

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No. 303/2017

SCANNED
KPST
Peshawar

BEFORE: MR. KALIM ARSHAD KHAN, ... CHAIRMAN
MISS FAREEHA PAUL ... MEMBER(E)

Fazle Ghafoor, Excise & Taxation Officer posted as Deputy Director
(Malakand Region) Excise, Taxation & Narcotics Control
Department. (Appellant)

Versus

1. The Government of Khyber Pakhtunkhwa through Chief Secretary,
Peshawar.
2. The Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
3. The Secretary, Excise, Taxation & Narcotics Control Department,
Peshawar.
4. The Director General Excise, Taxation & Narcotics Control
Department, Peshawar. (Respondents)

Syed Numan Ali Bukhari,
Advocate

... For appellant


Mr. Kabirullah Khattak,
Addl. Advocate General alongwith
Mr. Aftab Hussain, Legal Advisor.

... For respondents

Date of Institution..... 03.04.2017
Date of Hearing..... 30.11.2022
Date of Decision..... 30.11.2022

JUDGEMENT

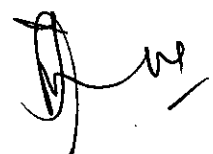
FAREEHA PAUL, MEMBER (E): The service appeal in hand has
been instituted under Section 4 of the Khyber Pakhtunkhwa Service Tribunal
Act, 1974 against the order dated 04.01.2017 whereby the penalty of



reduction to lowest stage in the time scale for maximum period of 5 years was imposed upon the appellant and against the order dated 09.03.2017, whereby his departmental appeal was rejected. It has been prayed that on acceptance of the appeal, both the impugned orders might be set aside and the appellant might be restored to his original stage in time scale with all back and consequential benefits.

2. Brief facts of the case, as given in the memorandum of appeal, are that the appellant was appointed on 20.04.2008 in Excise, Taxation & Narcotics Department and was then working as Deputy Director Excise, Taxation & Narcotics Control, Malakand Region. On 09.10.2015, a note was forwarded to the Chief Secretary Khyber Pakhtunkhwa on the subject of concealment of status of government servants in passport and travel abroad without NOC, wherein the officials were categorized into three categories and after that the appellant was directly served with the show cause notice to which he duly submitted reply. Thereafter the impugned order dated 04.01.2017 was passed whereby the appellant was awarded major penalty of reduction to the lowest stage in time scale for maximum period of five years. Feeling aggrieved, he preferred departmental appeal on 26.01.2017 which was rejected on 09.03.2017; hence the present appeal.

3. Respondents were put on notice who submitted written replies/comments on the appeal. We have heard the learned counsel for the



appellant as well as the learned Additional Advocate General for the respondents and perused the case file with connected documents in detail.

4. Learned counsel for the appellant after presenting the case in detail contended that the appellant joined the government service in the year 2008, and he already had a passport bearing No. J350878 obtained in the month of October, 2000, before his induction in government service. The said passport was renewed on 07.11.2012 with No. B8911665 but at the time of renewal, the passport authorities did not ask or inquire about appellant's profession or status. Later on, the appellant applied for obtaining official passport and got his status changed to government servant. He further contended that the appellant travelled abroad by obtaining proper NOC which was evident from the order dated 12.02.2013; hence, the charge against the appellant was baseless. According to him, the proforma of asset declaration had never been sent to the appellant by the concerned office, so the allegation mentioned in the show cause notice was illegal and without lawful authorities. He further contended that the words "reduction to lowest scale" were nowhere mentioned in the Khyber Pakhtunkhwa (E&D) Rules, 2011 which showed gross negligence on the part of the respondents while awarding the impugned punishment. According to the learned counsel, in the letter dated 20.11.2015 almost nine officials were pointed out including the appellant upon whom show cause notices were served but only the appellant was awarded major penalty whereas other officials with the same charges were either exonerated from those charges or awarded minor penalty of "censure",



which was a clear discrimination with the appellant. Learned counsel for the appellant stated that no charge sheet and statement of allegations was served upon the appellant and that no regular inquiry was conducted. He further stated that the impugned orders were totally in violation of Articles 2A, 4, 10A & 25 of the Constitution of Islamic Republic of Pakistan and were liable to be set aside. He requested that the appeal might be accepted as prayed for.

5. The learned Additional Advocate General while rebutting the arguments of learned counsel for the appellant stated that the renewal of passport of appellant was effective during service time, therefore, he was duty bound to show his status being a Government servant. By not doing so, the appellant committed the act of concealment of facts from the concerned authorities. He further contended that all the Government officials/officers were legally bound to declare their assets on the prescribed proforma sent to them on annual basis. He contended that all the concerned officials/officers were served with show cause notices and cases of each official/officer was decided in accordance with its own facts and circumstances. The charges leveled against the appellant were proved and he had rightly been punished. He requested that the appeal might be dismissed with cost.

6. After hearing the arguments and going through the record presented before us, it transpires that the appellant was in possession of a passport before he joined the service in the Excise & Taxation Department,



Government of Khyber Pakhtunkhwa. After joining his service, he renewed his passport in 2012 but did not change his status based on his profession, which he was required to do at that time but he changed it at a later stage in 2017. An order of "No Objection" dated 12.02.2013 is available in the record for fifteen days ex-Pakistan leave, which indicates that it was issued based on his passport of 2012 in which he had not declared himself a government servant. The authorities concerned in the Excise & Taxation Department should have pointed it out and directed him to change his professional status and declare himself a government servant but they did not do so and rather issued the required NOC to him for proceeding abroad. When the matter of government officers/officials possessing private passports was identified, the Secretary Excise & Taxation Department submitted a note for the Chief Secretary in which he proposed certain actions to be taken against those who concealed their status in their passports and travelled abroad without NOC. Three proposals were given in that note as follows:-

- "(i) 3 x lists may now be framed from the available information:*
- a. Those officers/officials who have concealed the fact that they are government servants in their passport;*
 - b. Those officers/officials who have gone abroad without NOC of government; and*
 - c. Those officers/officials who have concealed their status of government servant on passport as well as gone abroad without NOC.*



- (ii) *Disciplinary action under disciplinary rules may straightway be initiated against category (i) (c) above by issuing individual show cause notices with the signatures of competent authorities concerned;*
- (iii) *Those in category (i)(a) and (i) (b) above may be served with explanations afresh and given 10 working days to respond. Whoever does not respond may be called to office by Secretary Excise and asked about the response. Based on the written or verbal response, decision towards disciplinary action be taken in each individual case."*

Here it is identified that the appellant, although did not declare himself a government servant in his passport, travelled abroad after getting the required NOC, hence he had to be treated differently as compared to the above three categories. Even if we place him in the category (i)(a), considering that he concealed the fact in his passport that he was a government servant, he was required to be served with a fresh explanation and given 10 working days to respond. In this case, no such action has been taken. A notification dated 05.04.2017 provided by the appellant in the rejoinder indicates that a similarly placed employee of the same department, Mr. Ishrat Hussain, Excise & Taxation Officer (BPS-17), who was proceeded against in concealment of official status in the passport and travel abroad, was exonerated by the competent authority. Another employee, Mr.



Muhammad Ijaz, Excise & Taxation Officer (BPS-17) was also exonerated vide notification dated 05.04.2017, who was proceeded against on the same charges.

7. In view of the above discussion, the appeal in hand is allowed and the departmental/competent authorities of the appellant are directed to treat his case in the manner in which his other similarly placed colleagues were treated. Parties are left to bear their own costs. Consign.

8. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal this 30th day of November, 2022.*



(KALIM ARSHAD KHAN)
Chairman



(FAREEHA PAUL)
Member (E)

Service Appeal No. 303/2017

Syed Numan Ali Bukhari, Advocate for appellant present. Mr. Kabirullah Khattak, Addl. Advocate General for the respondents present. Arguments heard and record perused.

02. Vide our detailed judgement containing 07 pages, the appeal in hand is allowed and the departmental/competent authorities of the appellant are directed to treat his case in the manner in which his other similarly placed colleagues were treated. Parties are left to bear their own costs. Consign.


03. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal this 30th day of November, 2022.*


(KALIM ARSHAD KHAN)
Chairman


(FAREEHA PAUL)
Member (E)

29.08.2022

Bench is incomplete, therefore, case is adjourned to
26.10.2022 for the same as before.

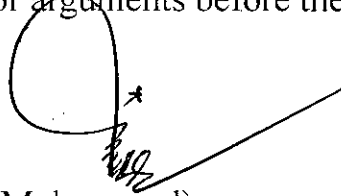

Reader

26.10.2022

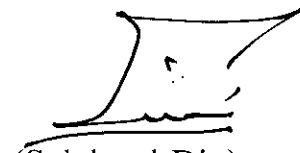
Clerk of learned counsel for the appellant present. Mr. Naseer-ud-Din Shah, Assistant Advocate General for the respondents present.

Clerk of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is not available today due to strike of lawyers. Adjourned. To come up for arguments before the D.B on 30.11.2022.

SCANNED
BY
P. S. T
P. S. T
P. S. T



(Mian Muhammad)
Member (E)



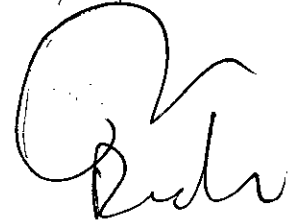
(Salah-ud-Din)
Member (J)

22.11.2021

Proper D.B is not available, therefore, case is adjourned to // .1 .2021 for the same.


READER


Due to retinal of the Hon,ble Chairman to come up for the same on 8/6/22



08.06.2022

Clerk of learned counsel for the appellant present. Mr. Riaz Ahmed Paindakhel, Assistant Advocate General for respondents No. 1 & 2 present. Clerk of Legal Advisor for respondents No. 3 & 4 also present.

Clerk of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is not available today due to strike of lawyers. Adjourned. To come up arguments on 29.08.2022 before the D.B.


(Fareeha Paul)
Member (E)



(Salah-ud-Din)
Member (J)

08.09.2021

Syed Nouman Ali Bukhari, Advocate for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney for respondents No.1 & 2 present. Mr. Gohar Rehman Khattak, Legal Advisor for respondents No.3 & 4 present.

Legal Advisor for respondents No.3 & 4 requested for adjournment on the ground that he has not made preparation for arguments. Adjourned. To come up for arguments before the D.B on 22.11.2021.


(ATIQ UR REHMAN WAZIR)
MEMBER (EXECUTIVE)


(SALAH-UD-DIN)
MEMBER (JUDICIAL)

30-12-2020

Due to summer vacation, case is adjourned to
17-3-2021 for the same as before.

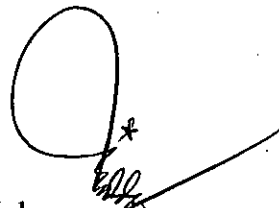

Reader

17.03.2021

Counsel for the appellant and Addl: AG for respondents
present.

Learned counsel states that respondents No. 3 and 4 are
represented by a private counsel who is not available today.

On the last date the case was adjourned on the strength
of Readers note, therefore, notice be issued to the said
respondents for 17.05.2021 before D.B. On the date fixed
arguments shall positively be addressed on behalf of all
concerned.



(Mian Muhammad)
Member (E)



Chairman

17.5.2021

Due to COVID-19, the case is
adjourned to 8-9.2021 for the case.



30.06.2020

Due to COVID-19, the case is adjourned to 25.08.2020
for the same.


Reader

25.08.2020

Due to summer vacation case to come up for the
same on 28.10.2020 before D.B.


Reader

28/10/2020 Proper D.B is on Tour, Therefore
Case is adjourned for the same
on 30/12/2020 before D.B


Reader.

18.12.2019

Junior to counsel for the appellant and Mr. Muhammad Jan learned Deputy District Attorney present. Junior to counsel for the appellant seeks adjournment as senior counsel for the appellant is not in attendance. Adjourn. To come up for arguments on 19.02.2020.12.2019 before D.B. Respondents as well as absent representative namely Arshid Javid Inspector be put to notice for the date fixed.

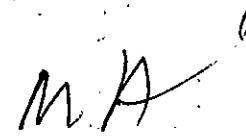

Member


Member

19.02.2020

Learned counsel for the appellant present. Mr. Usman Ghani learned District Attorney alongwith Mr. Arshad Javed Inspector for respondents present. Representative of the respondent department stated at the bar that legal Advisor of respondent No.3 & 4 namely Akbar Khan Advocate is not available today, therefore, requested for adjournment. Request accepted. Adjourned. To come up for arguments on 03.04.2020 before D.B.


(Hussain Shah)
Member


(M. Amin Khan Kundi)
Member


03.04.2020


Due to COVID-19, the case is adjourned to 30.6.2020 for same as before.



30.05.2019

Junior to counsel for the applicant present. Mr. Muhammad Jan, DDA for respondents present. Junior to counsel for the applicant seeks adjournment as senior counsel is not available today. Adjourned. Case to come up for arguments on 22.07.2019 before D.B.



Member



Member

22.07.2019


Learned counsel for the appellant present. Mr. Muhammad Jan learned Deputy District Attorney for the respondents present. Arguments on restoration application heard.

The appeal was dismissed on 25.09.2018 and the appellant has submitted application for restoration on 04.10.2018. The same is well within time therefore the application is accepted and the appeal is restored on its original number. Adjourned. To come up for further proceeding on 09.10.2019 before D.B.


(Hussain Shah)
Member


(M. Amin Khan Kundi)
Member

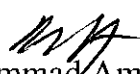
9-10-2019. Due to tour of Honble member to camp court suit the case is adjourned to 18/12/19


Reader

22.01.2019


Learned counsel for the appellant and Mr. Kabirullah Khattak learned Additional Advocate General for the respondents present. Learned counsel for the appellant has filed an application for restoration of appeal, record reveals that the replication of the same has not been submitted so far therefore learned Additional Advocate General is directed to submit the replication of the same on next date positively. Adjourned. To come up replication and arguments on 26.03.2019 before D.B


(Hussain Shah)
Member


(Muhammad Amin Khan Kundi)
Member

26.03.2019

Junior to counsel for the appellant and Mr. Kabirullah Khattak learned Additional Advocate General for the respondents present. Junior to counsel for the appellant request for adjournment as senior counsel for the appellant is not in attendance. Adjourned. To come up for further proceeding on 30.05.2019 before D.B.


(Hussain Shah)
Member

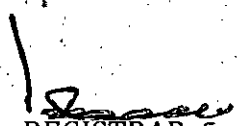


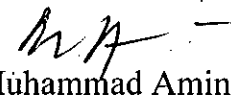

(Muhammad Amin Khan khudi)
Member

Form-A

FORM OF ORDER SHEET

Court of _____


Appeal's Restoration Application No. 325/2018

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	27.09.2018	<p>The application for restoration of appeal no. 935/2017 submitted by Syed Rahmat Ali Shah Advocate may be entered in the relevant register and put up to the Court for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2	3-10-18	<p>This restoration application is entrusted to D. Bench to be put up there on <u>22-11-18</u></p> <p style="text-align: right;"> MEMBER</p>
	22.11.2018	<p>Counsel for the applicant present. Mr, Kabirullah Khattak, Additional AG for the respondents present. Requested for adjournment. Adjourned. To come up for arguments on restoration application on 22.01.2019 before D.B. Original record be also requisitioned for the date fixed.</p> <p style="text-align: center;">  (Ahmad Hassan) Member  (Muhammad Amin Khan Kundli) Member </p>

25.09.2018

Appellant absent. Learned counsel for the appellant absent. Mr. Riaz Ahmed Painsdakhel Learned Assistant Advocate General present. Case called time again but none appeared on behalf of the appellant. On the previous date too no one turned up on behalf of the appellant. Consequently the present service appeal is dismissed in default. No order as to costs. File be consigned to the record room.



(Hussain Shah)
Member


(Muhammad Hamid Mughal)
Member

ANNOUNCED
25.09.2018

30.01.2018

Counsel for the appellant and Asst. AG alongwith Mr. Hizbullah, Steno for respondents present. Written reply on behalf of respondents no. 1,3 and 4 submitted and stated that respondent no. 1 rely on the same. Cost of Rs. 2000/- also paid and receipt thereof obtained from the learned counsel for the appellant. The appeal is assigned to D.B for rejoinder and final hearing on 12.04.2018.


(Ahmad Hassan)
Member(E)

12.04.2018


Counsel for the appellant and Mr. Usman Ghani, District Attorney alongwith Nughman Akhtar, Inspector E&T for the respondents present. Counsel for the appellant seeks adjournment. Granted. To come up for arguments on 27.06.2018 before the D.B.

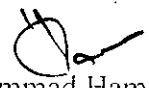

Member


Chairman

27.06.2018


Appellant absent. Junior to counsel for the appellant and Mr. Muhammad Jan, Deputy District Attorney for the respondents present. Junior to counsel for the appellant seeks adjournment on the ground that learned senior counsel for the appellant is busy before the Hon'ble Peshawar High Court. Adjourned. To come up for arguments on 16.08.2018 before D.B.

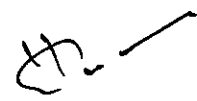

(Muhammad Amin Kundi)
Member


(Muhammad Hamid Mughal)
Member

16.08.2018

Appellant absent. Learned counsel for the appellant absent. Mr. Kabir Ullah Khattak learned Additional Advocate General alongwith Mr. Numan Inspector for the respondents present. Adjourned. To come up for arguments on 25.09.2018 before D.B.


(Muhammad Amin Kundi)
Member


(Muhammad Hamid Mughal)
Member

28.12.2017

Clerk of the counsel for the appellant present and Addl: AG alongwith Arshad Javed, Inspector for the respondents present. Written reply not submitted last opportunities. Requested for further adjournment. Last opportunity further extended subject to payment of cost of Rs. 1000/ which shall be borne by respondent from their own pockets. To come up for written/comments and costs of Rs. 1000/- on 11.01.2018 before S.B.


(Gul Zeb Khan)
Member (E)

11.01.2018

Counsel for the appellant present. Mr. Kabirullah Khattak, Additional AG for the respondents also present. Written reply on behalf of respondents not submitted despite extension of last opportunity at the cost of Rs. 1000/-. Learned Additional AG requested for further adjournment for filing of written reply. Last opportunity is further extended subject to payment of further cost of Rs. 1000/- which shall be borne by the respondents from their own pockets. Adjourned. To come up for written reply/comments and costs of Rs. 2000/- on 30.01.2018 before S.B.


(Muhammad Amin Khan Kundi)
Member

11.10.2017

Counsel for the appellant and Addl: AG alongwith Mr. Noman Akhtar, Inspector for respondents present. Written reply not submitted. Requested for adjournment. Last opportunity granted. To come up for written reply/comments on 02.11.2017 before S.B.


(AHMAD HASSAN)
MEMBER

02.11.2017

Counsel for the appellant and Mr Ziaullah, DDA for the respondents present. Written reply not submitted and requested for further arguments. Last opportunity is further extended subject to payment of cost of Rs. 200/-. To come up for written reply and cost on 29.11.2017 before the S.B.


Chairman

29.11.2017

Learned counsel for the appellant present. Mr. Kabir Ullah Khattak, Learned Additional AG alongwith Noman Akhter Inspector for the respondents present. Reply not submitted. Representative of the respondents requested for further time. Request accepted. To come up for written reply/comments on 28.12.2017 before S.B


(Muhammad Hamid Mughal)
MEMBER

15.06.2017

Counsel for the appellant and Mr. Muhammad Adeel Butt, Additional AG for the respondent present. Written reply not submitted. Requested for adjournment. Adjourned. To come up for written reply comments on 26.7.2017 before S.B.


(Ahmad Hassan)
Member

26.07.2017

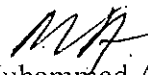
Clerk of counsel for the appellant and Addl. AG for the respondents present. Learned AAG requested for adjourned. Granted. To come up for written reply/comments on 29.08.2017 before S.B.


Chairman

27.07.2017

29.08.2017

Counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional AG for the respondents also present. Written reply not submitted. Representative of the respondent-department is not in attendance therefore, notice be issued to the respondents with the direction to direct the representative to attend the court and submit written reply on the next date positively. Adjourned. To come up for written reply/comments on 11.10.2017 before S.B.


(Muhammad Amin Khan Kundi)
Member

06.04.2017

Learned counsel for the appellant argued that the appellant was serving as Excise & Taxation Officer when vide impugned order dated 04.01.2017 penalty in the shape of reduction to a lowest stage in a time scale for maximum period of five years was imposed against him on the allegations of professional misconduct where-against his departmental appeal dated 26.01.2017 was also rejected vide order dated 09.03.2017 and hence the instant service appeal on 03.04.2017.

That neither any enquiry conducted for appellant proceeded against in accordance with law.

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 10.05.2017 before S.B.

Appellant Deposited
Security & Process Fee

Chairman

10.05.2017


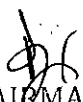
Counsel for the appellant and Addl. AG for the respondents present. Written reply not submitted. Requested for adjournment. To come up for written reply/comments for 15.06.2017 before S.B.

Chairman

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 303/2017

S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	03/04/2017	<p style="text-align: center;">The appeal of Mr. Fazle Ghafoor presented today by Mr. Muhammad Asif Yousafzai Advocate, may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	3-4-2017	<p style="text-align: center;">This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>06-04-2017</u></p> <p style="text-align: right;"> CHAIRMAN</p>

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

APPEAL NO. 303 /2017

Mr. Fazle Ghafoor

V/S

Chief Secretary and etc

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5.	Copy of impugned order	D	8
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APPELLANT

Fazle Ghafoor

THROUGH:

M.ASIF YOUSAFZAI

TAIMUR ALI KHAN

&
SYED NOMAN ALI BUKHARI
(ADVOCATES, PESHAWAR)

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

APPEAL NO. 303/2017

Khyber Pakhtunkhwa
Service Tribunal

Mr. Fazle Ghafoor, Excise & Taxation Officer
posted as Deputy Director (Malakand Region)
Excise, Taxation & Narcotics Control Department .

Diary No. 319

Dated 03-4-2017

(Appellant)

VERSUS

1. The Govt: of KPK through Chief Secretary KPK, Peshawar.
2. The Chief Secretary KPK, Peshawar.
3. The Secretary Excise, Taxation & Narcotics Control Department, KPK Peshawar.
4. The Director General Excise, Taxation & Narcotics Control Department, KPK Peshawar.

(Respondents)

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974 AGAINST THE ORDER DATED 04.01.2017 WHEREBY THE PENALTY OF REEDUCATION TO LOWEST STAGE IN THE TIME SCALE FRO MAXIMUM PERIOD OF 5 YEARS WAS IMPOSED UPON THE APPELLANT AND AGAINST THE ORDER DATED 09.3.2017, WHEREBY THE DEPARTMENTAL APPEAL WAS REJECTED FOR NO GOOD GROUNDS.

PRAYER:

THAT ON THE ACCEPTANCE OF THIS APPEAL, THE ORDER DATED 04.1.2017 AND 09.03.2017 MAY BE SET-ASIDE AND THE APPELLANT MAY BE RESTORED TO HIS PREVIOUS/ ORIGINAL STAGE IN TIME SCALE WITH ALL BACK AND CONSEQUENTIAL BENEFITS. ANY OTHER REMEDY WHICH THIS TRIBUNAL FIT AND PROPER MAY ALSO BE AWARDED IN THE FAVOUR OF APPELLANT.

Filed to-day

Registrar

03/04/17.

RESPECTFULLY SHEWETH:

1. That the appellant was appointed on 22 April, 2008 in Excise, Taxation & Narcotics Department and presently working as Deputy Director Excise, Taxation and Narcotics Control Malakand Region. The appellant has worked with full zeal and zest.

2. That a note forward to the Chief Secretary Khyber Pakhtunkhwa subject containing Concealment of Status of Government Servant in Passport and travel abroad without NOC wherein the officials were categorized into three categories and after that the appellant was directly served with the show cause notice to which the appellant duly submitted reply to the show cause notice. **(Copy of the note, show cause and show cause reply is attached as Annexure-A, B & C).**
3. That thereafter the impugned order dated 04.01.2017 was passed, whereby the appellant was awarded major penalty of "Reduction to a lowest stage in time scale for maximum period of five years" and against that order appellant preferred departmental appeal on 26.1.2017 which was rejected for no good grounds vide order dated 9.3.2017. **(Copy of the impugned order dated 04.1.2017, departmental appeal and rejection order dated 09.03.2017 are attached as Annexure-D, E & F).**
4. That now the appellant comes to this august Tribunal on the following grounds amongst others.

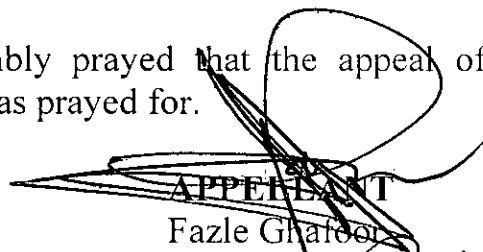
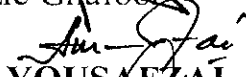


GROUND:

- A) That rejection order dated. 04.01.2017 and 09.03.2017 are against the law, facts, norms of justice, discriminatory in nature and material on record thus liable to be set aside.
- B) That the appellant has obtained passport bearing No. j350878 in the month of October, 2000 while the appellant joined the service in 2008. The said passport was renewed on 7.11.2012 with no. B8911665 but at the renewal of the Passport Authorities didn't ask or inquire about appellant's profession or status. The appellant applied for obtaining official passport and got change its status. The appellant done all acts with bonafide intention. **(copy of the passport are attached as Annexure-G, H & I).**
- C) That the appellant travel abroad by obtaining proper prior NOC which is evident from the order dated 12.2.2013 which shows the malafide intention of the department and allegation leveled against the appellant is incorrect. **Copy of the order is attached as Annexure-J.**
- D) That the proforma of asset declaration has never been sent by the concerned office to the appellant. So the allegation mentioned in the show cause is illegal and without any merit.
- E) That the impugned order dated 04.01.2017 and 09.03.2017 is totally unlawful and against the spirits of Article 2A, 4, 10-A & 25 of the Constitution.

- F) That the word use in impugned order "reduction to lowest scale" is incorrect and illegal. The word lowest scale is not included in the E&D Rules 2011. It is reduction to lower scale instead of reduction to lowest scale, which shows gross negligence on the part of the department while awarding an illegal punishment.
- G) That the letter was issued in which nine officials were pointed out including appellant upon whom show cause notice was served, but quite astonishing only the appellant was awarded major penalty which clearly shows the discriminatory attitude towards the appellant, and there were some other official who are exonerated from the charges and some officials were awarded minor penalty of "censure" which is evident from the order. **Copy of the letter dated 20.11.2015 and order are attached as Annexure-k & L.**
- H) That about 147 officials were charged with the same charges (including appellant) but few have been awarded minor penalties: warnings, censure and the rest have been relieved from all charges, while the appellant was discriminated by imposing major penalty.
- I) That no charge sheet and statement of the allegation was issued to the appellant before imposing major penalty which is violation of E&D Rules 2011.
- J) That no regular inquiry was conducted by the department against the appellant to dig out the real facts of the acts/omission which were leveled against the appellant nor there was any order in black & white form to dispense with the inquiry by the competent authority and directly issued show cause notice which is against the law and rules.
- K) That the reply to show cause and departmental appeal of the appellant also consider as integral part of the appeal.
- L) That the appellant seeks permission to advance others grounds and proofs at the time of hearing.

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

THROUGH:


APPELLANT
Fazole Ghaffar

M.ASIF YOUSAFZAI ASC

TAIMUR ALI KHAN

&
SYED NOMAN ALI BUKHARI
ADVOCATES, PESHAWAR)

"A" (4)



GOVERNMENT OF KHYBER PAKHTUNKHWA
EXCISE, TAXATION AND NARCOTICS CONTROL DEPARTMENT

NOTE FOR CHIEF SECRETARY KHYBER PAKHTUNKHWA

09-10-2015

Subject: CONCEALMENT OF STATUS OF GOVERNMENT SERVANT IN PASSPORT AND TRAVEL ABROAD WITHOUT NOC

A case was processed in Excise Department based on the information that many employees have concealed their official status while obtaining their passport as well as applying for visas for visits abroad. Obviously, they also did not take NOC for travel abroad.

2. The first act of concealment of status of government/civil servant is an offence under Sec-6 of the Passport Act 1974 (Flag-A) and the second, i.e. going abroad without NOC is misconduct under the E&D rules of the provincial government.

3. Consequently, after obtaining information regarding CNICs of employees from DG Excise, these numbers were sent to Director FIA Khyber Pakhtunkhwa (Flag-B). The FIA responded with travel history, a sample of which is placed at Flag-C (3 x pages out of 93). Simultaneously, another reference was sent to Deputy Director Immigration & Passports to verify the status of passport (Flag-D). In their response they listed the "profession shown" of each employee and around 147 have passports in which profession has NOT been shown as government service (2 x pager sample attached at Flag-E)

4. In light of the above there seems no need for further formal inquiry. The following proposals are therefore submitted for approval:

- (i) 3 x lists may now be framed from the available information:
 - a. Those officers/officials who have concealed the fact that they are government servants in their passport;

From immediate

Para 4 (i) (ii) (iii) are very clear & categorized work it out & put up within

3 days for further

DIARY NO: 1437
DATED: 14-10-2015
ACTION BY:
DIRECTOR GENERAL
EXCISE & TAXATION
KHYBER PAKHTUNKHWA

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DIRECTOR GENERAL			

ATTESTED

3

- b. Those officers/officers who have gone abroad without NOC of government; and
- c. Those officers/Officials who have concealed their status of government servant on passport as well as gone abroad without NOC.

(ii) Disciplinary action under disciplinary rules may straightaway be initiated against category (i)(c) above by issuing individual show cause notices with the signatures of competent authorities concerned;

(iii) Those in category (i)(a) and (i)(b) above may be served with explanations afresh and given 10 working days to respond. Whoever does not respond may be called to office by Secretary Excise and asked about the response. Based on the written or verbal response, decision towards disciplinary action be taken in each individual case; and

(iv) In all cases, final action towards disciplinary action MUST be completed in 30 working days time.

5. Perusal at Para-4 above is submitted for perusal & approval of the Chief Secretary, Khyber Pakhtunkhwa alongwith any further orders as deemed appropriate, please.

[Handwritten Signature]
9 Oct, 15

Secretary Excise

Chief Secretary Khyber Pakhtunkhwa

As proposed. Also, look into details of other employees as violation of rules seems to be endemic.

[Handwritten Signature]
9/10/15

Chief Secretary
Govt. of Khyber Pakhtunkhwa

ATTESTED

[Handwritten Signature]

8

6

SHOW CAUSE NOTICE

I, Amjad Ali Khan, Chief Secretary, Khyber Pakhtunkhwa, as the competent authority under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 do hereby serve upon you Mr. Fazal-e-Ghafoor, Excise & Taxation Officer (BS-17) as follows:

1. (i) That consequent upon the record received from Directorate of Excise, Taxation & Narcotics Control, Directorate of Immigration and Passports, Regional Passport Office Peshawar and Office Of The Director Federal Investigation Agency (FIA), Peshawar vide Communication No. 9669/Estb Dated 13.08.2014 No.21/2/2014 /RPO/PR dated 29.08.2014 No.FIA/KPK/ Immigration- Cotrol/14/ 7709 dated 25.08.2014 respectively; and
- (ii) After going through record of your passport status, data of travel history abroad, Ex-Pakistan leave/NOC and your assets declaration.

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

- a) Concealment of facts/official status while obtaining passport which is an offence under rules 6 of Passport Act, 1974.
- b) Not providing information regarding your travel abroad in your annual assets declaration.

2. As a result thereof, I, as competent authority, have tentatively decided to impose upon you the penalty of dismissal from service under Rule 4 of the said rules.

3. You are, thereof, 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.

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

5. A copy of the relevant record in the case is enclosed.

ATTESTED

AW
15/11/2015

(AMJAD ALI KHAN)
CHIEF SECRETARY

To,

The Chief Secretary to Govt.
of Khyber Pakhtunkhwa, Peshawar

Through

PROPER CHANNEL

Subject:-

REPLY TO THE SHOW CAUSE NOTICE NO SO(ADMN) E&T/1-60/2014/1584-95 DATED 20/11/2015 PESHAWAR.

Sir,

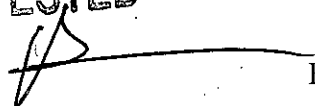
The undersigned respectfully submit reply to the show cause notice as under:

- i) That the competent authority i.e. the Honorable Chief Secretary issued the above mentioned show cause notice to the undersigned through your good office.
- ii) That the Honorable Chief Secretary format two points for his satisfaction while issuing show cause notice which are replied as under:-
 - 1) That the undersigned was issued passport bearing No. J350878 in the month of October, 2000. The said passport which expired in October, 2005, which was renewed and passport No. B8911665 was issued on 07th November 2012 (photocopies attached) It would not be out of place to mention here that, the initial passport which was issued to the undersigned, at that time the incumbent was student and not in a Government job. The undersigned joined the Government services on 22nd April 2008 as such no concealment of facts has been made nor any offence under the rules or act has been committed.
 - 2) In reply to the ground (ii) it is submitted that the undersigned applied for ex-Pakistan leave vide request No. 5404/Estt:/P. File Peshawar dated 01-02-2013 addressed to the Secretary to Government of Khyber Pakhtunkhwa, Excise, Taxation and Narcotics Control Department which was sanctioned and NOC was issued vide No. SO(Estb)E&T/PF-Fazle Ghafoor/2007 dated 12-02-2013 Peshawar. The Honorable Secretary observed "this department has no objection to his proceeding abroad" as such the entire information was in the knowledge of the department. The undersigned availed the Ex-Pakistan leave strictly in accordance with the above order. (photocopy of NOC attached).

It is accordingly respectfully prayed that the show cause notice issued by the Honorable Chief Secretary may kindly be ordered to be withdrawn.

Reply submitted accordingly.

ATTESTED



Fazle Ghafoor



Excise, Taxation & Narcotics Control
Officer Lower Dir at Timergara



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

Dated Peshawar the 4th January, 2017/14

NOTIFICATION

NO.SO (Estt)ET&NC/PF-Fazle Ghafoor/2007.

WHEREAS, Mr. Fazle Ghafoor, Excise & Taxation Officer (BS-17) presently posted as Deputy Director (Malakand Region) Excise, Taxation & Narcotics Control Department was proceeded against under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 in a concealment of official status in the Passport and travel abroad.

2. AND WHEREAS, the competent authority in exercising his powers under Rule-5 (a) read with rule-7 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 proceeded against the accused officer.

3. AND WHEREAS, the competent authority also afforded the opportunity of personal hearing to the accused officer.

4. NOW THEREFORE, the competent authority, after having considered the charges, evidence on record, the explanation of the accused officer, defense offered by the accused officer during personal hearing and exercising his powers under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, has been pleased to impose major penalty of "**Reduction to a lowest stage in a time scale for maximum period of five years**" on Mr. Fazle Ghafoor, Excise & Taxation Officer (BS-17) with immediate effect.

DIARY NO. 80
DATED 5/1/2017
DIRECTORATE GENERAL,
EXCISE, TAXATION & NARCOTICS
CONTROL, KHYBER PAKHTUNKHWA

DIRECTOR (A)	
DY DIR (ADMIN)	
DY DIR (LIT)	
SYSTEM ANALYST	
SUPDT-I	
SUPDT-II	
DIRECTOR GENERAL EXCISE TAXATION & NARCOTICS CONTROL KPK PESHAWAR	

**CHIEF SECRETARY
GOVT. OF KHYBER PAKHTUNKHWA**

Endst: No. & Date Even.

Copy forwarded to:-

1. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. The Director General Excise, Taxation & Narcotics Control, Khyber Pakhtunkhwa.
3. The Deputy Director (Malakand Region), Mingawara Swat.
4. PS to Chief Secretary, Khyber Pakhtunkhwa.
5. The District Accounts Officer, Swat for immediate necessary action.
6. P.S. to Secretary Excise, Taxation & Narcotics Control Department.
7. Officer concerned.

ATTESTED

'E' (9)

**OFFICE OF THE DEPUTY DIRECTOR EXCISE, TAXATION AND
NARCOTICS CONTROL MALAKAND REGION SWAT**

NO 31 /DD/Mkd

DATED; 26 / 01 /2017

To

The Honorable Chief Minister
Khyber Pakhtunkhwa.

**SUBJECT: APPEAL IN RESPECT OF MAJOR PENALTY "REDUCTION
TO A LOWEST STAGE IN A TIME SCALE FOR MAXIMUM
PERIOD OF FIVE YEARS.**


Memo:

Reference Notification NO.SO(Estt)ET&NC/PF-Fazle Ghafoor/2007
dated 04-01-2014/114-20.

It is submitted in your honour that the undersigned was imposed the
above mentioned major penalty.

It is requested in your honour that the undersigned may please be
exonerated, as all the relevant documents enclosed for your kind perusal please.

Encl: as above


FAZLI GHAFOOR
DEPUTY DIRECTOR
EXCISE, TAXATION &
NARCOTICS CONTROL
MALAKAND REGION SWAT.

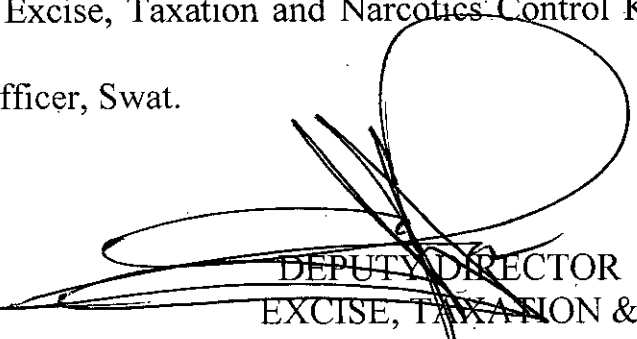
NO 32-36 /DD/Mkd

DATED; 26 / 01 /2017

Copy to:-

- 1) The Section Officer (Admn) Excise, Taxation and Narcotics Control Khyber Pakhtunkhwa Peshawar with the request to forward to the Appellate Authority for consideration please.
- 2) The Accountant General Khyber Pakhtunkhwa Peshawar.
- ✓ 3) PS to Secretary Excise, Taxation and Narcotics Control Department Khyber Pakhtunkhwa Peshawar.
- 4) PA to Director General Excise, Taxation and Narcotics Control Khyber Pakhtunkhwa Peshawar.
- 5) The District Accounts Officer, Swat.

ATTESTED


DEPUTY DIRECTOR
EXCISE, TAXATION &
NARCOTICS CONTROL
MALAKAND REGION SWAT

To,

The Honorable Chief Minister
Khyber Pakhtunkhwa,

Through: proper Channel

Review/Appeal

Subject: **DEPARTMENTAL APPEAL AGAISNT THE ORDER DATED: 04/01/2017, WHEREBY THE PENALTY OF REDUCTION TO A LOWEST STAGE IN A TIME SCALE FOR MAXIMUM PERIOD OF FIVE YEARS HAS BEEN IMPOSED UPON THE APPELLANT.**

Respected Sir,

1. That the appellant is an employee in Excise, Taxation and Narcotic Control Department since 22 April 2008 and presently working as Deputy Director Excise, Taxation and Narcotic Control Malakand Region.
2. That a Show Cause Notice was issued to the appellant on 15/11/2015, in which the following two charges were leveled against the Appellant.
 - A. Concealment of facts /official status while obtaining Passport which is an offence under rules 6 of passport Act, 1974.
 - B. Not providing information regarding your travel abroad in your annual assets declaration.

ATTESTED

Respected Sir, here I the honour to give your good self a brief background and circumstances in which the cases of different natures were proceeded against officers and staff of the Excise, Taxation and Narcotics Control Department KPK. It was back in the year 2015 that the then Additional Secretary of Excise, Taxation and Narcotics pointed out as a result of an information collected from the Office of the Director FIA and Director Immigration and Passport, that about 147 employees of the said Department have concealed their official status in their Passports and have travelled abroad without obtaining proper NOCs from their Department. Based on that information he forwarded the same to the Chief Secretary KPK for disciplinary action against them.

It is pertinent to mention here that the Additional Secretary in his report to the Chief Secretary has divided the accused employees in three categories based on the nature of their offence/violation/irregularity which are presented below;

- i) Those who have concealed their official status in Passport.
- ii) Those who travelled abroad without obtaining NOC from the Department.
- iii) Those who concealed their official status as well as travelled abroad without obtaining NOC.

Respected Sir, the Additional Secretary in his report sent to the Chief Secretary further suggested that employees that fall in the category I and II as mentioned above shall be served with simple explanation and employees that fall in the category III shall be served with Show cause notice. Since the nature of my alleged offence falls in the category 1 the issuance of the Show cause notice to me stands invalid.

In response to the Show cause notice served the appellant submitted a detailed reply to the competent authority giving the following information;

- That the appellant has obtained passport bearing NO. J350878 in the month of October, 2000 (Annex. A). The said passport was renewed on 07/11/2012 with NO. B8911665 (Annex. B). The Appellant applied for obtaining an official passport and got changed its status.(Annex.C)
- It is important to mention here that on the time of the issuance of the First passport I was a student. The passport carry's my status as student.
- At the time of the renewal of the Passport Authorities didn't ask or inquired about my profession or status.

The above explained facts show my bonafide intentions, besides it cannot be considered as misconduct.

Travelling abroad without NOC:

ATTESTED

As for as the second charge leveled against the appellant in the show cause notice issued by the Chief Secretary that the appellant had travelled abroad without proper NOC from the Department, the appellant has submitted all the details supported by official documents and correspondence in this regard which are more than enough to testify that the appellant has adopted and proceeded abroad through proper channel by obtaining NOC from the competent authority (Annex. D).

Here are some facts;

- The appellant has applied for Ex-Pakistan leave vide request dated 01/02/2013 addressed to the Secretary to the Government of KPK,

Excise, Taxation and Narcotics Control Department. Which was sanctioned and a NOC was issued vide dated 12/02/2013, and the secretary observed that this Department has no objection to his proceedings abroad.(the relevant copies of the said correspondence are attached herewith as Annex. E)

- In line with the NOC issued the appellant availed 15 days EX-Pakistan Leave strictly in accordance with the orders of the competent authority.

Declaration of Assets

As for as the case of charges levelled against the appellant that he has not mentioned about his foreign visit/travel in his annual asset declaration form. The following reply supported by facts is been served by the appellant,

- True to the local/Pashtun traditions and laws of inheritance, the appellant cannot put claim or eligible to show the family property and assets as personal property in any official and non-official correspondence or deeds till the proper distribution of family property is been conducted and properly attested and documented. Secondly the father of the appellant Alhamdulillah lives and is in good health. So according to the laws of inheritance and traditions no son can claim or show the family property as his own when his father is alive.
- The sole source of income and earning of the appellant is his salary and the regular taxes are deducted as per the payroll enclosed. However, the appellant will serve the annual declaration in future.

ATTESTED

The major penalty of reduction to a lowest stage in time scale for maximum period of five years was imposed upon the appellant vide order dated: 04/01/2017, without serving charge sheet and conducting regular inquiry to dig out the real facts regarding the charges.

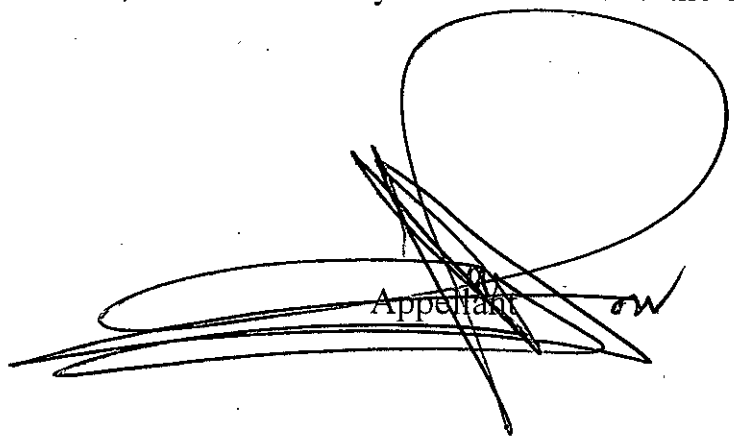
The appellant files the Departmental appeal against the order NO. SO (Estt) ET&NC/PF-Fazli Ghafoor/2007, dated: 04/01/2017, on the following grounds.

- 1) As mentioned above that about 147 employees were charged with the same charges (including appellant) but few have been awarded minor penalties: warnings. Censures and the rest have been relieved from all charges, while the

appellant was discriminated by imposing major punishment of reduction to a lowest stage and time scale for a period of five years.

- 2) According to the constitution of the Pakistan, article 25, all citizens are equal before law and are entitle to equal protection of law. The appellant has the moral and legal right to question the very legality of the punishment and hold it based on discrimination and injustice where in the group of about 147 employees reported only the undersigned has been awarded major punishment while the rest were exonerated from the charges and a single was given censure.
- 3) That no charge Sheet and statement of allegation were issued to the appellant before imposing major punishment which is mandatory in law.
- 4) That the Impugned order dated 04/01/2017 is against the law, facts, norms of justice and material on record, therefore not tenable and is liable to be set aside.
- 5) No inquiry has been conducted by the Department against the appellant to dig out the real facts of the acts/omission which were leveled against the appellant which means that the E&D rules 2011 are not properly observed.

It is therefore humbly requested that on acceptance of this departmental appeal the impugned order dated; 04/01/2017 may be set aside and the appellant may be exonerated.



Appellant

Fazli Ghafoor
 Excise, Taxation and Narcotics Control Officer presently
 Deputy Director (Malakand Region)
 Excise, Taxation & Narcotics Control Department
 Khyber Pakhtun Khwa

ATTESTED




GOVERNMENT OF KHYBER PAKHTUNKHWA
EXCISE, TAXATION & NARCOTICS CONTROL DEPARTMENT

NO.SO(Admn)E&T/1-60/2014/2317-24
Dated Peshawar the 09.03.2017

To

Mr. Fazli Ghafoor - ETO (BS-17),
Deputy Director (OPS) Excise, Taxation & Narcotics Control,
Malakand Region, Swat.

Subject:-

**APPEAL AGAINST THE MAJOR PENALTY OF "REDUCTION TO A
LOWEST STAGE IN A TIME SCALE FOR MAXIMUM PERIOD OF
FIVE YEARS" AWARDED BY THE COMPETENT AUTHORITY.**

Reference is made to your appeal bearing No.31/DD/Mkd dated 26.01.2017 regarding exoneration of the major penalty of "**Reduction to a lowest stage in a time scale for maximum period of five years**".

In this regard, it is communicated that the appellate authority has regretted your appeal and the penalty earlier imposed upon you vide notification No.SO(Estt)ET&NC/PF-Fazle Ghafoor/2007 dated 04.01.2017 is intact.

SECTION OFFICER (ADMN)

Endst: No. & Date Even.

Copy forwarded to:

1. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. The Director General Excise, Taxation & Narcotics Control, Khyber Pakhtunkhwa.
- ✓ 3. The Deputy Director (Malakand Region), Mingawara Swat.
4. PS to Chief Secretary, Khyber Pakhtunkhwa.
5. The District Accounts Officer, Swat for immediate necessary action.
6. P.S. to Secretary Excise, Taxation & Narcotics Control Department.
7. Officer concerned.

SECTION OFFICER (ADMN)

ATTESTED

THIS PASSPORT
CONTAINS 36 PAGES
CE PASSEPORT
CONTIENT 36 PAGES

پاسپورٹ
جواز السفر

پاسپورٹ ۳۶ صفحوں
یحتویٰ هذا الجواز علی
۳۶ صفحہ

۱۳۲۳۱

PAKISTAN پاکستان

J350878

پاسپورٹ نمبر - رقم جواز السفر
NO. OF PASSPORT
NO. DU PASSEPORT

Mr Fazli Ghafar

مامل کا نام - اسم حامل الجواز
NAME OF BEARER
NOM DU TITULAIRE

Mr Fazli Akbar

والد یا شوہر کا نام - اسم الوالد / الزوج
NAME OF FATHER/HUSBAND
NOM DU PERE/DU MARI

Student

مامل کا پیشہ - صیۃ حامل الجواز
PROFESSION OF BEARER
PROFESSION

Dir

مقام و تاریخ پیدائش - مکان أو تاریخ الولادة
PLACE AND DATE OF BIRTH
LIEU ET DATE DE NAISSANCE

05.07.78

Islam

شریب - الديانة
RELIGION / RELIGION

IDENTITY CARD NO.
NUMERO DE CARTE D'IDENTITE

قومی شناختی کارڈ نمبر رقم بطاقة الهوية

109-78-303199

CITIZEN OF PAKISTAN
NATIONALITE PAKISTANAISE

پاکستان پری مواطن پاکستانی

NATIONAL STATUS
NATIONALITE
الحالة الاجتماعية

1



ATTESTED

16



حامل کی تصویر - صورتہ الشخصیہ حاصل
PHOTOGRAPH OF BEARER
PHOTOGRAPHIE DU TITULAIRE



Signature of the bearer

[Handwritten signature]

SIGNATURE OF BEARER - SIGNATURE DU TITULAIRE

یہ پاسپورٹ تاریخ پیدائش کے بعد کارآمد نہیں رہے گا
هذا الجواز صالح لمدة خمس سنوات

VALIDITY OF THIS PASSPORT EXPIRES ON:
RENOUVELLEMENT CE PASSEPORT EXPIRE LE:

4th OCT 2005

J350878

پاکستان میں مستقل رہنے والا عنوان الدائم فی پاکستان

PERMANENT ADDRESS IN PAKISTAN
L'ADRESSE PERMANENTE EN PAKISTAN

Jayasera

Balam Bat

ڈیر

موجودہ رہنے والا عنوان الحالی

PRESENT ADDRESS
ADRESSE PRESENTE

CANCELLED

بچوں کی تفصیلات - الاطفال الاطلاق

CHILDREN - ENFANTS

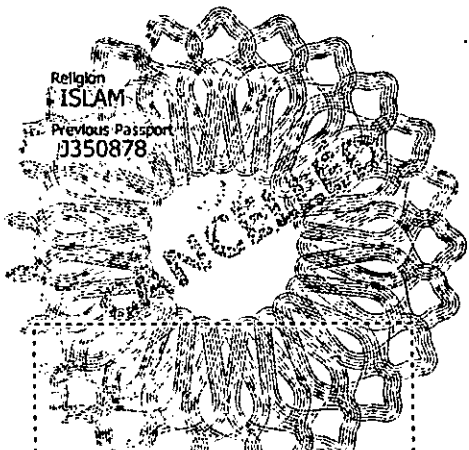
نام - الاسم	تاریخ پیدائش - تاریخ الولادة	جنس - الجنس
NAME NOM	DATE OF BIRTH DATE DE NAISSANCE	SEX SEXE

ATTACHED

J350878

ANNOTATIONS

Religion
ISLAM
Previous Passport
J350878



HOLDER'S SIGNATURE OR THUMB IMPRESSION

حامل ہذا کا دستخط یا نشان اگوشا

NOT VALID WITHOUT SIGNATURE OR THUMB IMPRESSION

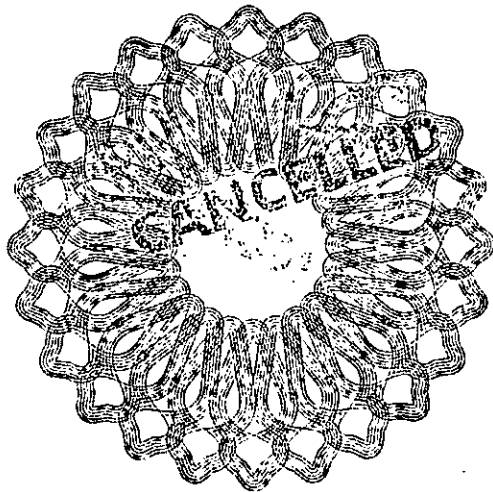
یہ پاسپورٹ بغیر دستخط یا نشان اگوشا ناقابل استعمال ہے۔



ب ۵ ۹ ۱ ۱ ۶ ۵ ۵

یہ پاسپورٹ سوائے اسرائیل کے دنیا کے تمام ملک کے لئے کارآمد ہے

THIS PASSPORT IS VALID FOR ALL COUNTRIES OF
THE WORLD EXCEPT ISRAEL.



ATTESTED



25

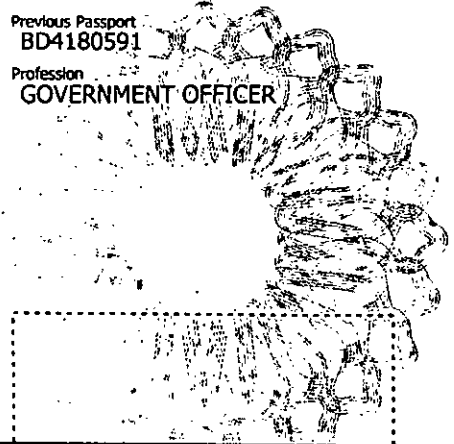
۲۵

ANNOTATIONS

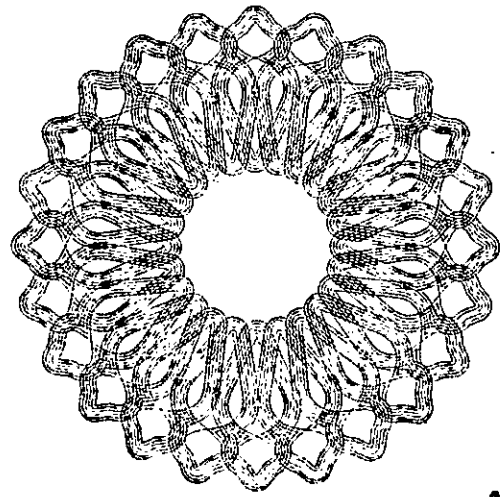
Religion
ISLAM

Previous Passport
BD4180591

Profession
GOVERNMENT OFFICER



یہ پاسپورٹ سوائے اسرائیل کے دنیا کے تمام ملک کے لئے کارآمد ہے۔
THIS PASSPORT IS VALID FOR ALL COUNTRIES OF
THE WORLD EXCEPT ISRAEL.



HOLDER'S SIGNATURE OR THUMB IMPRESSION

حامل ہذا کا دستخط یا نشان انگوٹھا

NOT VALID WITHOUT SIGNATURE OR THUMB IMPRESSION

یہ پاسپورٹ بغیر دستخط یا نشان انگوٹھا نام قابل استعمال ہے۔

ATTESTED



J (21)

GOVERNMENT OF KHYBER PAKHTUNKHWA
EXCISE & TAXATION DEPARTMENT

Dated Peshawar the 12.02.2013

ORDER

NO.SO (Estt)E&T/PF-Fazle Ghafoor/2007. Fifteen (15) days Ex-Pakistan leave with full pay is hereby sanctioned in favour of Mr. Fazle Ghafoor, Excise & Taxation Officer, Dir Lower, from the date of availing subject to title.

2. This department has No Objection to his proceeding abroad.
3. Certified that on expiry of the said leave, the officer is likely to return to the same post and station.
4. Consequent upon the above, Excise & Taxation Officer, Dir Upper is authorized to look after the work of Excise & Taxation Officer, Dir Lower in addition to his own duties.

SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA
EXCISE & TAXATION DEPARTMENT

Endst: No. & Date Even.

Copy forwarded to the:-

1. Director General, Excise & Taxation, Khyber Pakhtunkhwa, w/r his letter No.5404/Estb/P.File dated 01.02.2013.
2. Excise & Taxation Officer, Dir Upper.
3. District Accounts Officers, Dir Upper and Dir Lower.
4. P.S. to Secretary, Excise & Taxation Department, Khyber Pakhtunkhwa Peshawar.
5. Officer concerned.

Shah Jehan
(SHAH JEHAN)
SECTION OFFICER (ADMN)

ATTACHED

**MOST IMMEDIATE/CONFIDENTIAL/
VIA SPECIAL MESSENGER**



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

NO.SO(Admn)E&T/1-60/2014/1584-95
Dated Peshawar the 20.11.2015

To

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

Subject:- **CONCEALMENT OF STATUS OF GOVERNMENT SERVANT IN PASSPORT AND
TRAVEL ABROAD WITHOUT NOC.**

I am directed to enclose herewith nine (9) Show Cause Notices (in original) duly signed by the competent authority in respect of the following officers:-

1. Mr. Muhammad Nouman,
Accounts Officer o/o Director General, Excise, Taxation &
Narcotics Control, Khyber Pakhtunkhwa, Peshawar.
2. Mr. Muhammad Ali,
Excise & Taxation Officer, Shangla.
3. Mian Saeed Hussain Shah,
Excise & Taxation Officer, Battagram.
4. Mr. Ishrat Hassan,
Excise & Taxation Officer, Bannu.
5. Mr. Shahid Ul Haq Shaheen,
Excise & Taxation Officer, Malakand.
- ✓ 6. Mr. Fazle Ghafoor,
Excise & Taxation Officer, Dir Lower.
7. Mr. Immad Ud Din,
Excise & Taxation Officer-III, Peshawar.
8. Mr. Muhammad Ijaz,
Excise & Taxation Officer, Kohat.
9. Mr. Fawad Iqbal,
Excise & Taxation Officer, Swabi.

2. It is requested to deliver the Show-Cause Notices to the concerned officers and acknowledgements be provided to this department immediately.

SECTION OFFICER (ADMN)

Encl: (Nine (9) Show Cause Notices in Original)

Endst: No. & Date Even.

Copy to the:

- ✓ 1. All the above concerned officers for information and necessary action.
2. P.S to Secretary Excise, Taxation & Narcotics Control Department Khyber Pakhtunkhwa, Peshawar.

SECTION OFFICER (ADMN)

ATTESTED

100 (93)



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

NO.SO(Admn)E&T/1-60/2014/3578-80.
Dated Peshawar the 18.07.2016

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

Subject:- **CONCEALMENT OF STATUS OF GOVERNMENT SERVANT IN
PASSPORT AND TRAVEL ABROAD WITHOUT NOC.**

I am directed to refer to the subject noted above and to convey that the case of "concealment of status of government servant in Passport and travel abroad without NOC" in respect of Mr. Hayat Khan System Analyst (BS-18) has been processed and the competent authority has been imposed a minor penalty of "censure" to be served upon the accused officer so that in future he become more cautious.

SECTION OFFICER (ADMN)

Endst: No. & Date Even.

Copy forwarded to:-

1. Mr. Hayat Khan, System Analyst o/o Director General Excise, Taxation & Narcotics Control, Khyber Pakhtunkhwa, Peshawar.
2. P.S to Secretary Excise, Taxation & Narcotics Control Department.

[Signature]
SECTION OFFICER (ADMN)

ATTESTED
[Signature]

VAKALAT NAMA

NO. _____/20

IN THE COURT OF K.P.S. Service Tribunal, Peshawar

Mr. Fazle Ghafoor (Appellant)
(Petitioner)
(Plaintiff)

VERSUS

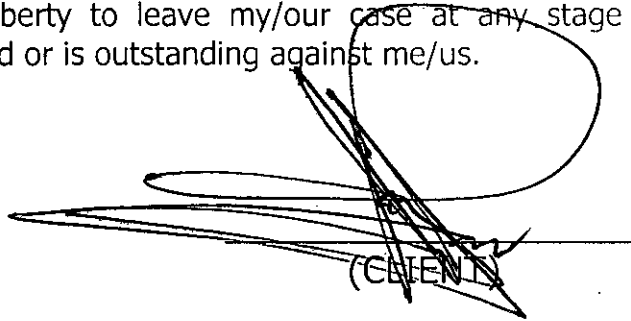
Chief Secretary and etc (Respondent)
(Defendant)

I/We, Mr. Fazle Ghafoor


Do hereby appoint and constitute **M. Asif Yousafzai, Advocate Supreme Court Peshawar**, to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate/Counsel on my/our costs.


I/We authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter. The Advocate/Counsel is also at liberty to leave my/our case at any stage of the proceedings, if his any fee left unpaid or is outstanding against me/us.


Dated _____/20


(CLIENT)

ACCEPTED


M. ASIF YOUSAFZAI
Advocate Supreme Court
Peshawar.


Taimur Ali Khan
Advocate High Court


Syed Nauman Ali Bukhari
Advocate

OFFICE:
Room # FR-8, 4th Floor,
Bilour Plaza, Peshawar,
Cantt: Peshawar
Cell: (0333-9103240)

(4)

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

Service Appeal No. 303/2017.

Mr. Fazle Ghafoor, Excise & Taxation Officer Posted as Deputy Director (Malakand Region) Excise, Taxation & Narcotics Control Department.

(Appellant)

VERSUS

1. The Government of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa Peshawar.
2. The Chief Secretary Khyber Pakhtunkhwa, Peshawar.
3. The Secretary Excise, Taxation & Narcotics Control Department, Khyber Pakhtunkhwa Peshawar.
4. The Director General, Excise, Taxation & Narcotics Control Department, Khyber Pakhtunkhwa Peshawar.

(Respondents)

I N D E X

S.No	Description of documents	Annexure	Pages
01	Para wise Reply		1-3
02	Affidavit		4


THE DEPONENT.

CNIC # 17301-1425914-7

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

Service Appeal No. 303/2017.

Mr. Fazle Ghafoor, Excise & Taxation Officer Posted as Deputy Director (Malakand Region) Excise, Taxation & Narcotics Control Department.

(Appellant)

VERSUS

1. The Government of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa Peshawar.
2. The Chief Secretary Khyber Pakhtunkhwa, Peshawar.
3. The Secretary Excise, Taxation & Narcotics Control Department, Khyber Pakhtunkhwa Peshawar.
4. The Director General, Excise, Taxation & Narcotics Control Department, Khyber Pakhtunkhwa Peshawar.

(Respondents)

REPLY ON BEHALF OF RESPONDENTS NO. 1-3-4

Respectfully Sheweth.
Preliminary objections.

1. That, the appellant has no locus standi to file the appeal in hand.
2. That, the appellant is stopped by his conduct to file the instant appeal.
3. That the instant appeal is not maintainable in the eyes of law.
4. That the appeal in hand is badly time barred.
5. That the instant appeal is bad due to Mis-joinder and non joinder of necessary parties.
6. That the appellant has come to court with unclean hands.
7. That the instant appeal is based on malafide, therefore, it is liable to be dismissed with heavy compensatory costs u/s-35-ACPCm, beside actual costs.
8. In the list of respondents, Respondent No. 01 and Respondent No. 02 are one and the same.

FACT.

1. Para-1, is correct to the extent that the appellant was appointed on dated. 22.04.2008, as Excise and Taxation Officer (BPS-17), and on 07.10.2016, he was assigned the duties of Deputy Director, Malakand Region, in his own pay and scale.

2. Para-2 is correct.
3. Para-3, is also correct.
4. That, the instant appeal is incompetent, against the facts and law therefore, the same is liable to be dismissed.

ON GROUNDS.

- A. That, order for rejection of Departmental appeal in accordance with law, because the departmental appeal was without any lawful justification and legal substance.
- B. The renewal of Passport of appellant was effected during service time, therefore the appellant was duty bound to show his status, being Government Servant. By not doing so the appellant committed the act of concealment of facts, from the concerned authority.
- C. All the Government officials/servant are legally bound to declare their assets and to this effect show and record their assets details time by time and in this regard complete the requirements of proforma for Assets declaration which was duly sent to him on annual basis.
- D. That, the charges were proved against appellant, therefore he was awarded the impugned punishment, and in this regard the orders of competent authority and appellate authority all are accordance with law and true facts on record.
- E. The maintaining of relevant terms "lowest" is a clerical mistake, and on the basis of clerical mistake, the relevant order cannot be declared as illegal.
- F. All the concerned officials/officers were served with show cause notices, and each official/officer was decided in accordance with its own facts and circumstances, and in this regard no discrimination was made.
- G. Reply to Para-G has already given in the preceding ground.
- H. Ground-H is incorrect, against the facts and law, hence it is denied.
- I. The charges against appellant inquired by the inquiry committee, and all the proceedings of such committee are in accordance with law.
- J. The reply to show cause notice departmental appeal and the instant appeal are devoid of any legal substances.

K. That the instant appeal is incompetent and the same is liable to be dismissed.

It is therefore, most humbly prayed, that on acceptance of this reply the instant appeal may kindly be dismissed with compensatory costs u/s-35-ACPC, beside actual costs.

Any other relief deemed fit in the circumstances of case may also be granted in favour of respondents and against appellant.

Dated. 08.01.2018.



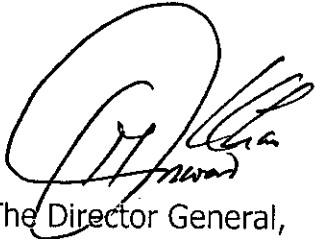
The Government of Khyber Pakhtunkhwa
through Chief Secretary Khyber Pakhtunkhwa
Peshawar.

(Respondent No. 01)



The Secretary Excise, Taxation &
Narcotics Control Department,
Khyber Pakhtunkhwa, Peshawar.

(Respondent No. 03)



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

(Respondent No. 04)

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

Service Appeal No. 303/2017.

Mr. Fazle Ghafoor, Excise & Taxation Officer Posted as Deputy Director (Malakand Region) Excise, Taxation & Narcotics Control Department.

(Appellant)

VERSUS

1. The Government of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa Peshawar.
2. The Chief Secretary Khyber Pakhtunkhwa, Peshawar.
3. The Secretary Excise, Taxation & Narcotics Control Department, Khyber Pakhtunkhwa Peshawar.
4. The Director General, Excise, Taxation & Narcotics Control Department, Khyber Pakhtunkhwa Peshawar.

(Respondents)

AFFIDAVIT

I, **Jamshed Khan S/O Mir Kaman Khan**, Deputy Director, Litigation, Excise, Taxation & Narcotics Control Department Khyber Pakhtunkhwa, Peshawar, 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.

CNIC # 17301-1425914-7

16-8-18
BEFORE THE KPK, SERVICE TRIBUNAL PESHAWAR.

Service Appeal No. 303/2017

Fazle Ghafoor

VS

Excise & Taxation Deptt:

.....
REJOINDER ON BEHALF OF APPELLANT
.....

RESPECTFULLY SHEWETH:

Preliminary Objections:

(1-8) All objections raised by the respondents are incorrect and baseless. Rather the respondents are estopped to raise any objection due to their own conduct.

FACTS:

- 1 Admitted correct by the respondents as the service record is laying in the custody of the respondents.
- 2 Admitted correct by the respondents department.
- 3 Admitted correct by the respondents department.
- 4 The appellant has good cause of action to file the instant appeal which is liable to be accepted on the following grounds.

GROUNDS:

- A) Incorrect. The orders of the respondents are against the law, rules and norms of justice therefore not tenable and liable to be set aside.
- B) Incorrect. While para-B of the appeal is correct as mentioned in the main appeal of the appellant.
- C) Incorrect. Incorrect. While para-C of the appeal is correct as mentioned in the main appeal of the appellant.
- D) Incorrect. Incorrect. While para-D of the appeal is correct as mentioned in the main appeal of the appellant.
- E) Incorrect. Incorrect. While para-E of the appeal is correct as mentioned in the main appeal of the appellant.
- F) Incorrect. Incorrect. While para-F of the appeal is correct as mentioned in the main appeal of the appellant. Moreover, the there is some order of the other official is attached as Annexure-R.
- G) Incorrect. Incorrect. While para-G of the appeal is correct as mentioned in the main appeal of the appellant.
- H) Incorrect. Incorrect. While para-H of the appeal is correct as mentioned in the main appeal of the appellant.
- I) Incorrect. Incorrect. While para-I of the appeal is correct as mentioned in the main appeal of the appellant.
- J) Incorrect. Incorrect. While para-J of the appeal is correct as mentioned in the main appeal of the appellant.
- K) incorrect.

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

Fazle Ghafoor
APPELLANT
FAZLE GHAFOOR

Through:

M. Asif Yousafzai
(M. Asif Yousafzai)
ADVOCATE, PESHAWAR.

AFFIDAVIT

It is affirmed and declared that the contents of rejoinder are true and correct to the best of my knowledge and belief.

ATTESTED

Asif
DEPONENT





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

Dated Peshawar the 5th April, 2017/2863-
68

NOTIFICATION

NO.SO(Admn)E&T/1-60/2014.

WHEREAS, Mr. Ishrat Hassan, Excise &

Taxation Officer (BS-17) presently posted as ETO-II Peshawar was proceeded against under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 in a concealment of official status in the Passport and travel abroad.

2. AND WHEREAS, the competent authority in exercising his powers under Rule-5(a) read with rule-7 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 proceeded against the accused officer.

3. AND WHEREAS, the competent authority also afforded the opportunity of personal hearing to the accused officer.

4. NOW THEREFORE, the competent authority, after having considered the charges, evidence on record, the explanation of the accused officer, defense offered by the accused officer during personal hearing and exercising his powers under Rule-14 sub-rule-5(i) of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, has been pleased to exonerate the accused officer Mr. Ishrat Hassan, Excise & Taxation Officer from the charges leveled against him.

**CHIEF SECRETARY
GOVT. OF KHYBER PAKHTUNKHWA**

K 06/04/2017.
CO Pesh.
Endst: No. & Date Even.

Copy forwarded to:-

1. The Director General Excise, Taxation & Narcotics Control, Khyber Pakhtunkhwa.
2. The Deputy Director (Peshawar Region), Peshawar.
3. The Excise & Taxation Officer-II, Peshawar.
4. PS to Chief Secretary, Khyber Pakhtunkhwa.
5. P.S. to Secretary Excise, Taxation & Narcotics Control Department.
6. Officer concerned.

[Signature]
SECTION OFFICER (ADMN)



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

2889-74

Dated Peshawar the 5th April, 2017/28.

NOTIFICATION

NO.SO(Admn)E&T/1-60/2014.

WHEREAS, Mr. Muhammad Ijaz, Excise

& Taxation Officer (BS-17) presently posted as ETO-VI Peshawar was proceeded against under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 in a concealment of official status in the Passport and travel abroad.

2. AND WHEREAS, the competent authority in exercising his powers under Rule-5(a) read with rule-7 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 proceeded against the accused officer.

3. AND WHEREAS, the competent authority also afforded the opportunity of personal hearing to the accused officer.

4. NOW THEREFORE, the competent authority, after having considered the charges, evidence on record, the explanation of the accused officer, defense offered by the accused officer during personal hearing and exercising his powers under Rule-14 sub-rule-5(i) of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, has been pleased to exonerate the accused officer Mr. Muhammad Ijaz, Excise & Taxation Officer from the charges leveled against him.

**CHIEF SECRETARY
GOVT. OF KHYBER PAKHTUNKHWA**

K 06/04/2017
CO pers.
Endst: No. & Date Even.

Copy forwarded to:-

1. The Director General Excise, Taxation & Narcotics Control, Khyber Pakhtunkhwa.
2. The Deputy Director (Peshawar Region), Peshawar.
3. The Excise & Taxation Officer-VI, Peshawar.
4. PS to Chief Secretary, Khyber Pakhtunkhwa.
5. P.S. to Secretary Excise, Taxation & Narcotics Control Department.
6. Officer concerned.

[Signature]
SECTION OFFICER (ADMN)



GOVERNMENT OF KHYBER PAKHTUNKHWA
EXCISE, TAXATION & NARCOTICS CONTROL DEPARTMENT

Dated Peshawar the 5th April, 2017/2857-62

NOTIFICATION

NO.SO(Admn)E&T/1-60/2014.

WHEREAS, Mr. Shahidul Haq Shaheen,

Excise & Taxation Officer (BS-17) presently posted as ETO-V Peshawar was proceeded against under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 in a concealment of official status in the Passport and travel abroad.

2. AND WHEREAS, the competent authority in exercising his powers under Rule-5(a) read with rule-7 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 proceeded against the accused officer.

3. AND WHEREAS, the competent authority also afforded the opportunity of personal hearing to the accused officer.

4. NOW THEREFORE, the competent authority, after having considered the charges, evidence on record, the explanation of the accused officer, defense offered by the accused officer during personal hearing and exercising his powers under Rule-14 sub-rule-5(i) of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, has been pleased to exonerate the accused officer Mr. Shahidul Haq Shaheen, Excise & Taxation Officer from the charges leveled against him.

CHIEF SECRETARY
GOVT. OF KHYBER PAKHTUNKHWA

Endst: No. & Date Even.

Copy forwarded to:-

1. The Director General Excise, Taxation & Narcotics Control, Khyber Pakhtunkhwa.
2. The Deputy Director (Peshawar Region), Peshawar.
3. The Excise & Taxation Officer-V, Peshawar.
4. PS to Chief Secretary, Khyber Pakhtunkhwa.
5. P.S. to Secretary Excise, Taxation & Narcotics Control Department.
6. Officer concerned.

SECTION OFFICER (ADMN)



**DIRECTORATE GENERAL, EXCISE AND TAXATION,
KHYBER PAKHTUNKHWA, PESHAWAR**

Augaf Complex, Shami Road, Peshawar.
Phone. 091-9212260

No. *12571* /Estb/XXXV-D-311 Dated Peshawar the *21* /11/2014

To

All Regional Deputy Directors,
Excise & Taxation,
Khyber Pakhtunkhwa.

Subject: **CONFIRMATION OF NOC IN RESPECT OF EXCISE & TAXATION OFFICERS/OFFICIALS BEFORE OBTAINING PASSPORT.**

Reference earlier letters No.SO(Admin)E&T/1-60/2014/2144-46 dated 12-09-2014, subsequent 1st reminder dated 19-9-2014 and second reminder dated 29-10-2014 received alongwith a copy of list showing the names of thirty three (33) officers/officials of Excise and Taxation Department Khyber Pakhtunkhwa regarding their status of their International passports from the Administrative Department on the subject cited above.

2. It is to mention here that two meetings were held on 13th & 19th November 2014 in the office of Secretary Excise & Taxation Department Khyber Pakhtunkhwa on the captioned subject and it was directed that the requisite information pertaining to all Regions would be furnished to this Directorate General Excise & Taxation within one week time of the issuance of the letter dated 29-09-2014. During the meeting the Secretary Excise & Taxation Department had shown great displeasure regarding your failure in providing the information within the stipulated period.

3. It is regretted to say that no concrete efforts have been made on your part in the instant case which shows your inefficiency and negligence in performance of official duties.

4. You are warned and directed to do the needful in ten (10) days of the issuance of this letter positively failing which strict disciplinary action would be initiated against you under the Govt. of Khyber Pakhtunkhwa Civil Servants Efficiency and Disciplinary Rules, 2011. *Makes Most Important.*

[Signature]
DIRECTOR GENERAL,
EXCISE & TAXATION,
KHYBER PAKHTUNKHWA,
PESHAWAR.

No. *12576* /Estb/XXXV-D-311

Copy forwarded to PS to Secretary to Government of Khyber Pakhtunkhwa, Excise and Taxation Department, Peshawar with reference to the letters mentioned above for information and to propose disciplinary action under the rules in case the Regional Deputy Directors Excise & Taxation failed to provide the requisite information in ten days (10) accordingly.

[Signature]
DIRECTOR GENERAL,
EXCISE & TAXATION,
KHYBER PAKHTUNKHWA,
PESHAWAR.

22 PA
07/12/14

Action taken as copy checked as per also directed telephonically for lastly.

22 PA
07/12/14

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

Restoration Application No. 357/2018

Khyber Pakhtunkhwa
Service Tribunal

APPEAL NO.303/2017

Diary No. 1152

Dated 4-10-18

Fazle Ghafoor

V/S

Chief Secretary:

**APPLICATION FOR RESTORATION OF APPEAL NO.
303/2017 WHICH WAS DISMISSED ON DEFAULT TODAY.**

RESPECTFULLY SHEWETH:

1. That the instant appeal No. 303/2017 was filed before this Honorable Tribunal against the order dated 04.01.2017.
2. That the instant appeal was in Argument stage at principle Bench Peshawar, on date 25.09.2018 the council for the appellant waiting for the bench and put attendance with the concerned reader. The council wait till 10 O' Clock but the bench-II was not started and then move to Bench-1 for Sb Cases and then move to civil court for attend the case, the council for appellant return to tribunal on 10:25 Am and informed that the case was called for one time and dismissed on default on today/ 25.09.2018 between 10:15 am to 10:25 am despite put attendance with concerned reader.
3. That it is in the interest of justice that the appeal should be dealt on merit rather to dismiss on default.

It is therefore, most humbly prayed, that the instant appeal No. 303/2017 may be restore on the acceptance of this application.

Fazle Ghafoor
APPELLANT
Fazle Ghafoor

Through:

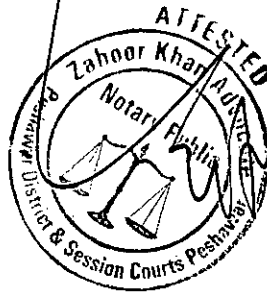
M. Asif Yousafzai
(M. ASIF YOUSAFZAI)

Syed Noman Ali Bakhari
&
Syed Noman Ali Bakhari
ADVOCATE, HIGH COURT
PESHAWAR.

AFFIDAVIT

It is affirmed and declared that the contents of application are true and correct to the best of my knowledge and belief.

مستحق
DEPONENT



BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

APPEAL NO. 303/2017

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 319

Dated 03-4-2017

Mr. Fazle Ghafoor, Excise & Taxation Officer
posted as Deputy Director (Malakand Region)
Excise, Taxation & Narcotics Control Department .

(Appellant)

VERSUS

1. The Govt: of KPK through Chief Secretary KPK, Peshawar.
2. The Chief Secretary KPK, Peshawar.
3. The Secretary Excise, Taxation & Narcotics Control Department, KPK Peshawar.
4. The Director General Excise, Taxation & Narcotics Control Department, KPK Peshawar.



(Respondents)

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974 AGAINST THE ORDER DATED 04.01.2017 WHEREBY THE PENALTY OF REEDUCATION TO LOWEST STAGE IN THE TIME SCALE FRO MAXIMUM PERIOD OF 5 YEARS WAS IMPOSED UPON THE APPELLANT AND AGAINST THE ORDER DATED 09.3.2017, WHEREBY THE DEPARTMENTAL APPEAL WAS REJECTED FOR NO GOOD GROUNDS.

25.09.2018

Appellant absent. Learned counsel for the appellant absent. Mr. Riaz Ahmed Paindakhel Learned Assistant Advocate General present. Case called time again but none appeared on behalf of the appellant. On the previous date too no one turned up on behalf of the appellant. Consequently the present service appeal is dismissed in default. No order as to costs. File be consigned to the record room.

Certified to be true copy
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Hussain Shah)
Member

(Muhammad Hamid Mughal)
Member

ANNOUNCED
25.09.2018

Date of Presentation of Application 2-10-2018
Number of Wards 400
Copying Fee 400
Urgent 200
Total 600
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