



# KHYBER PAKHTUNKHWA

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GOVERNMENT OF THE KHYBER PAKHTUNKHWA  
LABOUR DEPARTMENT

## NOTIFICATION

Dated: 21st March, 2018.

**ROL/LD/8-10/2018/1946-48.**--- In exercise of the powers conferred by sub-sections (1), (2) and (3) of Section 25 of the Khyber Pakhtunkhwa Payment of Wages Act, 2013 (Khyber Pakhtunkhwa Act No. IX of 2013), and in supersession of West Pakistan Payment of Wages (Procedure) Rules, 1937 and the West Pakistan Payment of Wages Rules, 1960 in their application to the extent of Province of Khyber Pakhtunkhwa, the Government is pleased to make the following rules, a draft of which was previously published in the Khyber Pakhtunkhwa Gazette on 26-02-2018 in terms of sub-section (5) of Section 25 of the Khyber Pakhtunkhwa Act NO. IX of 2013:-

### THE KHYBER PAKHTUNKHWA PAYMENT OF WAGES RULES, 2018.

**1. Short title and commencement.**--- (1) These rules may be called the Khyber Pakhtunkhwa Payment of Wages Rules, 2018.

(2) They shall come into force at once.

**2. Definitions.**--- (1) In these rules, unless the context otherwise requires the following expressions shall have the meanings hereby respectively assigned to them, that is to say:-

- (a) “**Act**” means the Khyber Pakhtunkhwa Payment of Wages Act, 2013 (Khyber Pakhtunkhwa Act No. IX of 2013);
- (b) “**Chief Inspector**” means the Chief Inspector appointed under the Khyber Pakhtunkhwa Factories Act, 2013 (Act No. XVI of 2013) or the Khyber Pakhtunkhwa Shops and Establishments Act, 2015 (Act No. XX of 2015) as the case may be;
- (c) “**Director Labour**” means the Director Labour, Khyber Pakhtunkhwa;
- (d) “**Form**” means a Form appended to these rules;
- (e) “**Person employed**” means the person to whom sub-section (3) of section 2 of the Act applies; and
- (f) “**section**” means a section of the Act.

(2) All the words and expressions used but not defined in these rules shall be deemed to have the same meaning as are assigned to them in the Act.

**Chapter-I**  
**Payment of Wages**  
(sections 3, 4, 5 & 6)

3. The employer or any other person authorized by him to pay the wages shall be responsible for opening of bank accounts in respect of all the employed persons, or arranging for Employees' Disbursement Over Counter or Cash Over Counter to the employed persons, within thirty days from the promulgation of these rules in any Scheduled Bank;

Provided that the amount paid by the employer or any other person so authorized, levied or charged by the bank, for opening of bank account shall be deducted from the first salary of the person employed;

Provided further that for arranging alternative mode of payment as stated above, the charges and recurring charges thereof shall be borne by the employer.

4. The employer or the person responsible for payment of wages, as the case may be, shall maintain a register of wages as per Form-A and shall maintain the record of the payments made under these rules, which shall be presented to the Inspector upon inspection, as and when required.

5. The employer or person authorized by him, as the case may be, shall display, in a conspicuous place, preferably at or near the main entrance of the factory, commercial establishment and industrial establishment, a notice, in English or Urdu or in the language of majority of the persons employed therein, showing for not less than one month in advance, the wage-period and the day on which wages are to be paid.

6. On the day mentioned in the notice for payment of wages, issued under rule 5, the wages of each person employed shall be,-

- (a) credited to his / her bank account individually maintained; or
- (b) paid through scheduled bank by Employees' Disbursement Over Counter; or
- (c) paid through scheduled bank by Cash Over Counter.

7. In case of payment on piece-rate basis, no weights and weighing instruments or measures and measuring instruments shall be used in checking or ascertaining the wages of persons employed in any factory, commercial establishment and industrial establishment, unless they are verified by the Inspector appointed under the Khyber Pakhtunkhwa Standard Weights and Measures Enforcement Act, 1976 in the manner prescribed under the said Act.

**Chapter-II**  
**Annual Return of Deductions**  
(section 7)

8. In respect of every factory, commercial establishment and industrial establishment, in which during the calendar year any fines have been imposed or any deductions for absence from duty or for damage or loss have been made from wages, a return shall be sent in Form-B so as to reach the Chief Inspector not later than the fifteenth of February of each calendar year to which it relates.

**Chapter-III**  
**Fines**  
(section 8)

9. (1) The Chief Inspector concerned shall be the Authority competent to approve under sub-section (1) of section 8, acts and omissions in respect of which fines may be imposed and under sub-section (7) of section 8, the purposes on which the proceeds of fines shall be applied.

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(2) For all the acts and omissions in respect of which fines may be imposed and the purposes on which the proceeds of fines shall be applied as approved under sub-rule (1), the employer or any other person authorized by him shall maintain a register as per Form-C.

**10.** Every employer requiring the power to impose fines in respect of any acts and omissions on the part of persons employed shall send to the Chief Inspector,-

- (a) a list, in duplicate, clearly defining such acts and omissions; and
- (b) in cases where the employer himself does not intend to be the sole person empowered to impose fines a list, in duplicate, showing those posts, the incumbents whereof may pass orders imposing fines clearly indicating their domain and extent to which the incumbent of each such post may impose fine.

**11.** (1) On receipt of the list prescribed in rule 10, the Authority appointed under rule 9, shall, after such enquiry as he considers necessary, pass orders,-

- (a) to approve the list in its original form; or
- (b) to approve the list as amended by him; or
- (c) to disapprove the list.

Provided that no order disapproving or amending the list shall be passed unless, the employer has been given an opportunity of showing cause in writing, why the list as submitted by him should not be amended or disapproved as the case may be.

(2) The list in the form in which it has been approved under clause (a) and (b) of sub-rule (1) shall be considered to be the approved list.

**12.** No fine shall be imposed by any person other than an employer, or a person holding a post shown in the list submitted under rule 10 and approved under rule 11.

**13.** Any person desiring to impose fine on any person employed shall communicate in writing and explain personally to the said person, the act or omission in respect of which the fine is proposed to be imposed and the amount of the fine, which it is proposed to impose, and shall hear his explanation in the presence of at least two other persons nominated by the person employed.

**14.** The employer after getting approval under sub-section (1) of section 8 to a list of acts and omissions, in respect of which fines may be imposed, shall maintain a register of fines as per Form-D.

- (a) At the beginning of the register of fines, there shall be entered serially numbered the approved purpose or purposes for which the fines realized are to be applied as per sub-section (7) of section 8;
- (b) When any disbursement is made from the fines realized, a debit entry of the amount so applied shall be made in the register of fines and a voucher of receipt in respect of the amount shall be affixed to the register. If more than one purposes has been approved the entry in respect of the disbursement shall also indicate the purposes for which it is made.

**15.** The employer shall display, at or near the main entrance of the factory, commercial establishment and industrial establishment, a copy in English or Urdu together with a literal translation in the language of the majority of the persons employed therein of the list approved under rule 11 of these rules.

**16.** The person imposing a fine or directing the making of deduction for damage or loss shall at once inform the employer or the person responsible for payment of wages, of all particulars required to be entered in the register prescribed under rule 14 and rule 18 of these rules.

**Chapter-IV**

**Deductions**

*(sections 9, 10, 11, 12 & 13)*

**17.** Any employer or the person empowered by the employer desiring to make deductions from the wages of any person employed for damage or loss, shall communicate in writing and explain personally to the said person, the damage or loss in respect of which the deduction is proposed to be made and the amount of such deduction which it is proposed to make, and shall hear his explanation in the presence of at least two other persons nominated by the person employed.

**18.** In every factory, commercial establishment and industrial establishment, in which deductions for damage or loss are made, the employer or the person responsible for payment of wages as the case may be, shall maintain the register as per Form-E, which is required by sub-section (2) of section 10.

**19.** (1) No deduction for absence from duty shall be made from the wages of any person employed unless:

- (a) he has been given a notice in writing to show cause for making such deduction specifying the period during which, he remained absent and deductions proposed to be made; and
- (b) in case of absence from duty by ten or more persons employed acting in group, a notice has been displayed at or near the main entrance of the factory, commercial establishment and industrial establishment, giving the names of the persons from whom the deduction is proposed to be made, the number of days for which wages to be deducted and the conditions (if any) on which the deduction should be remitted:

Provided that where the deduction is proposed to be made from all the persons employed in any departments or sections, it shall be sufficient, in lieu of giving the names of the persons in such departments or sections, to specify the departments or sections affected.

(2) The period of notice under sub-rule (1), shall not be less than seven days and does not exceed fifteen days or the wage-period, whichever is less, however, in any case, it does not exceed the period of notice which the employer is required to give of the termination of that employment.

**20.** (1) An advance of wages not already earned shall not, without the previous permission of an Inspector, exceed an amount, equivalent to the wages earned by the person employed during the preceding two calendar months, or if he has not been employed for that period, the wages he is likely to earn during the two subsequent calendar months.

(2) The advance may be recovered in installments by deductions from wages spread over not more than twelve months. No installment shall exceed one third, or where the wages for any wage-period are not more than the minimum wages fixed by Government for respective category of workers, one-fourth of the wages for the wage-period in respect of which the deduction is made.

(3) The amount of all advances sanctioned and the re-payment thereof shall be entered in a register as per Form-F.

**Chapter-V**

**Procedure to be followed by the Authority**

*(sections 15, 16 & 18)*

**21.** (1) Applications under sub-section (2) of section 15 by or on behalf of a person employed and under section 16, by or on behalf of a group of persons employed shall be made in Form-G, Form-H or Form-I, as the case may be, of these rules.

(2) Notwithstanding anything contained in sub-rule (1), the Authority may entertain the application not made in the prescribed Form under sub-section (2) of section 15 by a person employed or under section 16, by a group of persons employed.

(3) All applications made under sub-section (2) of section 15 and under section 16, shall be entered by the Authority in a register as per Form-J.

**22.** Authorization to act on behalf of a person employed or persons, under section 15, given by a certificate as per Form-K, shall be presented to the Authority hearing the application and shall form part of the record.

**23.** (1) Applications or other documents relevant to an application may be presented in person to the Authority at any time during working hours.

(2) The Authority shall at once endorse, or cause to be endorsed on each document, the date of the presentation or receipt, as the case may be.

**24.** (1) The Authority may refuse to entertain any application presented to it, if after giving the applicant an opportunity of being heard, the Authority is satisfied, for reason to be recorded in writing that,-

- (a) the applicant is not entitled to present an application; or
- (b) the application is barred by reason of the provisions in the provisos to sub-section (2) of section 15;
- (c) the applicant shows no sufficient cause to the Authority; or
- (d) the application is incomplete.

(2) If the application is not entertained under clause (d) of sub-rule (1), the Authority shall return it at once with an indication of the defects.

(3) The application returned under sub-rule (2) may be presented again after the defects have been removed. The date of re-presentation shall be deemed to be the date of presentation for the purpose of the first proviso to sub-section (2) of section 15, if it is re-presented within fifteen days from the day it was returned under sub-rule(1).

**25.** (1) If the application presented under rule 21 read with rule 23 is entertained, the Authority shall call upon the respondents by a notice in Form-L to appear before him on a specified date together with all relevant documents and witnesses, if any and shall inform the applicant of the date so specified.

(2) If the employer or his representative fails to appear on the specified date, the Authority may proceed to hear and determine the application ex-parte after giving three notices to appear.

(3) If the applicant fails to appear on the specified date, the Authority may dismiss the application after giving him opportunity of three notices to appear before the Authority.

Provided that an order passed under sub-rule (2) or sub-rule (3) may be set-aside and the application be re-heard on good cause being shown within one month of the date of the said order subject to notice being served on opposite party of the date fixed for re-hearing.

**26.** The Authority, after the case has been heard, shall make the order or direction either at once or, as soon thereafter as may be practicable, on some other day; and when the order or direction is to be made on some other day, it shall fix date for the purpose with effective communication thereof to the parties or their pleaders.

**27.** The orders passed by the Authority shall be in the following manner, namely:

- (1) Application's Serial number ..... (entered in register made under sub-rule (3) of rule 21.
- (2) Date of presentation / filing .....

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- (3) Name or names, parentage, address or addresses of the applicant, or some, or all of the applicants belonging to the same unpaid group.
- (4) Name and address of the employer / opposite party.
- (5) Amount claimed:
  - (a) as delayed wages in rupees; or
  - (b) as deducted from wages in rupees; or
  - (c) both wages delayed/deducted.
- (6) Description of plea of the employer and his examination (if any).
- (7) Description of evidence from both sides.
- (8) Findings and a brief statement of the reasons both in case of directions made for payment or claim not allowed.
- (9) If claim allowed, amounts awarded:
  - (a) delayed wages in rupees; or
  - (b) deducted wages in rupees.
  - (c) both wages delayed/deducted.
- (10) Compensation awarded in rupees (if any).
- (11) Penalty imposed in rupees (if any).
- (12) Date of order / direction.
- (13) Signatures with seal.

**28.** In exercising the powers of a Civil Court conferred by section 18, the Authority shall be guided in respect of procedure by relevant orders of the First Schedule of the Code of Civil Procedure, 1908, with such alterations as the Authority may find necessary, not affecting their substance, for adapting them to the matter before him, and save where they conflict with the express provision of the Act or these rules.

**29.** (1) Where the amount directed to be paid under section 15 is not paid by the respondent concerned against whom the directions have been given by the Authority, then the claimant concerned may make an application as per Form-M to the Authority for its recovery.

(2) The application under sub-rule (1) shall be accompanied by a certified copy of the order under which the amount is payable and an inventory of the property to be attached or sold with such description thereof as may be sufficient to identify the same.

(3) On receipt of the application, the Authority may issue a notice in Form-N to the employer requiring him to pay the amount to the claimant within the specified period and if he is not willing to pay the amount, then to appear before the Authority and to show cause why the amount should not be recovered by sale or attachment of his property.

(4) Where the employer fails to respond to the notice under sub-rule (3) or the plea advanced by him against the recovery is untenable, the Authority may order the sale of movable property of the employer by issuance of a warrant in Form-O.

(5) On being satisfied that the employer has evaded the order issued under sub-rule (4) or the amount is not fully recovered by sale of movable property, the Authority may issue a warrant of sale of the immovable property of the employer in Form-P.

(6) The Authority shall exercise powers of sale or attachment, auction and recovery through the bailiffs and Recovery Inspectors if appointed or through auctioneer appointed by the Authority.

**30.** (1) If, there is a controversy between the employer and a particular category of person employed with regard to rates of wages, for such category, the Authority on the request of the person employed may determine the rates of wages payable to him under sub-section (8) of section 15.

(2) No order for determination of rates of wages under sub-rule (1) shall be passed unless the respective employer has been given an opportunity of hearing.

(3) The order passed under sub-rule (1) shall be effective to the extent of individual person employed and not be taken as declaration for all workers belonging to the said particular category.

**Chapter-VI**  
**Procedure to be followed in Appeals**  
*(section 17)*

**31.** (1) An appeal shall be preferred in the form of a memorandum, setting forth concisely the grounds of objection to the order dismissing either wholly or in part an application made under sub-section (2) of section 15 or a direction made under sub-section (3) or sub-section (4) of section 15, as the case may be, and shall be accompanied by,-

- (a) a certified copy of the said order or direction; and
- (b) a certificate of the Authority to the effect that the appellant has deposited with the Authority the amount payable under the order or direction appealed against.

(2) When an appeal is filed, a notice shall be issued to the respondent in Form-Q.

(3) The Court after hearing the parties and after such further inquiry, if any, as it may deem necessary, may confirm, vary, or set aside the order or direction from which the appeal is preferred, and shall make an order accordingly.

(4) The Authority shall release the amount to the party concerned on the following grounds, namely:

- (a) if no appeal is preferred before the Labour Court under sub-section (1) of section 17, after expiry of the period specified therein; or
- (b) if appeal is preferred, on receipt of the orders of the Labour Court by the Authority.

(5) In case a party prefers a petition to the Labour Appellate Tribunal or the High Court as the case may be, the Authority on an application made by the party concerned within thirty days of the orders issued by the Labour Court, shall not release the amount and subsequently, it will be dealt according to the orders passed in the petition.

**32. Inspection of documents.---** Any person employed, or any employer or his representative, or any person permitted under sub-section (2) of section 15, who may apply for a direction, shall be entitled to inspect any application, memorandum of appeal, or any other document filed with the Authority or the Court, as the case may be, in a case to which he is a party and may obtain copies on his own cost.

**33. Register and Record.---** The registers and records required to be kept under these rules as prescribed for the effective application of the Act shall be preserved by the employer for at least five years after the last entry made therein and shall be presented for inspection on demand by the Inspector.

**34. Abstract.---** The abstracts of the Act and of the rules thereunder to be displayed in Form R by the employer in a conspicuous place a factory or Commercial establishment or industrial establishment as per section 25 of the Act.

**35. Penalty.---** Whoever, contravenes any of these rules, shall be punishable with fine, as provided under sub-section (4) of section 25 of the Act.

**36. Repeal and Savings.---** (1) The Payment of Wages (Procedure) Rules, 1937 and the West Pakistan Payment of Wages Rules, 1960 are hereby repealed to the extent of the Province of Khyber Pakhtunkhwa.

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(2) Notwithstanding the aforesaid repeal, anything done, action taken, and notification or order issued under the aforesaid repealed rules, so far as it is not inconsistent with provisions of these rules, be deemed to have been done, taken or issued under these rules and shall have effect accordingly.

(3) Any document referring to the repealed rules shall be construed as referring to the corresponding provisions of these rules.

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**FORM-A**

**[Rule 4]**

**Register of Wages**

Name of factory, commercial establishment and industrial establishment: .....

<b>Sr. No.</b>	<b>Name of the Person Employed</b>	<b>Father's Name</b>	<b>Designation</b>	<b>Department</b>	<b>Rate of wages</b>	<b>Wage period</b>	<b>Gross wages earned</b>	<b>Any kind of deduction made</b>	<b>Wages Actually paid</b>	<b>Date of Payment of Wages</b>	<b>Signature/ Thumb Impression</b>
1	2	3	4	5	6	7	8	9	10	11	12

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**FORM-B**

**[Rule 8]**

**Annual Return**

**Deductions from wages for the year ending 31<sup>st</sup>December, .....**

1. Name of factory, commercial establishment and industrial establishment with postal address .....
2. Total number of persons employed: .....
  - i. Adults (male) .....
  - ii. Adults (female) .....
  - iii. Adolescents(male) .....
  - iv. Adolescents (female) .....
3. Total wages paid .....
4. Number of cases amounts realized as :-

Sr. No.	Description	Number of Cases	Amount
1.	Fines		
2.	Deductions for damage or loss		
3.	Deduction for absent from duty		
4.	Any other authorized deduction (details annexed)		
<b>Total</b>			

5. Disbursement from the Fine:

Sr. No.	Purpose	Amount
1.		

Signature .....

Designation .....

Dated: .....

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**FORM-C  
[Rule 9(2)]**

**Register of Acts and Omissions for Imposition of Fines**

Name of factory, commercial establishment and industrial establishment: .....

<b>Sr. No.</b>	<b>Acts and Omissions approved by the Authority</b>	<b>Extent of Proposed Fine (in Rs.)</b>	<b>Purposes on which proceeds of fines applied</b>
<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>

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**FORM-D**

**[Rule 14]**

**Register of Fines**

Name of factory, commercial establishment and industrial establishment: .....

<b>Sr. No.</b>	<b>Name of person employed</b>	<b>Father's Name</b>	<b>Designation and Department</b>	<b>Acts or omissions for which fine imposed</b>	<b>Whether workman showed cause against fine or not, if so, enter date</b>	<b>Rate of wages</b>	<b>Date and amount of fine imposed</b>	<b>Date on which fine realized</b>	<b>Purposes on which proceeds of fine applied</b>
1	2	3	4	5	6	7	8	9	10

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**FORM-E**

**[Rule 18]**

**Register of deductions for damage or loss caused to the employer by the neglect or default of the persons employed**

Name of factory, commercial establishment and industrial establishment: .....

Sr. No.	Name person employed	Father's Name	Designation and Department	Damage or loss caused	Whether workman showed cause against deduction or not, if so, enter date	Date and amount of deduction imposed	Number of Installments, if any	Date on which total amount released	Remarks
1	2	3	4	5	6	7	8	9	10

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**FORM-F**  
**[Rule 20(3)]**

**Register of advances to persons employed**

Name of factory, commercial establishment and industrial establishment: .....

<b>Sr. No.</b>	<b>Name of person employed</b>	<b>Father's Name</b>	<b>Designation and Department</b>	<b>Date and amount of advance made</b>	<b>Purpose(s) for which advance made</b>	<b>Number of Installments by which advance to be repaid</b>	<b>Postponements granted</b>	<b>Date on which total amount repaid</b>	<b>Remarks</b>
1	2	3	4	5	6	7	8	9	10

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**Form-G**

**[Rule 21(1)]**

**Form of Individual Application**

**[See Sub-Section (2) of section 15 of the Khyber Pakhtunkhwa Payment of Wages Act, 2013 (Khyber Pakhtunkhwa Act No. IX of 2013)]**

In the Court of the Authority appointed for the..... area.

Application No. .... of ..... Year

Between

The applicant namely: .....through ..... a legal practitioner/ ..... an official of registered trade union namely .....

And

The opposite party namely:.....

The applicant states as follows:

1. The applicant namely ..... is a person employed in the/on the factory/commercial establishment/ industrial establishment/ railway entitled and resides at .....,that is the address sufficient for the service of all notices and processes.
2. The opposite party namely ....., is the person responsible for the payment of his wages under section 3 of the Act, and his address for the service of all notices and processes is .....
3. (1) The applicant's wages have not been paid for the following wage period(s).....(give dates)  
Or A sum of Rs..... has been unlawfully deducted from his wages ..... (amount) for the wage-period(s) which ended on ..... (give dates).  
(2) Any further claim or explanation: .....
4. The applicant estimates the value of the relief sought by him at the sum of rupees.....
5. The applicant prays that a direction may be issued under sub-section (3) of section 15 for: -
  - (a) Payment of delayed wages as estimated or such greater or lesser amount as the Authority may find to be due.  
Or Refund of the amount illegally deducted.
  - (b) Compensation amounting to .....

The Applicant certifies that the statement of facts contained in this application is true to the best of his knowledge and belief.

*Signature or thumb impression of the person employed, or legal practitioner or official of a registered trade union duly authorized.*

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**Form-H**

**[Rule 21(1)]**

**Form of Group Application**

**[See sub-section (2) of sections 15 and 16 of the Khyber Pakhtunkhwa Payment of Wages Act, 2013 (Khyber Pakhtunkhwa Act No. IX of 2013)]**

In the Court of the Authority appointed for the..... area.

Application No. .... of ..... Year

Between

The applicants namely: ..... through .....  
a legal practitioner / ..... an official of registered trade union  
namely .....

And

The opposite party namely:.....:

The applicants state as follows:-

1. The applicants whose names appear in the attached schedule are persons employed in factory / commercial establishment / industrial establishment / railway entitled  
The address of the applicants for service of all notice and processes is:  
.....  
.....
2. The opposite party namely ....., is the person responsible for the payment of wages under section 3 of the Act, and his address for the service of all notices and processes is:.....
3. The applicants' wages have not been paid for the following wage-period(s):  
.....
4. The applicants estimate the value of the relief sought by them at the sum of Rs.....
5. The applicants pray that a direction may be issued under sub-section (3) of section 15 for:
  - (a) Payment of the applicants' delayed wages as estimated..... or such greater or lesser amount as the Authority may find to be due.
  - (b) Compensation amounting to Rs. ....

The Applicants certify that the statement of facts contained in this application is, to the best of their knowledge and belief, accurate.

*Signature of thumb impression of two of the Applicants, or legal practitioner, or an official of a registered trade union duly authorized.*

**SCHEDULE**

Name of Applicants: -

- 1.
2. (and so on)



**FORM-I**

**[Rule 21(1)]**

**Application by an inspector or person permitted by the authority or authorized to act  
[See sub-section (2) of sections 15 and 16 of the Khyber Pakhtunkhwa Payment of  
Wages Act, 2013 (Khyber Pakhtunkhwa Act No. IX of 2013)]**

In the Court of the Authority appointed for the.....area.

Application No. .... of ..... Year

Between

The applicant namely: .....is an Inspector under Khyber Pakhtunkhwa Payment of Wages Act, 2013, or a person permitted by the authority, who authorized to act under sub-section (2) of Section 15.

And

The opposite party namely: .....

The applicant states as follows:

1. The opposite party namely: ..... is the person responsible under the Act for the payment of wages to the following persons whose names and permanent addresses are given below:
  - 1.
  - 2.
  - 3.
2. The address of opposite party for the service of all notices and processes is:  
.....  
...
3. The wages of the said person(s) due in respect of the following wage-period(s) have not been paid/have been subjected to the following illegal deductions:  
.....  
.....
4. The applicant estimates the value of the relief sought for the person(s) employed at the sum of Rs.....
5. The applicant prays that a direction may be issued under sub-section (3) of section 15 for:
  - (a) Payment of the delayed wages as estimated or such greater or lesser amount as the Authority may find to be due. Or Refund of the amount illegally deducted.
  - (b) Compensation amounting to Rs.....

The applicant certifies that the statement of facts contained in this application is, to the best of his knowledge and belief, accurate.

*Signature with Stamp.....*

FORM-J

[Rule 21(3)]

Register of Applications received under Section 15(2) and Section 16 of the Khyber Pakhtunkhwa Payment of Wages Act, 2013

- (1) Name of the Authority: .....
- (2) Area: .....
- (3) Year: .....

Sr. No.	Date of Presentation	Name and address of Applicant	Name and address of opposite party	Amount claimed (in Rs.)		Whether claim allowed or not	If allowed, amounts awarded (in Rs.)		Compensation awarded, if any (in Rs.)	Penalty Imposed, if any (in Rs.)	Date of Order / Direction	Signature of the Authority
				Delayed Wages	Deducted Wages		Delayed Wages	Deducted Wages				
1	2	3	4	5	6	7	8	9	10	11	12	13

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**Certificate of Authorization**

I/We person(s) employed in .....  
hereby authorize .....a legal practitioner/  
.....an official of registered trade union namely:  
..... to act on my/our behalf under section 15  
and section 17 of the Khyber Pakhtunkhwa Payment of Wages Act, 2013 (Khyber  
Pakhtunkhwa Act No. IX of 2013), in respect of the claim against .....  
..... on account of the delay in payment of wages /illegal deductions  
from my/our wages for wage-periods .....

**Persons authorizing**

Name .....	Signature .....
1.	1.
2.	2.
3.	3.
4.	4.

**Witness**

Name .....	Signature .....
1.	1.
2.	2.

I accept the authorization.

*Signature*

*Legal practitioner*

*Official of a registered trade  
union*

**FORM-L**

**[Rule 25(1)]**

**Notice for the Disposal of Application**

To

.....  
.....

Whereas under the Khyber Pakhtunkhwa Payment of Wages Act, 2013 (Khyber Pakhtunkhwa Act No. IX of 2013), a claim against you has been presented to me in the application of which a copy is enclosed. You are hereby called upon to appear before me in person or by any person duly instructed, and able to answer all material questions relating to the application, or who shall be accompanied by some person able to answer all material questions relating to the application, on the ..... day of .....20..... at ..... am/pm to answer the claim; and as the day fixed for your appearance is appointed for the final disposal of the application, you must be prepared to produce on that day all the witnesses upon whose evidence, and the documents upon which you intend to rely in support of your defense.

Take notice that, in default of your appearance on the day before mentioned, the application will be heard and determined in your absence.

Given under my hand and seal, this day of .....20.....

Authority

Seal

**FORM-M**

**[Rule 29(1)]**

**Application for Execution of Order / Direction**

I, ..... the claimant in whose favour, a direction has been issued to the employer ..... to pay an amount of Rs. ...., but the employer / judgment debtor has defaulted in payment thereof, hereby apply for execution of thereunder for recovery of the amount herein below set forth:-

- (1) The number of the claim.
- (2) Name of the parties.
- (3) Date of the direction under which the amount is to be paid.
- (4) Whether any appeal preferred against the order.
- (5) Payment or adjustment made, if any.
- (6) Previous application, if any, with date and result.
- (7) Amount ordered to be paid or other relief granted thereby.
- (8) Against whom to be executed.
- (9) Mode in which assistance is required.

I pray that the total amount of Rs. .... be realized by distress and sale of movable property or attachment or sale of immovable property belonging to the employer as per annexed and be paid to me.

Claimant

*Verification*

I, .....declare that what is stated herein is true to the best of my knowledge and belief.

Dated the ..... day of ..... 20.....

Claimant

**FORM-N**

**[Rule 29(3)]**

**Notice to Appear and Show Cause**

To

The Employer

.....  
.....

Take notice that on the .....day of ..... 20....., Claimant namely .....has presented an application for recovery of Rs. .... due on account of his delayed / deducted wages ordered / directed to be paid by you in consequence of an order / direction passed by the Authority appointed under Section 15(2) of the Khyber Pakhtunkhwa Payment of Wages Act, 2013 (IX of 2013)of the area ..... in the case Serial No. .... of year ..... by distress and sale of the movable property or attachment and sale of the immovable property specified thereunder, and that the .....day of ..... 20....., is fixed for hearing of the said application.

You are at liberty to pay the said amount to the claimant before the said date or appear before me on the said day and to prefer, in writing any objection to such recovery.

Description of property:

.....  
.....

Given under my hand and seal of this the .....day of ..... 20.....

*Seal*

*Authority*

**FORM-O**

**[Rule 29(4)]**

**Warrant of Distress and Sale of Moveable Property**

To

The Employer

.....  
.....

Whereas, you have failed to respond to the notice served on you by me on the .....day of ..... 20....., in Claim No. .... of 20....., or the objection raised by you against recovery is not valid. It is ordered that you are prohibited and restrained until further orders to transfer or dispose of the movable property specified hereunder, and the specified property shall be sold in case you fail to deposit the amount of the claim in my office within ten days of this warrant.

Given under my hand and seal of this the ..... day of ..... 20....

*Seal*

*Authority*

**FORM-P**

**[Rule 29(5)]**

**Warrant of Attachment and Sale of Immoveable Property**

To

The Employer

.....  
.....

Whereas, the amount awarded against you in respect of a Claim No. .... of year ....., in connection with which the property mentioned in the attachment order dated the ..... day of ..... 20....., was attached is not recovered fully and it is decided to sell the property details of which are given below by public auction on the day of ..... 20....., at ..... am/pm at ..... (place), for the recovery of the amount. In case, however, if the amount is paid by you before the commencement of the auction, the sale of the property may be stopped.

Detail description of property:

.....  
.....

Given under my hand and seal of this the ..... day of ..... 20....

*Authority*

*Seal*



**FORM-Q**

**[Rule 31(2)]**

**Notice to respondent for hearing of the Appeal under Section 17 of the Khyber  
Pakhtunkhwa Payment of Wages Act, 2013 (IX of 2013)**

Appeal arises from the decision / order / direction of the Authority for the  
..... Area,

Dated the .....day of ..... 20.....

**Respondent**

To

.....  
.....

Take notice that an appeal of which a copy is enclosed arises from the decision / order /direction dated ..... of the Authority for ..... Area in a Case No....., titled as ..... Versus. .... has been presented by ..... (and others), and registered in this Court, and that the .....day of 20..... has been fixed by this court for the hearing of the appeal.

If no appearance is made on your behalf by yourself, or by someone by law authorized to act for you this appeal, it will be heard and decided in your absence.

Given under my hand and the seal of the court, this .....day of .....20...

(Authorize Signatures)

Seal of the Judge  
Court

**FORM-R**

**[Rule 36]**

**Abstracts of the Khyber Pakhtunkhwa Payment of Wages Act, 2013 (IX of 2013) and the rules thereunder**

**Whom the Act affects**

1. The Act applies to the payment of wages to persons employed in a factory, commercial establishment and industrial establishment.

**Definitions**

2. **“wages”** means all remuneration, capable of being expressed in terms of money, which would, if the terms of the contract of employment, express or implied, were fulfilled, be payable, whether conditionally upon the regular attendance, good work or conduct or other behavior of the person employed or otherwise, to a person employed in respect of his employment or of work done in such employment and includes Basic Pay and all statutory and non-statutory allowances, any bonus or other additional remuneration of the nature aforesaid which would be so payable and any sum payable to such person by reason of the termination of his employment, but does not include,-

- (a) any contribution paid by the employer to any pension fund or provident fund;
- (b) any traveling allowance or the value of traveling concession;
- (c) any sum paid to the person employed to defray special expenses entailed on him by the nature of his employment; or
- (d) any gratuity payable on discharge.

3. **“commercial establishment”** for the purpose of this Act, means an establishment in which the business of advertising, commission or forwarding is conducted, or which is a commercial agency, and includes a clerical department of a factory or of any industrial or commercial undertaking, the office establishment of a person who for the purpose of fulfilling a contract with the owner of any commercial establishment or industrial establishment, employs worker, a unit of a joint stock company, an insurance company, a banking company or a bank, a broker’s office or stock exchange, a club, a hotel, a restaurant or an eating house, a cinema or theater, private health centres, clinical laboratories, private security agencies, other establishment or class thereof which run on commercial and profit basis, and such other establishment or class thereof, as Government may, by notification in the official Gazette, declare to be a commercial establishment for the purposes of this Act;

4. **“factory”** means any premises, including the precincts thereof, whereon ten or more workers are working, or were working on any day of the preceding twelve months, and in any part of which a manufacturing process is being carried on or is ordinarily carried on with or without the aid of power, but does not include a mine, subject to the operation of the Mines Act, 1923 (IV of 1923);

5. **“Industrial establishment”** means any

- (a) tramway or motor omnibus service;
- (b) dock, wharf or jetty;
- (c) inland steam-vessel;
- (d) mine, quarry or oil-field;
- (e) plantation;
- (f) workshop or other establishment in which articles are produced, adapted or manufactured, with a view to their use, transport or sale;
- (g) establishment of a contract or who, directly or indirectly, employs persons to do any skilled or unskilled, manual or clerical labour for hire or reward in connection with the execution of a contract to which, he is a party, and includes the premises in which, or the site at which, any process connected with such execution is carried on;

**Explanation.**-Contractor includes a sub-contractor, headmen or agent.

**Responsibility for and method of payment**

6. Every employer is responsible for the payment under the Act of wages to persons employed under him, and any contractor employing persons is responsible for payment to the persons he employs.
7. Wage-periods shall be fixed for the payment of wages at intervals not exceeding one month.
8. Wages shall be paid on a working day within seven days of the end of the wage period or within ten days if 1,000 or more persons are employed. The wages of a person discharged shall be paid not later than the second working day after his discharge.
9. Payments in kind are prohibited.
10. All wages shall be paid to the persons employed in current currency through schedule banks.
11. All wages shall be paid through banks.

**Fines and Deductions**

12. No deductions shall be made from wages except those authorized under the Act (see paragraphs 9-15 below).
13. (1) Fines can be imposed only for such acts and omissions as the employer may with the previous approval of the Chief Inspector, specify by a notice displayed, at or near the main entrance of the factory, commercial establishment and industrial establishment, and after giving the person employed an opportunity for explanation.
  - (2) Fines:-
    - (a) shall not exceed an amount equal to three percent of the wages payable;
    - (b) shall not be recovered by installments, or later than sixty days from the date of imposition;
    - (c) shall be recorded in register and applied to such purposes beneficial to the persons employed as are approved by the Chief Inspector;
14. (a) Deductions for absence from duty can be made only on account of the absence of the person employed at times when he should be working, and such deductions must not exceed an amount which is in the same proportion to his wages for the wage-period, as the time he was absent in that period is to the total time he should have been at work.
  - (b) If ten or more persons employed, acting in concert, absent them-selves without reasonable cause and without due notice, the deduction for absence can include wage for eight days in lieu of notice:

Provided:-

- (1) the above provisions must be displayed at or near the main entrance of the factory;
  - (2) no deduction of this nature can be made until a notice that such deduction is to be made has been posted at or near the main entrance of the factory; and
  - (3) no deduction must exceed the wages of the person employed for the period by which the notice he gives of leaving employment falls short of the period for which he is required to give notice under the terms of his contract.
15. Deductions can be made for damage to, or loss of, goods expressly entrusted to a person employed or loss of money for which he is required to account, where such damage or loss is due to his neglect or default. Such deduction is not to exceed the amount of the damage or loss caused and can be made only after giving the person employed an opportunity for explanation.

16. Deductions can be made, equivalent to the value thereof, for house accommodation, amenities or services (other than tools and raw material) supplied by the employer; provided that they are accepted by the person employed as a part of the terms of his employment and have in the case of amenities and services been authorized by order of the Government. Government means Government of Khyber Pakhtunkhwa.
17. (a) Deductions can be made for the recovery of advances or for adjustment of over payment of wages.
- (b) Advances made before the employment began can only be recovered from the first payment of wages for complete wage period, but no recovery can be made of advances given for travelling expenses before employment began.
- (c) Advances of unearned wages can be made at the paymaster's discretion during employment but must not exceed the amount of two months wages without the permission of the Inspector. Such advances can be recovered by installments, spread over not more than twelve months and the installments must not exceed one-third, or if the wages are not more than rupees twenty, one-fourth of the wages for any wage-period.
18. Deductions can be made for subscriptions to, and for repayment of advances from, any recognized provident fund.
19. Deductions can be made for payments to co-operative societies approved by the Government or to the postal insurance, subject to any conditions imposed by the Government.
20. An Inspector can enter any premises, and can exercise powers of inspection (including examination of documents and taking of evidence) as he may deem necessary for carrying out the purposes of the Act.

#### **Complaints of deductions or delays**

21. (1) Where irregular deductions are made from wages, or delays in payment of wages take place, and person employed can make an application in the prescribed form within three years to the Authority appointed by the Government for the purpose. An application delayed beyond this period may be rejected unless sufficient cause for the delay is shown.
- (2) Any legal practitioner, official of a registered trade union, Inspector or other person acting with the permission of the Authority can make the complaint on behalf of a person employed.
- (3) A single application may be presented by or on behalf of any number of persons employed in the same factory the payment of whose wages has been delayed.

#### **Action by the Authority**

22. (1) The Authority may award compensation to the person employed in addition to ordering the payment of delayed wages or the refund of illegal deductions.
- (2) If a malicious or vexatious complaint is made, the Authority may impose a penalty not exceeding Rs. 500 on the applicant and order that it be paid to the employer.
23. The Authority may recover the amount awarded himself by distress, attachment and sale of moveable and immoveable property of the person against whom directions have been given as arrears of land revenue.
24. An Appeal in the prescribed form against a direction made by the Authority may be preferred within thirty days before the Labour Court:-
- (a) by the employer, if the total amount directed to be paid exceeds Rs.5000/-;
- (b) by a person employed, if the total amount of wages withheld from him or his co-workers, exceeds Rs.3000/-; and
- (c) by a person directed to pay a penalty for a malicious or vexatious application.

#### **Punishments for breaches of the Act**

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25. Any one delaying the payment of wages beyond the due date, or making any unauthorized deductions from wages, if his prosecution is sanctioned by the Authority or the appellate Court, is liable to be punished with a fine, which may extent to Rs. 10000/- or simple imprisonment for a term, which may extent to one month or both.

26. A complaint on contravention of fixation of wage-periods and non-payment of wages in current currency through schedule banks and violation of the rules made under this Act can be made only by the Inspector or with his sanction.

**Sd/-xxx**  
**Secretary to,**  
**Government of the Khyber Pakhtunkhwa**  
**Labour Department.**

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