


FORM OF ORDER SHEET

Court of _____

Appeal No. 2464/2023

| S.No. | Date of order proceedings | Order or other proceedings with signature of judge |
|-------|---------------------------|---|
| 1 | 2 | 3 |
| 1 | 27/11/2023 | <p>The appeal of Mr. Yasir Samood resubmitted today by Mr. Taimur Ali Khan Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on _____ Parcha Peshai is given to the counsel for the appellant.</p> <p>By the order of Chairman  REGISTRAR</p> |

The appeal of Mr. Yasir Samood Inspector Weights and Measure District Kohat received today i.e on 10.11.2023 is incomplete on the following score which is returned to the counsel for the appellat for completion and resubmission within 15 days.

- ① Addresses of appellat as well as respondent No. 5 is incomplete be completed according to the rule-6 of Khyber Pakhtunkhwa Service Tribunal rules 1974.
- 2- Annexures of the appeal are unattested.
- 3- Pages no. 8 to 25 of the appeal are illegible.
- 4- Seven more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 3588 /S.T,

Dt. 15/11 /2023.



REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Taimur Ali Khan Adv.
High Court Pshawar.

Respected Sir,

1- Removed

2- Removed

3- pages no: 8 to 25 are placed by better one.

4- Removed

Resubmitted after compliance


27/11/2023.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

SERVICE APPEAL NO. 2464/2023

Yasir Samood

VS


Chief Secretary & others

INDEX

| S.No. | Documents | Annexure | P. No. |
|-------|--|----------|--------|
| 1 | Memo of Appeal | ---- | 01-06 |
| 2 | Affidavit | ---- | 07 |
| 3 | Copies of seniority lists | A&B | 08-11 |
| 4 | Copy of notification | C | 12-25 |
| 5 | Copy of service appeal No.785/2022 | D | 26-30 |
| 6 | Copy of application | E | 31 |
| 7 | Copies of notification dated 30.06.2022, departmental appeal, rejection order dated 22.07.2022 and service appeal No.1253/2022 | F,G,H&I | 33-43 |
| 8 | Copies of notification dated 06.06.2023 and departmental appeal | J&K | 44-46 |
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APPELLANT

THROUGH:


(TAIMUR ALI KHAN)
ADVOCATE HIGH COURT
0333-9390916

①

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

SERVICE APPEAL NO. 2464/2023

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 8949

Dated 10-11-2023

Mr. Yasir Samood, Inspector (Weights & Measure) (BS-16),
District Kohat.

APPELLANT

VERSUS

1. The Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
2. The Secretary Labour Department, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
3. The Director Labour, Directorate of Labour, Khyber Pakhtunkhwa, Peshawar, 3rd Floor FC Trust Building near Sunehri Masjid Road, Peshawar Cantt.
4. Mr. Muhammad Yaqoob, Assistant Director (BPS-17), District Labour Office, D.I Khan.
5. Mr. Rizwan Zia, Assistant Controller (Weights & Measure) (BPS-17), Hqs Office, 3rd Floor FC Plaza Peshawar Cantt. Peshawar.

RESPONDENTS

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974 AGAINST THE NOTIFICATIONS DATED 06.06.2023, WHEREBY PRIVATE RESPONDENT NO. 4 & 5 WERE PROMOTED FROM THE POST OF LABOUR OFFICER (BS-16) TO THE POST OF ASSISTANT DIRECTOR LABOUR (BS-17) AND AGAINST NOT TAKING ACTION ON DEPARTMENTAL APPEAL OF APPELLANT WITH IN THE STATUTORY PERIOD OF 90 DAYS.

Filed in

10/11/23

Registrar

PRAYER

ON THE ACCEPTANCE OF THIS APPEAL, THE NOTIFICATIONSDATED 06.06.2023 MAY KINDLY BE SET ASIDE AND RESPONDENTS MAY BE DIRECTED TO CONSIDER THE APPELLANT FOR PROMOTION TO THE POST OF ASSISTANT DIRECTOR LABOUR (BPS-17) FROM DUE DATE. ANY OTHER REMEDY WITH THIS AUGUST TRIBUNAL DEEMS FIT AND PROPER MAY ALSO BE AWARDED THE FAVOR OF THE APPELLANT.

RESPECTFULLY SHEWETH:

FACTS:

1. That the appellant was appointed as on 09.01.2012 in the respondent department as Inspector W&M (BS-16), while the private respondent No.4 was promoted to the post of Labour Officer (BS-16) on 09.10.2017 and respondent No.5 was promoted to the post of Labour Officer (BS-16) on 11.02.2021 respectively, which is evident from the seniority lists. **(Copies of seniority lists are attached as Annexure-A&B)**
2. That the respondent department issued a notification dated 15.09.202, wherein the post of Assistant Director Labour/ Assistant Controller Weights & Measures can be filled by (a) thirty percent (30%) by promotion on the basis of seniority-cum-fitness from amongst the Labour Officer, Labour Officer (Female), Social Mobilizers with at least five years' service as such (b) thirty percent (30%) by promotion on the basis of seniority-cum-fitness from amongst the Inspectors Weight & Measures with at least five years' service as such. **(Copy of notification is attached as Annexure-C)**
3. That the post of Assistant Director Labour (BS-17)/ Assistant Controller Weight & Measures (BS-17) can be filled by thirty percent 30% by promotion on the basis of seniority-cum-fitness from amongst the Labour Officer, Labour Officer (female), Social Mobilizer with at least five (5) years' service as such (b) thirty percent (30%) by promotion on the basis of seniority-cum-fitness from amongst the Inspectors Weight & Measures with at least five years' service as such, but the respondent department maintain separate seniority of the Labour Officer, Labour Officer (female), Social Mobilizer (BS-16) and Inspector (W&M) (BS-16) and the strength of Inspector (W&M) in the department is greater than as compare to Labour Officer,

Labour Officer (Female), Social Mobilizer (BS-16) which is evident from the seniority list attached as Annexure-A with the appeal, therefore, the Labour Officer, Labour Officer (Female), Social Mobilizer (BS-16) have more chances of promotion to the post of Assistant Director Labour (BS-17/Assistant Controller Weights and Measures (BS-17) as compare to the Inspector W&M (BS-16).

4. That due less strength of Labour Officer, Labour Officer (female), Social Mobilizer (BS-16) in the department, they have more chance of promotion to the post of Assistant Director Labour (BS-17/Assistant Controller Weights and Measures (BS-17) as compare to the Inspector (W&M) (BS-16) by maintaining separate seniority and separate quota of promotion of Labour Officer, Labour Officer (female), Social Mobilizer (BS-16) and Inspector (W&M) (BS-16), therefore the appellant filed service appeal No.786/2022 in this Honorable Tribunal with the prayer for rectifying/modifying the extent of serial No.5 Column 5(a)(b) that the quota to the post of Assistant Director Labour/Assistant Controller Weights & Measures (BS-17) for the purpose of promotion may be combine as sixty percent (60%) for Labour Officer, Social Mobilizer and Inspector Weights & Measures. Further the respondents may please be directed to issue joint/combine seniority list of Labour Officer, Social Mobilizer and Inspector Weights & Measures for the post of Assistant Director Labour/Assistant Controller Weights & Measures (BS-17) along with the application for restraining the respondent from promotion to the post of Assistant Director/Assistant Director Research, planning and Statistics/Assistant Controller Weights and Measures (BS-17) till the final disposal of the appeal, which is still pending before this Honorable Tribunal for adjudication. **(Copy of service appeal No.786/2022 is attached as Annexure-D)**
5. That the appellant also filed submitted application on 26.05.2022 to the competent authority not to make promotion on the post of Assistant Director Labour (BS-17) on the DPC hold on 25.05.2022 on the subjudice/disputed rules as his case is pending before this Honorable Tribunal till the decision of his case. **(Copy of application is attached as Annexure-E)**
6. That despite the pending service appeal of the appellant on the disputed rules of promotion to the post of Assistant Director Labour/Assistant Controller Weights & Measures (BS-17), the respondent department promoted the some of the official to the post of Assistant Director Labour (BS-17) on the disputed rules vide notification dated

30.06.2022, against which the appellant filed departmental appeal which was also rejected on 22.07.2022 and promotion notification dated 30.06.2022 and rejection order dated 22.07.2022 were challenged by the appellant in service appeal 1252/2022 in this Honorable Tribunal, which is still pending before this Honorable Tribunal. (Copies of notification dated 30.06.2022, departmental appeal, rejection order dated 22.07.2022 and service appeal No.1252/2022 are attached as Annexure-F,G,H&I)

7. That despite the pending service appeal of the appellant on the disputed rules of promotion to the post of Assistant Director Labour/ Assistant Controller Weights & Measures (BS-17), the respondent department now again promoted respondent No.4&5 to the post of Assistant Director Labour (BS-17) on the disputed rules vide notification dated 06.06.2023. The appellant filed departmental appeal against the notification dated 06.06.2023 which is not responded within the statutory period of ninety days. (Copies of notification dated 06.06.2023 and departmental appeal are attached as Annexure-J&K)
8. That the appellant has no other remedy except to file the instant appeal for redressal of his grievance in this Honorable Tribunal on the following grounds amongst others.

GROUND:

- A) That not taking action on the departmental appeal of the appellant and impugned notification dated 06.06.2023 are against the facts, law, rules, material on record, therefore not tenable and liable to set aside.
- B) That the appellant filed service appeal No.786/2022 in this Honorable Tribunal with the prayer for rectifying/modifying the extent of serial No.5 Column 5(a)(b) that the quota to the post of Assistant Director Labour/Assistant Controller Weights & Measures (BS-17) for the purpose of promotion may be combine as sixty percent (60%) for Labour Officer, Social Mobilizer and Inspector Weights & Measures. Further the respondents may please be directed to issue joint/combine seniority list of Labour Officer, Social Mobilizer and Inspector Weights & Measures for the post of Assistant Director Labour/Assistant Controller Weights & Measures (BS-17) along with the application for restraining the respondent from promotion to the post of Assistant Director/Assistant Director Research, planning and Statistics/Assistant Controller Weights and Measures (BS-17) till the final disposal of the appeal, which is still pending before this

Honorable Tribunal for adjudication and it will be in interest of justice that the respondent department should not make promotion to the post of Assistant Director Labour (BS-17) on the disputed rules till the decision of appeal of the appellant.

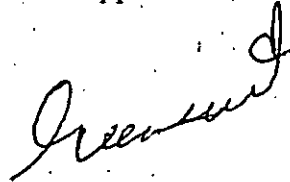
- C) That the appellant has prime facie case and if the case of the appellant decides in the favour of the appellant, then valuable rights of promotion will be created in the favour of the appellant, therefore the respondent department should not make promotion on the disputed rules till the decision of the case of the appellant.
- D) That the appellant was appointed as on 09.01.2012 in the respondent department as Inspector W&M (BS-16), while the private respondent No.4 was promoted to the post of Labour Officer (BS-16) on 09.10.2017 and respondent No.5 was promoted to the post of Labour Officer (BS-16) on 11.02.2021 respectively and the pending appeal No.785/2022 of the appellant decides in the favour of the appellant, then they will become juniors to the appellant and by impugned promotion notification dated 06.06.2023, juniors to the appellant have promoted to the post of Assistant Director Labour (BS-17), which is against the law and rules.
- E) That if pending appeal No.785/2022 of the appellant decides in his favour, then he will be senior to the private respondent No.4&5 and by promoting the private respondents No.4&5 through notification dated 06.06.2023 has deprived the appellant from his right of promotion to the post of Assistant Director Labour (BS-17) and it will also effect his future promotions, which will cause huge financial loss in the shape of pension and other monetary benefits, therefore the impugned notification dated 06.06.2023 is liable to be set aside.
- F) That promoting private respondent No.4&5 on the subjudice/disputed rules before this Honorable Tribunal through impugned notification dated 06.06.2023 is clear violation of the Supreme Court judgments and as such the impugned notification dated 06.06.2023 is liable to be set aside.
- G) That the appellant filed application on 26.05.2022 to the competent authority not to make promotion on the post of Assistant Director Labour (BS-17) as his case is pending before this Honorable Tribunal on the disputed rules, but despite that respondent department made promotion on 30.06.2022 which was challenged by the appellant in the service appeal No.1252/2022 in this Honorable Tribunal and now

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again the respondent department made promotion on the disputed rules, which shows the arbitrary manner of the respondents.


H) That the appellant seeks of this Honorable Tribunal permission to advance other ground proof at the time of hearing.

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



APPELLANT
Yasir Samood.

THROUGH:



(TAIMUR ALI KHAN)
ADVOCATE HIGH COURT.

7

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

SERVICE APPEAL NO. _____/2023

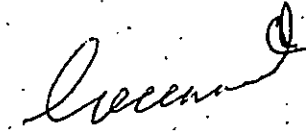
Yasir Samood

VS

Chief Secretary & others

AFFIDAVIT

I, Yasir Samood, Inspector (Weights & Measure) (BS-16), District Kohat, (Appellant) do hereby affirm and declare that the contents of this service appeal are true and correct and nothing has been concealed from this Honorable Tribunal.



DEPONENT

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A

"A"
-3-



OFFICE ORDER

DIRECTORATE OF LABOUR
KHYBER PAKHTUNKHWA

Dated Peshawar the 24/02/2022

DI/Admn/11/2351/7014-3 In pursuance of Section-08 of Khyber Pakhtunkhwa, Civil Servants Act, 1973 read with Rule-17 of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules 1989, the Competent Authority is pleased to notify the Final Seniority List of Inspector W&M (BPS-16) Directorate of Labour, Khyber Pakhtunkhwa as stood on 31-12-2021, as per revised Service Rules issued vide Gazette Notification dated 24.09.2020, is hereby notified/circulated for general information.

Total Sanctioned Posts = 33

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

| S.No | Name of Officer with Qualification | Date of Birth with Domicile | Date of 1 st Entry into Govt. Service | Regular Appointment / Promotion to the Present Post | | | Present Appointment with Date | Remarks |
|------|---|-----------------------------|--|---|-----|---|-------------------------------|--------------------------|
| | | | | Date | BPS | Method of Recruitment: a) Five percent 5% by promotion, on the basis of Seniority-cum-fitness from amongst the Laboratory Assistant with at least five (5) Years Services such; and b) Ninety five 95% by Initial recruitment | | |
| 01 | 02 | 03 | 04 | 05 | 06 | 07 | 08 | 09 |
| 1 | Mr. Hashmat Ali (B.Sc) | 02.04.1985 Mardan | 09.01.2012 | 09.01.2012 | 15 | By Initial | Inspector W&M 09.01.2012 | |
| 2 | Mr. Muhammad Yaqoob (M.Sc. Chemistry) | 5.04.1986 Lakki Marwat | 09.01.2012 | 09.01.2012 | 16 | -do- | Inspector W&M 09.01.2012 | |
| 3 | Mr. Ali Akbar (M.Sc Chemistry) | 7.2.1981 Malakand | 09.01.2012 | 09.01.2012 | 16 | -do- | Inspector W&M 09.01.2012 | |
| 4 | Mr. Muhammad Rafeeq (M.ScPhy, B.Ed) | 06.10.1986 Swat | 09.01.2012 | 09.01.2012 | 16 | -do- | Inspector W&M 09.01.2012 | |
| 5 | Mr. Saïd Badshah (M.A Pol. Science, M.ScPhy) | 02.04.1982 Bajawar Agency | 09.01.2012 | 09.01.2012 | 16 | -do- | Inspector W&M 09.01.2012 | |
| 6 | Mr. Yasin Samood (M.ScPhy) | 12.04.1983 Karak | 09.01.2012 | 09.01.2012 | 16 | -do- | Inspector W&M 09.01.2012 | |
| 7 | Mr. Muhammad Rafeeq (M.Sc Phy M.Ed) | 01.01.1981 Swabi | 09.01.2012 | 09.01.2012 | 16 | -do- | Inspector W&M 09.01.2012 | |
| 8 | Mr. Sartaraz Ahmad (M.Sc Electronics) | 05.01.1984 Abbottabad | 09.01.2012 | 09.01.2012 | 16 | -do- | Inspector W&M 09.01.2012 | |
| 9 | Mr. Tauseef Mushtaq MSc (Electronics), M. A Political Science, B.Ed | 04.11.1984 Mansehra | 20.08.2014 | 20.08.2014 | 16 | -do- | Inspector W&M 20.08.2014 | On lien v.e.f 07.12.2020 |
| 10 | Mr. Fida Hussain (M.Sc (Electronics)) | 28.02.1990 Bannu | 20.08.2014 | 20.08.2014 | 16 | -do- | Inspector W&M 20.08.2014 | |

ATTACHED

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-4-

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


ATTACHED

Ends No: DL/Admn/11/235/

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

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.


Assistant Director Labour (Admn)
Hqtr: Office Peshawar

**DIRECTORATE OF LABOUR
KHYBER PAKHTUNKHWA**

Dated Peshawar the 24/02/2022

OFFICE ORDER

1807-13

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

Total Sanctioned Posts = 26

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

| S No | Name of Officer with Qualification | Date of Birth with Domicile | Date of 1st entry into Govt. Service | Regular Appointment / Promotion to the Present Post | | | Present Appointment with Date | Remarks |
|------|---|-----------------------------|--------------------------------------|---|------|--|-------------------------------|---------|
| | | | | Date | BP S | Method of recruitment | | |
| | | | | | | For Labour Officer (BPS-16) (a) Fifty percent (50%) by promotion, on the basis of seniority-cum-fitness, from amongst the Assistant Labour Officers with at least five years' service as such; and (b) Fifty percent (50%) by Initial Appointment For Labour Officer (Female) BPS-16 By Initial Recruitment. For Social Mobilizer (BPS-16) By Initial Recruitment. | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
| 1 | Mr. Altaf Hussain M.Sc, MBA (IT) | 05.01.1983 Peshawar | 03.02.2014 | 03.02.2014 | 16 | By Initial | Labour Officer 03.02.2014 | |
| 2 | Mr. Sharif Ahmad M.Sc (Economics) | 15.02.1990 Chitral | 29.06.2015 | 29.06.2015 | 16 | -do- | Labour Officer 29.06.2015 | |
| 3 | Mr. Mohammad Yaqoob M.A (Political Science), LLB | 07.06.1973 D.I. Khan | 24.10.2009 | 09.10.2017 | 16 | By Promotion | Labour Officer 09.10.2017 | |
| 4 | Mr. Qaisar Farooq MBA | 01-04-1987 Karak | 30.06.2017 | 17-04-2018 | 16 | By Initial | Labour Officer 17.04.2018 | |
| 5 | Miss. Nabeela Safdar MPA | 01-03-1988 Hangu | 10-04-2018 | 10-04-2018 | 16 | -do- | Labour Officer 10.04.2018 | |
| 6 | Mr. Rizwan Zia B.A | 13.04.1964 Peshawar | 25.04.1987 | 11.02.2021 | 16 | By Promotion | Labour Officer 11.02.2021 | |
| 7 | Mr. Muhammad Qasim Tanoli, B.A. | 02.02.1968 Mansehra | 18.01.1997 | 11.02.2021 | 16 | -do- | Labour Officer 11.02.2021 | |

ALISTEN

Assistant Director Labour (Admn)
Hqtr: Office Peshawar



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

CERTIFICATE

Ends No: DL/Admn/11/235/

52/-
Director Labour,
Khyber Pakhtunkhwa Province
Dated / / 2022

11

EXTRAORDINARY
GOVERNMENT



14 REGISTERED NO. F11

GAZETTE

C 12

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)
Hq. Office Peshawar

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ATTACHED

APPENDIX

| S. No. | Nomenclature of the post. | Minimum qualification for appointment by initial recruitment or by transfer. | Age limits. | 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, 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. |

[Handwritten Signature]
 Assistant Director Labour (Admin)
 Hq. Office Peshawar

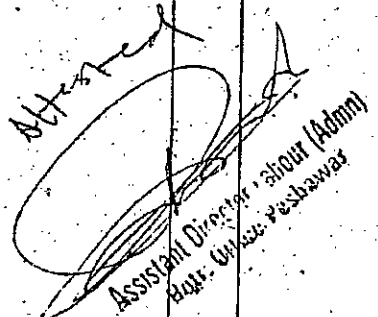
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| 5. | Assistant Director Labour (BPS-17) Assistant Controller Weights and Measures (BPS-17). | <p><u>Assistant Director Labour</u></p> <p>(i) At least Second Class Master's Degree in any Social Sciences or Business or Public Administration, Statistics 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)
 Bdr. Gulzar Peshawar

ATTSTED

16/9/20

17
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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) At least 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. |

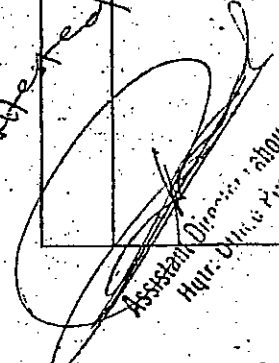
Attested
Assistant Director Labour (Admin)
Hq: Univ. Peshawar

Dr

17
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ATTORNEY

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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. Dir. (Admin) Peshawar

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| 12. | Planning Officer (BPS-17) | (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 (ii) six months certificate in Advance Office automation from a recognized Institute. | 25 to 35 years | By initial recruitment. |
| 13. | Research Officer (BPS-17) | (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 (ii) six months certificate in Advance Office automation from a recognized Institute. | 25 to 35 years | (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 (b) fifty percent (50%) by initial recruitment. |

Approved

Assistant Director Labour (Adml)
Hq. Utruz Peshawar

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| Supervisor (17) | (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. (ii) six months certificate in Advance Office automation from a recognized Institute. | 25 to 35 years | (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. Provided that if no suitable person is available for promotion, then by deputation or by transfer; and (b) fifty percent (50%) by initial recruitment. |
| Officer (16) | (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. (ii) six months certificate in Advance Office automation from a recognized Institute. | 25 to 35 years | (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 (b) fifty percent (50%) by initial recruitment. |
| Officer (16) (BPS-16) | (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 | 25 to 35 years | By initial recruitment. |

Director Labour (Admin)
Mr. Ghous Peshawar

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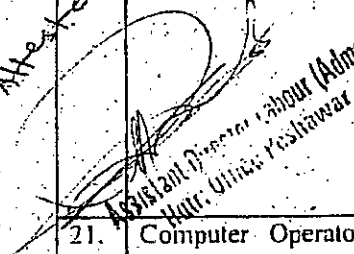
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| | | disciplines from a recognized University; and (ii) six months certificate in Advance Office automation from a recognized Institute. | | |
| 17. | Inspector Weights and Measures (BPS-16). | (i) Atleast Second Class Bachelor's Degree with Physics, 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. |

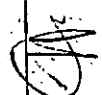
Assistant Director Labour (Admin)
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| 19. | Social Mobilizer (BPS-16). | <p>(i) Atleast Second Class BS Degree in social Work/Sociology or Gender Studies as one of the major subject or equivalent qualification in the same disciplines from a recognized 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. |

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 Assistant Director (Admin)
 H.A.R. Qureshi, 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)
 Hqs. Office Peshawar

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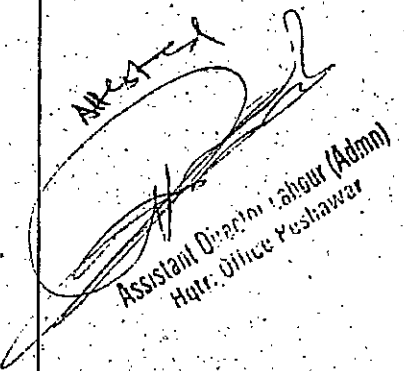
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| 25. | Assistant Labour Officer (BPS-12). | <p>(i) Atleast Second Class LLB or Bachelor's Degree or equivalent qualification from a recognized University with Economics, Statistics, Mathematics, or Law as one of the subject or in Business Administration; 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> Assistant Director Labour (Admin) Hqrs: Office Peshawar</p> |

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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>Arrested</i>  Assistant Director Labour (Admin) Hq. 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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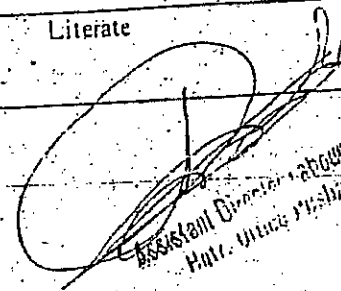
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| | | | | Intermediate or its equivalent qualification from a recognized Board, shall not apply for a period of three (3) years from the date of commencement of this Notification to the existing matriculate incumbents of the post of Manual Assistants for promotion to the post of Junior Clerks (BPS-11). |
| 29. | Labour Inspector (BPS-10). | (i) At least 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>Assistant Director Labour (Admin)</i> <i>Hq. Office Peshawar</i> | (i) At least 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 Dāstari, 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. |

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| 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. | Bahishtii (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)
Hq. Office Peshawar

SECRETARY TO
GOVERNMENT OF THE KHYBER PAKHTUNKHWA
LABOUR DEPARTMENT.

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

SERVICE APPEAL NO. 785/2022

Mr. Yasir Samood, 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.

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R/SHEWETH:
ON FACTS:

- 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 annexureA.
- 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 annexureB.
- 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 31-12-2012 is attached as annexureC.
- 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

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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 annexureH.

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

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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 appellant 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 annexure

I- That the 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.

APPELLANT
YASIR SAMOOD

THROUGH:
NOOR MUHAMMAD KHATTAK
KAMRAN KHAN
UMAR FAROOQ
ADVOCATES

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TESTED

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

CM NO. _____ /2022
in
Appeal No. _____ /2022

YASIR SAMOOD **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;

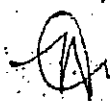
1. That the appellant has filed the instant service appeal in which no date has so far been fixed.
2. That the appellant has challenged the separate seniority list prepared for Labour Officer (BPS-16) & Inspector Weights and Measures (BPS-17).
3. That all the three ingredients required for the grant 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: 26-04-2022

Appellant 

Through,

 **NOOR MOHAMMAD KHATTAK**
Advocate,
SUPREME COURT

ATTSTED

To,

Subject :-

Sir,

The Secretary Labour Department,
Khyber Pakhtunkhwa, Peshawar.

REQUEST FOR STOPPAGE OF PROCESS OF DPC MEETING HELD ON 25-05-2022

With due respect the appellant submits as under:-

- i. 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 (F/A).
- ii. 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 (F/B).
- iii. 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 (F/C).
- iv. 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 15-09-2020 published in the official Gazette on 24-09-2020. It is pertinent to mention that the new rules have not been communicated to the appellant and his colleagues.
- v. That with the promulgation of ibid rules Notified on 15-09-2020 the old rules stands superseded, therefore the ibid new rules badly affects the further promotion of the appellant which needs to be challenged Departmental appeal.
- vi. That the appellant aggrieved from the rule notified on 15-09-2020, the applicant filed another appeal No. 785/2022 in the Khyber Pakhtunkhwa, Service Tribunal (F/D).

It may be noted that as mentioned above, the applicant challenge the rule notified 15-09-2020, the DPC meeting was held on 25-05-2022 under your kind chairmanship, wherein some Inspector weights and labour officer was promoted to Assistant Directors.

Forgoing in view, it is humbly requested that the further process of DPC was held on 25-05-2022 may kindly be stop/suspend till the final decision of the Khyber Pakhtunkhwa Service Tribunal in the service appeal No. 785/2022 filed by the applicant, as the next date of hearing is fixed on 31-05-2022 (F/E).

Thanking you in anticipation:

Yasir Samood
Inspector (WxM)
26/05/2022

Muhammad Rafiq
Inspector (WxM)
Your Obediently, 26/05/22

1. Additional Secretary (Regulation), Establishment Department, Govt. of Khyber Pakhtunkhwa.
2. Additional Secretary (Regulation), Finance Department, Govt. of Khyber Pakhtunkhwa.
3. Registrar, Khyber Pakhtunkhwa, Service Tribunal, Peshawar.
4. Director Labour, Department, Khyber Pakhtunkhwa, Peshawar.
5. Assistant Director, Labour, Department, Khyber Pakhtunkhwa, Peshawar.

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NOTIFICATION

No. SOG/LD/3-12/DL/2021/Vol-I/3767-88 On the recommendations of Departmental Promotion Committee, the Competent Authority (Chief Secretary, Khyber Pakhtunkhwa), is pleased to promote / appoint the following Labour Officers (BS-16) / Inspector Weights & Measures (BS-16) of Directorate of Labour, Khyber Pakhtunkhwa to the post of Assistant Director Labour (BS-17) on regular / acting charge basis with immediate effect: -

Officials promoted on regular basis:

- i. Mr. Altaf Hussain, Labour Officer (BS-16)
- ii. Mr. Sharif Ahmad, Labour Officer (BS-16)
- iii. Mr. Hashmat Ali, Inspector (Weights & Measures) (BS-16)
- iv. Muhammad Yaqoob, Inspector (Weights & Measures) (BS-16)
- v. Mr. Ali Akbar, Inspector (Weights & Measures) (BS-16)
- vi. Mr. Muhammad Rafeeq S/o Mian Salar, Inspector (Weights & Measures) (BS-16)

Official appointed on acting charge basis:

- vii. Mr. Qaiser Farooq, Labour Officer (BS-16)
- viii. Mrs. Nabeela Safdar, Labour Officer (BS-16)

2. The Officers on promotion, mentioned at Sr.No.i to vi, will remain on probation for a period of one year in terms of Section 6(2) of Khyber Pakhtunkhwa Civil Servants Act, 1973 read with Rule 15(1) of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989.

3. Consequent upon the above, the following posting / transfer / adjustments are hereby ordered with immediate effect in the public interest:

| S.# | Name & Designation | Posted in: |
|-----|--|--|
| 1 | Mr. Altaf Hussain Assistant Director Labour (BS-17) | District Labour Office Nowshera |
| 2 | Mr. Sharif Ahmad Assistant Director Labour (BS-17) | District Labour Office Swabi |
| 3 | Mr. Hashmat Ali Assistant Director Labour (BS-17) | District Labour Office Mohmand |
| 4 | Mr. Muhammad Yaqoob Assistant Director Labour (BS-17) | District Labour Office South Waziristan |
| 5 | Mr. Ali Akbar Assistant Director Labour (BS-17) | District Labour Office Lower Dir |
| 6 | Mr. Muhammad Rafeeq Assistant Director Labour (BS-17) | District Labour Office Buner |
| 7 | Mr. Qaiser Farooq Assistant Director Labour (BS-17 a.c.b) | District Labour Office Charsadda |
| 8 | Mrs. Nabeela Safdar Assistant Director Labour (BS-17 a.c.b) | District Labour Office Kohat |

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SECRETARY LABOUR
KHYBER PAKHTUNKHWA

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GOVERNMENT OF KHYBER PAKHTUNKHWA
LABOUR DEPARTMENT

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Copy forwarded to :

1. Accountant General, Khyber Pakhtunkhwa.
2. Director Labour, Directorate of Labour, Khyber Pakhtunkhwa.
3. Concerned District Accounts Officers.
4. Concerned District Labour Offices.
5. PS to Secretary, Labour Department, Khyber Pakhtunkhwa.
6. Officers concerned.

Shahid
30/6/2022
(SHAHID HABIB)
SECTION OFFICER (GENERAL)

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The Secretary Labour,
Khyber Pakhtunkhwa
Peshawar.

Through proper channel

Subject: REQUEST TO CANCELLATION OF THE NOTIFICATION OF PROMOTION OF LABOUR OFFICER/INSPECTORS W&M TO THE POST OF ASSISTANT DIRECTOR LABOUR UNDER SUB-JUDICE SERVICE RULE 2020.

Respected Sir,

It is humbly stated that Four Labour Officers and Four Inspectors W&M were promoted to the post of Assistant Director Labour under the notification no. SOG/LD/3-12/DL/2021/Vol-I/3767-88 dated 30 June 2022. The said promotions were made under new service rules 2020 which are sub-judice in the Khyber Pakhtunkhwa Service Tribunal Court, Peshawar. It is necessary to bring it in your kind notice that the Inspectors W&M have challenged the said service rules in Service Khyber Pakhtunkhwa Service Tribunal Court Peshawar on 26-04-2022 and the case is under hearing/proceeding in the honorable Khyber Pakhtunkhwa Service Tribunal Court Peshawar. The said promotion grieved inspectors W&M because some senior Inspectors W&M (in term of service) were dropped and junior Labour Officers (in term of service) were promoted which violates the principle of equality and justice.

Therefore, Inspectors W&M request your kind office that the promotions may please be halted till court decision as the said service rules 2020 are sub-judice in the honorable Service Tribunal Court, Peshawar.

We shall be highly obliged.

Yasir Samood
Yasir Samood
Inspector W&M
Kohat/Hangul

19/07/2022

no. 1508
may
2022

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GOVERNMENT OF KHYBER PAKHTUNKHWA
LABOUR DEPARTMENT

No. SOG/LD/3-12/2021/Vol-I/42203-5
Dated: 22 / 07 / 2022

- To
1. Mr. Yasir Samood,
Inspector W&M, Kohat.
 2. Mr. Muhammad Rafiq,
Inspector W&M, Swabi.

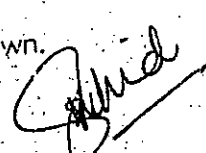
Subject: REQUEST FOR CANCELLATION OF THE NOTIFICATION OF PROMOTION OF
LABOUR OFFICER/INSPECTORS W&M TO THE POST OF ASSISTANT DIRECTOR
LABOUR UNDER SUB-JUDICE SERVICE RULE 2020.

Reference your applications no. nil dated 19-07-2022 on the subject cited above.


The Departmental Promotion Committee during the meeting had considered all aspects of the case. Neither the matter was pending in the Service Tribunal at the time of DPC meeting nor was any restraining / status-quo maintenance order submitted to the Committee. The Departmental Promotion Committee made the recommendation on merit and in accordance with the prevailing service Rules. Under the same rules four Inspectors of your cadre i.e., Weight & Measures were also recommended for promotion.

The promotion notification has already been issued after approval of the competent authority i.e., Worthy Chief Secretary, Khyber Pakhtunkhwa, which cannot be halted / undone at this stage. Besides, the competent authority in the matter is the Worthy Chief Secretary, Khyber Pakhtunkhwa.

In view of the above, your request is turned down.


Section Officer (General)

Copy of the above is forwarded to the PS to the Secretary Labour Department, Khyber Pakhtunkhwa.


Section Officer (General)

ATTSTED

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

SERVICE APPEAL NO. _____ /2022

Khyber Pakhtunkhwa
Service Tribunal
Distt. No. 1607
Date 16/8/2022

Mr. Yasir Samood, Inspector (Weights & Measures) (BP-16),
District Kohat.

(APPELLANT)

VERSUS

1. The Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat Peshawar.
2. The Secretary Labour Department, Khyber Pakhtunkhwa, Civil Secretariat Peshawar.
3. The Director Labour, Directorate of Labour, Khyber Pakhtunkhwa, Peshawar, 3rd Floor FC Trust Building near Sunehri Masjid Road, Peshawar Cantt.
4. Mr. Altaf Hussain, Assistant Director Labour, (BS-17) District Labour Office, Nowshera.
5. Mr. ~~Sherif~~ Ahmad, Assistant Director Labour, (BS-17) District Labour Office, Swabi.
6. Mr. Qaiser Farooq, Assistant Director Labour, (BS-17 a.c.b) District Labour Office, Charsadda.
7. Mrs. Nabeela Safdar, Assistant Director Labour, (BS-17 a.c.b) District Labour Office, Kohat.

(RESPONDENTS)

Filed to-day

16/8/2022

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974 AGAINST THE NOTIFICATION DATED 30.06.2022, WHEREBY THE PRIVATE RESPONDENTS NO.4 TO 7 WERE PROMOTED FROM THE POST OF LABOUR OFFICER (BS-16) TO THE

ATTORNEY

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POST OF ASSISTANT DIRECTOR LABOUR (BS-17) AND AGAINST THE ORDER DATED 22.07.2022, WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT AGAINST THE PROMOTION NOTIFICATION DATED 30.06.2022 HAS BEEN REJECTED FOR NO GOOD GROUNDS.

PRAYER:

THAT ON THE ACCEPTANCE OF THIS APPEAL, THE ORDER DATED 30.06.2022 and 22.07.2022 MAY KINDLY BE SET ASIDE AND THE RESPONDENT DEPARTMENT MAY FURTHER BE DIRECTED TO CONSIDER THE APPELLANT FOR PROMOTION TO THE POST OF ASSISTANT DIRECTOR LABOUR (BS-17) FROM THE DATE I.E 30.06.2022, WHEN PRIVATE RESPONDENTS NO.4 TO 7 WERE PROMOTED TO THE POST OF ASSISTANT DIRECTOR LABOUR (BS-17). ANY OTHER REMEDY, WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT, MAY ALSO, BE AWARDED IN FAVOUR OF APPELLANT.

RESPECTFULLY SHEWTH:

FACTS:

1. That the appellant was appointed on 09.01.2012 in the respondent department as Inspector W&M (BS-16), while the private respondent No.4 was appointed on 03.02.2014 as Labour Officer (BS-16), private respondent No.5 on 29.06.2015, private respondent No.6 on 17.04.2018 and private respondent No.7 on 10.04.2018 as Labour Officer (BS-16) respectively, which is evident from the seniority lists. (Copies of seniority lists are attached as Annexure-A&B)
2. That the respondent department issued the notification/rules dated 15.09.2020, wherein the post of Assistant Director Labour/Assistant Controller Weights and Measures can be filled by (a) thirty percent (30%) by promotion on the basis of seniority-cum-fitness from amongst the Labour Officer, Labour Officers (Female), Social Mobilizers with at least five (5) years service as such; (b) thirty percent (30%) by promotion on the basis of seniority-cum-fitness from amongst the Inspectors Weight and Measures with at least five (5) years service as such. (Copy of notification dated 15.09.2020 is attached as Annexure-C)
3. That the post of Assistant Director Labour (BP-17)/Assistant Controller Weights and Measures (BPS-17) can be filled by thirty percent (30%) by promotion on the basis of seniority-cum-fitness from amongst the Labour Officer, Labour Officers (Female), Social Mobilizers with at least five (5) years service as such and (b) thirty percent (30%) by

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promotion on the basis of seniority-cum-fitness from amongst the Inspectors Weight and Measures with at least five (5) years service as such, but the respondent department maintain separate seniority of the Labour Officer, Labour Officers (Female), Social Mobilizers (BS-16) and Inspector (W&M) (BS-16) and the strength of Inspector (W&M) in the department is greater as compare to Labour Officer, Labour Officers (Female), Social Mobilizers (BS-16), which is evident from the seniority lists attached as Annexure-A with the appeal, therefore, the Labour Officers, Labour Officers (Female), Social Mobilizers (BS-16) have more chance of promotion to the post Assistant Director Labour (BS-17)/Assistant Controller Weights & Measures (BS-17) as compare to the Inspector (W&M) (B-16).

4. That due to the less strength of Labour Officer, Labour Officers (Female), Social Mobilizers (BS-16) in the department, they have more chance of promotion to the post of Assistant Director Labour (BPS-17)/Assistant Controller Weights & Measures (BPS-17) as compare to Inspector (W&M) by maintaining separate seniority and separate quota of promotion of Labour Officer, Labour Officers (Female), Social Mobilizers (BS-16) and Inspector (W&M) (BS-16), therefore the appellant filed service appeal No.785/2022 in this Honorable Tribunal with the prayer for rectifying/modifying the extent of serial No.5 Column 5(a)(b) that the quota to the post of Assistant Director Labour/Assistant Controller Weight & Measures (BS-17) for the purpose of promotion may be combine as (60 %) for Labour Officer/Social Mobilizer 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 & Measures (BPS-17) along with application for restraining the respondents from promotion to the post of Assistant Director Labour/ Assistant Director Research, Planning and Statistics/ Assistant Controller Weights and Measures (BPS-17) till the final disposal of the appeal, which is still pending before this Honorable Tribunal for adjudication. (Copy of service appeal No.785/2022 is attached as Annexure-D)
5. That the appellant also filed submitted application on 26.05.2022 to the competent authority not to make promotion to the post of Assistant Director Labour (BPS-17) on the DPC hold on 25.05.2022 on the subjudice/disputed rules as his case is pending before the Honorable Tribunal till the decision of his case. (Copy of application is attached as Annexure-E)
6. That despite the pending service appeal of the appellant on the disputed rules of promotion to the post of Assistant Director Labour (BPS-17)/Assistant Controller Weights and Measures (BPS-17), the respondent department promoted the private respondents No.4 to 7 to

ATTSTED

the post of Assistant Director Labour (BS-17) on the disputed rules vide notification dated 30.06.2022. (Copy of Notification dated 30.06.2022 is attached as Annexure-F)

7. That the appellant filed departmental appeal on 19.07.2022 for cancellation of promotion to the post Assistant Director Labour (BS-17) which was rejected on 22.07.2022 for no good grounds. (Copies of departmental appeal and rejection order dated 22.07.2022 are attached as Annexure-G&H)
8. That the appellant has no other remedy except to file the instant service appeal in this Honorable Tribunal for redressal of his grievance on the following grounds amongst others.

GROUND:

- A) That impugned promotion notification dated 30.06.2022 and rejection order dated 22.07.2022 are against the law, facts, norms of justice and material on record, therefore not tenable and liable to be set aside.
- B) That the appellant has filed the service appeal No.785/2022 in this Honorable Tribunal with the prayer for rectifying/modifying the extent of serial No.5 Column 5(a) (b) that the quota to the post of Assistant Director Labour (BPS-17)/Assistant Controller Weight & Measures (BS-17) for the purpose of promotion may be combine as (60,%) for Labour Officer/ Social Mobilizer 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 & Measures (BPS-17) along with application for restraining the respondents from promotion to the post of Assistant Director Labour/ Assistant Director Research, Planning and Statistics/ Assistant Controller Weights and Measures (BPS-17) till the final disposal of the appeal, which is still pending before this Honorable Tribunal for adjudication and it will be in interest of justice that the respondent department should not make promotion to the post of Assistant Director Labour (BS-17) on the disputed rules till the decision the appeal of the appellant.
- C) That the appellant has prima facie case and if the case of the appellant decides in the favour of the appellant, then valuable rights of promotion will be created in the favour of the appellant, therefore, the respondent department should not make promotion on the disputed rules till the decision of case of the appellant.

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D) That the appellant was appointed on 09.01.2012, while private respondents No.4 was appointed on 03.02.2014, private respondent No.5 on 29.06.2012, private respondent No.6 on 17.04.2018 and private respondent No.7 on 10.04.2018 respectively and if the pending appeal of the appellant is decide in the favour of the appellant, then they will become juniors to the appellant and by impugned promotion notification dated 30.06.2022, juniors to the appellant have been promoted to the post of Assistant Director Labour (BS-17), which is against the law and rules.

E) That if the pending case of the appellant decides in his favour then he will be senior to the private respondent No. 4 to 7 and promoting the private respondent No.4 to 7 through notification dated 30.06.2022 has deprived the appellant from his right of promotion to the post of Assistant Director Labour (BS-17) and it will also affect his future promotion, which will cause great financial loss in the shape of pension and other monetary benefits, therefore the impugned promotion dated 30.06.2022 is liable to be set aside.

F) That promoting private respondent No.4 to 7 on the subjudice/disputed rules before this Honorable Tribunal through impugned notification dated 30.06.2022 is clear violation of Superior Courts judgment and as such the impugned notification dated 30.06.2022 is liable to be set aside.

G) That the appellant filed application on 26.05.2022 to the competent authority (respondent No.2) not to make promotion to the post of Assistant Director Labour (BPS-17) on the DPC hold on 25.05.2022 as his case is pending before the Honorable Tribunal, but despite that the respondent department made promotion on the subjudice/disputed rules, which shows arbitrary manner of the respondents.

H) That in the rejection order dated 22.07.2022 it was mentioned that the matter was not pending in the Service Tribunal at the time of DPC meeting, but the appellant timely informed the respondents department through application that his case is pending before the Honorable Service Tribunal on the disputed rules and not make promotion on the disputed rules which is evident from the application attached as Annexure-E with the appeal.

I) That the appellant seeks permission of this Honorable Tribunal to advance others grounds and proofs at the time of hearing.

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

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Yasir Samood

APPELLANT
Yasir Samood

THROUGH:

Taimur Ali Khan

TAIMUR ALI KHAN
(ADVOCATE HIGH COURT)
PESHAWAR

Muhammad Nouman

MUHAMMAD NOUMAN
ADVOCATE

ATTESTED

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

SERVICE APPEAL NO. _____/2022

Yasir Samood

V/S

Chief Secretary & Others

**APPLICATION FOR SUSPENDING THE OPERATION
OF IMPUGNED PROMOTION NOTIFICATION
DATED 30.06.2022 TILL THE DECISION OF
SERVICE APPEAL OF THE APPELLANT.**

RESPECTFULLY SHEWETH

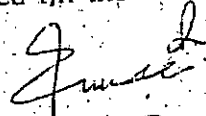
1. That the appellant has filed an appeal along with this application in this Honorable Service Tribunal in which no date is fixed so far.
2. That the appellant filed service appeal No.785/2022 in this Honorable Tribunal with the prayer for rectifying/modifying the extent of serial No.5 Column 5(a)(b) of the notification/rules dated 15.09.2020 that the quota to the post of Assistant Director Labour/Assistant Controller Weight & Measures (BS-17) for the purpose of promotion may be combine as (60 %) for Labour Officer/ Social Mobilizer 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 & Measures (BPS-17) along with application for restraining the respondents from promotion to the post of Assistant Director Labour/ Assistant Director Research, Planning and Statistics/ Assistant Controller Weights and Measures (BPS-17) till the final disposal of the appeal, which is still pending before this Honorable Tribunal for adjudication.
3. That despite the pending service appeal of the appellant on the disputed rules of promotion to the post of Assistant Director Labour (BPS-17)/Assistant Controller Weights and Measures (BPS-17), the respondent department promoted the private respondents No.4 to 7 to

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the post of Assistant Director Labour (BS-17) on the disputed rules vide notification dated 30.06.2022, which is liable to be suspended.

4. That the appellant has prima facie case and if the case of the appellant decides in the favour of the appellant, then the appellant will be senior to the private respondent No:4 to 7, then valuable rights of promotion will be created in the favour of the appellant, therefore, the impugned promotion notification dated 30.06.2022 is liable to be suspended till the decision of case of the appellant.
5. That promoting private respondent No.4 to 7 on the subjudice/disputed rules before this Honorable Tribunal through impugned notification dated 30.06.2022 is clear violation of Superior Courts judgment and as such the impugned notification dated 30.06.2022 is liable to be suspended.
6. That the appellant has a good prima facie case and all the three ingredients are in favour of the appellant.
7. That the grounds of main service appeal may also be considered as integral part of this application.

It is therefore most humbly prayed that on the acceptance of this application, the operation of impugned promotion notification dated 30.06.2022 may kindly be suspended till the decision of main appeal.


APPELLANT

THROUGH:


(TAIMUR ALI KHAN)
ADVOCATE HIGH COURT
PESHAWAR

AFFIDAVIT

it is solemnly affirmed that the contents of the application are true and correct to best of my knowledge and belief and nothing has been concealed from this Honorable Service Tribunal.


DEPONENT

RECEIVED
11/10/22



LABOUR DEPARTMENT

Dated 06.06.2023

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NOTIFICATION:

No. SOL (L.D) 8-4/2019/Vol-VIII

On the recommendations of Departmental Promotion Committee in its meeting held on 18.01.2023, the competent authority (Chief Secretary) has been pleased to promote Muhammad Yaqoob Assistant Director (BPS-17 acb) to the post of Assistant Director (BPS-17) on regular basis in the Directorate of Labour with immediate effect.

2. The Officer on promotion will remain on probation for a period of one year which may be extended to another one year as per rules.
3. Consequent upon the above, he is allowed to continue work as Assistant Director (Labour) D.I Khan in the best public interest till further orders.

-sd-

Secretary to Govt; of Khyber Pakhtunkhwa
Labour Department

Endst. of even No & date 26/6/19

Copy of the above is forwarded to the:-

1. Director, Directorate of Labour, Khyber Pakhtunkhwa.
2. Muhammad Yaqoob, Assistant Director (Labour), D. I Khan
- ✓ 3. Accounts Officer, D.I Khan.
4. PS to Secretary Labour, Khyber Pakhtunkhwa.
5. Office Copy.

(Muhammad Nazakat Qureshi)
SECTION OFFICER (LABOUR)

LISTED



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GOVERNMENT OF KHYBER PAKHTUNKHWA
LABOUR DEPARTMENT

Dated 06.06.2023

NOTIFICATION:

No. SOL (LD) 8-4/2019/Vol-VIII

On the recommendations of Departmental Promotion Committee in its meeting held on 04.04.2023, the competent authority (Chief Secretary) has been pleased to promote Mr. Rizwan Zia, Labour Officer BPS-16 to the post of Assistant Director BPS-17 on acting charge basis in the Directorate of Labour with immediate effect.

2. Posting / transfer Notification of the officer will be issued later-on.

-sd-

Secretary to Govt; of Khyber Pakhtunkhwa
Labour Department

Endst. of even No & date

Copy of the above is forwarded to the:-

- ✓ 1. Director, Directorate of Labour, Khyber Pakhtunkhwa, with the request to forward proposal of posting / transfer of the said officer.
2. PS to Secretary Labour, Khyber Pakhtunkhwa.
3. Accounts Officer Concerned.
4. Officer concerned.
5. Office Copy.

(Muhammad Nazakat Qureshi)
SECTION OFFICER (LABOUR)

AD(A)

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07/16/23

Copy No 12/Adan 372/-
Date 07-06-2023

ATTSTED

The secretary Labour

Khyber Pakhtunkhwa, Peshawar

Through: Proper Channel

Subject: REQUEST FOR WITHDRAWAL/CANCELLATION OF NOTIFICATIONS OF PROMOTIONS OF LABOUR OFFICERS TO THE POST OF ASSISTANT DIRECTOR LABOUR/ASSISTANT CONTROLLER WEIGHTS AND MEASURES.

Respected sir,

With due respect, It is stated that two Labour Officers BPS-16 were promoted the post of Assistant Director Labour BPS-17 vide the notification No. SOL. (LD) 8-4/2019/Vol-VIII dated 06-06-2023 (notifications are attached). One Labour Officer having name Rizwan Zia was promoted to Assistant Controller BPS-17 on acting charge basis merely having 2.5 years of service in BPS-16 as Labour Officer. The applicant on the following grounds requests the withdrawal/cancellation of the said notification so that justice may be prevailed.

1. That the above said promotions were made under new service rules issued in 2020, which are sub-judice in the Khyber Pakhtunkhwa Service Tribunal being challenged by Inspectors Weights and Measures.
2. That the current promotions grieved the applicant being senior in term of service i.e. 10 years of service in BPS-16, whereas the promoted officers are way junior to the applicant. For instance, Rizwan Zia is promoted on acting charge basis having approximately two and half years of service in BPS-16 as Labour Officer. Thus it grieved the applicant.
3. That in continuation of the said notification, another notification has been issued regarding promotion of labour officer to Assistant Controller dated 09-06-2023 (Attached here), which further added fuel to the fire by posting the said junior Labour Officer. In this scenario, the applicant is now bound to follow the orders of an officer who is almost eight years junior to the applicant which makes it psychologically difficult for the applicant to follow the orders. Furthermore, it also undermines the principle of equality and justice.

Respected sir, in the view of above mentioned facts, it is very humbly requested that the said promotions may please be cancelled and halted till the court decision.

The applicant will be grateful for this act of kindness.

Yours Sincerely,

Yasir Samood

Inspector Weights & Measures
Kohat

Received by
[Signature]
02/07/23

ATTSTED

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VAKALAT NAMA

NO. _____/2023

IN THE COURT OF KP Service Tribunal, Peshawar

Yasir Samood (Appellant)
(Petitioner)
(Plaintiff)

VERSUS

Labour Department (Respondent)
(Defendant)

I/We, Yasir Samood

Do hereby appoint and constitute **TAIMUR ALI KHAN, ADVOCATE HIGH COURT**, 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 costs.

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. The Advocate/Counsel is also at liberty to leave my/our case at any stage of the proceedings, if his any fee left unpaid or is outstanding against me/us.

Dated _____/2023

Yasir Samood
(CLIENT)

ACCEPTED

Taimur Ali Khan
TAIMUR ALI KHAN
Advocate High Court

BC-10-4240
CNIC: 17101-7395544-5
Cell No. 03339390916