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GOVERNMENT OF THE KHYBER PAKHTUNKHWA LABOUR DEPARTMENT

NOTIFICATION

Peshawar Dated, the 25th September, 2024.

No. SO(L)/LD/8-10/Vol-VIII/3987-91.- In pursuance of sub-section (1) of section 40 of the Khyber Pakhtunkhwa Worker's Compensation Act, 2013 (Khyber Pakhtunkhwa Act No. XIX of 2013) and in exercise of powers conferred by sections 39 and 40 of the Act *ibid*, the Government of Khyber Pakhtunkhwa hereby publish the following proposed draft rules, for the information of persons likely to be effected thereby and notice is hereby given that the said rules, together with any objections or suggestions with respect thereto, which may be received by the Secretary to Government of Khyber Pakhtunkhwa, Labour Department, within a period of three (03) months from the date of the publication of this Notification in the official Gazette shall be taken into consideration after the expiry of the said period:

THE KHYBER PAKHTUNKHWA WORKERS' COMPENSATION RULES, 2024

PART-I **Preliminary**

1. Short title and commencement.---(1) These rules may be called the Khyber Pakhtunkhwa Worker's Compensation Rules, 2024.

(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 Worker's Compensation Act, 2013 (Khyber Pakhtunkhwa Act No. XIX of 2013);

- (b) “**Authorized Officer**” means an officer authorized under section 13 of the Act;
- (c) “**Director Labour**” means head of the Directorate of Labour of the Province of Khyber Pakhtunkhwa;
- (d) “**Form**” means a Form appended to these rules;
- (e) “**section**” means section of the Act; and
- (f) “**Transferring Authority**” means,-
 - (i) any authority in any other country, who transfers or causes to be transferred any lump sum awarded under the law relating to workers’ compensation in such country and applicable for the benefit of any person residing or about to reside in the Provinces and the Islamabad Capital Territory (ICT) of the Federation of Islamic Republic of Pakistan; and
 - (ii) any authority in the Provinces other than the Province of the Khyber Pakhtunkhwa and the Capital of the Federation of Islamic Republic of Pakistan, who transfers or cause to be transferred any lump sum awarded under the law relating to worker’s compensation in such Province or the Islamabad Capital Territory (ICT) and applicable for the benefit of any person residing or about to reside in the Province of Khyber Pakhtunkhwa.

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

PART-II

Review and commutation of half-monthly payments

3. When application for review may be made without medical certificate.---
An application, for review of a half-monthly payment under section 6, may be made without being accompanied by a medical certificate,-

- (a) by the employer, on the ground that since the right to compensation was determined, the worker's wages have increased;
- (b) by the worker, on the ground that since the right to compensation was determined, his wages have diminished;

- (c) by the worker, on the ground that the employer having commenced to pay compensation has ceased to pay the same, notwithstanding the fact that there has been no such change in the worker's condition as to warrant such cessation;
- (d) either by the employer or by the worker, on the ground that the determination of the rate of compensation for the time being in force was obtained by fraud or undue influence or other improper means; and
- (e) either by the employer or by the worker on the ground that in the determination of compensation there is an error apparent on the face of the record.

4. Procedure on application for review.--- If, on examining an application under section 6 of the Act, for review by an employer or worker in which the reduction, increase or discontinuance of half monthly payments is sought, it appears to the Commissioner that there is reasonable ground for believing that the employer or worker has a right to such reduction, increase, continuance or discontinuance, he may at any time issue an order withholding the half-monthly payments in whole or in part pending decision on the application.

5. Procedure on application for commutation.---(1) Where an application is made to the Commissioner under section 7, for the redemption of a right to receive half monthly payments by the payment of a lump sum, the Commissioner shall form an estimate of the probable duration of the disablement, and shall award a sum equivalent to the total of the half-monthly payments, which shall be payable for the period during which he estimates that the disablement shall continue:

Provided that fractions of a rupee included in the sum so computed shall be disregarded.

(2) When in any case to which sub-rule (1) applies, the Commissioner is unable to form an approximate estimate of the probable duration of the disablement, he may refer the case to the qualified Medical Practitioner for approximate estimation of probable duration of the disablement.

PART-III

Deposit and distribution of compensation

6. Deposit of compensation.---(1) An employer depositing compensation with the Commissioner under sub-section (1) of section 8, in respect of a worker, whose injury has resulted in death, shall furnish therewith a statement as provided in **Form-A**, and in other cases of deposits with the Commissioner, the employer shall furnish a statement as provided in **Form-B** and he shall be given a receipt thereof as provided in **Form-C**.

(2) If, when depositing compensation in respect of fatal accidents, the employer indicates in the statement referred to in sub-rule (1), that he desires to be made a party to the distribution proceedings, the Commissioner shall, before allotting the sum deposited as compensation, afford to the employer an opportunity of establishing that the person to whom the Commissioner proposes to allot such sum is or is not a dependent of the deceased worker.

(3) The statement of disbursements to be furnished on application by the employer under sub-section (4) of section 8, shall be as provided in **Form-D**.

(4) An employer depositing compensation in accordance with sub-section (2) of section 8, shall furnish therewith a statement as provided in **Form-E** and shall be given a receipt in **Form-F**.

7. Displaying of lists of deposits.---(1) The Commissioner shall cause to be displayed in a prominent place outside his office, an accurate list of the deposits received by him under sub-section (1) of section 8, together with the names and addresses of the depositors and of the worker in respect of whose death or injury, the deposits have been made.

(2) Besides displaying under sub-rule (1), the Commissioner shall inform the dependents of the deceased worker in case of death and to the worker in case of injury or total disablement on the addresses given in the statements furnished under rule 6 of these rules.

8. Application by dependents for deposit of compensation.---(1) A dependent of a deceased worker may apply to the Commissioner for the issuance of an order to deposit compensation in respect of death of the worker. Such application shall be made as provided in **Form-G**.

(2) If compensation has been deposited, the Commissioner shall dispose of such application in accordance with the procedure laid down under rules 23 to 49 of these rules:

Provided that,-

- (a) the Commissioner may, cause notice to be given, in such manner as he thinks fit, to all or any of the dependent of deceased worker, who have not joined in the application, requiring them if they desire to join therein, to appear before him on a date specified in this behalf; and
- (b) any dependent to whom such notice has been given and who fails to appear and to join in the application on the date specified in the

notice shall not be permitted thereafter to claim that the employer is liable to deposit compensation unless he satisfies the Commissioner that he was prevented by any sufficient cause from appearing when the case was called up for hearing.

(3) If, after completing the inquiry on the application, the Commissioner issues an order requiring the employer to deposit compensation in accordance with sub-section (1) of section 8, nothing in sub-rule (2), shall be deemed to prohibit the allotment of any part of the sum deposited as compensation to a dependent of the deceased worker, who failed to join in the application.

9. Investment of money.--- Money in the hands of the Commissioner may be invested for the benefit of the dependents of a deceased worker in Government securities or Post Office Cash Certificates or may be deposited in a Post Office Savings Bank.

10. Worker's Compensation Fund.---(1) Where compensation has been deposited under sub-section (1) of section 8, in respect of a worker, whose injury has resulted in death, and the Commissioner is satisfied, after holding such enquiry, as he may consider necessary, that no dependent of the deceased worker exists, he shall, at any time after lapse of two years from the date of the deposit, transfer the amount deposited or so much thereof as may be remaining in his hands after meeting the expenditure permitted under sub-section (4) of section 8, to a fund to be known as the "Worker's Compensation Fund", hereinafter referred to as the "Fund".

(2) The Fund shall vest in and be administered by the Director Labour.

(3) All moneys credited to the Fund shall be deposited in any scheduled bank.

(4) The Fund shall be utilized for the welfare of the workers.

PART-IV

Notice of Accident

11. Notice of Accident.---(1) A notice of the accident to be given under sub-section (1) of section 10, shall be as provided in **Form-H**.

(2) The notice book to be maintained under sub-section (3) of section 10, by the employer shall be as provided in **Form-I**.

PART-V

Report of Accidents

12. Report of fatal accidents.---(1) The employer, on a notice given by the Commissioner under sub-section (1) of section 11 of the Act, shall furnish a statement regarding fatal accident as provided in **Form-J**.

(2) The report required to be submitted under sub-section (1) of section 12 of the Act, shall be as provided in **Form-K**.

(3) Any employer, who has received information of an accident, may at any time after submission of statement under sub-rule (1) and a report under sub-rule (2), notwithstanding the fact that no claim for compensation has been instituted in respect of such accident, present to the Commissioner a memorandum, supported by an affidavit made by himself or by any person subordinate to him having knowledge of the facts stated in the memorandum, embodying the results of any investigation or inquiry which has been made into the circumstances or cause of the accident.

(4) A memorandum, if presented under sub-rule (3), shall be recorded by the Commissioner.

(5) The employer may give reference of the memorandum submitted under sub-rule (3), for its consideration by the Commissioner, while deciding any claim of compensation pending before him.

13. Reference by the Authorized Officer.---The Authorized Officers, may refer to the Commissioner cases of workers as provided in **Form-L**, who have not been paid due compensation by the employers.

PART-VI

Abstracts

14. Abstracts of the Act and the rules to be displayed.---Abstracts of the Act and these rules, as provided in **Form-M** shall be affixed in some conspicuous place near the main entrance of every place where workers are employed.

PART-VII

Medical Examination

15. Worker to be required to submit to medical examination.---A worker who is required by sub-section (1) of section 15 of the Act, to submit himself for medical examination shall be bound to do so in accordance with these rules.

16. Examination when worker and qualified medical practitioner both on premises.---When such worker is present on the employer's premises and the employer offers to have him examined free of charge by a qualified medical practitioner who is so present, the worker shall present himself for examination forthwith.

17. Examination in other cases.---In cases to which the provision of rule 16 of these rules do not apply, the employer may:

- (a) send the qualified medical practitioner to the place where the worker is residing for the time being, in such case, the worker shall present himself for medical examination on being desired to do so by the qualified medical practitioner; or
- (b) send to the worker an offer in writing to examine him free of charge by a qualified medical practitioner, in such case, the worker shall present himself for medical examination at the employer's premises or at such other place in the vicinity and at such time as is specified in such offer:

Provided that-

- (i) the time so specified shall not, be between the hours of 7 pm and 8 am unless with express consent of the worker; and
- (ii) in case where the worker's condition renders it impossible or inadvisable that he shall leave the place where he is residing for the time being, he shall not be required to present himself for medical examination save at such place.

18. Restriction on number of examinations.--- A worker, who is in receipt of a half-monthly payment, shall not be required to present himself for medical examination more than twice in the first month following the accident, or more than once in any subsequent month.

19. Examination after suspension of right to compensation.--- If a worker whose right to compensation has been suspended under sub-section (2) or sub-section (3) of section 15, subsequently offers himself for medical examination, his examination shall take place on the employer's premises or at such other place in the vicinity as may be fixed by the employer and at a time to be fixed by the employer, not being, save with the express consent of the worker, more than seventy two (72) hours after the worker has so offered himself.

20. Examination of woman.--- A woman shall not be medically examined by a male qualified medical practitioner without her consent and any such examination shall be in the presence of another woman of her choice.

PART-VIII

Claim of Indemnity

21. Procedure where indemnity is claimed.---(1) Where the opposite party claims that if compensation is recovered against him, he shall be entitled under sub-section (2) of section 16 of the Act, to be indemnified by a person not being a party to the case, he shall, when first called upon to answer the application, present a notice of such claim to the Commissioner and the Commissioner shall thereupon issue notice to such person as provided in **Form-N**.

(2) If any person served with a notice under sub-rule (1), desires to contest the applicant's claim for compensation or the opposite party's claim to be indemnified, he shall appear before the Commissioner on the date fixed for the hearing of the case or on any date to which the case may be adjourned and if he so appears, shall have all the rights of a party to the proceedings in default of so appearing, he shall be deemed to admit the validity of any award made against the opposite party and to admit his own liability to indemnify the opposite party for any compensation recovered from him:

Provided that, if any person so served appears subsequently and satisfies the Commissioner that he was prevented by any sufficient cause from appearing, the Commissioner shall, after giving notice to the aforesaid opposite party, hear such person and may set aside or vary any award made against such person under this rule upon such terms as may be determined by him.

(3) If any person served with a notice under sub-rule (1), whether or not he desires to contest the applicant's claim for compensation or the opposite party's claim to be indemnified, claims that being a contractor, he is himself a principal and is entitled to be indemnified by a person standing to him in the relation of a contractor from whom the worker could have recovered compensation, he shall, on or before the date fixed in the notice under sub-rule (1), present a notice of such claim to the Commissioner and the Commissioner shall thereupon issue notice to such person as provided in **Form-O**.

(4) If any person served with a notice under sub-rule (3), desires to contest the applicant's claim for compensation or the claim under sub-rule (3) to be indemnified, he shall appear before the Commissioner on the date fixed in the notice as provided in **Form-O** or on any date to which the case may be adjourned and if he so appears, shall have all the rights of a party to the proceedings in default of so appearing he shall be deemed to admit the validity of any award made against the original opposite party or the person served with a notice under sub-rule (1), to admit his own liability to indemnify the party against whom such award is made for any compensation recovered from him:

Provided that, if any person so served appears subsequently and satisfies the Commissioner that he was prevented by any sufficient cause from appearing, the Commissioner shall, after giving notice to all parties on the record, hear such person, and may set aside or vary any award made against such person under this rule upon such terms as may be determined by him.

(5) In any proceedings in which a notice has been served on any person under sub-rule (1) or sub-rule (3), the Commissioner shall, if he awards compensation, record in his judgment a finding in respect of each of such persons whether he is or is not liable to indemnify any of the opposite parties, and shall specify the party, if any, whom he is liable to indemnify.

PART-IX

Returns

22. Worker's compensation returns.---(1) The return to be submitted under section 19 of the Act, shall be as provided in **Form-P**.

(2) The return shall relate to a calendar year and shall be furnished on or before the 1st February following the year to which the return relates.

(3) The return shall be signed by,-

- (a) the employer, or where there is more than one employer by any employer; or
- (b) by any person directly responsible to the employer or employers for the management of the industrial or commercial establishment to which it relates.

(4) The return shall be furnished in duplicate to the Chief Inspector appointed under the Khyber Pakhtunkhwa Factories Act, 2013.

PART-X

Procedure to be followed in Disposal of Cases

23. Applications.---(1) Any application of the nature referred to in section 27, may be presented to Commissioner or to any of his subordinates authorized by him in this behalf and, if presented, shall, unless the Commissioner otherwise directs, be as provided in **Form-Q**, or **Form-R**, accordingly as the application is for compensation or commutation of half-monthly payments, and shall be signed by the applicant.

(2) There shall be appended to every such application a certificate, which shall be signed by the applicant, to the effect that the statement of facts contained in the application is to the best of his knowledge and belief accurate.

24. Production of documents.---(1) When the application for relief is based upon a document, the document shall be appended to the application.

(2) Any other document which any party desires to tender in evidence shall be produced at or before the first hearing.

(3) Any document which is not produced at or within the time specified in sub-rule (1) or (2), as the case may be, shall not, without the approval of Commissioner, be admissible in evidence on behalf of the party who shall have produced it.

25. Application presented to concerned Commissioner.---(1) If it appears to the Commissioner on receiving the application that it shall be presented to another Commissioner, he shall return it to the applicant after endorsing upon it the date of the presentation and return, the reason for returning it and the designation of the Commissioner to whom it shall be presented.

(2) If it appears to the Commissioner at any subsequent stage that an application shall have been presented to another Commissioner, he shall send the application to the Commissioner empowered to deal with it and shall inform the applicant and the opposite party if he has received a copy of the application under rule 29, accordingly.

(3) The Commissioner to whom an application is transferred under sub-rule (2), may continue the proceedings as if the previous proceedings or any part thereof had been taken before him, if he is satisfied that the interests of parties shall not thereby be prejudiced.

26. Examination of applicant.---(1) On receiving an application of the nature referred to in section 27 of the Act, the Commissioner may examine the applicant on oath, or may send the application to any officer authorized by the Government in this behalf and direct such officer to examine the applicant and his witnesses and forward the record thereof to the Commissioner.

(2) The substance of any examination made under sub-rule (1), shall be recorded in the manner provided for the recording of evidence in section 31 of the Act.

27. Summary dismissal of application.---(1) The Commissioner may, after considering the application and the result of any examination of the application under rule 26 of these rules, summarily dismiss the application, if, for reasons to be recorded, he is of the opinion that there are no sufficient grounds for proceeding thereon.

(2) The dismissal of the application under sub-rule (1), shall not by itself preclude the applicant from presenting a fresh application for the settlement of the same matter.

28. Preliminary inquiry into the application.--- If the application is not dismissed under rule 27 of these rules, the Commissioner may, for reasons to be recorded, call upon the applicant to produce evidence in support of the application before calling upon any other party, and, if upon considering such evidence the Commissioner is of the opinion that there is no case for the relief claimed, he may dismiss the application with a brief statement of his reasons for so doing.

29. Notice to opposite party.---If the Commissioner does not dismiss the application under rule 27 or rule 28 of these rules, he shall send to the party from whom the applicant claims relief (hereinafter referred to as opposite party) a copy of the application, together with a notice of the date on which he shall dispose of the application, and may call upon the parties to produce upon that date any evidence which they may desire to tender.

30. Appearance and examination of opposite party.---(1) The opposite party may and if so required by the Commissioner, shall, at or before the first hearing or within such time as the Commissioner may permit, file a written statement dealing with the claim raised in the application, and any such written statement shall form part of the record.

(2) If the opposite party contests the claim, the Commissioner may, and, if no written statement has been filed, shall proceed to examine him upon the claim and shall reduce the result of the examination to writing.

31. Power to postpone trial of issues of fact where issues of law arise.---When issues both of law and of fact arise in the same case, and the Commissioner is of the opinion that the case may be disposed of on the issues of law only, he may try those issues first, and for that purpose may, if he thinks fit, postpone the settlement of the issues of fact until after the issues of law have been determined.

32. Diary.---The Commissioner shall maintain under his hand a brief diary of the proceedings on an application.

33. Reasons for postponement to be recorded.---If the Commissioner is unable to dispose of an application at one hearing, he may, for reasons to be recorded in writing, adjourn the proceedings in another date.

34. Order.---(1) The Commissioner, in passing orders, shall record concisely, in an order, his finding on each of the issues framed and his reasons for such finding.

(2) The Commissioner, at the time of signing and dating his order, shall pronounce his decision, and there after no addition or alteration shall be made to the order other than the correction of a clerical or arithmetical mistake arising from any accidental slip or omission.

35. Summoning of witnesses.---If application is presented by any party to the proceedings for the citation of witnesses, the Commissioner, shall, issue summons for the appearance of such witnesses, unless he considers that their appearance is not necessary for the just decision of the case.

36. Right of entry for local inspection.---A Commissioner, before whom any proceeding relating to an injury by accident is pending, may at any time enter the place where the worker was injured, or where the worker ordinarily performed his work, for the purpose of making a local inspection or of examining any person or persons likely to be able to give information relevant to the proceedings:

Provided that the Commissioner shall not enter any premises of any industrial establishment or commercial establishment except during the ordinary working hours of that establishment.

37. Procedure in connection with local inspection.---(1) If the Commissioner proposes to conduct a local inspection with a view to examining on the spot the circumstances in which an accident took place, he shall give the parties or their representatives notice of his intention to conduct such inspection, unless in his opinion the urgency of the case renders the giving of such notice impracticable.

(2) Such notice may be given orally or in writing, and, in the case of an employer, may be given to any person upon whom notice of a claim can be served under sub-section (2) of section 10, or to the representative of any such person.

(3) Any party, or the representative of any party, may accompany the Commissioner at a local inspection.

(4) The Commissioner, after making a local inspection, shall note briefly in a memorandum any facts observed, and shall show the memorandum to any party who desire to see the same, and on payment of the prescribed fee, shall supply any party with a copy thereof.

(5) The memorandum shall form part of the record.

38. Power of summary examination.---(1) The Commissioner during a local inspection or at any other time, save at a formal hearing of a case pending before him, may examine summarily, any person likely to be able to give information relative to such case, whether such person has been or is to be called as a witness in the case or not, and whether any or all of the parties are present or not.

(2) The oath shall not be administered to a person examined under sub-rule (1).

(3) Statements made by persons examined under sub-rule (1), if reduced to writing shall not be signed by the person making the statement nor shall they, except as hereinafter provided, be incorporated in the record or utilized by the Commissioner for the purpose of arriving at a decision in the case.

(4) If a witness, who has been examined under sub-rule (1), makes in evidence any material statement contradicting any statement made by him in such examination, and reduced in to writing, the Commissioner may call his attention to such statement, and shall in that case direct that the parties be furnished with the relevant part of such statement for the purpose of examining or cross-examining the witness.

(5) Any statement or part of a statement which is furnished to the parties under sub-rule (4), shall be incorporated in the record.

(6) Where a case is settled by agreement between the parties, the Commissioner may incorporate in the record any statement made under sub-rule (1) and may utilize such statement for the purpose of justifying his acceptance of, or refusal to accept, the agreement reached.

39. Agreement to abide by Commissioner's decision.---(1) If a party states in writing his willingness to abide by the decision of the Commissioner, the Commissioner shall inquire whether the other party is willing to abide by his decision, based on the compromise between the parties.

(2) If the other party agrees to abide by the Commissioner's decision, the fact of his agreement shall be recorded in writing and signed by such party.

(3) If the other party does not agree to abide by Commissioner's decision, the first party shall not remain under an obligation so to abide.

40. Procedure in connected cases.---(1) Where two or more cases pending before a Commissioner arise out of the same accident and any issue involved is common to two or more such cases, such cases may so far as the evidence bearing on such issue is concerned, be heard simultaneously.

(2) Where action is taken under sub-rule (1), the evidence bearing on the common issue or issues shall be recorded on the record of one case and the Commissioner shall certify under his hand on the records of any such other case, the extent to which the evidence so recorded applies to such other case and the fact that the parties to such other case had the opportunity of being present, and, if they were present, of cross-examining the witnesses.

41. Certain provisions of Code of Civil Procedure, 1908, to apply.---Save as otherwise expressly provided in the Act or these rules, the following provisions of the First Schedule to the Code of Civil Procedure, 1908, namely, those contained in Order V, rules 9 to 13 and 15 to 30, Order IX; Order XIII, rules 2 to 21; Order XVI; Order XVII and Order XXIII, rules 1 and 2, shall apply to proceedings before Commissioners, insofar as they may be applicable thereto.

42. Provisions regarding signature of forms.---Any form, other than a receipt for compensation, which is by these rules required to be signed by a Commissioner, may be signed under his direction or on his behalf by any officer subordinate to him, appointed by him in writing for this purpose.

43. Apportionment of Compensation among dependents.---The provisions of this Part, except those contained in rules 27, 28 and 40 of these rules shall, as far as may be, apply in the case of any proceedings relating to the apportionment of compensation among dependents of a deceased worker.

44. Transfer for report.---(1) A Commissioner transferring any matter to another Commissioner for report in accordance with sub-section (2) of section 26, shall, along with the documents referred to in that sub-section, transmit to such other Commissioner a concise statement, in the form of questions for answer, of the matter on which report is required.

(2) A Commissioner to whom a case is so transferred for report, shall not be required to report on any question of law.

45. Transmission of money.---Money transmitted by one Commissioner to another in accordance with sub-section (2) of section 26, shall be transmitted either by remittance transfer receipt, or by money order, or by cross cheque, as the Commissioner transmitting the money may direct.

46. Nomination of representative.---Where any party to a proceeding is under the age of 15 years or is unable to make an appearance, the Commissioner shall nominate some suitable person, with his consent, to represent such party for the purpose of the proceedings.

47. Replacement of representative.---If the Commissioner considers that the interest of any party for whom a representative has been nominated under rule 46 are not being adequately protected by that representative, or if a person nominated to act as representative dies, or if becomes incapable of acting, or otherwise ceases to act as such, the Commissioner shall nominate in his place another person with his consent.

PART-XI

Record of Memorandum of Agreement

48. Form of Memorandum.--- Memorandum of agreement, sent to the Commissioner under sub-section (1) of section 34 of the Act, shall, unless the Commissioner otherwise directs, be in duplicate and shall be in as close conformity as the circumstances of the case admit with **Form-S** or **Form-T** or **Form-U**, as the case may be.

49. Procedure where Commissioner does not consider that he should refuse to record memorandum.---(1) On receiving a memorandum of agreement, the Commissioner shall, unless he considers that there are grounds for refusing to record the memorandum, fix a date for recording the same, and shall issue a notice in writing as provided in **Form-V** to the parties concerned that in default of objections, he proposes to record the memorandum on the date so fixed:

Provided that the notice may be communicated orally to any parties, who are present at the time when notice in writing would otherwise issue.

(2) On the date so fixed, the Commissioner shall record the memorandum unless, after hearing any of the parties, who appear and desire to be heard, he considers that it ought not to be recorded:

Provided that the issue of a notice under sub-rule (1), shall not be deemed to prevent the Commissioner from refusing to record the memorandum on the date so fixed even if no objection be made by any party concerned.

(3) If on such date, the Commissioner decides that the memorandum ought not to be recorded, he shall inform the parties present, of his decision and of the reason therefore, and, if any party desiring the memorandum to be recorded is not present, he shall send information to that party as provided in **Form-W**.

50. Where Commissioner considers he shall refuse to record memorandum.---(1) If, on receiving a memorandum of agreement, the Commissioner considers that there are grounds for refusing to record the same, he shall fix a date for hearing the party or parties desiring the memorandum to be recorded, and shall inform such party or parties and, if he thinks fit, any other party concerned, of the date so fixed and of the grounds on which he considers that the memorandum shall not be recorded.

(2) If the parties to be informed are not present, a written notice shall be sent to them as provided in **Form-X** or **Form-Y**, as the case may be, and the date fixed in such notice shall not be less than seven days after the date of the issue of the same.

(3) If, on the date fixed under sub-rule (1), the party or parties desiring the memorandum to be recorded shows or show adequate cause for proceedings to the record of the same, the Commissioner may, if information has already been given to all the parties concerned, record the agreement. If information has not been given to all such parties, he shall proceed in accordance with rule 52.

(4) If, on the date so fixed, the Commissioner refuses to record the memorandum, he shall send notice, as provided in **Form-W** to any party who did not receive information under rule (1).

51. Procedure on refusal to record memorandum of agreement.---(1) If in any case the Commissioner refuses to record a memorandum of agreement, he shall briefly record his reasons for such refusal.

(2) If the Commissioner refuses to record a memorandum of agreement, he shall not pass any order directing the payment of any sum or amount over and above the sum specified in the agreement, unless opportunity has been given to the party liable to pay such sum to show cause why it should not be paid.

(3) Where the agreement is for the redemption of half-monthly payments by the payment of a lump sum, and the Commissioner considers that the memorandum of agreement shall not be recorded by reason of the inadequacy of the amount of such sum as fixed in the agreement, he shall record his estimate of the probable duration of the disablement of the worker.

52. Registration of memorandum of agreement accepted for record.---In recording a memorandum of agreement, the Commissioner shall cause the same to be entered in a register as provided in **Form-Z**, and shall cause an endorsement to be entered under his signature on a copy of the memorandum of agreement to be retained by him.

53. Recovery.--- (1) Where the amount required to be paid under this Act on the directions of the Commissioner or under any agreement for the payment of compensation or otherwise as a result of proceedings before a Commissioner, the claimant concerned may make an application, as provided in **Form-AA**, to the Commissioner for its recovery, execution of order etc.

(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 Commissioner may issue a notice, as provided in **Form-BB**, to the judgment-debtor or the employer or the person against whom directions have been passed, requiring him to pay the amount to the claimant within the specified period and if he is not willing to pay the amount to appear before the Commissioner and to show cause why the amount shall not be recovered, by sale or attachment of his property.

(4) Where the judgment-debtor or the employer or the person against whom directions have been passed fails to respond to the notice or the plea advanced by him against the recovery is untenable, the Commissioner may order the sale of movable property belonging to him by issuance of a warrant, as provided in **Form-CC**.

(5) On being satisfied that the judgment-debtor or the employer or the person against whom directions have been passed has evaded the order issued under sub-rule (4) or the amount is not fully recovered by sale of movable property, the Commissioner may issue a warrant of sale of the immovable property of the employer, as provided in **Form-DD**.

(6) The Commissioner shall exercise powers of sale, attachment, auction or recovery through the bailiffs and Recovery Inspectors if appointed or through such other persons as are authorized by him in this behalf.

PART-XII

Procedure in Transfer of Money

54. Transfer of money paid to a Commissioner for the benefit of any person residing or about to reside in any country or Province.---(1) When the whole or any part of lump sum deposited with a Commissioner for payment as compensation under the Act is payable to any person or persons residing or about to reside in the other Provinces and Islamabad Capital Territory (ICT) of the federation of Islamic Republic of Pakistan or any other country, the Commissioner may order the transfer to the other Province or the Islamabad Capital Territory or the other country of the sum so payable.

(2) When the Commissioner has ordered the transfer of any sum under sub-rule (1), he shall cause to be prepared and shall certify under his hand, a memorandum containing a brief statement of the facts of the case, of the orders passed upon it, and of the name and address of each person to whom payment is to be made.

(3) The Commissioner shall forward the memorandum in duplicate to the Director Labour and dispose of it in accordance with the directions of the Director Labour for transfer of money in accordance with sub-rule (4).

(4) The Commissioner, after satisfying himself that the memorandum is complete, shall, in accordance with the directions of the Director Labour, forward it and remit or cause to be remitted the sum to which it relates by such means of safe transmission in accordance with rule 56, as he may consider convenient to the authority appointed in this behalf for the other Province, Islamabad Capital Territory or the other country to which the sum is to be transferred, or if no such authority has been appointed, to such authority as the Government may by general or special order direct, that shall at the same time request the authority addressed:

- (a) to arrange for payment to be made in accordance with the directions contained in the memorandum; and
- (b) to furnish him with a report of the action taken upon the memorandum and return any sum, the payment of which is for any reason impossible.

(5) Any sum returned in accordance with sub-rule (4) shall be disposed of in accordance with the Act.

55. Receipt and administration of any sum awarded under the law relating to workers' compensation in any other Province, Islamabad Capital Territory or any other country.---(1) The Director Labour shall be the proper authority to receive sum from transferring authorities.

(2) The Director Labour, on receipt of any sum from a transferring authority, shall forward such sum, together with any papers relating thereto, to the Commissioner having jurisdiction in this regard for disposal of the sum in accordance with the instructions in the papers in respect thereof for disbursement of the sum.

(3) All sums received from a transferring authority shall be disposed of as far as possible in accordance with the provisions of the Act and these rules:

Provided that the directions or instructions, if any, received from the transferring authority as to the manner in which the sum shall be administered shall be complied with.

(4) The Commissioner, who has disposed of any such sum forward to it under sub-rule (2), shall make a report in duplicate as to the disposal of that sum along with the sum, if any, remained undischursed to the Director Labour and the Director Labour shall forward to the transferring authority a report showing how the sum received from him has been disposed of.

(5) Any part of the sum received from the transferring authority, which shall have remained undischursed after the completion of the proceedings, shall be returned to the transferring authority by the Director Labour.

56. Mode of Transfer of sum.---(1) Sum to be received under rule 55 to the authority in the Provinces and the Islamabad Capital Territory, shall be transmitted by remittance transfer receipt, cross cheque or money order.

(2) Sum to be received under rule 55 to the authority in any other country, shall be transmitted by remittance in the manner prescribed by the Federal Government.

57. Cost on Remittance and administration of receipts.---When any sum is to be received under rule 55 or any sum is transferred under rule 56, the cost incurred on transfer of sum or administration of the sum so received, as the case may be, may be deducted from the sum so transferred or received for administration, if it is not borne by the person to whom it is disbursed or to be disbursed.

58. Repeal.--- The West Pakistan Workmen's Compensation Rules, 1961 and the Workmen's Compensation (Transfer of Money) Rules, 1935 are hereby repealed to the extent of the Province of Khyber Pakhtunkhwa.

Sd/-
Secretary to Government of the Khyber Pakhtunkhwa
Labour Department

FORM-A
[see rule 6(1)]

Deposit of Compensation for Fatal Accidents

Compensation amounting to Rs is hereby presented for deposit in respect of death of the worker, whose particulars are given below, which occurred on 20.....

- i. Name:
- ii. Father's / Husband's name:
- iii. Designation:
- iv. Employed in: (Name of Establishment)
- v. Section / Department:
- vi. Local address:
- vii. Permanent address.....
- viii. His monthly wages are estimated at Rs
- ix. He was under the age of years at the time of his death.

2. The said worker had, prior to his/her death received the following payments; namely:

Rs on
Rs on

(Amounting in all to Rs)

3. An advance of Rs has been made on account of compensation to being the dependent of the deceased worker.

(Signature and stamp of Employer)

Address:

Dated:

FORM-B
[see rule 6(1)]

**Deposit of Compensation for Non-Fatal Accidents to a Woman or Person under
Legal Disability**

Compensation amounting to Rs is hereby presented for deposit in respect of the injuries sustained by the worker, whose particulars are given below, which occurred on 20..... resulting in temporary disablement.

- i. Name:
- ii. Father's / Husband's name:
- iii. Designation:
- iv. Employed in: (Name of Establishment)
- v. Section / Department:
- vi. Local address:
- vii. Permanent address.....
- viii. His monthly wages are estimated at Rs
- ix. He was under the age of years at the time of his death

2. The said worker had, prior to the accident, received the following payments namely:

Rs on

Rs on

(Amounting in all to Rs)

(Signature and stamp of Employer)

Address:

Dated:

FORM-C
[see rule 6(1)]

Receipt for Compensation

1. Book No.:
2. Receipt No.:
3. Register No:
4. Depositor:
5. Deceased or injured worker:
6. Date of deposit 20.....
7. Amount deposited Rs. in words

(Signature and Seal of Commissioner)

FORM-D

[see rule 6(3)]

Statement of Disbursements

1. Serial No
2. Depositor Name:
3. Name of Deceased Worker:
4. Date:
5. Amount deposited Rs
6. Amount deducted and repaid to the employer under the proviso to section 8(1) Rs
.....
7. Funeral expenses paid Rs.....
8. Compensation paid to the following dependents:

Sr. No.	Name	Relationship	Amount paid (in Rs.)
Total			

(Signature and Seal of Commissioner)

Dated.....

FORM-E
[see rule 6(4)]

Deposit of Compensation for Non-Fatal Accidents to a Woman or Person other than under Legal Disability

Compensation amounting to Rs..... is hereby presented for deposit in respect of permanent / temporary injuries sustained by (name of injured person) residing at (address of injured person) as a result of an accident, which occurred on 20.....

(Signature and stamp of Employer)

Dated:

FORM-F
[see rule 6(4)]

Receipt for Compensation

1. Book No.
2. Receipt No.
3. Register No.
4. Depositor's Name:
5. In favour of:
6. Date of deposit
7. Sum deposited Rs

(Signature and Seal of Commissioner)

Dated.....

FORM-G
[see rule 8(1)]
Application for Order to Deposit Compensation

To

The Commissioner for Worker's Compensation
.....

Mr./Mrs. residing at
.....

Applicant

Versus

M/s residing at

Opposite Party

It is hereby submitted that:

- (1) a worker employed by the opposite party directly or by a contractor on the day of 20 received personal injury by accident arising out of and in the course of his employment resulting in his death on the day of 20
- The cause of the injury was (here insert briefly in ordinary language the cause of the injury)
- (2) The applicant(s) is /are a dependent(s) of the deceased worker being his (Relationship).
- (3) The monthly wages of the deceased amount to Rs
- (4) (a) Notice of the accident was served on the day of 20.....
- (b) Notice was served as soon as practicable.
- (c) Notice of the accident was not served (in the time) by reason of.....
- (5) The deceased before his death received as compensation the total sum of Rs.....
- (6) The applicant (s) is / are accordingly entitled to receive a lump sum payment of Rs.....

It is, therefore, requested that an order to award to the applicant the said compensation or any other compensation to which he may be entitled, may be made in favour of the applicant.

(Signature of Applicant)

Dated.....

Strike out the clauses which are not applicable

FORM-H
[see rule 11(1)]

Notice of Accident

To

.....

.....

(Name of the Employer or the person responsible for Compensation)

1. Take Notice that an accident was occurred on in the (name of establishment) at (time) and Mr. / Mrs. (name of injured / deceased worker) sustained injuries during the course of his employment, which ultimately, resulted to his death on (date).
2. That the undersigned being an injured worker or being dependent of the deceased worker namely is entitled for compensation under the Khyber Pakhtunkhwa Worker's Compensation Act, 2013.
3. That you being the employer are responsible for payment of compensation and are requested to make such payment.

(Name and Signature)

Dated:

FORM-I
[see rule 11(2)]

Notice Book

1. Name of the Establishment:
2. Employer's Name:
3. Year:

Sr. No.	Name of the Person Giving Notice Relationship with the deceased worker	Date of Notice	Date of Accident under the Notice	Nature of Injuries (Fatal or otherwise)	Amount of Compensation Claimed	Status of Payment		Reasons if not paid	
						Amount	Date		
1	2	3	4	5	6	7	8	9	10

(Signature and stamp of Employer)

FORM-J
[see rule 12(1)]

Statement Regarding Fatal Accidents

To

The Commissioner for Workers' Compensation
.....

In reply to your notice, dated the 20....., which was received by me on the 20....., it is submitted, that:--

1. A worker namely employed in (name of establishment) as (designation), residing at (address of the worker) met with an accident on (date). The monthly wages of the deceased amounted to Rs

2. I admit liability to pay as compensation, on account of the deceased's death the amount of Rs..... which was / will be deposited with you on or before the day of 20.....

3. The circumstances in which the deceased met his death were as follows:
.....
.....
.....

4. I disclaim liability to pay compensation on account of the deceased's death on the following grounds:
.....
.....
.....

(Signature and stamp of Employer)

Dated:

FORM-K
[see rule 12(2)]

Report of Fatal Accidents

To

.....
.....
.....

Sir,

I have the honour to submit the following report of an accident which occurred on (date), at (time), at (name of establishment), which resulted in the death of the worker(s), whom particulars are given below: -

Sr. No.	Name	Date of Appointment	Age	Designation	Nature of Injuries	Date of Death
1	2	3	4	5	6	7

2. The circumstances attending to the death of the worker(s) were as under:-
- i. Place where the accident occurred: (Section / Deptt)
 - ii. Manner in which deceased was/were employed at the time: (directly or through a contractor)
 - iii. Cause of the accident:
 - iv. Any other relevant particulars.
.....
.....

(Signature and designation of person making the report *Statement*)

Dated:

FORM-L
[see rule (13)]

**Reference for Compensation by the Labour Commissioner / Inspector of
Factories or the Officer authorized under section 13 of the Khyber Pakhtunkhwa
Workers' Compensation Act, 2013**

To

The Commissioner for Worker's Compensation
.....

Reference No.....

It is hereby submitted: -

- (1) That a worker employed by (here enter name of employer or contractor) on the day of20..... received personal injury / injuries in an accident arising out of and in the course of his employment.
- (2) That the cause of the injury as has been ascertained was (here insert briefly the cause of the injury).
- (3) That the worker concerned sustained the following injuries:-
.....
.....
.....
- (4) That the monthly wages of the worker amount to Rs
- (6) That the notice of the accident was served on the employer on (date), will be served as soon as practicable, which was not served in due time by reason of (here enter reasons for failing to serve in time).
- (7) That the worker is accordingly entitled to receive: -
 - (a) half-monthly payments of Rs from the (date) to (date)
 - (b) a lump sum payment of Rs

(8) That the undersigned has taken the following steps to secure a settlement by agreement, namely (here enter briefly steps taken), but it has proved impossible to settle the question in dispute because (here enter briefly reasons for failure to reach agreement).

You are, accordingly requested to determine the following questions in dispute, namely:

- (a) *Whether the injured person is a worker within the meaning of the Act;*
- (b) *Whether the accident arose out of or in the course of the worker's employment;*
- (c) *Whether the amount of compensation claimed or any part thereof is due;*
- (d) *Whether the employer named aforesaid is liable to pay such compensation as is due.*

It is requested that the worker concerned may be awarded the compensation claimed or such compensation as he may be entitled to receive.

(Signature and designation of person making the reference)

Dated:

FORM-M
(see rule 14)

ABSTRACTS FROM THE KHYBER PAKHTUNKHWA WORKERS' COMPENSATION ACT, 2013 AND THE RULES MADE THEREUNDER

1. Application of the Act---The Act applies to compensation payable to workers in respect of injuries arising out of and in the course of their employment, employed,-

- (a) in any factory, industrial establishment, commercial establishment or a mine to do any skilled and unskilled, manual or clerical work for hire or reward;
- (b) as a railway servant as defined in section 3 of the Railway Act, 1890 not permanently employed in any administrative district or sub-divisional office of a railway and not employed in any such capacity as is specified in **Schedule II**.

2. Definition of disablement—Disablement may be partial or total. Disablement is partial where it reduces the earning capacity of a worker in an employment and is total where it incapacitates the worker for all work which he was capable of performing prior to the disablement.

3. Workers' Compensation.---An employer shall be liable to pay compensation for personal injuries sustained by a worker in any accident arising out of and in the course of his employment, if the injuries result in partial or in total disablement of the worker for a period exceeding four days. No compensation shall be payable if the accident is due to the worker being under the influence of drink or drugs, or partial or willful disobedience on his part of any safety rule or order, or will full removal of a safety guard or safety device.

Explanation: The contracting of an occupational disease by a worker shall be deemed to be an injury by accident and shall, unless the employer establishes to the contrary, be deemed to have arisen out of and in course of the employment.

4. (1) The amount of Compensation shall be Rs. 300000/- in case of death or permanent total disablement.

(2) Where, permanent partial disablement results from the injury, a percentage ranging from 1 to 90 percent of the compensation payable in respect of permanent total disablement depending on the nature of disablement shall be paid.

(3) Where, temporary disablement results from the injury, a half monthly payment of the amount specified in column 3 of Schedule-IV to the Act during the period of disablement or for a period of one year, whichever is less, shall be paid.

(4) Where, temporary disablement results from occupational chronic lungs disease, $1/3^{\text{rd}}$ of the monthly wages during the period of disablement or for a period of five years as specified in column 3 of Schedule-IV to the Act, whichever is less, shall be paid.

5. Monthly wages mean the amount of wages payable to a worker for a month's service whether the wages are payable by the month or by any other period or at piece rate.

6. Right to half monthly payments may be redeemed by an agreement between the employer and the worker or on payment to the worker of a lump sum determined by the Commissioner on the basis of the estimated duration of the injury.

7. Compensation in respect of a worker, whose injury had resulted in death or who is under a legal disability shall be deposited with the Commissioner. The Commissioner, after paying for the funeral expenses of the worker, shall disburse the balance of the compensation to the dependents of the worker, and in case there be no such dependent shall transfer the money to the Workers' Compensation Fund.

8. Notice of the accident giving rise to a claim for compensation must be served on the employer as soon as practicable after the happening thereof. The notice shall give the name and address of the person injured, the cause of the injury and the day on which the accident occurred. The claim may be preferred within three years of the occurrence of the accident and in case of death, within three years from the date of death.

9. The Labour Commissioner and Inspector of Factories or any officer authorized by the Government may refer to the Commissioner cases of workers, who have not been paid compensation. Government means, Government of Khyber Pakhtunkhwa.

10. Where a worker has given notice of an accident, the employer shall have him medically examined free of charge within three days of the notice either at his premises or as the worker's residence. If the employer fails to have the worker so examined, the worker may get himself examined by a qualified medical practitioner at the employer's expense.

11. A worker in receipt of half monthly payments, shall not be required to submit himself for medical examination after than twice in the first month following the accident or more than once in any subsequent month.

- 12.** A female worker shall not be medically examined by a male Doctor, where a female qualified medical practitioner is available, without her consent.
- 13.** If a worker on being required by the employer or Commissioner, refuse to medical examination, his right to compensation shall be suspended during the continuance of such refusal.
- 14. Commissioner.**—Disputes relating to liability to pay compensation, the amount or duration of the compensation (including the question whether the person injured is a worker) and the nature and the extent of his disablement are to be settled by the Commissioner and the Civil Courts have no jurisdiction in such matters.
- 15.** Commissioners are appointed and their jurisdictions fixed by the Government.
- 16.** An application for settlement of a matter by a Commissioner, except on application by dependents for compensation, is only to be made when the parties are unable to settle by agreement.
- 17.** Application to the Commissioner shall be sent in duplicate by registered post, on the prescribed forms and shall be accompanied by the prescribed fee and the documents on which the claim for compensation is based.
- 18.** If the Commissioner considers that the amount of compensation deposited by an employer, where the injury has resulted in death, is insufficient, he may require the employer to deposit a further sum.
- 19.** Appearance before the Commissioner may be made in person or through a legal practitioner or a duly authorized officer of an Insurance Company or Registered Trade Union authorized in writing by such person or with the permission of the Commissioner by any other person so authorized.
- 20.** (1) The Commissioner may award costs in proceedings under the Act.
- (2) The costs awarded shall include:
- (i) charges on account of Court-fees;
 - (ii) charges on account of subsistence money to witnesses; and
 - (iii) pleader's fees on the prescribed scale.
- 21.** (1) Appeals shall lie to the Labour Appellate Tribunal constituted under the Khyber Pakhtunkhwa Industrial Relations Act, 2010 from the following orders of Commissioners:

- (a) an order awarding as compensation a lump sum, whether by way of redemption of half-monthly payment or otherwise or disallowing a claim in full or in part for a lump sum;
- (b) an order refusing to allow redemption of a half-monthly payment;
- (c) an order providing for the distribution of compensation among the dependents of the deceased worker or disallowing any claim of a person alleging himself to be such dependent;
- (d) an order allowing or disallowing any claim for the amount of an indemnity under the provisions of sub-section (2) of section 16; or
- (e) an order for the registration or refusing to register a memorandum of agreement or registering the same or providing for the registration of the same subject to conditions.

(2) The period of limitation for an appeal from an order of the Commissioner is sixty days.

FORM-N
[see rule 21(1)]

Notice

Whereas a claim for compensation has been made by (applicant) against (opposite party) and the said (opposite party) has claimed that you are liable under section 16(2) of the Khyber Pakhtunkhwa Workers' Compensation Act, 2013 to indemnify him against any compensation, which he may be liable to pay in respect of the aforesaid claim. You are hereby informed that you may appear before me on and contest the claim for compensation made by the said applicant or the claim for indemnity made by the opposite party. In default of your appearance, you will be deemed to admit the validity of any award made against the opposite party and your liability to indemnify the opposite party for any compensation recovered from him.

(Signature and Seal of Commissioner)

Dated.....

FORM-O
[see rule 21(3)]

Notice

Whereas a claim for compensation has been made by (applicant), against (opposite party) and the said (opposite party) has claimed that (third person or sub-contractor) is liable under section 16(2) of the Khyber Pakhtunkhwa Workers' Compensation Act, 2013 to indemnify him against any compensation which he may be liable to pay in respect of the aforesaid claim.

And Whereas the said (opposite party) on a notice served upon him has claimed that you (third person or sub-contractor) stand to him in the relation of a contractor from whom the (applicant) could have recovered compensation. You are hereby informed that you may appear before me on and contest the claim for compensation made by the said applicant or the claim for indemnity made by the opposite party and in default of your appearance, you will be deemed to admit the validity of any award made against the opposite party and your liability to indemnify the (opposite party) for any compensation recovered from him.

(Signature and Seal of Commissioner)

Dated.....

FORM-P
[see rule 22(1)]

Return
(Workers' Compensation)

Relating to the period from to 31st December, 20....

1. Name of the establishment:
2. Name of the employer:
3. Address: :
4. Nature of work:
5. Number of workers:
 - i. Male:
 - a. Adult:
 - b. Adolescent:
 - ii. Female:
 - a. Adult:
 - b. Adolescent:
6. Average number of workers employed per day:

Accidents						Occupational Diseases						
Number of cases of injuries in respect of which final compensation has been paid during the year			Amount of compensation paid (in Rs.)			Number of cases of deceased in respect of which final compensation has been paid during the year				Amount of compensation paid (in Rs.)		
Death	Permanent Disablement	Temporary Disablement	Death	Permanent Disablement	Temporary Disablement	Nature of decease	Death	Permanent Disablement	Temporary Disablement	Death	Permanent Disablement	Temporary Disablement
1	2	3	4	5	6	7	8	9	10	11	12	13

- i. Number of Adult workers paid compensation:
- ii. Number of Adolescent workers paid compensation:

(Signature and stamp of Employer)

Dated:

FORM-Q
[see rule 23(1)]

Application for Compensation by Worker

To

The Commissioner for Worker's Compensation
.....

Mr./Mrs. residing at
.....

Applicant

Versus

M/s residing at

Opposite Party

It is hereby submitted:-

- (1) That the applicant, a worker employed by (opposite party), or by (a contractor) with the opposite party, on the day of20..... received personal injury / injuries in an accident arising out of and in the course of his / her employment.
- (2) That cause of the injury was (here insert briefly the cause of the injury).
- (3) That the applicant sustained the following injuries:
.....
.....
.....
.....
- (4) That the monthly wages of the applicant amount to Rs
- (6) That the notice of the accident was served on the employer (opposite party) on (date) or will be served as soon as practicable, which was not served in due time by reason of (here enter reasons for failing to serve in time).
- (7) That the applicant is accordingly entitled to receive: -

- (a) half-monthly payments of Rs from the (date) to (date)
- (b) a lump sum payment of Rs

(8) That the applicant has taken the following steps to secure a settlement by agreement, namely (here enter briefly steps taken), but it has proved impossible to settle the question in dispute because (here enter briefly reasons for failure to reach agreement).

You are, accordingly requested to determine the following questions in dispute, namely:

- (a) *whether the injured person is a worker within the meaning of the Act;*
- (b) *whether the accident arose out of or in the course of the worker's employment;*
- (c) *whether the amount of compensation claimed or any part thereof is due;*
- (d) *whether the employer named aforesaid is liable to pay such compensation as is due.*

It is requested that the applicant may be awarded the compensation claimed or such compensation as he may be entitled to receive.

(Applicant)

Dated:

FORM-R
[see rule 23(1)]

Application for Commutation of Half-Monthly Payments as Compensation

To

The Commissioner for Worker's Compensation
.....

Mr./Mrs. residing at
.....

Applicant
(Worker or the Employer as the case may
be)

Versus

M/s residing at

Opposite Party
(Worker or the Employer as the case may be)

It is hereby submitted:

- (1) That the applicant, a worker has been in receipt of half-monthly payments from to in respect of temporary disablement by accident arising out of and in the course of his employment.
- (2) That the opposite party, the employer has been making half-monthly payments from to to the applicant, a worker in respect of temporary disablement by accident arising out of and in the course of his employment.
- (3) The applicant is desirous that the right to receive half-monthly payments should be redeemed.

- (4) (a) The opposite party is unwilling to agree to the redemption of the right to receive half-monthly payments; and
- (b) The parties have been unable to agree regarding the sum for which the right to receive half-monthly payments should be redeemed.

You are therefore requested to pass orders:-

- (a) directing that the right to receive half-monthly payments should be redeemed; and
- (b) fixing a sum for the redemption of the right to receive half-monthly payments.

(Applicant)

Dated:

FORM-S
[see rule 48]
Memorandum of Agreement
(Temporary Disablement)

It is hereby submitted that on the day of 20..... personal injury was caused to (worker) residing at by accident arising out of and in the course of his / her employment in (name of the establishment).

The said injury has resulted in temporary disablement to the said worker, whereby it is estimated that he will be prevented from earning more than of his previous / any wages for a period of months.

The said worker has been in receipt of half-monthly payments, which have continued from the day of 20..... until the day of 20..... amounting to Rs.in all. The said worker's monthly wages are estimated at Rs.....

It is further submitted that the employer of the said worker, has agreed to pay, and the said worker has agreed to accept, the sum of Rs in full settlement of all and every claim under the Khyber Pakhtunkhwa Workers' Compensation Act, 2013 in respect of all disablement of a temporary nature arising out of the said accident; whether now or hereafter to become manifest. It is, therefore, requested that this memorandum be duly recorded.

(Signature and Seal of the Employer)

Dated:

(Signature of the Worker)

Witness-I:

Witness-II:

(Note. – An application to register an agreement can be presented under the signature of one party; provided that the other party has agreed to the terms: But both signatures should be appended whenever possible.)

Receipt

(To be filled in when the money has actually been paid)

In accordance with the above agreement, I have this day received the sum of Rs

(Signature of the Worker)

Dated:

The money has been paid and this receipt signed in my presence.

Witness:

(Note: This form may be varied to suit special cases, e.g., injury by occupational disease, agreement when worker is under legal disability, etc.)

FORM-T

[see rule 48]

**Memorandum of Agreement
(Permanent Disablement)**

It is hereby submitted that on the day of 20..... personal injury was caused to (worker) residing at by accident arising out of and in the course of his / her employment in (name of the establishment). The said injury has resulted in permanent disablement to the said worker of the following nature, namely (brief description of injury).

The said worker's monthly wages are estimated at Rs..... The said worker has prior to the date of this agreement, received the following payments, namely:-

Rs on.....
Rs on.....
Rs on.....

It is, further submitted that the employer of the said worker has agreed to pay, and the said worker has agreed to accept, the sum of Rs..... in full settlement of all and every claim under the Khyber Pakhtunkhwa Workers' Compensation Act, 2013 in respect of the disablement stated above and all disablement now manifested.

It is, therefore, requested that this memorandum be duly recorded.

(Signature and Seal of the Employer)

Dated:

(Signature of the Worker)

Witness-I:

Witness-II:

(Note. – An application to register an agreement can be presented under the signature of one party; provided that the other party has agreed to the terms: But both signatures should be appended whenever possible.)

Receipt

(To be filled in when the money has actually been paid)

In accordance with the above agreement, I have this day received the sum of Rs
.....

(Signature of the Worker)

Dated:

The money has been paid and this receipt signed in my presence.

Witness:

(Note: This form may be varied to suit special cases, e.g., injury by occupational disease, agreement when worker is under legal disability, etc.)

FORM-U
[see rule 48]

Memorandum of Agreement
(Under Legal Disability)

It is hereby submitted that on the day of 20..... personal injury was caused to (worker) residing at by accident arising out of and in the course of his / her employment in (name of the establishment). The said injury has resulted in temporary disablement to the said worker, who is in receipt of wages amounting to Rs per month.

The said worker's monthly wages prior to the accident are estimated at Rs..... The worker is subject to a legal disability by reason of (brief description of disability).

It is, further submitted that the employer of the worker has agreed to pay and, the on behalf of the said worker has agreed to accept half-monthly payments at the rate of Rs for the period of the said temporary disablement. This agreement is subject to the conditions that the amount of the half-monthly payments may be varied in accordance with the provisions of the Khyber Pakhtunkhwa Workers' Compensation Act, 2013 on account of an alteration in the earnings of the said worker during disablement.

It is further stipulated that all rights of commutation under section 7 of the Act are unaffected by this agreement. It is, therefore, requested that this memorandum be duly recorded.

(Signature and Seal of the Employer)

Dated:

(Signature of the Worker)

Witness-I:

Witness-II:

(Note. – An application to register an agreement can be presented under the signature of one party; provided that the other party has agreed to the terms but both signatures should be appended whenever possible.)

Receipt

(To be filled in when the money has actually been paid)

In accordance with the above agreement, I have this day received the sum of Rs

.....

(Signature of the Worker)

Dated:

The money has been paid and this receipt signed in my presence.

Witness:

(Note: This form may be varied to suit special cases, e.g., injury by occupational disease, agreement when worker is under legal disability, etc.)

FORM-V

[see rule 49(1)]

Notice

Whereas an agreement to pay compensation is said to have been reached between (worker) and (employer).

And whereas has / have applied for registration of the agreement under section 34(1) of the Khyber Pakhtunkhwa Workers' Compensation Act, 2013 and, therefore, a notice is hereby given that the said agreement will be taken into consideration on(date) and that any objections to the registration of the said agreement should be made on that date. In the absence of valid objections, it is my intention to proceed to the registration of the agreement.

(Signature and Seal of Commissioner)

Dated:

FORM-W
[see rules 49(3) and 50(4)]

Notice

Take notice that registration of the agreement to pay compensation said to have been reached between you (worker or the employer as the case may be) and (worker or the employer as the case may be) on (date) has been refused for the following reasons, namely:

.....
.....
.....

(Signature and Seal of Commissioner)

Dated:

FORM-X
[see rule 50(2)]

Notice

Whereas an agreement to pay compensation is said to have been reached between (worker) and (employer).

And Whereas has / have applied for registration of the said agreement under section 34(1) of the Khyber Pakhtunkhwa Workers' Compensation Act, 2013.

And Whereas, it appears to me that the said agreement ought not to be registered for the following reasons, namely:

.....
.....
.....

And Whereas, an opportunity will be afforded to you of showing cause on (date), why the said agreement should be registered. If no adequate cause is shown on that date, registration of the agreement will be refused.

(Signature and Seal of Commissioner)

Dated:

FORM-Y
[see rule 50(2)]

Notice

Whereas, an agreement to pay compensation is said to have been reached has between (worker) and (employer).

And Whereas,has / have applied for registration of the agreement under section 34(1) of the Khyber Pakhtunkhwa Workers' Compensation Act, 2013.

And Whereas, it appears to me that the said agreement, ought not to be registered for the following reasons, namely:

.....
.....
.....

And Whereas, an opportunity will be afforded to the said of showing cause on (date), why the said agreement should be registered. Any representation which you have to make with regard to the said agreement should be made on that date. If adequate cause is then shown, the agreement may be registered.

(Signature and Seal of Commissioner)

Dated:

FORM-Z
[see rule (52)]

Register of Agreements

1. Name of the Commissioner:
2. Area / District:
3. Year:

Sr. No.	Date of Agreement	Date of Registration	Employer	Worker	Initials of Commissioner	Reference to orders ratifying the register
1	2	3	4	5	6	7

FORM-AA
[see rule 53(1)]

Application for Execution of Order / Direction

I, the claimant in whose favour, an order / 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 the order for recovery of the amount herein below set forth:

- (1) The number of claim.
- (2) Name of the parties.
- (3) Date of the order / 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) Amount of cost awarded, if any.
- (9) Against whom to be executed.
- (10) 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-BB
[see rule 53(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 compensation ordered / directed to be paid by you in consequence of an order / direction passed by the Commissioner appointed under section 25 of the Khyber Pakhtunkhwa Workers' Compensation Act, 2013 (Khyber Pakhtunkhwa Act No. XIX 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.....

Commissioner

Seal

FORM-CC
[see rule 53(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 on the day of 20....

Commissioner

Seal

FORM-DD
[see rule 53(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 on the day of 20....

Commissioner

Seal
