

**IN THE KHYBER PAKHTUNKHWA SERVICE**  
**TRIBUNAL PESHAWAR**

In S.A # 5674/2021

Faqir Khan

Khyber Pakhtunkhwa  
Service Tribunal  
Case No. 4453  
Date 17/3/2023

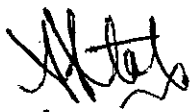
V/S

Government of Khyber Pakhtunkhwa through  
Secretary Excise & Taxation & Others

**I N D E X**

S#	Description of Documents	Annexure	Page#
1	Comments		1-4
2.	Affidavit		5
3.	Copies of application	"A & B"	6-7
4.	Copy of Rules 2018, ET & NC	"C"	8-15

Respondents  
Through

  
**Aftab Hussain**  
Legal Advisor  
ET& NC Deptt  
Peshawar.

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**PARAWISE COMMENTS ON BEHALF OF**  
**RESPONDENTS 1 & 2**

**Respectfully Sheweth**  
**Preliminary Objections:-**

- i. That the Appellant has got no cause of action and locus standi to file the instant appeal.
- ii. The appellant has concealed material facts from this Hon'ble Tribunal.
- iii. That the appeal is not maintainable and is incompetent in the eyes of law in the present form.
- iv. That the appellant is estopped by his own conduct to file this appeal, because the appellant in the earlier promotion forgo twice from his promotion.
- v. That the appellant has not come to the tribunal with clean hands and has suppressed all relevant and material facts.

- vi. That the appeal has been misoriented, misconstrued and mistakenly drawn and is incompetent in its present form and context, and is therefore, liable for rejection.
- vii. That the appeal in hand is badly barred by law and limitation.
- viii. That the appeal is bad for mis-joinder and non-joinder of necessary parties.

**On Facts:-**

1. Need no comments.
2. Pertains to record.
3. Pertains to record.
4. In reply of Para No.4 of the appeal it is submitted that the appellant has been dealt in accordance to law and rules. In fact, that after completion of 5 years' service by the appellant, his name was sent to D.P.C which was held on 18/07/2011 but the appellant opted no to avail the promotion. Similarly on second time when the Respondent Department followed the rules and regulations DPC were held on 18/7/2014 wherein the appellant once again opted not to avail the promotion. (Annexure "A & B")

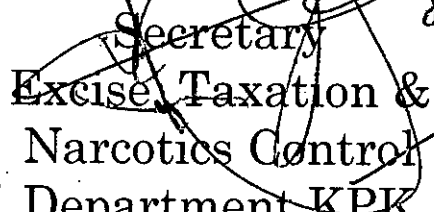
5. Incorrect. In fact the appellant was not eligible for the post of Superintendent BPS-17 according to the rules. (Copy of Rules attached as Annexure "C").
6. Incorrect, against the facts, hence denied.
7. Incorrect, hence denied.

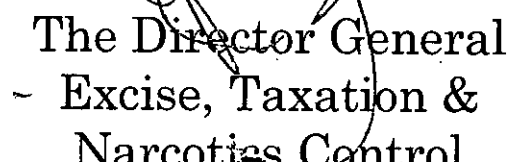
**On Grounds:-**

- A. Incorrect, the appellant has been treated in accordance with law. The Respondents have followed the law and rules
- B. Incorrect, the respondents have followed each and every step according to the law and rules and nothing has been done against the law and rules and the appellant has been treated in accordance with law.
- C. Incorrect. Detail reply has already been given in the above paras.
- D. Incorrect, Detail reply has already been given in the above paras.
- E. Incorrect. Detail reply has already been given in the above paras.
- F. Incorrect, Detail reply has already been given in the above paras.
- G. Need no comments

- H. Need no comments.
- I. Incorrect. Detail reply has already been given in the above paras.
- J. Incorrect. Detail reply has already been given in the above paras.
- K. Incorrect and against the facts, hence denied.
- L. That the respondents seek the permission of this Hon'ble Tribunal to rely on additional grounds and points at the time of argument.

*It is, therefore, humbly prayed that on acceptance of these para-wise comments, the appeal being devoid of any legal merit may very graciously be dismissed.*

  
Secretary  
Excise, Taxation &  
Narcotics Control  
Department KPK  
Respondent No.1

  
The Director General  
Excise, Taxation &  
Narcotics Control  
Department KPK  
Respondent No.2

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V/S

Government of Khyber Pakhtunkhwa through  
Secretary Excise & Taxation & Others

**AFFIDAVIT**

I, Tariq Ahmad (Superintendent), do hereby solemnly affirm and declare on oath that the contents of the Instant Comments are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Court.

*Tariq*  
DEPONENT

*Tariq Ahmad*

CNIC No. *17301-1499925-3*

PH/ cell No. *0314-913574*



*17-7-21*

OPTION

Ann A ~~B~~

6

I, **FAQIR KHAN** is not willing to avail promotion as Senior Scale Stenographer due the reasons that I intend to present / submit Departmental appeal for promotion as Superintendent (BPS16/17) which is by lawful right in light of the Government Rules and the precedent already established in case of Mr. Waheed Khan.

*FAQIR KHAN*

(FAQIR KHAN STENOGRAPHER)  
Excise & Taxation Office, Kohat.

OFFICE OF THE EXCISE AND TAXATION OFFICER, KOHAT.

NO. 1313 JE&T Dated Kohat the 18/07/2014

Forwarded to the Director General, Excise & Taxation, Khyber Pakhtunkhwa, please.

  
Excise & Taxation Officer,  
Kohat.

'Anx B' -

7

To

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

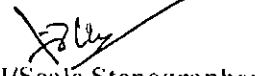
Subject: PROMOTION OF JUNIOR SCALES STENOGRAPHERS (PBS-14)  
AS SENIOR SCALE STENOGRAPHER (PBS-16).

Respected Sir,

Kindly refer to your office letter bearing No. 9718 -20 / Estab: dated  
26/10/2017 on the subjected cited above.


I, Faqir Khan, Junior Scale Stenographer do hereby opt to accept  
the promotion as Superintendent by forgoing the promotion as Senior Scale  
Stenographer as per Service Rules presently in vogue.

Your's obediently,

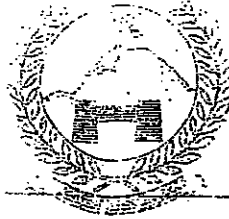
  
(Faqir Khan J/Scale Stenographer),  
Excise, Taxation & Narcotics Control  
Department, Kohat.

No. 1562 /E&T Dated Kohat the 2 / XI /2017

Forwarded in original to the Director General, Excise, Taxation &  
Narcotics Department, Khyber Pakhtunkhwa, Peshawar.

  
Excise, Taxation & Narcotics  
Control Department, Kohat.





# KEYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, FRIDAY, 16<sup>TH</sup> FEBRUARY, 2018

GOVERNMENT OF KHYBER PAKHTUNKHWA  
EXCISE, TAXATION AND NARCOTICS CONTROL DEPARTMENT

## NOTIFICATION

Peshawar, Dated the 19<sup>th</sup> 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.

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.		
	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 <sup>st</sup> 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.

	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;

				(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
16 ✓	Superintendent (BPS-17).			(c) forty percent by initial recruitment. 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

20	Computer Operator (BPS-13).	<p>(i) At least Second Class Bachelor's Degree in Computer Science/information Technology (BCS/BIT four years) from a recognized University;</p> <p>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 &amp; MS-Excel.</p>	18-32 years.	By initial recruitment.

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.

28	Naib Security Guard (BPS-03).	At least Second Class Secondary School or from a recognized Board.	18-40 years.	By initial recruitment.
29	Daftri/Qasid (BPS-04).			By promotion from 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.**