

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No.1459/ 2024.

Junaid Shah

Petitioner

VS

Government of Khyber Pakhtunkhwa & others.....

Respondents

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Section Officer
(Litigation)

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BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No.1459/ 2024.

Junaid Shah

Petitioner

VERSUS

Khyber Pakhtunkhwa
Service Tribunal

1. **GOVERNMENT OF KHYBER PAKHTUNKHWA,**
Through Chief Secretary, Civil Secretariat, Peshawar
2. **GOVERNMENT OF KHYBER PAKHTUNKHWA,**
Through Secretary Labour, Labour Department,
Civil Secretariat, Peshawar.
3. **SECRETARY FINANCE,**
Finance Department, Government of Khyber Pakhtunkhwa,
Civil Secretariat, Peshawar.
4. **SECRETARY ESTABLISHMENT,**
Establishment Department, Government of Khyber Pakhtunkhwa,
Civil Secretariat, Peshawar.
5. **Presiding Officer,**
Labour Court, Kohat.....

Diary No. 17440

Dated 31-10-24

RESPONDENTS

JOINT PARA WISE REPLY/COMMENTS ON BEHALF OF RESPONDENTS NO. 1 TO 5

Respectfully Sheweth,

Para wise Reply, on behalf of Respondents No. 1 to 5, is as under:

Preliminary Objection:

1. That the Appellant has no cause of action.
2. That the Appellant has got no locus-standi to institute the present Service Appeal.
3. That, the Appeal of the appellant is not maintainable in its present form.
4. That, the Appeal of the appellant is bad for non-joinder and mis-joinder of parties.
5. That, the Appellant has been estopped by his own conduct to file the instant Appeal.
6. That, the Appellant has not come to the Court with clean hands and has suppressed material facts from this Honorable Tribunal.
7. That, the Appeal of the Appellant is time barred.

ON FACTS

1. Correct. Pertains to record.
2. Correct. Pertains to record.
3. Correct. Pertains to record.
4. Correct. Pertains to record.
5. Denied as stated. In fact, the answering Respondents carried out a thorough revision of the Service Rules of various cadres of the employees of Labour Department in order to make it in line with the contemporary requirements and to afford equal avenues of career progression to certain cadres to bring parity in the Service Rules and treat all of its employees alike. With this in mind, the post of Senior Scale Stenographer-cum-Judgment Writer as well as Computer Operator which either had no or an enormous, rather unjust, period of qualifying service for promotion previously, were placed in the stream of promotion along with Assistant since all of the posts carry equal Basic Pay Scale and the ultimate nature of their job upon seniority too has great resemblance. Moreover, it is also intimated for the kind appraisal of the Hon'ble Tribunal that the entire process of the under reference amendments was carried out in a lawful and formal manner having representation of both Establishment and Law Department Khyber Pakhtunkhwa which approved the proposals on 22.03.2023 subsequent which the same were notified in the Official Gazette on 19.10.2023 (Annex-I&II). Furthermore, the posts of Senior Scale Stenographers and Computer Operators are commonly placed in the stream of promotion of Superintendents at various Directorates of Deptts. of the Government of Khyber Pakhtunkhwa. Hence, the notion of petitioners is irrational and based on lack of knowledge.
6. Incorrect, hence denied. As elaborated in the preceding Para, the purpose of the amendments in the Service Rules of employees working in Labour Courts across the Province was providing equal opportunities of career progression to the incumbents of various posts which is primarily interlinked with the ultimate objective of public service delivery.
7. Correct to the extent that the appellant having felt aggrieved of the amendments pertaining to the insertion/inclusion of the posts of Senior Scale Stenographer-cum-Judgment Writer as well as Computer Operator in the Service Rules of employees of Labour Courts notified in October 2023, submitted Departmental Appeals to the worthy Chief Secretary Khyber Pakhtunkhwa who afforded them personal hearing through the then Secretary to Government of Khyber Pakhtunkhwa Elementary & Secondary Education Department. However, the plaintiffs could neither put forth substantial proof against their standpoint nor convinced the Hearing Officer with solid arguments and due to the very reason their Departmental Appeals/Representation were turned down which was accordingly notified on 23.07.2024 and intimated to the plaintiffs (Annex-III).
8. Incorrect, hence denied. It was clearly inscribed in the Departmental Order dated 23.07.2024 that the appellant could neither convince the Hearing Officer through their assertions against the notified amendments in Service Rules as referred to in Paras-5 and 6, above, nor could they prove that the answering Respondents had acted upon in a contravening manner or with ill intents.

3/

GROUND S:-

- A. Incorrect, hence denied. The answering Respondents have acted upon in a formal, just and fair manner either without contravening any standards of merit or compromising the due rights of any of the employees of the Labour Courts, including the present plaintiffs as they have equal chances of promotions in the newly notified Service Rules.
- B. Incorrect, hence denied. The answering respondents have carried out the entire process of amendments of the Service Rules of the employees of Labour Courts in a lawful manner and have also afforded them sufficient opportunity afterwards to establish their viewpoint in accordance with the principles of nature justice.
- C. Incorrect, hence stated. Unlike assertions of the plaintiffs, the answering Respondents had been formally requested by the Presiding Officers of Labour Courts, Khyber Pakhtunkhwa, who are the actual representatives of allied employees i.e Superintendents, Assistants, Computer Operators etc. had duly approached the Secretary to Government of Khyber Pakhtunkhwa Labour Department in writing for making out amendments in the Service Rules of the employees of Labour Courts (Annex-IV). As regards representation in the Standing Service Rules Committee (SSRC), meeting, it is humbly submitted for the kind appraisal of the Hon'ble Tribunal that the very forum has its own composition given the fact that the official business is conducted in a systemized manner and not on the wishes or whims of an individual or individuals.
- D. Incorrect, hence denied. As referred to in the preceding Paras, the answering Respondents have neither contravened any law nor breached any articles of the Constitution of the Islamic Republic of Pakistan.
- E. Incorrect, hence denied. The inclusion of the incumbent officials other than the post of Assistant in the stream of promotion is neither unprecedented nor against the practice in vogue. Likewise, it is also expected that such a move would nourish the potential of incumbent officials and elevate the quality of work at the respective Courts which is an ultimate objective of the public service delivery.
- F. No comments.
- G. No comments.
- H. No comments.
- I. Incorrect, hence denied. As referred to in Para-5 of the "Facts" above, the incumbents of various posts gain sufficient experience of the office management with passage of time and get adequately acquainted with the business & requirements of a certain post. Hence, presumption of the plaintiffs that an administrative post could be managed only by the incumbents of his service cadre is neither rational nor the same would create any administrative hitches. As regards occupation of a post by promotion, the same is a common cycle whereby each eligible individual gets the post on his turn.
- J. Incorrect, hence denied. Reply has been given in the preceding Para.
- K. Denied as stated. Detailed reply has been given in Para-5 of the "Facts", above.
- L. Incorrect, hence denied. No rights of the plaintiffs have been infringed by the answering Respondents.

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M. Incorrect, hence denied. The administrative Department has acted upon in a legitimate way and has never encroached or violated its specified mandate.


N. Incorrect, hence denied. The answering Respondents strictly believe in up-keeping the highest standards of merit and have acted upon in accordance with the very spirit while carrying out the necessary amendments in the Service Rules of the employees of Labour Courts of the province.

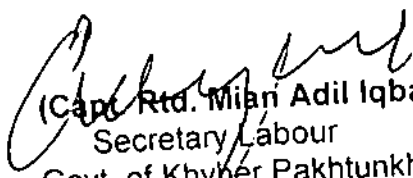
O. Incorrect, hence denied. The answering Respondents have not contravened any Article of the Constitution of the Islamic Republic of Pakistan.

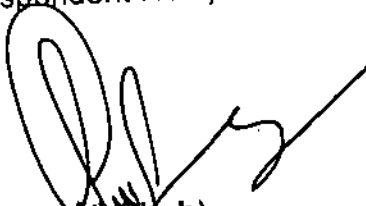
P. No comments.


PRAYER:-

Taking into account the above elucidation, the Hon'ble Tribunal is very humbly prayed to graciously dismiss the instant Service Appeal of the ~~applicant~~ with cost being devoid of any merits.


(Nadeem Aslam Chaudhary)
Chief Secretary
Khyber Pakhtunkhwa
Through
(Ahmad Zeb)
Special Secretary, Establishment
(Respondent No.1)


(Capt. Rtd. Mian Adil Iqbal)
Secretary Labour
Govt. of Khyber Pakhtunkhwa
Labour Department, Peshawar
(Respondent No.2)


(Zulfiqar Ali Shah)
Secretary Establishment
Through
(Ahmad Zeb)
Special Secretary Establishment
(Respondent No.4)


(Ikram Ullah Khan)
Secretary Finance
Govt. of Khyber Pakhtunkhwa
Finance Department, Peshawar
(Respondent No.3)

(Farah Attaullah Khan)
Presiding Officer
Labour Court, Kohat
(Respondent No.5)

(Deleted)



GOVERNMENT OF KHYBER PAKHTUNKHWA
LABOUR DEPARTMENT

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No.1459/ 2024.

Junaid Shah

Petitioners

VERSUS

Government of Khyber Pakhtunkhwa & others.....

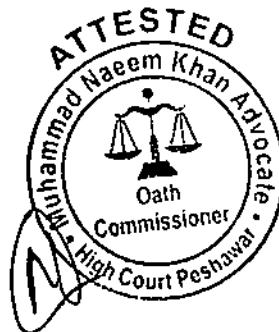
Respondents

AFFIDAVIT

I, Capt. Rtd. Mian Adil Iqbal, Secretary, Labour Department (BS-19), do hereby on oath affirm and declare that the contents of the Comments / Para-wise Reply are true and correct to the best of my knowledge and belief and nothing has been kept secret from this Honorable Tribunal. It is further stated on oath that in this appeal, the answering respondents have neither been placed ex-parte nor their defence has been struck off/ *cost e*

Deponent

(Capt. Rtd. Mian Adil Iqbal)
Secretary, Labour Department
CNIC # 17301-1346280-9
Mob # 0333-9556664



SECRETARY
to Govt of Khyber Pakhtunkhwa
Labour Department

31 OCT 2024



I
GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(REGULATION WING)

No. SO(POLICY)E&ADR-69/2022
Dated Peshawar, the July 12, 2023

Amor-I
D. No. 1387/23
Dated 13.07.2023

To

The Secretary to Government of Khyber Pakhtunkhwa,
Labour Department.

Subject: MINUTES OF THE MEETING OF STANDING SERVICE RULES
COMMITTEE HELD ON 22.03.2023.

Dear Sir,

I am directed to refer to the subject and to enclose herewith a copy of approved minutes of Standing Service Rules Committee meeting held on 22.03.2023 under the Chairmanship of Special Secretary (Regulation), Establishment Department, for necessary action, please.

Your faithfully,

Section Officer (Policy)

Encl: as above;
ENDST; NO. & DATE EVEN;

Copy forwarded to:

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

Section Officer (Policy)

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SA
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GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT & ADMINISTRATION
DEPARTMENT

(7)

(REGULATION WING)

MINUTES OF THE MEETING OF STANDING SERVICE RULES COMMITTEE
HELD ON 22.03.2023.

Meeting of the Standing Service Rules Committee (centralized) was held on 22.03.2023 at 11:00 AM under the chairmanship of Special Secretary (Regulation), Establishment Department in his office in order to discuss framing of service rules as well as to look into the proposed amendments in the existing service rules of the following Administrative Departments:-

1. Administration Department.
2. Labour Department.
3. Elementary & Secondary Education Department.

Following attended the meeting:

Sr. #	Name of officer	Designation.	Department/office
1.	Mr. Habibullah Khan	Addl: Secretary (Admn)	Law Department
2.	Muhammad Saeedullah	Addl: Secretary (Reg-II)	Establishment Department.
3.	Abdul Akram	Addl: Secretary	E&SE Department.
4.	Muhammad Saeed	Dy. Director	Khyber Pakhtunkhwa, Public Service Commission.
5.	Mr. Noor ul Haq	Dy. Secretary (Policy)	Establishment Department.
6.	Mr. Niamat Khan	Section Officer	Finance Department.
7.	Muhammad Nazakat	Section Officer	Labour Department.
8.	Mr. Laseq Ahmad.	Section Officer	Administration Department.

The chair welcomed participants and formally spelled out the purpose of the meeting. Thereafter, agenda items of the following departments were discussed and the representatives of the departments were asked to brief the forum on the proposed amendments in their respective agenda items.

Administration Department.

Agenda: Service rules for newly created post of Khadim (BPS-03) in Civil Officer's Mess Peshawar, Administration Department.

Representative of Administration Department while explaining the agenda item apprised the forum that Finance Department has created post of Khadim in Civil Officer's Mess Peshawar, of Administration Department which needs to be included in the existing Service Rules as amendment.

After threadbare discussion, the forum unanimously approved Service Rules for the newly created post of Khadim in Civil Officer's Mess, Peshawar as appended at Appendix-I.

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Labour Department. - ✓

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Agenda: Framing of Service Rules for the Ministerial staff of Labour Court, Khyber Pakhtunkhwa.

Representative of Labour Department apprised the forum that existing service rules of Labour Courts were notified on 10.03.1996 which were subsequently amended to the extent of different posts on 02.06.2015. In the recent past Labour Department has been segregated from the conglomeration of Industries, Commerce, Mineral Development and Transport Departments. Therefore, all previous notifications issued in this behalf have been superseded by the Administrative Department in consultation with Establishment Department and Finance Department and proposed fresh service rules for the posts borne on the cadre strength of Labour Courts in Khyber Pakhtunkhwa.

Representative of Administrative Department further informed that in the previous service rules, there exists a post of Stenographer (BS-16) that needs to be re-designated as Senior Scale Stenographer-Cum-Judgment writer (BS-16).

After threadbare discussion, the forum agreed to the proposal of the Administrative Department subject to the condition that the re-designated post i.e Senior Scale Stenographer-cum-Judgment writer (BPS-16) be duly reflected in the budget book of Finance Department.

Representative of the Administrative Department further proposed to create avenues for Muharrirs (BPS-07) by creating a post of Senior Clerk (BPS-14), wherein the Chair directed the representative to take up the case with Finance Department for creation of the post of Junior Clerk (BPS-11) in those Labour Courts where it does not exist.

After detailed discussion, the forum unanimously agreed upon the proposed service rules for various cadres in the Labour Courts of Labour Department as appended at Appendix-II.

Elementary & Secondary Education Department.

Agenda: Amendment in the Service Rules of Management Cadre under the Directorate of Elementary & Secondary Education and Curriculum & Teacher Education Khyber Pakhtunkhwa.

Representative of the Administrative Department explained that a new directorate namely, Directorate of Professional Development (DPD) by merging all the teachers training institutions has been formed to cater for the need of teachers training; this necessitated amendments in the existing service rules of Management Cadre. It is therefore, need of the hour to amend the existing service rules for enhancing professional skills of the workforce working in Elementary & Secondary Education Department. Moreover, SMC being a generalized training course does not meet requirement of the officers/teachers in the department. Therefore, instead of SMC, domain specific courses may be prescribed by the Directorate of Professional Development (DPD) and the officers will undergo trainings at DPD in their respective fields.

The forum, after threadbare discussion, unanimously agreed upon the proposed service rules as appended at Appendix-III.

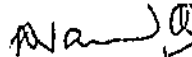
The meeting ended with a vote of thanks to and from the Chair.

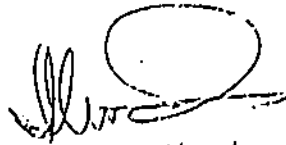
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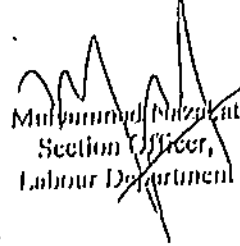
MINUTES OF THE MEETING OF STANDING SERVICE RULES COMMITTEE HELD ON
22.03.2023


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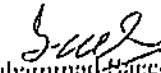

Mr. Nimrat Khan
Section Officer,
Finance Department.

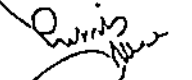

Mr. Laseeq Ahmad
Section Officer (AS/ASNS)
Administration Department



Muhammad Saeed
Deputy Director,
Public Service Commission
FOR SSRC HELD ON 22-03-23



Muhammad Nazim
Section Officer,
Labour Department


Mr. Noor ul Haq
Deputy Secretary (Policy),
Establishment Department


Muhammad Saeedullah
Additional Secretary (Reg-II),
Establishment Department


Mr. Habibullah
Addl: Secretary (Admn),
Law Department.


Abdul Akram
Additional Secretary
E&SE Department


Mr. Akhtar Saeed Turk
Special Secretary (Reg),
Establishment Department

Attested


(10) (11)

(10)

EXTRAORDINARY
GOVERNMENT



REGISTERED NO. PIII
GAZETTE

KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, THURSDAY, 19th OCTOBER, 2023.

GOVERNMENT OF KHYBER PAKHTUNKHWA
LABOUR DEPARTMENT

NOTIFICATION

Peshawar Dated, the 11th October, 2023.

SOL/LDY/5-50/2019/LCs/SRs -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 the Finance Department, hereby lays down the method of recruitment, qualification and other conditions laid down in Columns No. 3 to 5 of the APPENDIX to this Notification, which shall be applicable to posts born in the Labour Courts, Khyber Pakhtunkhwa, specified in Column No. 2 of the said Appendix.

Attested
[Signature]

APPENDIX

S.#	Nomenclature of the Post	Minimum qualification for appointment by Initial Recruitment or by Transfer	Age limit	Method of Recruitment
1.	Superintendent (BPS-17).			By promotion, on the basis of seniority-cum-fitness, from amongst the holders of the posts of Assistant (BPS-16), Senior Scale Stenographer-cum-Judgment Writer (BPS-16) and Computer Operator, (BPS-16) of all Labour Courts with at least five (05) years' service as such: Note: For the purpose of promotion, a joint seniority list of Assistants, Senior Scale Stenographers-cum-Judgment Writers and Computer Operators of all Labour Courts shall be maintained in the Labour Department.
2.	Assistant (BPS-16).	At least Second Class Bachelor's Degree or its equivalent qualification from a recognized University.	20 to 32 years.	(a) Seventy-five (75%) percent by promotion, on the basis of seniority-cum-fitness, from amongst the holders of the post of Senior Clerk (BPS-14) of all Labour Courts having Bachelor's Degree or its equivalent qualification from a recognized University with at least three (03) years' service as such; and (b) twenty-five (25%) percent by initial recruitment. Note:- For the purpose of promotion, a Joint-seniority list of all Senior Clerks of all Labour Courts shall be maintained in the Labour Department.

Attested
[Signature]

(12)

5.	Senior Clerk (BPS-14).	---	---	By promotion, on the basis of seniority-cum-fitness, from amongst the holders of the post of Junior Clerk (BPS-11) of respective Labour Court with at least three (03) years' service as such.
6.	Junior Clerk (BPS-11).	(i) At least Second Class Intermediate Certificate or its equivalent qualification from a recognized Board; and (ii) a speed of 30 words per minute in typing on computer alongwith at least three (03) months Computer Certificate from a recognized Institute.	18 to 30 years.	(a) Fifty percent (50%) by promotion, on the basis of seniority-cum-fitness, from amongst the holders of the post of Muharrir (BPS-07) of respective Labour Court with three (03) years' service as such; and (b) fifty percent (50%) by initial recruitment.
7.	Muharrir (BPS-07).	(i) At least Second Class Intermediate Certificate or its equivalent qualification from a recognized Board; and (ii) a speed of 30 words per minute in typing-on computer alongwith at least three (03) months Computer Certificate from recognized Institute.	18 to 30 years.	(a) Ninety percent (90%) by promotion, on the basis of seniority-cum-fitness, from amongst holders of the post of Bailiff Attendant (BPS-04) of respective Labour Court having Secondary School Certificate, with at least three (03) years' service as such; and (b) ten percent (10%) by initial recruitment.
8.	Driver (BPS-06).	At least Middle pass and possessing a valid Light Transport Vehicle (LTV) Driving License and medically fit.	18 to 32 years.	By initial recruitment.

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9.	Bailiff Attendant (BPS-04).	At least Secondary School Certificate or its equivalent qualification from a recognized Board.	18 to 40 years.	<p>(a) Fifty percent (50%) by promotion, on the basis of seniority-cum-fitness, from amongst holders of the posts of Process Server (BPS-03), Naib Qasid (BPS-03), Chowkidar (BPS-03), Sweeper (BPS-03) or other equivalent posts of respective Labour Court with three (03) years' service as such; and</p> <p>(b) fifty percent (50%) by initial appointment:</p> <p>Note: For the purpose of promotion, a joint seniority list of Process Servers, Naib Qasids, Chowkidars and Sweepers of respective Labour Court shall be maintained.</p>
10.	Process Server/Naib Qasid/ Chowkidar/ Sweeper (BPS-03).	Preferably literate.	18 to 40 years.	By initial recruitment.

Secretary to Government of the Khyber Pakhtunkhwa
Labour Department

Printed and published by the Manager,
Story & Pig. Deptt., Khyber Pakhtunkhwa, Peshawar

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GOVERNMENT OF KHYBER PAKHTUNKHWA
LABOUR DEPARTMENT

Dated 23.07.2024

ORDER:

No. SOL (LD)/5-55/2023/L.C. WHEREAS, Mr. Junaid Shah, Assistant, Labour Court D.I Khan preferred departmental appeal against the new Service Rules of Labour Courts of Khyber Pakhtunkhwa, whereby provide that not only Assistant (BPS-16) but also Computer Operators (BPS-16) and Senior Scale Stenographers (BPS-16) can be promoted to the post of Superintendent (BPS-17).

WHEREAS, the appellate authority (Chief Secretary) appointed Secretary to Government of Khyber Pakhtunkhwa, Elementary & Secondary Education Department Khyber Pakhtunkhwa to afford personal hearing to the appellant on behalf of Chief Secretary and submit recommendations thereupon.

WHEREAS, the appellant official was provided opportunity of personal hearing which he availed on 06.06.2024 to express his stance in the presence of Departmental representative.

WHEREAS, After examination as per available record and through discussion, it was concluded that there is significant chances of promotion for all the cadres in the new Service Rules and his appeal has no weight and may be rejected. The same was conveyed to the Appellate Authority i.e Chief Secretary Khyber Pakhtunkhwa.

WHEREAS, Having considered the appeal, explanation of the appellant official and perusal of the record of the case with particular reference to the observance of relevant procedure coupled with evidence on records, NOW THEREFORE, the Chief Secretary Khyber Pakhtunkhwa has rejected the appeal of the appellant against the new Service Rules.

-So-

SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA
LABOUR DEPARTMENT

Endst. of Even No. and Date: 12356-60

Copy forwarded to the:

1. Presiding Officer, Labour Court D.I Khan.
2. PSO to Chief Secretary, Khyber Pakhtunkhwa.
3. PS to Secretary E&SE Department, Khyber Pakhtunkhwa.
4. PS to Secretary Labour Department, Khyber Pakhtunkhwa.
5. Official Concerned.
6. Master File.

Attested
[Signature]

[Signature] 23/7/24
SECTION OFFICER (LABOUR)



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

No. 52 /LC


Dated 25-01-2023

To,

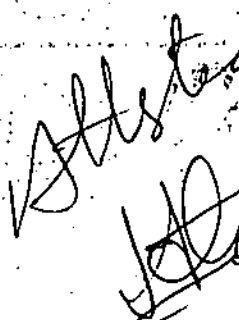
The Section Officer (Labour)
Government of Khyber Pakhtunkhwa,
Labour Department.

**SUBJECT:- MINUTES OF THE MEETING OF ALL PRESIDING OFFICERS
KHYBER PAKHTUNKHWA LABOUR COURT ALONGWITH
PROPOSED SERVICE RULES AND STRUCTURE**

With reference to yesterday meeting on the above noted subject. I
have honour to forward along herewith subject Minutes and proposed Service
Rules on behalf of committee of Presiding Officers for further necessary action in
the matter, please.


Presiding Officer,
Labour Court, Peshawar

put up
SA
27/01/23



amendment incorporated in light of
yesterday meeting due to inadvertent act of the Competent Authority. The
draft / proposed amendments are made integral part of these minutes.
The committee observed that the post of Computer Operator have already

(16)

**MINUTES OF THE MEETING OF AMENDMENTS IN SERVICE RULES
HELD ON: 24/01/2023 UNDER THE CHAIRMANSHIP OF
MISS. ZAINAB REHMAN PRESIDING OFFICER
(DISTRICT & SESSIONS JUDGE) LABOUR COURT PESHAWAR.**

A Meeting of the Committee of all the Presiding Officers of Khyber Pakhtunkhwa, Labour Courts, was held on 24/01/2023 at 11:00 a.m in the Office of the Presiding Officer Labour Court, Peshawar. The following attended the meeting: -

1. Miss.Zainab Rehman
Presiding Officer Labour Court,
Peshawar
2. Miss Rasheeda Bano
Presiding Officer Labour Court,
Mardan & Malakand Swat
3. Miss Sumaira Wali
Presiding Officer Labour Court,
Haripur
4. Mr.Zakir Rehman
Superintendent, Labour Court
on behalf of Labour Court D.I.Khan

That, Joint Service Rules for the Employees of Labour Appellate Tribunal and Labour Courts in Khyber Pakhtunkhwa were framed by the Provincial Government in the year 1996 and were amended in the year 2015, vide Notification No. SOL(LD)5-50/2015 Dated:02/06/2015

The Committee deeply examined existing Khyber Pakhtunkhwa Labour Courts Employees Service Rules, and proposed suitable amendments. It is further clarified that as per new / existing requirements, these Service Rules are become impracticable day-by-day hence instead of amendment, Repeal of Old Rules is necessary because apart from the other issues, several anomalies are also amendment incorporated in light of yesterday meeting due to inadvertent act of the Competent Authority. The draft / proposed amendments are made integral part of these minutes. The committee observed that the post of Computer Operator have already

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been sanctioned in favour of Labour Court, Swat & D.I.Khan, however the committee recommends creation / sanction of at least one Computer Operator for Labour Court, Haripur, Mardan & Peshawar. The committee expect an early action by the competent authority regarding incorporation of all these amendments.

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

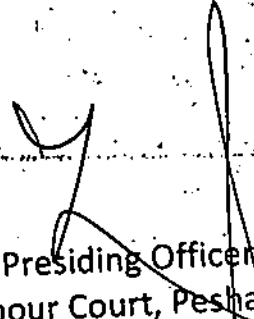
THE PRESIDING OFFICER, LABOUR COURT, PESHAWAR

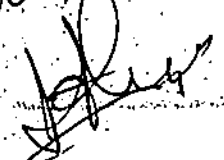
No. 53-56/LC/Pesh

Dated Peshawar, the 25 /01/2023

Copy forwarded to:

1. All the participants of the meeting.
2. Office Record.


Presiding Officer,
Labour Court, Peshawar.

Attested




The
LABOUR COURT
Khyber Pakhtunkhwa, Peshawar

18



091-9212161

E-mail:

labourcourtpeshawar@gmail.com

**ATTENDANCE SHEET OF PARTICIPANTS OF MEETING OF PROPOSED
SERVICE RULES HELD ON 24.01.2023.**

S.No	Participant Name and Designation	Signature
1.	Miss Zainab Rehman District & Sessions Judge / Presiding Officer Labour Court Peshawar (Chairperson)	
2.	Miss Sumaira Wali District & Sessions Judge / Presiding Officer Labour Court, Haripur	
3.	Miss Rasheeda Bano District & Sessions Judge / Presiding Officer Labour Court, Mardan & Malakand, Swat	
4.	Mr. Zakir Rehman Superintendent Labour Court D.I. Khan,	

Attested

		2 nd class Bachelor Degree or equivalent qualification from a recognized University.		22-35 Years	b) Twenty-five percent by initial recruitment. Note:- Seniority list of all Senior Clerks will be maintained by concerned Labour Court from the date of regular promotion.
03	Senior Scale Stenographer (BPS-16)	i) 2 nd class Bachelor Degree or equivalent qualification from a recognized University, ii) Speed of 70 words per minute in short hand in English and 45 words per minute in typing and iii) Knowledge of Computer in using MS Word & MS Excel.		22-35 Years	By initial recruitment.
04	Computer Operator (BPS-16)	At least 2 nd class Bachelor's Degree in Computer Science / Information Technology (BCS / BIT 04-years' program) from a recognized University or At least 2 nd Class Bachelor's Degree from a recognized University with one-year diploma in Information Technology from a recognized Board of Technical Education.		22-35 Years	By initial recruitment
05	Senior Clerk (BPS-14)				By promotion on the basis of seniority-cum-fitness from amongst the Junior Clerk of respective Labour Court with at least three years 'service as such. Note:- Where there is no sanctioned post of

W. K. ...
[Signature]

SERVICE RULES

PROFORMA SHOWING PROPOSED METHOD OF RECRUITMENT / PROMOTION AND APPOINTMENT
APPLICABLE TO THE POSTS IN THE ALL LABOUR COURTS IN KHYBER PAKHTUNKHWA

S.N	NOMENCLATURE OF POST	MINIMUM QUALIFICATION FOR APPOINTMENT BY INITIAL RECRUITMENT	MINIMUM QUALIFICATION FOR APPOINTMENT BY PROMOTION	AGE LIMIT FOR INITIAL APPOINTMENT	METHOD OF RECRUITMENT
1	2	3	4	5	6
01	Superintendent (BPS-17)				<p>By promotion on the basis of seniority-cum-fitness from amongst the Assistants/ Senior Scale Stenographers/Computer Operators of all Labour Courts with at least five years service as such.</p> <p>Provided that the promoted Senior Scale Stenographer will continue work as Judgement Writer till appointment of new Senior Scale Stenographer.</p> <p>Note:- Joint seniority list of Assistants/ Senior Scale Stenographers/Computer Operators of all Labour Courts will be maintained in Labour Department from the date of regular promotion/ appointment for the purpose of promotion.</p>
02	Assistant (BPS-16)		Bachelor Degree or equivalent qualification from a recognized University		<p>a) Seventy-five percent by promotion on the basis of seniority-cum-fitness, from amongst Senior Clerks of all Labour Court with at least three years service as Senior Clerk and</p>

Approved
[Signature]

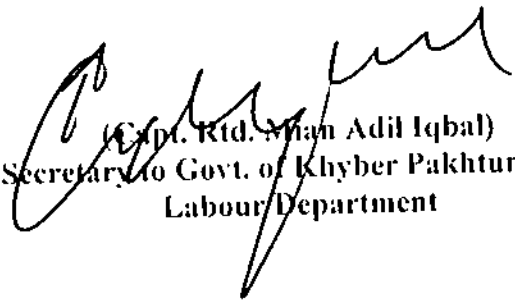


GOVERNMENT OF KHYBER PAKHTUNKHWA
LABOUR DEPARTMENT

(21)

AUTHORITY LETTER

Mr. Mushtaq Shah, Superintendent, Litigation Section, Government of Khyber Pakhtunkhwa, Labour Department is hereby authorized to submit para-wise comments before the Honorable Khyber Pakhtunkhwa Service Tribunal, Peshawar in connection with Service Appeals No.1459/ 2024, Junaid Shah V/S Govt. of Khyber Pakhtunkhwa and others on behalf of Respondents No. 1 to 5.


(Capt. Rtd. Aman Adil Iqbal)
Secretary to Govt. of Khyber Pakhtunkhwa
Labour Department

SECRETARY
to Govt. of Khyber Pakhtunkhwa
Labour Department