

29.10.2020

Since 30.10.2020 has been declared as public holiday on account of Eid Milad-ud-Nabi, therefore, to come up for the same on 26.11.2020 before S.B at Camp Court, D.I.Khan.



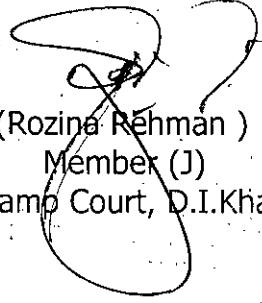
READER

26.11.2020

Nemo for appellant.

Case was called time and again but none appeared on behalf of appellant. Consequently, the present service appeal is hereby dismissed in default. No order as to costs. File be consigned to the record room.

Announced.
26.11.2020



(Rozina Rehman)
Member (J)
Camp Court, D.I.Khan

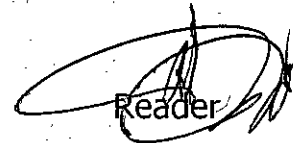
27/3/2020

Due to COVID-19 the case is adjourned. To come up for the same 23/4/2020 at Camp Court, D.I Khan


Reader


23/4/2020

Due to COVID-19 the case is adjourned. To come up for the same 25/4/2020 at Camp Court, D.I Khan


Reader

25.09.2020 Nemo for appellant.


Notice be issued to appellant/counsel for preliminary hearing for 30.10.2020 before S.B at Camp Court, D.I.Khan.


(Rozina Rehman)
Member (J)
Camp Court, D.I.Khan


23/10/2019 Since tour to D.I.Khan has been cancelled .To come
for the same on 28/11/2019.


Reader

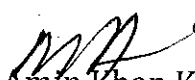
28.11.2019 Appellant in person present and requested for adjournment
on the ground that his counsel is not available today due to
general strike of the Bar. Adjourned to 30.01.2020 for preliminary
arguments before S.B at Camp Court D.I.Khan.


(M. Amin Khan Kundi)
Member
Camp Court D.I.Khan

30.01.2020 Appellant in person present and requested for
adjournment on the ground that his counsel is not available
today due to general strike of Khyber Pakhtunkhwa Bar
Council. Adjourned to 27.02.2020 for preliminary hearing
before S.B at Camp Court D.I.Khan.


(M. Amin Khan Kundi)
Member
Camp Court D.I.Khan

27.02.2020 Junior counsel for the appellant present and requested
for adjournment on the ground that learned senior counsel for
the appellant is not available today. Adjourned to 27.03.2020
for preliminary hearing before S.B at Camp Court D.I.Khan.


(M. Amin Khan Kundi)
Member
Camp Court D.I.Khan

Service Appeal No. 159/2019

28.08.2019

Appellant in person present and requested for adjournment. Adjourned to 25.09.2019 for preliminary hearing before S.B at Camp Court D.I.Khan.



(Muhammad Amin Khan Kundi)
Member
Camp Court D.I.Khan

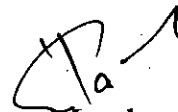
25.09.2019

Appellant present. Learned counsel for the appellant present.

Through the present service appeal the appellant has challenged the method of recruitment, qualification and other conditions of Government of Khyber Pakhtunkhwa, Excise Taxation And Narcotics Control Department issued vide Notification dated 19.02.2018.

Prayer of the appellant is for the deletion of 6% quota of the Superintendents to the post of Assistant Excise & Taxation Officer and for the enhancement of promotion quota of Excise & Taxation Inspectors by reducing 40% quota of the initial recruits.

The method of recruitment and promotion issued vide Notification dated 19.02.2018 in relation to the post of Assistant Excise & Taxation Officer found rational. Future career prospects of Superintendents and government service for educated youth have also been taken care of. As such learned counsel for the appellant remained unable to demonstrate any valid reason for interference in the method of recruitment and promotions as Assistant Excise & Taxation Officer (BS-17). Learned counsel for the appellant seeks adjournment for further preliminary arguments. Adjourn. To come up for further preliminary arguments on 23.10.2019 before S.B at Camp Court, D.I.Khan.



Member
Camp Court, D.I.Khan.

27.03.2019

Appellant in person present.

Requests for adjournment as his learned counsel has proceeded to Islamabad to appear before the Apex Court.

Adjourned to 24.04.2019 before S.B at camp court, D.I.Khan.

Chairman
Camp Court, D.I.Khan

24.04.2019

Clerk to counsel for the appellant present and seeks adjournment as learned counsel for the appellant is not in attendance. Adjourn. To come up for preliminary hearing on 26.06.2019 before S.B at Camp Court, D.I.Khan.

Member
Camp Court, D.I.Khan.

26.06.2019

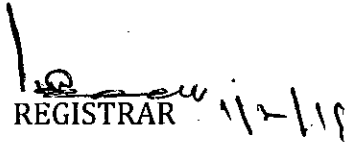


Appellant in person present and requested for adjournment on the ground that his counsel is not available today. Adjourned to 28.08.2019 for preliminary hearing before S.B at Camp Court D.I.Khan.

(Muhammad Amin Khan Kundi)
Member
Camp Court D.I.Khan

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 159/2019

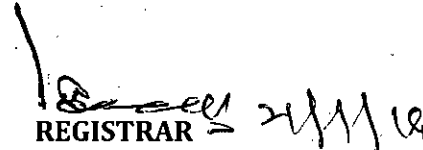
S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	01/2/2019	<p style="text-align: center;">The appeal of Mr. Hizbullah resubmitted today by Mr. Ahmad Ali Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR 11-2-19</p>
2-		<p style="text-align: center;">This case is entrusted to touring S. Bench at D.I.Khan for preliminary hearing to be put up there on <u>27-2-2019</u></p> <p style="text-align: right;"> CHAIRMAN</p>
27.02.2019		<p style="text-align: center;">Clerk to counsel for the appellant present and requested for adjournment. Adjourned to 27.03.2019 for preliminary hearing before S.B at Camp Court D.I.Khan.</p> <p style="text-align: right;"> (Muhammad Amin Khan Kundi) Member Camp Court D.I.Khan</p>

The joint appeal of M/S Hizbullah Khan, Saifullah Khan and Muhammad Ilyas received today i.e. on 21.01.2019 is in complete on the following score which is returned to the counsel for the appellants for completion and resubmission within 15 days.


- 1- Memorandum of appeal may be got signed by the appellants.
- 2- Annexures of the appeal may be attested.
- 3- Annexures of the appeal may be flagged.
- 4- Sub-rule- 2 of rule-3 of the appeal rules 1986 requires that every affected civil servant shall prefer the appeal separately. Therefore, the appeal of the above appellants may be filed separately/individually.
- 5- Three copies/sets of the appeal along with annexures i.e. complete in all respect for Tribunal and one for each respondent in each appeal may also be submitted.

No. 131 /S.T,

Dt. 21-1- /2019


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Ahmad Ali Adv. D.I.Khan.

*Report of the appeal has
been returned as per direction
*

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

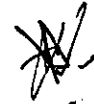
Service Appeal No. 159 of 2019

**Hizbullah Khan Vs. Govt. of K.P.K. etc
SERVICE APPEAL**

S#	DESCRIPTION OF DOCUMENTS	ANNEXURE	PAGE NO.
1.	Grounds of Service Appeal	---	02-10
2.	Copy of Excise & Taxation Department Service Rules, 2010	A	11-19
3.	Copy of Excise & Taxation Department Service Rules, 2018	B	20-27
4.	Copy of Secretariat Instructions'	C	28-32
5.	Copy of the representation along with postal receipts	D	33-36
6.	Copy of job descriptions for the officers and officials of Directorate General, Excise & Taxation Khyber Pakhtunkhwa and its sub offices	E	37-43
7.	Vakalatnama	---	44

Yours Humble Appellant:

(Hizbullah Khan)
Through Counsel



Ahmad Ali
Advocate Supreme Court.



Miss Shumaila Awan
Advocate High Court, D.I.Khan.

Dt. 30 /01/ 2019

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

Service Appeal No. 159 of 2019.

Hizbullah Khan son of Naimatullah Khan, resident of Mohallah Aslam Faqir, Qasuria Chowk, D.I.Khan.

serving as Excise, Taxation & Narcotics Control Inspector, D.I.Khan.

Appellant

VERSUS

1. **Govt. of Khyber Pakhtunkhwa**, through Secretary Establishment Department, Khyber Pakhtunkhwa, Peshawar.
2. **Secretary to Govt. of K.P.K.** Excise, Taxation & Narcotics Control Department, Peshawar.
3. **Secretary to Govt. of K.P.K.** Establishment Department, Peshawar.
4. **Secretary to Govt. of K.P.K.** Finance Department, Peshawar.
5. **Director General**, Excise, Taxation & Narcotics Control Department, Khyber Pakhtunkhwa, Peshawar.
6. **Director**, Excise, Taxation & Narcotics Control Department, Khyber Pakhtunkhwa, Peshawar.
7. **Excise, Taxation & Narcotics Control Officer**, D.I.Khan.

Respondents

Re-submitted to ~~day~~
and filed.

Registrar

11/2/19

SERVICE APPEAL UNDER SECTION 4 OF THE K.P.K. SERVICE TRIBUNALS ACT, 1974, FOR ENHANCING THE QUOTA OF EXCISE & TAXATION INSPECTORS TO THE POST OF ASSISTANT EXCISE & TAXATION OFFICERS AS 75% OR MORE AND TO PLEASE EXPUNGE PROMOTION SHARE OF SUPERINTENDENT IN THE CATEGORY OF ASSISTANT EXCISE, TAXATION & NARCOTICS OFFICERS.

PRAYER:

ON ACCEPTANCE OF PRESENT SERVICE APPEAL, THE SERVICE RULES 2018 MAY GRACIOUSLY BE AMENDED AND THEREBY THE ILLOGICAL PROMOTION QUOTA OF SUPERINTENDENTS TO THE POST OF ASSISTANT EXCISE, TAXATION & NARCOTICS CONTROL OFFICER MAY KINDLY

BE DELETED; WHEREAS, QUOTA OF PROMOTION TO THE SAID POST FOR EXCISE, TAXATION & NARCOTICS CONTROL INSPECTORS MAY GRACIOUSLY BE ENHANCED TO 75% OR MORE, WITH SUCH OTHER RELIEF WHICH THIS HONOURABLE TRIBUNAL, IN THE GIVEN CIRCUMSTANCES, MAY DEEMS FIT IN THE INTEREST OF JUSTICE MAY ALSO BE GRANTED TO THE APPELLANTS.

Respectfully Sheweth,

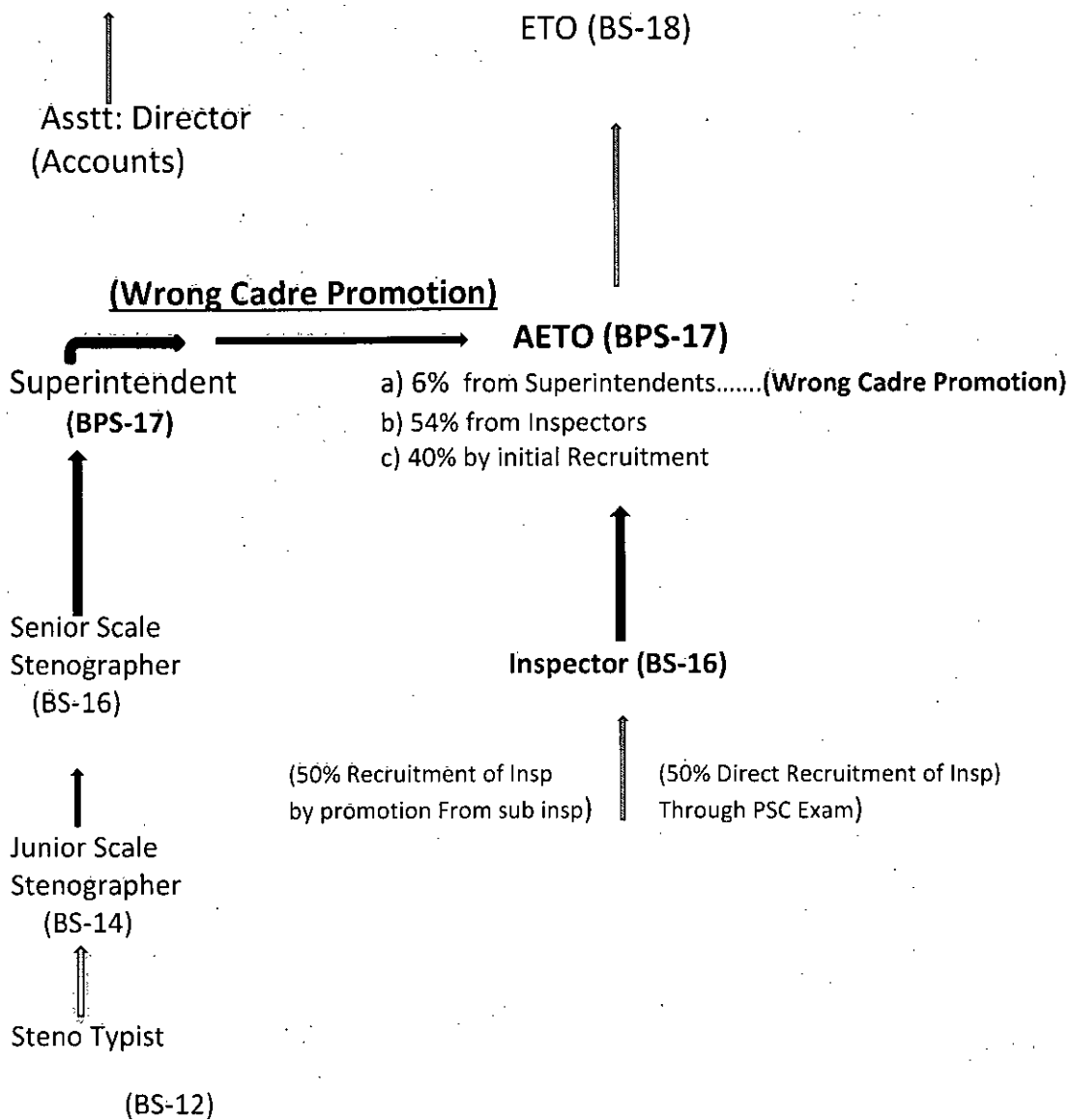
1. That appellant has been serving as Excise, Taxation and Narcotics Control Inspector in BPS-16 (*hereinafter referred as Excise & Taxation Inspectors or ETI*) in the Excise, Taxation & Narcotics Control Department, Khyber Pakhtunkhwa. Total strength of ETIs in the entire province is more than 180.
2. That next step of promotion for ETIs is Assistant Excise, Taxation & Narcotics Control Officer (*hereinafter referred as Assistant Excise & Taxation Officer or AETO*) in BPS-17 and afterwards the Excise, Taxation & Narcotics Control Officer in BPS-18 (*hereinafter referred as Excise & Taxation Officer or ETO*).
3. That there are only 44 sanctioned posts of AETOs (BPS-17) in the entire province, and as such, majority of the ETIs attain the age of superannuation before their promotion to the next post of AETNCO; and thereby they remain on the same post (i.e. ETI) from the date of their appointment till retirement.
4. That according to Excise & Taxation Department Service Rules, 2010 (**Annexure A**) the post of AETO was required to be filled-up by way of promotion from amongst the holders of the posts of ETIs who have passed departmental examination in higher grade.
5. That now the Excise & Taxation Department Service Rules, 2018 (**Annexure B**), have been promulgated wherein per Serial No 15 for the purpose of promotion to the post of AETO (Executive Cadre), a share of 6% have been given to Superintendents (Clerical Cadre), promotion right of ETIs has been decreased to 54 and 40% posts of

AETOs will be filled by direct recruitment through Public Service Commission. Thus, for filling of 44 sanctioned posts of AETOs the break-up would be as under:

- 6% (02 posts) of AETOs will be filled by way of promotion from amongst the holders of the post of Superintendents (Clerical Cadre).
- 54% (24 posts) of AETOs have to be filled by way of promotion from ETIs, and
- 40% (18 posts) will be filled by direct recruitment through Public Service Commission.

Thus, only 24 ETIs out of more than 180 ETIs could get the fruit of promotion to next higher post/grade as AETO subject to the availability of vacancy of AETO.

In this way promotion quota of Inspectors has been reduced from 100% to 54%. This act is against the rights of Inspectors who complete their service in one and the same scale / post without any fruit of promotion to the next step/scale in their entire career due to insufficient vacancies of AETOs.



6. That there is much difference in the nature of job of Superintendent and that of the Excise Inspectors/ AETOs/ ETOs which has been described in the 'Secretariat Instructions' **(Annexure C)**.
7. That appellant on 24.09.2018 submitted an application/ representation to the Department for the Review and amendment of Service Rules, 2018; but the said application has not been looked into. Copy of the representation along with postal receipts is enclosed as **Annexure D**.
8. That the representation of appellant, despite passing of 90 days period, has not been considered; therefore, appellant has been left with no other remedy but to file present Service Appeal for the safeguard of his rights & interests on, inter alia, the following grounds:

GROUND:

- i.* That decreasing the quota of promotion of ETIs to the post of AETO and inclusion of superintendents in the said quota, is without jurisdiction, without lawful authority, without any legal backing, based on malafide, whimsical, ultra-vires and is thus not sustainable.
- ii.* That the nature of the job of Superintendent is a Clerical and according to Clause-10 of Secretarial Instructions the Superintendent is responsible for accurate sorting of Dak Section-wise, letters/despatch, confidential/ secret communications and alike supervisory duties over the Clerical Staff.
- iii.* That according to job descriptions for the officers and officials of Directorate General, Excise & Taxation Khyber Pakhtunkhwa and its sub offices as notified in 2011 (**Annexure E**), job descriptions of Excise & Taxation Inspectors have been given in Paragraph No.16 which are quite different from Superintendent (Para No.22, 23). In-fact the job description of ETIs is compatible with that of the AETOs and ETOS as defined in Paragraph No.11, 12 & 15. Therefore, award of 6% promotion quota to the Superintendent for the post of AETO in the Service Rules 2018 is highly unjust; and is liable to be deleted.
- iv.* That presently Superintendents are serving in BPS-17 and the scale of AETO is also BPS-17 whereas, ETIs are serving in BPS-16. Thus, Superintendents who are also already serving in BPS-17 and getting Pays & benefits of B-17 have been given a special edge and double benefits at the cost & career of ETIs BPS-16. Therefore, ETIs have been deprived from full opportunity of promotion to the next higher scale; which has resulted into grave miscarriage of justice.
- v.* That in the Service rules of 2010 the share of promotion of ETIs for the post AETO was 100% which has been decreased to 54% in the Rules of 2018 and thereby the appellant, serving on the post of ETI, has not been treated in accordance with law. The detail

comparison of the rules of 2010 and 2018 as to the method of recruitment on the Post of AETO is given below:

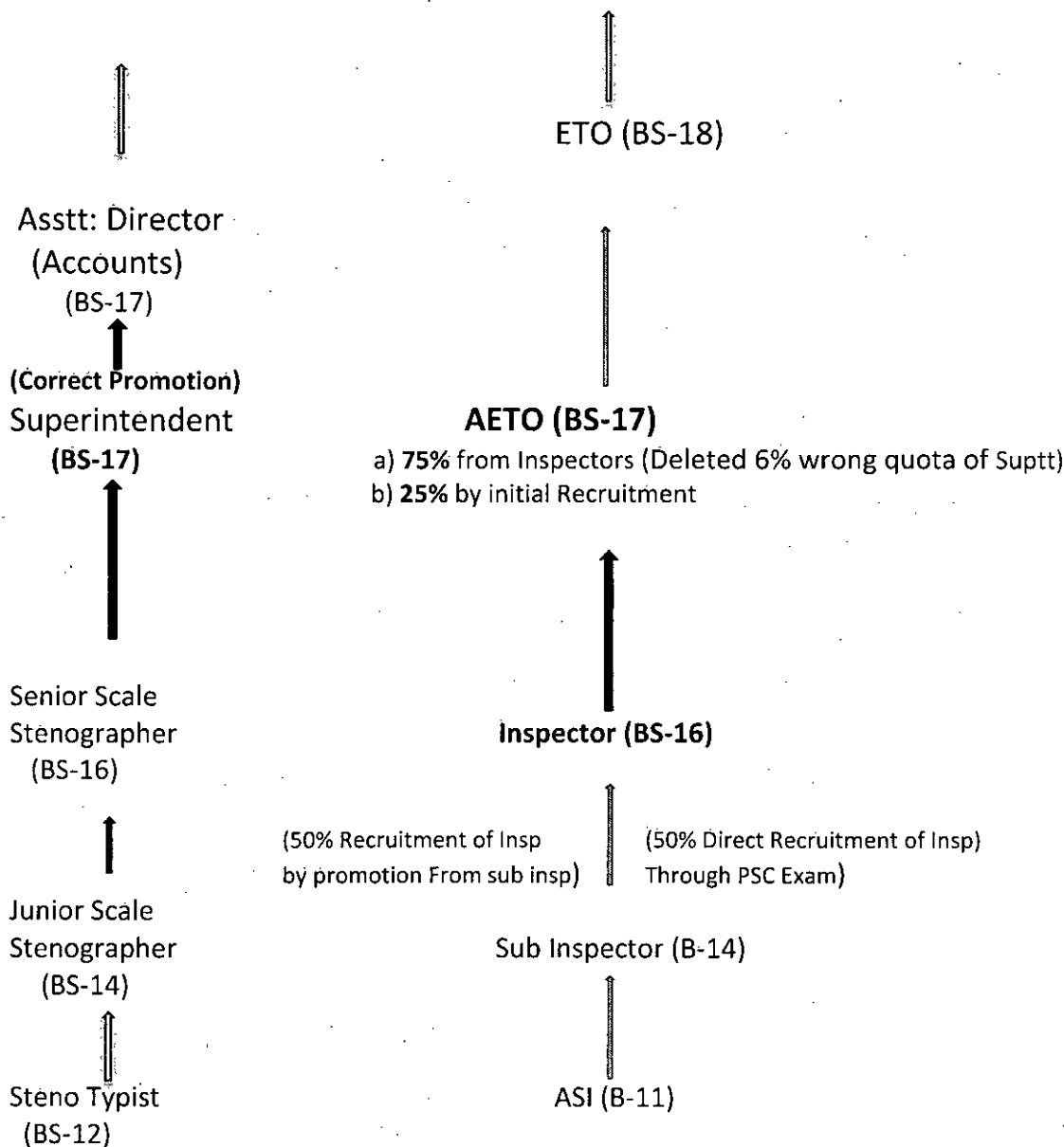
S.No	Nomenclature of post	Method of Recruitment Excise & Taxation Department Service Rules, 2010	Method of Recruitment Excise & Taxation Department Service Rules, 2018
	Assistant Excise & Taxation Officer (B-17)	By promotion on the basis of seniority-cum-fitness from amongst the holders of the posts of Inspectors, with at least five years' service as such, and who have passed departmental examination in higher grade.	(a) 6% by promotion from amongst superintendent (b) 54% by promotion from amongst holders of the post of Inspectors (c) 40% by initial Recruitment

- vi.* That respondents were required to consider the case of restoration of promotion quota for ETIs (B-16) in its true perspective and in accordance with law in order to maintain equilibrium in the department by providing ETIs the opportunities of promotion. But they failed to do so and deprived ETIs (B-16) from promotion to the post of AETO (B-17) without any cogent and valid reasons and as such great injustice has been done to appellants.
- vii.* That there are mainly three categories of employees working in the Excise, Taxation & Narcotics Control Department Khyber Pakhtunkhwa. Each category has different nature of job and with its own line of promotion, detailed below:
- a.* **Executive Staff:** It includes Excise Inspectors, AETOs/ETOs which is also called 'Field/Recovery Staff'.
 - b.* **Technical Staff:** It consists of Computer Literate Staff responsible for punching data of motor vehicles, etc.
 - c.* **Clerical Staff:** It consists of Junior/Senior Scale Stenographers/Superintendents, dealing with the office routine work, maintenance of official files/record, Service Books of the staff, Diary & Dispatch Registers, Drafting and other official correspondence.

Staff of the above categories is working with different nature of jobs in their respective domains except with the anomaly in the promotion of superintendents (B-17) to whom 6% promotion quota has been awarded from Executive Cadre for promotion as AETO (B-17) ignoring the nature, experience/difference of jobs in Executive and Clerical Cadres.

- viii. That due to limited posts of AETOs and scanty quota of 54% most of the ETIs are deprived of their right of promotion because of reaching the age of superannuation. Thus, 54% quota of promotion for ETIs to the Post of AETOs is liable to be enhanced to 75% or more.

Suggested Promotion of Superintendent in their own Cadre




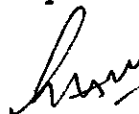
- ix. That Superintendents (Clerical Staff) have been given illogical opportunity to include them in the Seniority List of AETOs neglecting the nature of job, service experience of two totally different cadres i.e. Clerical Staff with Executive Cadre. A Superintendent (Clerical Staff) with no experience of Tax Recovery can never be promoted and posted against a technical post of AETOs having different background and experience.
- x. That the counsel for appellants may be allowed to raise additional grounds at the time of arguments.

It is, therefore, humbly prayed that the present service appeal may please be allowed as prayed for.

Yours Humble Appellants


(Hizbullah Khan ~~et al~~)
Through Counsel


Ahmad Ali
Advocate Supreme Court.


Miss Shumaila Awan
Advocate High Court, D.I.Khan.

Dt. 30/01/2019

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

Service Appeal No. _____ *of 2019*

Hizbullah Khan Vs. Govt. of K.P.K. etc
SERVICE APPEAL

CERTIFICATE/VERIFICATION

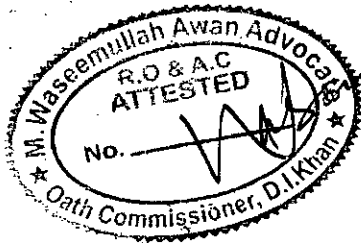
I, *the appellant*, on this day of January-2019 (*herein mentioned above*) at district D.I.Khan do hereby verify and certify that it is the first Service Appeal on behalf of appellant and no appeal on the subject has earlier been filed.

Hiz
Appellant

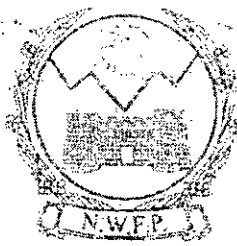
AFFIDAVIT

I, *the Appellant*, do hereby solemnly affirm and declare on oath that all the Para-wise contents of above **Service Appeal** are true & correct to the best of my knowledge and belief and nothing has been deliberately concealed from this Honourable Court.

Hiz
DEPONENT



EXTRAORDINARY
GOVERNMENT



Ann: 'A'
REGISTERED NO. P.III
GAZETTE

North-West Frontier Province

Published by Authority

PESHAWAR, TUESDAY, 30TH MARCH, 2010.

GOVERNMENT OF THE NORTH-WEST FRONTIER PROVINCE
EXCISE & TAXATION DEPARTMENT
SERICE RULES, 2010.

NOTIFICATION

Peshawar dated the 30th March, 2010.

No. SO(Estt)E&T/1-41/2009: - In pursuance of the provisions contained in sub-rule (2) of rule (3) of the North-West Frontier Province Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, and in supersession of all rules issued in this behalf, the Excise & Taxation Department in consultation with the Establishment and the Finance Departments, hereby lays down the method of recruitment, qualifications and other conditions, specified in column No. 3 to 5 of the Appendix to this Notification which shall be applicable to posts in the Excise & Taxation Department specified in column 2 of the said Appendix.

SECRETARY
GOVERNMENT OF THE NORTH-WEST FRONTIER PROVINCE
EXCISE & TAXATION DEPARTMENT

737

Printed and published by the Manager,
Staty. & Pte. Dept., NWFP, Pesh.

ATTESTED,

AHMAD ALI A.B.

**GOVERNMENT OF NWFP
EXCISE & TAXATION DEPARTMENT
SERVICE RULES, 2010.**

APPENDIX

R.NO.	Nomenclature of post	Minimum qualification for appointment by initial recruitment/transfer	Age limit	Method of recruitment
1	2	3	4	5
	Director General, Excise and Taxation.	Bachelor's Degree from a recognized University.	---	i) By transfer; or ii) By promotion, on the basis of seniority-cum-fitness, from amongst the Deputy Directors, Excise & Taxation having five years service as such or fifteen years service in BS-17 and above.
	Deputy Director, Excise & Taxation.	Bachelor's Degree from a recognized University.	---	i) By promotion, on the basis of seniority-cum-fitness, from amongst the Excise & Taxation officers with at least five years Service as such or ten years service as Assistant Excise & Taxation Officer and Excise & Taxation Officer; or ii) If no suitable Excise & Taxation officer is available for promotion, then by transfer of suitable officer.


ATTESTED

[Signature]
AFIZAD ALI A.S.

N.W.F.P. GOVERNMENT GAZETTE, EXTRAORDINARY, 30th MARCH, 2010. 739

.NO.	Nomenclature of post	Minimum qualification	Age limit	Method of recruitment
1	2	3	4	5
	Taxation Analyst	(a) i. MBA with Finance, from a recognized University; or ii. M.Com from a recognized University; and (b) i. Computer Literate with certificate in Microsoft Office (MS-Word, MS-Excel, MS-Access); and ii. three years experience in field relating to Taxation in Public / Private Sector, Autonomous/Semi Autonomous Bodies.	25-35 Years	By initial recruitment.
	System Analyst	i. 1st Class Master's Degree in Computer Science; or equivalent qualification from a recognised institute; and ii. three years experience in field of Electronic Data Processing with System Designing and Programming Skills.	25-35 Years	By initial recruitment

ATTESTED


A. HANIF ALI A.S.

740 N.W.F.P. GOVERNMENT GAZETTE, EXTRAORDINARY, 30th MARCH, 2010.

R.NO.	Nomenclature of post	Minimum qualification	Age limit	Method of recruitment
1	2	3	4	5
	Excise & Taxation Officer.	Second Division Bachelor's Degree from a recognized University.	21 to 30 years	<p>(a) i. Forty six per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Assistant Excise & Taxation Officers(BS-16) with at least 5 years service as such, who have passed the departmental examination in higher grade; and</p> <p>ii. Four per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Superintendents (BS-16) with at least 5 years service as such, who have passed the departmental examination in higher grade; and</p> <p>(b) Fifty per cent by initial recruitment, on the recommendations of N.W.F.P. Public Service Commission based on the result of a competitive Examination conducted by it, in accordance with the Syllabus prescribed for the Competitive Examination under Government of North-West Frontier Province Provincial Management Service Rules, 2007.</p>
	Accounts Officer.	<p>i. Second Class Master's Degree in Commerce with Accounting as one of the subject, from a recognized University; and</p> <p>ii. one year Diploma in Computer Science from the Board of Technical Education.</p>	21 to 32 years	By initial recruitment.

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NO.	Nomenclature of post	Minimum qualification	Age limit	Method of recruitment
	2	3	4	5
	Computer Programmer.	(i) Second Class Master's Degree in Computer Science from a recognized University; and (ii) two years experience in a Government Department /Semi-Government/Public Corporation or any well reputed Private Organization.	26 to 35 years.	(i) Fifty per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Data Processing Supervisors with at least five years service as such; and (ii) Fifty per cent by initial recruitment.
	Assistant Excise & Taxation Officer.	---	---	By promotion, on the basis of seniority-cum-fitness, from amongst the holders of the post of inspectors, with at least five years service as such, and who have passed Departmental examination in higher grade.
	Superintendent.	---	---	By promotion, on the basis of seniority-cum-fitness, from amongst the Senior Scale Stenographers with at least five years service as such or ten years total service in the Department as Junior Scale Stenographer and Senior Scale Stenographer
	Assistant Accounts Officer.	i. Second Class Bachelor's Degree in Commerce from a recognized University; and ii. one year Diploma in Computer Science from the Board of Technical Education.	21 to 32 years	By Initial Recruitment

ATTESTED

ARIMAN

10.	Nomenclature of post	Minimum qualification	Age limit	Method of recruitment
	2	3	4	5
	Senior Scale Stenographer	(i) Second class Bachelor's Degree from a recognized University; (ii) a speed of hundred Words per minute in Shorthand in English & forty words per minute in typing; and (iii) one year Diploma in Computer Science from the Board of Technical Education.	18 to 32 years	By promotion, on the basis of seniority-cum-fitness, from amongst Junior Scale Stenographers (BPS-12), with at least 5 years service as such; provided that if no suitable candidate is available for promotion, then by initial recruitment.
	Inspector	(i) Second Class Bachelor's Degree, from a recognised University; and (ii) One year Diploma/Certificate in Computer Science from the Board of Technical Education.	21 to 32 years	(i) Fifty per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Sub-Inspectors with at least five years service as such who have passed the departmental examination in lower grade; and (ii) Fifty per cent by initial recruitment.
	Data Processing Supervisor.	(i) Second Class Bachelor's Degree with Computer Science from a recognized university; and (ii) one year's experience in the field of Data Control or Key - Punch Operation.	21 to 32 years	(i) Fifty percent by promotion, on the basis of seniority-cum-fitness, from amongst Key Punch Operators/Data Entry Operators with at least three years service as such; and (ii) Fifty percent by initial recruitment.

ATTESTED

AHMAD ALI A.B.S.

N.W.F.P. GOVERNMENT GAZETTE, EXTRAORDINARY, 30th MARCH, 2010. 743

NO.	Nomenclature of post	Minimum qualification	Age limit	Method of recruitment
2		3	4	5
	Junior Scale Stenographer	(i) Intermediate or equivalent qualifications from a recognized Board; and (ii) a speed of fifty words per minute in shorthand in English and thirty five words per minute in typing and knowledge of Computer in using MS-Word & MS- Excel.	18 to 32 years	By initial recruitment.
	Data Entry Operator/ Key Punch Operator.	(i) Intermediate, with Statistics, Economics or Mathematics/ Physics as one of the Subjects from a recognized Board; and (ii) a minimum speed of ten thousand Key depressions per hour for punching/data entry/verification.	18 to 32 years	By initial recruitment

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714 N.W.F.P. GOVERNMENT GAZETTE, EXTRAORDINARY, 30th MARCH, 2010.

O.	Nomenclature of post	Minimum qualification	Age limit	Method of recruitment
	2	3	4	5
	Sub Inspector			By promotion on the basis of seniority-cum-fitness from amongst Assistant Sub-Inspectors with at least five years service as such.
	Assistant Sub-Inspector	i) Intermediate or equivalent qualification from a recognized Board; ii) One year certificate in Computer Science/Information Technology from Board of Technical Education; and iii) (Height...5' 7") (Chest...33" with expansion of 1 1/2 inches).	18 to 32 years	i) Forty per cent by promotion on the basis of seniority-cum-fitness from amongst the constables Excise & Taxation Department with at least five years service as such; and ii) Sixty per cent by initial recruitment.
	Excise & Taxation Constable	Secondary School Certificate (Height.....5'7") (Chest.....33" with expansion of 1 1/2 inches).	18 to 30 years	By initial recruitment from amongst bonafide residents of district concerned.

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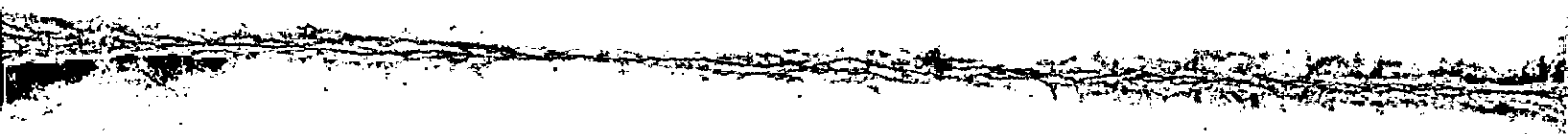
N.W.F.P. GOVERNMENT GAZETTE, EXTRAORDINARY, 30th MARCH, 2010. 745

O.	Nomenclature of post	Minimum qualification	Age limit	Method of recruitment
	2	3	4	5
	Wireless Operator	i. Secondary School Certificate from a recognized Board of Intermediate & Secondary Education; and ii. a certificate in Telecommunication from a recognized Polytechnic/Vocational institution or equivalent qualification from a recognized institute.	18-30 years	By initial recruitment from amongst bonafide residents of district concerned.
	Driver	Secondary School Certificate from a recognized Board of Intermediate and Secondary Education and possessing a valid Light Transport Vehicle License, with at least three year's experience of practical driving.	18 to 32 years	By initial recruitment from amongst bonafide residents of district concerned.
	Distillery Security Guard	Secondary School Certificate	18 to 32 years	By initial recruitment from amongst bonafide residents of district concerned.
	Daftri/Qasid			By promotion from amongst Naib Qasids.
	Naib Qasid	Middle	18 to 32 years	By initial recruitment.
	Chowkidar/Mali/Sweeper	* Preferably literate	18 to 32 years	By initial recruitment.

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EXTRAORDINARY
GOVERNMENT



REGISTERED NO. PIII

GAZETTE

KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, FRIDAY, 16TH FEBRUARY, 2018

GOVERNMENT OF KHYBER PAKHTUNKHWA
EXCISE, TAXATION AND NARCOTICS CONTROL DEPARTMENT

NOTIFICATION

Peshawar, Dated the 19th February, 2018.

No. SO(Admn)/ET&NC/1-41/2018: -In pursuance of the provisions contained in sub-rule (2) of rule 3 of the Khyber Pakhtunkhwa, Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, and in supersession of all previous rules, issued in this behalf, the Excise, Taxation & Narcotics Control Department in consultation with the Establishment and Finance Departments hereby lays down the method of recruitment, qualifications and other conditions specified in column 3 to 5 of the Appendix to this Notification, which shall be applicable to posts in the Directorate General Excise, Taxation and Narcotics Control Department specified in column 2 of the said Appendix.

APPENDIX

S.No.	Nomenclature of the post.	Minimum qualification for appointment by Initial recruitment.	Age limit.	Method of recruitment.
1	2	3	4	5
1	Director General (BPS-20).	----	----	By transfer from amongst the officers of APUG/PAS/PCS-SG/PCS-EG/PMS.
2	Director (Administration) (BPS-19).	----	----	By transfer from amongst the officers of APUG/PAS/PCS-SG/PCS-EG/PMS.

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3	Director (Revenue) (BPS-19).	----	----	By Promotion, on the basis of seniority cum fitness, from amongst the Excise and Taxation Officers with at least twelve years service in BPS-17 and above.
4	Director (BS-19).	----	----	(a) Seventy five percent by promotion, on the basis of seniority-cum-fitness, from amongst the Excise and Taxation Officers with at least twelve years service in BPS-17 and above; and (b) twenty five percent by transfer from amongst the officers of APUG/PAS/PMS.
5	Deputy Director (Audit and Accounts) (BPS-18).	----	----	By promotion, on the basis of seniority-cum-fitness, from amongst the Assistant Directors (Audit and Accounts), with at least five years service as such: Provided that if no suitable person is available for promotion then by transfer from amongst the Government officers.
6	Deputy Director Operation-IT (BPS-18).	At least Second Class Master's Degree in Computer Science/IT/Software Engineering/ Electrical Engineering or equivalent qualification from a recognized University with at least three years experience in relevant field.	25 to 32 years.	By promotion, on the basis of seniority-cum-fitness, from amongst the Computer Programmers, Network Engineers and Web Developers having at least five years service as such: Provided that if no suitable person is available for promotion then by initial recruitment.
7	Deputy Director (GIS) (BS-18).	(i) At least Second Class Master's Degree in GIS from recognized University with three years experience in the field of GIS; or (ii) at least Second Class Master's Degree in Computer Science / IT / Urban Development /Geography or equivalent qualification in the field of Computer Science from a recognized University / Institute with Post Graduate Diploma in GIS from a recognized Institute with three years experience in the field of GIS.	25 to 32 years.	By initial recruitment.

		Note: Preference will be given to those who have rich experience in open source web-based software related with GIS.		
8	Taxation Analyst (BS-18).	(i) At least Second Class MBA with Finance or M.Com, from a recognized University; (ii) computer literate with certificate in MS-Office (MS-Word, MS-Excel, MS-Access); and (iii) three years experience in field relating to Taxation in public / private sector, Autonomous / Semi-autonomous bodies.	25-32 years.	By initial recruitment.
9	System Analyst (BS-18).	(i) 1 st Class Master's Degree in Computer Science or equivalent qualification from a recognized University; and (ii) Three years experience in field of Electronic Data Processing with system designing and programming skills.	25-32 years.	By initial recruitment.
10	Excise and Taxation Officer (BS-18).	---	----	By promotion, on the basis of seniority-cum-fitness, from amongst the Assistant Excise and Taxation Officers with at least five years service as such who have passed Departmental Examination in higher grade.
11	Assistant Director (Audit and Accounts) (BPS-17).	At least Second Class Master's Degree in Commerce with Accounting as one of the subject from a recognized University	22-32 years.	(a) Thirty percent by promotion, on the basis of seniority-cum-fitness, from amongst the Audit and Accounts Assistants; and (b) seventy percent by initial recruitment.

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12	Computer Programmer (BS-17).	At least Second Class Master's Degree in Computer Science (BCS, BSCS, BE(CE), BS(IT) or equivalent qualification from a recognized University having good programming skills.	22-32 years.	By promotion, on the basis of seniority-cum-fitness, from amongst the Computer Operators with at least seven years service as such: Provided that if no suitable person is available for promotion then by initial recruitment.
13	Network Engineer (BPS-17).	At least Second Class Master's Degree in Computer Science (BCS, BSCS, BE(CE), BS(IT) and MCS or equivalent qualification from a recognized University. Note: Preference will be given to those having certificate in Computer Networking like MCSE/CCNA/any other latest certification in Networks from recognized Institute.	22-32 years.	By initial recruitment.
14	Web Developer (BPS-17).	At least Second Class Master's Degree in Computer Science (BCS, BSCS, BE(CE), BS(IT) and MCS or Equivalent qualification from a recognized University. Note: Preference will be given to those having Certificate in web programming like PHP, ASP, Net, C#, or any other latest technology certification in web-dev. and additional working knowledge of CSS, jQuery and web development frame work like Laravel. etc.	22-32 years.	By initial recruitment.
15	Assistant Excise and Taxation Officer (BPS-17).	At least Second Class Bachelor's Degree from a recognized University.	20-32 years.	(a) Six percent by promotion, on the basis of seniority-cum-fitness, from amongst the Superintendents with at least five years service as Superintendent and Stenographers, who have passed the Departmental Examination in higher grade;

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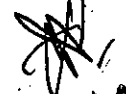
				(b) fifty four percent by promotion, on the basis of seniority-cum-fitness, from amongst holder of the post of Inspectors, with at least five years service as such who have passed Departmental Examination in higher grade; and (c) forty percent by initial recruitment.
16	Superintendent (BPS-17).	---	---	By promotion, on the basis of seniority-cum-fitness, from amongst the Senior Scale Stenographers with at least five years service as such, or ten years service in the Department as Junior Scale Stenographer and Senior Scale Stenographer.
17	Inspector (BPS-16).	(i) At least Second Class Bachelor's Degree, from a recognized University; and (ii) (Height...5`7") (Chest...33" with expansion of 1 ½ inches).	20-32 years.	(a) Fifty percent by promotion, on the basis of seniority-cum-fitness, from amongst Sub Inspectors with at least five years service as such who have passed the Departmental Examination in lower grade; and (b) fifty percent by initial recruitment.
18	Assistant Data base Administrator (BPS-16).	At least Second Class Bachelor's Degree in Computer Science or equivalent qualification from a recognized University.	20-32 years.	By initial recruitment.
19	Senior Scale Stenographer (BPS-16).	(i) At least Second Class Bachelor's Degree from recognized University; (ii) a speed of hundred words per minute in English shorthand and Forty words per minute in typing; and (iii) one year Diploma in Computer Science from the Board of Technical Education.	20-32 years.	By promotion, on the basis of seniority-cum-fitness, from amongst Junior Scale Stenographers with at least five years service as such: Provided that if no suitable candidate is available for promotion, then by initial recruitment

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20	Computer Operator (BPS-16).	<p>(i) At least Second Class Bachelor's Degree in Computer Science/Information Technology (BCS/BIT four years) from a recognized University; or</p> <p>(ii) at least Second Class Bachelor's Degree from a recognized University with one year Diploma in Information Technology from a recognized Board of Technical Education; and</p> <p>(iii) Minimum speed of ten thousand key depressions per hour for punching / data entry/ verification</p>	20-32 years.	By initial recruitment.
21	Audit and Accounts Assistant (BPS-14).	At least 2nd Class Bachelor's Degree in Commerce (B.Com, BBA, etc) or equivalent qualification from a recognized University having good knowledge of Computer Technology.	20-32 years.	By initial recruitment.
22	Junior Scale Stenographer (BPS-14).	<p>(i) At least Second Class Intermediate or equivalent qualification from a recognized Board; and</p> <p>(ii) a speed of fifty words per minute in English Shorthand and thirty five words per minute in typing and knowledge of Computer in using MS-Word & MS-Excel.</p>	18-32 years.	By initial recruitment.

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23	Sub-Inspector (BPS-14).	----	----	By promotion, on the basis of seniority cum-fitness, from amongst the Assistant Sub Inspectors with at least five years service as such.
24	Assistant Sub-Inspector (BPS-11).	(i) At least Second Class Intermediate or equivalent qualification from a recognized Board; and (ii) (Height...5`7") (Chest...33" with expansion of 1½ inches).	18-32 years.	(a) Forty per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Excise and Taxation Constables having Secondary School Certificate from a recognized Board with at least five years service as such, and (b) sixty per cent by initial recruitment.
25	Excise and Taxation Constable (BPS-07).	(i) At least Second Class Secondary School Certificate from a recognized Board; and (ii) (Height.....5'7") (Chest.....33 with expansion of 1 ½ inches).	18-30 years.	(a) Twelve percent by promotion, on the basis of seniority-cum-fitness, from amongst the Class-IV employees having SSC qualification with at least seven years service; (b) three percent by promotion, on the basis of seniority-cum-fitness, from amongst the Drivers having SSC qualification with at least seven years service; (c) eighty five percent by initial recruitment.
26	Wireless Operator (BPS-07).	(i) At least Second Class Secondary School Certificate from a recognized Board; and (ii) Certificate in Telecommunication from a recognized Polytechnic / Vocational Institution or equivalent qualification from a recognized institute.	18-30 years.	By initial recruitment.
27	Driver (BPS-06).	At least Second Class Secondary School Certificate from a recognized Board and possessing a valid Light Transport Vehicle license, with at least three years experience of practical driving.	18-32 years.	By initial recruitment.

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28	Distillery Security Guard (BPS-03).	At least Second Class Secondary School Ce from a recognized Board.	18-40 years.	By initial recruitment.
29	Daftri/Qasid (BPS-04).	----	----	By promotion form amongst the Naib Qasids and Chowkidars.
30	Naib Qasid (BPS-03).	Preferably literate.	18-40 years.	By initial recruitment.
31	Chowkidar/Mali/Sweeper (BPS-03).	Preferably literate.	18-40 years.	By initial recruitment.

SECRETARY TO
GOVERNMENT OF THE KHYBER PAKHTUNKHWA,
EXCISE, TAXATION AND NARCOTICS CONTROL
DEPARTMENT.

Printed and published by the Manager,
Staty. & Ptg. Dept., Khyber Pakhtunkhwa, Peshawar

ATTESTED,

AHMAD ALI, A.S.

SECRETARIAT INSTRUCTIONS

I. SHORT TITLE, COMMENCEMENT AND DEFINITIONS

1. Short title and commencement.

- (a) These instructions are issued in accordance with the provision of rule 5 (12) of the Government of North West Frontier Province Rules of Business 1985 and shall be called the "N.W.F.P Manual of Secretariat Instructions, 1989".
- (b) They shall come into force at once and shall supersede all previous instruction in this behalf;
- (c) If there be any inconsistency between these instructions, on the one hand, and the Rules of Business or other statutory provisions, on the other, the latter shall prevail.

2. Definitions.


In these instructions, unless the context otherwise requires:-

- (a) "Additional Secretary" means an officer incharge of a Wing or Wings in a Department;
- (b) "Appendix" means the Appendices appended to these instructions;
- (c) "Assembly" means the Provincial Assembly of the N.W.F.P.;
- (d) "Attached Department" means a Department mentioned in column 3 of schedule 1 of Government of N.W.F.P Rules of Business;
- (e) "Branch" means a primary unit of a Department headed by superintendent;
- (f) "Business" means all work done by Government;
- (g) "Cabinet" means the Cabinet of Ministers appointed under Article 132 of the Constitution and includes the Chief Minister appointed under article 130 of the constitution;

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AHMAD ALI A.B.

- (h) "Case" means a particular matter under consideration and includes all papers relating to it and required to enable the matter to be disposed of, viz. Correspondence and notes and also any previous papers on the subject or subjects covered by it or connected with it;
- (j) "Chief Minister" means the Chief Minister of Government of NWFP;
- (k) "Chief Secretary" means the officer notified as such in the gazette, who shall in addition to other Departments and functions that may be allotted to him from time to time, be incharge of the Establishment & Administration Department and shall also be the Secretary to the Cabinet;
- (l) "Constitution" means the Constitution of the Islamic Republic of Pakistan;
- (m) "Department" means a self-contained administrative Unit in the Secretariat responsible for the conduct of business of Government in a distinct and specified sphere, and declared as such by the Government;
- (n) "Deputy Secretary" means an officer incharge of a Wing in a Department;
- (o) "Dairy" means the register in which all papers received in a branch or section are entered;
- (p) "Docket Sheet" means documents placed immediately below the upper cover of the file, containing particulars to indicate the progress of the case during its currency, and its classification and period of retention after it has been finally disposed of;
- (q) "Federal Government" means the Executive Government of the Islamic Republic of Pakistan;
- (r) "File Register" means a register in which are entered all files opened in one calendar year. The subject heading and dates of opening, recording and destruction of the file are shown in this register;
- (s) "Gazette" means an official Gazette of the N.W.F.P.;
- (t) "Government" means the Executive Government of the N.W.F.P.;
- (u) "Governor" means the Governor of the N.W.F.P.

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- (x) oiling and cleaning of fans and allied equipments through C&W Department.

IV. MINISTERIAL STAFF

8. Private Secretaries

- (a) The Private Secretaries to the Chief Minister, Ministers, Special Assistants and Advisors shall perform the following duties:-
- (i) to prepare drafts of personal letters except those required to be prepared by the respective Department;
 - (ii) to attend visitors and to arrange interviews;
 - (iii) to prepare tour programme (s) of Chief Minister, Ministers, Special Assistants and Advisors and circulate to all concerned as well as to correspond with the agencies concerned and individuals in this connection;
 - (iv) to go through petitions and complaints received from the public / aggrieved person(s), addressed to the Chief Minister, Ministers/Special Assistants or Advisors and after obtaining the orders thereon, pass them on to the officer/department concerned;
 - (v) to deal with cases relating to telephone bills in respect of the calls made from telephones of Chief Minister/Ministers/Special Assistants/Advisors and cases relating to carriage of their personal effects on tour;
 - (vi) to arrange engagements and maintain an engagement diary;
 - (vii) to obtain papers for meetings, functions and interviews etc; from Administrative Department and to put up the same to the Chief Ministers, Ministers, Special Assistants and Advisors;
 - (viii) to bring to the notice of Chief Minister, Minister, Special Assistant and Advisor (if the latter is required to attend) the notice/agenda of the Cabinet meeting at once. If the Chief Minister, Minister, Special Assistant or Advisor is on tour, the Private Secretary shall contact him and convey information. In case the Private Secretary accompanies the Chief Minister, Minister, Special Assistant or Advisor, the P.A. will do the needful;
 - (ix) to bring to the notice of Chief Minister/Ministers/Special Assistants or Advisors papers/files bearing priority/security labels;

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AHMAD ALI A.S.


- (x) to keep a record of all office furniture, equipment and books provided to the Chief Minister, Ministers, Special Assistants or Advisors. He (the Private Secretary) shall be responsible for proper use of those articles and ensuring that these are in good condition.
- (xi) To see that the furniture and other articles of the office of Chief Minister, Minister, Special Assistant or Advisor are in good condition and properly maintained; and
- (xii) to keep up to-date copies of all books relating to privileges and conduct of Ministers/Advisors.

9. The Private Secretaries to the Chief Secretary, Additional Chief Secretary, and Secretaries shall perform the following duties:-

- (i) to attend telephones and keep record of trunk calls;
- (ii) to screen callers and telephone calls;
- (iii) to arrange engagement and maintain engagement diary;
- (iv) to collect papers for meetings and interviews;
- (v) to see that matters requiring Secretary's attention are brought to his notice will in time complete and in proper form;
- (vi) to receive and arrange and, where necessary, register the Secretary's papers and correspondence including secret and top secret papers;
- (vii) to keep record of suspense cases and to see that such cases are put up to Secretary on due dates;
- (viii) to keep reference books upto date;
- (ix) to attend to work connected with Secretary's tour etc;
- (x) to assist the Secretary in such matters as he may direct;
- (xi) to keep record of movement of files and other classified document;
- (xii) to receive visitors and arrange interviews etc; and
- (xiii) to take dictation and make fair copies of draft and other papers of secret/confidential nature and also other communications with enclosures.

10. Superintendent

- (a) A Superintendent who normally holds charge of a Branch under the control of a Section Officer shall be responsible for ensuring that the work is conducted properly and that there is tidiness and discipline in his Branch;
- (b) The Superintendent of the Receipt and Issue Branch shall be personally responsible for the accurate sorting of Dak Section-wise, and shall further ensure that:-

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 AHMAD ALI A.S.

- (i) the Receipt Clerk submits the receipts at least twice daily to the appropriate Section/Office along with dairy;
 - (ii) letters are dispatched on the date of receipt and office copies returned promptly to the Section/Office concerned; and
 - (iii) that confidential/secret communications are treated in the manner prescribed in paragraph 67-76.
- (c) The Superintendent Receipt and Issue Branch or any other official assigned the job, should open all covers other than those sealed and addressed by name to any particular office/officer in the Department and to:-
- (i) make sure that each envelope is completely emptied;
 - (ii) check enclosure and make note of omissions, if any, in the margin of the communication;
 - (iii) separate receipts section-wise and place them in the labelled compartments; and
 - (iv) obtain, in case of disputed receipts, orders of the Administrative Secretary or of an officer authorized for the purpose.

11. Section Assistant

The Section Assistant shall:-

- (a) add to the case any precedent, rules, regulations and policy decision relating to it, flag them properly and make reference(s) in the margin before submission of the case to Section Officer;
- (b) undertake "reference" and "research work" i.e. acquaint himself with the rules and regulations pertaining to the subjects dealt with in the Section, maintain such statistics as are required by the Section Officer (e.g. in a Service Branch, lists of officers belonging to a specific cadre, showing their latest postings, etc.) and, while examining old records, take extracts of important policy decisions etc;
- (c) record advice tendered by the Services, Law, Finance and Planning and Development Departments in a note book, and also maintain a separate "reference" collection of important decision;

ATTESTED

 AHMAD ALI A.B.

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

Through: Proper Channel

Subject: **DELETION OF ILLOGICAL PROMOTION QUOTA OF SUPERINTENDENT (Clerical Staff) TO THE POST OF ASSISTANT EXCISE, TAXATION & NARCOTICS CONTROL OFFICER (Executive Staff) BY AMENDING SERVICE RULES 2018**

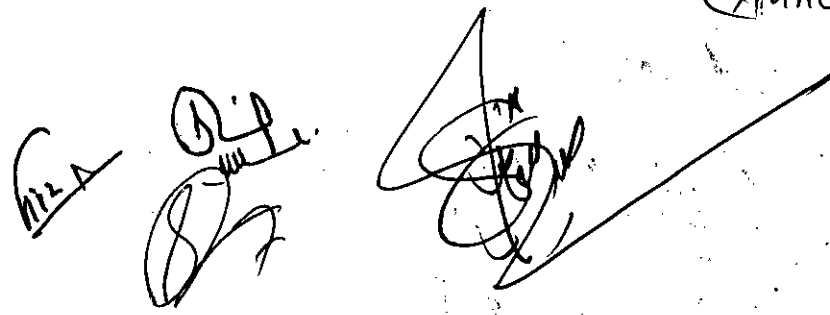
Reference: Discussion in the subject matter during your goodself visit to DIKhan office on 23.07.2018

Your Excellency,

We have the honour to submit the following facts in the matter:

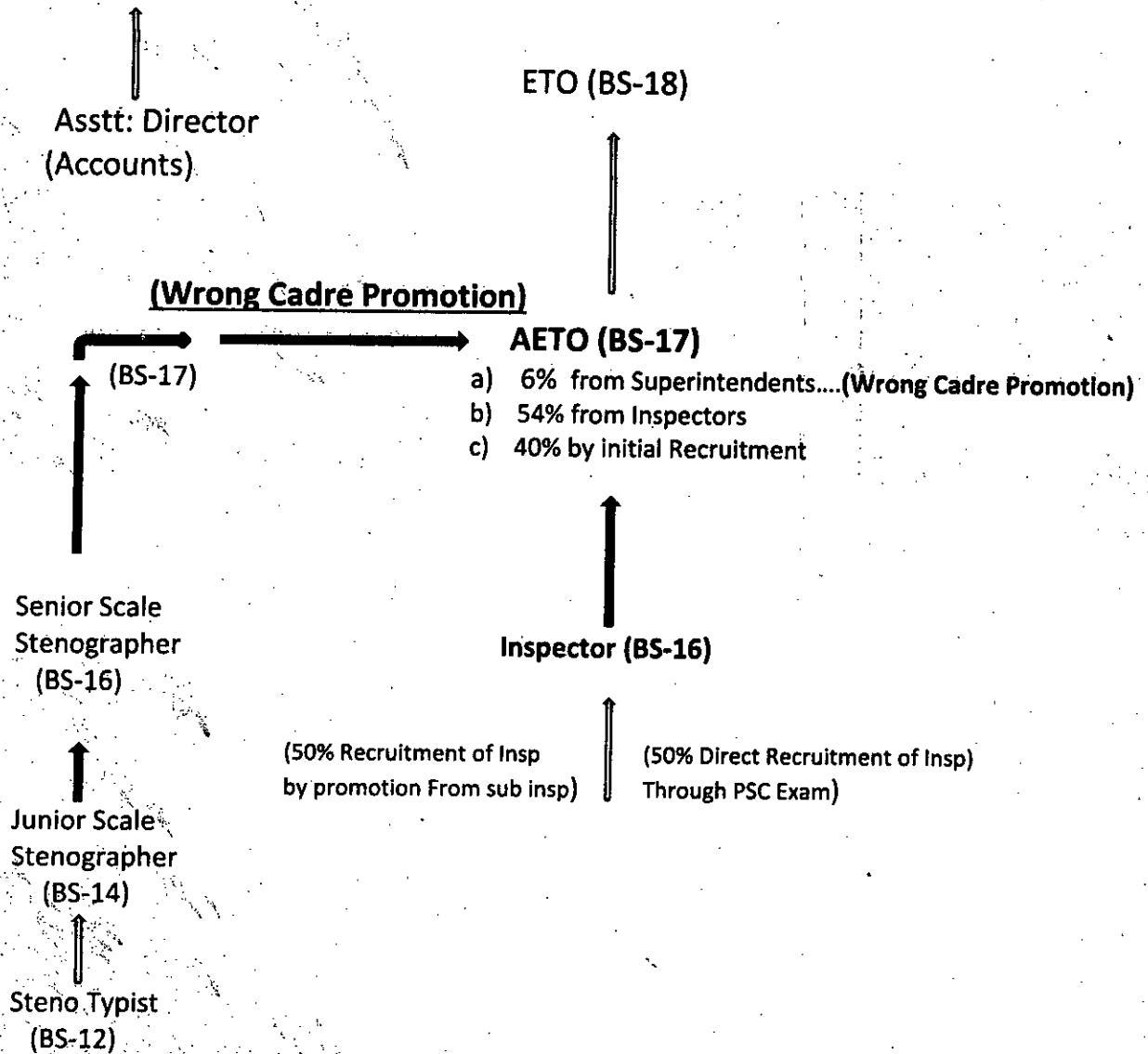
1. That more than one hundred employees of Provincial Government are working in the Excise, Taxation & Narcotics Control Department, Khyber Pakhtunkhwa as Excise & Taxation Inspectors in BPS-16 (*hereinafter referred as Excise Inspector*). Our next stage of promotion is Assistant Excise, Taxation & Narcotics Control Officer (*AETNC Officer*) in BPS-17 and afterwards the Excise, Taxation & Narcotics Control Officer in BPS-18. (*hereinafter referred as ETNC Officer*).
2. That there are only 44 sanctioned posts of AETNC Officers(B-17) in the Department for the promotion of more than 180 Excise Inspectors. Due to limited posts of AETNC Officers(B-17), most of the Excise Inspectors could not get the promotion due to attaining the age of superannuation prior to their promotion. For this reason, most of the Excise Inspectors after their appointment till superannuation remain on the same scale & post.
3. That according to SNo 15, Excise & Taxation Department Service Rules, 2018, out of the said 44 sanctioned posts of AETNCOs, 40% (18 posts) will be filled by direct recruitment through Public Service Commission. Remaining 60% (26 posts) of AETNCOs have to be filled by way of promotion as per following

(Annexure - A)



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AHMAD ALI P. D.



- 54% from amongst the holders of posts of Excise Inspectors(B-16) means only 24 posts are available for the promotion of 180 Excise Inspectors. Meaning thereby only 24 out of 180 Excise Inspectors(B-16) could get the fruit of further promotion subject to the availability of vacancy and most of them got to retirement before availing the next step of promotion.
4. That it was required to enhance the promotion quota for Excise Inspectors (BPS-16) up to 75% but instead, remaining 60% promotion quota of Executive Cadre have been reduced to 54% by allocating 6% quota to Office Superintendent (Clerical Cadre); overlooking the different nature of job of the two cadres.

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- 5. That there is much difference in the nature of job of Superintendent and that of the Excise Inspectors/ AETOs/ ETOs which has been very clearly described in the 'Secretariat Instructions' / Job Description notification. **(Annexure B)**.
- 6. That being aggrieved of the reduction of promotion quota instead of its enhancement, we have been left with no option except to submit our appeal to your goodself seeking review of the Khyber Pakhtunkhwa Excise & Taxation Department Service Rules, 2018, in order to safeguard the vested rights of promotion of Excise Inspectors to the post of AETNCOs on, inter alia, the following grounds:

GROUND

- i. That the nature of the job of Superintendent is a Clerical and according to Clause-10 of Secretarial Instructions the Superintendent is responsible for accurate sorting of Dak Section-wise, letters/despatch, confidential/ secret communications and alike supervisory duties over the Clerical Staff. Whereas, job descriptions of Excise Inspectors have been given in Paragraph No.16 of the Appendix C. Therefore, award of 6% quota of promotion of Excise Inspectors to the Superintendent in the Service Rules 2018 is highly unjust.
- ii. That presently Superintendents are serving in BPS-17 and the scale of AETNCOs is also BPS-17 whereas, Excise Inspectors are serving in BPS-16. Thus, Superintendents who are already serving in BPS-17 and getting Pays & benefits of B-17 have been given a special edge and double benefits at the cost & career of Excise Inspectors BPS-16. Therefore, we have been deprived from available full 60% opportunity of promotion to the next higher scale; which has resulted into grave miscarriage of justice.
- iii. That there are mainly three categories of employees working in the Excise, Taxation & Narcotics Control Department Khyber Pakhtunkhwa. Each category has different nature of job and with its own line of promotion. **(Annexure C)**

- a. **Executive Staff:** It includes Excise Inspectors, AETOs/ETOs which is also called 'Field/Recovery Staff'.

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- b. Technical Staff:** It consists of Computer Literate Staff responsible for punching data of motor vehicles, etc.
- c. Clerical Staff:** It consists of Junior/Senior Scale Stenographers/Superintendents, dealing with the office routine work/Dak, maintenance of official files/record, Service Books of the staff, Diary & Dispatch Registers, Drafting and other official correspondence.

Staff of all the above categories is working with different nature of jobs in their respective domains except with the anomaly in the promotion of superintendents (B-17) to whom 6% promotion quota has been awarded from Executive Cadre for promotion as AETNCOs (B-17) ignoring the nature, experience/difference of jobs in Executive and Clerical Cadres.

- iv. That Superintendents (Clerical Staff) have their own separate line of promotion as they are normally promoted as Section Officers (BPS-17), Deputy Secretary, Additional Secretary etc in the Provincial Secretariat of the province and as Assistant Directors (BPS-17), Deputy Director (Admn:), Director (Admn :) etc in some other departments like in the Department of Archives & Public Libraries. Service rules of Govt: of Khyber Pakhtunkhwa, Higher Education, Sports, Archives & Libraries Department, Peshawar are attached as **Annexure D**
- v. That Superintendents (Clerical Staff) have been given illogical opportunity to include them in the Seniority List of Assistant Excise, Taxation & Narcotics Control Officers neglecting the nature of job, service experience of two totally different cadres. (Clerical Staff with Executive Cadre). A Superintendent (Clerical Staff) can never be promoted and posted against a technical post of Assistant Excise, Taxation & Narcotics Control Officer having different background and experience.

Next step of promotion for AETNC Officer and for Superintendents is "Excise, Taxation & Narcotics Control Officer". Is it logical/feasible for a Superintendent

to perform his technical duties of Excise, Taxation & Narcotics Control Officer having clerical experience/background...? and zero experience of Tax Recovery.

- vi. That it is pertinent to mention here that now the post of Superintendent has also been upgraded from BPS-16 to BPS-17 throughout the province; and similarly, the Computer Technical Staff/Data Entry Operator/Key Punch Operators were promoted as Data Processing Supervisors (Now re-designated as Computer Operators) and they also have separate line of promotion to the posts of Computer Programmer, Data Base Administrator etc.
- vii. Moreover, it is fact of great worth that Secretary, Excise, Taxation & Narcotics Control Department has already sought guidance/ruling from Establishment Department (Regulation Wing) KPK Peshawar vide Notification No. SOR.II (E&AD) 4(1)/ 2002 dated 04.09.2007 **(Annexure B)** in an appeal by one Muhammad Iqbal (Computer Operator) regarding award of promotion quota to computer technical staff from executive cadre. Establishment Department KPK Peshawar has categorically denied his appeal by giving the ruling in the matter as reproduced below for reference please.

"Computer related staff has their own line of promotion. Data Entry Operator/Key Punch Operators are promoted as Data Processing Supervisors and then Computer Programmer. Double Line of Promotion can't be allowed."

Contrary to the aforementioned facts, 60% quota of AETNCOs (Executive Cadre) was reduced to 54% by illogically awarding 6% quota to Superintendent (Clerical Cadre) in the existing Service Rules 2018, overlooking the nature of job of the two different cadres. It has resulted frustration, sense of deprivation and disappointment in Excise, Taxation & Narcotics Control Inspectors (B-16) regarding their promotion.

- viii. That due to limited posts of AETNCOs and scanty quota of 54% most of the Excise Inspectors are deprived of their right of promotion because of reaching the age of superannuation. Thus, 54% quota of promotion for Excise Inspectors

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to the Post of AETNCOs is liable to be enhanced to 75% and remaining 25% quota may be specified for the appointment of AETNCOs by direct recruitment through Public Service Commission.

- ix. It is, therefore, humbly prayed that on acceptance of present appeal and by issuing an appropriate order, the Khyber Pakhtunkhwa Excise & Taxation Department Service Rules, 2018, may graciously be modified by deleting its clause 15(a) regarding 6% illogical promotion quota of Superintendents and thereby the 54% quota of promotion of Excise Inspectors to the post of AETNCOs may graciously be enhanced to 75%.

Sincerely yours,

Inspectorate Staff of
Excise, Taxation & Narcotics
Control Office, DIKhan

- hiz
1. Hizbullah Khan Excise, Taxation & Narcotics Control Inspector, DIKhan.
 2. Shujaat Ali Haidri, Excise, Taxation & Narcotics Control Inspector, DIKhan.
 3. Saifullah Khan, Excise, Taxation & Narcotics Control Inspector, DIKhan.
 4. Muhammad Ilyas, Excise, Taxation & Narcotics Control Inspector, DIKhan.

OFFICE OF THE EXCISE, TAXATION & NARCOTICS CONTROL OFFICER, DIK

No. 6121 /ET&NC

Dated 14 / 09 /2018

Recommended and forwarded to the Director General, Excise, Taxation & Narcotics Control Department, Khyber Pakhtunkhwa, Peshawar for favourable consideration please.

**Excise, Taxation & Narcotics
Control Officer, DIKhan**

Endstt:No. 6122 /ET&NC

Copy for information to the Director, Excise, Taxation & Narcotics Control, DIKhan Region, DIKhan.

**Excise, Taxation & Narcotics
Control Officer, DIKhan**



Ann: E (37)

**GOVT. OF KHYBER PAKHTUNKHWA
EXCISE & TAXATION DEPARTMENT
DATED PESHAWAR THE:-27/09/2011**

NOTIFICATION

No.SO(Estt)E&T/1-55/2011: In exercise of powers conferred under Rule-4(3) of Khyber Pakhtunkhwa Government Rules of Business 1985, the following Job descriptions for the officers and officials of Directorate General, Excise & Taxation Khyber Pakhtunkhwa and its sub offices are notified with immediate effect:-


(1) Director General:

- i. As Head of Attached Department, he shall exercise Administrative, Establishment and Financial Powers delegated under the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 and Khyber Pakhtunkhwa Delegation of Powers under the Financial Rules and the Powers of Re-Appropriation Rules-2001 and any other rules notified by the Provincial Government from time to time.
- ii. To identify areas for resource mobilization and effective recovery.
- iii. To provide an informed input to the Government on Taxation Policy.
- iv. To suggest new initiatives to improve service delivery.
- v. To suggest new areas and ensure that computerization IT enablement is rendered beneficial to the Department as well as the public.
- vi. He shall ensure maintaining efficient administration and achieving the targets of recovery of taxes/revenue fixed by the Government.
- vii. He may delegate powers, if rules allow, to various officers subordinate to him with the approval of Government for smooth running of the official business.
- viii. He shall be responsible for the proper conduct of the business allocated to the department under the Khyber Pakhtunkhwa Government Rules of Business, 1985.
- ix. He shall invariably keep informed the Administrative Department on all Administrative and Financial affairs in the Directorate and the District Offices in the Province.

(2) Director (Administration) :

- i. To deal with all establishment matters of the Directorate & District offices in the Province.
- ii. Incharge of transport affairs of the Department throughout the Province.
- iii. Focal person for future projects of re-structuring / up gradation of the Department.
- iv. Maintenance, updating/amendments and framing of Service Rules.
- v. Disciplinary/Inquiry cases.
- vi. Processing of complaints/grievances etc.
- vii. Purchase of furniture, stationery and other office equipments.
- viii. Security matters of the Directorate premises.
- ix. Coordination amongst the ETOs.
- x. Any other task/work assigned to him.

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AHMAD ALI AJI



(11) Senior Excise and Taxation Officer/ Excise and Taxation Officer :

- i. He shall be overall incharge of the administration of his office.
- ii. He shall be the Drawing and Disbursing Officer for the district and shall be responsible for all receipts /expenditure matters of the district.
- iii. As a district head of office, he shall exercise all the powers conferred upon him under the relevant Acts and Rules efficiently.
- iv. He shall be responsible to achieve the recovery of government taxes.
- v. He shall distribute and assign the recovery targets among subordinate staff appropriately.
- vi. He shall be the incharge of mobile squad(s) of his district and responsible for upkeep of vehicles.
- vii. He shall initiate Performance Evaluation Reports of all the subordinate staff posted in the district at the end of each calendar year.
- viii. He shall be responsible for the safe custody of the cash received in the office on account of all type of taxes and to ensure that it is correctly/timely paid into Government Treasury.
- ix. He shall be responsible for proper record and maintenance of officially allotted arms, ammunition, uniform, official vehicles/transport.
- x. He will be the appointing authority as per government policy.
- xi. Shall reconcile receipt and expenditure of the office concerned.
- xii. He shall be responsible for litigation, cases, DAC/PAC and Assembly matters concerning to his office.
- xiii. He shall strictly follow the instructions regarding survey of various taxes, proper maintenance of survey register/ record and physical as well as random checking of different tax units.
- xiv. Any other task/work assigned to him.

(12) Excise & Taxation Officer (HQs):

- i. Excise and Taxation Officer (HQs) will be the Incharge of Mobile Squads in Peshawar region/Intelligent Bureau.
- ii. He shall coordinate all matters pertaining to physical training of Excise & Taxation staff.
- iii. He will be the focal person of Transport related matters of Directorate General Excise & Taxation, Khyber Pakhtunkhwa.
- iv. He will be the Incharge of wireless system installed in Excise & Taxation Department.
- v. He would be assisted by Assistant Excise & Taxation Officer (HQs).
- vi. He will be responsible for the activities and discipline of all the mobile squads in Peshawar.
- vii. He will ensure the upkeep and maintenance of vehicles under the use of Mobile Squads in Peshawar.
- viii. He shall be responsible for all matters pertaining to Mobile Squads in province.
- ix. He shall report to Director Administration and Director Revenue in related matters.
- x. He shall be responsible for upkeep and maintenance of arms and ammunition of Excise & Taxation Department.

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AHMAD ALI ALE

- xi. He will be the incharge of Warehouse and shall be responsible for maintenance of record of seized and confiscated vehicles. He shall ensure processing of cases for confiscation as per law. He shall submit monthly statements pertaining to all seized and confiscated vehicles to Secretary and Director General Excise & Taxation, Khyber Pakhtunkhwa.
- xii. He will be responsible for the security as well as protocol duty at Directorate General, Excise and Taxation Khyber Pakhtunkhwa.
- xiii. Any other task/work assigned to him.

(13) Accounts Officer:

- i. All matters pertaining to accounts, budgeting and auditing in Peshawar region.
- ii. Preparation and re-appropriation of budget of Peshawar region.
- iii. He shall assist the Assistant Director (Accounts) in matters relating to PAC, DAC.
- iv. He shall distribute the office work amongst his subordinates.
- v. Any other task/work assigned to him.

(14) Data Base Administrator:

- i. Develop database system and making sure that these systems operate efficiently.
- ii. Design and document database architecture.
- iii. Build database table procedures, utilities, automated reporting and permissions.
- iv. Backup data regularly, stored effectively and secure from unauthorized access.
- v. Test databases, correct errors and make necessary modifications.
- vi. Specify user and user access levels for each segment of database.
- vii. Restore and recover corrupted databases.
- viii. Implement security and encryption.
- ix. Recommend new database technology.
- x. Any other task/work assigned to him.

(15) Senior Assistant Excise and Taxation Officer/ Assistant Excise and Taxation Officer:

- i. He will work under overall control of Excise and Taxation Officer and assist him in all matters concerning the office.
- ii. He shall be responsible for the achievement of recovery targets through Inspectors.
- iii. Perform all the duties of Excise and Taxation Officer, while he is on leave from official duties.
- iv. He shall keep abreast of ETO of his work performed during his absence.

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- v. He shall strictly follow the instructions regarding survey of various taxes, proper maintenance of survey register/record and physical as well as random checking of different tax units.
- vi. He shall be answerable to Excise and Taxation Officer in all relevant matters of the department and any other task assigned to him.
- vii. Any other task/work assigned to him.

(16) Excise and Taxation Inspector:

- i. He shall directly report to the Excise and Taxation Officer/ Assistant Excise & Taxation Officer, as the case may be.
- ii. To carryout survey and recovery of all taxes, prepare, maintain and update all record pertaining to various taxes.
- iii. To issue demand notices and to pursue recovery of all taxes as per law.
- iv. To physically verify the particulars and attributes of motor vehicles desired to be registered by the Motor Registering Authority concerned.
- v. To check the Registration certificate of motor vehicles presented at the time of payment of token tax, transfer of ownership or change of engine if desired by the owners and put up the case for final signature of the Motor Registering Authority.
- vi. To perform road checking duties to seize illegal vehicles and control of Excise and Narcotics crimes as authorized by ETO concerned.
- vii. To achieve the target of recovery of the taxes assigned to him by the concerned Excise & Taxation Officer.
- viii. To perform any duty assigned to him/her under various act/ordinances / rules and notifications etc.
- ix. He will be responsible for online / external verification of G.D/Bill of Entry from Customs Department through DSL.
- x. Any other task/work assigned to him/her by the superiors from time to time.

(17) Sub-Inspector:

- i. He shall be responsible for keeping of record and registers.
- ii. To prepare all statements pertaining to taxes.
- iii. To supervise the work of Assistant Sub-Inspectors.
- iv. To maintain service books and other connected matters of the officials.
- v. He will be responsible for processing cases pertaining to taxes, establishment, audit/ accounts and reconciliation matters.
- vi. To recover fees and taxes where required in cash, and to deposit it in the Treasury under the relevant head of receipts.
- vii. To maintain inventory/stock registers of all items including furniture, fixtures and equipment etc in the office.
- viii. To prepare receipt and expenditure statements.
- ix. He will work under the supervision of Inspector concerned.
- x. Any other task/work assigned to him.

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AHMAD ALI A.B.S.

(18) Assistant Sub-Inspector:


- i. Diary and dispatch.
- ii. Sorting, distribution and filing of papers in respective files.
- iii. Maintenance of registers, relating to office files, record files, files destroyed and movement register about the whereabouts of the files.
- iv. Record keeping.
- v. He shall be responsible for maintenance of records of all taxes.
- vi. Establishment, Audit and Accounts matters including preparation of Pay and T.A Bills, statements etc.
- vii. Handling of cash received in the office, if entrusted to him.
- viii. To do typing work as and when required.
- ix. Stationary indenting, storing and distribution amongst the office staff.
- x. Assessment of all taxes if the task is assigned to him.
- xi. To perform duties as record keeper of motor vehicle record and keep proper record of snatched/stolen vehicles, cancelled vehicles, re-registered vehicles, and tax defaulted vehicles etc.
- xii. Handing over of number plates, vehicle files and registration books etc to the vehicle owners.
- xiii. He will work under the supervision of sub-Inspector/Inspector concerned.
- xiv. Any other task/work assigned to him.

(19) Constable:

- i. Field/office duty as assigned by the Incharge Officer.
- ii. To assist the ETI/SI/ASI in performance of their official duties.
- iii. Assist the Record-keeper in performance of his duties.
- iv. To accompany the Inspector while surveying properties for reassessment and other official business as directed by his superiors.
- v. To serve letters, notices of demand of tax, show-cause notices and final notices etc.
- vi. Any other task/work assigned to him by his superiors.

(20) Distillery Security Guard:

- i. Looking after all types of Methylated and ethylated spirits manufactured in the distillery,
- ii. Import/export and transport of Methylated and ethylated spirits in the distillery,
- iii. Keeping information of the visitors/guests,
- iv. Checking of permits and licenses at the time of export of any liquor/spirits from distillery.
- v. Ensure timely submission of reports pertaining to distillery to the higher officers.
- vi. He shall work under the control of incharge AETO/ Inspector and assist them in performance of their duties.
- vii. When posted with the Inspector incharge of a chemical works, he shall comply with the orders of the Inspector in the discharge of his duties in the chemical works.
- viii. Any other task/work assigned to him.

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AHMAD ALI ABU

(21) Wireless Operator:

- i. Operate the wireless system/communication throughout the province.
- ii. Connect the divisional offices through wireless system.
- iii. Repair and maintenance of wireless system and sets/communication system.
- iv. He shall maintain secrecy in communication.
- v. Maintain log book of messages received/passed.
- vi. Any other task assigned to him.

(22) Superintendent-I:

- i. To supervise and deal with administrative and establishment matters of the ETOs, AETOs, ETIs and Sub-Inspectors.
- ii. He will be the Incharge of Receipt and Dispatch Section and shall be personally responsible for the accurate sorting of Dak Section-wise, and shall further ensure that:-
 - viii. the Receipt Clerk submits the receipts at least twice daily to the appropriate Section/Office alongwith dairy.
 - ix. letters are dispatched on the date of receipt and office copies returned promptly to the Section/Office concerned, and
 - x. that confidential/secret communications are treated in the manner prescribed in paragraphs 67 to 76 of Govt. of Khyber Pakhtunkhwa Manual of Secretariat Instructions.
- iii. He shall open all covers other than those sealed and addressed by name to any particular office/officer in the Department and to:-
 - a. make sure that each envelope is completely emptied.
 - b. check enclosure and make note of omissions, if any, in the margin of the communication.
 - c. separate receipts section-wise and place them in the labeled compartments; and
 - d. obtain, in case of disputed receipts, orders of the Director General or of an officer authorized for the purpose.
- iv. Any other task assigned to him.

(23) Superintendent-II:

- i. To supervise and deal with administrative and establishment matters of the KPOs, ASIs, and Constables including maintenance of attendance register on daily basis and leave record of district offices.
- ii. That confidential/ secret communications are treated in the manner prescribed in paragraphs 67 to 76 of Govt. of Khyber Pakhtunkhwa Manual of Secretariat Instructions.
- iii. Communicate and co-ordinate all official matters concerning his office with the superiors.
- iv. Any other task assigned to him.

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AHMAD ALI A.B.

(24) Senior Scale Stenographer/Junior Scale Stenographer:

- i. Take down notes and drafts from his officer and type them neatly and accurately.
- ii. Note down urgent matters and routine appointments of his officer in the desk diary and also put up notes about telephonic/other messages received by him in the absence of officer.
- iii. To arrange engagements and maintain engagement diary.
- iv. Handle and maintain classified documents/ files in accordance with the instructions.
- v. Record date of meeting and arrange file for the same.
- vi. Receive and conduct visitors, arrange interview as permitted by his officer.
- vii. To see that matters requiring Officer's attention are brought to his notice well in time, complete and in proper form.
- viii. Supervise the upkeep of the officer's and visitor's rooms wherever provided.
- ix. Make tour arrangements including issuance of tour programmes.
- x. Keep proper record and movement of files and other papers.
- xi. Keep record of suspense cases and their submission on due dates.
- xii. Ensure maintenance of log book in complete and proper form.
- xiii. He shall be responsible for proper handing care and looking after of the type-writer, computer, printer and / or any other equipment provided for the purpose of his duty.
- xiv. Any other task/work assigned to him.

(25) Data Processing Supervisor:

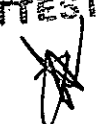
- i. Operating of the software in motor registering office.
- ii. Proper maintenance of computer system.
- iii. Timely provision of data/reports to his superiors.
- iv. Supervision of all IT related matters at the district level.
- v. Any other task/work assigned to him.

(26) Computer Operator:

- i. Typing of all official letters/correspondence related to the Section.
- ii. Punching of data in District Excise & Taxation offices.
- iii. Proper maintenance of computer system and other equipments in the office concern.
- iv. Any other task assigned to him.

(27) Daftari/Qasid/Naib Qasid:

- i. Carrying official files/papers/letters from one place to another within and outside the office premises.
- ii. To clean office furniture and record before office hours.

ATTESTED

AHMAD ALI A.S.U

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

Khyber Pakhtunkhwa
Service Tribunal

Service Appeal No. _____ of 2019.

Diary No. 84

Dated 21-1-2019

1. Hizbullah Khan son of Naimatullah Khan, resident of Mohallah Aslam Faqir, Qasuria Chowk, D.I.Khan.
- ~~2. Saifullah Khan son of Muhammad Aslam resident of Muneez Abad, Tank Road, D.I.Khan.~~
- ~~3. Muhammad Ilyas son of Nasrullah, resident of Village Gileti, D.I.Khan.~~

All serving as Excise, Taxation & Narcotics Control Inspectors, D.I.Khan.

Appellants

VERSUS

1. **Govt. of Khyber Pakhtunkhwa**, through Secretary Establishment Department, Khyber Pakhtunkhwa, Peshawar.
2. **Secretary to Govt. of K.P.K.** Excise, Taxation & Narcotics Control Department, Peshawar.
3. **Secretary to Govt. of K.P.K.** Establishment Department, Peshawar.
4. **Secretary to Govt. of K.P.K.** Finance Department, Peshawar.
5. **Director General**, Excise, Taxation & Narcotics Control Department, Khyber Pakhtunkhwa, Peshawar.
6. **Director**, Excise, Taxation & Narcotics Control Department, Khyber Pakhtunkhwa, Peshawar.
7. **Excise**, Taxation & Narcotics Control Officer, D.I.Khan.

Respondents

SERVICE APPEAL UNDER SECTION 4 OF THE K.P.K. SERVICE TRIBUNALS ACT, 1974, FOR ENHANCING THE QUOTA OF EXCISE & TAXATION INSPECTORS TO THE POST OF ASSISTANT EXCISE & TAXATION OFFICERS AS 75% OR MORE AND TO PLEASE EXPUNGE PROMOTION SHARE OF SUPERINTENDENT IN THE CATEGORY OF ASSISTANT EXCISE, TAXATION & NARCOTICS OFFICERS.

PRAYER:

ON ACCEPTANCE OF PRESENT SERVICE APPEAL, THE SERVICE RULES 2018 MAY GRACIOUSLY BE AMENDED AND

Filed to-day

Registrar

21/1/19

THEREBY THE ILLOGICAL PROMOTION QUOTA OF SUPERINTENDENTS TO THE POST OF ASSISTANT EXCISE, TAXATION & NARCOTICS CONTROL OFFICER MAY KINDLY BE DELETED; WHEREAS, QUOTA OF PROMOTION TO THE SAID POST FOR EXCISE, TAXATION & NARCOTICS CONTROL INSPECTORS MAY GRACIOUSLY BE ENHANCED TO 75% OR MORE, WITH SUCH OTHER RELIEF WHICH THIS HONOURABLE TRIBUNAL, IN THE GIVEN CIRCUMSTANCES, MAY DEEMS FIT IN THE INTEREST OF JUSTICE MAY ALSO BE GRANTED TO THE APPELLANTS.

Respectfully Sheweth,

1. That appellants have been serving as Excise, Taxation and Narcotics Control Inspectors in BPS-16 (*hereinafter referred as Excise & Taxation Inspectors or ETIs*) in the Excise, Taxation & Narcotics Control Department, Khyber Pakhtunkhwa. Total strength of ETIs in the entire province is more than 180.
2. That next step of promotion for ETIs is Assistant Excise, Taxation & Narcotics Control Officer (*hereinafter referred as Assistant Excise & Taxation Officer or AETO*) in BPS-17 and afterwards the Excise, Taxation & Narcotics Control Officer in BPS-18 (*hereinafter referred as Excise & Taxation Officer or ETO*).
3. That there are only 44 sanctioned posts of AETOs (BPS-17) in the entire province, and as such, majority of the ETIs attain the age of superannuation before their promotion to the next post of AETNCO; and thereby they remain on the same post (i.e. ETI) from the date of their appointment till retirement.
4. That according to Excise & Taxation Department Service Rules, 2010 (**Annexure A**) the post of AETO was required to be filled-up by way of promotion from amongst the holders of the posts of ETIs who have passed departmental examination in higher grade.
5. That now the Excise & Taxation Department Service Rules, 2018 (**Annexure B**), have been promulgated wherein per Serial No 15

for the purpose of promotion to the post of AETO (Executive Cadre), a share of 6% have been given to Superintendents (Clerical Cadre), promotion right of ETIs has been decreased to 54 and 40% posts of AETOs will be filled by direct recruitment through Public Service Commission. Thus, for filling of 44 sanctioned posts of AETOs the break-up would be as under:

- 6% (02 posts) of AETOs will be filled by way of promotion from amongst the holders of the post of Superintendents (Clerical Cadre).
- 54% (24 posts) of AETOs have to be filled by way of promotion from ETIs, and
- 40% (18 posts) will be filled by direct recruitment through Public Service Commission.

Thus, only 24 ETIs out of more than 180 ETIs could get the fruit of promotion to next higher post/grade as AETO subject to the availability of vacancy of AETO.

6. That there is much difference in the nature of job of Superintendent and that of the Excise Inspectors/ AETOs/ ETOs which has been described in the 'Secretariat Instructions' (**Annexure C**).
7. That appellants on 24.09.2018 submitted an application/ representation to the Department for the Review and amendment of Service Rules, 2018; but the said application has not been looked into. Copy of the representation along with postal receipts is enclosed as **Annexure D**.
8. That the representation of appellants, despite passing of 90 days period, has not been considered; therefore, appellants have been left with no other remedy but to file present Service Appeal for the safeguard of their rights & interests on, inter alia, the following grounds:

GROUND:

- i.* That decreasing the quota of promotion of ETIs to the post of AETO and inclusion of superintendents in the said quota, is without jurisdiction, without lawful authority, without any legal backing, based on malafide, whimsical, ultra-vires and is thus not sustainable.
- ii.* That the nature of the job of Superintendent is a Clerical and according to Clause-10 of Secretarial Instructions the Superintendent is responsible for accurate sorting of Dak Section-wise, letters/despatch, confidential/ secret communications and alike supervisory duties over the Clerical Staff.
- iii.* That according to job descriptions for the officers and officials of Directorate General, Excise & Taxation Khyber Pakhtunkhwa and its sub offices as notified in 2011 (**Annexure E**), job descriptions of Excise & Taxation Inspectors have been given in Paragraph No.16 which are quite different from Superintendent (Para No.22, 23). In-fact the job description of ETIs is compatible with that of the AETOs and ETOS as defined in Paragraph No.11, 12 & 15. Therefore, award of 6% promotion quota to the Superintendent for the post of AETO in the Service Rules 2018 is highly unjust; and is liable to be deleted.
- iv.* That presently Superintendents are serving in BPS-17 and the scale of AETO is also BPS-17 whereas, ETIs are serving in BPS-16. Thus, Superintendents who are also already serving in BPS-17 and getting Pays & benefits of B-17 have been given a special edge and double benefits at the cost & career of ETIs BPS-16. Therefore, ETIs have been deprived from full opportunity of promotion to the next higher scale; which has resulted into grave miscarriage of justice.
- v.* That in the Service rules of 2010 the share of promotion of ETIs for the post AETO was 100% which has been decreased to 54% in the Rules of 2018 and thereby the appellants, serving on the posts of ETIs, have not been treated in accordance with law. The detail

comparison of the rules of 2010 and 2018 as to the method of recruitment on the Post of AETO is given below:

S.No	Nomenclature of post	Method of Recruitment Excise & Taxation Department Service Rules, 2010	Method of Recruitment Excise & Taxation Department Service Rules, 2018
	Assistant Excise & Taxation Officer (B-17)	By promotion on the basis of seniority-cum-fitness from amongst the holders of the posts of Inspectors, with at least five years' service as such, and who have passed departmental examination in higher grade.	(a) 6% by promotion from amongst superintendent (b) 54% by promotion from amongst holders of the post of Inspectors (c) 40% by initial Recruitment


- vi. That respondents were required to consider the case of restoration of promotion quota for ETIs (B-16) in its true perspective and in accordance with law in order to maintain equilibrium in the department by providing ETIs the opportunities of promotion. But they failed to do so and deprived ETIs (B-16) from promotion to the post of AETO (B-17) without any cogent and valid reasons and as such great injustice has been done to appellants.
- vii. That there are mainly three categories of employees working in the Excise, Taxation & Narcotics Control Department Khyber Pakhtunkhwa. Each category has different nature of job and with its own line of promotion, detailed below:
- a. **Executive Staff:** It includes Excise Inspectors, AETOs/ETOs which is also called 'Field/Recovery Staff'.
 - b. **Technical Staff:** It consists of Computer Literate Staff responsible for punching data of motor vehicles, etc.
 - c. **Clerical Staff:** It consists of Junior/Senior Scale Stenographers/Superintendents, dealing with the office routine work, maintenance of official files/record, Service Books of the staff, Diary & Dispatch Registers, Drafting and other official correspondence.

Staff of the above categories is working with different nature of jobs in their respective domains except with the anomaly in the promotion of superintendents (B-17) to whom 6% promotion quota has been awarded from Executive Cadre for promotion as AETO (B-17) ignoring the nature, experience/difference of jobs in Executive and Clerical Cadres.


- viii.* That due to limited posts of AETOs and scanty quota of 54% most of the ETIs are deprived of their right of promotion because of reaching the age of superannuation. Thus, 54% quota of promotion for ETIs to the Post of AETOs is liable to be enhanced to 75% or more.
- ix.* That Superintendents (Clerical Staff) have been given illogical opportunity to include them in the Seniority List of AETOs neglecting the nature of job, service experience of two totally different cadres i.e. Clerical Staff with Executive Cadre. A Superintendent (Clerical Staff) with no experience of Tax Recovery can never be promoted and posted against a technical post of AETOs having different background and experience.
- x.* That the counsel for appellants may be allowed to raise additional grounds at the time of arguments.

It is, therefore, humbly prayed that the present service appeal may please be allowed as prayed for.

Yours Humble Appellants


(Hizbullah Khan etc)
Through Counsel


Ahmad Ali
Advocate Supreme Court.


Miss Shumaila Awan
Advocate High Court, D.I.Khan.

Dt. 21st January, 2018

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

Service Appeal No. _____ of 2019

Hizbullah Khan etc Vs. Govt. of K.P.K. etc
SERVICE APPEAL


CERTIFICATE/VERIFICATION


We, the appellants, on this day of January-2019 (herein mentioned above) at district D.I.Khan do hereby verify and certify that it is the first Service Appeal on behalf of appellants and no appeal on the subject has earlier been filed.


Appellant

AFFIDAVIT

We, the Appellants, do hereby solemnly affirm and declare on oath that all the Para-wise contents of above **Service Appeal** are true & correct to the best of my knowledge and belief and nothing has been deliberately concealed from this Honourable Court.

Hizbullah Khan
Saifullah Khan  **DEPONENT**

Muhammad Ilyas 

ATTESTED
KHALIDA RAHMAN
ADVOCATE
OATH COMMISSIONER,
P.F. PESHAWAR



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

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SERVICE APPEAL

S#	DESCRIPTION OF DOCUMENTS	ANNEXURE	PAGE NO.
1.	Grounds of Service Appeal	---	02-08
2.	Copy of Excise & Taxation Department Service Rules, 2010	A	09-17
3.	Copy of Excise & Taxation Department Service Rules, 2018	B	18-25
4.	Copy of Secretariat Instructions'	C	26-30
5.	Copy of the representation along with postal receipts	D	31-34
6.	Copy of job descriptions for the officers and officials of Directorate General, Excise & Taxation Khyber Pakhtunkhwa and its sub offices	E	35-41
7.	Vakalatnama	---	42

Yours Humble Appellants


(Hizbullah Khan etc)
Through Counsel


Ahmad Ali
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