

10<sup>th</sup> April, 2023

Syed Noman Ali Bukhari, Advocate present and submitted Wakalatnama on behalf of the appellant. Mr. Fazal Shah Mohmand, Additional Advocate General alongwith Parkha Aziz Khan, Legal Advisor for respondents present.

Being freshly engaged, learned counsel for the appellant requested for adjournment. Last opportunity is granted to the appellant to argue the case on the next date positively, failing which the case will be decided on the available record without arguments. Adjourned. To come up for arguments on 31.05.2023 before D.B. Parcha Peshi given to the parties.

SCANNED  
10/04/23  
Peerzwar



(Muhammad Akbar Khan)  
Member (E)



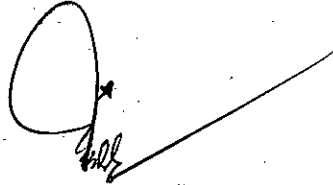
(Kalim Arshad Khan)  
Chairman

03.01.2023

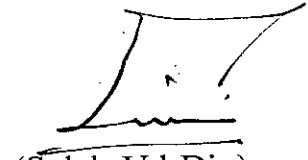
Appellant alongwith his counsel present. Mr. Aftab, Legal Advisor alongwith Mr. Naseer-ud-Din Shah, Assistant Advocate General for the respondents present.

Due to paucity of time arguments could not be heard. Adjourned. To come up for arguments on 28.02.2023 before the D.B.

SCANNED  
KEST  
Peshawar



(Mian Muhammad)  
Member (E)



(Salah-Ud-Din)  
Member (J)

28. 02. 2023

Appellant present in person. Mr. Umair Azam, learned Additional Advocate General alongwith Parkha Aziz Khan, Legal Advisor for respondents present.

Former requested for adjournment on the ground that his counsel is indisposed today. Last chance is given to the appellant to argue the case, failing which the case will be decided on basis of available record without the arguments. To come up for arguments on 10.04.2023 before D.B. P.P given to the parties.

SCANNED  
KEST  
Peshawar



(Rozina Rehman)  
Member (J)



(Kalim Arshad Khan)  
Chairman

# بعدالت

K.P. Service Tribunal, Peshawar

سہ 2 منجانب

محمد مصیبر

مورثہ

بنام

بنام

مقدمہ

ایڈیشنل سیکریٹری

دعویٰ

جرم

## باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی وجواب دہی وکل کاروائی متعلقہ

آن مقام پشاور کیلئے مسدّد مسدّد علی عیاری

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ کرنے ق تقرر ثالث و فیصلہ پر حلف دیئے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا محتاج ہوگا۔ از بصورت ضرورت مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکور با اختیارات حاصل ہوں گے اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ ہوں گے سب سے وہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سند ہے۔

Accepted  
مسدّد

سہ 20

ماہ

المرقوم

العبد د گ واہ العبد

17201-413592008

31.08.2022

Learned counsel for the appellant present. Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.

Learned Member (Judicial) Ms. Rozina Rehman is on leave, therefore, arguments could not be heard. Adjourned. To come up for arguments on 14.11.2022 before the D.B.



(Salah-ud-Din)  
Member (Judicial)

14.11.2022

Clerk of counsel for the appellant present.

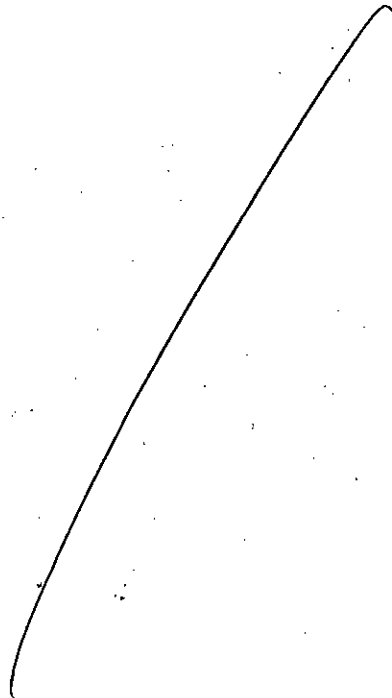
Muhammad Riaz Khan Painsdakhel, learned Assistant Advocate General for respondents present.

Learned Member (Judicial) is on leave, therefore, arguments could not be heard. Adjourned. To come up for arguments on 03.01.2023 before D.B



(Fareeha Paul)  
Member (E)

SCANNED  
KPSIT  
Peshawar

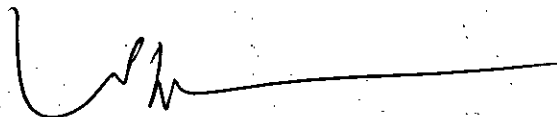


24.11.2021.

Mr. Amjad Nawaz, Advocate junior of learned counsel for the appellant present.

Muhammad Riaz Khan Paindakheil learned Assistant Advocate General for respondents present.

Former made a request for adjournment as senior counsel for the appellant is not available today. Adjourned. To come up for arguments on 16.03.2022 before D.B.




(Atiq ur Rehman Wazir)  
Member (E)



(Rozina Rehman)  
Member (J)

16.03.2022

Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 20.6.2022. for the same as before.



Reader.

20<sup>th</sup> June, 2022

Counsel for the appellant present. Mr. Muhammad Riaz Khan Paindakhel, Asstt. AG for the respondents present.

Learned counsel for the appellant seeks adjournment in order to prepare the brief. Last chance is given, failing which the case will be decided on the basis of available record without the arguments. To come up for arguments on 31.08.2022 before the D.B.



(Fareeha Paul)  
Member(E)



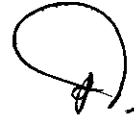
(Kalim Arshad Khan)  
Chairman

20.01.2021

Junior counsel for appellant present.

Kabir Ullah Khattak learned Additional Advocate General alongwith Akbar Khan Legal Advisor for respondents present.

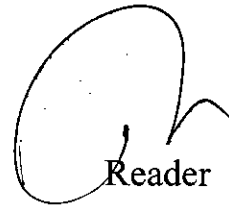
Written reply was submitted on behalf of respondents which is placed on file. To come up for rejoinder, if any, and arguments on 27.04.2021 before D.B.



(Rozina Rehman)  
Member (J)

27.04.2021

Due to demise of the Worthy Chairman, the Tribunal is non-functional, therefore, case is adjourned to 23.08.2021 for the same as before.

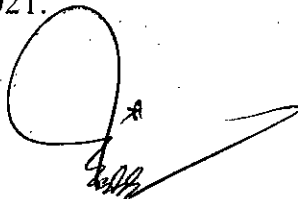


Reader

23.08.2021

Ms. Uzma Syed, Advocate for the appellant present.  
Mr. Muhammad Rashid, DDA for respondents present.

Learned counsel for the appellant sought time for submission of rejoinder. Adjourned. To come up for rejoinder as well as arguments before the D.B on 24.11.2021.



(MIAN MUHAMMAD)  
Member(E)



(SALAH-UD-DIN)  
Member(J)

22.07.2020

Mr. Arbab Saif-ul-Kamal, Advocate for appellant is present and submitted an application for extension of time for submitting court fees.

Application is accepted. The appellant is allowed to deposit the security and process fee within three working days from today. After the requisite deposit notices be issued to the respondents for submission of reply/comments on 14.09.2020 before S.B.

(MUHAMMAD JAMAL KHAN)  
MEMBER

Appellant Deposited  
Security & Process Fee  
23/7/20

14.09.2020

Junior to counsel for the appellant and Addl. AG for the respondents present.

Learned AAG seeks time to furnish reply/comments on behalf of the respondents. Adjourned to 03.11.2020 on which date the requisite reply/comments shall positively be furnished.

Chairman

03.11.2020

Nemo for appellant. Mr. Kabirullah Khattak, Additional Advocate General is present.

Neither written reply on behalf of respondents submitted nor any representatives on their behalf are present, therefore, notices be issued to them for submission of written reply/comments. File to come up for written reply/comments on 20.01.2021 before S.B.

(Muhammad Jamal Khan)  
Member (Judicial)

18.03.2020

Learned counsel for the appellant present. Preliminary arguments heard.

SCANNED  
KPSTI  
Peshawar

The appellant (Excise & Taxation Constable) has filed the present service appeal against the order dated 16.01.2020 whereby the appellant, who was removed from service vide order dated 02.07.2019, was reinstated in service and his one annual increment was stopped for a period of two years. Prayer of the appellant is for the release of annual increment with all back benefits.

Submissions made by the learned counsel for the appellant, need consideration. The present service appeal is admitted for regular hearing subject to all just legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter notices be issued to the respondents for written reply/comments. To come up for written reply/comments on 07.05.2020 before S.B.

  
Member

07.05.2020

Due to COVID19, the case is adjourned to 22.07.2020 for the same as before.

  
Reader

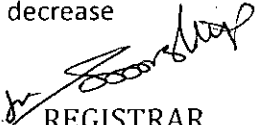



Form- A

FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No.- 890 /2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	10/02/2020  <b>SCANNED KPST Peshawar</b>	<p>The appeal of Mr. Razeed Khan presented today by Uzma Syed Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please. decrease</p> <p style="text-align: right;"> REGISTRAR</p> <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>18/03/2020</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
2-		

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

APPEAL NO. 890 /2020

RAMIZ KHAN

VS

GOVT: OF KP

**INDEX**

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5	Order dated 02.07.2019	E	11.
6	Departmental appeal	F	12- 13.
7	Forwarding letters	G	14- 15.
8	Impugned order	H	16.
9	Vakalat nama	.....	17.

*Ramiz Khan*  
APPELLANT

THROUGH:

*Uzma Syed*  
UZMA SYED  
ADVOCATE

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

APPEAL NO. 890/2020

Mr. Rameez Khan, Constable,  
Excise & Taxation Office, Nowshera.....**APPELLANT**

**VERSUS**

- 1- The Secretary, Excise, Taxation & Narcotics Control, Khyber Pakhtunkhwa, Peshawar.
- 2- The Director General, Excise, Taxation & Narcotics Control, Khyber Pakhtunkhwa, Peshawar.
- 3- The Regional Director, Excise, Taxation & Narcotics Control Peshawar Region.....**RESPONDENTS**

**APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDER DATED 16.01.2020 WHEREBY MAJOR PENALTY OF REMOVAL FROM SERVICE HAS BEEN CONVERTED INTO STOPPAGE OF ONE ANNUAL INCREMENT FOR THE PERIOD OF TWO YEARS ON THE DEPARTMENTAL APPEAL OF APPELLANT.**

**PRAYER:**

That on acceptance of this appeal the impugned order dated 16.01.2020 may very kindly be set aside and the respondents may please be directed to release the annual increment of the appellant with all back benefits. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

**R/SHEWETH:**

**ON FACTS:**

- 1- That appellant is the employee of respondent Department and is serving as Constable in Excise and Taxation Office, Nowshera quite efficiently and upto the entire satisfaction of his superiors.
- 2- That during service the appellant was directed to perform security duty in House No. 19, Park Road, University Town at Peshawar. In compliance of the order the appellant took over the charge at the concerned place and started performing his duty quite efficiently.
- 3- That during performing duty in House No.19 situated at Park Road, university Town, Peshawar charge sheet and statement of allegation has been issued by the competent authority whereby allegation of no compliance of the order was leveled against the appellant, while the appellant was performing his duty at the concerned place where he was directed for performing his duty by the high ups. That later on a show cause notice has been served upon the appellant which was properly replied by the appellant

alongwith documentary proofs and denied the allegations leveled against him. Copies of the charge sheet, statement of allegations, show cause notice and reply alongwith relevant documents are attached as annexure.....A; B, C & D.

4- That astonishingly the competent authority issued the order dated 02.07.2019 whereby major penalty of removal from service was imposed on the appellant without conducting fact finding inquiry in the matter. Copy of the order dated 02.07.2019 is attached as annexure.....E.

5- That feeling aggrieved from the order dated 02.07.2019 the appellant preferred Departmental appeal before the appellate authority which was properly forwarded vide letter dated 29.07.2019. That the competent authority has taken lenient view by converted major penalty of removal from service into minor penalty of stoppage of one annual increment for the period of two years vide impugned order dated 16.01.2020. Copies of the Departmental appeal, forwarding letters and impugned order are attached as annexure.....F, G & H.

6- That appellant feeling aggrieved from the impugned order dated 16.01.2020 and having no other remedy filed the instant service appeal on the following grounds amongst the others.

#### **GROUND:**

- A- That the impugned order dated 16.01.2020 is against the law, facts, norms of natural justice and materials on the record, hence not tenable and liable to be set aside.
- B- That the appellant has not been treated by the respondents in accordance with law and rules on the subject noted above and as such the respondents violated Article-4 and 25 of the Constitution of Islamic Republic of Pakistan, 1973.
- C- That the respondent Department acted in arbitrary and malafide manner while issuing the impugned order dated 16.01.2020 which is not tenable and liable to be set aside.
- D- That the no fact finding inquiry has been conducted by the respondents into the matter and issued the impugned order dated 16.01.2020.
- E- That the appellant has been punished for the act which the appellant has not been done during his service and performed his duties at the concerned place with devotion and honesty.
- F- That the impugned order dated 16.01.2020 is violative of FR-29, which is not tenable in the eye of law hence liable to be set aside.
- G- That appellant seeks permission to advance other grounds and proofs at the time of hearing.

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

Dated: 10.02.2020.

APPELLANT

*Ramiz*  
RAMIZ KHAN

THROUGH: *uzma*

UZMA SYED  
ADVOCATE

No. 4466 /Estab:

A-4  
Dated: 24-05-2019

DISCIPLINARY ACTION

I, Fayyaz Ali Shah, Director General, Excise, Taxation & Narcotics Control, Khyber Pakhtunkhwa, Peshawar, as competent authority, am of the opinion that Mr. Rameez Khan, Constable, Excise and Taxation Office, Nowshera has rendered himself liable to be proceeded against, as he committed the following acts/omissions, within the meaning of rule 3 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011.

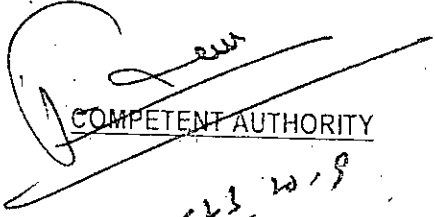
STATEMENT OF ALLEGATIONS

That by misusing his official position, instead of compliance with the Order vide No. 6087/Estb/ dated 09/05/2019 wherein he was directed to perform security duty in House No.19, located at Park Road University Town, Peshawar, the said official did not comply the said order till date and even not receiving phone calls.

2. For the purpose of inquiry against the said accused with reference to the above allegation, Mr. Sallah Ud Din, Director (Revenue) Excise, Taxation & Narcotics Control, Peshawar is nominated as Inquiry Officer under rule 10(1)(a) of the ibid rules.

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

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

  
COMPETENT AUTHORITY

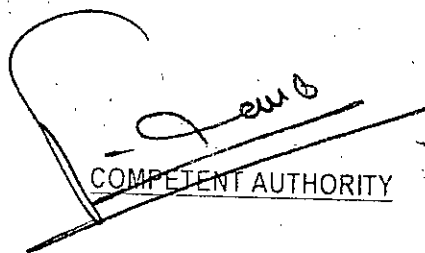
May 23, 2019

CHARGE SHEET

5

I, Syed Fayaz Ali Shah, Director General, Excise and Taxation, Khyber Pakhtunkhwa, Peshawar, as competent authority, hereby charge you, Mr. Rameez Khan, Constable as follows:-

- a. That on 09.05.2019 you were found negligent in the performance of security duties at house No.19, located at Park Road, University town, Peshawar.
2. By reason of the above, you appear to be guilty inefficiency & misconduct under rule 3 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 and have rendered yourself liable to all or any of the penalties specified in rule 4 of the rules ibid.
3. You are, therefore, required to submit your written defense within seven days of the receipt of this Charge Sheet to the inquiry officer.
4. Your written defense, if any, should reach the inquiry officer within the specified period, failing which it shall be presumed that you have no defense to put in and in that case ex-parte action shall be taken against you.
5. Intimate whether you desire to be heard in person.
6. A statement of allegations is enclosed.

  
COMPETENT AUTHORITY

**SHOW CAUSE NOTICE**

Majid Ali Shah, Director General, Excise, Taxation and Narcotics Control, Khyber Pakhtunkhwa Government, Peshawar, as Competent Authority, under the Khyber Pakhtunkhwa Government Services (General and Discipline) Rules, 2011, do hereby serve you, Mr. Rameez Khan, Constable, Excise and Taxation Office Nowshera, P.O. Mohalai Bahram Khan Kheri Nowshera, City Tehsil & District Nowshera, FATA, for the following reasons:

That you were directed to perform security duty at House No 19, P.O. Mohalai Bahram Khan Kheri, Nowshera, District Nowshera, FATA, on 10/06/2014 but you did not comply the said order and not only remained absent from your duties but declined to receive even telephone calls. In this regard, Respective departmental inquiry was initiated by appointing Inquiry Officer and Charge Sheet against you was issued. The inquiry report has been received which is as follows:

- 1. As per the report of the Inquiry Officer, you were directed to perform security duty at House No 19, P.O. Mohalai Bahram Khan Kheri, Nowshera, District Nowshera, FATA, on 10/06/2014 but you did not comply the said order and not only remained absent from your duties but declined to receive even telephone calls.
- 2. You were directed to perform security duty at House No 19, P.O. Mohalai Bahram Khan Kheri, Nowshera, District Nowshera, FATA, on 10/06/2014 but you did not comply the said order and not only remained absent from your duties but declined to receive even telephone calls.
- 3. The Inquiry Officer has reported that you were directed to perform security duty at House No 19, P.O. Mohalai Bahram Khan Kheri, Nowshera, District Nowshera, FATA, on 10/06/2014 but you did not comply the said order and not only remained absent from your duties but declined to receive even telephone calls.

Director General, Excise, Taxation and Narcotics Control, Khyber Pakhtunkhwa Government, Peshawar.



(7) - C

محفوظ خطاب و کمیٹی کے اجلاس سے مندرجہ ذیل فیصلے منظور ہوئے

ضابطہ لکھا

حود باہر ہونے کے باعث اس کی وجہ سے اس کا پتہ چھپ گیا اور وہ  
 اگلے روز پتہ پتہ کر کے آئے۔ تو اس کے بعد اس کے سفید ہارے اور پورا آئینے کے  
 بڑے بڑے پتوں کے ساتھ اس کے پاس آئے ہیں اور یہ ہیں کہ آئیے  
 صلوات علیکم اجمعین ہے اور میں نے ۸۲۶۵ صلوات سے کبھی دوست  
 آج آئے تھے اور مجھے دربار سے ملنے کا حکم دیا، جس کے آگے آئیے وہ  
 ڈیڑھ گھنٹے کے لیے وہ کھینچ دیا اور اس کا فون کھینچ لیا ہے وہ  
 اسٹند پر آئیے نے مجھے کہا کہ آئیے فون کر رہے تھے کس کا حکم نہیں ہے  
 رہے تھے اس نے جو کھینچ لیا تھا وہ غلط تھا میں نے اس کی اجازت منکر  
 لکھ دیا ہے میں نے اس کی ڈیڑھ گھنٹے کے لیے اس کی اجازت منکر  
 ڈیڑھ گھنٹے کے لیے اس سے لیا گیا ہے  
 ۸۲۶۵ صلوات فوراً آئے تھے میں موجود تھا ڈیڑھ گھنٹے کے لیے اس کے لیے اس کی اجازت  
 کو کھینچ لیا تھا وہ اس کے لیے لیا گیا تھا وہ کھینچ لیا ہے اور اس کے  
 آئیے لکھا اور آئیے ۸۲۶۵ صلوات سے اس کے لیے لیا گیا تھا اور اس کے  
 انہر آئیے سے رہا وہ زیادہ ٹیڈ کرنا ہے تو میں نے ۸۲۶۵ صلوات سے  
 کرنے کے لیے اس کے لیے کھینچ لیا تھا۔ رات کو مجھے ٹیڈ وہ پورے ٹیڈ کرنا ہے  
 اور اس کے لیے اس کے لیے یہ بات سے آئیے کرنا ہے اور اس کے لیے اس کے لیے  
 تھا۔ آئیے لکھا تھا۔ نہ مجھ اور کبھی لکھا تھا اس کے لیے اس کے لیے اس کے لیے  
 ۸۲۶۵ صلوات سے یہ بات ہے پورے اس کے لیے اس کے لیے اس کے لیے اس کے لیے  
 آئیے اس کے لیے اس کے لیے اس کے لیے اس کے لیے اس کے لیے

8

اور توشیحہ آتش میں ایسی دوران دوسرا لکھنے لگا تھا۔ ترمینہ ۱۸۶۵ء  
 حال سیرت زید علیہ السلام سے بہت کچھ لکھتا ہے۔ اس میں دراصل لکھتا ہے  
 اور میں تواریخ سادات اہل بیت در دیوانی آرا باہرں۔ تو ۱۸۶۵ء تواریخ حال  
 حال نے کچھ آتش میں آج کا رپورٹ سے دو وقت آج سے لکھتا ہے۔  
 اس کے ۱۸۵۱ء سفندہ دار نے کچھ لکھتا ہے تواریخ حال حال خود ہی لکھتا ہے  
 اس میں تواریخ آرا امیر تواریخوں کے ساتھ ہے۔ اس میں تواریخ لکھا ہے  
 اور ۱۸۶۵ء سیرت زید علیہ السلام لکھا ہے اور رپورٹ خود دے دو  
 ۵۰ تا ۶۰ میں تواریخ لکھا ہے اور لکھتا ہے کہ جلائے شیعہ سے جس میں تواریخ  
 کرتا تھا۔ کہ وہ سن ۱۸۶۵ء تواریخ میں اور تواریخ لکھا ہے اور  
 تواریخ لکھا ہے تواریخ لکھا ہے تواریخ لکھا ہے اور لکھتا ہے  
 تواریخ لکھا ہے تواریخ لکھا ہے تواریخ لکھا ہے اور لکھتا ہے  
 اس کے بعد جو کچھ لکھا ہے اس میں لکھا ہے

کامپلیمینٹس

۱۸۱۶



خدمت میں - ایسا کہ ایڈمنسٹریٹیشن انسپیکٹرز اور دیگر اہل کار

درخواست گزار اور عملیاتی وجوہات کے ساتھ

(10)

کامپل

DIRECTOR (ADMN)	DIRECTOR GENERAL EXCISE TAXATION & NARCOTICS CONTROL	DIRECTOR (REV)
DY DIR (ADMN)		DY DIR (PESH)
DY DIR (LIT)		DY DIR (REGST)
SYSTEM ANALYST		AD (ACCTS)
SUPDT-I		SUPDT-II
ETO (E&N)		PA TO DG EXCISE

ہذا - عالی

گزارش کے مطابق نو دہری آدر نمبر 6087

حودہ 45 کو 19 کو نو دہری سے تعلق رکھنے والے سیکورٹی رپورٹ ڈیوٹی پر مامور کیا گیا۔ چونکہ دفتر ہذا سے ایک سیکورٹی رپورٹ صادر فرمایا کہ مسئلہ پیکاران نے ڈیوٹی کا حال سرانجام میں دیا۔ جبکہ اسی رپورٹ میں ذکر کیا گیا ہے کہ ریسرو کامپل 15 دنوں سے غیر فعال تھا اور اس کے بعد وہ مسلسل ڈیوٹی سرانجام دے رہا ہے۔

آج کل کے حالات سے التماس ہے کہ اس کا حوالہ تاریخ بعد از غیر ہاضمی رہنے والی اقامات ہمارے دفتر میں کی جاسکے۔

کامپلیشن فار وورک مع الین  
ایسا کہ ایڈمنسٹریٹیشن نوٹس



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

E-11

Peshawar dated the 02/07/2019.

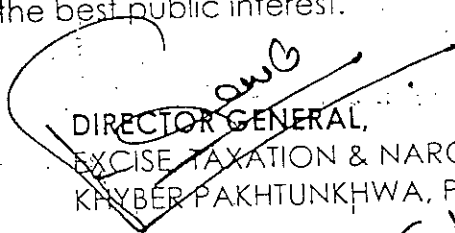
Adil  
Khan  
5.7.19

**ORDER**

No. 64 /Estb/XXXV-D-82. Whereas Mr. Rameez Khan, Constable, Excise and Taxation Office, Nowshera was directed vide this Office Order No. 6087/Estb, dated. 09.05.2019 to perform security duty in House No. 19, Park Road, University Town Peshawar but he didn't comply the said order and not only remained absent from his official duties but declined to receive even telephone calls in this regard. Resultantly, regular departmental inquiry was initiated by appointing Inquiry Officer and charge Sheet and Statement of Allegation was issued and whereas the inquiry against the official has been concluded and the charge of habitually absenting himself from official duties has been established and the penalty of removal from service was recommended by the Inquiry Officer.

Resultantly, a show cause notice was issued on 13.06.2019 at his home address in which it was tentatively decided by the undersigned as competent authority to impose upon him the penalty of removal from service under Rule-4 of the E&D Rules, 2011. However, despite the said notice the official is still absent and least bothered to reply within the stipulated period of fifteen days.

Accordingly, the undersigned is left with no other option but to take action as neither he is interested in service nor has any regard for the discipline and lawful orders of the Competent Authority. He is therefore, removed from service with immediate effect in the best public interest.

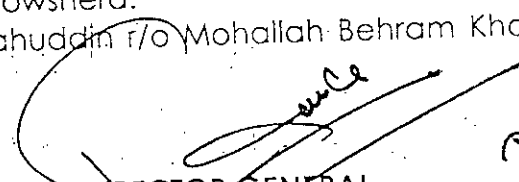
  
DIRECTOR GENERAL,  
EXCISE TAXATION & NARCOTICS CONTROL,  
KHYBER PAKHTUNKHWA, PESHAWAR.

No. 65-72 /Estb/XXXV-D-82.

July 2, 2019

Copy forwarded for information to:-

- 1- Accountant General, Fort Road, Khyber Pakhtunkhwa, Peshawar.
- 2- Director (Admn) Excise, Taxation and Narcotics Control, Khyber Pakhtunkhwa Peshawar.
- 3- Inquiry Officer/Director Revenue, Excise, Taxation and Narcotics Control, Khyber Pakhtunkhwa, Peshawar.
- 4- Director Excise, Taxation & Narcotics Control, Mardan Region.
- 5- Excise & Taxation Officer, Nowshera.
- 6- District Accounts Officer, Nowshera.
- 7- Mr. Rameez Khan s/o Salahuddin r/o Mohallah Behram Khan Khel, Tehsil and District Nowshera.
- 8- Personal file.

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

July 2, 2019

TO

Secretary, Excise, Taxation and Narcotics Control,  
Khyber Pakhtunkhwa

Received

09.7.2019.

F-12

Subject: Appeal against Order No. 64/estb/XXXV-D-82 Dated:02/07/2019 (Termination of service)

R/sir,

Please consider this correspondence to constitute a formal appeal against my termination of employment by reason of Efficiency and discipline (Under Rule 3 of the KP Government Servants). I would like to challenge the decision to terminate my employment by a reason of inefficiency and discipline, which was notified to me in letter of 02<sup>nd</sup> July 2019, this is because:

- a. I believe that I have performed all my duties in efficient and in discipline way after, receiving order vide 6087/Estb/Date: 09/05/2019 on Day Saturday, 11<sup>th</sup> May 2019 (VIA Call from E.T.O). Soon after receiving my order I have joined my duty on location (House No. 19, Located at Park Road, University Town, Peshawar) and informed Mr. Naveed Jamal (A.A.T.O) and Mr. Asfandiyar (A.S.I). They have provided me Mr. Alamzeb, Constable contact number and directed that you both will perform duties together at Place (house No, 19 Located at Park Road, University Town, Peshawar) in shifts, and we did it with full zeal.
- b. However, on 25<sup>th</sup> May 2019 I was informed from Nowshera Office, Located at Rehman Road, Nowshera, that order No. 6786-88 Dated: 24<sup>th</sup> May 2019 is issued against you in which Disciplinary Action was taken against me with an allegations of misusing official position and non-compliance of order vide No. 6087/Estb/Dated 09/05/2019 along with Charge Sheet, charged by Director General, Excise and Taxation, Khyber Pakhtunkhwa, Peshawar, in which he found me negligent in the performance of security duties at house No. 19, located at Park Road, University Town, Peshawar on date 09.05.2019.
- c. Immediately, I informed Mr. Naveed Jamal and Mr. Asfandiyar that I have received order vide no.6786-88 beside of performing my duties with full of keenness, and also that I received order vide 6087/Estb/Date: 09/05/2019 on 11<sup>th</sup> May 2019, So How it is possible to join the location before getting any information and order, which is already in noticed to Mr. Naveed Jamal (A.A.T.O) and Mr. Asfandiyar ; and after Joining my duty on 13<sup>th</sup> May 2019 at location, Mr. Naveed Jamal (A.A.T.O) found me several times over their during his inspection to location (House No. 19, located at University Town Peshawar), already in noticed to both. In replied they said that "*it might be clerical mistake, you should perform your duties as it is. I will submit your report to Director General*". However after the confrontation between house owner and us (Mr. Alamzeb, Constable and ME) he said that now you should Personally appear before inquiry in confrontation and also in order vide no. 6786-88/date 24<sup>th</sup> May 2019 and Inquiry officer for the said is Mr. Javaid Khligi, Region

Diary No. 41. (photo copy; original copy  
Dated 09.7.2019 retained in the deptt. for  
P/S to Secy: E&T Deptt: necessary action). SB.

13

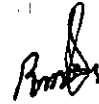
Director, Peshawar . On day Friday, 14<sup>th</sup> June 2019 I appeared before the inquiry officer Mr. Javaid Khlijji, Regional Director Peshawar and submit all in written [copy attached, page 3,4]

Sir, the said allegations are unfitting as I performed my duties in compliance with all orders whose witnessed are Mr. Naveed Jamal (A.A.T.O), Mr. Asfandyar (A.S.I) and Mr. Alamzeb (Constable). Therefore, I request to please restore me on my position i.e. Constable as I serve your esteem department for more than 10 Years as an obedient and loyal employee.

I shall be very Thankful to you and whole department if you please consider my Appeal and restore me on immediate basis.

Date: 08<sup>th</sup> July, 2019

Yours Sincerely,



Rameez Khan S/O Salah ud Din  
Constable  
17201-4935922-3  
0312 8822435  
Nowshera

(Enclosure)



GOVERNMENT OF KHYBER PAKHTUNKHWA  
EXCISE, TAXATION & NARCOTICS CONTROL DEPARTMENT

NO. SEC/Admn/ES/1-20/19  
Dated Peshawar the 10<sup>th</sup> July 2019

To

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

Subject: - **APPEAL AGAINST ORDER NO.64/ESTB/XXXV-D-82**  
**DATED:02/07/2019 (TERMINATION OF SERVICE)**

Dear Sir,

I am directed to refer to the subject noted above and to enclose herewith copy of an appeal dated 08/07/2019 alongwith its enclosures, which is self explanatory, received from Mr.Rameez Khan, Constable ETO Office, Nowshera and to state that a detailed report in the subject appeal may be furnished to this department to proceed further in the matter please

Yours faithfully,

( NASEEM KHAN )  
SECTION OFFICER (ADMN)

Encl: As above.  
Endst: No. & Date Even.

Copy forwarded to the PS to Secretary Excise, Taxation & Narcotics Control Department.

SECTION OFFICER (ADMN)



to

The Secretary to Government  
Excise and Taxation, Nowshera  
Khyber Pakhtunkhwa

Subject

**REPRESENTATION AGAINST MR. SAHIB UDDIN  
SPK PESHAWAR DATED, 02-07-2019**

Kindly refer to the Section Chief's letter  
SO(Admn)E&T/1-20/2019/5906-07 dated, July 29, 2019  
has been required into the removal from service of Mr. Sahib  
Constable.

In this connection it is submitted that Mr. Sahib Uddin  
Constable, Excise and Taxation Office, Nowshera was directed by  
Order No. 6087/Esib, dated, 09.05.2019 (Copy attached as Annexure-IV)  
perform security duty in House No. 19, Park Road, University Town, Peshawar.  
he didn't comply the said order and not only remained absent from his  
duties but declined to receive even telephone calls. In view of this  
departmental inquiry was initiated by issuing charge sheet and a  
allegation and Mr. Salah ud Din, Director Revenue, Excise, Taxation and  
Control, Khyber Pakhtunkhwa was notified as inquiry Officer by letter  
Letter No. 6661/Esib/P.F. dated, 24.05.2019. (Copy of Charge Sheet  
Statement of Allegation along with cover letter are attached as Annexure-IV  
IV respectively).

The Inquiry Officer in his report concluded that Mr. Sahib Uddin  
habitually absents himself from official duties and such established  
penalty of removal from service was recommended. (Copy of his report  
is attached as Annexure-V).

Accordingly, a show cause notice was issued to the  
official on 13.06.2019 (copy attached as Annexure-VI) and a  
address in which it was tentatively decided to recommend  
removal from service. However, despite the said notice being  
and least bothered to reply within the stipulated period.

In view of the above the undersigned is of the opinion  
option but to take action as a matter of discipline and  
regard for the discipline and lawful orders of the Government  
therefore, removed from service. (Copy of the report is  
Annexure-VII).

DIRECTOR, GENERAL  
REVENUE, EXCISE & CONTROL  
KHYBER PAKHTUNKHWA



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


H - (16)

Peshawar dated the 16/01/2020.

**ORDER.**

No. 8125 /Estb/XXXV-D-82. Further to the approval of the Competent Authority, Mr. Rameez Khan, ex-Excise and Taxation Constable who was removed from Service vide this Office Orders No. 64/Estb/XXXV-D-82, dated. 02.07.2019, is hereby reinstated in service with immediate effect on the following terms, in addition to the terms and conditions of service recorded in his order of first appointment in Excise and Taxation Department, Khyber Pakhtunkhwa :-

1. His absence period with effect from 02-07-2019 to 23-09-2019 will be settled upon the decision from Secretary to Government of Khyber Pakhtunkhwa Excise, Taxation & Narcotics Control Department office.
2. His one annual increment for a period of two years is stopped.


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

16.1.2020

No. 8126-31 /Estb/XXXV-D-82,

Copy forwarded for information to:-

1. PS to the Secretary to Government of Khyber Pakhtunkhwa, Excise, Taxation and Narcotics Control Department, Peshawar w/r to Section Officer(Admn) Letter No. SO(Admn)/E&T/2-00/2016/7054-58, dated. 23.09.2019.
2. Accountant General, Fort Road, Khyber Pakhtunkhwa, Peshawar in continuation of this Office No. 64/Estb/XXXV-D-82, dated. 02.07.2019..
3. Regional Director Excise, Taxation & Narcotics Control Peshawar Region.
4. Excise & Taxation Officer Nowshera.
5. Mr. Rameez Khan S/O Mr. Salah Ud Din r/o Nowshera City Mohalla Baheram Khan Khel Nowshera.
6. Personal file.

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

16.1.2020

2020ء منجانب

Rameez Khan بنام

Govt of KP

موزعہ

مقدمہ

دعویٰ

جرم

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ

آن مقام جیٹا ہاؤس کیلئے عظمیٰ مسد اندوالت

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کمال اختیار ہوگا۔ نیز

وکیل صاحب کو راضی نامہ کرنے و تقریر ثالث و فیصلہ پر حلف دینے جواب دہی اور اقبال دعویٰ اور

بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق

زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یا کٹرفہ یا اپیل کی ہوا مدگی

اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا۔ از بصورت ضرورت

مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے

تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے

اور اس کا ساختہ پر داخیتہ منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے لئے

سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں

گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سند ہے۔

2020ء

2

ماہ

10

الرقوم

Rameez

الع د گ واہ الع

کے لئے منظور ہے۔

Peshawar

مقام

Before The KP Service Tribunal, Peshawar

Service Tribunal 890 / 2020

Mr. Rameez vs Police

Application for extension

of Security fee:

Sir,

R/shauath, it is submitted as under:

That the above mention appeal was  
fixed before this Honorable Service  
Tribunal.

That on previous date the appellant  
was not submitted security fee. due  
to some domestic problem.

it is requested that please kindly  
allow me the extension application of  
appellant

UZMA SYED  
28-7-2020

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

**Service Appeal No. 890/2020.**

Mr. Rameez Khan s/o Sallah Ud Din, Constable Excise and Taxation Office  
Nowshera.

**(Appellant)**

**VERSUS**

1. Secretary to Government of Khyber Pakhtunkhwa, Excise, Taxation and Narcotics Control.
2. Director General, Excise, Taxation and Narcotics Control, Khyber Pakhtunkhwa Peshawar.
3. Regional Director, Excise, Taxation & Narcotics Control Peshawar Region.

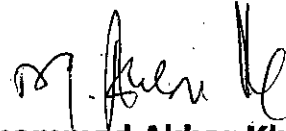
**(Respondents)**

**INDEX**

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

**The Respondents**

Through counsel



**Muhammad Akbar Khan**  
(Advocate) High Court  
Legal Advisor,  
Excise, Taxation &  
Narcotics Control Department  
Khyber Pakhtunkhwa

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

**Service Appeal No. 890/2020.**

Mr. Rameez Khan s/o Sallah Ud Din, Constable Excise and Taxation Office  
Nowshera.

**(Appellant)**

**VERSUS**

1. Secretary to Government of Khyber Pakhtunkhwa, Excise, Taxation and Narcotics Control.
2. Director General, Excise, Taxation and Narcotics Control, Khyber Pakhtunkhwa Peshawar.
3. Regional Director, Excise, Taxation & Narcotics Control Peshawar Region.

**(Respondents)**

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

**Respectfully Sheweth.**  
**Preliminary objections.**

1. That the appellant has got no cause of action and locus standi to file instant appeal.
2. That the appellant has not come to the Tribunal with clean hands.
3. That the appellant has deliberately concealed the material facts from this Honourable Tribunal.
4. That the instant appeal is not maintainable.
5. That the appeal is bad due to mis-joined of unnecessary party, and non-joinder of necessary parties.
6. That, the appellant has been estopped by his own conduct to file the appeal-in-hand.

## **FACT**

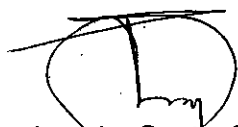
1. Para-1, need no comments.
2. Para-2, is incorrect.
3. That, the appellant was served with Charge Sheet, Statement of allegation, Show Cause Notice wherein, reply was submitted by the appellant which was not supported by any documentary proof. Hence the Inquiry Officer was not satisfied with the reply of appellant.
7. Para-4, is incorrect.
8. Para-5, is correct.

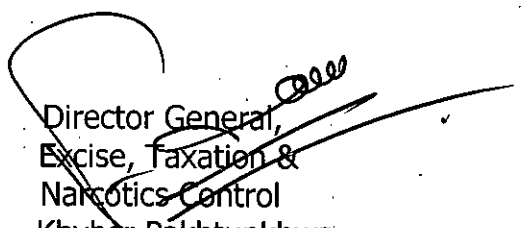
## **GROUND**


- A. Ground-A is incorrect. The appellant has been treated in accordance with the Rules.
- B. Ground-B is incorrect. The removal of service of the appellant was carried out step by step as laid down under the rules and the appellant was reinstated.
- C. Ground-C is incorrect. The appellant was provided every opportunity and it was due to his own misconduct.
- D. Ground-D is incorrect. Inquiry was conducted under the supervision of Director Revenue Excise, Taxation & Narcotics Control Department.
- E. Ground-E is incorrect. That the fact that he remained absent from his official duties without any intimation and approval in itself is a misconduct.
- F. Ground-F is incorrect. That the appellant remained absent from his official duties without any intimation and approval in itself is a misconduct.
- G. Ground-G. Need no comments.

In view of the above it is requested that since the appellant remained absent without any intimation, leave approval/sanction of the competent authority and the action taken against him was forced by his

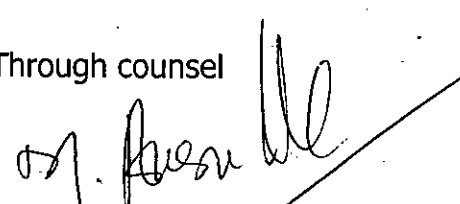
own conduct, therefore, the orders passed by respondents 2 having been passed on judicious grounds may be upheld and appeal be dismissed with costs.

  
Secretary to Govt of  
Khyber Pakhtunkhwa  
Excise, Taxation &  
Narcotics Control  
**(RESPONDENT NO. 1)**

  
Director General,  
Excise, Taxation &  
Narcotics Control  
Khyber Pakhtunkhwa  
**(Respondent No. 02)**

  
Regional Director,  
Excise, Taxation &  
Narcotics Control  
Khyber Pakhtunkhwa  
Peshawar  
**(Respondent No. 03)**

Through counsel

  
**Muhammad Akbar Khan**  
(Advocate) High Court  
Legal Advisor,  
Excise, Taxation &  
Narcotics Control Department  
Khyber Pakhtunkhwa



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

**Service Appeal No. 890/2020.**

Mr. Rameez Khan s/o Sallah Ud Din, Constable Excise and Taxation Office  
Nowshera.

**(Appellant)**

**VERSUS**

1. Secretary to Government of Khyber Pakhtunkhwa, Excise, Taxation and Narcotics Control.
2. Director General, Excise, Taxation and Narcotics Control, Khyber Pakhtunkhwa Peshawar.
3. Regional Director, Excise, Taxation & Narcotics Control Peshawar Region.

**(Respondents)**

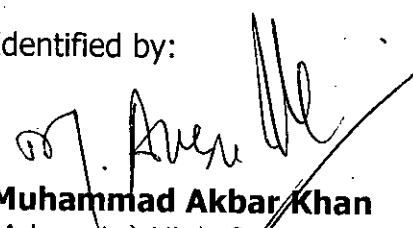
**AFFIDAVIT**

I, **Fida Muhammad**, Superintendent of Directorate General Excise, Taxation & Narcotics Control Khyber Pakhtunkhwa, do hereby solemnly affirm and verify on oath that the contents of accompanying "**Para wise Reply**" are true and correct to the best of my knowledge, belief and nothing has been kept concealed or misstated.

THE DEPONENT

CNIC # 17301-1629471-3

Identified by:

  
**Muhammad Akbar Khan**  
(Advocate) High Court  
Legal Advisor,  
Excise, Taxation &  
Narcotics Control Department  
Khyber Pakhtunkhwa