Tribunal in appeal No.10926/2020 but during final hearing/arguments in the ibid appeal the respondents submitted new rules Notified on 15.9.2020 published in the official Gazette on 24.9.2020. It is pertinent to mention that the new rules have not been communicated to the appellant and his colleagues.
5. That with the promulgation of ibid rules Notified on 15.9.2020 the old rules stands superseded, therefore the ibid new rules badly affects the further promotion of the appellant which needs to be challenged through instant Departmental appeal.
6. That the appellant having n other remedy but to file the instant Departmental appeal.

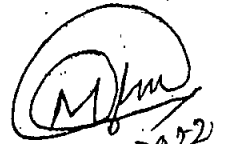
Forgoing in view, it is humbly requested that the new service rules notified on 15.9.2020 may kindly be set aside to the extent of serial No. 5 column 5 (a) & (b) of the rules ibid and a combined quota (60%) may kindly be allocated for Inspector Weight & Measures & Labour Officers through joint seniority list enabling the appellant to get accelerated promotion to high posts.

Thanking you in anticipation.

Your obediently

(Muhammad Rafiq)

Inspector weights and measures



21-07-2022

Sr. No.	Date of order/ proceedings	Order or other proceedings with signature of Judge Magistrate
1	2	3
	01.09.2015	<p style="text-align: center;">KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.</p> <p>1. Appeal No. 1411/2011, Shamsul Islam. 2. Appeal No. 1412/2011, Khalid Rahman, & 3. Appeal No. 1413/2011, Mir Qadam.</p> <p style="text-align: center;">Versus: Government of KPK through Secretary, E&SE, Peshawar etc.</p> <p style="text-align: center;"><u>JUDGMENT</u></p> <p><u>PIR BAKHSII SHAH, MEMBER.</u> - Counsel for the appellant (Mr. Bashir Naveed, Advocate), Mr. Muhammad Jan, GP with Khurshid Khan, SO and Javed Ahmad, Supdt. for the official respondents, counsel for private respondents No. 4 to 8 (Syed Younis Jan, Advocate) and Counsel for private respondents No. 9 to 12 (Mr. Muhammad Asif Yousafzai, Advocate) present.</p> <p>2. Appellants are aggrieved with preparation of joint seniority list of the Headmasters and Subject Specialists. The appellants are of the Headmasters cadre and the private respondents of the Subject Specialists. In the said perspective the appellants have instituted these appeals under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974.</p> <p>3. The learned counsel for the appellants submitted that cadre of the appellants is totally different from the cadre of Subject Specialists; therefore, preparation of their</p>

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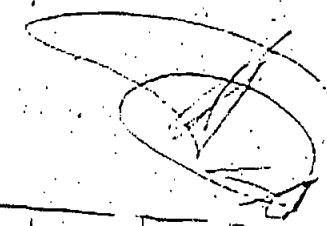
~~ATTESTED~~

joint seniority list for the purpose of their promotion to BS-18 is against the rules and norms of justice. It was further submitted that such preparation of joint seniority list is not substantiated by any law; hence the respondent department may be directed to bifurcate such list.

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4. The learned counsel for private respondents and learned GP resisted these appeals by stating that joint seniority list is prepared in the light of service rules notified in 1994 and further modified in 2004. Hence, the appeals are devoid of merits. It was further submitted that by way of the said rules of 1994, almost 300 Headmasters were promoted on the basis of joint seniority list and when the turn of Subject Specialists came so the appellants raised hue & cry on this joint seniority list for no good reason. A copy of the Judgment dated 02.08.2005 in the service appeal No. 88/Neem/1998 decided by this Tribunal was presented and it was stated that this decision has got finality which was also maintained by the august Supreme Court of Pakistan and not over-ruled by this Tribunal in any fresh decision. Hence the practice of joint seniority list being in accordance with the law and rules has been left intact. Finally, it was submitted that framing of rules and prescription of qualification and criteria for promotion/ appointment are the prerogative of the government which cannot be interfered with by this Tribunal. Reliance was placed on 2005-PLC(C.S)962.



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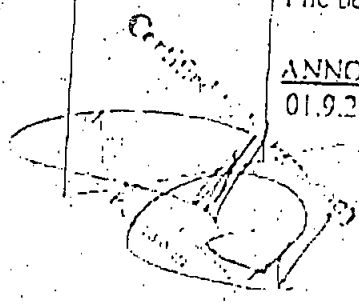
5. We have considered arguments of the learned counsel for the appellants, learned GP for the official respondents and counsel for private respondents and perused the record.

6. It is evident that this Tribunal has already given its verdict in the cited case of Mr. Muhammad Jamil decided on 02.08.2005, and the plea of the appellants to do away with joint seniority list has ^{not} been acceded to in the said judgment. It was not shown to the Tribunal that this judgment has been set aside by the august Supreme Court of Pakistan or has been over-ruled by this Tribunal. Hence on the principles of consistency, the Tribunal is constrained to dismiss ^{as} the appeals being devoid of any merits. The same are dismissed. Parties are left to bear their own costs.

File be consigned to the record.

ANNOUNCED
01.9.2015.

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VAKALATNAMA

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

APPEAL NO: _____ OF 2022

Ms. Rafiq

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Gort of K.P & others

(RESPONDENT)
(DEFENDANT)

I/We _____

Do hereby appoint and constitute **NOOR MUHAMMAD KHATTAK Advocate, Peshawar** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated. ____/____/2022

Muhammad Rafiq MUHAMMAD
RAFIQ.

CLIENTS

ACCEPTED

NOOR MUHAMMAD KHATTAK

UMER FAROOQ MOHMAND

KAMRAN KHAN

MOHAMMAD MAAZ MADNI

HAIDER ALI
ADVOCATES

“A”

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

No.

Recd

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SB

APPEAL No..... of 20 22

M. Rafiq

Appellant/Petitioner

Versus

Through Chief Secy Govt of KPK Peshawar

RESPONDENT(S)

Notice to Appellant/Petitioner

✓
Muhammad Rafiq, Inspector
Weights & Measures (BPS-16) Directorate of
Labour, KPK, Peshawar

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 27/06/2022 at 9:00am

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

Application is Also Attached

M
Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.