


06.02.2023

Learned counsel for the appellant present. Mr. Azam Uzair Khan, Addl. AG for the respondents present. Mst. Parkha Aziz Khan, and Hazrat Bilal, Advocates for respondent No. 1 present and submitted Wakalatnama which is placed on file.

Learned counsel for the appellant requested for adjournment in order to further prepare the brief. Granted. To come up for arguments on 10.04.2023 before the D.B.

SCANNED
KPST
Peshawar


(FAREEHA PAUL)
Member (E)


(ROZINA REHMAN)
Member (J)


10.04.2023

Nemo for appellant.

Asif Masood Ali Shah learned Deputy District Attorney for respondents No.2 & 3 present. Miss Parkha Aziz Advocate on behalf of respondent No.1 present.

Notice be issued to appellant/counsel for 02.06.2023 for hearing before D.B. P.P given to respondents.


(Fareeha Paul)
Member (E)


(Rozina Rehman)
Member (J)

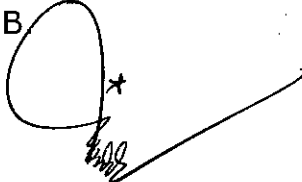
SCANNED
KPST
Peshawar

On 23/05/2023
counsel was informed
telephonically for the
date fixed
(02/06/2023) & also
notice was personally
noted by counsel
Mohamm

04.07.2022

Learned counsel for the appellant present. Clerk of learned counsel for respondent No. 1 present. Mr. Riaz Ahmad Painsdakhel, Assistant Advocate General for respondents No. 2 & 3 present.

Clerk of learned counsel for respondent No. 1 requested for adjournment on the ground that learned counsel for respondent No. 1 is busy in the august Peshawar High Court, Peshawar. Adjourned. To come up for arguments on 16.09.2022 before the D.B.



(Mian Muhammad)
Member (E)

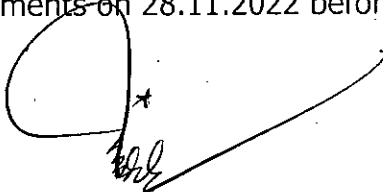


(Salah-ud-Din)
Member (J)

16.09.2022

Learned counsel for the appellant present. Mr. Aftab Hussain, Advocate, on behalf of respondent No. 1 present and submitted fresh Wakalatnama, which is placed on file. Mr. Naseer-ud-Din Shah, Assistant Advocate General for respondents NO. 2 & 3 present.

Learned counsel for the appellant stated that similar nature Service Appeal bearing No. 15356/2020 titled "Salah-ud-Din Versus Excise and Taxation Department etc has been fixed on 28.11.2022, therefore, the appeal in hand may also be fixed on the said date. Adjourned. To come up for arguments on 28.11.2022 before the D.B.



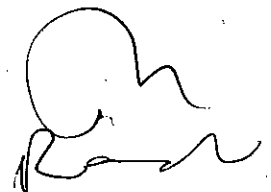
(Mian Muhammad)
Member (E)



(Salah-Ud-Din)
Member (J)

28/11/22

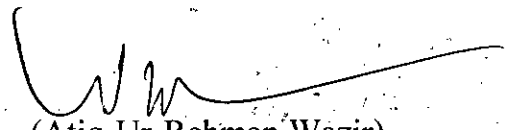
deleted from the list to come up for the same on 6/2/23



06.01.2022

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

Reply/comments on behalf of respondents are still awaited. Learned Additional Advocate General of respondents sought time for submission of reply/comments. Last opportunity is granted to respondents to furnish reply/comments on or before next date, failing which their right to submit reply/comments shall be deemed as struck off by virtue of this order. To come up for arguments before the D.B on 20.04.2022.



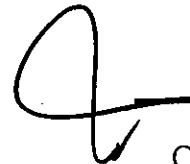
(Atiq-Ur-Rehman Wazir)

Member (E)

20th April, 2022

Counsel for the appellant present. Mr. Kabirullah Khattak, Addl. AG for respondents present.

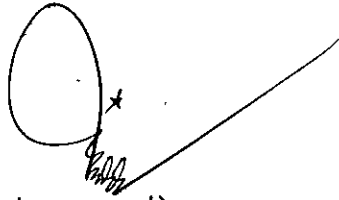
On previous date last opportunity was given to the official respondents for submission of written reply/comments, failing which their right to submit reply has been deemed to be struck off by virtue of that order. Neither written reply of the official respondents received nor any responsible representative is in attendance. As their right to submit reply be struck off, therefore, the appeal is fixed for final arguments on 04.07.2022 before D.B.



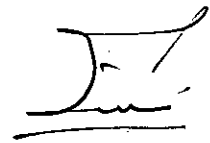
Chairman

27.10.2021

Mr. Amjid Nawaz, Advocate, for the appellant present. Mr. Kabirullah Khattak, Additional Advocate General for the respondents present and sought time for submission of reply/comments. Adjourned. To come up for submission of reply/comments as well as arguments on 31.12.2021 before the D.B.



(Mian Muhammad)
Member (E)

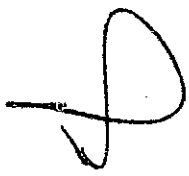


(Salah-Ud-Din)
Member (J)

Due to winter vacations

Appellant Deposited
Security & Process Fee

*the case is adjourned to 06-1-2022
for the same as before*



19.04.2021

Due to demise of the Worthy Chairman the Tribunal is defunct, therefore, case is adjourned to 10.06.2021 for the same as before.



Reader

10.06.2021

Junior to counsel and Mr. Kabirullah Khattak, Addl. AG for the respondents present.

Stipulated period has passed and reply has not been submitted.

Written reply not submitted. Learned AAG is required to contact the respondents. The respondents are directed to submit written reply/comments in office within 10 days, positively. If the written reply/comments are not submitted within the stipulated time, the office shall submit the file with a report of non-compliance. File to come up for arguments on 27.10.2021 before the D.B.



Chairman

P.S

22.06.2021

Learned Addl. A.G be reminded about the omission and for submission of Reply/comments within extended time of 10 days.



Chairman



08.03.2021

Counsel for the appellant present. Preliminary arguments heard and case file perused. The appellant was appointed as Excise and Taxation Officer (BS-17) on 28.04.2005 on recommendation of the Public Service Commission. He was later on promoted to the post of Deputy Director (BS-18) in the year 2010 and was further upgraded to the post of Director (BS-19). The respondent-department introduced Service Rules, 2002 which were published in the official gazette of Khyber Pakhtunkhwa on 07.04.2005. The Service Rules regulated services of the employees of different categories of the department. In the rules ibid, the post of Director General, Excise and Taxation was to be filled in the following manner:-

- i. By promotion on the basis of seniority Cum-fitness, from amongst the Deputy Directors having five years service as such "or" 15 years service as Excise and Taxation Officer and Deputy Director, who have passed the Departmental Examination in higher standard; and**
ii. if no suitable Deputy Director is available for promotion, by transfer of a suitable officer.

However, on 30.03.2010, the aforesaid service Rules, 2002 were further amended and now titled as "Excise and Taxation Service Rules, 2010." Now the post of DG was to be filled; **(i) by transfer and then (ii) by promotion.** Former service rules of 2002 and 2010 were superseded vide notification dated 19.02.2018 which adversely effected the promotion chances of appellant. The appellant being aggrieved from the said rules, filed representation on 03.08.2020 which was not responded within the stipulated statutory period of ninety days, hence, the instant service appeal on 31.12.2020.

Points urged need consideration. Service appeal is admitted subject to all legal objections. Appellant is directed to deposit security and process fee within 10 days, thereafter, notices be issued to the respondents for written reply/comments for 19.04.2020 before S.B.

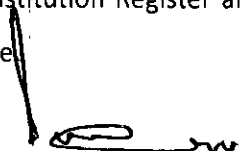


(MAIN MUHAMMAD)
MEMBER(E)

Form- A

FORM OF ORDER SHEET

Court of _____

Case No. - 694 /2021

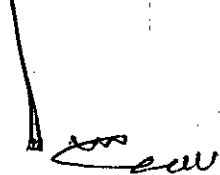
S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	11/01/2021	<p>The appeal of Dr. Eid Badshah resubmitted today by Mr. Saadullah Khan Marwat Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please</p> <p style="text-align: right;"> REGISTRAR</p> <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>08/03/21</u></p> <p style="text-align: right;"> CHAIRMAN</p>
2-		

The appeal of Dr. Eid Badshah Director Excise and Taxation department received today i.e. on 31/12/2020 is incomplete on the following score which is returned to the counsel for the appellatant for completion and resubmission within 15 days.

- 1- Annexures of the appeal may be attested.
- 2- Annexures of the appeal may be flagged.
- 3- Annexures of the appeal may be page marked.
- 4- Five more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 09 /S.T,

Dt. 05/01/2021


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Saadullah Khan Marwat Adv. Pesh.

Sr,

Re-submitted after removing all objections.



BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

S.A. No. 694 /2020

Dr. Eid Badshah

versus

Secretary & Others

I N D E X

S. No.	Documents	Annex	P. No.
1.	Memo of Appeal		1-5
2.	E & T Service Rules dated 07-04-2005	"A"	6-12
3.	Amendment in the Rules dated 30-03-2010	"B"	13-21
4.	Subsequent Amendment of the Rules dated 19-09-2018	"C"	22-29
5.	Representation dated 03-08-2020	"D"	30-32

Appellant

Through



Saadullah Khan Marwat

Advocate

21-A, Nasir Mansion,

Shoba Bazaar, Peshawar

Dated 17-12-2020

Ph: 0300-5872676

BEFORE THE KP SERVICE TRIBUNAL, PESHAWAR

Appeal No. _____/2020

Dr. Eid Badshah S/o Abdul Munir,
Director Excise, Taxation
& Narcotics Control Department,
Office of the Directorate General
Excise, Taxation & Narcotics Control,
Department, KP, Peshawar.....

Appellant

**Khyber Pakhtunkhwa
Service Tribunal**

Diary No. 16973

Dated 31/12/2020

VERSUS

1. Secretary, Government of
KP, Excise and Taxation
Department, Peshawar.

2. Secretary, Govt. of KP,
Establishment Department,
Civil Secretariat, Peshawar.

3. Chief Secretary, Government
Of KP, Civil Secretariat,
Peshawar.....

Respondents

Filed to-day
Registrar
31/12/20

⊕<=>⊕<=>⊕<=>⊕<=>⊕

**APPEAL UNDER SECTION 4 OF THE SERVICE
TRIBUNAL ACT, 1974 AGAINST OFFICE
NOTIFICATION NO. SO(ADMN)ET&NC/1-
41/2018 DATED 16-02-2018 OF RESPONDENT
NO. 01, WHEREBY FURTHER PROMOTION TO THE
POST OF DIRECTOR GENERAL B-20 WAS
BLOCKED FOR EVER FOR NO LEGAL REASON.**

⊕<=>⊕<=>⊕<=>⊕<=>⊕=

Respected Sir:

1. That appellant was appointed as Excise and Taxation Officer B-17 on 28-04-2005 in the department on the recommendation of Public Service Commission. He was promoted to the post of Deputy Director B-18 in the year 2010 and was further upgraded to the post of Director BS-19 on satisfactory performances of the official duties.
2. That on 14-06-2002, KP Excise and Taxation Department introduced Service Rule, 2002. The same were published in the Official Gazette of KP on 07-04-2005 which regulates services of the employees of different categories of the Department.

In the said rules, post of Director General, Excise and Taxation was to be filled in:-

- i. By promotion on the basis of Seniority Cum-fitness, from amongst the Deputy Directors having Five year service as such

"OR"

15 years service as Excise and Taxation Officer and Deputy Director, who have passed the Departmental Examination in higher Standard; and,

- ii. If no suitable Deputy Director is available for promotion, by transfer of a suitable officer. (Copy as Annex "A")

3. That on 30-03-2010, the aforesaid service rules of the year, 2002 was further amended in the year, 2010, known as "Excise and Taxation Service Rules, 2010."

In these amended rules, the post of Director General, Excise and Taxation was to be filled in:-

- i. By transfer

"OR"

- ii. By promotion, on the basis of seniority cum-fitness, from amongst the Deputy Directors, Excise and Taxation having five years service as such Or 15 year service in B-17 and above. (Copy as Annex "B")

4. That on 19-09-2018, subsequent notification was issued by the department wherein former service rules of the year 2002 and 2010 were superseded and the post of Director General was to be filled in:-

By transfer from amongst the officers of All Pakistan Unified Group (APUG) / Pakistan Administrative Service (PAS) / Provincial Civil Service-Secretariat Group (PCS-SG) / Provincial Civil Service Executive Group (PCS-EG) / Provincial Management Service (PMS). These rules omitted post of Deputy Directors, Excise and Taxation Department from the former Rules of the year, 2002 and 2010, meaning thereby that by now Deputy Director will never see a post of Director General B-20 in future his whole service career.

Some others posts were also inserted therein, like:-

- i. Director (Administration BPS-19).
- ii. Director (Revenue BPS-19).
- iii. Director (BPS-19), etc. (Copy as Annex "C")

5. That appellant, being employee of the Excise & Taxation Department became adversely affected by the Rules of the year, 2018, so filed representation on 03-08-2020 before the authority which is pending disposal till date. (Copy as annex "D")

Hence, this appeal, inter alia on the following grounds:

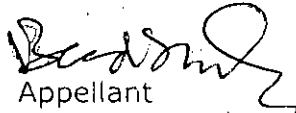
GROUND S.

- a. That in all departments of the provinces as well as of the whole country, first priority is given in the Act/Rules to the employee of the parent department and not to out-class employees.
- b. That Excise, Taxation and Narcotics Control Departments is the main pillar of the Province in collection of billion of taxes each year to meet the expenditure of the Govt. but its employees were ousted from the run of promotion, like dead fly from the milk.

- c. That in the rules of the year, 2002 and even in the year 2010, priority in promotion was given to the employees of the parent department but in the rules of the year 2018, priority was given to outer class which is against the vested rights of the employees of the parent department.
- d. That the rules of the year, 2018 are not only unlawful and prejudicial to the interest of appellant but have completely blocked the way of promotion of the Excise and Taxation staff of the department. No protection of promotion was given in the rules of the year, 2018 to its employees.
- e. That Service Rules, 2002 and even 2010 protected promotion of the staff of the department up to the post of Director General but the rules of the year, 2018 completely banned way of promotion of the staff of the parent department.
- f. That the service rules of the year, 2018 all together changed the former position of the employees of the department.
- g. That the service rules of the year, 2018 is not only totally illegal and ineffective as neither the Govt. (Cabinet and Chief Minister) gave approval for enactment of the same.
- h. That service rules of the year, 2018 is also illegal and unlawful as no one of the parent department would have a chance for promotion and transfer to the post of Director Admin, 25% Directors and Director General but the same chance and facility was given to officers from other cadres having no basic knowledge of the Taxation System.
- i. That the said enactment of the year, 2018 is not only detrimental to the rights and career of promotion of appellant but is also illegal and void-ab-initio.
- j. That the said rules are also violative of the KP Civil Servant Act, 1973 by blocking way of promotion of the employees of the department to the post of Directors and Director General.

- k. That the employees of Excise and Taxation Department of other provinces have ample chances of promotion to the top level of the hierarchy.
- l. That law and constitution of Pakistan provides equal treatment to all citizens of the country including employees of the departments for better chances.
- m. That service rules of the year, 2018 of the department are not only against the law but are based on malafide.

It is, therefore, most humbly prayed that on acceptance of the Appeal, Notification No. SO(Admn)ET&NC/1-41/2018, dated 16-02-2018 of R. No. 01 be set aside / modified to the extent of the post of Directors B-19 and Director General B-20 and appellant be given chance for promotion to the said posts, with such other relief as may be deemed proper and just in circumstances of the case.

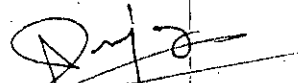

Appellant

Through


Saadullah Khan Marwat

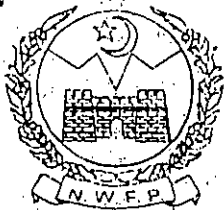

Arbab Saiful Kamal


Miss Rubina Naz


Amjad Nawaz

Dated: 17-12-2020

Advocates



North-West Frontier Province

Published by Authority

PESHAWAR, THURSDAY, 7TH APRIL, 2005.

GOVERNMENT OF N.W.F.P.
EXCISE & TAXATION DEPARTMENT

NOTIFICATION.

Dated 14th June, 2002.

No.SO(Estt)/E&T/1-41/2000. In exercise of the powers conferred by section 26 of the North-West Frontier Province Civil Servants Act, 1973 (N.W.F.P. Act No.XVIII of 1973), read with Cabinet Division, Government of Pakistan's Notification No.SRO 475(1)/2001, dated 28.06.2001, and in supersession of this Department Notification No.8752/Estb: E&T,77, dated the 19th April 1987, the Governor of the North-West Frontier Province is pleased to make the following rules, namely:

THE NORTH-WEST FRONTIER PROVINCE EXCISE & TAXATION DEPARTMENT SERVICE RULES, 2002.

1. Short title and commencement.--- (1) These rules may be called the North-West Frontier Province Excise & Taxation Department Service Rules, 2002.
 - (2) They shall come into force at once.
2. Definitions.--- In these rules, unless the context otherwise requires,
 - (a) "Appendix" means the appendix to these rules;
 - (b) "Department" means the Excise & Taxation Department, Government of the North-West Frontier Province, and for the purpose of these rules, includes the Directorate of Excise & Taxation, North-West Frontier Province;
 - (c) "Post" a post borne on the Department as specified in column 2 of the appendix and such other posts as Government may, from time to time, add to it.
3. Recruitment/appointment to posts.--- The posts specified in column 2 of the Appendix shall be filled in such manner and subject to such qualifications and such conditions as specified against each in column 2 to 5 of the said Appendix.

SECRETARY TO GOVT OF NWFP
EXCISE & TAXATION DEPARTMENT

**GOVERNMENT OF NWFP
EXCISE & TAXATION DEPARTMENT**

SR.NO.	Nomenclature of post	Minimum qualification for appointment by initial recruitment/transfer	Age limit	Method of recruitment
1	2	3	4	5
1	Director General, Excise and Taxation.	Bachelor Degree from a recognized University.		i) By promotion, on the basis of Seniority-Cum-Fitness, from amongst the Deputy Directors having five years service as such or fifteen years service as Excise & Taxation Officer and Deputy Director, who have passed the Departmental Examination in higher standard; or ii) If no suitable Deputy Director is available for promotion, by transfer of a suitable officer.
2	Deputy Director, Excise & Taxation	Bachelor 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, by transfer of suitable officer.

SR.NO.	Nomenclature of post	Minimum qualification for appointment by initial recruitment/transfer	Age limit	Method of recruitment
1	2	3	4	5
3	Excise & Taxation Officer	Bachelor Degree from a recognized University.	21 to 32 years	(i) Fifty per cent by Promotion, on the basis of Seniority-cum-Fitness, from amongst the Assistant Excise Taxation Officers with at least 5 years service as such, who have passed Departmental examination in higher grade; and (ii) Fifty per cent by initial recruitment, on the recommendation of the 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 the West Pakistan Civil Service (Executive Branch) Rules, 1964 duly amended by Govt: of NWFP S&GAD vide Notification No. SOS-II(S&GAD)(8)(2)/73 dated, 24th/31st August, 1986.
4	Accounts Officer	(i) M.Com. in Accounting from a recognized University. (ii) Certificate in Microsoft Office. (Ms.Word, Ms.Excel, Ms. Access).	21 to 32 years	By initial recruitment.
5	Assistant Accounts Officer	(i) B.Com. from a recognized university; and (ii) Certificate in Microsoft Office. (Ms. Word, Ms. Excel, Ms. Access, Ms. Power Point).	21 to 32 years.	By Initial Recruitment

SR.NO.	Nomenclature of post	Minimum qualification for appointment by initial recruitment/transfer	Age limit	Method of recruitment
1.	2	3	4	5
6	Computer Programmer	(i) 2 nd Class Master Degree in Computer Science from a recognized University; and (ii) Two years experience in a Govt. Department / Semi-Govt./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 Supervisor with at least five years service as such; and (ii) Fifty per cent by initial recruitment.
7	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 Scales Stenographer and Senior Scale Stenographer
8	Assistant Excise & Taxation Officer			By promotion, on the basis of seniority-cum-fitness, from amongst the holders of the post of Inspector, Excise & Taxation with at least five years service as such, and who have passed Departmental examination in higher grade.
9	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	21 to 32 years	(i) Fifty percent by promotion, on the basis of seniority-cum-fitness, from amongst Key Punch Operator's/Data Entry Operator with atleast three years service as such; and (ii) Fifty percent by initial recruitment.

51

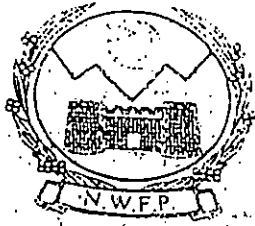
SR.NO.	Nomenclature of post	Minimum qualification for appointment by initial recruitment/transfer	Age limit	Method of recruitment
1	2	3	4	5
10	Inspector Excise & Taxation	i) Bachelor's Degree from a recognised University; and ii) Computer literacy Certificate in Microsoft Office (Ms. Word, Ms. Excel, Ms. Access, Ms. Power Point).	21 to 32 years	(i) Fifty per cent by promotion, on the basis of seniority-cum-fitness, from amongst Assistants with minimum five years service as such; and (ii) Fifty per cent by initial recruitment.
11	Senior Scale Stenographer	i) Bachelor's Degree from a recognized University; ii) A speed of hundred Words per minutes in Shorthand in English & forty words per minute in typing; and iii) Computer Literacy (Certificate in Office Automation).	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.
12	Junior Scale Stenographer	i) Intermediate or equivalent qualifications from a recognised Board; ii) A speed of eighty words per minute in shorthand in English and 35 words per minutes in typing; and	18 to 32 years	By initial recruitment.

SR.NO.	Nomenclature of post	Minimum qualification for appointment by initial recruitment/transfer	Age limit	Method of recruitment
1	2	3	4	5
		iii) Computer Literacy (Certificate in Office Automation).		
13	Data Entry Operator/ Key-Punch Operator.	i) Intermediate, with Statistics, Economics or Mathematics/ Physics as one of the subjects; and ii) A minimum speed of thousand Key depressions per hour for punching/data entry/verification.	18 to 32 years	By initial recruitment.
14	Assistant	i) Bachelor's Degree from a recognized University; and ii) Computer literacy (Certificate in Office Automation).	18 to 32 years.	1. Fifty per cent by promotion, from amongst the Senior Clerks; and 2. Fifty per cent by initial recruitment.
15	Senior Clerk			By promotion, on the basis of seniority-cum-fitness, from amongst the Junior Clerks with at least five years service as such.
16	Junior Clerks	i) Intermediate or equivalent qualification from a recognized Board; and ii) Computer Literacy.	18 to 32 years	(i) Twenty Five per cent by promotion, on the basis of seniority-cum-fitness, from amongst Qasid/Daftry in the Excise & Taxation Department with atleast 2 years service as such, who have passed Secondary School Certificate examination; and (ii) Seventy five per cent by initial recruitment.

12/

SR.NO.	Nomenclature of post	Minimum qualification for appointment by initial recruitment/transfer	Age limit	Method of recruitment
1	2	3	4	5
17	Excise & Taxation Constable	Secondary School Certificate (Height.....57") (Chest.....33 with expansion of 1 1/2 inches).	18 to 30 years	(i) Twenty five per cent by promotion, on the basis of seniority-cum-fitness, from amongst Distillery Security Guards; and (ii) Seventy five per cent by initial recruitment
18	Driver	Secondary School Certificate 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.
19	Distillery Security Guard	Secondary School Certificate	18 to 32 years	By initial recruitment.
20	Daftri/Qasid			By promotion from amongst Naib Qasids.
21	Naib Qasid (BPS-1)	Middle	18 to 32 years	By initial recruitment.
22	Chowkidar/Mali/Sweeper	Preferably literate	18 to 32 years	By initial recruitment.

B
EXTRAORDINARY
GOVERNMENT



13 30-3-10
REGISTERED NO. PIII
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

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Printed and published by the Manager,
Govt. & P.G. Deptt., NWFP, Pesh.

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

APPENDIX

SR.NO.	Nomenclature of post	Minimum qualification for appointment by initial recruitment/transfer	Age limit	Method of recruitment
1	2	3	4	5
1	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.
2	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.

SR.NO.	Nomenclature of post	Minimum qualification	Age limit	Method of recruitment
1	2	3	4	5
3	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.
4	System Analyst	i. Ist 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

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SR.NO.	Nomenclature of post	Minimum qualification	Age limit	Method of recruitment
1	2	3	4	5
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>
6	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.

16/

SR.NO.	Nomenclature of post	Minimum qualification	Age limit	Method of recruitment
1	2	3	4	5
7	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.
8	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.
9	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
10	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

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SR.NO.	Nomenclature of post	Minimum qualification	Age limit	Method of recruitment
1	2	3	4	5
11	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.
12	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.
13	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	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.

18/1

SR.NO.	Nomenclature of post	Minimum qualification	Age limit	Method of recruitment
1	2	3	4	5
14	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.
15	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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SR.NO.	Nomenclature of post	Minimum qualification	Age limit	Method of recruitment
1	2	3	4	5
16	Sub Inspector		---	By promotion on the basis of seniority-cum-fitness from amongst Assistant Sub-Inspectors with at least five years service as such.
17	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.
18	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.

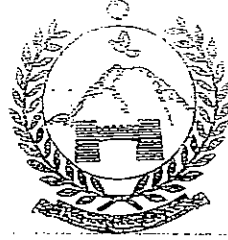
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N.W.F.P. GOVERNMENT GAZETTE, EXTRAORDINARY, 30th MARCH, 2010. 745

SR.NO.	Nomenclature of post	Minimum qualification	Age limit	Method of recruitment
1	2	3	4	5
19	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.
20	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.
21	Distillery Security Guard	Secondary School Certificate	18 to 32 years	By initial recruitment from amongst bonafide residents of district concerned.
22	Daftri/Qasid			By promotion from amongst Naib Qasids.
23	Naib Qasid	Middle	18 to 32 years	By initial recruitment.
24	Chowkidar/Mali/Sweeper	Preferably literate	18 to 32	By initial recruitment

19-2-18

EXTRAORDINARY
GOVERNMENT



REGISTERED IN A.M.
GAZETTE

*Service Rules
2018.*

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	Director General (BPS-20).	3	4	5 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.

22

C

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.
	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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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.
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.
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;

25

				(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.
	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.
7	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.
8	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.
9	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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	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; 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.

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	Distillery Security Guard (BPS-03).	At least Second Class Secondary School Certificate from a recognized Board.	18-40 years.	By initial recruitment.
29	Daftari/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.

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3-8-20

To

The Worthy Chief Secretary,
Government of Khyber Pakhtunkhwa, Peshawar.

Through: Proper Channel

**SUBJECT: REPRESENTATION AGAINST ILLEGAL AND DISCRIMINATORY
AMENDMENTS IN EXCISE DEPARTMENT SERVICES.**

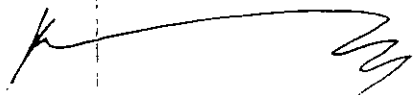
Dear Sir,

Humbly it is submitted as follows;

1. **That**, the petitioners have been appointed in the Excise, and Taxation Department through a combined competitive examination of Khyber Pakhtunkhwa Public Service Commission after competing thousands of candidates.
2. **That**, the terms and conditions regulating their career and service were regulated through the Excise and Taxation Services Rules, 2002 which were finally amended through the Excise and Taxation Services Rules, 2010.
3. **That**, Excise, Taxation, and Narcotics Control Department is the main pillar of provincial own receipts and collects billions of taxes each year to meet the ever-increasing expenditure of the Government and to further the ambitious development and social program of the Government.
4. **That**, however, it is a stark reality that the welfare of Excise, Taxation, and Narcotics Control employees, especially promotion to upper scales has remained a burning issue for a long. In the absence of proper service structure, an employee appointed on a pay scale gets retirement on the same pay scale without a single step promotion.
5. **That**, to devise a system of promotion and vertical mobility, in the year 2010, a program for up-gradation and restructuring was initiated. **(Copy of the working paper for up-gradation and restructuring is attached at Annexure-B)**. During the said process the post of Director General was upgraded to BS-20 from BS-19, the post of Director was upgraded to BS-19, Eight posts of ETOs were upgraded to BS-18, and Eight posts of AETOs were upgraded to BS-17 with the aim of opening avenues of promotion of Excise, Taxation, and Narcotics Control employees.
6. **That**, after completion of the initial restructuring process, the task of framing service rules was initiated. However, the said process was inordinately delayed for six long years.
7. **That**, finally, when an amendment was issued vide Notification No. SO(Admn)E&T/1-41/2016, dated 07th February 2017 completely negating the very spirit of the whole up-gradation and restructuring exercise, which was aimed at opening avenues of promotion for Excise, Taxation, and Narcotics Control employees.

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8. **That**, during the said process, four posts from the restructured posts were included in provincially scheduled posts, thereby completely blocking the prospects of promotion of Excise, Taxation, and Narcotics Control employees.
9. **That**, This unlawful and prejudiced action not only blocked the prospects of promotion of Excise and Taxation staff but also aggravated the situation, which was to some extent protected in Excise and Taxation Service Rules, 2002.
10. **That**, in Excise and Taxation Services Rules, 2002 and 2010 there were ample prospects for promotion for the staff of the Excise, Taxation, and Narcotics Control even to the post of Director-General and the career progression of Excise and Taxation Officers was protected fairly.
11. **That**, amendments made vide Notification No. SO (Admn) ET&NC/1-41/2018, dated. 19th February 2018, changed the previous position altogether.
12. **That**, as per amended rules, no one from Excise and Taxation staff has a chance for promotion and transfer to the position of Director Admin and Director General, however, officers from other cadres which at times do not have the basic knowledge of the provincial taxation system have been given every opportunity of not only posting against the said position but also of promotion against the said post.
13. **That**, the said amendments are void ab Initio, illegal and detrimental to the career progression of the petitioners.
14. **That**, the said amendments are not only prejudiced which will block the service progression and promotion of Excise, Taxation, and Narcotics Control employees therefore violative of Section of Khyber Pakhtunkhwa Civil Servants Act, 1973.
15. **That**, the said colorable exercise of discretion by concerned authorities could not be supported on any reasonable interpretation of either the law or the facts of the case.
16. **That**, in Excise and Taxation Departments of other provinces. i.e. Punjab, Sindh, Baluchistan, and Gilgit Biltistan, there are ample chances of promotion to the top level of the hierarchy.
17. **That**, all other attached departments of the province i.e. C&W, Health, Education, Mines and Mineral, Industries, Agriculture, Fisheries, wildlife, etc are headed by the specialized and experienced staff from the department, unlike generalized civil servants.

PRAYER:


It is, therefore, submitted with profound respect that your good self may graciously C be pleased to:

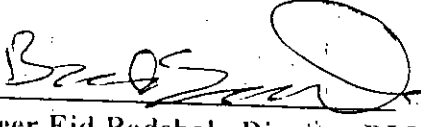
- i. Declare the said amendments in the service rules as null and void and issue directions for framing of service to ensure the guaranteed right of promotion in Service Rules of 2002.

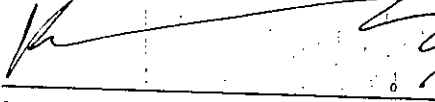



- ii. Declare the posts of the Directorate as the vested right of the employees of the Directorate of Excise, Taxation, and Narcotics Control on the analogy of C&W, Health, Education, Police, industries, Agriculture, etc to meet the ends of justice and to promote professionalism.

Yours sincerely,

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3/8/2020
1. Mr. Salahuddin, Director Revenue,
Excise & Taxation Department, Peshawar

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3/8/2020
2. Engineer Eid Badshah, Director DI Khan Region.

- 
05-08-2020
3. Mr. Javed, Director Peshawar Region.

بعد التّ جہاں سروسز کے لئے پورے طور پر تیار ہوئے ہیں

مستجاب ایڈووکیٹ

نام محلہ

دعویٰ اپیل

باعتبار سروسز کے لئے

مستجاب نے مذکورہ عنون پر بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کارڈ الٹی متعلقہ آل مقام اپنا اور
کیسٹم سٹیمپ اسٹیمپ خان سرورٹس ایڈووکیٹ، ہائی کورٹ کو وکیل مقرر کرنے کے لئے درخواست کیا جاتا ہے کہ صاحب
موصوف کو مقدمہ کی کل کارڈ الٹی کا مکمل اختیار ہوگا نیز وکیل صاحب کو کہنے والی نامہ و تقریر ثالثہ و فیصلہ برائے
یہ جواب دہی اور اقبال دعویٰ اور اپنی طرف سے وکری کرنے اور وصولی چیک و روپیہ اور مرضی دعویٰ اور درخواست
ہر قسم کی تعلیق اور اس پر دستخط کرنے کا اختیار ہوگا نیز بصورت عدم پیروی یا وکری کی طرف یا اپیل کی برآمدگی
اور مستحق نیز دائر کرنے اپیل نمکدان و نظر ثانی و پیروی کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ منکر
کے کل یا جزوی کارڈ الٹی کے واسطے اور وکیل یا مشار قانونی کو اپنے ہمراہ یا اپنی بجائے تقریر کا اختیار ہوگا
اور وہ اپنے مقرر شدہ کو بھی وہی جواب مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا ساختہ پر دستخط منظور
قبول ہوگا اور دوران مقدمہ میں جو خرچہ و ہر جائزہ التوا مقدمہ کے حساب سے ہوگا اس کے مستحق وکیل صاحب
موصوف ہوں گے نیز بقایا و فرسہ کی وصولی کرنے کا بھی اختیار ہوگا اگر کوئی تاریخ پیشی مقام روزہ
پر ہو یا عدت سے باہر ہو تو وکیل صاحب یا ہمدانہ ہوں گے کہ پیروی مذکور کریں۔

لہذا دکالت نامہ رکھ دیا کہ سند ہے۔

المرقوم

الحکمہ الحکمہ الحکمہ

ارباب سید کمال
ایڈووکیٹ

سید اللہ خاں مراد
ایڈووکیٹ

محمد کوان
ایڈووکیٹ

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA, PESHAWAR

SERVICE APPEAL NO. 694 OF 2021

Dr. Eid Badsha.....Appellant

Versus

Government of Khyber Pakhtunkhwa & others.....Respondents

PARAWISE COMMENTS ON BEHALF OF THE RESPONDENTS NO. 01, 02 & 03

Respectfully Sheweth:

PRELIMINARY OBJECTIONS:

1. That the appellant has got no cause of action and locus standi to file the instant appeal.
2. That the appeal is not maintainable and is incompetent in the eyes of Law in the present form.
3. That the appellant was bound to file departmental appeal/ representation within 30 days in case if he was aggrieved from any order/ notification of the competent authority, which he did not file, therefore, the instant appeal is time barred and he is not entitled for the relief claimed.
4. That the appellant is estopped by his own conduct to file this appeal.
5. That the appellant has not come to the tribunal with clean hands and has suppressed all relevant and material facts.
6. That the appeal has been mis-oriented, mis-constructed and mistakenly drawn and is incompetent in its present frame and context, and is therefore, liable for rejection.
7. That the respondents have power to change the Rules any time for better running of official business and the rules impugned in the instant appeals are made for the whole Province in the public interest, not for the benefit of any specific person/individual.

ON FACTS.

1. Pertains to the perusal record of the appellant, hence, no comments.
2. Pertains to record, hence, no comments.
3. Pertains to the rules, however, it is stated that Provincial Government had the power to make and amend rules, therefore, the said rules had been amended but in the larger interest of the public.

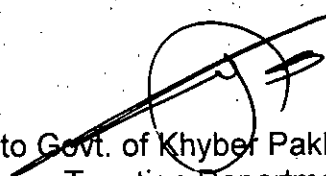
4. Pertains to the rules. However, it is also submitted that the Provincial Government had the mandate and authority to make and amend rules. Reliance is placed on PLD 2017 SC 105/2017, SCMR 2017 that is a settled law that the Court of law has no jurisdiction to add or subtract to the clear word of a statute.
5. Incorrect, hence denied. That the appellant was bound to file departmental appeal/ representation within 30 days in case if he was aggrieved from any order/ notification of the competent authority, which he did not file, therefore, the instant appeal is time barred and he is not entitled for the relief claimed. It merits mentioning here that he filed departmental representation after a considerable time i.e. lapse of almost two years, which was regretted by the competent authority, being devoid of any legal merit. It is further added that rules were made for the betterment of the Department and not for the benefit of any specific individual.

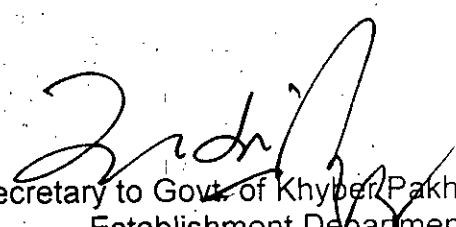
ON GROUNDS:

- A. Incorrect, hence denied. As explained in Paras 3, 4 & 5 of the facts.
- B. Incorrect, hence denied. It is further submitted here that rules were made for the whole Department, not for/ against any individual. Position has already been explained in the preceding Paras.
- C. Incorrect, hence denied. Burden of proof lies on the appellant.
- D. Incorrect, hence denied, therefore, no comments.
- E. Incorrect, hence denied. As explained in preceding Paras.
- F. Incorrect, hence denied, therefore, no comments.
- G. Incorrect, hence denied. Respondents have been delegated powers by the Government for making/ amending rules.
- H. Rules were made according to law, hence Para is denied.
- I. Incorrect, hence denied, no comments.
- J. Incorrect, hence denied, no comments.
- K. No comments.
- L. Legal in nature, hence, no comments.
- M. Incorrect, hence denied. Moreover, rules were made for the whole province for the betterment of the department and not against any individual on the basis of malafide intention.

Respondents seek leave of the honourable Tribunal to advance additional grounds at the time of arguments.

It is, therefore, most humbly prayed that on acceptance of this para-wise comments the appeal may graciously be dismissed.


Secretary to Govt. of Khyber Pakhtunkhwa,
Excise Taxation Department
Respondent No. 01


Secretary to Govt. of Khyber Pakhtunkhwa,
Establishment Department
Respondent No. 02


Chief Secretary, Govt. of Khyber Pakhtunkhwa,
Respondent No. 03

BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA,
PESHAWAR

S.A.No.694/2021

Dr.Eid Badshah *Appellant*

VERSUS

Govt. of Khyber Pakhtunkhwa and others.....*Respondents*

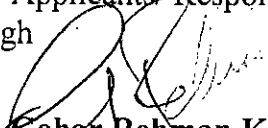
APPLICATION FOR SETTING ASIDE
PROCEEDINGS/ ORDER 20-4-2022
WHEREBY THIS HON'BLE COURT
TRIBUNAL WAS PLEASED TO STRUCK
OF DEFENCE OF RESPONDENTS TO THE
EXTENT OF FILING OF COMMENTS.

Respectfully Sheweth;

- 1) That the above titled appeal is pending before this Hon'ble Tribunal which was fixed on 20.04.2022 whereby the hon'ble Tribunal directed the respondents to file comments within a week time.
- 2) That the comments were ready but due to some unavoidable circumstances, not signed before time which was not intentional.
- 3) That the comments are final and the respondents/ applicants are ready to submit before this Hon'ble Tribunal.
- 4) That valuable rights of the applicants/ respondents are involved in the instant appeal.

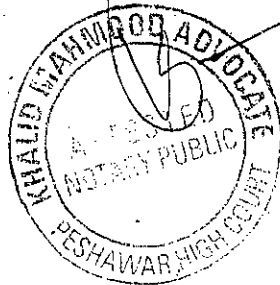
It is therefore, prayed that on acceptance of application, the order/ proceedings may kindly be set aside the applicants/ respondents may be allowed to submit comments before this Hon'ble Tribunal.

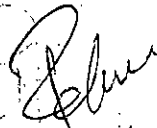
Applicants/ Respondents
Through


Gohar Rehman Khattak
Advocate High Court
Legal Advisor Excise, Taxation
and Control of Narcotics Deptt:

AFFIDAVIT

I, Gohar Rehman Khattak, do hereby affirm and declare as per information furnished by my clients that the contents of the accompanying application are true and correct and nothing has been concealed from this Hon'ble Tribunal.




Deponent

Before the Khyber Pakhtunkhwa
Service Tribunal Peshawar
Service Appeal NO 694/2021

Dr. Eid Badshah vs Excise Deptt et al

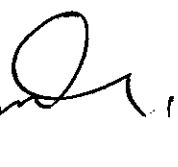
Application for extension of
time for submission of security ^{process} fee

That the case of the applicant
was heard and was admitted for
full hearing.

That the applicant did not
submit process fee due to non awareness
and not negligence. nor it was intentional.

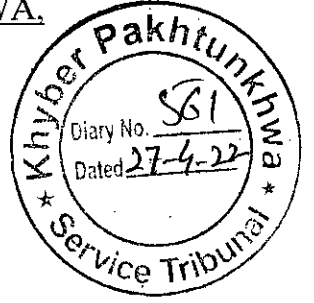
That the applicant would be ready
to submitted the process fee.

It is therefore requested that kindly
allow. as to submit security fee

Applicant 
Eid Badshah

BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA,

PESHAWAR



Put up to the court with
relevant appeal

S.A.No.694/2021

29/4/2022

Dr.Eid Badshah Appellant

VERSUS

Govt. of Khyber Pakhtunkhwa and others Respondents

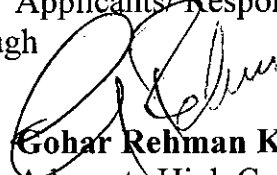
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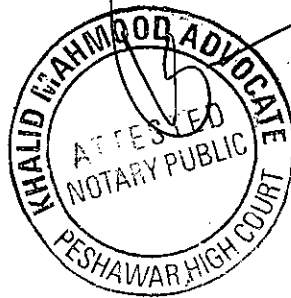
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Applicants/ Respondents
Through


Gohar Rehman Khattak
Advocate High Court
Legal Advisor, Excise, Taxation
and Control of Narcotics Deptt:

AFFIDAVIT

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Deponent

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. 694/2021

Dr. Eid Badshah

..... **PETITIONER**

Versus

Govt. of KP through Chief Secretary, & Others ...

RESPONDENTS

INDEX

S#	PARTICULARS	ANNEXURE	PAGE NO
01.	Para-Wise Comments		1-3
04	Affidavit		4

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA, PESHAWAR

SERVICE APPEAL NO. 694 OF 2021

Dr. Eid Badsha.....Appellant

Versus

Government of Khyber Pakhtunkhwa & others.....Respondents

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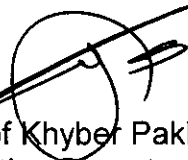
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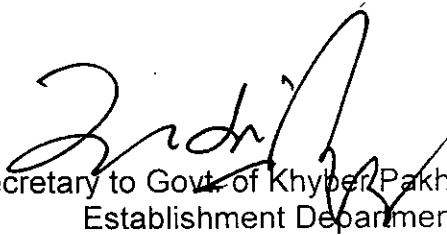
ON GROUNDS:

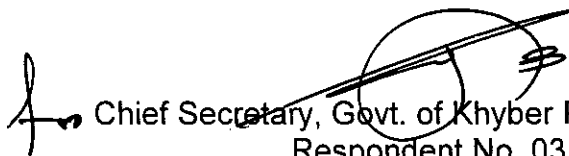
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It is, therefore, most humbly prayed that on acceptance of this para-wise comments the appeal may graciously be dismissed.


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Excise Taxation Department
Respondent No. 01


Secretary to Govt. of Khyber Pakhtunkhwa,
Establishment Department
Respondent No. 02


Chief Secretary, Govt. of Khyber Pakhtunkhwa,
Respondent No. 03

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. 694/2021

Dr. Eid Badshah

..... **PETITIONER**

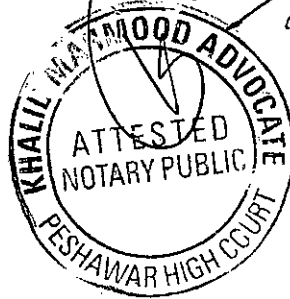
Versus

Govt. of KP through Chief Secretary, & Others

RESPONDENTS

AFFIDAVIT.

I, Mr. Shehryar Ahmad, Section Officer (Litigation), Govt. of Khyber Pakhtunkhwa, Excise Taxation & Narcotics Control Department, do hereby solemnly affirm and declare on oath that the contents of the Parawise comments on behalf of Respondents are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Hon'ble Court.



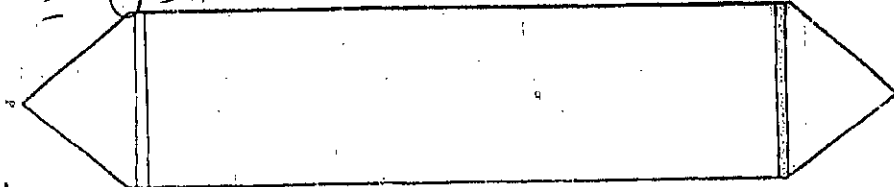
DEPONENT

S. Ahmad.
(Shehryar Ahmad)
Section Officer (Litigation)
Excise Taxation Department

CNIC: No. 16101-0268486-7
Cell # 0306-5914678

**DIRECTORATE GENERAL EXCISE, TAXATION & NARCOTICS CONTROL
DEPARTMENT KHYBER PAKHTUNKHWA**

بعدالت خیلو تختو خواں سروکس لڑا بیٹوان لیشاور



2 مخاب رساڈنٹ نمبر 1
ڈاکٹر عبدالرشاد بنام سیکری وغیرہ

S.A # 694/21

موزخہ
مقدمہ
دعویٰ
نمبر

باعث تحریر آئنگہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی اور جواب دہی وکل کارروائی حلقہ کے
آج کے مقام لشاور کیلئے آفتاب حسین اللہ وکسٹا
مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز
وکیل صاحب کو راضی نامہ کرنے کے وقت تفرقات ہ فیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور
بلا درت ڈگری کرنے کے اجراء اور وصولی چیک دور و پیدار عرضی دعویٰ اور درخواست ہر قسم کی تصدیق
ذرائع پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری کیلئے پٹرنہ یا اپیل کی برادگی اور منسوخی
نیز دائر کرنے اپیل عمرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ لیا اپنے بجائے تقرر کا اختیار
ہوگا۔ اور صاحب مقرر شدہ کو کسی وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا سہا
بے داخلہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جات التوائے مقدمہ کے سبب سے رہوگا۔
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی
مذکور کریں۔ لہذا اذکالت نامہ لکھ دیا کہ سند ہے۔

المترجم 16
ماہ ستمبر 2022

DIRECTOR (LITIGATION)
Excise Taxation & Narcotics Control
Department
Khyber Pakhtunkhwa

Attested and accepted -

Aftab Hussain
AFTAB HUSSAIN
Advocate High Court

شاور

**DIRECTORATE GENERAL EXCISE, TAXATION & NARCOTICS CONTROL
DEPARTMENT KHYBER PAKHTUNKHWA**

بعدالت

خیبر پختون خوا سروس ٹریسٹول
پشاور

Respondent 1

2 پنجاب

بنام سیکٹری انسپکشن اور ریگری

عبدالرشاد

S.A 694/2021

موزخہ
مقدمہ
دعویٰ
%

باعث تحریر آنگہ

ایڈوکیٹس

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیرودی و جواب دہی و کل کارروائی حوالہ
آن مقام **پشاور** کیلئے **لیٹا اختر نیر خان** رحمت بلال ایڈوکیٹس
مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز
دیکلر صاحب کو راجسٹی نامہ کرنے و تقرر بحالت و فیصلہ برحلف دینے جواب دہی اور اقبال دعویٰ اور
باعدت ڈگری کرنے اجراء اور صولی چیک و روپیہ اور عرضی دعویٰ اور درخواست ہر قسم کی تصدیق
ذرائع پر دستخط کرنے کا اختیار ہوگا۔ نیز صورت عدم پیرودی یا ڈگری یکطرفہ یا اپیل کی برادگی اور منسوخ
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DIRECTOR GENERAL
Excise Taxation & Narcotics Control
Khyber Pakhtunkhwa

المرقوم 6
ماہ فروری 2023

(Signature)

واہ العیب
مقام

Accepted
Accepted
Accepted