



816-16

DIRECTORATE GENERAL,
EXCISE, TAXATION & NARCOTICS CONTROL,
KHYBER PAKHTUNKHWA, PESHAWAR.
Auqaf Complex, Shami Road, Peshawar Cantt Phone Nos. 091-9212260-9211209

Peshawar dated the 17/01/2023.

O R D E R.

No. 6028 /Estb/P.File. Consequent upon judgement received from Khyber Pakhtunkhwa Service Tribunal, Peshawar, judgement No. 3682/ST dated 21.12.2022, Mr. Akhtar Ali, Constable, Excise, Taxation & Narcotics Control, Khyber Pakhtunkhwa who was dismissed from services vide order No. 5944/Estb/XXXVD-82 dated 02.05.2016, is hereby reinstated into service.

Furthermore, as per directives of Khyber Pakhtunkhwa Service Tribunal, Peshawar a formal inquiry under the Khyber Pakhtunkhwa, Government Servants (Efficiency & Discipline) Rules, 2011, is initiated against the official, compromising of following Officers with the direction to submit detail report alongwith recommendation with in fifteen (15 days).

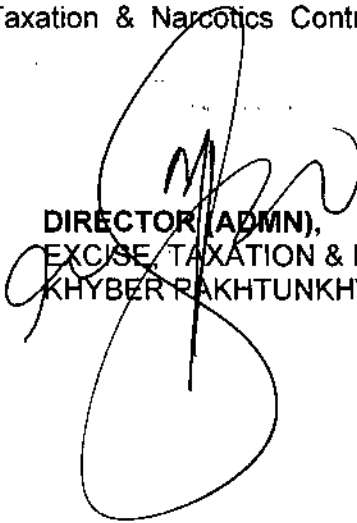
Copies of Charge Sheet and Statement of Allegation are attached herewith.

1. **Mr. Sufiyan Haqanni,**
Director, Excise, Taxation & Narcotics Control, Peshawar Region.
2. **Mr. Khaliq Dad,**
Director (Litigation) Excise, Taxation & Narcotics Control, Khyber Pakhtunkhwa, Peshawar.

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

No. 6029-33 /Estb/P.File,
Copy forwarded for information to; -

- 1- Inquiry Officers-Excise, Taxation Narcotics Control, Peshawar, Concerned
- 2- Registrar, Khyber Pakhtunkhwa Service Tribunal, Peshawar w/r to his letter No. 3682/ST dated 21.12.2022 regarding judgement No. as noted above.
- 3- PA to Director General, Excise, Taxation & Narcotics Control, Khyber Pakhtunkhwa Peshawar.
- 4- Official concerned.
- 5- Personal file.


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

No. 6028 /Estab/P.File,

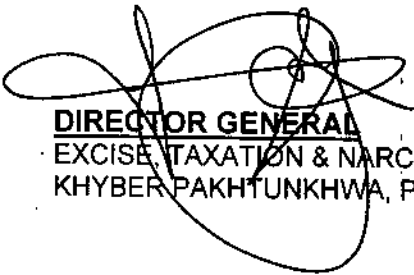
Dated. 17/01/2023.

CHARGE SHEET

I, Adeel Shah, Director General, Excise and Taxation, Khyber Pakhtunkhwa, Peshawar, as a Competent Authority, hereby charge you, Mr. Akhtar Ali, Excise & Taxation Constable, as follows: -

As reported by Excise & Taxation Inspector, a non-custom paid vehicle having Chassis No. NZE-121-3140476, displaying Government Number Plate (A-9492) was found under your possession, during road checking dated 17.12.2015. A preliminary inquiry was initiated against you. Resultantly, a Show Cause Notice was served before imposing a major penalty "dismissal from Service" upon you. Now as per directives of Khyber Pakhtunkhwa, Service Tribunal, Peshawar, an inquiry against you is re-initiated.

2. By reason of the above, you appear to be guilty of misconduct under rule 3(b) of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 and have rendered yourself liable to all or any of the penalties specified in rule 4 of the rules ibid.
3. You are, therefore, required to submit your written defense within seven days of the receipt of this Charge Sheet to the inquiry officer.
4. Your written defense, if any, should reach the inquiry officer within the specified period, failing which it shall be presumed that you have no defense to put in and in that case ex-parte action shall be taken against you.
5. Intimate whether you desire to be heard in person.
6. A statement of allegations is enclosed.


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

DISCIPLINARY ACTION

I, Adeel Shah, Director General, Excise, Taxation & Narcotics Control, Khyber Pakhtunkhwa, Peshawar, as a Competent Authority, am of the opinion that Mr. Akhtar Ali, Excise & Taxation Constable, has rendered himself liable to be proceeded against, as he committed the following acts/omissions, within the meaning of rule 3(b) of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011.

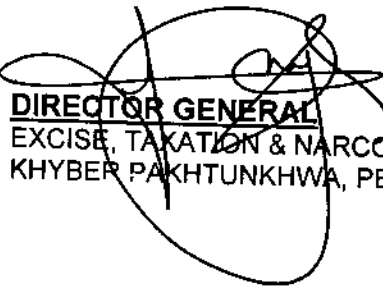
STATEMENT OF ALLEGATIONS

As reported by Excise & Taxation Inspector, a non-custom paid vehicle having Chassis No. NZE-121-3140476, displaying Government Number Plate (A-9492) was found under his possession, during road checking dated 17.12.2015. A preliminary inquiry was initiated against him. Resultantly, a Show Cause Notice was served before imposing a major penalty "dismissal from Service" upon him. Now as per directives of Khyber Pakhtunkhwa, Service Tribunal, Peshawar, an inquiry against him is re-initiated.

2. For the purpose of inquiry against the said accused with reference to the above allegation, **Mr. Sufiyan Haqanni**, Director, Excise, Taxation & Narcotics Control, Peshawar Region and **Mr. Khaliq Dad**, Director(Litigation)Excise, Taxation & Narcotics Control, Khyber Pakhtunkhwa, Peshawar are nominated as Inquiry Officers under rule 10(1)(a) of the ibid rules.

3. The Inquiry Officer shall, in accordance with the provisions of the ibid rules, provide reasonable opportunity of hearing to the accused, record his findings and make, within fifteen days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused.

4. The accused and a well conversant representative of the department shall join the proceedings on the date, time and place fixed by the inquiry officer.


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

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To

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

Subject:- REPLY ON BEHALF OF 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 mala fide 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

A Ali
Yours faithfully,

(AKHTAR ALI)
Office of ETO-III

for ...
16/2
Supdt - 2

DIARY NO. 4965
DATED 17-03-2016
DIRECTORATE GENERAL,
EXCISE, TAXATION & NARCOTICS
CONTROL, KHYBER PAKHTUNKHWA.

Reply 8 8


(SW)

(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.



(29)

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

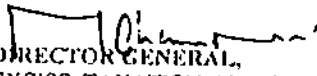
Auqaf Complex, Shami Road, Peshawar Cantt. Phone Nos. 091-9212260-9211209.

ORDER

Dated Peshawar the 25/12/2016.

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

Dost
Saddique



(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.**



(47)

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

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

No. **6784** /Estb/

Dated Peshawar the **28** /06/2016

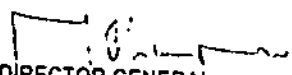
To The Secretary to Government of Khyber Pakhtunkhwa,
Excise Taxation & Narcotics Control Department, Peshawar.

Subject **APPEAL FOR REINSTATEMENT IN SERVICE.**

Kindly refer to the Section Officer (Admn) letter No. SO(Admn)/E&T/1-20/2015/3176-77, dated. 21.06.2016 requesting brief detail of the case alongwith supporting documents in respect of Mr. Akhtar Ali, ex-Excise constable.

Facts in brief are as follow please:-

- a) A Toyota corolla Motor Car Chassis No. NZE-121-3140476 displaying fake official number plate A-9492(Peshawar) was captured during road checking by Mr. Dost Muhammad, Inspector Excise and Taxation, Charsadda on 17.12.2015 and Form-A S. No. 8519 against the said Mr. Akhtar Ali Constable, Office of the ETO-III, Peshawar was chalked out. (Copy of Form-A is annexure-I)
- b) On that account Mr. Akhtar Ali was placed under suspension and Mr. Salah ud Din, Director Revenue/Deputy Director Registration, Excise and Taxation was nominated as Inquiry Officer. (Copy of suspension order & nomination of Inquiry officer is Annexure-II)
- c) Before that two(02) Nos. explanations were called from Mr. Akhtar Ali by ETO-III, Peshawar for absence from duty since 11.12.2015.(or 10.12.2015). (Copies of explanations are annexure-III and Annexure-IV).
- d) Resultantly a show cause notice was issued. (Copy of the notice is Annexure-IV).
- e) However, PS to the Honorable Minister Excise, Taxation & Narcotics Control, Khyber Pakhtunkhwa took side and stated in his letter No. PS/MIN/ET&NCA/KP/1263, dated. 28.01.2016 Mr. Akhtar Ali constable has been working in their office since 08.12.2015 on the verbal direction of the Honorable Minister for Excise, Taxation and Narcotics Control. (Copy of the PS to Minister letter is Annexure-V). Accordingly, proceedings for absence from duty without leave were dropped.
- f) The Director Revenue concluded and submitted the Inquiry wherein it was stated that Mr. Akhtar Ali is involved in illegal use and transportation of the vehicle in question and recommended disciplinary action against him. (Copy of Inquiry report is Annexure-VI).
- g) On the 03.03.2016 the Competent Authority on file recorded the penalty of dismissal from service. However, a show cause notice being mandatory before imposition of the major penalty was issued. (Copy of show cause notice is Annexure-VII)
- h) In reply to the show cause notice the said Mr. Akhtar Ali took the plea that his name was wrongly inserted in the Form of seizure(Form-A). The matter was referred back again to the Inquiry Officer who reconfirmed on 15.04.2016 that it was the same Mr. Akhtar Ali Constable from whom the vehicle was seized. Therefore, the plea taken by Mr. Akhtar Ali, constable was found untrue and resultantly on 02.05.2016 the said Mr. Akhtar Ali Constable was dismissed from service vide this Office Order No. 5944/Estb/XXXV-D-82. (Copy of dismissal order is Annexure-VIII).


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

Enclosed:- As above.

Estb/II

23-06-2016