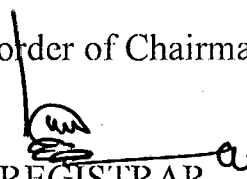


Form- A

## FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No.- 1541/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	26/10/2022	<p>The appeal of Mr. Pervaiz Akhtar presented today by Syed Noman Ali Bukhari Advocate. It is fixed for preliminary hearing before touring Single Bench at A.Abad on _____. Notices be issued to appellant and his counsel for the date fixed.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

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

Appeal No. 1541 /2022

Pervaiz Akhtar

VS

Govt: OF KP

**I N D E X**

S.No	Documents	Annex	P No.
1.	Memo of Appeal	-----	01-07
2.	Copy of tentative seniority list	-A-	08-11
3.	Copy of final seniority list	B	12-15
4.	Copy of departmental appeal	- C -	16-17
5.	Wakalat Nama	- - - - -	18

  
**APPELLANT**

Pervaiz Akhtar

THROUGH:

  
**(SYED NOMAN ALI BUKHARI)**  
ADVOCATES, PESHAWAR

①

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

Appeal No. 1541 /2022

Mr. Pervaiz Akhtar AETO BS-17  
Circle Officer, EPS Abbottabad.

**APPELLANT**

**VERSUS**

1. The Chief Secretary to Govt: KP, Civil Secretariat, Peshawar.
2. The Secretary to Govt: KP, Excise, Taxation & Narcotics Control Deptt: Peshawar, Khyber Pakhtunkhwa.
3. The DG Excise, Taxation & Narcotics Control Deptt: Peshawar, Khyber Pakhtunkhwa.
4. MR. Shakeel Ahmad-1, AETO (BPS-17), O/o ETO Charsadda.
5. Mr. Javed, AETO (BPS-17), O/o ETO Malakand.
6. Mr. Javed Ur Rehman, AETO (BPS-17), O/o ETO Bannu.
7. Mr. Amjad Zareen, AETO (BPS-17), O/o ETO Abottabad.
8. Mr. Waheed Ur Rehman, AETO (BPS-17), O/o ETO Haripur.
9. Mr. Javed Sultan, AETO (BPS-17), O/o DG NT & NC Peshawar.
10. Mr. Matloob Ur Rehman, AETO (BPS-17), O/o ETO-1 Peshawar.

.....**RESPONDENTS**

.....

**SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974 AGAINST THE IMPUGNED FINAL SENIORITY LIST OF AETO BS-17 DATED 16/06/2022 BEING ILLEGAL AND WRONG. WHEREIN THE APPELLANT WAS DROPPED FROM SENIORITY NO. 15 TO SENIORITY NO. 23, AND AGAINST NOT TAKING ACTION**

**ON THE DEPARTMENTAL APPEAL OF THE APPELLANT  
WITHIN THE STATUTORY PERIOD OF THE NINETY DAYS.**

.....

**PRAYER**

**ON THE ACCEPTANCE OF THIS APPEAL, THE APPELLANT  
MAY BE DECLARED SENIOR FROM RESPONDENT NO.4 TO  
10 AND THE RESPONDENTS MAY PLEASE BE DIRECTED TO  
CORRECT THE IMPUGNED FINAL SENIORITY LIST of AETO  
BS-17 DATED 16/06/2022 AND PLACE THE NAME OF  
APPELLANT AT PROPER POSITION IN SENIORITY LIST  
ACCORDING TO SENIORITY RULES. ANY OTHER REMEDY  
WITH THIS AUGUST TRIBUNAL DEEMS FIT AND PROPER  
MAY ALSO BE AWARDED THE FAVOR OF THE APPELLANT.**

.....

**RESPECTFULLY SHEWETH**

**FACTS**

1. That the appellant is law abiding citizen of Pakistan and have every legal right protect under Constitution of Islamic Republic of Pakistan.
2. That the appellant was promoted as Superintendent BPS-16 and latter on the post of Superintendent upgraded to BS-17 since that the appellant has been performing his duty up to the entire satisfaction of his superior and no complaint has ever been filed against him.
3. That the department amended rules in 2018 wherein the promotion channel was provided to appellant as superintendent BPS-17 to AETO BPS-17 in same scale. Which was also challenged by the appellant through service appeal. During pendency of that appeal the appellant was promoted to AETO BS-17 on 22/01/2021, which is accepted by the appellant under protest.
4. That thereafter the deptt: issued tentative seniority list, which was according to law and rules but now the deptt Issued the final Seniority of AETO BS-17 in June 2022 but not according to law, the junior official showing senior to the appellant, which is injustice with the appellant. The appellant being aggrieve filled departmental appeal but

(3)

after lapse of considerable time there is no outcome of the appeal /representation all went in vain. Hence, the appellant constrained to file this service appeal before this August Tribunal on the following grounds amongst others. **Copy of tentative seniority list and Final seniority list and appeal on final seniority list is attached as annexure-A, B & C.**

### GROUNDS

- A. That the impugned actions/inaction on the part of the respondents vide which the appellant has been deprived of due right is smacked with malafied, illegal wrong, unlawful against vested right of the petitioners, unauthorized and unconstitutional.
- B. That no notice was given before disturbing the seniority position of the appellant which is against the natural Justice.
- C. That not responding on Departmental appeal with in statutory period of 90 days and the impugned seniority list is against the law, illegal, unlawful, without and lawful authority, thus calling interference of this learned tribunal.
- D. That the private respondent were promoted on 22/12/2021 and the appellant was promoted on 22/01/2021 but despite that the private respondent shown seniors which is against the law and rules.
- E. That the appellant was promoted from BS-17 to BS17 , so the seniority must be reckoned from the date of regular promotion to the post of AETO BS-17.
- F. That the impugned seniority list is against the norms of service law and principles of natural justice and dictums of the apex courts.
- G. That the impugned seniority list is the worst example of favoritism, nepotism and colorful exercise of powers which is not warranted under law.
- H. That All person placed in similar circumstances must be treated alike and the reasonable classification must be based on reasonable ground in a particular set of circumstances but the same in any case must not offend the spirit of Article 25 of the constitution. Person equally placed must be treated alike in the matter of rights, privileges and liabilities under the rules of equal protection of law.

(4)

I. That In Dr. Munir Ahmad and 37 others Vs Govt of Pakistan Finance Division, Islamabad and 4 others (2007 PLC(CS) 285) the Honorable Supreme court of Pakistan held as:

“Concept of equal protection and equality before law is hallmark of the constitutional scheme recognized by not only the preamble, objective resolution, Article 4, 25 and 27 of the constitution but also the principle of policy contained in Article 37 of the constitution. Equal protection and equal treatment of citizen similarly placed is universally accepted and recognized principle which has been explained by many others in text books and judges in precedents, statutory function in a democratic setup cannot make any individual distinction for any extraneous reason in exercise of discretion must be free of arbitrariness and caprice.”

J. That according to Section-8 of the Civil Servant Act 1973 and section-17 of APT Rules 1989, it is the legal right of every civil servant to properly placed in seniority list according to his seniority position, but the same benefits was not extended to the appellant which is the violation of law and rules.


K. That the appellant was not treated according to the law and rules and has been deprived from his legal right of seniority in arbitrary manner without fault on his part.

L. That the appellant craves permission of this honorable tribunal to rely on other grounds at the time of arguments and produce any additional document if required in support of instant service appeal.

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

  
**APPELLANT**  
Pervaiz Akhtar

THROUGH:

  
**(SYED NOMAN ALI BUKHARI)**  
ADVOCATES, PESHAWAR

**CERTIFICATE:**

5

It is certified that no other service appeal earlier has been filed between the present parties in this Tribunal, except the present one.

*d*  
DEPONENT

**LIT OF BOOKS:**

1. Constitution of the Islamic Republic of Pakistan, 1973.
2. The ESTA CODE.
3. Any other case law as per need.

*Syed Noman Ali Bukhari*  
(SYED NOMAN ALI BUKHARI)  
ADVOCATE HIGH COURT

(6) (7)

**BEFORE THE KP SERVICE TRIBUNAL PESHAWAR**

APPEAL NO. \_\_\_\_\_/2022

Pervaiz Khan

V/S

Govt Of KP

**AFFIDAVIT**

I, Pervaiz Khan, (Appellant) do hereby affirm that the contents of this service appeal are true and correct, and nothing has been concealed from this honorable Tribunal.

  
DEPONENT



GOVERNMENT OF KHYBER PAKHTUNKHWA  
EXCISE, TAXATION & NARCOTICS CONTROL DEPARTMENT

NO. 50(Admn)/ET&NC/1-6/2021/8152/11  
Dated Peshawar, the December 28, 2021

To

The Director General,  
Excise, Taxation & Narcotics Control,  
Khyber Pakhtunkhwa Peshawar.

Subject:

**CIRCULATION OF TENTATIVE SENIORITY LISTS OF DIRECTORS (BPS-19), DEPUTY DIRECTOR (GIS) (BPS-18), EXCISE & TAXATION OFFICERS (BPS-18), ASSISTANT EXCISE & TAXATION OFFICERS (BPS-17), COMPUTER PROGRAMMER (BPS-17), NETWORK ENGINEER (BPS-17), WEB DEVELOPER (BPS-17) & SUPERINTENDENTS (BPS-17)**

Dear Sir,

I am directed to refer to the subject noted above and to enclose herewith upto-date tentative seniority lists of Directors (BPS-19), Deputy Director (GIS) (BPS-18), Excise & Taxation Officers (BPS-18), Assistant Excise & Taxation Officers (BPS-17), Computer Programmer (BPS-17), Network Engineer (BPS-17), Web Developer (BPS-17) and Superintendent (BPS-17) of Excise, Taxation & Narcotics Control Khyber Pakhtunkhwa for circulation amongst the officers concerned for information at the earliest.

2. The objections/reservations, if any (supported by documentary proof), may be intimated to this Department within thirty (30) days of the issuance of seniority lists positively. On expiry of the stipulated period, the seniority lists will be considered as final and notified accordingly. No subsequent objection from any corner will be entertained in this regard.

Yours faithfully,

  
(BARKAT KHAN)  
SECTION OFFICER (ADMN)

Encl: As Above.

Endet. No. & Date Even.

Copy is forwarded for information to the:-

1. Deputy Director (IT) Excise, Taxation & Narcotics Control Department with the request to upload the above tentative Seniority list on the website of this department (Copy enclosed).
2. P.S to Secretary, Excise & Taxation Department, Khyber Pakhtunkhwa, Peshawar for information.
3. P.S to Additional Secretary, Excise & Taxation Department, Khyber Pakhtunkhwa, Peshawar for information.
4. Master File.

  
SECTION OFFICER (ADMN)

29/12/21  
2021



9

**GOVERNMENT OF KHYBER PAKHTUNKHWA  
EXCISE, TAXATION & NARCOTICS CONTROL DEPARTMENT**

Dated Peshawar, the December 28, 2021

**NOTIFICATION**

**SO(Admn)ET&NC/1-6/2021.** In pursuance of Section-8 of Khyber Pakhtunkhwa Civil Servant Act, 1973 read with Rule 17 of Khyber Pakhtunkhwa of Civil Servants (Appointment, Promotion & Transfer) Rules 1989, the Tentative Seniority List of Assistant Excise & Taxation Officers (BS-17), Excise, Taxation & Narcotics Control, Khyber Pakhtunkhwa as stood on 23.12.2021, is hereby notified / circulated for general information of all concerned:

**TENTATIVE SENIORITY LIST OF ASSISTANT EXCISE & TAXATION OFFICERS (BS-17) EXCISE, TAXATION & NARCOTICS CONTROL, KHYBER PAKHTUNKHWA (AS STOOD ON 23.12.2021)**

S. No.	NAME OF OFFICER WITH ACADEMIC QUALIFICATION.	DATE OF BIRTH AND DOMICILE.	DATE OF 1 <sup>ST</sup> ENTRY INTO GOVT. SERVICE.	REGULAR APPOINTMENT/PROMOTION TO PRESENT POSTS			PRESENT POSTING	REMARKS
				Date	BPS	Method of recruitment		
1	2	3	4	5	6	7	8	9
1	Muhammad Salim	10-04-1963 Charsadda	12-04-1986	19.11.2014	17	By Promotion	ETO (OPS) Battagram	
2	Mr. Usman Shahzad	01-06-1976 Abbottabad	29-05-2002	19.11.2014	17	By Promotion	O/O ETO Haripur	
3	Mr. Shakeel Ahmad	19-06-1976 Malakand Agency	24-05-2002	19.11.2014	17	By Promotion	O/O ETO-I, Peshawar	
4	Mr. Shaukat Ali	16-04-1973 Abbottabad	29-05-2002	19.11.2014	17	By Promotion	ETO (OPS) Battagram	
5	Mr. Zahid Iqbal	25-09-1977 Peshawar	28-05-2005	19.11.2014	17	By Promotion	Incharge Warehouse with addition charge of Excise & Taxation Officer, Rehabilitation (OPS)	
6	Mr. Nizakat Ali	12-03-1964 Peshawar	11-06-1980	30.10.2017	17	By Promotion	O/O ETO-III, Peshawar	
7	Mr. Zia Uddin	13-02-1978 Swat	04-06-2005	30.10.2017	17	By Promotion	O/O ETO-V	
8	Mr. Gul Fishan	05-05-1975 Swat	18-07-2005	30.10.2017	17	By Promotion	O/O ETO Abbottabad	

10

NAME OF OFFICER WITH ACADEMIC QUALIFICATION.	DATE OF BIRTH AND DOMICILE.	DATE OF 1 <sup>ST</sup> ENTRY INTO GOVT. SERVICE.	REGULAR APPOINTMENT/PROMOTION TO PRESENT POSTS			PRESENT POSTING	REMARKS
			Date	BPS	Method of recruitment		
2	3	4	5	6	7	8	9
1. Muhammad Iqbal	10-04-1980 Mardan	02-06-2005	30.10.2017	17	By Promotion	O/O ETO-III Peshawar	
2. Muhammad Khalid	20.04.1968 Swabi	31.05.2005	01.01.2018	17	By Promotion	O/O ETO-II Peshawar	
3. Mr. Fahim Nawaz	20-06-1978 FR Bannu	14-07-2005	30.10.2017	17	By Promotion	O/O ETO D.I.Khan	
4. Mr. Fandiullah Khan	01-03-1980 D.I.Khan	04-02-2008	30.10.2017	17	By Promotion	O/O ETO D.I.Khan	
5. Syed Naveed Jamal	07-04-1977 Malakand	30-01-2008	30.10.2017	17	By Promotion	O/O ETO Kohat	
6. Mr. Mehboob Alam	01.07.1978 SW Agency	19.12.2007	23.02.2018	17	By Promotion	O/O ETO Mardan	
7. Mr. Pervez Akhtar	12.04.1967 Abbottabad	23.12.1989	22.01.2021	17	By Promotion	O/O ETO Mardan	
8. Mr. Wahid Khan	16.12.1973 Peshawar	12.04.1999	22.01.2021	17	By Promotion	O/O Director General, Circle Officer Peshwar & Mardan	
9. Mr. Shakeel Ahmad	21.01.1976	09.07.1986	22.12.2021	17	By Promotion		
10. Mr. Javed	03.02.1965	02.08.1986	22.12.2021	17	By Promotion		
11. Mr. Javed Ur Rehman	01.04.1974	28.05.2002	22.12.2021	17	By Promotion		
12. Mr. Amjad Zareen	02.04.1981	30.05.2005	22.12.2021	17	By Promotion		
13. Mr. Waheed Ur Rehman	09.06.1972	09.06.2005	22.12.2021	17	By Promotion		
14. Mr. Javid Sultan	01.07.1975	30.05.2005	22.12.2021	17	By Promotion		
15. Mr. Matloob Ur Rehman	15.04.1982	13.07.2005	22.12.2021	17	By Promotion		
16. Ms Saima Gul	28.03.184	02.09.2008	22.12.2021	17	By Promotion		
17. Mr. Akhtar Nawaz	17.11.1969	07.09.1991	22.12.2021	17	By Promotion		

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S. No.	NAME OF OFFICER WITH ACADEMIC QUALIFICATION.	DATE OF BIRTH AND DOMICILE.	DATE OF 1 <sup>ST</sup> ENTRY INTO GOVT. SERVICE.	REGULAR APPOINTMENT/PROMOTION TO PRESENT POSTS			PRESENT POSTING	REMARKS
				Date	BPS	Method of recruitment		
		3	4	5	6	7	8	9
1	Mr. [Name]	02.01.1962	13.09.1981	22.12.2021	17	By Promotion		
2	Mr. [Name]	10.01.1963	31.07.1986	22.12.2021	17	By Promotion		
3	Mr. [Name]	01.10.1964	30.09.1986	22.12.2021	17	By Promotion		
4	Mr. [Name]	06.01.1965	17.01.1988	22.12.2021	17	By Promotion		
5	Mr. [Name]	01.04.1979	07.05.2007	22.12.2021	17	By Promotion		
6	Mr. [Name]	18.02.1976	19.05.2007	22.12.2021	17	By Promotion		


SO(Admn)ET&NC/1-6/2021

Copy forwarded to the:-

1. Director General Excise, Taxation & Narcotics Control, Khyber Pakhtunkhwa.
2. All Directors Excise, Taxation & Narcotics Control, Khyber Pakhtunkhwa.
3. All Excise & Taxation Officers in Khyber Pakhtunkhwa.
4. PS to Secretary Excise, Taxation & Narcotics Control, Khyber Pakhtunkhwa.

SECRETARY

Dated Peshawar, the December 28, 2021

  
(BARKAT KHAN)  
SECTION OFFICER (Admn)



**GOVERNMENT OF KHYBER PAKHTUNKHWA  
EXCISE, TAXATION AND NARCOTICS CONTROL DEPARTMENT**

NO.50(Admin)/E & T/16/2022  
Dated Peshawar, the June 17, 2022

To

The Director General,  
Excise, Taxation & Narcotics Control,  
Khyber Pakhtunkhwa, Peshawar.


SUBJECT:-

**FINAL SENIORITY LISTS**

Dear Sir,

I am directed to refer to the subject noted above and to enclose herewith final Seniority lists of Directors (BPS-19), Excise & Taxation Officers (BPS-18), Assistant Excise & Taxation Officers (BPS-17) & Superintendents (BPS-17) of Excise, Taxation & Narcotics Control Department Khyber Pakhtunkhwa for the year 2021 as stood on 01.03.2022, for information of all concerned please.

Yours faithfully,

  
(BARKAT KHAN)  
SECTION OFFICER (ADMN)

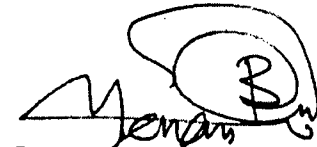
**Encl: (As Above)**

**Endst: No. & Date Even.**

Copy is forwarded for information to the: -

1. P.S to Secretary Excise, Taxation & Narcotics Control Department, Khyber Pakhtunkhwa, Peshawar.
2. P.S to Additional Secretary Excise, Taxation & Narcotics Control Department, Khyber Pakhtunkhwa, Peshawar.
3. Master File.

DIARY NO. 6016  
DATED 17/6/22  
DIRECTORATE GENERAL,  
EXCISE, TAXATION & NARCOTICS  
CONTROL, KHYBER PAKHTUNKHWA.

  
SECTION OFFICER (ADMN)



(13)

**GOVERNMENT OF KHYBER PAKHTUNKHWA  
EXCISE, TAXATION & NARCOTICS CONTROL DEPARTMENT**

**NOTIFICATION**

Dated Peshawar, the June 16<sup>th</sup>, 2022

**SO(Admn)ET&NC/1-6/2021/-** In pursuance of Section-8 of Khyber Pakhtunkhwa Civil Servant Act, 1973 read with Rule 17 of Khyber Pakhtunkhwa of Civil Servants (Appointment, Promotion & Transfer) Rules 1989, the Final Seniority List of Assistant Excise & Taxation Officers (BS-17), Excise, Taxation & Narcotics Control, Khyber Pakhtunkhwa as stood on 01.03.2022, is hereby notified / circulated for general information of all concerned:

**FINAL SENIORITY LIST OF ASSISTANT EXCISE & TAXATION OFFICERS (BS-17) EXCISE, TAXATION & NARCOTICS CONTROL, KHYBER PAKHTUNKHWA (AS STOOD ON 01.03.2022)**

S. No	NAME OF OFFICER WITH ACADEMIC QUALIFICATION.	DATE OF BIRTH AND DOMICILE.	DATE OF 1 <sup>ST</sup> ENTRY INTO GOVT. SERVICE.	DATE OF ENTRY INTO EXCISE AS INSPECTORS/SUPERINTENDENT	REGULAR APPOINTMENT/PROMOTION TO PRESENT POSTS			PRESENT POSTING	REMARKS
					Date	BPS	Method of recruitment		
1	2	3	4	5	6	7	8	9	10
1	Mr. Shakeel Ahmad-I	21.01.1967 Charsadda	19.07.1986	19.07.1986	22.12.2021	17	By promotion	O/O ETO, Charsadda.	
2	Mr. Nizakat Ali	12-03-1964 Peshawar	11-06-1980	19.02.1997	30.10.2017	17	By Promotion	O/O ETO-V, Peshawar	
3	Mr. Javed	03.02.1965 Swat	02.08.1986	15.09.2001	22.12.2021	17	By Promotion	O/O ETO Malakand	
4	Mr. Saeed Gul	01-09-1965 Peshawar	21-01-1985	12.02.2002	30.10.2017	17	By Promotion	ETO Nowshera (Acting charge base)	
5	Muhammad Salim	10-04-1963 Charsadda	12-04-1986	12.02.2002	19.11.2014	17	By Promotion	ETO (OPS) Battagram	
6	Mr. Shakeel Ahmad	19-06-1971 Malakand Agency	24-05-2002	24.05.2002	19.11.2014	17	By Promotion	O/O ETO-I, Peshawar	
7	Mr. Javed Ur Rehman	01.04.1974 Karak	28.05.2002	28.05.2002	22.12.2021	17	By Promotion	O/O ETO Bannu	
8	Mr. Shaukat Ali	16-04-1973 Abbottabad	29-05-2002	29.05.2002	19.11.2014	17	By Promotion	ETO (OPS) Battagram	

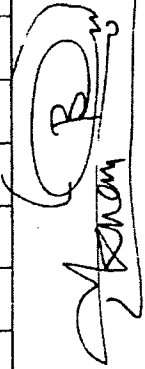
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Javed Ur Rehman

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9-	Mr. Usman Shahzad	01-06-1976 Abbottabad	29-05-2002	29.05.2002	19.11.2014	17	By Promotion	O/O ETO Abbottabad	-
10	Mr. Zahid Iqbal	25-09-1977 Peshawar	28-05-2005	28.05.2005	19.11.2014	17	By Promotion	Incharge Warehouse with addition charge of Excise & Taxation Officer, Rehabilitation (OPS)	-
11	Mr. Zia Uddin	13-02-1978 SWAT	04-06-2005	04.06.2005	30.10.2017	17	By Promotion	O/O ETO-III, Peshawar	-
12	Mr. Amjad Zareen	02.04.1981 Mansehra	30.05.2005	30.05.2005	22.12.2021	17	By Promotion	O/O ETO Abbottabad	-
13	Mr. Waheed Ur Rehman	09.06.1972 Mansehra	09.05.2005	09.06.2005	22.12.2021	17	By Promotion	O/O ETO Haripur	-
14	Mr. Gul Fishan	05-05-1975 Swat	18-07-2005	18.07.2005	30.10.2017	17	By Promotion	ETO(OPS) Bajaur	-
15	Muhammad Iqbal	10-04-1980 Mardan	02-06-2005	02.06.2005	30.10.2017	17	By Promotion	O/O ETO-V Peshawar	-
16	Muhammad Khalid	20.04.1968 Swabi	31.05.2005	31.05.2005	01.01.2018	17	By Promotion	ETO, Khyber (OPS)	-
17	Mr. Dawid Sultan	11.07.1975 Mingoo	05.05.2005	05.05.2005	22.12.2021	17	By Promotion	O/O DG ET&NC, Peshawar	-
18	Mr. Imtiaz Ur Rehman	15.04.1982 Swat	13.07.2005	13.07.2005	22.12.2021	17	By Promotion	O/O ETO-I, Peshawar	-
19	Mr. Fahim Nawaz	20-06-1978 FR Bannu	14-07-2005	14.07.2005	30.10.2017	17	By Promotion	O/O ETO D.I.Khan	-
20	Mr. Faridullah Khan	01-03-1980 D.I.Khan	04-02-2008	04.02.2008	30.10.2017	17	By Promotion	O/O ETO D.I.Khan	-
21	Syed Naveed Jamal	07-04-1977 Malakand	30-01-2008	30.01.2008	30.10.2017	17	By Promotion	O/O ETO Kohat	-
22	Mr. Mehboob Alam	01.07.1978 SW Agency mj	19.12.2007	19.12.2007	23.02.2018	17	By Promotion	ETO North Waziristan (OPS)	-
23	Mr. Pervez Akhtar	12.04.1967 Abbottabad	23.12.1989	06.08.2013	22.01.2021	17	By Promotion	O/O ETO Mardan	-
24	Mr. Waheed Khan	16.12.1973 Peshawar	12.04.1999	01.04.2019	22.01.2021	17	By Promotion	O/O Director General, Circle Officer Peshawar &	-



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							Mardan		
25	Ms Saima Gul	28.03.1984 Peshawar	02.09.2008	02.09.2008	22.12.2021	17	By Promotion	O/O ETO-II. Peshawar	-
26	Mr. Akhtar Nawaz	17.11.1969 Haripur	07.09.1991	11.02.2009	22.12.2021	17	By Promotion	O/O ETO Manshera	-
27	Mr. Zait ur Rehman	02.01.1962 Mardan	13.09.1981	11.02.2009	22.12.2021	17	By Promotion	O/O ETO Mardan	-
28	Mr. Arshad Javed	10.01.1963 Peshawar	31.07.1986	11.02.2009	22.12.2021	17	By Promotion	O/O DG ET&NC Peshawar	-
29	Mr. Amjad Ali	01.10.1964 Peshawar	30.09.1986	11.02.2009	22.12.2021	17	By Promotion	O/O ETO-I Peshawar	-
30	Mr. Yasin Khan	06.01.1965 Peshawar	17.01.1988	06.10.2006	22.12.2021	17	By Promotion	O/O ETO-II Peshawar	-
31	Mr. Arshad Zaman	01.04.1979 Peshawar	07.05.2007	11.02.2009	22.12.2021	17	By Promotion	O/O ETO-III Peshawar	-
32	Mr. Sajjad Ahmad	18.02.1976 Charsadda	19.05.2007	11.02.2009	22.12.2021	17	By Promotion	O/O ETO Charsadda	-
33	Mr. Majid Khan	23.03.1983 Mohmand	15.08.2007	11.02.2009	10.02.2022	17	By promotion	EIB Peshawar	

**SO(Admn)ET&NC/1-6/2021/4380-85**

Copy forwarded to the:-

1. Director General Excise, Taxation & Narcotics Control, Khyber Pakhtunkhwa.
2. All Directors Excise, Taxation & Narcotics Control, Khyber Pakhtunkhwa.
3. All Assistant Excise & Taxation Officers in Khyber Pakhtunkhwa.
4. PS to Secretary Excise, Taxation & Narcotics Control, Khyber Pakhtunkhwa.

**SECRETARY**

Dated Peshawar, the June 16, 2022

  
(BARKAT KHAN)  
SECTION OFFICER (Admn)



C 16



**OFFICE OF THE CIRCLE OFFICER, EXCISE POLICE STATION HAZARA  
REGION ABBOTTABAD  
PHONE NO: 0992-9310311.921311**

No. 413 / EPS / CO Hazara

Dated Abbottabad The 29 / 06 / 2022

To,

The Director General,  
Excise, Taxation & Narcotics Control,  
Khyber Pakhtunkhwa, Peshawar.

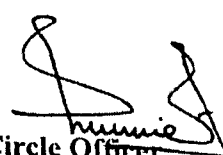
Through: **Proper Channel.**

Subject: **DEPARTMENTAL REPRESENTATION AGAINST THE FINAL SENIORITY  
LIST OF ASSISATNT EXCISE AND TAXATION OFFICER (BPS-17).**

Respected Sir,

I take honor to enclose the subject departmental appeal for your kind perusal and favorable consideration and onward transmission to quarter concerned, please.

PHAWA NO 386  
DATED 28/7/22  
DIRECTORATE GENERAL  
EXCISE, TAXATION & NARCOTICS  
CONTROL, KHYBER PAKHTUNKHWA

  
Circle Officer  
Excise Police Station 29/06/2022  
Hazara Region Abbottabad


72877/m

(18)

To The Worthy Secretary to Government of Khyber Pakhtunkhwa.  
Excise, Taxation and Narcotics Control Department, Peshawar.

Through Proper Channel

Subject: DEPARTMENTAL REPRESENTATION / APPEAL AGAINST THE  
FINAL SENIORITY LIST OF ASSISTANT EXCISE AND  
TAXATION OFFICERS BPS-17.

Dear Sir,

With all the due respects kind attention is invited to Section Officer (Admn) Excise, Taxation and Narcotics Control Department, letter No. SO(Admn)/E&T/1-6/2021/8153-56/W/E, dated, 28.12.2021 regarding issuance of tentative seniority lists of various service cadres including that of the Assistant Excise and Taxation Officers BPS-17 (Annex "A") and subsequently letter No. SO(Admn)/E&T/1-6/2022/4286-88/W/E; dated, 17.06.2022, regarding issuance of final seniority lists of various service cadres including that of the Assistant Excise and Taxation Officers BPS-17 (Annex "B").

It is submitted that seven (07) inspectors (BPS-16) having newly been promoted on 22.12.2021 as Assistant Excise and Taxation Officers BPS-17 have been granted seniority and reflected at S. # 1, 3, 7, 12, 13, 17 and 18 in the impugned seniority list which is irregular as under the provisio to Explanation-II of Rule 17 of the Khyber Pakhtunkhwa Civil Servants (APT Rules) 1989, it is laid down that a junior person shall not be deemed to have superseded a senior person if the case of the senior person is deferred for the time being for want of certain information or for incomplete record or for any other reason not attributing to his fault or demerit. (Copy attached Annex "C").

That according to section -8 of Civil Servant Act 1973 and section-17 of APT Rules, 1989, it is the legal right of every Civil Servant to properly placed in Seniority list according to his seniority position, but the same benefits was not extended to the appellat which is the violation of law and rules, according to APT Rules, 1989, the seniority must be counted from the date of appointment wherein the employee promoted from different cadre so there seniority must be counted from the appointment.


In this connection it is to be noted that all the above persons were not promoted in time just because they could not pass the departmental examination in the required time frame/standard. It was by reason purely attributing to their fault and demerit. As such they were not deferred rather superseded and the grant of seniority to them is not covered under the rules and ultravires, thereby causing me irreparable loss in terms of seniority. By that reason my seniority position in the impugned seniority list has been pushed downwards by seven locations and hence this departmental representation.

It is further submitted that the post of AETO is in basic pay scale 17 and under the Excise and Taxation Service Rules, 2018 a superintendent of BPS-17 is promoted (encadred) as AETO BPS-17 in the same scale. I was declared a superintendent BPS-17 with all back benefits w.c.f. 06.08.2013 and subsequently promoted as AETO BPS-17 on 22.01.2021. Therefore, technically I have been in BPS-17 since 06.08.2013. Whereas, all the said inspectors (now AETOs) remained in BPS-16 till their promotion on 22.12.2021. As such the grant of seniority to them over me is not only unfair but against the spirit of the rules.

In view of the above it is requested that the grant of seniority to all the above seven (07) officers having been irregular may be withdrawn and reflected at the bottom of the seniority list of AETOs in accordance with the date of their regular promotion.

Thanking you in anticipation.

Dated 29.06.2022.

  
(PERVEZ AKHTAR) 29/06/2022  
Assistant Excise & Taxation Officer  
Circle Officer, EPS Abbottabad

**VAKALATNAMA**

NO. \_\_\_\_\_ /20

IN THE COURT OF MP Service Tribunal, Peshawar.

Perwaiz Akhtar

Appellant  
Petitioner  
Plaintiff


VERSUS

Excise Deptt.


Respondent (s)  
Defendants (s)

I/WE Perwaiz Akhtar (Appellant)  
do hereby appoint and constitute the **SYED NOMAN ALI BUKHARI Advocate High Court** for the aforesaid Appellant(s), Petitioner(S), Plaintiff(s) / Respondent(s), Defendant(s), Opposite Party to commence and prosecute / to appear and defend this action / appeal / petition / reference on my / our behalf and all proceedings that may be taken in respect of any application connected with the same including proceeding in taxation and application for review, to draw and deposit money, to file and take documents, to accept the process of the court, to appoint and instruct council, to represent the aforesaid Appellant, Petitioner(S), Plaintiff(s) / Respondent(s), Defendant(s), Opposite Party agree(s) ratify all the acts done by the aforesaid.

DATE \_\_\_\_\_ /20

  
(CLIENT)

ACCEPTED

  
**SYED NOMAN ALI BUKHARI**  
ADVOCATE HIGH COURT  
BC-15-5643