

THE BALOCHISTAN GAZETTE
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BALOCHISTAN PROVINCIAL ASSEMBLY SECRETARIAT.
ee eT SELB LARIAT.
NOTIFICATION. .

Dated Quetta, the 11th May, 1992.

No.PAB/LEGIS:IIIf(2)/91. The Balochistan Employees Special Allowance Bill, 1992 having been passed by the Provincial Assembly of Balochistan on 18th March, 1992 and assented to by the Governor of Balochistan, is hereby published as an Act of the- Provincial Assembly.

THE BALOCHISTAN EMPLOYEES SPECIAL
ALLOWANCE ACT, 1992.

° (BALOCHISTAN ACT NO.V OF 1992).
(First published after having received the assent of the Governor of Balochistan in the Balochistan Gazette (Extra Ordinary) dated the 11th May, 1992).

C

AN
ACT
to provide for payment of special allowance to employees
working in the Province of Balochistan.

Preamble. WHEREAS it is expedient to provide further monetary
relief to the employees working in the Province of Balochistan,

in the manner hereinafter appearing;

It is hereby enacted as follows :-

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Short title
extent and
commencement,

Definitions.

1 (1)

This Act may be called the Balochistan Employees

Special Allowance Act, 1992.

(2)

It extends to the whole Province of Balochistan

except the Tribal Areas.

(3)

It shall come into force at once and shall be deemed

to have taken effect on the 1st day of December, 1990.

2. {n

this Act, unless there is any thing repugnant in

the subject or context;

(a)

(b)

"employee" means any person employed, whether directly or through any other person, for wages, to do any skilled or unskilled, intellectual technical, clerical, manual or other work in, or in connection with the affairs of, an undertaking, under any contract of service or apprenticeship, whether written or oral, express or implied and include such a person when laid off, but does not include a person for whom a provisions has been, or may be made by the Provincial Government for grant of an allowance intended to provide relief due to a rise in the cost

of living.

"employer" in relation to an undertaking, means any person who employs, either directly or through any other person, whether on behalf of himself

or any other person, any employee, and includes:-

(i) a body of persons, whether incorporated or not;

(ii) a person who has ultimate control over the affairs of an undertaking, including, the owner of any undertaking are entrusted to any other person (whether called a managing agent,

director, manager, agent, superintendent,

secretary, representative of the owner or by any other name), such other person, or in any other case, any person responsible to the owner for supervision and control of an employee or for payment of his wages;

and

Gii) an heir, successor, administrator or assignee, as the case may be, of such person or association

of persons;

(c) "Special Allowance" means an amount payable under the

provisions of this Act;

(d) "Undertaking" means;

(i)

(ii)

(iii)

(iv)

(v)

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an establishment to which the West Pakistan Shops and Establishments Ordinance, 1969 (W.P Ordinance No.VIII of 1969), for the time being applies, and notwithstanding any thing contained in section 5 thereof, includes clubs, hostels and messes not maintained for profit or gain and _ establishment for the treatment or care of the sick, infirm, and

destitute or mentally unfit persons;

a construction industry to which the West Pakistan

Industrial and Commercial Employment (Standing

Orders) Ordinance, 1968 (W.P. Ordinance No.(V1) of 1968), for the time being applies;

a factory as defined in the Factories Act 1934 (XXV of 1934);

a mine as defined in the Mines Act, 1923 (IV of 1923);

a road transport service as defined in the Road

Special
Allowance.

Responsibility
for payment of
Special
Allowance.

(vi) a newspaper establishment as defined in the Newspaper Employees (Conditions of Service) Act, 1973 (LVIII of 1973); and

includes any class of establishments which the Provincial Government may, by notification in the official Gazette, declare

to be undertaking for the purposes of this Act;

(e) "Wages" means remuneration for services, payable in cash to an employee without taking account of deductions for any purpose, under a contract of service or apprenticeship, written, oral, express or implied, and includes any dearness allowance or other addition in respect of the cost of living payable or paid for the period preceding the first day of August, 1973, and any payment by the employer in respect of any period of authorised leave, but does not include :-

Gi) any payment for overtime, or

(ii) any sum paid to an employee to defray special expenses entailed by the nature of his employment; or ‘

(iii) any gratuity payable on discharge; or

(iv) any sum paid as bonus, house rent, conveyance

allowance, travelling allowance or any other allowance.

3. Every employee irrespective of his wages whether on time work or piece work basis be paid by the employer a

Special Allowance of Rs.200/- per month during the course of his employment on or after the first day of December, 1990.

4. Every employer shall be responsible for the payment of the Special Allowance required to be paid under this Act.

Time for
payment of
Special
Allowance.

Claims for
recovery or
delay in
payment of
Special
Allowance.

Special
Allowance to
form part of
wages.

5. The Special Allowance shall be paid alongwith wages in accordance with any custom, usage, practice or law applicable to the undertaking, on 1st day of January, 1991 and subsequently on first day of every month.

6. Where contrary to the provisions of this Act the Special Allowance of any employee has been withheld or delayed such worker himself or through any other person authorised by him in this behalf may apply :-

(a) in the case of an establishment to which the West Pakistan Shops and Establishments Ordinance 1969 (W.P. Ordinance No. VII of 1969), for the time being, applies, to the authority appointed under

sub-section (1) of section 12 thereof having jurisdiction

and the provisions of the said section and sections 11, 13, 21, 23, 30 and 32 of that Ordinance shall, so far as may be and with the necessary modifications, apply for the purposes of recovery of the Special

Allowance; and

(b) In the other case, to the authority appointed under

sub section (1) of section 15 of the Payment of Wages Act 1936, having jurisdiction and the provision of the said section and sections 6, 16, 17, 18, 19, 22, 23 and 26 of the said Act shall, so far as may be and with the necessary modifications, apply for the purposes of recovery of the Special allowance. | _

7. Notwithstanding anything contained in this Act or any other law for the time being in force, the Special Allowance Shall not form part of wages of worker for the purposes of

any other law, including the purposes of contribution to provident fund, gratuity, bonus, social security scheme and calculating wages for overtime work.

Penalty.

Cognizance of
offences.

Repeal.

8. Any employer who 'contravenes any provision of this Act shall be punishable with simple imprisonment for a term which may extend to six months, or with fine which may extend to two thousand rupees, or with both.

9. No Court shall take cognizance of any offence under this Act save on complaint made by an aggrieved employee" or by an officer or a registered trade union of which such employee is a 'member, or by any person authorised in this

behalf by the Provincial Government.

10. The Balochistan Employees Special Allowance Ordinance, 1991 (V of 1991), is hereby repealed.

MOHAMMAD HASAN SHAH
Secretary,
Provincial Assembly of Balochistan.