

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No.816/2016

Date of Institution ... 01.08.2016
Date of Decision ... 24.11.2022

Akhtar Ali S/o Muhammad Sadiq (Ex-Constable, Excise & Taxation
Police, Peshawar), R/o Nelavay, Tehsil & District Peshawar.

... (Appellant)

VERSUS

The Government of Khyber Pakhtunkhwa through Secretary, Excise,
Taxation & Narcotics Control Khyber Pakhtunkhwa, Peshawar and
eight others.

... (Respondents)

Muhammad Jamil,
Advocate

... For appellant.

Muhammad Riaz Khan Paindakhel,
Assistant Advocate General

... For respondents.

Mrs. Rozina Rehman
Miss Fareeha Paul

... Member (J)
... Member (E)

JUDGMENT

ROZINA REHMAN, MEMBER (J): The appellant has invoked the
jurisdiction of this Tribunal through above titled appeal with the
prayer as copied below:

**"That on acceptance of this appeal, the impugned
order dated 02.05.2016 of respondents No. 2 may kindly
be set aside and the appellant may kindly be reinstated in
service with all back benefits."**



2. Brief facts of the case are that appellant was appointed as constable in Excise, Taxation & Narcotics Control Khyber Pakhtunkhwa, Peshawar on 28.02.2012. It was on 17.12.2015 when the appellant was implicated in a case allegedly on the instigation of his opponents. He was issued charge sheet alongwith statement of allegations but the same was not served upon the appellant in time and he submitted reply to the show cause notice whereby he denied all the allegations and vide order dated 02.05.2016 he was dismissed from service. Being aggrieved from the said order, he preferred departmental appeal which was not responded to, hence the present service appeal.


3. We have heard Muhammad Jamil, Advocate learned counsel for the appellant and Muhammad Riaz Khan Paindakhel, learned Assistant Advocate General for respondents and have gone through the record and the proceedings of the case in minute particulars.

4. Muhammad Jamil Advocate, learned counsel for the appellant argued that the impugned order was illegal, against the law and facts hence not maintainable in the eyes of law as the mandatory provision of law and rules were badly violated. He submitted that no proper inquiry was conducted in order to unearth the hidden facts and that the appellant was not treated according to law. It was further submitted that neither the show cause notice nor copy of the inquiry report was properly communicated to the appellant and that he was punished without any fault on his part. He, therefore, requested for acceptance of instant service appeal.



5. Conversely, learned AAG submitted that the appellant was involved in illegal use of transportation of a Toyota Corolla motor car model 2002 by displaying a fake government number Plate A-9492, therefore, he was implicated in Form A as the appellant was caught red handed in the smuggling of a Non Custom Paid Vehicle. He contended that one Salah Uddin, Director Revenue, Excise & Taxation Khyber Pakhtunkhwa was nominated as Inquiry Officer, who revealed that appellant was involved in illegal use of transportation of vehicle. Proper show cause notice was issued and it was sent at his home address which was replied by the appellant and that after completion of all codal formalities he was punished according to law.

6. From the record it is evident that the appellant was appointed as constable on 28.02.2012 in Excise, Taxation & Narcotics Control Khyber Pakhtunkhwa, Peshawar. It was on 17.12.2015 when the present appellant was charged for displaying fake government number plate No. A-9492 Peshawar on a Toyota Corolla 2002 and was ceased by mobile squad Charsadda headed by Dost Muhammad, Inspector. The vehicle was ceased on 17.12.2015 and the grounds of seizure were that:

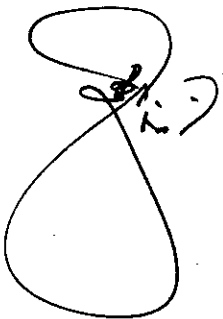
- 
- (a) He was not in possession of authority letter of the vehicle.
 - (b) No registration certificate was produced on the spot.
 - (c) The vehicle seemed to be non-custom paid.

7. Accordingly Form A was prepared and departmental proceedings were initiated against appellant. Before issuance of show cause notice, a fact finding inquiry was conducted by Director

Excise, Taxation & Narcotics Control. The Inquiry Officer examined one Dost Muhammad Excise & Taxation Officer Charsadda alongwith record and in view of his statement, he recommended departmental action under Efficiency & Discipline Rules 2011, against appellant. On the third day i.e 03.03.2016, show cause notice was issued to the appellant which was replied by him and vide order dated 02.05.2016, he was dismissed from service. No charge sheet alongwith statement of allegations was ever issued and served upon the appellant. No regular inquiry was conducted and the appellant was not afforded any opportunity of cross examining the witnesses. "Form A" is available on file which shows that signature of one Dost Muhammad Inspector was obtained whereas the signature of the person from whom the vehicle was taken over was left blank rather "Nil" was written therein.


8. The respondents have very blatantly violated the set norms and rules and conducted the proceedings in an authoritarian manner. We have observed that the inquiry conducted by the respondents is not in accordance with law/rules. It is, however, a well-settled legal proposition duly supported by numerous judgments of Apex Court that for imposition of major penalty, regular inquiry is a must.


9. In view of the above circumstance, facts and discussion made herein above the instant service appeal is partially accepted. Appellant is reinstated into service and case is remitted back to the Department for proper/formal inquiry within 60 days of the receipt of this judgment. Needless to mention that the appellant shall be



provided proper opportunity of defense during the inquiry proceedings. The issue of back benefits shall be subject to the outcome of the inquiry. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED.
24.11.2022


(Fareeha Paul)
Member (E)


(Rozina Rehman)
Member (J)

ORDER

24.11.2022


Appellant present through counsel.

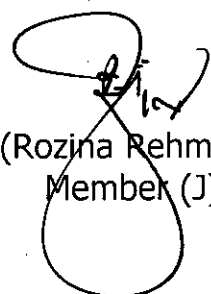
Naseer Ud Din Shah learned Assistant Advocate General alongwith Aftab Hussain Legal Advisor for respondents present. Arguments heard. Record perused.

Vide our detailed judgment of today of this Tribunal place on file, instant service appeal is partially accepted. Appellant is reinstated into service and case is remitted back to the Department for proper/formal inquiry within 60 days of the receipt of this judgment. Needless to mention that the appellant shall be provided proper opportunity of defense during the inquiry proceedings. The issue of back benefits shall be subject to the outcome of the inquiry. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED.

24.11.2022


(Fareeha Paul)
Member (E)


(Rozina Rehman)
Member (J)

(27)

(REGISTERED POST)

SHOW CAUSE NOTICE

Under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011, you, Mr. Akhtar Ali Khan, Excise and Taxation Constable, Office of the Excise and Taxation Officer-III, Peshawar (Presently under suspension) are hereby served as follows:

2. That you, while posted as Constable by misusing your official position, was found involved in illegal use and transportation of a Toyota Corolla Motor Car Model 2002 chassis No. NZE-121-3140476.


3. Accordingly, I am satisfied that you have committed the following acts/omission specified in Rule 3 of the said rules:

(a) Guilty of misconduct;

4. As a result thereof, I, as the Competent Authority, have tentatively decided to initiate departmental proceedings for imposition major penalty of dismissal from service under the penal provisions of the ibid rules.

5. You are, therefore, required to show cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.

6. If no reply to this notice is received within seven (07) days or not more than fifteen (15) days of its delivery, it shall be presumed that you have no defense to put in and in that case an ex-parte action shall be taken against you.


DIRECTOR GENERAL,
EXCISE, TAXATION & NARCOTICS CONTROL,
KHYBER PAKHTUNKHWA, PESHAWAR.


Endst: No. 4154-57 /Estb/P.File

Dated Peshawar the

03/03/2016.

A copy of the above is forwarded for information to:-

1. Deputy Director Excise and Taxation, Peshawar Region.
2. Excise and Taxation Officer-III, Peshawar.
- ✓ 3. Mr. Akhtar Ali Khan s/o Sadeeq Khan r/o Village Nelawai, Tehsil & District, Peshawar
4. Personal File.


DIRECTOR GENERAL,
EXCISE, TAXATION & NARCOTICS CONTROL,
KHYBER PAKHTUNKHWA, PESHAWAR.

A. No. 816/16
AKhtar A.R.

31th May, 2022

Appellant in person present. Kabirullah Khattak,
Addl: AG for respondents present.

Appellant submitted an application for adjournment wherein he stated that his counsel is indisposed and could not appear before the Tribunal today. Application is placed on file. To come up for arguments on 20.06.2022 before the D.B.



(Mian Muhammad)
Member(E)



(Kalim Arshad Khan)
Chairman

20.06.2022

Clerk of learned counsel for the appellant present. Mr. Gohar Rehman Khattak, Advocate for official respondents present.

Clerk of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is busy in the august Peshawar High Court, Peshawar. Adjourned. To come up for arguments on 09.09.2022 before the D.B.



(Mian Muhammad)
Member (E)



(Salah-ud-Din)
Member (J)

9-9-22

*Proper DB not available the case is
adjourned to 24-11-22*


Rehman

25.06.2021

Appellant present through counsel.

Muhammad Adeel Butt learned Additional Advocate General for respondents present.

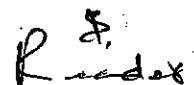
Learned A.A.G pointed out that Excise Department wants to make representation through their Legal Advisor and seeks adjournment. Request for adjournment is accorded but as far as reason for adjournment is concerned, the learned A.A.G will convince us on the next date as to right to audience of the Legal Advisor before us. To come up on 30.09.2021 for hearing before D.B.


(Rozina Rehman)
Member(J)


Chairman

30-9-21


DB is on Tour case to come up
For the same on dated - 2-2-22

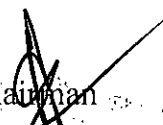

R. S. Rind

02.02.2022

Junior to counsel for the appellant present. Mr. Noor Zaman Khattak, District Attorney, for respondents present.

Junior to counsel for the appellant requested for adjournment as he has not prepared the brief. Adjourned. To come up for arguments on ^{31/05}2022 before the D.B.


(Atiq-Ur-Rehman Wazir)
Member (E)


Chairman

31th May, 2022.

1. Non-present for the appellant. Mr. Kabirullah Khattak, Addl. AG for the respondents present.

2. Called several times till last hours of the court but nobody turned up on behalf of the appellants. In view of the above, the appeal is dismissed in default. Cons. gn.

3. From appeal in open court. Peshawar and given under our hands and seal of the Tribunal this 31th day of May, 2022.

(Fiaz Mugham) (2)
Member (2)

(Khalim Ashraf) (22)
Chairman

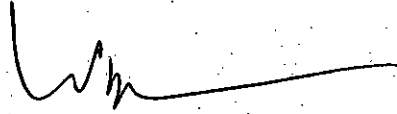
816/16

31.03.2021

Appellant in person present.

Mr. Muhammad Riaz Khan Painsdakhel, Asstt. A.G for respondents present.

Due to general strike on the call of Khyber Pakhtunkhwa Bar Council, case is adjourned to 25.06.2021 for arguments before the D.B.



(Atiqur Rehman Wazir)
Member(E)



(Rozina Rehman)
Member(J)

24.02.2020

Appellant present. Mr. Kabir Ullah Khattak learned Additional Advocate General present. Legal Advisor of the respondents present. Adjournment requested. Adjourn. To come up for arguments on 13.03.2020 before D.B.


Member


Member

13.03.2020

Appellant in person present. Mr. Zia Ullah learned Deputy District Attorney present. Appellant seeks adjournment as his counsel is not available. Adjourn. To come up for arguments on 30.04.2020 before D.B.


Member


Member

30.04.2020

Due to public holidays on account of Covid-19, the case is adjourned. To come up for the same on 06.08.2020 before D.B.


Reader

06.08.2020

Due to summer vacation case to come up for the same on 26.10.2020 before D.B.


Reader

03.10.2019

Learned counsel for the appellant and Mr. Kabir Ullah Khattak learned Additional Advocate General present. Learned counsel for the appellant seeks adjournment. Adjourned by way of last chance. To come up for arguments on 12.11.2019 before D.B.


Member


Member

12.11.2019

Appellant absent. Learned counsel for the appellant absent. Mr. Kabir Ullah Khattak learned Additional Advocate General alongwith Mr. Zakiullah Senior Auditor for the respondent present. Legal Advisor for the official respondents present. Adjourn. To come up for arguments on 14.01.2020 before D.B. Appellant be put to notice for the date fixed.


Member


Member

14.01.2020

Appellant in person present and submitted wakalat nama in favor of Mehboob Ali Khan Advocate. Due to general strike of the Bar on the call of Khyber Pakhtunkhwa Bar Council, the case is adjourned. To come up for arguments on 24.02.2020 before D.B.



Member



Member

26.04.2019

Clerk to counsel for the appellant and Adll: AG for the respondents present.

Due to general strike on the call of Bar Association instant matter is adjourned to 20.05.2019 before D.B.


(Ahmad Hassan)
Member


(M. Amin Khan Kundi)
Member

17.06.2019

Naila jan Advocate appeared and submitted Wakalat Nama in favor of appellant. Mr. Kabirullah Khattak learned Additional Advocate General for the respondents present. Being freshly engaged, learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 06.08.2019 before D.B.


Member


Member

06.08.2019

Miss. Huma Khan, Advocate on behalf of Miss. Naila Jan, Advocate, counsel for the appellant, and Mr. Muhammad Jan learned Deputy District Attorney alongwith Mr. Noman Akhtar, Inspector for the respondents present.

Former requests for adjournment as learned senior counsel for the appellant is indisposed today.

Adjourned to 03.10.2019 before D.B.


Member


Chairman

11.12.2018

Appellant in person present. Mr. Ziaullah, DDA for respondents present. Appellant seeks adjournment as his counsel is not available today. Adjourned. To come up for arguments on 31.01.2019 before D.B.


Member


Member

31.01.2019

Father of the appellant on behalf of appellant and Mr. Kabir Ullah Khattak learned Additional Advocate General present. Father of the appellant requested for adjournment as learned counsel for the appellant is not in attendance. Adjourn. To come up for arguments on 07.03.2019 before D.B.


Member


Member

07.03.2019

Khizar Hayat Advocate appeared and submitted wakalat name in favor of appellant. Mr. Kabir Ullah Khattak learned Additional Advocate General for the respondents present. Being freshly engaged, learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 26.04.2019 before D.B

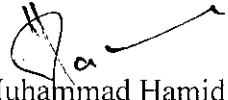

Member


Member

18.07.2018

None for the appellant present. Mr. Sardar Shoukat Hayat,
Addl. AG for respondents present. Adjourned. To come up for
arguments on 12.09.2018 before D.B.


(Ahmad Hassan)
Member


(Muhammad Hamid Mughal)
Member

12.09.2018

Since 12 September 2018 has been declared as public
holiday on account of Muharam Ul haram. Therefore, the
case is adjourned. Adjourned. To come up for the same on

29-10-18


Reader

29.10.2018

Due to retirement of Hon'ble Chairman, the
Tribunal is defunct. Therefore, the case is adjourned.
To come up on 11.12.2018.


Reader

08.01.2018

Learned counsel for the appellant present. Assitant AG for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come for arguments on 07.03.2018 before D.B



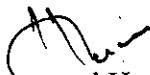
Ahmad Hassan
Member(E)



Muhammad Hamid Mughal
Member(J)

07.03.2018

None present on behalf of the appellant. Mr. Ziaullah, Deputy District Attorney for the respondents present. Due to non-availability of appellant and his counsel, case is adjourned for arguments to 04.05.2018 before the D.B.



(Muhammad Hamid Mughal)
Member



(Muhammad Amin Khan Kundi)
Member

04.05.2018

Due to retirement of the worthy Chairman, the Tribunal is incomplete, therefore the case is adjourned. To come up for same on 18.07.2018 before D.B



Recorder

01.02.2017

Counsel for the appellant and Arshad Javed, Inspector alongwith Asstt. AG for the respondents present. Written reply by respondents No. 1, 2, 3, 7, 8 and 9 submitted. Counsel for the appellant submitted application for deletion of other respondents from the panel of respondents. The appeal is assigned to D.B for rejoiner and final hearing for 27.03.2017.


Chairman

27.03.2017

Appellant in person and Assistant AG for respondents present. Rejoinder submitted. Learned counsel for appellant is stated busy before the august Supreme Court of Pakistan. Adjourned for final hearing to 18.07.2017 before D.B.


Member


Chairman

18.07.2017

None present on behalf of the appellant. Mr. Kabirullah Khattak, Assistant AG for the respondents present. Notice be issued to appellant and his counsel for attendance for 17.11.2017 before D.B.


(Gul Zeb Khan)
Member


(Muhammad Amin Khan Kundi)
Member

17.11.2017

Counsel for the appellant and Mr. Muhammad Jan, Deputy District Attorney for the respondents present. Counsel for the appellant seeks adjournment. To come up for arguments on 8-1-2018 before the D.B.


Member


Chairman



816/2016

21.11.2016

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant was appointed as Constable in the Excise & Taxation Department on 28.02.2012. He further stated that the appellant was dismissed from service vide impugned order dated 02.05.2016 on the allegations of Smuggling of non-custom paid Vehicles which was allegedly seized from his possession on 17.12.2015. He further argued that the appellant agitated the case for reinstatement before the departmental authority on 10.05.2016 which was not responded within the statutory period and hence the instant service appeal was lodged in the Tribunal on 01.08.2016. The learned counsel argued that the appellant was involved in the case on malafidely as the requisite Form-A was not got signed from the appellant nor was his CNIC number entered therein adding further that on the relevant date and time he was on duty in the office of Minister Excise & Taxation and in that regard he also referred to a letter issued on 28.01.2016 by P.S to Minister Excise & Taxation. He further argued that the appellant was not fully associated with the inquiry proceedings and was not given opportunity of defence, the impugned order was therefore not maintainable under the law. He requested that the appeal may be admitted for regular hearing.

Points urged needs consideration. The appeal is admitted for regular hearing subject to legal objections at the later stage and deposit of security and process fee within 10 days where-after notices be issued to the respondents for written reply/comments for 27.12.2017 before S.B.



(ABDUL LATIF)
MEMBER

27.12.2016

Appellant in person and Assistant AG for respondents present. Security and process fee not deposited. Appellant is directed to deposit security and process fee within seven (7) days, thereafter notices be issued to the respondents for written reply/comments on 01.02.2017 before S.B.

Appellant Deposited
Security & Process Fee



Chairman

29.08.2016

Appellant present in person. Seeks adjournment as counsel for the appellant is stated busy in the august. Supreme Court of Pakistan. Adjourned for preliminary hearing to 26.09.2016 before S.B.


Chairman

26.09.2016

None for the appellant present. Notices be issued to the appellant and his counsel. To come up for preliminary hearing on 18.10.2016 before S.B


Member

18.10.2016

Mr. Saeed, Junior to counsel for the appellant present. Junior to counsel for the appellant stated that senior counsel is busy before the Hon'ble Peshawar High Court and requested for adjournment. Request accepted. To come up for preliminary hearing on 02.11.2016 before S.B.


(ABDUL LATIF)
MEMBER

02.11.2016


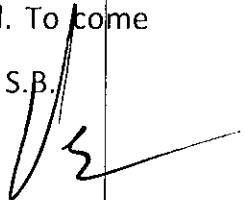
Appellant in person present and submitted that his counsel is busy in Peshawar High Court adjournment granted. To come up for preliminary hearing with the directions to appellant to produce his counsel positively on the next date for 21.11.2016 before S.B.


Member

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 816/2016


| S.No. | Date of order proceedings | Order or other proceedings with signature of judge or Magistrate |
|-------|---------------------------|---|
| 1 | 2 | 3 |
| 1 | 11/08/2016 | <p>The appeal of Mr. Akhtar Ali resubmitted today by Mr. Muhammad Jameel Warsak Advocate may be entered in the Institution Register and put up to Learned Member for proper order please.</p> <p style="text-align: right;">REGISTRAR</p> |
| 2 | 15.08.2016 | <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on. <u>17-08-2016</u></p> <p style="text-align: right;"> MEMBER</p> |
| | 17.08.2016 | <p>Appellant in person present. Appellant requested for adjournment. Request accepted. To come up for preliminary hearing on 29.8.2016 before S.B.</p> <p style="text-align: right;"> Member</p> |

The appeal of Mr. Akhtar Ali son of Muhammad Sadiq Ex-Constable E&T Police, Peshawar received to-day i.e. on 01.08.2016 is incomplete on the following score which is returned to the counsel for the appellatant for completion and resubmission within 15 days.

- 1- Memorandum of the appeal may be got signed by the appellatant. *
- 2- Address of respondent No. 9 is incomplete which may be completed.
- 3- Copy of appointment order mentioned in para-1 of the memo of appeal (Annexure-A) is not attached with the appeal which may be placed on it.
- 4- Annexures of the appeal may be attested.
- 5- Annexures of the appeal may be flagged.
- 6- Departmental appeal having no date be dated.
- 7- Annexures of the appeal may be annexed serial wise as mentioned in the memo of appeal.
- 8- Six more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.


No. 1229/S.T,

Dt. 2-8/2016


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Muhammad Jameel Wrsak Adv. Pesh.

Dear Sir,
*The need full done and resubmitted
Please be intant care may put up
before the tribunal.*

Adv

11-8-16

BEFORE THE HONOURABLE
SERVICES TRIBUNAL, KPK PESHAWAR

Service Appeal No. 816 /2016

Akhtar Ali

(Appellant)

V E R S U S

Govt. of Khyber Pakhtunkhwa through Secretary Excise & Taxation &
Narcotics Control, KPK Peshawar and others

(Respondents)

INDEX

| S. No. | Documents | Annexure | Page No. |
|--------|---|----------|----------|
| 1 | Service Appeal | | 1-6 |
| 2 | Affidavit | | 7 |
| 3 | Addresses of Parties | | 8 |
| 4 | Copy of Copy of appointment Order | A | 9 |
| 5 | Copy of Form A | B | 10 |
| 6 | Copy of show cause notice and reply | C-D | 11-12 |
| 7 | Copy of dismissal order dt 02.05.2016 | E | 13 |
| 8 | Copy of departmental appeal and other documents | F-G | 14-17 |
| 9 | Wakalat Nama | | 18 |

Appellant :- *AKHTAR ALI*

Through

Muhammad Jamil Warsak
Saeed Muhammad
Advocates, High Court,
Peshawar

Dated: 30.07.2016

①

BEFORE THE HONOURABLE
SERVICES TRIBUNAL, KPK PESHAWAR

Service Appeal No. 816 /2016

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 781

Dated 01-8-2016

Akhtar Ali S/o Muhammad Sadiq
(Ex-Constable, Excise & Taxation Police, Peshawar)
R/o Nelavay, Teshil & District Peshawar

(Appellant)

V E R S U S

- ✓ 1) Govt. of Khyber Pakhtunkhwa through Secretary Excise & Taxation & Narcotics Control, KPK Peshawar
- ✓ 2) Director General, Excise & Taxation & Narcotics Control, KPK Peshawar
- ✓ 3) Director Revenue / Inquiry Officer, Excise & Taxation & Narcotics Control, KPK Peshawar
- ④) The Minister, Excise & Taxation, Khyber Pakhtunkhwa, Peshawar
- ⑤) Accountant General, Khyber Pakhtunkhwa Fort Road, Peshawar
- ⑥) District Accounts Officer, Peshawar
- ✓ 7) Deputy Director, Excise & Taxation, Peshawar Region
- ✓ 8) Excise & Taxation Officer-III, Peshawar
- ✓ 9) Dost Muhammad Khan (Inspector / Seizing Officer), District Charsadda. R/o Bughdad Distt & Teshil Mardan.

Filed to-day

Registrar

01/08/16

Re-submitted to -day
and filed.

(Respondents)

Registrar

Appeal U/s 4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974, against the order dated 02.05.2016 passed by respondent No. 1 whereby the appellant was dismissed from service and not taking action on departmental appeal of the appellant which is still pending with respondent No. 1.

Prayer:

On acceptance of this appeal, the impugned order dated 02.05.2016 of respondent No. 2 may kindly be set aside and the appellant may kindly be re-instated in service with all back benefits.

Respectfully Sheweth,

Brief facts of the instant appeal are as under:

- 1) That on 28.02.2012 the appellant was appointed as Constable in Excise & Taxation Narcotics Control, Khyber Pakhtunkhwa Peshawar. (Copy of appointment order is attached as Annexure A)
- 2) That from the 1st day of the appellant's appointment, the appellant has performed his duty with full devotion, dedication and upto the entire satisfaction of his superiors, hence the appellant has maintained unblemished service record and also possess very good reputation among his colleagues.

3

- 3) That on 17.12.2015 the respondent No. 9 malafidely and on the instigation of opponents of the appellant, register a false and concocted Form A against the appellant. (Copy of Form A is attached as Annexure B)
- 4) That on 01.01.2016 appellant was issued charge sheet and statement of allegation containing baseless and frivolous allegation, which were not served upon the appellant in time.
- 5) That on 05.03.2016 the appellant submit his written reply of show cause notice to the respondent No. 2 whereby the appellant denied all the allegations and the respondent No. 2 / inquiry officer without following the codal formalities and without extending proper opportunity of defense, concluded the inquiry in slipshod manner. It is worth mentioning here that inspite of repeated requests of the appellant the inquiry report was not handed over to the appellant till today. (Copy of show cause notice and reply are attached as Annexure C & D respectively)
- 6) That on the basis of above noted illegal inquiry the respondent No.2 passed the impugned order dated 02.05.2016 wherein the appellant was dismissed from his services. (Copy of dismissal order dated 02.05.2016 is attached as Annexure E)
- 7) That being aggrieved from the above said order, the appellant preferred / submitted departmental appeal before the respondent No. 1, but till today it has not been decided. (Copy of departmental appeal and other documents are attached as Annexure F and G respectively)

- 8) That feeling aggrieved from the above said impugned order and the appellant have no other efficacious alternate remedy, hence filing this appeal before this honourable tribunal inter alia on the following grounds.

GROUND

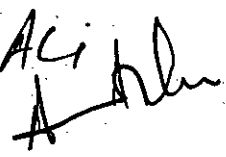
- a) That the impugned order is illegal and void-ab-initio, hence not maintainable in the eyes of law.
- b) That mandatory provision of law and rules have badly been violated by the respondents and the appellant has not been treated according to law.
- c) That the appellant did nothing that would amount to misconduct.
- d) That no proper inquiry was conducted to find out the true facts and circumstances.
- e) That neither show cause notice was communicated / issued to the appellant in time nor copy of inquiry report was provided to the appellant and as such the impugned order is not maintainable in the eyes of law.
- f) That the impugned order is not speaking and thus untenable in the eyes of law.
- g) That the appellant has been punished without any commission or omission on his part.
- h) That the appellant's representation may be considered as integral part of this appeal.

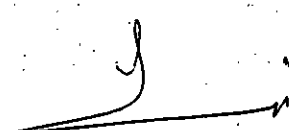
5

- i) That any other ground will be taken at the time of arguments.

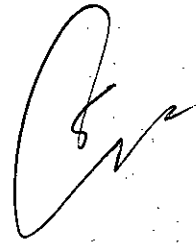
It is, therefore, most humbly prayed that appeal of the appellant may kindly be accepted as prayed for in the heading of appeal.

Through

Appellant : AKHTAR ALI



Muhammad Jamil Warsak
Saeed Muhammad
Advocates, High Court,
Peshawar

Dated: 30.07.2061



6

BEFORE THE HONOURABLE
SERVICES TRIBUNAL, KPK PESHAWAR

Service Appeal No. _____/2016

Akhtar Ali

_____ (Appellant)

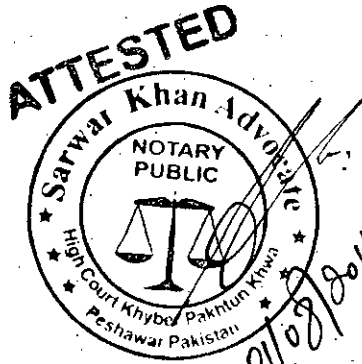
V E R S U S

Govt. of Khyber Pakhtunkhwa through Secretary Excise & Taxation &
Narcotics Control, KPK Peshawar and others

_____ (Respondents)

AFFIDAVIT

I, **Akhtar Ali** S/o Muhammad Sadiq (Ex-Constable, Excise & Taxation Police, Peshawar) R/o Nelavay, Teshil & District Peshawar, do hereby solemnly affirm and declare on Oath that the contents of service appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this honourable tribunal.




DEPONENT

(7)

BEFORE THE HONOURABLE
SERVICES TRIBUNAL, KPK PESHAWAR

Service Appeal No. _____/2016

Akhtar Ali

_____ (Appellant)

V E R S U S

Govt. of Khyber Pakhtunkhwa through Secretary Excise & Taxation &
Narcotics Control, KPK Peshawar and others

_____ (Respondents)

ADDRESSES OF PARTIES

Appellant

Akhtar Ali S/o Muhammad Sadiq

(Ex-Constable, Excise & Taxation Police, Peshawar)

R/o Nelavay, Teshil & District Peshawar


Respondents

- 1) Govt. of Khyber Pakhtunkhwa through Secretary Excise & Taxation & Narcotics Control, KPK Peshawar
- 2) Director General, Excise & Taxation & Narcotics Control, KPK Peshawar
- 3) Director Revenue / Inquiry Officer, Excise & Taxation & Narcotics Control, KPK Peshawar
- 4) The Minister, Excise & Taxation, Khyber Pakhtunkhwa, Peshawar

- 8
- 5) Accountant General, Khyber Pakhtunkhwa Fort Road,
Peshawar
 - 6) District Accounts Officer, Peshawar
 - 7) Deputy Director, Excise & Taxation, Peshawar Region
 - 8) Excise & Taxation Officer-III, Peshawar
 - 9) Dost Muhammad Khan (Inspector / Seizing Officer), District
Charsadda

Appellant

Through


Muhammad Jamil Warsak
Saeed Muhammad
Advocates, High Court,
Peshawar

Dated: 30.07.2016





(9)

OFFICE OF DEPUTY DIRECTOR, EXCISE & TAXATION,
PESHAWAR REGION, PESHAWAR.


ORDER

Peshawar, dated the 28 /02/2012

No. 8816 /Estb/E&T. Upon the recommendation of Departmental Selection Committee, Mr. Mr. Akhtar Ali S/o. Saddique Khan R/o. Village Nelawai, Tehsil & District, Peshawar, is hereby appointed as Excise & Taxation Constable on temporary basis in (BPS-5) viz: Rs. 5400-260-13200 with usual allowances as admissible under the rules, with immediate effect, on the terms and conditions mentioned below: -

- i) He will for all intents and purposes, be Civil Servant except for purpose of pension or gratuity. In lieu of pension and gratuity, he will be entitled to receive such amount contributed by him towards Contributory Provident Fund (C.P.F) along-with the contributions made by Govt: to his account in the said fund, in the prescribed manner.
- ii) He will be governed by the Khyber Pakhtunkhwa, Civil Servants Act, 1973, all the laws applicable to the Civil Servants and Rules made there-under.
- iii) He will, initially, be on probation for a period of two years extendable for a further period upto one year.
- iv) His services will be liable to termination at any time without assigning any reason thereof before the expiry of the period of probation, if his work during this period is not found satisfactory. In such an event, he will be given a month's notice of termination from service or one month's pay in lieu thereof. In case he wishes to resign at any time, a month's notice shall be necessary or in lieu thereof a month's pay shall be forfeited.
- v) He will produce medical fitness certificate from the Medical Superintendent, Police & Services Hospital, Peshawar, as required under the rules.
- vi) He shall successfully undergo physical training for the period and academy specified by the department during his probation.


2- If the above terms and conditions of appointment are acceptable to him, he should report for duty to the **Office of the Excise & Taxation Officer-I, Peshawar within 14 days** against the vacant post.



DEPUTY DIRECTOR,
EXCISE & TAXATION,
PESHAWAR REGION,
PESHAWAR.

No. 8817-22 /Estb./E&T.

Copy forwarded to :

- 1- Director General, Excise & Taxation, Khyber Pakhtunkhwa, Peshawar.
- 2- PS to Minister Excise & Taxation, Khyber Pakhtunkhwa., Peshawar.
- 3- PS to Secretary, Excise & Taxation Department, Khyber Pakhtunkhwa Peshawar.
- 4- Excise & Taxation Officer- I, Peshawar.
- 5- District Accounts Officer, Peshawar.
- 6- Mr. Akhtar Ali S/o. Saddique Khan R/o. Village Nelawai, Tehsil & District, Peshawar.


DEPUTY DIRECTOR,
EXCISE & TAXATION,
PESHAWAR REGION,
PESHAWAR.

*Attended
by*


(9a)
CHARGE ASSUMPTION REPORT.

In compliance to the Director General, Excise & Taxation Khyber Pakhtunkhwa Peshawar Order No.8816/Estb/E&T, dated 28-02-2012, I Akhtar Ali s/o Sadiq Khan hereby assumed the charge of my duties as Excise & Taxation Constable, in the Office of Excise & Taxation Officer-I, Peshawar today i.e. 05-03-2012 (Fore-Noon).

Akhtar Ali

(AKHTAR ALI)
EXCISE & TAXATION CONSTABLE

OFFICE OF EXCISE & TAXATION OFFICER-I, PESHAWAR.

No. *500 to 504* /Estb/XXXV-D-82

Dated Peshawar the 05/03 /2012.

Copy forwarded to:

- 1- Accountant General, Khyber Pakhtunkhwa, Peshawar.
- 2- PA to Director General, Excise & Taxation Khyber Pakhtunkhwa, Peshawar.
- 3- Assistant Director (Accounts), Directorate General, Excise & Taxation Khyber Pakhtunkhwa, Peshawar.
- 4- Superintendent-II, Excise & Taxation Directorate, Peshawar.
- ✓ 5- P.File.

Akhtar Ali
EXCISE & TAXATION OFFICER-I,
PESHAWAR

*Attended
by
y*

Phone: 9220150

RECOVERY MEMO

S.No. 8519

**GOVERNMENT OF KHYBER PAKHTUNKHWA
EXCISE & TAXATION DEPARTMENT**



DISTRICT: Charsadda

(10)



FORM-A

[See Rule 5(1) of NWFP (Seizure and Disposal of Motor Vehicles) Rules, 1999]
Under Section 43 read with Sub-Section (4) of Section 25 of
Motor Vehicle Ordinance, 1965.

1. Name and particulars of the Owner as per Registration Book AKHtar Ali s/o
Muhammad Saddiq V. Nelayay Tehsil Dst Peshawar.
2. Registration mark of the vehicle: A-9492 Peshawar
3. Class of vehicle: Motor Car
4. Make/Model of vehicle: Toyota Corolla 2002
5. Colour of vehicle: White
6. Chassis No. N2E-121-3140476
7. Engine No. A497895
8. Name, parentage and full address of the person from whom the vehicle was recovered: _____
AS Serial No I
9. Place/Location, where the vehicle was seized: Vehicle Pull
10. Date and time of seizure: 17/12/2015 12 AM.
11. Accessories (if any): Spair type Tyre record

Note:- The owner/keeper is directed to attend the office of the District Excise & Taxation Officer, Charsadda
on 17/01/2016 to pursue his case as required under the rules.

Signature / LTI of the person from whom the vehicle is taken over.
NIC No. Nil
Phone No. Nil

Signature: [Signature]
Full Name: Dast Muhammad
Designation: Inspector
of the officer seizing the vehicle.

Attested
by
[Signature]

(REGISTERED POST)

11

SHOW CAUSE NOTICE

Under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011, you, Mr. Akhtar Ali, Excise and Taxation Constable, Office of the Excise and Taxation Office-III, Peshawar are hereby served as follows:

2. That as reported by the Excise and Taxation Officer-III, Peshawar vide his letter No. 7205/ETO-III, dated. 15.12.2015 followed by his another letter No. 7218/ETO-III, date.d 07.01.2016 that you are absent from official duty w.e.f. 10.12.2015 till date (i.e., 07.01.2016 without any leave approval of the competent authority

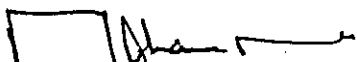
I am satisfied that you have committed the following acts/omission specified in Rule 3 of the said rules:

(e) Guilty of misconduct;

3. As a result thereof, I, as the Competent Authority, have tentatively decided to initiate departmental proceedings for imposition major penalty of removal from service under the penal provisions of the ibid rules.

4. You are, therefore, required to show cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.

5. If no reply to this notice is received within seven (07) days or not more than fifteen (15) days of its delivery, it shall be presumed that you have no defense to put in and in that case an ex-parte action shall be taken against you.


DIRECTOR GENERAL,
EXCISE, TAXATION & NARCOTICS CONTROL,
KHYBER PAKHTUNKHWA, PESHAWAR

Endst: No. 5055-58/Estb/P.File

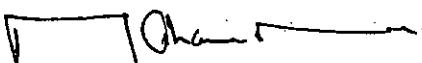
Dated Peshawar the

19/1/2016

A copy of the above is forwarded for information to:-

1. Deputy Director Excise and Taxation, Peshawar Region.
2. Excise and Taxation Officer-III, Peshawar w/r to his letters Nos. 7205/ETO-III, dated. 15.12.2015 followed by his another letter No. 7218/ETO-III, date.d 07.01.2016
3. Mr. Akhtar Ali s/o Saddique Khan r/o Village Nelawai, Tehsil and District Peshawar.
4. Personal File.

*Attended
by
2*


DIRECTOR GENERAL,
EXCISE, TAXATION & NARCOTICS CONTROL,
KHYBER PAKHTUNKHWA, PESHAWAR

(12)

To


The Director Revenue/Inquiry Officer,
Excise, Taxation & Narcotics Control
Khyber Pakhtunkhwa Peshawar.

Subject:- REPLY ON BEHAL FO AKHTAR ALI CONSTABLE WORKING IN OFFICE OF
ETO-III PESHAWAR.

Dear Sir,

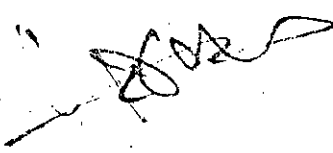
With due reverence & veneration, it is stated that the allegations levelled against me in connection with involvement in any illegal activity/insertion of name in form "A" are totally baseless, unfair and illegitimate, as my name was wrongly inserted in Form "A" as the said form does not bear my signature nor I have any information as such. If I was found involved in any illegal activity, then why the same was not brought into the notice of high ups. It clearly transpires that my name was wrongly, illegally and malafidly mentioned in the form "A". Besides, in the said form my CNIC was not inserted. Furthermore, it is very interesting to mention here that the time of report is mentioned as 12:00 am so if it is day time then I was present on my duty and this fact can be unified.

It is therefore, prayed that keeping in view the above mentioned facts I be exonerated



Yours faithfully,

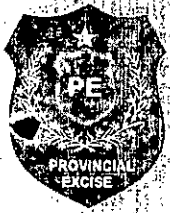
(AKHTAR ALI)

Office of ETO-III



153-16

Admitted
by




**DIRECTORATE GENERAL EXCISE TAXATION
AND NARCOTICS CONTROL KHYBER
PAKHTUNKHWA.**

Auqaf Complex, Shami Road, Peshawar Cantt. Phone Nos. 091-9212260-9211209.


(13)

ORDER

Dated Peshawar the 02/05/2016.

No. 5944 - /Estb/XXXV-D-82. Whereas Mr. Akhtar Ali, Excise and Taxation Constable, Office of the Excise and Taxation Officer-III, Peshawar was placed under suspension vide this Office Order No. 4604/Estb, dated. 01.01.2016 on the ground that he while posted as Constable by misusing his official position was found in possession/use of a non-custom paid motor car chassis No. NZE-121-3140476 displaying Government Number Plate No. A-9492 and the vehicle was detained by Mr. Dost Muhammad, Inspector Excise and Taxation, Charsadda during road checking on 17.12.2015. And whereas Mr. Salah ud Din, Director Revenue/Deputy Director Registration, Excise and Taxation, Peshawar was nominated as Inquiry Officer to conduct preliminary inquiry regarding involvement of Mr. Akhtar Ali in the smuggling/use of the above stated vehicle. And whereas the inquiry officer established that the said Mr. Akhtar Ali, Constable was found involved in illegal use and transportation of the vehicle in question and recommended disciplinary action under E&D Rules, 2011 as recorded in the inquiry report No. 5747, dated. 01.02.2016. Resultantly a show cause notice vide this Office Endst: No. 4154-57/Estb/P.File, dated. 03.03.2016 was served upon the official notifying upon him the initiation of departmental proceedings for imposition of major penalty of dismissal from service under the ibid rules. And whereas the said Mr. Akhtar Ali constable in reply to the show cause notice took the plea that the allegations against him are unfair and baseless and his name was wrongly inserted in the Form of seizure (i.e., Form-A). Therefore, the matter was referred back to the Inquiry Officer who reported that the inspector who seized the vehicle appeared before him and confirmed that the vehicle was seized from the said Mr. Akhtar Ali constable. Accordingly, the defense forwarded by the official in reply to the show cause notice was found to be untrue.

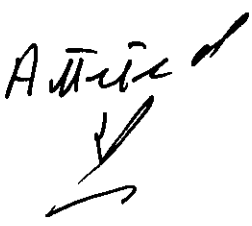
In view of the above facts, I Muhammad Nasir, Director General Excise, Taxation & Narcotics Control, Khyber Pakhtunkhwa, Peshawar, as competent authority, hereby impose major penalty of dismissal from service upon Mr. Akhtar Ali, Constable under Rule 4(b)(iv) of the Khyber Pakhtunkhwa Government Servants (E&D) Rules, 2011 with immediate effect in the best public interest.


DIRECTOR GENERAL,
EXCISE, TAXATION NARCOTICS CONTROL,
KHYBER PAKHTUNKHWA, PESHAWAR

No. 5945-52 /Estab/XXXV-D-82.

Copy to:-

1. PS to the Honorable Minister, Excise and Taxation, Khyber Pakhtunkhwa, Peshawar.
2. PS to Secretary to Government of Khyber Pakhtunkhwa, Excise & Taxation, Peshawar.
3. Accountant General, Khyber Pakhtunkhwa Fort Road, Peshawar.
4. District Accounts Officer, Peshawar.
5. Deputy Director Excise and Taxation, Peshawar Region.
6. Excise and Taxation Officer-III, Peshawar.
7. Mr. Akhtar Ali s/o Saddique Khan r/o Village Nelawai, Tehsil and District Peshawar.
8. Personal File.


DIRECTOR GENERAL,
EXCISE, TAXATION & NARCOTICS CONTROL,
KHYBER PAKHTUNKHWA, PESHAWAR

حکومت پاکستان ریفرنڈم کمیشن ایڈمنسٹریٹو سیکشن
گورنمنٹ سیکریٹری صاحب

عنوان: - ضلع جہلم اور تحصیل جہلم میں سروس

ضلع جہلم
موجودہ پوزیشن کے بارے میں اس کے لئے لکھی گئی ہے۔
گورنمنٹ سیکریٹری صاحب
پوزیشن کے بارے میں اس کے لئے لکھی گئی ہے۔
02/05/06 XXXV/Estb/5945
82

یہ کہ اس کے لئے جو ان کے لئے لکھا گیا ہے وہ مکمل طور پر بنیاد ہے۔
اس کے لئے اس کے لئے لکھا گیا ہے۔
اس کے لئے اس کے لئے لکھا گیا ہے۔
اس کے لئے اس کے لئے لکھا گیا ہے۔
اس کے لئے اس کے لئے لکھا گیا ہے۔

لکھا گیا ہے اس کے لئے اس کے لئے لکھا گیا ہے۔
اس کے لئے اس کے لئے لکھا گیا ہے۔
اس کے لئے اس کے لئے لکھا گیا ہے۔
اس کے لئے اس کے لئے لکھا گیا ہے۔

Attache Secretary ET

process the
immediately as
discussed on p/

الحارث اللہ

آئی ٹی او (ETO) کے لئے لکھا گیا ہے۔
کامپلٹ

10/5/11
Minister Excise & Taxation
Khyber Pakhtunkhwa



AND NARCOTICS CONTROL KHYBER
PAKHTUNKHWA.

Auqaf Complex, Shami Road, Peshawar Cantt. Phone Nos. 091-9212260-9211209.

(15)

Peshawar dated the 01/01/2016

ORDER.

No. 4604 /Estb:/ As reported by the Inspector Excise and Taxation, Charsadda, a Toyota Corolla Motor Car Chassis No. NZE-121-3140476 displaying Official Number Plate A-9492 (Peshawar) was captured during road checking on 17.12.2015 and Form-A S.# 8519 against Mr. Akhtar Ali, Constable, Office of the Excise and Taxation Officer-III, Peshawar was chalked out.

Accordingly, Mr. Akhtar Ali, Constable is hereby placed under suspension on account of unauthorized possession and use of the said vehicle with immediate effect in the public interest.

Mr. Salah ud Din, Director Revenue/Deputy Director Registration, Excise and Taxation, Khyber Pakhtunkhwa, Peshawar is hereby nominated as Inquiry Officer to conduct preliminary inquiry regarding involvement of Mr. Akhtar Ali in the smuggling/use of the above stated NCP vehicle and submit his report within 14 days positively.

DIRECTOR (ADMN:),
EXCISE, TAXATION & NARCOTICS CONTROL,
KHYBER PAKHTUNKHWA, PESHAWAR

file 31-12-15

No. 4605-4608 /Estb:/

Copy forwarded for information to:-

- 1- Mr. Salah ud Din, Director Revenue/Deputy Director Registration, Excise and Taxation, Khyber Pakhtunkhwa, Peshawar
- 2- Excise and Taxation Officer, Charsadda/ Mr. Dost Muhammad, Inspector Excise and Taxation, Charsadda. They are directed to hand over the entire record of the seizure to the Inquiry Officer immediately and extend full cooperation to him in this regard.
- 3- Mr. Akhtar Ali, Constable, Excise and Taxation Office-III, Peshawar.
- 4- Personal File Mr. Akhtar Ali, E&T Constable.

DIRECTOR (ADMN:),
EXCISE, TAXATION & NARCOTICS CONTROL,
KHYBER PAKHTUNKHWA, PESHAWAR

file 31-12-15

*Formula P15
AE TO
27/11*

*Attended
y
e*

16



OFFICE OF THE MINISTER EXCISE,
TAXATION & NARCOTICS CONTROL
CHIEF MINISTER SECRETARIAT
KHYBER PAKHTUNKHWA
No. PS/MIN/ET&NC/KP/
Dated 28/1/2016

1263

To

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

Subject:- SHOW CAUSE NOTICE.

I am directed to state that Mr.Akhtar Ali, Constable Excise, Taxation & Narcotics Control, has been working in this office, since 8/12/2015, on the verbal direction of the Hon'able Minister for Excise, Taxation & Narcotics Control.

PRIVATE SECRETARY

Akhtar Ali
4
2

بابت 8-12-2015
بابت 17-12-2015

بابت 6-1-2016

خدمت جناب ڈائریٹر جنرل ایلیسٹریٹڈ ٹیلیسٹن اینڈ ڈراماٹس
(17) - جنرل پشاور فیبر پختون قواہ

حوالہ پی ٹی نمبر

جناب عالی ۱۔ گزارش ہے کہ سائل منسٹر

ایلیسٹریٹڈ ٹیلیسٹن اینڈ ڈراماٹس کے زبانی حکم پر عرصہ

(9) مہینہ سے ان کے دفتر میں کام کر رہا ہوں

نکلا

آپ کا بھائی پیدار مائیکل اختر علی

Autued
۲۰
۱

10



62481

ایڈووکیٹ/دستخط:
بارکوسل ابار ایسوسی ایشن
رابطہ نمبر: 0361-8812128

پشاور بار ایسوسی ایشن، خیبر پختونخواہ

بعدالت جناب: صدر مینسٹری سول سروسز کمیشن

| | |
|-----------|---------------|
| دعویٰ: | منجانب: |
| علت نمبر: | اسرائیل |
| موردہ: | اسرائیلی بنام |
| جرم: | |
| تھانہ: | |

باعت تحریر آنگہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ
 آن مقام اسرائیل کے اسرائیلی کو وکیل مقرر
 کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کمال اختیار ہوگا، نیز وکیل صاحب کو
 راضی نامہ کرنے و تقریر حالت و فیصلہ برطاعت دینے جو جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق
 زریں مدد دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری کی طرف یا اپیل کی برآمدگی اور منسوخی، نیز
 دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی
 کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب
 مقرر شدہ کو بھی وہی جملہ مذکورہ اختیارات حاصل ہوں گے اور اس کا ساختہ مدد داختم منظور و قبول ہوگا دوران حکومت
 میں جو خرچہ ہر جانہ التوائے مقدمہ کے سب سے ہوگا وہ وکیل موصوف وصول کرنے کا حقدار ہوگا کوئی تاریخ پیشی مقام
 دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ مندر ہے۔

المرقوم: 30-7-16

العبد العبد العبد

مقام اسرائیل کے لئے منظور ہے۔

نوٹ: اس وکالت نامہ کی ذمہ داری کا حامل قلم ہوگی

ADU

BEFORE THE KHYBER PAKHTUNKHWA SERVICES
TRIBUNAL PESHAWAR

Service Appeal No. 816/2016

Akhtar Ali s/o Muhammad Sadiq
(Ex-Constable, Excise & Taxation Police, Peshawar)
R/o Nelavay, Tehsil & District Peshawar.

(Appellant)

VERSUS

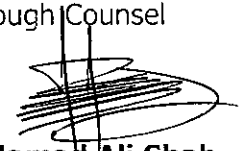
1. Government of Khyber Pakhtunkhwa, through Secretary, Excise, Taxation & Narcotics Control, KPK, Peshawar.
2. Director General Excise, Taxation and Narcotics Control KPK, Peshawar.
3. Director Revenue/Inquiry Officer, Excise & Taxation & Narcotics Control, KPK Peshawar.
4. The Minister, Excise & Taxation, Khyber Pakhtunkhwa, Peshawar.
5. Accountant General, Khyber Pakhtunkhwa Fort Road Peshawar.
6. District Accounts Officer, Peshawar.
7. Deputy Director, Excise & Taxation, Peshawar Region.
8. Excise & Taxation Officer-III, Peshawar.
9. Dost Muhammad Khan (Inspector/Seizing Officer), District Charsadda.

(Respondents)

I N D E X

| S.No | Description of documents | Annexure | Pages |
|-------------|---|-----------------|--------------|
| 01 | Para wise Reply | | 1-4 |
| 02 | Affidavit | | 5 |
| 03 | Copy of Inquiry Report dated. 01.02.2016. | "A" | 6 |
| 04 | Copy of Show cause Notice dated. 03.03.2016 | "B" | 7 |

Respondents No. 1 to 3 & 7 to 9
Through Counsel


S. Hamad Ali Shah
(Advocate),
Supreme Court of Pakistan
Legal Advisor
Excise Taxation & Narcotics
Control Department KPK.

BEFORE THE KHYBER PAKHTUNKHWA SERVICES
TRIBUNAL PESHAWAR

Service Appeal No. 816/2016

Akhtar Ali s/o Muhammad Sadiq
(Ex-Constable, Excise & Taxation Police, Peshawar)
R/o Nelavay, Tehsil & District Peshawar.

(Appellant)

VERSUS


1. Government of Khyber Pakhtunkhwa, through Secretary, Excise, Taxation & Narcotics Control, KPK, Peshawar.
2. Director General Excise, Taxation and Narcotics Control KPK, Peshawar.
3. Director Revenue/Inquiry Officer, Excise & Taxation & Narcotics Control, KPK Peshawar.
4. The Minister, Excise & Taxation, Khyber Pakhtunkhwa, Peshawar.
5. Accountant General, Khyber Pakhtunkhwa Fort Road Peshawar.
6. District Accounts Officer, Peshawar.
7. Deputy Director, Excise & Taxation, Peshawar Region.
8. Excise & Taxation Officer-III, Peshawar.
9. Dost Muhammad Khan (Inspector/Seizing Officer), District Charsadda.

(Respondents)

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL ACT, 1974.

REPLY ON BEHALF OF RESPONDENTS NO. 1-3 & 7-9

Respectfully Sheweth.
Preliminary objections.

1. That the appellant has got no cause of action and locus standi to file instant appeal.
 2. That the appellant has not come to the Tribunal with clean hands.
 3. That the appellant has deliberately concealed the material facts from this Honourable Tribunal.
 4. That the instant appeal is not maintainable.
- 

5. That the appeal is bad due to mis-joined of unnecessary party, and non-joinder of necessary parties.
6. That, the appellant has been estopped by his own conduct to file the appeal in hand.

FACTS:

1. Para-1. Correct.
2. Para-2. Subject to proof.
3. Para-3. It is proved that he was involved in illegal use and transportation of a Toyota Corolla Motor Car Model 2002 Chassis No. NZE-121-3140476 displaying a fake Government Number Plate A-9492. Neither the registration of Form A was malafide nor it was on the instigation of the opponents of the appellant rather it is just to mislead this honorable tribunal as he was caught red handed in the smuggling of a non custom paid (NCP) vehicle.
4. Para-4. Regarding this Para, it is submitted that on 01.01.2016 he was placed under suspension due to the capture of the said vehicle from his possession and the resultant registration of Form-A against him. In this connection Mr. Salah ud Din, Director Revenue, Excise and Taxation Khyber Pakhtunkhwa was nominated as Inquiry Officer for conducting an inquiry regarding involvement of Mr. Akhtar Ali in the smuggling/use of the above stated Non Custom Paid Vehicle.
5. Para-5. It is correct that in his written reply to the Inquiry Officer, the appellant denied all the charges leveled against him but the fact is that the inquiry officer in his Inquiry Report dated. 01.02.2016 **(Annexure-A)** clearly revealed that Mr. Akhtar Ali is involved in illegal use and transportation of the said vehicle and recommended disciplinary action against the appellant under the Efficiency & Disciplinary Rules, 2011.
6. Para-6. Yes of-course, on the basis of the inquiry report as mentioned in the preceding Para-5, the official was proceeded against. But before the imposition of the major penalty of dismissal from service, a show cause notice dated. 03.03.2016 **(Annexure-B)** was issued and sent at his home address requiring him to show cause against the imposition of major penalty. In his reply to the show cause notice, the official pleaded that his

name has wrongly been recorded in Form-A. Therefore, the case was referred back to the Inquiry Officer who again confirmed from the seizing officer that the vehicle was seized from the same Akhtar Ali, constable and stated in his note that this fact can be reascertained from Mr. Dost Muhammad Inspector and other officials present on the spot. Further to this confirmation, the Director Administration in his note to the Director General stated that the case is closed and complete in all respect and final order of dismissal was put up for signature and issued accordingly.

7. Para-7. Pertains to record.

5. Para-8. Needs no comments.

GROUND

- A. Incorrect. The appellant has not come to this honorable tribunal with clean hands and his own conduct led him to be proceeded against and the order of his dismissal was issued on a very solid reason, which is in accordance with law.
- B. Incorrect no provision of law has been violated and the appellant has been treated in accordance with the Rules.
- C. Incorrect again. As transportation of an Non Custom Paid Vehicle is culpable under the customs Act as well as is an act falling within the meaning of misconduct under the Efficiency & Disciplinary Rules, 2011 and instead of filing a criminal case against him, he was departmentally proceeded against. In a way he was treated leniently because an FIR against him was required to be lodged under the Customs Act, to have a criminal liability against him.
- D. Incorrect. An inquiry as admitted by the appellant in his narration of facts, was duly conducted.
- E. Incorrect. Instead of one, the two show cause notices were issued to him i.e., one for his absence from duty and another for his involvement in the smuggling of an Non Custom Paid vehicle.
- F. Incorrect. The order of his dismissal is clear and speaks loud of his misconduct and guilt.
- G. Incorrect. The appellant did commit an offense, for which he was proceeded against under departmental proceedings on the ground of




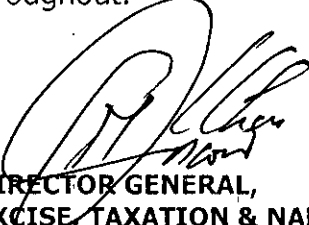
misconduct, in view of his misuse of power and non-performing of duty within the service discipline.


H. Needs no comments.


I. Needs no comments.


In view of the above it is prayed that the departmental appeal of the appellant is meritless and he is estopped from seeking remedy due to his own misconduct as such the instant appeal is only a poorly maneuvered attempt to mislead the honorable tribunal. Therefore the instant appeal may kindly be dismissed with costs, throughout.



SECRETARY,
EXCISE, TAXATION AND
NARCOTICS CONTROL DEPTT:
KHYBER PAKHTUNKHWA.
(RESPONDENT NO.01)


DIRECTOR GENERAL,
EXCISE, TAXATION & NARCOTICS
CONTROL, KHYBER PAKHTUNKHWA.
(RESPONDENT NO.02)



DIRECTOR REVENUE,
EXCISE AND TAXATION,
KHYBER PAKHTUNKHWA,
PESHAWAR.
(RESPONDENT NO.03)


DEPUTY DIRECTOR,
EXCISE & TAXATION,
PESHAWAR REGION.
(RESPONDENT NO.07)


EXCISE & TAXATION OFFICER-III,
PESHAWAR.
(RESPONDENT NO.08)


DOST MUHAMMAD KHAN
(INSPECTOR/SEIZING OFFICER),
DISTRICT CHARSADEA.
(RESPONDENT NO.09)

Through counsel


S. Hamad Ali Shah
(Advocate),
Supreme Court of Pakistan
Legal Advisor
Excise Taxation & Narcotics
Control Department KPK, Peshawar.

BEFORE THE KHYBER PAKHTUNKHWA SERVICES
TRIBUNAL PESHAWAR

Service Appeal No. 816/2016

Akhtar Ali s/o Muhammad Sadiq
(Ex-Constable, Excise & Taxation Police, Peshawar)
R/o Nelavay, Tehsil & District Peshawar.

(Appellant)

VERSUS

1. Government of Khyber Pakhtunkhwa, through Secretary, Excise, Taxation & Narcotics Control, KPK, Peshawar.
2. Director General Excise, Taxation and Narcotics Control KPK, Peshawar.
3. Director Revenue/Inquiry Officer, Excise & Taxation & Narcotics Control, KPK Peshawar.
4. The Minister, Excise & Taxation, Khyber Pakhtunkhwa, Peshawar.
5. Accountant General, Khyber Pakhtunkhwa Fort Road Peshawar.
6. District Accounts Officer, Peshawar.
7. Deputy Director, Excise & Taxation, Peshawar Region.
8. Excise & Taxation Officer-III, Peshawar.
9. Dost Muhammad Khan (Inspector/Seizing Officer), District Charsadda.

(Respondents)

AFFIDAVIT

I, **Dost Muhammad** Excise and Taxation Inspector O/o the Excise and Taxation Officer- Charsadda, do hereby solemnly affirm and verify on oath that the contents of accompanying "**Para wise Reply**" are true and correct to the best of my knowledge and belief, and nothing has been kept concealed or misstated.

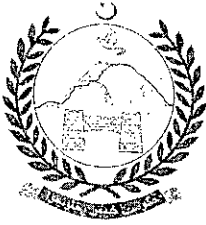

THE DEPONENT.

Dost Muhammad s/o
Akhtar Khan.
ENIC No. 02101-3739820-

Identified by:



S. Hamad Ali Shah
(Advocate),
Supreme Court of Pakistan
Legal Advisor
Excise Taxation & Narcotics
Control Department KPK, Peshawar.



31

**DIRECTORATE GENERAL,
EXCISE, TAXATION & NARCOTICS CONTROL,
KHYBER PAKHTUNKHWA.**
(www.kpexcise.gov.pk)

No. 5747.

Peshawar, The 1st February, 2016.

To

✓
The Director Admn,
Excise, Taxation & Narcotics Control Department,
Khyber Pakhtunkhwa, Peshawar.

Subject:

**INQUIRY AGAINST MR. AKHTAR ALI, CONSTABLE, EXCISE &
TAXATION OFFICER-III, PESHAWAR**

Reference your office order No.4604/Estab dated 01/01/2016, wherein the undersigned was directed to conduct preliminary inquiry regarding involvement of Mr.Akhtar Ali in the smuggling/use of Non duty paid vehicle bearing Chassis No.NZE-121-3140476, Toyota Corolla Motor Car and submit report within Fourteen (14) days (Annexure-A).

2. Briefly stated, the facts of the case are:

- i. That, a vehicle displaying fake Registration mark A-9492- Peshawar, Toyota Corolla 2002, Chassis No.NZE-121-3140476, Engine No.A497895 was seized by mobile Squad P-6 Charsadda, headed by Mr.Dost Muhammad Inspector from Mr.Akhtar Ali S/O Muhammad Saddiq, Village Nelavay, Tehsil and District Peshawar. (working as Constable in the office of ETO-III, Peshawar).
- ii. The vehicle was seized on Khyali Bridge, on 17/12/2015 at 1200 Hrs noon. The grounds of seizure were;
 - a. He was not in possession of authority letter of the vehicle.
 - b. No registration certificate was produced on the spot.
 - c. The vehicle seemed to be non custom paid.

3. In order to get an insight into the issue, vide this office letter No.4957-59 dated 13/1/2016, Mr.Dost Muhammad Khan, Excise & Taxation Officer Charsadda was asked to appear before the undersigned on 14/1/2016 alongwith relevant record. He accordingly, made presence alongwith relevant record and recorded his statement which may be perused at (Annexure-B).

4. Mr.Akhtar Ali Constable, currently working in office of ETO-III, Peshawar was asked vide this office letter No.4860-62 dated 13/1/2016 (Annexure-C) to appear before the undersigned. However, he did not turn up despite repeated telephonic efforts.

5. A careful perusal of the available relevant record pertaining to the vehicle and the statement of Mr.Dost Muhammad, Excise and Taxation Inspector, Charsadda revealed that Mr.Akhtar Ali is involved in illegal use and transportation of vehicle having Chassis No.NZE-121-3140476, Toyota Corolla 2002, Engine No.A497895. it is, therefore, recommended that disciplinary action under E&D Rules, 2011 may be taken against him.

(Enclsd: 7 pages).


**DIRECTOR REVENUE,
EXCISE TAXATION & NARCOTICS CONTROL,
KHYBER PAKHTUNKHWA.**

Before the Hon,able K.P.K, Service tribunal, Peshawar

Akhtar Ali VS Govt of K.P.K & others

Application for deletion of respondents No 4 to 6
from the list of respondents being Proforma Respondents.

Respectfully Sheweth:

1. The the abovementioned Case is pending before this honorable tribunal for today ie 1-2-2017.
2. The the Appellant has arrayed the respondents No 4 to 6 as Proforma defendants.
3. That today the Concerned respondents have filed their written reply before this honorable tribunal. and there is no need of replies of respondents No 4 to 6.

It is, therefore, most humbly prayed that the respondents No 4 to 6 may please be deleted from the list of respondents.




APPELLANT

Through


Muhammad Jameel Warsak

A.S.C

26/4

| | | |
|---|------|--|
| 50 | 2443 |    |
| ایڈویکٹ: <u>حرفیات واوڈرنی</u> بار کونسل ایسوسی ایشن 7798-10-BC-10 رابطہ نمبر: 0300-5857302 | | |
| پشاور بار ایسوسی ایشن، خیبر پختونخواہ | | |

بعدالت جناب: مسٹر سید شکیل احمد در / محکمہ لیٹل

| | |
|--|-----------|
| منجانب: <u>احقر علی</u> <u>رضوان علی</u> بنام <u>حرفیات واوڈرنی</u> | دعوی: |
| | علت نمبر: |
| | مورخہ: |
| | جرم: |
| | تھانہ: |
| باعت تحریر آگہ | |

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دی کارروائی متعلقہ
 آن مقام لیٹل کیلئے حرفیات واوڈرنی اور دیکھنے کو وکیل مقرر
 کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو
 راضی نامہ کرنے و تقرر ثالث و فیصلہ بر حلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق
 زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز
 دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی
 کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب
 مقرر شدہ کو وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ پر داختم منظور و قبول ہوگا
 دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حد سے
 باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ گنڈر ہے




المقوم: _____
 العبد _____
 العبد _____
 مقام _____
 کے لیے منظور ہے۔
 Accepted & Attested
 His Hand

احقر علی علی محمد لکھنوی



نوٹ: اس وکالت نامہ کی فوٹو کاپی ناقابل قبول ہوگی۔

26/4

| | | |
|--|------|--|
| 50 | 2443 |    |
| ایڈویکٹ: حرفیات و اوڈری بار کونسل ایسوسی ایشن 7798-10-3c-10 رابطہ نمبر: (0300-585730) | | |
| پشاور بار ایسوسی ایشن، خیبر پختونخواہ | | |

بعدالت جناب: **سروس ٹریننگ لینڈ ڈر ایمر II لیٹہ**

| | |
|------------------------|-----------|
| مخاطب: احقر علی | دعویٰ: |
| احقر علی | علت نمبر: |
| بنام | مورخہ: |
| Exhib | جرم: |
| السائل | تھانہ: |

باعت تحریر آگہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دی کارروائی متعلقہ
 آن مقام **احقر علی** کیلئے **احقر علی** اور **اوڈری** کو وکیل مقرر
 کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو
 راضی نامہ کرنے و تقرر ثالث و فیصلہ بر حلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق
 زریں پر دستخط کرنے کا اختیار ہوگا نیز بصورت عدم پیروی یا ڈگری ٹیکسٹ یا اپیل کی برآمدگی اور منوشی، نیز
 دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی
 کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب
 مقرر شدہ کو وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا ساختہ پر داختم منظور و قبول ہوگا
 دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا کوئی تاریخ پیشی مقام دورہ یا حد سے
 باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا نکالت نامہ لکھ دیا تاکہ سندرے
 المرقوم

احقر علی علی علی علی علی

مقام _____

Accepted & Attested

(Signature)

نوٹ: اس نکالت نامہ کی نوکالی ناقابل قبول ہوگی۔

وکالت نامہ

بعدالت K.P. سروس سٹریٹس لٹڈ
 (صنعتی) نام لیس ایگسٹریٹس
 منجانب ریمبرنس تاریخ 17/6/2019

باعث تحریر آنکہ

مقدمہ مندرجہ بالا عنوان میں اپنی طرف سے واسطے پیروی وجود ہی بمقام لیس ایگسٹریٹس کے لئے

نانکہ جان اینڈ ہما خان ایڈوکیٹس ہائی کورٹ

کو بدین شرط وکیل مقرر کیا ہے کہ میں ہر پیشی پر خود یا بذریعہ مختیار خاص رو برو عدالت حاضر ہوتا رہوں گا۔ اور بوقت پکارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دیکر حاضر عدالت کروں گا اگر پیشی پر من مظهر حاضر نہ ہوا اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور میرے برخلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے۔ نیز وکیل صاحب موصوف صدر مقام پکھری کے کسی اور جگہ ساعت ہونے یا برو تعطیل یا پکھری کے کسی اور جگہ ساعت ہونے یا برو تعطیل یا پکھری کے اوقات کے آگے پیچھے پیش ہونے پر من مظهر کو کوئی نقصان پہنچنے تو اس کے ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا اختیار نامہ واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے۔ مجھ کو کل ساختہ پرداختہ صاحب موصوف مثل کردہ ذات خود منظور قبول ہوگا۔ اور صاحب موصوف کو عرضی دعویٰ و جواب دعویٰ اور درخواست اجراءے ڈگری و نظر ثانی اپیل و نگرانی ہر قسم کی درخواست پر دستخط و تصدیق کرنے کا بھی اختیار ہوگا۔ اور کسی حکم یا ڈگری کے اجراء کرنے اور ہر قسم کاروبار وصول کرنے اور رسید دینے اور داخل کرنے اور ہر قسم کے بیان دینے اور سپرد دہائی و راضی نامہ کو فیصلہ برخلاف کرنے، اقبال دعویٰ دینے کا بھی اختیار ہوگا۔ اور بصورت اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یکطرفہ درخواست حکم انتہائی یا قرتی یا گرفتاری قبل از اجراء ڈگری بھی موصوف کو بشرط ادائیگی علیحدہ مختیار نامہ پیروی کا اختیار ہوگا۔ اور بصورت ضرورت صاحب موصوف کو بھی اختیار ہوگا یا مقدمہ مذکورہ یا اس کے کسی جزوی کارروائی کے واسطے یا بصورت اپیل، اقبال کے واسطے کسی دوسرے وکیل یا ایمر مشر کو بجائے اپنے یا اپنے ہمراہ مقرر کریں۔ اور ایسے مشیر قانون کو ہر امر میں وہی اور ویسے ہی اختیارات حاصل ہوں گے۔ جیسے کہ صاحب موصوف کو حاصل ہیں اور پہلے ادا نہ کر دیں گے۔ تو صاحب موصوف کو پورا اختیار ہوگا کہ مقدمہ کی پیروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔ لہذا یہ مختیار نامہ لکھ دیا تاکہ سند رہے مورخہ 17/6/2019 مضمون مختیار نامہ سن لیا ہے اور اچھی طرح سمجھ لیا اور منظور ہے۔

ATTESTED & ACCEPTED

Handwritten signature and stamp of the attorney.

نانکہ جان اینڈ ہما خان ایڈوکیٹس پشاور ہائی کورٹ پشاور

Handwritten signature and stamp of the client.

Handwritten signature and stamp of the client.

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

In Matter Service Appeal No. 816/2016

Akhtar ali

_____ (Appellant)

V E R S U S

Government of KPK Excise & Taxation and others

_____ (Respondents)

REJOINDER TO THE PARAWISE COMMENTS OF
RESPONDENT ON BEHALF OF THE APPELLANT

Respectfully Sheweth,

On Preliminary Objections:

All the preliminary objection raised by the respondents in their parawise comments are false and incorrect. The service of the appellant has illegally been terminated vide impugned order dated 02.05.2016, hence the appellant has got the cause of action against the respondents / department. The instant appeal of the appellant is well within time, correct and maintainable in all respect.

ON FACT:

- 1) Para No. 1 is correct, needs no reply.

- 2) Para No. 2 of the appeal of the appellant is correct and based on facts and circumstances of the case because there is no adverse entry in the service book of the appellant and that is the proof of appellant character.
- 3) That Para No. 3 of the reply of the respondents is incorrect, based on surmises while para No. 3 of the appeal of the appellant is correct.
- 4) Para No. 4 of the appeal of the appellant is correct while Para No. 4 reply of the respondents is incorrect. Vehicle in question was not recovered from the possession of the appellant and the appellant was never ever involved in such like activities and there is no signature or thumb impression of the appellant on the alleged Form "A" and the appellant submitted reply regarding his innocence to Inquiry Officer but Inquiry Officer malafidely and intentionally nominated the appellant as accused in his inquiry report.
- 5) Para No. 5 of the reply of the respondent is incorrect, while para No. 5 of the appeal of the appellant is correct.
- 6) Para No. 6 is incorrect, hence denied.
- 7) Para No. 7 needs no reply.
- 8) Para No. 8 needs no reply.

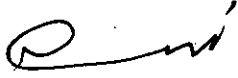
ON GROUNDS:

- A) Incorrect, the impugned order is illegal, against rule and law on subject.
- B) Incorrect, hence denied.
- C) Incorrect, detail reply has been given in above paras.
- D) Incorrect.
- E) Incorrect, hence denied.
- F) Incorrect, hence denied.
- G) Incorrect, hence denied.
- H) Needs no comments.
- I) Needs no comments.

It is, therefore, humbly prayed that on acceptance of this rejoinder, the appeal of the appellant may be accepted / allowed as prayed for.

Appellant

Through


Muhammad Jamil Warsak
&
Saeed Muhammad
Advocate, Peshawar

Dated: 27.03.2017



BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

In Matter Service Appeal No. 816/2016

Akhtar ali

_____ (Appellant)

V E R S U S

Government of KPK Excise & Taxation and others

_____ (Respondents)

AFFIDAVIT

I, Akhtar Ali (appellant), do hereby solemnly affirm and declare on Oath that the contents of this Rejoinder are true and correct to the best of my knowledge and belief and nothing has been concealed or misstated from this Honorable Tribunal.


DEPONENT

27 MAR 2017

