

09.02.2022

Tour is hereby canceled .Therefore, the case is adjourned to 06.04.2022 for the same as before at Camp Court Swat.



Reader

06.04.2022

Clerk of learned counsel for the appellant present. Mr. Riaz Ahmed Painsdakhel, Assistant Advocate General present.

Previous date was changed on Reader Note, therefore, notices be issued to respondents through registered post and to come up for submission of written reply/comments on 13.05.2022 before the S.B at Camp Court Swat.



(Salah-Ud-Din)  
Member (J)  
Camp Court Swat

13.05.2022

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

Vide previous order sheet, it was ordered that notices be issued to the respondents through registered post, however on perusal of the record, it transpired that the same have not been sent to respondents, therefore, in this respect explanation be called from the Muharrar. Again notices be issued to the respondents through registered post and to come up for preliminary hearing on 05.07.2022 before the S.B at Camp Court Swat.

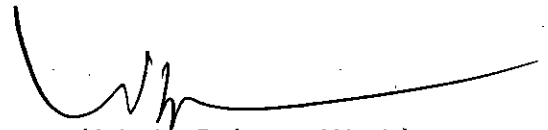


(Salah-Ud-Din)  
Member (J)  
Camp Court Swat

08.12.2021

Counsel for the appellant present. Mr. Riaz Khan Paindakheil,  
Assistant Advocate General for respondents present.

Written reply/comments on behalf of respondents not submitted, therefore, notice be issued to respondents for submission of reply/comments. Adjourned. To come up for reply/comments on 05.01.2022 before S.B at Camp Court, Swat.



(Atiq Ur Rehman Wazir)  
Member (E)  
Camp Court, Swat

05.01.2022

Appellant in person present.

Vide order dated 08.10.2021 it was directed that notices be issued to the respondents for submission of written reply/comments, however the same have not been issued, therefore, explanation in this respect be called from Moharrar. Notices for submission of written reply/comments be issued to the respondents through registered post and to come up for submission of written reply/comments on 09.02.2022 before the S.B at Camp Court Swat.



(Salah-Ud-Din)  
Member (J)  
Camp Court Swat

08.10.2021

Appellant with counsel present. Preliminary arguments heard. Record perused.

Points raised need consideration. The appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of reply/comments in the office within 10 days of the receipt of notices, 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 08.12.2021 before D.B at Camp Court, Swat.

Appellant Deposited Security & Process Fee

11/10/21

07.12.2021

(Rozina Rehman)

~~Counsel for the appellant present. Mr. Member (B) Indakheil, Assistant Advocate General for respondents present.~~ Camp Court, Swat

~~Written reply/comments on behalf of respondents not submitted therefore, notice be issued to respondents for submission of reply/comments. Adjourned to come up for reply/comments on 08.12.2021 before D.B at Camp Court, Swat.~~

~~(Rozina Rehman) Member (B) Camp Court, Swat~~

27.08.2021

Appellant present in person. Seeks adjournment due to non-availability of his counsel, therefore, preliminary hearing could not take-place. However, it would be in the fitness of things to note down some points for preliminary hearing on the next date.

This appeal is extension of Writ Petition No. 870-M/2018 which by order of Honourable High Court Mingora Bench dated 10.03.2020 was converted into appeal and sent to this Tribunal by the Addl. Registrar of the Peshawar High Court Mingora Bench (Dar-ul-Qaza) Swat vide his office No.2024/Writ Petition Branch, dated 20.08.2020. When the Writ Petition was pending before the Honourable Peshawar High Court, Mingora Bench, the respondents on direction of the court filed Parawise comments which are also part of the file sent to this Tribunal vide aforementioned order. The annexures with the said Parawise comments included application of the present appellant requesting for retirement as well as order of his retirement was passed in pursuance to the said application. Even otherwise, it is an admitted position on part of the appellant that he applied for retirement but subsequently he changed his mind. Now he is aggrieved from order of his retirement and seeks its annulment with further prayer for permission to resume/join his duty in accordance with law. The question of limitation for determination is there but the significant point for arguments at preliminary stage is whether the appellant having voluntarily applied for retirement has got the locus-standi to seek reversal of the retirement order passed in pursuance of his option. To come up for preliminary hearing on 08.10.2021 before the S.B at camp court, Swat.



Chairman  
Camp court, Swat.

8/12/20

Due to COVID-19 case is adjourned  
to 02-02-2021

  
Reader

02.02.2021

Appellant in person present.

He made a request for adjournment as his counsel is not available. Adjourned. To come up for preliminary hearing on 08.04.2021 before S.B at Camp Court, Swat.



(Rozina Rehman)  
Member (J)  
Camp Court, Swat

08.04.2021

Due to COVID-19, the case is adjourned to 10.06.2021 for the same.



Reader



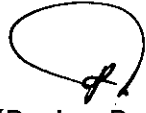
26.07.2021

To come up for preliminary hearing on 27.08.2021 before S.B at Camp Court, Swat. Notices be issued to appellant/counsel for the date fixed.

  
Chairman

Form-A  
FORM OF ORDER SHEET

Court of \_\_\_\_\_  
Case No. \_\_\_\_\_/2020

| S.No. | Date of order Proceedings | Order or other proceedings with signature of judge  |
|-------|---------------------------|---|
| 1     | 2                         | 3   |
| 1     | 24/08/2020                | <p>The present appellant initially went in Writ Petition before the Hon'ble Peshawar High Court Mingora Banch and the Hon'ble High Court vide its order dated 10.03.2020 treated the Writ Petition into an appeal and sent the same to this Tribunal for decision in accordance with law. The same may be entered in the Institution Register and put up to the worthy Chairman for further order please.</p> <p style="text-align: right;"><br/>REGISTRAR,</p> <p>2-</p> <p>This case is entrusted to touring S. Bench at Swat for preliminary hearing to be put up there on 03.11.2020</p> <p style="text-align: right;"><br/>CHAIRMAN</p> <p>03.11.2020 - P</p> <p>Appellant in person present.</p> <p>Lawyers are on general strike, therefore, case is adjourned to 08.12.2020 for preliminary hearing, before S.B at Camp Court, Swat.</p> <p style="text-align: right;"><br/>(Rozina Rehman)<br/>Member (J)<br/>Camp Court, Swat</p> |



The  
**PESHAWAR HIGH COURT**  
Mingora Bench/Dar-ul-Qaza  
Swat

All communications should be  
addressed to the Additional Registrar  
of this Bench.

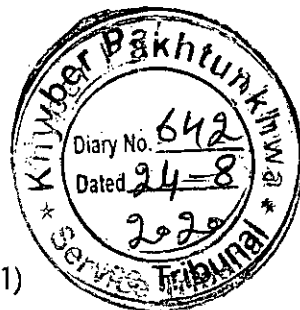
Office: 0946-885005  
Fax: 0946-885004  
E-Mail: darulqazaswat2011@gmail.com

No. 2024 / Writ Petition Branch;

Dated: 20-08-2020

To

The Chairman,  
Khyber Pakhtunkhwa Service Tribunal,  
Old Judicial Complex, District Peshawar. (091-9212281)



Subject: Writ Petition No. 870-M/2018

Farid Ullah Shah \_\_\_\_\_ Petitioner

Versus

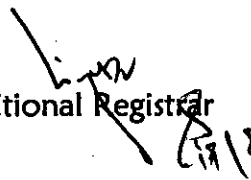
Govt. of KPK & others \_\_\_\_\_ Respondents

Memo:

Enclosed please find here with the certified copy of judgment dated 10-03-2020, passed by the Hon'ble Division Bench of this Court in the above titled case along with original Writ Petition (42-Pages) for compliance of directions contained therein.

Kindly acknowledge the receipt of this letter along with its enclosure please.

Encl. a.a

  
Additional Registrar



**BEFORE THE PESHAWAR HIGH COURT MINGORA BENCH /  
DARULQAZA SWAT**

W.P. 870 -M/2018

Farid Ullah Shah .....Petitioner

**VERSUS**

Govt of KPK and others ..... Respondents

**INDEX**


| S.No. | Description   | Annexure | Pages |
|-------|---|----------|-------|
| 1.    | Copy of writ petition   |          | 1-8   |
| 2.    | Address of the parties  |          | 9     |
| 3.    | Affidavit   |          | 10    |
| 4.    | Copy of application for retirement dated 16.08.2016 and letter dt 16 <sup>8</sup> / <sub>6/16</sub> |          | 11,12 |
| 5.    | Copy of letter dated 09.11.2016   | A        | 13    |
| 6.    | Copy of order dated 28-02-2017  |          | 14    |
| 7.    | Copy of order dated 02.04.2017  |          | 15    |
| 8.    | Copy of application dated 15.06.2017  |          | 16    |
| 9.    | Copy of both reports  |          | 17-19 |
| 10.   | Court Fee   |          | 20    |
| 11.   | Legal Notice  |          | 21    |
| 12.   | Wakalatnama   |          | 22    |

**Petitioner through Counsel**

**FILED TODAY**

07 SEP 2018

Additional Registrar

  
**SYED ABDUL HAQ**  
HIGH COURT DARULQAZA  
BAR ROOM SWAT  
Cell No 0333-9546154

**Re-Filed Today**

10 SEP 2018

Additional Registrar



S.A. No. 9623/20



**BEFORE THE PESHAWAR HIGH COURT MINGORA BENCH /  
DAR UL QAZA SWAT**

W.P. 870 -M/2018

1. Farid Ullah Shah Son of Rahim Ullah Resident of Peran Tehsil  
Batkhela District Malakand..... **Petitioner**

**VERSUS**

- 1) Govt of Khyber Pakhtunkhwa through secretary Excise,  
Taxation, and narcotics Control, Khyber Pakhtunkhwa at  
Peshawar.
- 2) Director General, Excise, Taxation, and narcotics Control,  
Khyber Pakhtunkhwa at Peshawar
- 3) Director Excise, Taxation, and narcotics Control, Malakand  
Region at Saidu Sharif, Swat
- 4) Deputy Director, Excise, Taxation, and narcotics Control,  
Malakand Region at Saidu Sharif, Swat.

**WRIT PETITION**

**UNDER ARTICLE 199 OF THE CONSTITUTION OF ISLAMIC**

**REPUBLIC OF PAKISTAN 1973**

Respectfully Sheweth;

**FILED TODAY**

**07 SEP 2018**

The facts of the instant are as under.

**Additional Registrar**

**FACTS**

1. That the petitioner was appointed as Junior Clerk in the department of Excise, Taxation, and narcotics Control, at Timergara vide order dated 16.01.1984. (*Copy of appointment letter is attached*)
2. That the petitioner was promoted to Senior Clerk in 1988 while further promoted to the post of Inspector, (BPS-14) in the same department in 1997.
3. That the petitioner on the strength of his unblemished service record was promoted to Assistant, (BPS-16) in his cadre in 2009.
4. That due to some domestic problems, the petitioner unwillingly filed application for retirement dated 16.08.2016 but when the petitioner got stable he immediately approached the concerned office and taken back his application for retirement on 22.08.2016. (*Copy of application for retirement dated 16.08.2016*).
5. That the petitioner joined his duty but in meanwhile a letter bearing No. 553-54/E&T dated 09.11.2016 was

**FILED TODAY**

07 SEP 2018

Additional Registrar



3

issued by the concern office regarding the alleged absentee i.e. from 01-11-2016 to 09-11-2016. **(Copy of letter dated 09.11.2016 is attached as annexure-A)**

6. That the respondent without any legal procedure issued retirement order of the petitioner. w.e.f 01.03.2017 vide order bearing No. 2010/Estb/P.File dated 28-02-2017 **(Copy of order dated 28-02-2017 is attached as annexure-B)**

7. That after, the respondent on the strength of alleged retirement order stopped the salary of the petitioner from 01.03.2017 vide order bearing No. 240/ET&NC dated 02.4.2017. **(Copy of order dated 02.04.2017 is attached)**

8. That the petitioner approached the respondent No.1 and highlighted the illegality committed by the subordinate officers through an application dated 15.06.2017 **(Copy of application dated 15.06.2017 is attached)**

**FILED TODAY**

**07 SEP 2018**

**Additional Registrar**



9. That on the application of petitioner the respondent No.2 submitted his alleged report to the respondent No.1 on 04.07.2017.
  
10. That after the respondents remained silent and the petitioner filed another application/appeal and impugned the order dated 28.02.2017 wherein the respondent NO.1 sought detailed report, and in response of which the respondent No.3 asked to provide complete record vide letter 14.03.2018 and also submitted a report bearing No. 732/D/MKD dated 01.04.2018. *(Copy of both reports are attached)*
  
11. That after the petitioner repeatedly visited the concerned office but they did not respond so the petitioner has no alternate remedy except to file the instant petition on the following grounds.

**GROUND**

- A. That the act of respondent No.2 i.e issuance of alleged retirement order is illegal, unlawful, without jurisdiction, and ineffective upon the right of petitioner

**FILED TODAY**

07 SEP 2018

Additional Registrar

as the respondent No.2 is not competent to pass such order under the law.

- B. That the act of respondents is violatory of section 9 sub-4(b) of the Esta Code wherein resignation tendered by a Government servant shall either be accepted or rejected by the competent authority within the stipulated period of not more than 30 days of its submission and be communicated to the Government Servant Concerned, so the allege act having no legal consequences and is liable to set at naught.
- C. That the petitioner taken back his resignation application and duly performed his duty but later proceeding conducted by the respondents on the back of petitioner is amounts to condemn unheard and against the rules and law on subject.
- D. That that the respondent kick off the allege proceedings on the photocopy secretly gotten from somewhere, though the original copy was returned to the petitioner, which categorically expose the malafide intentions of the respondents so, no one can be deprived from the

**FILED TODAY**

07 SEP 2018

Additional Registrar



legitimate rights guaranteed by the Constitution of Islamic Republic of Pakistan, 1973.

- E. That after taking back the resignation tendered by the petitioner, he attended the office/duty but the respondent on one hand, issued notice regarding alleged absentee i.e. from 01.11.2016 to 09.11.2016, and on the other, issued order of retirement of petitioner vide order dated 28.02.2017 without waiting for the fate of notice/explanation so, such act of the respondents was tantamount to miss conduct on the part of respondents.
- F. That further grounds with leave of this honourable Court would be raised at the time of arguments.

*It is, therefore, humbly prayed on acceptance of this writ petition in the light of aforementioned submissions, this court may kindly declared the impugned order dated 28.02.2017 be illegal, unlawful, ineffective upon the rights of petitioner and be set aside.*

**FILED TODAY**

07 SEP 2018

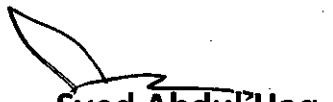
Additional Registrar

2. This Honourable Court  
May allowed the petitioner to  
resume/join his duty in accordance  
with law.

**INTERIM RELIEF**

*It is further prayed that the petitioner may kindly be allowed to resume his duty/charge on his post till the final disposal of the instant Writ Petition on his own risk and cost or the respondent be restrained to fill up the post of Assistant (BPS-16) in the department concerned, till the final disposal of the instant Writ Petition.*

Petitioner  
Through  
Counsel

  
Syed Abdul Haq,  
Advocate, High Court  
0333-9546154

**FILED TODAY**

07 SEP 2018

Additional Registrar



**BEFORE THE PESHAWAR HIGH COURT MINGORA BENCH /  
DARULQAZA SWAT**

W.P. 870- -M/2018

Farid Ullah Shah .....Petitioner

**VERSUS**

Govt of KPK and others ..... Respondents

**CERTIFICATE**

As per instruction of my client no such like writ petition,  
earlier has been filed by the petitioner on the subject matter before  
this Hon'able Court.



**ADVOCATE**

**FILED TODAY**

**07 SEP 2018**

**Additional Registrar**





9

**BEFORE THE PESHAWAR HIGH COURT MINGORA BENCH /  
DARULQAZA SWAT**

W.P. 870 -M/2018

Farid Ullah Shah .....Petitioner

**VERSUS**

Govt of KPK and others ..... Respondents

**ADDRESSES OF THE PARTIES**

**PETITIONER**

Farid Ullah Shah Son of Rahim Ullah Resident of Peran Tehsil  
Batkhela District Malakand.

CNIC 15402-2773866-5 MOB: 0346-9410424

**RESPONDENTS**

- 1) Govt of Khyber Pakhtunkhwa through secretary Excise,  
Taxation, and narcotics Control, Khyber Pakhtunkhwa  
Peshawar.
- 2) Director General, Excise, Taxation, and narcotics Control,  
Khyber Pakhtunkhwa Peshawar
- 3) Director Excise, Taxation, and narcotics Control, Malakand  
Region at Saidu Sharif, Swat
- 4) Deputy Director, Excise, Taxation, and narcotics Control,  
Malakand Region at Saidu Sharif, Swat.

**Petitioner, through Counsel**

**FILED TODAY**

**07 SEP 2018**

**Additional Registrar**

**SYED ABDUL HAQ**  
HIGH COURT DARULQAZA  
BAR ROOM SWAT  
Cell No 0333-9546154

(10)

**BEFORE THE PESHAWAR HIGH COURT MINGORA**  
**BENCH / DARUL QAZA AT SWAT**

Writ Petition No. 870 -M/2018

Faridullah Shah

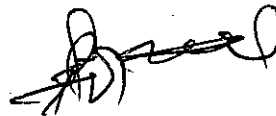
..... Petitioners

VERSUS

Secretary to Government of KPK, Excise and Taxation & Narcotics  
Control Department & others. .... Respondents

**AFFIDAVIT**

I, Farid Ullah Shah S/o Rahim Ullah R/o Piran, Tehsil Batkhela,  
District Malakand, do hereby solemnly affirm and declare on oath  
that the contents of the Writ Petition are true and correct to the best of  
my knowledge and belief, and nothing has been kept concealed from  
this august court.



DEPONENT

Farid Ullah Shah

S.No. 2791  
Certified that the above was verified on Solemn  
affirmation before me on this 16th day  
of July 2018 by Faridullah Shah  
S/o Rahimullah R/o Batkhela who  
was identified by Self  
..... Who is personally known to me.

ADDL. REGISTRAR  
Peshawar High Court  
Mingora, District Malakand, Swat

**FILED TODAY**

07 SEP 2018

Additional Registrar

F/B

(A) (11)

To.

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

Subject:- APPLICATION FOR RETIREMENT.

Sir.

It is submitted for your kind information that I am working as Assistant Excise, Taxation & Narcotics Control Officer Malakand. I have completed 32-years of qualifying service. Due to some domestic problems and health issues, I am unable to continue further service and want to be retired from services.

It is therefore requested that I may very kindly retired from services w.e.f 17/9/2016, and necessary orders of retirement as well encashment of 365-days may kindly is issued at an early date so that I may be able to process of pension claim well in time..

RETO (Estb)

(50)

(Faridullah Shah)  
Assistant Excise, Taxation  
& Narcotics Control Officer  
Malakand

**Attested  
to be true copy**

(12)

**GOVERNMENT OF K.P.K,  
EXCISE AND TAXATION DEPARTMENT  
DISTRICT OFFICE MALAKAND.  
0932-411155**

No. 389 /E & T dated Bathkela The 16/08/2016

To Deputy Director,  
Excise, Taxation & Narcotics Control,  
Malakand Region at Swat.

Subject: APPLICATION FOR RETIREMENT.

Memo:

Please refer to the subject cited above.  
An application in Original in R/O Mr. Farid Ullah Shah (A.E.T.O.) of this office is sent here with for favorable and further necessary consideration please.

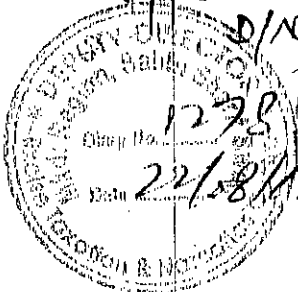
No. 1 Copy forwarded to Director General, Excise, Taxation and Narcotics Control,  
Khyber Pakhtunkhwa, Peshawar.

*K 22/08/2016 put up*

*G I*

**EXCISE AND TAXATION OFFICER/  
MOTOR REGISTERING AUTHORITY,  
MALAKAND.**

*issued in original along with application on own request of the officer concerned without issue of D/No. and date*



*3*

**EXCISE AND TAXATION OFFICER/  
MOTOR REGISTERING AUTHORITY,  
MALAKAND.**

No. 1 /DD/Mkd Dated 16/08/2016

*Forwarded in original along with application of the above named officer for further necessary action please.*

*Received in original along with my original application to Dy Dir*

**DEPUTY DIRECTOR**  
Excise, Taxation & Narcotics Control  
Malakand Region, Swat (Bathkela)

*22/8/2016*

**Attested  
to be true copy**

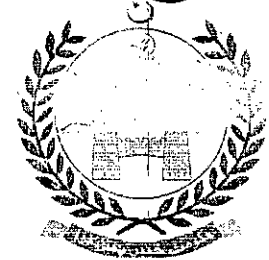
ANNURE



13



GOVERNMENT OF KHYBER AKHTUNKHWA  
EXCISE, TAXATION & NARCOTICS CONTROL  
DISTRICT MALAKAND AT BATKHELA.  
0932-411155



No. 55359 /E & T dated Batkhela The 09 11/2016.

- To:
- ✓ Mr. Farid Ullah Shah  
AETO Excise & Taxation Office Malakand
  - Mr. Tila Muhammad Khan  
AETO Excise & Taxation Officer Malakand

Subject: EXPLANATION:

Memo:

Reference to The Deputy Director Excise Taxation & Narcotics Control Deptt: Malakand Region Swat surprise visit to this office.

You were found absent from 01/11/2016 to 09/11/2016 without any Permission.

Therefore you are hereby directed to explain your position to-days of the receipt of this letter. Other wise disciplinary action will be taken against you.

EXCISE AND TAXATION OFFICER,  
MALAKAND.

No. \_\_\_\_\_ /E & T dated Batkhela The \_\_\_\_\_ 11/2016.

Copy for information to:

- Deputy Director Excise Taxation & Narcotics Control Deptt: Malakand Region Swat

EXCISE AND TAXATION OFFICER,  
MALAKAND.

**Attested**  
to be true copy



(14)

**DIRECTORATE GENERAL,  
EXCISE, TAXATION & NARCOTICS CONTROL,  
KHYBER PAKHTUNKHWA, PESHAWAR.**

Auqaf Complex, Shami Road, Peshawar.

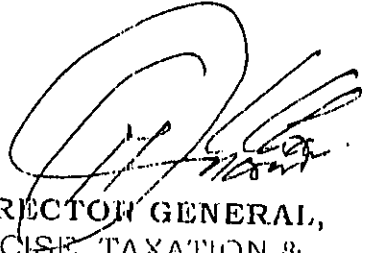
Phone. 091-9212260

**ORDER**

Dated Peshawar the 28<sup>th</sup> /02/2017

No. 2010 /Estb/P.File. On completion of qualifying service, Mr. Farid Ullah Shah Assistant Excise & Taxation Officer (BPS-16), office of Excise & Taxation Officer Malakand stands retired from Government service with effect from 01-03-2017 (A/N) with full pension benefits in terms of Section 13 of the Khyber Pakhtunkhwa Civil Servant Act, 1973.

2. He is allowed encashment of lump sum salary preparatory to retirement for a maximum period of 365 days, as per amendment notified by the Finance Department Regulation Wing dated 13-12-2012, as the official has not availed leave preparatory to retirement.

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

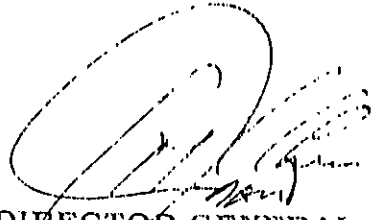
No. 2011-16 /Estb/P.File.

Copy forwarded to:

1. Regional Deputy Director, Excise & Taxation, Malakand Region, Swat.
2. Excise & Taxation Officer Malakand with reference to forwarding memo No.390 dated 16-08-2016.
3. District Accounts Officer Malakand.
4. Mr. Farid Ullah Shah Assistant Excise & Taxation Officer office of Excise & Taxation Officer Malakand
5. P.File of Officer Concerned.
6. Office copy.

28-2-17  
22-8-16

6-6

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

Attested  
by office copy

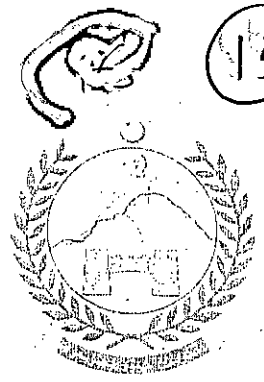
6

FID

15



GOVERNMENT OF KHYBER PAKHTUNKHWA  
EXCISE, TAXATION & NARCOTICS CONTROL  
DISTRICT MALAKAND AT BATKHELA.  
0932-411155



No. 247 /ET&NC

Dated

Batkheela The 04/04/2017

To:

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

Subject: - RETIREMENT OF FARID ULLAH SHAH EX-ASSISTANT EXCISE & TAXATION OFFICER (AETO)

Memo:

Please refer to the subject cited above.

It is submitted for your kind information that the above mentioned official has been retired from government services on 01-03-2017 vide your office letter no.2010/Estb/P.File dated 28-03-2017.

The salary of the said official has been stopped from 01-03-2017 (source attached) but the said officer has not yet visited the office of undersigned to pursue the pension papers.

EXCISE AND TAXATION OFFICER/  
MOTOR REGISTERING AUTHORITY,  
MALAKAND.

No.        /ET&NC

Dated

Batkheela The        /04/2017

Copy for information to:

1. Deputy Director Excise Taxation & Narcotics Control Deptt: Malakand Region Swat

EXCISE AND TAXATION OFFICER/  
MOTOR REGISTERING AUTHORITY,  
MALAKAND.

2168  
578.117

Retiree  
P-File

Farid Ullah Shah

Attested  
to be true copy

The Secretary,  
Excise, Taxation & Narcotics Control,  
Khyber Pakhtunkhwa.

Subject:

RETIREMENT ON BAD INTENSION/RECONSIDERATION  
ON HUMANITARIAN GROUNDS.

R/Sir,

It is stated that due to depression I submitted an application in 8/2016 for encashment to ETO Malakand but later the same was withdrawn keeping in view the advice of my mother and future of my school going children.

But it is astonishing to note that a photo-stat copy of the same application in contravention of my view /opinion was processed after 8 months in Feb, 2017. The main idea of processing the photo-stat copy of application was bad intension.

As already discussed, my children are too young and school going. Therefore it is requested that my retirement orders issued with bad intentions and against my option be reconsidered on humanitarian grounds and set-aside/cancelled please.

  
(Faridullah shah)

Assistant Excise , taxation & Narcotics control,  
Office, Malakand

Attested  
to be true copy





**EXCISE, TAXATION AND NARCOTICS CONTROL DEPARTMENT**  
**KHYBER PAKHTUNKHWA, PESHAWAR.**

Auqaf Complex, Shami Road, Peshawar.  
Phone. 091-9212260

No. 5613 / Estb / P. File

Dated Peshawar the 09 / 07 / 2017



17

To

Secretary to Govt. of Khyber Pakhtunkhwa,  
Excise, Taxation & Narcotics Control Department,  
Peshawar.

Subject: RETIREMENT ON BAD INTENTION / RECONSIDERATION ON HUMANITARIAN GROUNDS. UR/L

Kindly refer to your office letter No. So(Admn)/E&T/ETO-Malakand/2014/2-28/4354-55 dated 22-06-2017 on the subject captioned above.

02. A detail report in the instance case is given as under;

- i) On willful absence for the period from 12-06-2016 to 07-08-2016 of Mr. Faridullah Shah Ex-Assistant Excise & Taxation Officer, a notice was served / issued on 08-08-2016 by the concerned Incharge Officer / Drawing & Disbursing Officer (Copy attached at F/A), with the direction to explain his position within five (05) days of the issuance of the notice.
- ii) Despite of reasonable reply, after a lapse of eight (08) days, a retirement application with effect from 01-09-2016 submitted by him duly signed alongwith covering letter signed by the concerned Incharge Officer / Drawing & Disbursing Officer received by this directorate, wherein, the officer was requested to retire him from Govt. service on completion of qualifying service. (Copy attached at F/S & C).
- iii) On 02-05-2017 an another letter vide No.247/ET&NC, sent by the concerned Incharge Officer / Drawing & Disbursing Officer with the request to retire the above named officer from Govt. service with effect from 01-03-2017 as his salary already stopped from the same date. (Copy attached at F/D).
- iv) On which the above named officer stands retired from Govt. service with effect from 01-03-2017 on completion of qualifying service (Copy attached at F/E)

03. Submitted for further necessary action as desired, please.

Attested to be true copy

Handwritten scribble

28

Handwritten notes: "not copy up", "PL", "AMM", "Datt"

Diary No. 392  
Dated 05-7-2017  
F/S to Secy: E&T Deptt  
07-7-17  
So(A)

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

NO 732 /D/Mkd114 /2018

To

The Director General,  
Excise Taxation and Narcotics Control  
Khyberpakhtunkhwa Peshawar.

**SUBJECT: APPEAL/REVISION AGAINST THE IMPUGNED ORDER DATED 28-02-2017**

Memo:

With reference to your letter No. 2309/Estb/P.file dated Peshawar the 27/02/2018 on the subject cited above in para wise securitization of all the documents within legal parameters and codal formalities as follows.

Ex- Assistant Excise, Taxation and Narcotics Control Officer Mr. Faridullah Shah of Malakand office plea is on the ground that the order of retirement passed on photocopy of the original application. He further contended that his original application he took back from the Deputy Director Malakand Region.

On checking the available record and used all paraphernalia to dig out the fact that the original application is not available on the Deputy Director record of Malakand region but photocopy of the application in which the P.A at that time marked the application.

(Copy enclosed)

Which reflects that the EX-Assistant Excise, Taxation and Narcotics Control Officer not followed the proper legal and codal procedure in taking back the application of retirement.

The EX- Assistant Excise, Taxation and Narcotics Control Officer used the wordings "as both Excise, Taxation and Narcotics Control Officer Malakand and Deputy Director Malakand Region maneuvered factitious pre-mature retirement on 28-02-2017.

The matter of retirement of EX Assistant Excise, Taxation and Narcotics Control Officer Mr. Faridullah Shah initiated by the Excise, Taxation and Narcotics Control Officer Malakand while he involving the Deputy Director to proceed the fictitious retirement process without any justified evidence / Documents provided to the competent Authority. The lethargic part in his own case being Assistant Excise, Taxation and Narcotics Control Officer of the same office as he referred in the said application.

The EX- Assistant Excise, Taxation and Narcotics Control Officer quoted rules / legal aspects of the said case in his retirement fixing on the "competent Authority"

In this regard the retirement cases of the Grade 16 has already been processed in Directorate General Excise, Taxation and Narcotics Control Khyber PakhtunKhwa.

The said case is not a new one but it is processing in the routine matter under the legal and codal formalities in the Directorate General.

a) According to the Khyber Pakhtunkhwa civil servant pension Rules and Orders.

Part -1 service qualifying for pension.

Part-2 Different kinds of ordinary pension and conditions for their grant

- 1) Pensions
- 2) Classification of pensions

  - a) Compensation Pension
  - b) Invalid Pension
  - c) Superannuation Pension
  - d) Retiring pension

(Copies enclosed) which are self explanatory.

As the retirement process initiated and culminated in the instant case in the retirement order passed by the Director General Excise, Taxation and Narcotics Control Khyber PakhtunKhwa, furthermore the case is time barred in all respects under the legal and codal procedure.

However it is pertinent to mention here that he voluntarily given the application for retirement but he now insisting that his retirement interalia proceeded.

Therefore, keeping in view the natural justice and his service to the Excise, Taxation and Narcotics Control Offices irrespective of his violation on the legal perspective may please be considered on humanitarian background.

Submitted for persual please.

**Attested  
to be true copy**

**DIRECTOR  
EXCISE, TAXATION &  
NARCOTICS CONTROL**

OFFICE OF THE DIRECTOR EXCISE, TAXATION AND NARCOTICS CONTROL  
MALAKAND REGION SWAT

NO 637 /D/Mkd

DATED: 14/3 /2018

(18)

To

The Excise, Taxation and Narcotics Control Officer  
Malakand



SUBJECT: APPEAL / REVISION AGAINST THE IMPUGNED ORDER DATED 28-02-2017.

Memo:

With reference to the subject case cited above vide D.G letter No 3309/Estb/P.File Dated 27-02-2018 that you are directed to provide complete record with immediate effect to proceed further in the matter.

DIRECTOR  
EXCISE, TAXATION &  
NARCOTICS CONTROL  
MALAKAND REGION SWAT.

NO 638-39 /D/Mkd

DATED: \_\_\_\_\_ / \_\_\_\_\_ /2018

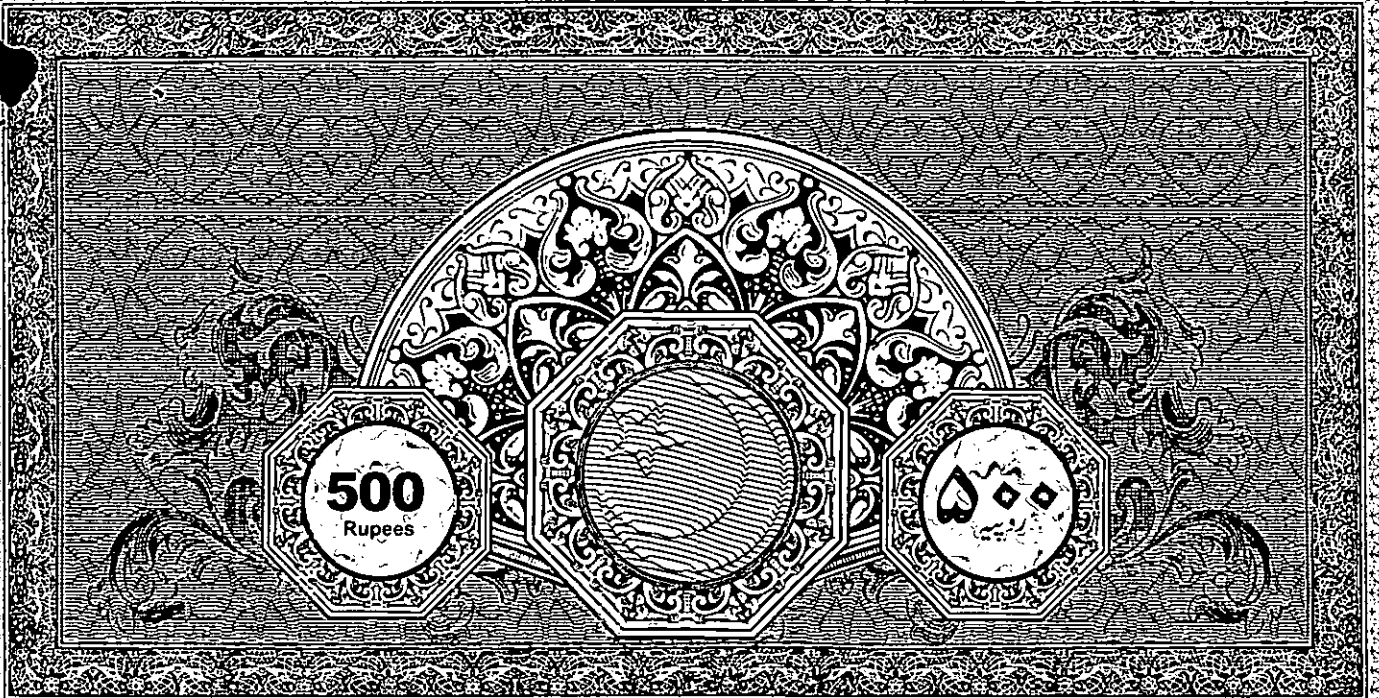
Copy to:-

1) The Director General Excise, Taxation and Narcotics Control Khyber Pakhtunkha with reference to his office order No as quoted above for information.

2) Mr. Paridullahi Shah Ex - AETO Malakand.

DIRECTOR  
EXCISE, TAXATION &  
NARCOTICS CONTROL  
MALAKAND REGION SWAT.

Attested  
to be true copy



500  
Rupees



۵۰۰ روپے

PAKISTAN COURT FEE

**CANCELLED**

**CANCELLED**

**FILED TODAY**

07 SEP 2018

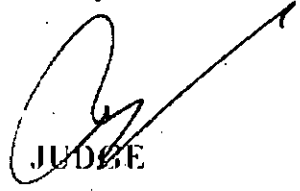
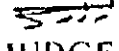
Additional Registrar

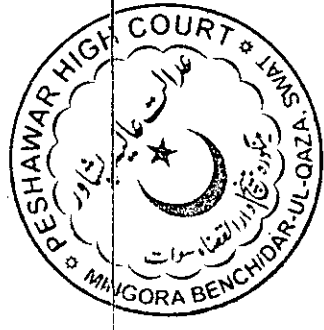
PESHAWAR HIGH COURT, MINGORA BENCH (DAR-UL-QAZA), SWAT

FORM OF ORDER SHEET

Court of .....

Case No. .... of .....

| 1 | 2<br>Date of Order or Proceedings | 3<br>Order or other Proceedings with Signature of Judge and that of parties or counsel where necessary.   |
|---|-----------------------------------|---|
|   | 28-01-2019                        | <p><u>W.P No. 870-M/2018 with Interim Relief</u></p> <p>Present: Syed Abdul Haq, Advocate for the petitioner.</p> <p>*****</p> <p>Comments of the respondents No. 1 &amp; 3 be called so as to reach the office of learned Additional Registrar of this Court within fortnight. Adjourned to a date in office.</p> <p style="text-align: right;"> <br/>           JUDGE<br/><br/> <br/>           JUDGE         </p> |



870  
28/1


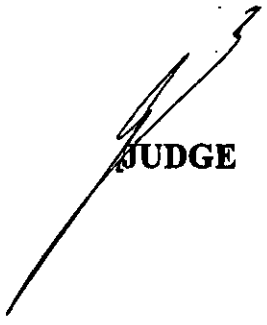
29

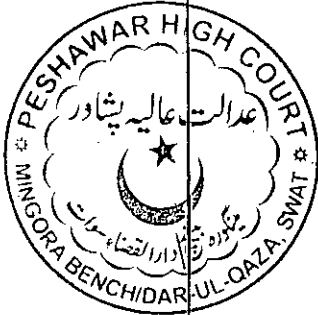
**PESHAWAR HIGH COURT, MINGORA BENCH (DAR-UL-QAZA), SWAT**

**FORM OF ORDER SHEET**

Court of .....

Case No..... of.....

| 1 | Date of Order or Proceedings | Order or other Proceedings with Signature of Judge and that of parties or counsel where necessary.  |
|---|------------------------------|---|
| 1 | 2                            | 3   |
|   | 21-01-2020                   | <p><b><u>W.P No. 870-M/2018 with Interim Relief</u></b></p> <p><b>Present:</b> Clerk of learned counsel on behalf of the petitioner.</p> <p>Mr. Wilayat Ali Khan, A.A.G for the respondents.</p> <p>*****</p> <p>Comments received. The petitioner would be at liberty to file rejoinder to the comments, if so advised but before the next date of hearing. Adjourned to 10.03.2020.</p> <p style="text-align: right;"> <br/> <b>JUDGE</b> </p> <p style="text-align: right;"> <br/> <b>JUDGE</b> </p> |



Office  
22/1

# بعدالت لیسٹ اور بائسٹورٹ منجھ دار الصفا حنیورہ کورٹ

کورٹ فیس

قیمت ایک روپیہ

مورخہ

مقدمہ

دعویٰ

جرم

6 ستمبر

۲۰۱۸ منجانب لیسٹ

خزیدہ السان بنام حکومت

WP — 18

## باعث تحریر آنکہ

مقدمہ مندرجہ بالا میں اپنی طرف سے واسطے پیروی و جواب دہی و کل کاروائی متعلقہ آن مقام دار الصفا حنیورہ سید عبدالحق اندرسٹ 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 و تقرر ثالث و فیصلہ پر حلف دینے جواب دی اور اقبال دعویٰ اور درخواست ہر قسم کی تصدیق زرا اس پر دستخط کرنے کا اختیار ہوگا نیز بصورت عدم بیروی یا ڈگری ایک طرف یا اپیل کی برآمد ہوگی اور منسوخ ڈائر کرنے اپیل نگرانی و نظرہانی و بیروی کرنے کا اختیار ہوگا۔ بصورت ضرورت مذکور کے نسل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنی ہمراہ یا اپنی بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی جملہ مذکورہ بالا اختیارات حاصل ہونگے اور اسکا ساختہ برواختہ منظور و قبول ہوگا اور دوران مقدمہ میں جو خرچہ و ہر جانہ التوائے مقدمہ کے سبب سے ہاگا اسکے مستحق وکیل صاحب ہونگے۔ نیز بقایا و خرچہ کی وصولی کرتے وقت کا بھی اختیار ہوگا اگر کوئی تاریخ پیشی مقام دورہ ہر ہو یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہونگے کی پیروی مقدمہ مذکور لہذا وکالت نامہ لکھ دیا ک سند ہے

۲۰۱۸

6 ستمبر

6

المقوم

العبد گواہ شدہ العبد

کے لئے منظور ہے

Attested and accepted

Syed Abul Haq

03 11 095095-

FILED TODAY

87 SEP 2018

Additional Registrar

**SYED ABDUL HAQ**  
ADVOCATE, HIGH COURT

Mobile : 0311-0950959

Email : [syedabdulhaq@gmail.com](mailto:syedabdulhaq@gmail.com)

Address: Zeb Super Store Plaza,  
Shahdara Watkay Mingora Swat

(21)

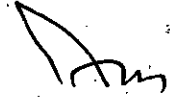
To,

**The Secretary**

Excise, Taxation, and narcotics Control,  
Khyber Pakhtunkhwa Peshawar.

Dear Sir,

I intended to file a Writ Petition in the Peshawar High Court Mingora Bench/ Dar ul Qaza Swat at Mingora Swat on behalf of **Farid Ullah Shah Son of Rahim Ullah Resident of Peran Tehsil Batkhela District Malakand** in the matter of his alleged retirement . (Copy of the writ petition is sent herewith for your information please.



**SYED ABDUL HAQ**  
Advocate High Court

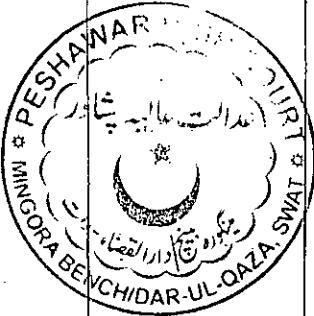


**PESHAWAR HIGH COURT, MINGORA BENCH (DAR-UL-QAZA), SWAT****FORM OF ORDER SHEET**

Court of .....

Case No..... of.....

| Date of Order or Proceedings | Order or other Proceedings with Signature of Judge and that of parties or counsel where necessary.   |
|------------------------------|--|
| 1                            | 2  |
| <p>10-03-2020</p>            | <p><b><u>W.P No. 870-M/2018 with Interim Relief</u></b></p> <p><b>Present: Syed Abdul Haq, Advocate for the petitioner.</b></p> <p><b>Mr. Mr. Sohail Sultan, Asst:A.G for the respondents.</b></p> <p style="text-align: center;">*****</p> <p><b><u>WIQAR AHMAD, J.-</u></b> Through the instant petition, petitioner has called in question order of his retirement dated 28.02.2017.</p> <p>2. It is case of present petitioner that he had earlier requested for his retirement but before acceptance of his retirement, he had filed an application for withdrawal of his request, which had been accepted. He was retired vide order dated 28.02.2017 despite withdrawal of his request for retirement. Hence, the said action of respondent No. 2 (issuing the impugned Notification) was illegal. When learned counsel for petitioner was confronted with regard to jurisdictional limitation of this Court in view of the clear bar contained in Article 212 of the Constitution of Islamic Republic of Pakistan, 1973 in entertaining any petition relating to the</p> |



Abdul Saboon\*

(D.B)

HON'BLE MR. JUSTICE SYED ARSHAD ALI  
HON'BLE MR. JUSTICE WIQAR AHMAD

terms and conditions of services of any civil servant, he frankly conceded that this Court has no jurisdiction to entertain the petition in hand. He however requested that this petition may be converted into a service appeal and same may be sent to the Khyber Pakhtunkhwa Service Tribunal for adjudication.

3. Request of learned counsel for petitioner seems genuine. The instant petition is converted into an appeal in view of the law laid down by the august Supreme Court of Pakistan in its judgment given in the case of Muhammad Akram vs DCO, Rahim Yar Khan and others reported as *2017 SCMR 56* and office is directed to transmit the same along with annexures and comments etc, to the Khyber Pakhtunkhwa Service Tribunal, for disposal according to law. Office shall however retain copy of the same for office record.

Announced  
Dt: 10.03.2020

  
JUDGE

  
JUDGE

Certified to be True Copy

  
EXAMINER

Peshawar High Court, Mingora/Dar-ul-Qaza, Swat  
Authorized Under Article 07 of Qanoon-e-Shahadat Order 1984

SCANNED

IN THE PESHAWAR HIGH COURT, BENCH MINGORA/

DAR-UL-QAZA, SWAT  
OBJECTION SLIP

Farid Ullah

VERSUS

Govt

1. This petition has been presented by S. Hamad Ali Shah Advocate
2. Signature of council/petitioner requires on \_\_\_\_\_
3. Enactment under which the petition was file is not mentioned correct.
4. Approved file cover is not used.
5. Affidavit is not duly attested/appended.
6. Checklist has not been filed/duly filled in/signed
7. Petition/annexures are not properly paged according to index.
8. Certified copies of annexures/page # \_\_\_\_\_ have not been filed.
9. Copies of annexure/pages # \_\_\_\_\_ are not legible.
10. Certificate be furnished that whether nay petition on the subject matter has earlier been filed in this court.
11. There should be separate application for each prayer/case.
12. Copy of application is not delivered to A.G.
13. The appeal, revision, application is time barred.
14. Value for the purpose of court fee and jurisdiction has not been mentioned in the relevant column of the opening sheet.
15. Opening sheet has not been filled in properly.
16. The P/A of the council engaged is not attested/signed by all petitioners/appellants.
17. Chamber address and phone number of council has not been mentioned on index/wakalatnama.
18. Memo of parties name & address not filed.
19. Petitioner's/Attorney of Petitioners' CNIC #/present address/permanent address/phone #/Cell #/Fax #/E-mail address has not been mentioned in memo of addresses of the parties.
20. No. of referred cases is not given/correct.
21. Petition received by post is not entermain-able except through jail.
22. Petition containing overwriting is not entertain-able. Fair petition be filed.
23. Appeal/Revision is not competent.
24. List of books have not been mentioned at the end of the petition.
25. Case does not relate to \_\_\_\_\_
26. Petition should be drafted by a person competent to do so.
27. \_\_\_\_\_ spare copies be filed.
28. In what jail the petitioner is confined.
29. Revision/appeal may be filed on the prescribed form.
30. Copies of annexure \_\_\_\_\_ are not translated.
31. Court fee stamps are not been affixed.
32. Power of Attorney is not attested by the jail authority.
33. Certified copies of impugned orders/decreed sheets/pleadings/evidence/ground of revision/appeal before District Judge have not been filed.
34. District Judge or any other Judicial Officer cannot be made as respondent on top of the petition.
35. Index has not been filed/signed/duly completed/or it carries overwriting.
36. The Petition has not been flagged/marked with annexures' marks. 2nd copy.
37. Power of attorney for petitioner/petitioners has not been filed.
38. Every miscellaneous application should be followed by an affidavit.

(39) Authority letter on behalf of respondent No. 1 & 3 be attached.

(40) Endorsement letter NO. Nil. DD/MKD dated 22.08.2016 has not been attached.

READER

Returned with objections at Sr. Nos. 05, 36, 39, 40 for removal to be re-submitted on or before 18-04-2019

Additional Registrar  
PHC, Bench Mingora/Dar-ul-Qaza, Swat

**BEFORE THE HONOURABLE PESHAWAR HIGH COURT,**  
**MINGORA BENCH DAR-UL-QAZA SWAT**

**SCANNED**  
**KPST**  
**Peshawar**

W.P.No.870-M/2018

Faridullah Shah S/o Rahimullah R/o Peran Tehsil Batkhela District Malakand

**Petitioner**

**VERSUS**

Govt of Khyber Pakhtunkhwa through Secretary Excise, Taxation & Narcotics  
Control Department & others.

**Respondents**

**I N D E X**

| S.No. | Description of Documents   | Annex | Pages  |
|-------|--|-------|--------|
| 1.    | Para Wise Comments   |       | 1-4    |
| 2.    | Affidavit  |       | 5      |
| 3.    | Copy of Retirement order dated 28.02.2017  | A     | 6      |
| 4.    | Copy of letter No. 389/E&T dated. 16.08.2016<br>Endorsement letter No. Nil.DD/Mkd dated.<br>22.08.2016 + Authority letters | B     | 7-8-11 |

Respondents No.1 & 3

Through



**S. HAMAD ALI SHAH**

Advocate

Supreme Court of Pakistan

Legal Advisor

Excise, Taxation & Narcotics Control

Deptt, KPK, Peshawar

Cell #: 0332-0950667

**FILED TODAY**

**08 APR 2019**

Additional Registrar

**FILED TODAY**

**12 APR 2019**

Additional Registrar

**BEFORE THE HONOURABLE PESHAWAR HIGH COURT,**  
**MINGORA BENCH DAR-UL-QAZA SWAT**

*a. No. 9623/20*

**SCANNED**  
**KPST**  
**Peshawar**

W.P.No.870-M/2018

Faridullah Shah S/o Rahimullah R/o Peran Tehsil Batkhela District Malakand

**Petitioner**

**VERSUS**

Govt of Khyber Pakhtunkhwa through Secretary Excise, Taxation & Narcotics  
Control Department & others.

**Respondents**

**PARA WISE COMMENTS ON BEHALF OF RESPONDENTS NO.1 & 3**

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

1. That the petitioner has got no cause of action and locus standi to file the instant writ petition.
2. The instant writ petition is not maintainable.
3. That the petitioner has not come to the court with clean hands.
4. That the petitioner has deliberately concealed the material facts from this Honourable court.
5. That the petition of the petitioner is barred by time and not maintainable in the eyes of law.
6. That, the petitioner has failed to exhaust alternate remedy available under Article 212 of the constitution and the jurisdiction of this august court is barred by law.

**ON FACTS:**

1. Correct: Needs no comments, hence matter of record.
2. Correct. Need no comments, hence matter of record.
3. Correct. Need no comments, hence matter of record.

**FILED TODAY**

**08 APR 2019**

*ml*  
**Additional Registrar**

4. Para No. 4 is totally incorrect against to facts and law, hence denied. In fact the retirement Order was issued on 28-02-2017 (**Copy of Retirement order dated 28.02.2017 is annexed as Annexure-A**) while submission of application regarding cancellation of retirement order through the office of Secretary Excise, Taxation & Narcotics Control, Peshawar was made after the lapse of 11 months and twenty six (26) days. It is further added, that application for retirement was forwarded by the Excise & Taxation Officer, Malakand vide letter No. 389/E&T dated. 16.08.2016 duly forwarded in original alongwith application of the petitioner for further necessary action vide Endorsement No. Nil dated. 22.08.2016 by Deputy Director, Excise, Taxation & Narcotics Control, Malakand Region, Saidu Sharif, Swat. (**Copy of letter No. 389/E&T dated. 16.08.2016 Endorsement letter No. Nil.DD/Mkd dated. 22.08.2016 is annexed as Annexure-B**). The claim that he filed application for retirement unwillingly is baseless and unfounded. As a matter of fact, he opted for retirement with his free will and choice. And by this aspect the petitioner is stopped by his conduct & record.
5. Para No.5 It deviates from actual facts as the petitioner remained absent from official duty since 12-06-2016 to 08-08-2016. Instead of resuming his duties, the petitioner opted for retirement as is evident from his application.
6. Since the retirement order was issued in accordance with the explicit provisions of Khyber Pakhtunkhwa, Civil Servant Act, 1973, and its rules made there-under and on his sweet free will, therefore the question of joining duty does not arise.
7. That Act of stoppage of his salary was in accordance with the law due to the fact that prior to his retirement order, he was willfully absent and after his retirement he was not entitled for salary as per law.

**FILED TODAY**

08 APR 2019

Additional Registrar

8. The claim made in Para-8 is totally baseless, against facts and law. Once opting for retirement with free will and after passing order of retirement by competent authority, disentitle the petitioner from subsequent reinstatement in service.
9. The allegations of the petitioner are vague, unclear and baseless.
10. Para No.10 is baseless and illogical. The Department did not remain silent on the earlier application / appeal of the petitioner and sent a detailed report to Secretary Excise, Taxation & Narcotics Control Khyber Pakhtunkhwa. All his application was listened to in accordance with the law, but was found meritless, therefore could not be acceded to.
11. Partially correct to the extent that the petitioner visited the offices. He was heard in person and was informed about the legal position of matter of retirement.

**ON GROUNDS**

- A. Under the Khyber Pakhtunkhwa, Civil Servants (Appointment, Promotion & Transfer) Rules, 1989, the Director General, Excise, Taxation & Narcotics Control Department, being competent authority is empowered to accord sanction to such retirements
- B. Ground B is irrelevant and not based on facts, as the petitioner in-fact, does not tender resignation. Actually he submitted application for retirement from service which was processed in accordance with the law.
- C. On ground-C, it is submitted the conduct of the petitioner seems ridiculous as on one instance he tender application for retirement, but on the other occasion he withdraw it.
- D. Ground-D. Already explained in proceeding Paras.
- E. The statement of the petitioner is baseless and deviates, from facts. Neither was he entitled to take back his application of retirement, nor empowered to recall his resignation letter. Furthermore, he had no cogent

**FILED TODAY**

**08 APR 2019**

Additional Registrar

reasons in support to his willful absence and volunteer submission of retirement application on basis of thirty two (32) years of qualifying service.

F. Ground-F. Needs no comments.

It is therefore most humbly prayed, that, the instant writ petition being devoid of merits and unlawful may kindly be dismissed with costs.

Any other relief deemed fit in the circumstances of the case may also be passed in favor of respondents and against petitioner.

Govt. of Khyber Pakhtunkhwa  
Through Secretary Excise,  
Taxation & Narcotics Control  
Department.  
**(Respondent No. 01)**

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

Through

**S. HAMAD ALI SHAH**

Advocate  
Supreme Court of Pakistan  
Legal Advisor  
Excise, Taxation & Narcotics Control Deptt,  
KPK, Peshawar

**FILED TODAY**

**08 APR 2019**

**Additional Registrar**



**BEFORE THE HONOURABLE PESHAWAR HIGH COURT,**  
**MINGORA BENCH DAR-UL-QAZA SWAT**

W.P.No.870-M/2018

Faridullah Shah S/o Rahimullah R/o Peran Tehsil Batkhela District Malakand

**Petitioner**

**VERSUS**

Govt of Khyber Pakhtunkhwa through Secretary Excise, Taxation & Narcotics  
Control Department & others.

**Respondents**

**AFFIDAVIT**

I, **Dawood Shah**, Excise, Taxation & Narcotics Control Officer Swat, do hereby solemnly affirm and declare on oath that the contents of the accompanying "**Para Wise Comments**" are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Court.

Identified By:



**S. HAMAD ALI SHAH**

Advocate  
Supreme Court of Pakistan  
Legal Advisor  
Excise, Taxation & Narcotics Control Deptt,  
KPK, Peshawar

DEPONENT

CNIC #: 115402-1410237-5  
Cell #: 0345-9516916

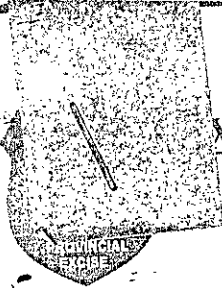
**FILED TODAY**

**08 APR 2019**

**Additional Registrar**

S.No. 1818  
Certified that the above was verified on Solemn  
affirmation before me on this 12<sup>th</sup> day  
of April 2019 by Dawood Shah  
S/o Fahim Shah R/o Malakand who  
was identified by S. Hamad Ali Shah  
Advocate Who is personally known to me.

**ADDL: REGISTRAR**  
Peshawar High Court  
Mingora Bench/Dar-ul-Qaza, Swat.



**DIRECTORATE GENERAL  
EXCISE, TAXATION & NARCOTICS CONTROL  
KHYBER PAKHTUNKHWA, PESHAWAR.**

Auqaf Complex, Shami Road, Peshawar.  
Phone. 091-9212260

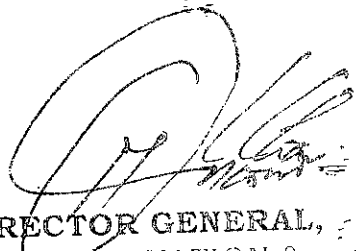
Annexure  
Annexure A

**ORDER**

Dated Peshawar the 28/02/2017

No. 2010 /Estb/P.File. On completion of qualifying service, Mr. Farid Ullah Shah Assistant Excise & Taxation Officer (BPS-16), office of Excise & Taxation Officer Malakand stands retired from Government service with effect from 01-03-2017 (A/N) with full pension benefits in terms of Section-13 of the Khyber Pakhtunkhwa Civil Servant Act, 1973.

2. He is allowed encashment of lump sum salary preparatory to retirement for a maximum period of 365 days, as per amendment notified by the Finance Department Regulation Wing dated 13-12-2012, as the official has not availed leave preparatory to retirement.

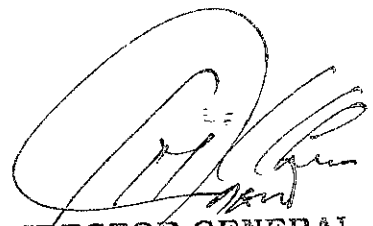
  
**DIRECTOR GENERAL,  
EXCISE, TAXATION &  
NARCOTICS CONTROL,  
KHYBER PAKHTUNKHWA,  
PESHAWAR.**

No. 2011-16 /Estb/P.File.

Copy forwarded to:

1. Regional Deputy Director, Excise & Taxation, Malakand Region, Swat.
2. Excise & Taxation Officer Malakand with reference to forwarding memo No.390 dated 16-08-2016.
3. District Accounts Officer Malakand.
4. Mr. Farid Ullah Shah Assistant Excise & Taxation Officer office of Excise & Taxation Officer Malakand.
5. P.File of Officer Concerned.
6. Office copy.

CTC  
mt

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

Annexure B (18)

7

252

GOVERNMENT OF K.P.K,  
EXCISE AND TAXATION DEPARTMENT  
DISTRICT OFFICE MALAKAND.  
0932-411155

No. 389 /E & T dated Bathkela The 16/08/2016

To Deputy Director,  
Excise, Taxation & Narcotics Control,  
Malakand Region at Swat.

Subject: APPLICATION FOR RETIREMENT.

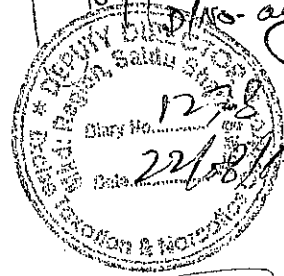
Memo: Please refer to the subject cited above.  
An application in Original in R/O Mr. Farid Ullah Shah (A.E.T.O.) of this office is sent here with for favorable and further necessary consideration please.

*Handwritten:* 22/8/16 put up P-24/16

EXCISE AND TAXATION OFFICER/  
MOTOR REGISTERING AUTHORITY,  
MALAKAND.

No. \_\_\_\_\_ Copy forwarded to Director General, Excise, Taxation and Narcotics Control, Khyber Pakhtunkhwa, Peshawar.

*Handwritten:* issued in original alongwith application in our request of the officers concern without delay.



EXCISE AND TAXATION OFFICER/  
MOTOR REGISTERING AUTHORITY,  
MALAKAND.

*Handwritten:* CTC

No. \_\_\_\_\_ Dated \_\_\_\_\_ 2016  
Forwarded in original alongwith application of the above named officer for further necessary action please.

*Handwritten:* received in original along with original application to day on 22-8-2016

DEPUTY DIRECTOR  
Excise Taxation & Narcotics Control  
Malakand Region, Swat

*Handwritten signature:* 22/8

(9)

To,

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

Subject:- APPLICATION FOR RETIREMENT.

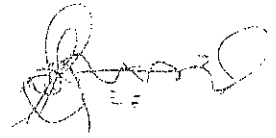
Sir,

It is submitted for your kind information that I am working as Assistant Excise, Taxation & Narcotics Control Officer Malakand. I have completed 32-years of qualifying service. Due to some domestic problems and health issues, I am unable to continue further service and want to be retired from services.

It is therefore requested that I may very kindly retired from services w.e.f 1/9/2016, and necessary orders of retirement as well encashment of 365-days may kindly is issued at an early date so that I may be able to process of pension claim well in time..

AETO (Esttd)

CTC



(Faridullah Shah)  
Assistant Excise, Taxation  
& Narcotics Control Officer  
Malakand

REGISTERED



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

*Auqaf Complex, Shami Road, Peshawar Cantt. Phone Nos. 091-9212260-9223032  
Email Address. Arshadi963.excise@gmail.com*

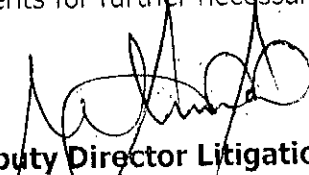
①

No. 8130 /DD(Lit)/ WP No. 870-M/2018 Farid Ullah Shah VS Govt of KP Dated: 08 04 -2019

To  
Excise, Taxation & Narcotics Control Officer  
Swat.

Subject: **WP NO. 870-M/2018 MR. FARIDULLAH SHAH VS GOVT KP THROUGH SECRETARY  
EXCISE & OTHERS**

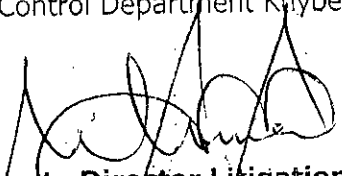
Memo: Reference subject noted above. Enclosed please find herewith an authorities on behalf of Respondent No. 01 & 02, duly signed by the respondents for further necessary action.

  
**Deputy Director Litigation,**  
Excise, Taxation & Narcotics  
Control Department  
Khyber Pakhtunkhwa

*DI: No 287  
10/04/19*

No. 8131-3R /DD(Lit)/ WP No. 870-M/2018 Farid Ullah Shah VS Govt of KP Dated: 8-4 -2018  
Copy to:

1. Director General, Excise, Taxation & Narcotics Control Department Khyber Pakhtunkhwa
2. Section Officer Litigation, Excise, Taxation & Narcotics Control Department Khyber Pakhtunkhwa.

  
**Deputy Director Litigation,**  
Excise, Taxation & Narcotics  
Control Department  
Khyber Pakhtunkhwa



**GOVERNMENT OF KHYBER PAKHTUNKHWA  
EXCISE, TAXATION AND NARCOTICS CONTROL  
DEPARTMENT**

No. SO (Lit.)/ET&NC/4-589/Farid Ullah Shah/2019  
Dated Peshawar, the April 08, 2019

**AUTHORITY LETTER**

Mr. Dawood Shah, Excise, Taxation & Narcotics Control Officer Swat is hereby authorized to appear in the Hon'ble Peshawar High Court Circuit Bench Darul Qaza Swat in case titled (Write Petition No. 870-M/2018 Farid Ullah Shah vs Govt. of KP & Others) on behalf of Secretary to Govt. Khyber Pakhtunkhwa, Excise, Taxation & Narcotics Control Department.

  
Secretary

**to Govt. Khyber Pakhtunkhwa, Excise, Taxation  
& Narcotics Control Department**

IN THE PESHAWAR HIGH COURT, BENCH MINGORA/

DAR-UL-QAZA, SWAT

OBJECTION SLIP

Fazidullah Shah

VERSUS

Gout of K.P.R & others

1. This petition has been presented by Syed Abdul Haq Advocate
2. Signature of council/petitioner requires on \_\_\_\_\_
3. Enactment under which the petition was file is not mentioned correct.
4. Approved file cover is not used.
5. Affidavit is not duly attested/appended.
6. Checklist has not been filed/duly filled in/signed
7. Petition/annexures are not properly paged according to index.
8. Certified copies of annexures/page # \_\_\_\_\_ have not been filed.
9. Copies of annexure/pages # \_\_\_\_\_ are not legible.
10. Certificate be furnished that whether nay petition on the subject matter has earlier been filed in this court.
11. There should be separate application for each prayer/case.
12. Copy of application is not delivered to A.G.
13. The appeal, revision, application is time barred.
14. Value for the purpose of court fee and jurisdiction has not been mentioned in the relevant column of the opening sheet.
15. Opening sheet has not been filled in properly.
16. The P/A of the council engaged is not attested/signed by all petitioners/appellants.
17. Chamber address and phone number of council has not been mentioned on index/wakalatnama.
18. Memo of parties name & address not filed.
19. Petitioner's/Attorney of Petitioners' CNiC #/present address/permanent address/phone #/Cell #/Fax #/E-mail address has not been mentioned in memo of addresses of the parties. *(39) Receipt of legal notice has not been attached.*
20. No. of referred cases is not given/correct.
21. Petition received by post is not entermain-able except through jail.
22. Petition containing overwriting is not entertain-able. Fair petition be filed.
23. Appeal/Revision is not competent.
24. List of books have not been mentioned at the end of the petition.
25. Case does not relate to \_\_\_\_\_
26. Petition should be drafted by a person competent to do so.
27. \_\_\_\_\_ spare copies be filed.
28. In what jail the petitioner is confined.
29. Revision/appeal may be filed on the prescribed form.
30. Copies of annexure \_\_\_\_\_ are not translated.
31. Court fee stamps are not been affixed.
32. Power of Attorney is not attested by the jail authority.
33. Certified copies of impugned orders/decreed sheets/pleadings/evidence/ground of revision/appeal before District Judge have not been filed.
34. District Judge or any other Judicial Officer cannot be made as respondent on top of the petition.
35. Index has not been filed/signed/duly completed/or it carries overwriting.
36. The Petition has not been flagged/marked with annexures' marks.
37. Power of attorney for petitioner/petitioners has not been filed.
38. Every miscellaneous application should be followed by an affidavit.

*(Signature)*  
READER

Returned with objections at Sr. Nos. 39 for removal to be re-submitted on or before 17-9-18

*(Signature)*  
Additional Registrar  
PHC, Bench Mingora/Dar-ul-Qaza, Swat.

### CHECK LIST

| 1.  | Case Title: <u>Fazidullah Shah vs Govt</u>   | Yes | No |
|-----|--|-----|----|
| 2.  | Case is duly signed.   | /   |    |
| 3.  | The law under which the Petition preferred has been mentioned.   | /   |    |
| 4.  | Approved file cover is used.   | /   |    |
| 5.  | Affidavit is duly attested and appended.   | /   |    |
| 6.  | Case and Annexures are properly paged & number according to Index.   | /   |    |
| 7.  | Copies of Annexures are legible and attested. (If not, then better copies duly attested have been annexed).                  | /   |    |
| 8.  | Certified copies of all the requisite documents have been filed.   | /   |    |
| 9.  | Certificate specifying that no case on similar grounds was earlier submitted in this court, filed.                           | /   |    |
| 10. | Case with in time.   | /   |    |
| 11. | The value for the purpose of Court fee and jurisdiction has been mentioned in the relevant column.                           | /   |    |
| 12. | Court fee in shape of Stamp Paper is affixed, (For Writ Rs.500/- For other required).  | /   |    |
| 13. | Power of Attorney is in proper form.   |     | /  |
| 14. | Memo of addresses filed.   | /   |    |
| 15. | List of Books mentioned in the Petition.   | /   |    |
| 16. | The requisite number of spare copies attached. (Writ Petition-3, Nos. Civil Appeal (SB-1, SB-2) Civil Revision (SB-1, SD-2). | /   |    |
| 17. | Case (Revision/Appeal/Petition etc.) is filed on the prescribed form.  | /   |    |
| 18. | Power of Attorney is attached by Jail Attorney (for Jail Prisoners only).  |     | /  |

It is certified that formalities/documentations required in column 2 to 18 above, have been fulfilled.

Name: Syed Abdul Haq

Signature: [Signature]

Dated: 6-9-18

#### FOR OFFICE USE ONLY

Case No. ....

Case Received. ....

Complete in all respect: Yes/No (if No the ground)

.....

.....

.....

Date in Court. ....

**FILED TODAY**

**07 SEP 2018**

[Signature]  
Additional Registrar

Signature [Signature]  
(Reader)

Dated 7-9-18

Countersigned: [Signature]  
(Additional Registrar)



**IN THE PESHAWAR HIGH COURT, PESHAWAR**  
**OPENING SHEET FOR WRIT BRANCH**

Date of Filing: \_\_\_\_\_

District: \_\_\_\_\_

Case Type: Writ Petition

Nature of Original Proceeding: \_\_\_\_\_

Category Code: 

|  |  |  |  |  |  |
|--|--|--|--|--|--|
|  |  |  |  |  |  |
|--|--|--|--|--|--|

(Categories & Sub categories are given at the back of the opening sheet)

Review/ Contempt of Court in respect of: \_\_\_\_\_

Writ of:

|               |             |          |              |            |
|---------------|-------------|----------|--------------|------------|
| Heabus Corpus | Prohibition | Mandamus | Quo Warranto | Certiorari |
|---------------|-------------|----------|--------------|------------|

If Certiorari:

| Forum which passed impugned order | Date | (I)nterlocutory/ (F)inal Order |
|-----------------------------------|------|--------------------------------|
|                                   |      |                                |
|                                   |      |                                |
|                                   |      |                                |
|                                   |      |                                |

Case Pertains to

- SB  
 DB

|                 |   |
|-----------------|---|
| Petitioner Name | Farid Ullah Shah                                    |
| Mobile No.      | 0346-9410424  |
| Address         | Resident of Peran Tehsil Batkhela District Malakand |
| CNIC No.        | 15402-2773866-5                                     |
| Email Address   | NIL-  |

|                            |                                |
|----------------------------|--------------------------------|
| Counsel for Petitioner (s) | Syed Abdul Haq, Advocate       |
| Mobile No.                 | 0333-9546154                   |
| Address                    | Dar ul Qaza Swat               |
| CNIC No.                   | 15306-6116430-5                |
| Email Address              | syedabdulhaqadvocate@gmail.com |

|             |  |
|-------------|--|
| Respondents | Govt of Khyber Pakhtunkhwa through secretary Excise, Taxation, and narcotics Control, Khyber Pakhtunkhwa Peshawar and others |
| Address     | Peshawar.  |

**FILED TODAY**

Original Order/Action/Inaction Complained of:  
NIL

**07 SEP 2018**

**Additional Registrar**

Prayer: It is, therefore, humbly prayed on acceptance of this writ petition in the light of aforementioned submissions, this court may kindly declared the impugned order dated 28.02.2017 be illegal, unlawful, ineffective upon the rights of petitioner and be set aside.  
2. This Honourable Court May allowed the petitioner to resume/join his duty in accordance with law.

Law/Rules/governing the original proceedings/action/Inaction  
U/S 199 of Constitution of Pakistan.

**Signature**

Note: Any suggestion to improve the proforma will be appreciated.

**IN THE KHYBER PAKHTUNKHWA SERVICE**  
**TRIBUNAL CAMP COURT SWAT**

In S.A # 9623/2020

Farid Ullah Shah

V/S

Government of Khyber Pakhtunkhwa through  
Secretary Excise & Taxation & Others

**I N D E X**

| S# | Description of Documents | Annexure | Page# |
|----|--------------------------|----------|-------|
| 1  | Comments                 |          | 1-6   |
| 2. | Affidavit                |          | 7     |
| 3. | <i>Wakalatnamo</i>       |          |       |

Respondents

Through

*Aftab*

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

**IN THE KHYBER PAKHTUNKHWA SERVICE**  
**TRIBUNAL CAMP COURT SWAT**

In S.A # 9623/2020

Farid Ullah Shah

V/S

Government of Khyber Pakhtunkhwa through  
Secretary Excise & Taxation & Others

**PARAWISE COMMENTS ON BEHALF OF**  
**RESPONDENTS 1 to 3**

**Respectfully Sheweth**

**Preliminary Objections:-**

- i. That the Appellant has got no cause of action and locus standi to file the instant appeal.
- ii. The appellant has concealed material facts from this Hon'ble Tribunal.
- iii. That the appeal is not maintainable and is incompetent in the eyes of law in the present form.
- iv. That the appellant is estopped by his own conduct to file this appeal.

- v. That the appellant has not come to the tribunal with clean hands and has suppressed all relevant and material facts.
- vi. That the appeal has been misoriented, misconstrued and mistakenly drawn and is incompetent in its present form and context, and is therefore, liable for rejection.
- vii. That the appeal in hand is badly barred by law and limitation.
- viii. That the petitioner has failed to exhaust alternate remedy available under Article 204 of the Constitution.
- ix. That the appeal is bad for mis-joinder and non-joinder of necessary parties.

**On Facts:-**

1. Pertains to record.
2. Pertains to record.
3. Pertains to record.
4. Incorrect. Claim made in Para No.4 is baseless and against the facts, because his

retirement order was issued on 28-02-2017. (Copy of Retirement Order is attached) while submission of application regarding cancellation of retirement order through Secretary ET&NC Peshawar was made on 16-06-2017 (Copy attached) almost after the lapse of 11 months and twenty six (26) days. It is further added, that application for retirement was forwarded by the Excise & Taxation Officer- Malakand vide Letter No. 389/E&T dated 16-08-2016 duly forwarded by Deputy Director ET&NC Malakand Region at Swat vide No. nil dated 22-08-2016 (Photocopies are attached). The claim that he filed application for retirement unwillingly is baseless. As a matter of fact, he opted for retirement with his free will and choice.

5. Para No. 5 it deviates from actual facts as the petitioner remained absent from official duty since 12-06-2016 to 08-08-2016. Instead of resuming his duties, the petitioner opted for retirement as evident from his application.
6. The claim is totally baseless. His retirement order was issued in accordance with the explicit provisions of Khyber Pakhtunkhwa Civil Servant Act 1973. The rules made there-under and on his free will.

7. That Act of Stoppage of his salary was in accordance with the law due to the fact that prior to his retirement order, he was willfully absent and after his retirement he was not entitled to salary as per law.
8. The claim made in Para-8 is totally, against facts and law. Once opting for retirement, and approved by competent authority, disentitle the petitioner to retirement in service.
9. The allegations of the petitioner are vague, unclear and baseless.
10. Para No. 10 is baseless and illogical. The Department did not remain silent on the earlier application/ appeal of the petitioner and sent a detailed report to the Secretary ET&NC Peshawar. All his applications were listened to in accordance with the law, but were found meritless.
11. Partially correct to the extent that the petitioner visited the offices. He was listened to and case has been decided on merit.

## On Grounds:-

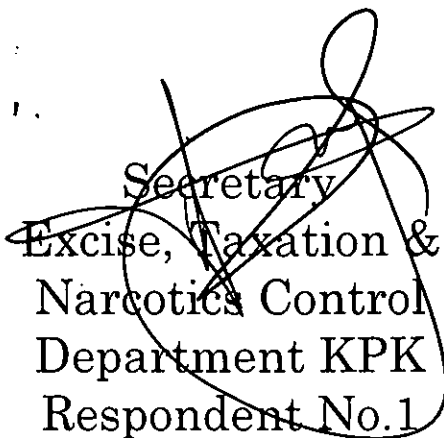
- A. Under the Khyber Pakhtunkhwa, Civil Servants (Appointment, Promotion & Transfer) Rules, 1989, the Director General Excise, Taxation & Narcotics Control Department being competent authority is empowered to accord sanction to such retirement after application is filed.
- B. Ground B is irrelevant and not based on facts, as the petitioner in fact does not tender resignation. Actually he submitted application for retirement from service which was processed in accordance with the law.
- C. On ground C it is submitted the conduct of the petitioner seems ridiculous as on one instance he tender application for retirement, but on the other belated stage he submitted application for its withdrawal.
- D. Ground D already explained in proceeding paras.
- E. The statement of the petitioner is baseless and void of merit. Neither was he entitled to take back his application of retirement, nor empowered to recall his resignation letter. Furthermore, he had no cogent reasons in support to his willful absence and volunteer submission of retirement application on basis of thirty two (32) years of qualifying service.

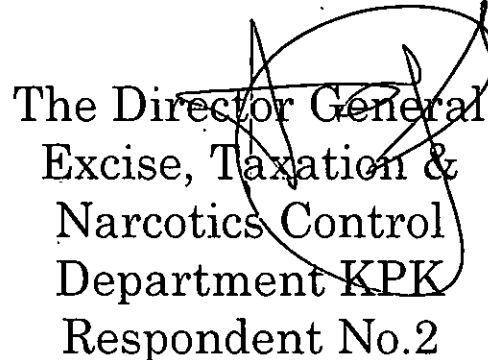
F. Ground F needs no comments.

*It is, therefore, most humbly prayed, that the instant writ petition being devoid of merit and unlawful may kindly be dismissed with costs.*

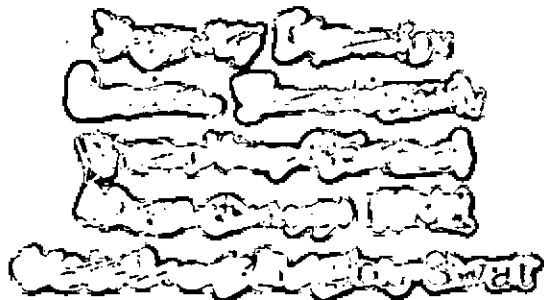
*Any other relief deemed fit in the circumstances of the case may also be passed in favor of respondents and against petitioner.*

*Furthermore, the Hon'ble Service Tribunal at Camp Court Swat is requested that the direction may please be issued to the petitioner to contact this Department along-with proper pension forms/ relevant documents i.e. Family Registration Certificate (FRC) from NADRA, to proceed further in the matter for redressal of petitioner grievance and further process.*

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

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

Director Malakand Region  
Excise, Taxation &  
Narcotics Control  
Department KPK  
Respondent No.3





**IN THE KHYBER PAKHTUNKHWA SERVICE**  
**TRIBUNAL CAMP COURT SWAT**

In S.A # 9623/2020

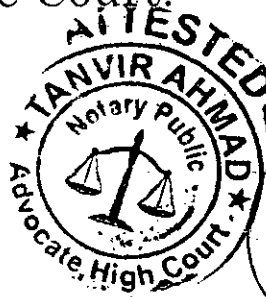
Farid Ullah Shah

V/S

Government of Khyber Pakhtunkhwa through  
Secretary Excise & Taxation & Others

**AFFIDAVIT**

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



*S. Ahmad*

DEPONENT

16101-0268486-7

0306-5914678

*AP*  
*3/11/23*



**DIRECTORATE GENERAL,  
EXCISE, TAXATION & NARCOTICS CONT.  
KHYBER PAKHTUNKHWA, PESHAWAR.**

Auqaf Complex, Shami Road, Peshawar.  
Phone. 091-9212260

**ORDER**

Dated Peshawar the 28 /02/2017

No. 2010 /Estb/P.File. On completion of qualifying service, Mr. Farid Ullah Shah Assistant Excise & Taxation Officer (BPS-16), office of Excise & Taxation Officer Malakand stands retired from Government service with effect from 01-03-2017 (A/N) with full pension benefits in terms of Section-13 of the Khyber Pakhtunkhwa Civil Servant Act, 1973.

2. He is allowed encashment of lump sum salary preparatory to retirement for a maximum period of 365 days, as per amendment notified by the Finance Department Regulation Wing dated 13-12-2012, as the official has not availed leave preparatory to retirement.

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

No. 2011-16 /Estb/P.File.

Copy forwarded to:

1. Regional Deputy Director, Excise & Taxation, Malakand Region, Swat.
2. Excise & Taxation Officer Malakand with reference to forwarding memo No.390 dated 16-08-2016.
3. District Accounts Officer Malakand.
4. Mr. Farid Ullah Shah Assistant Excise & Taxation Officer office of Excise & Taxation Officer Malakand.
5. P.File of Officer Concerned.
6. Office copy.

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

Anx B

To,

The Secretary,  
Excise, Taxation & Narcotics Control,  
Khyber Pakhtunkhwa.

Subject:

RETIREMENT ON BAD INTENSION/RECONSIDERATION  
ON HUMANITARIAN GROUNDS.

R/Sir,

It is stated that due to depression I submitted an application in 8/2016 for encashment to ETO Malakand but later the same was withdrawn keeping in view the advice of my mother and future of my school going children.

But it is astonishing to note that a photo-stat copy of the same application in contravention of my view /opinion was processed after 8 months in Feb, 2017. The main idea of processing the photo-stat copy of application was bad intension.

As already discussed, my children are too young and school going. Therefore it is requested that my retirement orders issued with bad intentions and against my option be reconsidered on humanitarian grounds and set-aside/cancelled please.

*[Signature]*  
**(Faridullah shah)**  
Assistant Excise, taxation & Narcotics control,  
Office Malakand

*Examine & Forward*

Diary No. 646  
Dated 16.06.2017

*[Signature]*  
*16/6.17*  
*Reply*

*report from DC*  
*Ant*  
*21/6*  
*50(4)*

*received today*  
*21/06/17*  
*DS*

*[Signature]*  
*20.6.17*  
*DS/50(4)*

249

GOVERNMENT OF K.P.K,  
EXCISE AND TAXATION DEPARTMENT  
DISTRICT OFFICE MALAKAND.  
0932-411155

C  
⊗  
⊗

No. IE & T dated Batkhela The 16 10 2016

To  
Deputy Director,  
Excise, Taxation & Narcotics Control,  
Malakand Region at Swat.

Subject: APPLICATION FOR RETIREMENT.

Memo:

Please refer to the subject cited above.

An application in Original in R/O Mr. Farid Ullah Shah (A.E.T.O.) of this office is sent here with for favorable and further necessary consideration please.

*(Signature)*  
EXCISE AND TAXATION OFFICER/  
MOTOR REGISTERING AUTHORITY,  
MALAKAND.

No. 389-90-1

Copy forwarded to Director General, Excise, Taxation and Narcotics Control,  
Khyber Pakhtunkhwa, Peshawar.

DIARY NO. 759  
DATED: 17/10/16  
DIRECTOR GENERAL  
EXCISE TAXATION & NARCOTICS CONTROL  
KHYBER PAKHTUNKHWA

*(Signature)*  
EXCISE AND TAXATION OFFICER/  
MOTOR REGISTERING AUTHORITY,  
MALAKAND.

*(Signature)*  
A.E.T.O.

|                |  |                |
|----------------|--|----------------|
| DY DIR (ADMN)  | DIRECTOR GENERAL<br>EXCISE TAXATION &<br>NARCOTICS CONTROL<br>PESHAWAR | DIRECTOR (REG) |
| DY DIR (PESW)  |  | DY DIR (REGST) |
| SYSTEM ANALYST |  | AD (ACCTS)     |
| SUPDT-I        |  | SUPDT-II       |
| TO (E&N)       |  | PA TO DG (P)   |
|                |  |                |

1512

240

22

GOVERNMENT OF K.P.K,  
EXCISE AND TAXATION DEPARTMENT  
DISTRICT OFFICE MALAKAND.  
0932-411155

Amx

No. \_\_\_\_\_ /E & T dated Batkhela The 16 108 12016

To  
Deputy Director,  
Excise, Taxation & Narcotics Control,  
Malakand Region at Swat.

Subject: APPLICATION FOR RETIREMENT.

Memo:  
Please refer to the subject cited above.  
An application in Original in R/O Mr. Farid Ullah Shah (A.E.T.O.) of this office is sent here with for favorable and further necessary consideration please.

3d

EXCISE AND TAXATION OFFICER/  
MOTOR REGISTERING AUTHORITY,  
MALAKAND.

No. 390 /

Copy forwarded to Director General, Excise, Taxation and Narcotics Control, Khyber Pakhtunkhwa, Peshawar.

735/  
18/10/2016  
OFFICE OF THE  
DIRECTOR GENERAL  
EXCISE, TAXATION &  
NARCOTICS CONTROL  
PESHAWAR

1

EXCISE AND TAXATION OFFICER/  
MOTOR REGISTERING AUTHORITY,  
MALAKAND.

P. Ullah of  
Mr Faridullah Shah  
AETO.

|  |     |               |
|--|-----|---------------|
| BY DIR (ADMN)  | 78- | BY DIR (ADMN) |
| BY DIR (LIT)   |     | BY DIR (FEE)  |
| SYSTEM ANALYST   |     | AD-ACCPTS     |
| SUPDTA   |     | SUPDTA        |
| DIRECTOR GENERAL<br>EXCISE TAXATION &<br>NARCOTICS CONTROL<br>PESHAWAR |     | PHOTO         |

22.8.16.

13/2



**GOVERNMENT OF KHYBER PAKHTUNKHWA  
EXCISE, TAXATION AND NARCOTICS CONTROL DEPARTMENT**

No.SO(Admn)E&T/ETO-Malakand/2014/2-28/4354-  
Dated Peshawar the 22/06/2017 55.

To

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

Subject:- **RETIREMENT ON BAD INTENSION/RECONSIDERATION ON HUMANITARIAN GROUNDS.**

Dear Sir,

I am directed to refer to the subject noted above and to enclose herewith an application dated 15/06/2017 received from Mr. Faridullah Shah, Assistant Excise & Taxation Officer office of ETO Malakand and to state that a detailed report may be furnished to this department, please.

Yours faithfully,

SECTION OFFICER (ADMN)

**Encl: (As Above)**

**Endst: NO. & Date as Even.**

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

SECTION OFFICER (ADMN)

|                  |   |                  |
|------------------|---|------------------|
| SECRETARY        | <br>DIRECTOR GENERAL<br>EXCISE TAXATION &<br>NARCOTICS CONTROL DEPARTMENT<br>PESHAWAR | SECRETARY        |
| DEPUTY SECRETARY |   | DEPUTY SECRETARY |
| DEPUTY SECRETARY |   | DEPUTY SECRETARY |
| SYSTEM ANALYST   |   | AD (NARCOTICS)   |
| ASST. DIR. (T)   |   | SUPPLY           |
| ASST. DIR. (N)   |   | ASST. DIR. (N)   |

To,

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

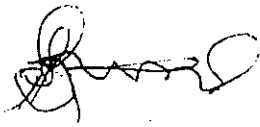
Subject:- APPLICATION FOR RETIREMENT.

Sir,

It is submitted for your kind information that I am working as Assistant Excise, Taxation & Narcotics Control Officer Malakand. I have completed 32-years of qualifying service. Due to some domestic problems and health issues, I am unable to continue further service and want to be retired from services.

It is therefore requested that I may very kindly retired from services w.e.f 1/9/2016, and necessary orders of retirement as well encashment of 365-days may kindly is issued at an early date so that I may be able to process of pension claim well in time..

AETO (Estb)  
①

  
**(Faridullah Shah)**  
Assistant Excise, Taxation  
& Narcotics Control Officer  
Malakand

لجہ الت جیبا بسروس ڈیپوٹل (کمپیٹوٹورل) پنظام ملکرہ سوات

فرید اللہ نیام  
حکومت و غیرہ

درخواست بمراد ختم کرن جرمانہ جو کہ بروچ لیسٹس order عررہ 2011/11/08  
کو رسیانڈنٹ کے خلاف لگا تھا

جیبا عالی حسب ذیل لکھا گیا :-

۱۔ یہ کہ مقدمہ جنون بالا عدالت حضور میں زیر سماعت ہے جس کی 2011/11/08 کی تاریخ پیشی ضرر تھی۔

۲۔ یہ کہ مقدمہ جنون بالا میں عدالت حضور نے بروچ لیسٹس order عررہ 2011/11/08 کو رسیانڈنٹ کے خلاف جرمانہ لگایا گیا تھا۔

۳۔ یہ کہ Reply جسے بیوی کے اور تاخیر قصداً نہ تھی۔

۴۔ یہ کہ رسیانڈنٹ سرکاری محکمہ ہے اور جرمانہ سے سرکاری قرآنہ کو نقصان ہے۔

لہذا استدعا ہے کہ منظور فرماتے ہو

رسیانڈنٹ کو جرمانہ کا رقم معاف  
کرنے کے احکامات صادر فرمائیں جاوے

المترجم  
2013-01-04

عریف

رسیانڈنٹ نمبر اتا 3 لبراریہ لیگل ایڈوکیٹ  
فائیف علی ایچ وکیل



لجالت جناب سرسٹریٹو ٹی (کمپیٹوٹورٹ) پختام ٹلکده سوات

فرید اللہ نیام  
حکومت وغیرہ

درخواست پمراو ختم کرن جرمانہ جو کہ بروڈ اےڈسٹریٹس حرره ۱۱/۱۱/۰۸  
کو رسیانڈنٹ کے خلاف لگانا

جناب عالی حسب ذیل لکھا گیا ہے :-

۱۔ یہ کہ مقدمہ جنون بالا عدالت حضور میں زیر سماعت ہے جس کی ۲۰۴ کی  
تاریخ پٹی مندر تھی۔

۲۔ یہ کہ مقدمہ جنون بالا میں عدالت حضور نے بروڈ اےڈسٹریٹس حرره ۱۱/۱۱/۰۸  
کو رسیانڈنٹ کے خلاف جرمانہ لگایا گیا تھا۔

۳۔ یہ کہ Reply جسے بیوی کے اور تاخیر قصداً نہ تھی۔

۴۔ یہ کہ رسیانڈنٹ سرکاری محکمہ ہے اور جرمانہ سے سرکاری خزانہ کو  
نفعان ہے۔

لہذا استدعا ہے کہ منظور درخواست هذا

رسیانڈنٹ کو جرمانہ کا رقم معاف  
کرنے کے احکامات صادر فرمائی جائیں

المترجم  
۲۰۲۳-۰۱-۰۱

عریفہ

رسیانڈنٹ پمراو تاخیر لبراریہ لیٹل (پمراو)

فائینڈ علی ایچ وٹری