

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR  
CAMP COURT SWAT.

Service Appeal No. 967/2015

Date of Institution ... 24.07.2015

Date of Decision ... 06.09.2018

Jehandir Said S/O Anwar Khan, R/O Kot, Tehsil Balambat, Lower Dir.

... (Appellant)

VERSUS

1. The Excise and Taxation Officer /Motor Registering Authority Lower Dir and another. ... (Respondents)

Mr. Imdad Ullah,  
Advocate

-----  
--- For appellant.

Mr. Usman Ghani,  
District Attorney

--- For official respondents.

MR. SUBHAN SHER,  
MR. AHMAD HASSAN

--- CHAIRMAN  
--- MEMBER(Executive)

JUDGMENT

SUBHAN SHER, CHAIRMAN.- The appellant as per his version, was appointed as driver in the office of respondent no.1 on 23.2.2009, however, during this period due to the rise of insurgency in the area and other illegal activities like underplay i.e a word locally used for taking money and other movable properties on interest. That he was abducted allegedly by his creditors and remained in their custody till 03.04.2018. That after his release when he approached his office for duty, he came to know he had been terminated from service on 31.03.2015 which order he impugned before departmental appellate authority and the same was dismissed. Hence, the instant service appeal before this Appeal.

2. Arguments heard and record perused.

SWAT 6.9.2018

3. Mr. Imdad Ullah, Advocate learned counsel for the appellant contended that his absence was not willful but it was beyond his control being abducted by his creditors. Further contended that no proper procedure has been adopted before imposing major punishment of termination. He further contended that he had applied for leave which was sanctioned but even then he was terminated from service. At the end he requested to set aside the impugned order and reinstate him with all back benefits.

4. Mr. Usman Ghani, District Attorney strongly opposed the contentions of the appellant by arguing that the appellant without permission and without any justification absented himself from duty so he was proceeded against under Section-9 of the E&D Rules 2011 and thereafter, the competent authority passed the impugned order which is correct and in accordance with the law. Further contended that the so called leave application and sanctioned is nothing but a fake and frivolous document as it is neither available on the office record nor it was mentioned in the grounds of appeal, hence the same is liable to be rejected.


5. On perusal of the record and particularly the comments of the respondents, the claim of the appellant that he was abducted by the creditor has been proved as false and self concocted as is evident from the discussion below. From the letter issued by Deputy Director FIA, IBMS travel history clearly mentions that the appellant left the country on 13.10.2014 and arrived back on 03.04.2016 which are the dates when he remained absent. Similarly the proceedings under Section-9 of the E&D Rules 2011 were initiated by calling explanation from him and notice for joining duty was given to him at his home address but he did not reply not attended his duty. Ultimately notices were published in daily AJJ and daily Express but even then he did not turn up nor submitted any explanation. In short,


EW  
6.9.2018  
Syd

all codal formalities were fulfilled by the respondents and thereafter, the order of termination was passed by the competent authority.

6. So far the application for leave is concerned, as already discussed, his plea of absence from duty has already been proved on the strength of office document that in fact he had left the country abroad and remained there for two year. Even otherwise, no report in respect of his alleged abducted lodged in any police station of the area. Similarly, he annexed the leave application subsequently which is undated and asking leave for one year due to militancy. But no specific dates of leave are mentioned nor this plea was taken in the ground of appeal nor agitated before any forum. Similarly, no formal sanction was granted. Respondents representative in open court totally denied the submission of any such application by the appellant or sanction of leave given by the authority. Frankly speaking, if the said application is subjected to strict scrutiny, certainly it will be found fake and fabricated one. In short, this Tribunal did not find any illegality in the impugned order which may justify interference of this Tribunal under it appellate powers.

7. The pith of the foregoing discussion is that after taking consideration factual and legal aspect of the case this Tribunal is of the considered view that the appeal is no substance-viz-merits thus dismissed. In the circumstances, parties are left to bear their own costs. File be consigned to the record room.

  
(AHMAD HASSAN)  
Member

  
(SUBHAN SHER)  
Chairman  
Camp court swat

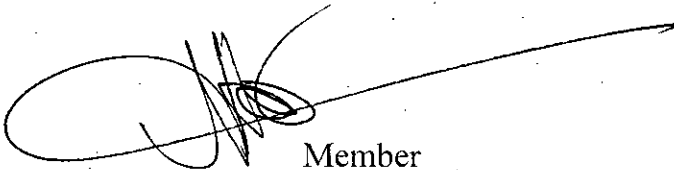
EW  
6.9.2018

ANNOUNCED  
06.09.2018


**ORDER**

06.09.2018 Appellant Jehandir Said in person alongwith his counsel Mr. Imdadullah, Advocate present. Mr. Usman Ghani, District Attorney for the respondents present. Arguments heard and record perused.

Vide our detailed judgment of today placed on file, the appeal is dismissed. In the circumstances, parties are left to bear their own costs. File be consigned to the record room.



Member




Chairman  
Camp Court Swat

**ANNOUNCED**  
06.09.2018

05.03.2018

Appellant in person and Addl. AG alongwith Muhamad Wakeel, Excise Inspector for the respondents present. Appellant seeks adjournment as his counsel is not in attendance. To come up for arguments on 04.04.2018 at camp court Swat.


  
Member

  
Chairman  
Camp court, Swat

04.04.2018

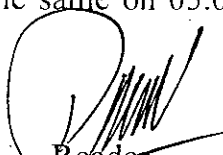
Counsel for the appellant and Mr. Usman Ghani, District Attorney for the respondents present. Learned District Attorney seeks adjournment. Granted. To come up for arguments on 10.05.2018 before D.B at Camp Court, Swat.

  
Member

  
Chairman  
Camp court, Swat

09.05.2018


The Tribunal is non-functional due to retirement of the Worthy Chairman. To come up for the same on 05.07.2018 before the D.B at camp court, Swat.

  
Reader

05.07.2018

Appellant Jehandar Said in person present. Mr. Muhammad Jan learned Deputy District Attorney for the respondents present. Appellant requested for adjournment on the ground that his counsel is not in attendance. Granted. To come up for arguments on 06.09.2018 before D.B at camp court Swat.

  
Member

  
Chairman  
Camp Court, Swat

04.05.2017


Appellant with counsel present. Mr. Muhammad Wakeel, Inspector Mian Amir Qadar, Deputy Attorney for the respondents also present. Written reply submitted. To come up for rejoinder and arguments on 04.10.2017 before D.B at Camp Court Swat.



(MUHAMMAD AMIN KHAN KUNDI)  
MEMBER  
Camp Court Swat


04.10.2017

Counsel for the appellant and Mr. Muhammad Zubair, District Attorney for the respondents present. Counsel for the appellant seeks adjournment. To come up for arguments on 03.1.2018 before D.B at camp court, Swat.

  
Member  
Chairman  
Camp court, Swat

03.01.2018


Appellant in person and Mian Amir Qadar, District Attorney alongwith Tahir Khan, S.I (Legal) for the respondents present. Rejoinder submitted. Counsel for the appellant is not in attendance. Appellant seeks adjournment. To come up for arguments on 05.03.2018 before the D.B at camp court, Swat.

  
Member  
Chairman  
Camp Court, Swat

Restoration application No. 25/16

10.11.2016

Petitioner in person and Mr. Muhammad Wakeel, Inspector Dir (Lower) alongwith Mian Amir Qadar, GP for the respondents present. Requested for further adjournment. To come up for written reply/comments on the applications on 05.1.2017 before S.B at camp court, Swat.

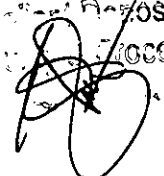
  
Chairman  
Camp court, Swat


05.01.2017

Petitioner with counsel and Mian Amir Qadar, GP for the respondents present. Reply to application submitted. Arguments on application for restoration of the appeal heard and record perused.

Since the appeal was dismissed in default at the preliminary stage and no notice could be issued to the respondents due to non-deposit of security and process fee as such the same is restored with stern direction to the appellant to remain vigilant in future. Security and process fee be deposited within a week thereafter notices be issued to the respondents. To come up for written reply/comments on 09.03.2017 before S.B at camp court, Swat.

Appellant Deposited  
Security and Process Fee



  
Chairman  
Camp court Swat.


09.03.2017

Counsel for the appellant and Mr. Muhammad Wakeel, Inspector and Umar Farooq, P,A alongwith Mian Amir Qadar, GP for the respondents present. Written reply not submitted Requested for further adjournment. Last opportunity granted. To come up for written reply/comments on 04.05.2017 before S.B at camp court, Swat.

  
Chairman  
Camp Court, Swat


04.05.2016

Counsel for the appellant and Mr. Muhammad Waeel, Inspector alongwith Mr. Amir Qadir, GP for the respondents present. Learned GP requested for adjournment. To come up for reply and arguments on application on 13.07.2016 before S.B at camp court, Swat.

  
Chairman  
Camp Court, Swat

13.7.2016

Counsel for the applicant and Mr. Shakeel Arshad, Inspector alongwith Mian Amir Qadir, G.P for the respondents present. Written reply not submitted. Requested for further adjournment. Last opportunity granted for submission of written reply to application. To come up for reply and arguments on application on 08.09.2016 before S.B at camp court, Swat .

  
Chairman  
Camp Court, Swat

08.09.2016

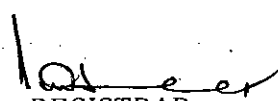


Petitioner in person and Mr. Muhammad Wakeel, Inspector alongwith Mian Amir Qadar, GP for the respondents present. Petitioner submitted application for condonation of delay copy whereof supplied to learned GP. The respondents have not submitted reply to restoration application despite last opportunity. Since the petitioner has submitted another application for condonation of delay as such one more opportunity is granted to them for submission of written replies to both the applications on 10.11.2016 before S.B at camp court, Swat.

  
Chairman  
Camp Court, Swat.



## FORM OF ORDER SHEET

Court of \_\_\_\_\_  
 Restoration Application No. 25 /2016

S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	24/02/2016	<p>The application for restoration of appeal No. <del>96</del><sup>97</sup>/15 submitted by Mr. Jahandar Said through Mr. Hazrat Said Khan may be entered in the relevant Register and put up to the Court for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	<u>01-03-2016</u>	<p>This restoration application be put up before Touring S. Bench at Swat on <u>09-03-2016</u></p> <p style="text-align: right;"> CHAIRMAN</p>
	09.03.2016	<p>Petitioner in person present. Notice to respondents be issued for 4.5.2016 before S.B at Camp Court Swat. Record be also requisitioned.</p> <p style="text-align: right;"> Chairman Camp Court Swat</p>

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

Restoration Application no. 25/2016

C.M. No. \_\_\_\_\_/2016

In

Service Appeal No. 967/15

J.W.P. Province  
Service Tribunal

Staff No. 140

Date 24-2-16

Jahandar Said.....Appellant/petitioner

**Versus**

Excise & Taxation Officer & others.....Respondents

**APPLICATION FOR THE RESTORATION OF  
THE ABOVE TITLED SERVICE APPEAL  
DISMISSED IN DEFAULT ON 07.12.2015.**

**Respectfully Sheweth:-**

1. That the above titled case was fixed on 30.09.2016 before this Honourable Tribunal.
2. That on the date fixed the case was transferred to Swat "Camp Court" and the next date given for appearance was 07.12.2016.
3. That the petitioner/appellant visited Swat but could not located the camp court and went back to home.
4. That on 18<sup>th</sup> of February the learned counsel for the petitioner appellant was contacted but on enquiry

I was informed that the appeal has been dismissed in default.

5. That the absence was not willful but the applicant could not located the court premises at Swat.
6. That there is no legal hindrance to restore the case and disposed off the appeal on merits as the valuable rights of the appellant is involved in it.

It s, therefore humbly prayed that on acceptance of this application the appeal may please be restored and be decide on merits.

Applicant/appellant  
Through



**Hazrat Said Khan**

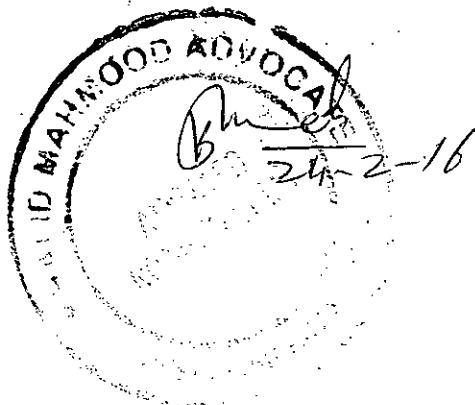
Advocate

Dated 24.02.2015

Supreme Court of Pakistan

### AFFIDAVIT

It is stated on oath that the contents of the **application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.



  
**DEPONENT**

30.09.2015

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant was appointed as Driver in Excise and Taxation Office Lower Dir in the year 2009. That he was subjected to inquiry on the allegations of wilful absence and dismissed from service vide impugned order dated 31.3.2015 regarding he preferred departmental appeal which was rejected on 30.6.2015 and hence the instant service appeal on 24.7.2015.

That the appellant was abducted by certain creditors and remained in captivity with effect from 12.8.2004 up to 3.4.2015 and as such his absence was not intentional.

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 7.12.2015 before S.B at Camp Court Swat as the matter pertains to the territorial limits of Malakand Division.

  
Chairman

7.12.2015

None present for appellant. Security and process fee also not deposited. The appeal is dismissed for want of prosecution. File be consigned to the record room.

ANNOUNCED  
7.12.2015

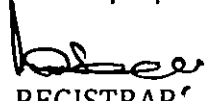



  
CHAIRMAN  
Camp Court Swat

07/12

Form- A  
FORM OF ORDER SHEET

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

Case No. 967/2015


S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	26.08.2015	<p>The appeal of Mr. Jehandar Said resubmitted today by Mr. Hazrat Said Khan Advocate may be entered in the Institution register and put up to the Worthy Chairman for proper order.</p> <p style="text-align: right;"> REGISTRAR</p>
2	27-8-15	<p>This case is entrusted to S. Bench for preliminary hearing to be put up thereon <u>31-8-15</u></p> <p style="text-align: right;"> CHAIRMAN</p>
3	31.08.2015	<p>None present for appellant. The appeal be relisted for preliminary hearing for 22.9.2015 before S.B.</p> <p style="text-align: right;"> Chairman</p>
4	22.09.2015	<p>Agent of counsel for the appellant present. Seeks adjournment. Adjourned to 30.9.2015 for preliminary hearing before S.B.</p> <p style="text-align: right;"> Chairman</p>

The appeal of Mr. Jehandir Said son of Anwar Khan r/o Kot Tehsil Balambat Lower Dir received to-day i.e. on 24.07.2015 is incomplete on the following score which is returned to the counsel for the appellatant for completion and resubmission within 15 days.

- 1- Memorandum of appeal may be got signed by the appellatant.
- 2- Copy of departmental appeal is not attached with the appeal which may be placed on it.
- 3- Annexures of the appeal may be attested.

No. 1102/S.T,

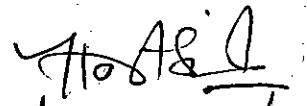
Dt. 27/7/2015

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Hazrat Said Khan Adv. Peshawar.

11/08/2015

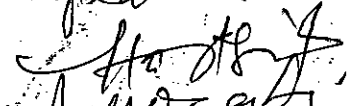
The deficiencies No. 1 & 3 has been removed/fulfilled while No. 2 has not been fulfilled as in Respondent No. 2 is not providing the copy of the appeal. Therefore, either date may then be extended or notice be issued to the respondent No. 2 for the record.

  
Advocate

⑩ days time extended.

21/08/2015

Re-submitted with compliance.

  
Advocate

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

Service Appeal No. 967 /2015

Jehandir Said. ....Appellant

Versus

Excise & Taxation Office & another. ....Respondents

**I N D E X**

S.No	DESCRIPTION OF DOCUMENTS	ANNEX	PAGES
1.	Service Appeal		1-5
2.	Affidavit		6
3.	Addresses of the parties		7
4.	Copy of appointment order	A	8
5.	Copies of termination order along with relevant documents	B <sub>1</sub> -B/20	9-18/A
6.	Copies of comments and order of respondent No.2	C & D	19-20
7.	Wakalatnama		21

Appellant  
Through



**Hazrat Said Khan**  
Advocate, Peshawar

Dated: 16.07.2015

①

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

Service Appeal No. 967 /2015

**A.W.F. Province**  
**Service Tribunal**  
Diary No. 877  
Dated 24-7-2015

Jehandir Said S/o Anwar Khan

R/o Kot, Tehsil Balambat, Lower Dir. . . . . Appellant

Versus

1. Excise & Taxation Office/ Motor Registering Authority  
Lower Dir.
2. Deputy Director Excise, Taxation & Narcotics Control,  
Malakand Region, Swat. . . . . Respondents

**APPEAL U/S 4 OF THE SERVICES TRIBUNAL  
ACT, 1974 FOR SETTING ASIDE/  
DECLARING NULL AND VOID BOTH THE  
ORDERS OF THE RESPONDENTS NO.1 & 2  
AND FOR THE RESTORATION OF THE  
SERVICES OF THE APPELLANT WITH FULL  
BACK BENEFITS.**

*24/7/15*  
*Qadw*  
*24/7/15*

**Respectfully Sheweth:**

1. That the appellant is/ was appointed as Driver in the  
office of the respondent No.1, on 23.05.2009. (Copy  
of the order is attached as annexure "A").

**Re-submitted to-489  
and filed.**  
*24/8/15*  
**Registrar,**



2. That the appellant was performing his duties with full satisfaction of the respondents and never ever any adverse remarks have been entered in his service book/ record.
3. That for the last half a decade the insurgency has taken place in the whole of Malakand Division and also big scandals have taken place like vehicle scandal best known as "Underplay" in which thousands of peoples have lost their money and are passing hand to mouth life.
4. That the appellant has some transaction in the same business before joining the service with respondent No.1 as such the creditors abducted the appellant and took him to some unknown place and was kept there till 03.04.2015. It is pertinent to mention that the matter was not reported to the police or Military official, as the appellant was threatened that if the matter is taken to the law enforcing agencies, they will not spare his life.
5. That after his release he reached to the office for his duty but for his utter surprises it was communicated to the appellant that he has been terminated on 31.03.2015, three (3) days before his release/ arrival. It is further submitted that the respondent No.1 was

fully in knowledge of the whole episode but even then procedure for the termination of the appellant has been fulfilled and his termination order was issued/ passed. (Copies of the termination order alongwith relevant documents are attached as annexure "B" to "B/9" respectively).

6. That the termination order was arbitrary and illegal as the appellant was in the physical control of the other people as such it was not possible to attend the office or to reply for the publication, therefore, preferred a representation before the respondent No.2, which was well within time and the reasons for the absence was given in the written form, comments were called from respondent No.1, but instead of considering the representation sympathetically the respondent No.2 repeated the order of the respondent No.1 and by a short order dismissed it. (Copy of the comments and order are attached as annexure "C" & "D", while copy of representation has not been given to the appellant by the respondent No.2).

Being aggrieved and having no other adequate remedy the appellant submits the instant appeal on the following grounds; .....

**GROUNDS:**

- A. That the appellant was neither ill nor absconder but was in the physical custody of the creditors etc, therefore, it was not possible for the appellant to attend his duties, as such not considering the factual position of the matter is illegal, unlawful, without lawful authority and jurisdiction, hence need correction by this Honourable Tribunal.
- B. That a short interval of eight (8) months has been lapsed in which, even otherwise, the appellant was at liberty, therefore, the termination order is the last penalty and always it is used against an employee if he is on fault but in the instant case the appellant has no ill-will or malafide, therefore, using the major penalty against the appellant is against the natural justice, fundamental rights of the appellant as well as against the Service Rules.
- C. That the respondent No.1 has never extended any opportunity to the appellant to defend his position and has passed an illegal order, while the respondent No.2 has also not considered the contention of the appellant, but has repeated the order of the respondent No.1, which is illegal, injustice and a bureaucratic order, which is not tenable and is liable to be set aside.

D. That the appellant is the citizen of Pakistan, has five (5) years service in the Department and has never been committed any wrong, which is evident from his record and his absence was not intentional, therefore, proper opportunity for his defence was his right and not considering it is beyond jurisdiction and law such be declared null and void, void-ab-initio and against the rules.

It is, therefore, humbly prayed that on acceptance of this appeal, both the orders of the respondents No.1 & 2 be set aside and the services of the appellant be restored with back benefits and cost.

Appellant

Through

  
**Hazrat Said Khan**  
Advocate, Peshawar

Dated: 16.07.2015

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

Service Appeal No. \_\_\_\_\_/2015

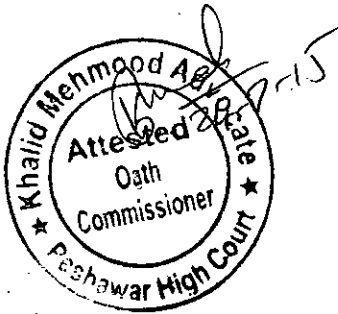
Jehandir Said. .... Appellant

Versus

Excise & Taxation Office & another. .... Respondents

**AFFIDAVIT**

I, Jehandir Said S/o Anwar Khan R/o Kot, Tehsil Balambat, Lower Dir, do hereby solemnly affirm and declare on oath that the contents of the accompanying **Service Appeal** are true and correct to the best of my knowledge and belief and nothing has been kept concealed from this Hon'ble Court.



*Jehandir Said*  
DEPONENT



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

Service Appeal No. \_\_\_\_\_/2015

Jehandir Said. ....Appellant

Versus

Excise & Taxation Office & another. .... Respondents

**ADDRESSES OF THE PARTIES**

**APPELLANT:**

Jehandir Said S/o Anwar Khan  
R/o Kot, Tehsil Balambat, Lower Dir.

**RESPONDENTS:**

1. Excise & Taxation Office/ Motor Registering Authority  
Lower Dir.
2. Deputy Director Excise, Taxation & Narcotics Control,  
Malakand Region, Swat.

Through Appellant  
  
**Hazrat Said Khan**  
Advocate, Peshawar

Dated: 16.07.2015

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Annex A

OFFICE OF THE EXCISE AND TAXATION OFFICER, LOWER DIR  
(TIMERGARAH)

Dated 23 / 5 / 2009

ORDER

No. 980-84 On the recommendation of Departmental Selection Committee, Jehandir Said S/o Anwar Khan, Kot Tehsil Balambat Lower Dir is hereby appointed as Driver (BS-4) (3240-140-7440) against an existing vacancy in the office of Excise and Taxation Officer, Lower Dir with immediate effect on the following terms and conditions :-

1. He will get pay at the minimum of BS-04 including usual allowances as admissible under the rules. He will be entitled to annual increment as per existing policy.
2. He shall be governed by the NWFP Civil Servants Act 1973 and all the laws applicable to the Civil Servants and Rules made thereunder.
3. He shall for all intents and purposes, by Civil Servant except for purpose of pension or gratuity, he will be entitled to receive such amount contributed by them towards Contributory Provident Fund (C.P.F.) alongwith the contributions made by the Government to their account in the said fund, in the prescribed manner.
4. In case, he wishes to resign at any time, 14 days notice will be necessary or in lieu thereof 14 days pay will be forfeited.
5. He shall produce a Medical Certificate of Fitness from Medical Superintendent, Services Hospital, Peshawar, as required under the rules.
6. He has to join duties in his own expenses.

If the above terms and conditions are acceptable to him, he should report for duty to the office of Excise and Taxation Officer, Lower Dir within 14 days against the existing vacancy.

Attested  
HKS  
29/07/2015

EXCISE & TAXATION OFFICER,  
LOWER DIR (TIMERGARAH)

ENDST: NO. & DATE OF EVEN

Copy forwarded to:-

1. The Director General, Excise & Taxation NWFP, Peshawar.
2. The Accountant General, NWFP, Peshawar.
3. P.S to Minister, Excise and Taxation, NWFP.
4. P.S. to Secretary, Excise and Taxation Department.
5. Jehandir Said S/o Anwar Khan, Kot Tehsil Balambat Lower Dir

Supdr  
by A. R.

EXCISE & TAXATION OFFICER,  
LOWER DIR (TIMERGARAH)

9

Annex B

OFFICE OF THE EXCISE & TAXATION OFFICER/MOTOR  
REGISTERING AUTHORITY DIR (L). PHONE#0945-9250148.

No. 2728 /MRA LOWER DIR

Dated. 12 /08/2014.

To Mr. Jehan dar said (Driver),

Subject: EXPLANATION.

All the detailed orders were canceled vide Director General Excise & Taxation Department Khyber Pakhtunkhwa Peshawar order No.8985/Estb/XXXV-D-412/246182 dated 07-07-2014.

The undersigned observed that you Mr. Jehan dar said Driver of this office has not reported for duty and still found absent from the duty with out prior permission of the undersigned.

In this regard you are directed to explain your position within in 07 days positively otherwise strict disciplinary action will be initiated against you under the relevant rules.

Moreover, the account section of this office directed to stop the salary of the official concerned with immediate effect.

g.e. **EXCISE & TAXATION OFFICER/  
MOTOR & REGISTERING AUTHORITY  
LOWER DIR.**

No. 2728 /MRA

Dated. /08/2014.

Copy forwarded for information & necessary action to:

- 1) PA to Director General, Excise & taxation Department Khyber Pakhtunkhwa Peshawar.
- 2) PA to Director (Admn) Excise & taxation Department Khyber Pakhtunkhwa Peshawar.
- 3) PA to Deputy Director Excise & taxation Department Malakand Region at Swat.

Accepted  
H.S.B  
29/07/2015

g.e. **EXCISE & TAXATION OFFICER/  
MOTOR & REGISTERING AUTHORITY  
LOWER DIR.**



18

Amr (B-1)

OFFICE OF THE EXCISE & TAXATION OFFICER/MOTOR REGISTERING AUTHORITY DIR (L). PHONE#0945-9250148.

No. 2776 /MRA LOWER DIR

Dated. 4 /09/2014.

Mr. Jehan dar said (Driver),

Subject: ABSENT FROM GOVERNMENT DUTY.

An explanation was called upon you vide this office letter no 2728/MRA Lower dir dated 12/8/2014, but you failed to attend the office of the undersigned for Government duty and remained absent till date.

Therefore, you are once again directed to report for duty with in 07 days positively otherwise strict disciplinary action will be initiated against you under the relevant rules.

EXCISE & TAXATION OFFICER/  
MOTOR & REGISTERING AUTHORITY  
LOWER DIR.

No. 2777-78 /MRA

Dated. /09/2014.

Copy forwarded for information & necessary action to:

- 1) PA to Director General Excise & taxation Department Khyber Pakhtunkhwa Peshawar.
- 2) PA to Director (Admn) Excise & taxation Department Khyber Pakhtunkhwa Peshawar.
- 3) PA to Deputy Director Excise & taxation Department Malakand Region at Swat.

Attested  
11/8/14  
28/7/15

EXCISE & TAXATION OFFICER/  
MOTOR & REGISTERING AUTHORITY  
LOWER DIR.

(14)

Ann<sup>C B-27</sup>

OFFICE OF THE EXCISE & TAXATION OFFICER/MOTOR  
REGISTERING AUTHORITY DIR (L). PHONE#0945-9250148.

No. 3053 /MRA LOWER DIR

Dated. 21 /11/2014.

To  
The Deputy Director Excise & Taxation Department,  
Malakand Region at Swat.

Subject: REPORT REGARDING ABSENTEE OF JEHANDAR SAID DRIVER.

It is submitted that one Mr. Jehandar Said driver of the office of undersigned has been remained absent from his duty 02/08/2014 till date with out prior permission / application to this office.

The explanation has been called vide this office letter no.2728/MRA Lower dir dated 12-08-14 , 2776/MRA Lower dir dated 04-09-2014 and has been sent to his home through special messenger . Till date the official has not attended the office nor he has sent reasons of absence.

Therefore, keeping in view the above facts, the case of the official is forwarded to your good self for taking appropriate action against the official .

Report is forwarded please.

EXCISE & TAXATION OFFICER/  
MOTOR & REGISTERING AUTHORITY  
LOWER DIR.

No. 3054-55 /MRA

Dated. 21 /11/2014.

Copy forwarded for information & necessary action to:

- 1) PA to Director General, Excise & taxation Department Khyber Pakhtunkhwa Peshawar.
- 2) PA to Director (Admn) Excise & taxation Department Khyber Pakhtunkhwa Peshawar.
- 3) Mr. Jehandar said Driver of this Office.

EXCISE & TAXATION OFFICER/  
MOTOR & REGISTERING AUTHORITY  
LOWER DIR.

Handwritten notes: Admn, 28/7/15

(18)

Amre B-3

OFFICE OF THE EXCISE & TAXATION OFFICER/  
MOTOR REGISTERING AUTHORITY, DIR  
(LOWER).

Phone # 0945-9250148

No. 25

Dated 13/1/2015

To

The Director,  
Information department Khyber Pakhtunkhwa Peshawar.

Subject: PUBLICATION OF DECLARATION.

Please find herewith seven (7) copies for the purpose of the publication of  
declaration.

Moreover, budget is available in the relevant head of account.

Therefore, you are, requested that published declaration in the press (one  
Urdu and one English daily news paper) please.

EXCISE & TAXATION OFFICER/  
MOTOR REGISTERING AUTHORITY,  
LOWER DIR.

Dated: 13/1/2015

No. 26-27

Copy to:-

1. PA to Director General, Excise & Taxation, Khyber Pakhtunkhwa, Peshawar.
2. PA to Deputy Director, Excise & Taxation, Malakand Region at Swat.

Attended  
HSA  
28/7/15

EXCISE & TAXATION OFFICER/  
MOTOR REGISTERING AUTHORITY,  
LOWER DIR.

(18)

Annex B-4

اظہار وجوہ نوٹس

آپ سہمی جہاندر سید (ڈرائیور) اگست 2014ء سے اپنی ڈیوٹی سے بلا وجہ غیر حاضری ہیں۔ آپ کو بذریعہ سپیشل مسیجر اگلے گھر پتہ پر بحوالہ چھٹی نمبر 2728/MRA مورخہ 12/08/2014، چھٹی نمبر 2776 مورخہ 04/09/2014، چھٹی نمبر 3045 مورخہ 20/11/2014، چھٹی نمبر 3053 مورخہ 21/11/2014 اطلاع دی گئی کہ آپ ڈیوٹی پر حاضر ہو جائیں اور غیر حاضری کی وجہ بتائیں۔ لیکن تا حال نہ آپ ڈیوٹی پر حاضری دی اور نہ ہی تحریری رپورٹ دی۔

لہذا آپ کو بذریعہ اشتہار مطلع کیا جاتا ہے کہ اس اشتہار کے 15 دن کے اندر اندر ڈیوٹی پر حاضر ہو جائیں بصورت دیگر آپ خلاف گورنمنٹ خیبر پختونخواہ (ای اینڈ ڈی) رولز 2011 کی دفعہ نمبر 9 کے تحت یکطرفہ کارروائی کی جائے گی۔ جو آپ کو ملازمت سے برطرف کر سکتی ہے۔

(فضل غفور)  
ایکسٹرا اینڈ میکیسیشن آفیسر  
یونٹ ڈیرہ بمقام تیمر گڑھ

1/15

Attested  
AGJ  
28/07/15

پشاور ایبٹ آباد اسلام آباد اور کراچی سے ہفت روزہ شائع ہونے والا کثیر الاثر شاعرانہ قومی رسالہ

Amix B-5



روزنامہ

پشاور پاکستان

عبدالواحد یوسفی ایڈیٹر

صفحات 12

جلد 26 جمعہ 16 دسمبر 2015ء 24 ربیع الاول 1436ھ 12 دسمبر 2015ء شمارہ 07

**دیویڈنٹ انجینئر**  
**ایبٹ آباد کٹریری انجینیئرنگ**

INF(P)200

**آسامیاں خالی ہیں**

فیک ایک سینئر کنکریٹ ڈیزائنر اور 16 سالہ (25 سالہ) کیلے فیئر مینور ٹریننگ سے سزوں امیدواروں سے متعلقہ لیڈ ماسٹروں کیلئے فراہم کیے جارہے ہیں۔

نمبر	تعداد	تجربہ	مقام	تعلیمی قابلیت
1	1	18-40 سال	ایبٹ آباد	کامیاب ڈراما ٹیک لاسٹنس مختلف تجربہ رکھنے والے امیدواروں کو ترجیح دی جائیگی
2	2	18-40 سال	ایبٹ آباد	مختلف تجربہ رکھنے والے امیدواروں کو ترجیح دی جائیگی

دیویڈنٹ کے ایبٹ آباد کٹریری ڈیزائنر اور ڈیزائنر کے ساتھ ساتھ کامیاب ڈراما ٹیک لاسٹنس اور مختلف تجربہ رکھنے والے امیدواروں کو ترجیح دی جائیگی۔

**پوسٹ بکس نمبر 1208 جس میں اوپنٹور جیتیں**  
 INF(P) 307 Also available on [www.hyderabad.tn.tn.gov.pk](http://www.hyderabad.tn.tn.gov.pk)

**پشاور ہائیڈرو پاور پراجیکٹ**

**ایبٹ آباد کٹریری ڈیزائنر اور ڈیزائنر کے ساتھ ساتھ کامیاب ڈراما ٹیک لاسٹنس اور مختلف تجربہ رکھنے والے امیدواروں کو ترجیح دی جائیگی۔**

0945-9250148

ایبٹ آباد کٹریری ڈیزائنر اور ڈیزائنر کے ساتھ ساتھ کامیاب ڈراما ٹیک لاسٹنس اور مختلف تجربہ رکھنے والے امیدواروں کو ترجیح دی جائیگی۔

بائبل	ٹویٹا	2012
وہس ٹریک کیل کرینے پلے	The original fuel five	world metal.
NZE140-2130908	LEA-12-0000	

INF(P)276

**اطلاع دو جگہ تھیں**

آپ کی جہانگیر سید (ڈراما ٹیک) اگست 2014ء سے اپنی ذیولٹی سے بلاوجہ غیر حاضری دے رہے ہیں۔ آپ کو پندرہ روزہ نوٹس دیا گیا تھا کہ آپ کے پتے پر بحوالہ جیسی نمبر 2728/MRA مورخہ 17/07/2014ء جیسی نمبر 2776 مورخہ 4/9/2014ء جیسی نمبر 3045 مورخہ 20/11/2014ء جیسی نمبر 3053 مورخہ 21/11/2014ء اطلاع دی گئی کہ آپ ذیولٹی پر حاضری دے جائیں اور غیر حاضری کی وجہ بتائیں۔ لیکن آپ نے اس اطلاع پر ذیولٹی پر حاضری دینی اور نہ ہی تحریری رپورٹ دی۔

لہذا آپ کو پندرہ روزہ نوٹس دیا گیا تھا کہ اس اشتہار کے 15 دن کے اندر اندر ذیولٹی پر حاضری دے جائیں بصورت دیگر آپ کے خلاف کارروائی کی جائے گی۔ (ای اینڈ ڈی) روزانہ 2011ء کی دفعہ نمبر 9 کے تحت جیٹورڈ کارروائی کی جائے گی جو آپ کو ملازمت سے برطرف کر دے گی۔

**نقل غفور**

**ایبٹ آباد کٹریری ڈیزائنر اور ڈیزائنر کے ساتھ ساتھ کامیاب ڈراما ٹیک لاسٹنس اور مختلف تجربہ رکھنے والے امیدواروں کو ترجیح دی جائیگی۔**

INF(P)275 also available on [www.hyderabad.tn.tn.gov.pk](http://www.hyderabad.tn.tn.gov.pk)

Attended  
 ASB  
 28/7/15

DAILY EXPRESS

ایک روز نامہ

پاکستان کے 11 شہروں سے ایک وقت شائع ہونے والا ادارتی اخبار

107 رجسٹرڈ آرٹیکل نمبر ایف آئی اے 1436 ایف آئی اے 16 ایف آئی اے 2013

FRIDAY, JANUARY 16, 2015

پاکستان کے 11 شہروں سے ایک وقت شائع ہونے والا ادارتی اخبار

107 رجسٹرڈ آرٹیکل نمبر ایف آئی اے 1436 ایف آئی اے 16 ایف آئی اے 2013

Available on [www.khyberpakhtunkhwa.gov.pk](http://www.khyberpakhtunkhwa.gov.pk) INR(P)268

ایک روز نامہ

پاکستان کے 11 شہروں سے ایک وقت شائع ہونے والا ادارتی اخبار

107 رجسٹرڈ آرٹیکل نمبر ایف آئی اے 1436 ایف آئی اے 16 ایف آئی اے 2013

Available on [www.khyberpakhtunkhwa.gov.pk](http://www.khyberpakhtunkhwa.gov.pk) INR(P)275

Alister MBZ 28/7/15

616

Am B-7

OFFICE OF THE EXCISE & TAXATION OFFICER/MOTOR REGISTERING AUTHORITY DIR (L). PHONE#0945-9250148.

No. 99 /MRA LOWER DIR

Dated. 3 / 0 / 2015.

TO,

The Deputy Director,  
Excise & taxation department Malakand Region.

Subject: REPORT REGARDING ABSENTEE OF JEHANAR SAID DRIVER.

It is stated for your kind information that one Mr. Jehandar Said driver of this office has been remained absent from his official duties w.e.f. from 02-08-2014 to till date.

During his period of absentee this official has called explanation for his wilful absence from duties vide this office letter no.2728/MRA Lower dir dated 12-08-14 , 2776/MRA Lower dir dated 04-09-2014 , 3045/Mv dated 20-11-2014 and detail report to your office vide this office letter no.3053 dated 21-11-2014.the explanation has been sent to him through special messenger, but the official has neither submit his report of wilful absence nor he has assumed his duties.

Finally this office has served a notice through leading news papers i.e. daily "AJJ" and daily "Express" dated 16-01-2015 for report of his duties with in 15 days, but it is astonishing that the official has not yet report to his duties nor he sent a valid reason for his absence.

Therefore, keeping in view the above position it is proposed that legal action against the official may be initiated under E & D-rules in the large interest of department please.

( Copies of the explanation along with notices issued through leading news papers are attached for ready referen. )

Approved: H.A.A. 28/07/15

EXCISE & TAXATION OFFICER/  
MOTOR & REGISTERING AUTHORITY  
LOWER DIR.

Dated. 3 / 0 / 2015.

No. 100 /MRA

Copy forwarded for information to:

- 1) PA to the Director General Excise & Taxation Department Khyber Pakhtunkhwa Peshawar.

EXCISE & TAXATION OFFICER/  
MOTOR & REGISTERING AUTHORITY  
LOWER DIR.

(17)  
Annex "B-8"

OFFICE OF THE DEPUTY DIRECTOR EXCISE & TAXATION MALAKAND  
REGION SWAT

NO 1046 /DD/Mkd

DATED: 30 / 03 / 2015

To

Excise & Taxation Officer  
Dir Lower.

SUBJECT: REPORT REGARDING ABSENTEE OF JEHADAR SAID DRIVER.

Memo:

Reference your letter vide No.99/MRA Lower Dir dated 03-02-2015, on the subject cited above.

Wherein you have completed all the relevant procedure under Rule-9 of Efficiency and Discipline Rules 2011 and the stipulated time has already been expired for reporting to his official duties.

Since, you being competent authority have appointed the said official, after recommendation of Departmental Selection Committee, whose meeting was held on 09-05-2009, and then you issued order of appointment vide No.980-84 dated 23-05-2009 under your signature and seal.

Therefore, it is hereby directed to take final action under efficiency and Discipline Rules 2011, under intimation to this office in the best public interest without further delay.

*Handwritten:*  
Atkhd  
AS, G  
28/07/2015

NO \_\_\_\_\_ DD/Mkd

Copy to:-

- 1) P.A to Director General Excise and Taxation Khyber Pakhtunkhwa Peshawar for information.

*Signature*  
DEPUTY DIRECTOR  
EXCISE AND TAXATION  
MALAKAND REGION SWAT

DATED: \_\_\_\_\_ / 2015 30/3

*Signature*  
DEPUTY DIRECTOR  
EXCISE AND TAXATION  
MALAKAND REGION SWAT



18

Amir B-9

OFFICE OF THE EXCISE & TAXATION OFFICER/MOTOR REGISTERING AUTHORITY DIR (L). PHONE#0945-9250148.

No. \_\_\_\_\_/MRA LOWER DIR

Dated. \_\_\_\_\_/03/2015.

OFFICE ORDER.

Whereas, Mr. Jehandar Said driver of this office has been remained absent from his official duties w.e.f. from 02-08-2014 to till date.

During his period of absence this official has called explanation for his wilful absence from duties vide this office letter no.2728/MRA Lower dir dated 12-08-14, 2776/MRA Lower dir dated 04-09-2014, 3045/Mv dated 20-11-2014 and sent detail report to the office of deputy director Excise & taxation department Malakand region at swat vide this office letter no.3053 dated 21-11-2014, no.99/MRA Lower Dir. The explanations has been sent to him on his home address through special messenger.

And whereas, the official concerned did not resume his duty with in stipulated period and also no response was received from his side.

And whereas, under Rule 9 of Khyber Pakhtunkhwa Govt: Servant (Efficiency and Disciplinary Rules, 2011, notice for resuming of duties to the official was published in two leading daily newspapers, directing him to resume his duty in the office of under signed within 15 days after publishing of the notice. In the advertisement, it was laid that in case of failure, ex-parte action will be taken against him.

And whereas, after publishing of the notice on 16/01/2015 in daily "AJJ" and daily "Express", the official failed to resume duty within stipulated 15 days.

Now therefore, I, as, competent authority, do hereby impose the major penalty of Removal from service as laid under Rule- 4 (b) of the Khyber Pakhtunkhwa Govt: Servant (Efficiency and Disciplinary Rules, 2011, upon Mr. Jehandar Said driver of this office. Accordingly, he ( Jehandar Said) is terminated from service w.e.f. 02-08-2014.

Amir B-9  
28/2/15

EXCISE & TAXATION OFFICER/  
MOTOR & REGISTERING AUTHORITY  
LOWER DIR.

No. 1207-11/MRA

Dated. 31/03/2015.

Copy forwarded for information to:

- 1) PA to the Director General Excise & Taxation Department Khyber Pakhtunkhwa Peshawar.
- 2) PA to Director (Admin) Excise & Taxation Department Khyber Pakhtunkhwa Peshawar.
- 3) PA to Deputy Director Excise & Taxation department Malakand Region.
- 4) District Accounts Officer Dir Lower at Timergara.
- 5) Mr. Jehandar Said Driver resident of Shakar Tangai P/O Koto Tehsil Balambat District Dir Lower for information.

EXCISE & TAXATION OFFICER/  
MOTOR & REGISTERING AUTHORITY  
LOWER DIR.

187A

70 Annex 8/10

خدمت جناب ڈپٹی ڈائریکٹر ایکسائز و ٹیکسیشن ملاکنڈ ریجن بمقام سوائف

اپیل برخلاف ای ٹی اولو کو ری آرڈر

عنوان:

Sri DFA submitted for personal appraisal 28/11/13

نمبر: 27/2015

جسکی رو سے اپیل کٹھنہ کو ملازمت سے یکطرفہ کارروائی کر کے برخاست کیا گیا۔

Urdu text: common both parties, ETO Dir (L) for complaint second case

سائل حسب ذیل عرض گزار ہے۔

1- یہ کہ مندرجہ عنوان بالا آرڈر سائل کی غیر موجودگی میں یکطرفہ کارروائی کر کے صادر فرمایا گیا ہے۔ جو کہ قابل اعتراض و قابل منسوخ ہے۔

2- یہ کہ نہ ہی سائل کو اپنی صفائی کا موقع دیا گیا ہے۔ اور نہ ہی جس انکوائری کی بنیاد پر سائل کو نوکری سے برخاست کیا گیا ہے کی کارروائی کی سائل کو کوئی خبر ہوئی، جو کہ انصاف کے تقاضوں کے منافی ہے۔

3- یہ کہ سائل نے ہمیشہ اپنی ذیوقی ایمانداری اور اخلاص کے ساتھ بھائی ہے اور اپنے اقران کو کبھی شکایت کا موقع نہیں دیا۔ یہ کہ سائل کی غیر حاضری جسکو بنیاد بنا کر نوکری سے برخاست کیا گیا ہے۔ بلاوجہ نہیں تھی، بلکہ گھر طو ضروریات اور اپنی الیمیٹی

بیماری کی وجہ سے بھاری قرضہ کے بوجھ کے دینے کی وجہ۔ قرض خواہوں نے سائل کو جبراً اٹھوا کر نامعلوم مقام پر یہو طار یا تھانہ اور میرے گھر والوں کو دھمکی دی تھی کہ وہ بیوں کا بندوبست کریں کو مجھے چھوڑ دیا جائے گا۔

5- یہ کہ جن لوگوں نے پیسوں کی وصولی کیلئے مجھے نظر بند کیا تھا، میرے گھر والوں کو یہ دھمکی بھی دی تھی کہ اگر انہوں نے پولیس کو رپورٹ کی تو مجھے جان سے مار دیں گے۔

6- یہ کہ تقریباً 7-8 مہینے انخوا کاروں کو ترغیض کی ادائیگی کے بعد سائل کو رہائی نصیب ہوئی اور رہائی ملتے ہی جب دفتر میں حاضری کی معلوم ہوا کہ مندرجہ عنوان بالا آرڈر کے تحت یکطرفہ کارروائی کر کے ہوئے ضلع لوئر دیر سے میری درخواستگی کے تحت رہائی دی گئی ہیں۔

7- یہ کہ سائل بال بچے دار آدمی ہے اور اپنے گھر کا واحد کفیل ہے۔ نہ ہی سائل کی کوئی جائیداد یا دیگر کاروبار و ضروری آمدنی ہے۔ اور سائل سے درخواستگی سائل کیلئے معاشی موت کے مترادف ہے۔

8- یہ کہ میرے بیان کی تصدیق میرے گھر والوں اور قریب کے رشتہ داروں سے کسی بھی وقت کی جاسکتی ہے۔ حالات بالا حاضرانہ گزارش یہ ہے کہ سائل کے عذت مجبوری، لا جارہی اور گھر بیوہ مدداریوں پر انسانی ہمدردی کی بنیاد پر نوکری اور اپنی نوکری پر بحال کیا جائے تا حیات مشکور رہوں گا۔

Handwritten signature and official stamp of the Taxation Department, Peshawar.

Attested by ABF 28/08/2015

PROVINCIAL TAXATION DEPARTMENT PESHAWAR REGISTERING AUTHORITY

(19)

*Amr*

OFFICE OF THE EXCISE, TAXATION & NARCOTICS  
CONTROL OFFICER DIR (L). PHONE#0945-9250148.

No. 2158 /MRA LOWER DIR

Dated. 25 /08/2015.

TO,

The Deputy Director,  
Excise, Taxation & Narcotics Control department Malakand Region.

Subject: REPORT/COMMENTS.

Refer to your office letter no.1170/DD/MKD on the subject cited above.

In this regard the following report/comments are offered.

1) The applicant (Mr. Jehundar Said driver) of this office ~~was~~ remained absent from his official duties w.e.f. from 02-08-2014 to till date.

During this period of absentee explanations were called for his wilful absence from duties vide this office letter no.2728/MRA Lower dir dated 12-08-14, 2776/MRA Lower dir dated 04-09-2014 , 3045/Mv dated 20-11-2014 and detail report was sent to your office vide this office letter no.3053 dated 21-11-2014. The explanation has been sent to him through special messenger, but the official has neither submit his report of wilful absence nor he has assumed his duties.

Finally this office has served a notice through leading news papers i.e. daily "AJJ" and daily "Express" dated 16-01-2015 for report of his duties with in 15 days, but it is astonishing that the official has not yet report to his duties nor he sent a valid reason for his absence.

Finally, keeping in view, the above position, legal action against the official concerned was initiated under Rule-4(b) of E & D rules 2011 in the large interest of department vide this office, office order no.1206/MRA LOWER DIR dated 31-03-2015 and was terminated from service w.e.f. 02-08-2014.

Report/ Comments are submitted for perusal please.

(Copies of the explanation, office order along with notices issued through leading news papers are attached for ready reference).

*Attested  
M&B  
28/7/15*

*[Signature]*  
EXCISE & TAXATION OFFICER/  
MOTOR & REGISTERING AUTHORITY  
LOWER DIR.

(10)

Amir D

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

NO \_\_\_\_\_/DD/Mkd

DATED: \_\_\_\_\_/\_\_\_\_\_/2015

**ORDER.**


Mr. Jehandar Said (Ex-driver) of the office of Excise, Taxation and Narcotics Control officer Dir Lower has lodged appealed against the order No.1206/MRA Lower Dir, dated 31-03-2015, to undersigned, he termed the order as ex-pratie objectionable where in injustice further says that he was abducted by is creditor and kept him for 7-8 months.

Whereas, Excise, Taxation and Narcotics Control officer Lower Dir called explanation from him vide No.2728/MRA Lower Dir dated 12-08-2014, 2776/MRA Lower Dir dated 04-09-2014, 3045/MRA Lower Dir 20-11-2014 and directed him to report for duty, but he was continuously absent from official duty since 02-08-2014, up to his termination from service i.e. 31-03-2015.

Later on Excise, Taxation and Narcotics Control officer Lower Dir published "Show Cause Notice" in two National Dalies i.e. AJJ dated 16-01-205 and Daily Express Peshawar on 16-01-2015 but he failed to report for duty until his termination. Comments/report vide No 2159/MRA Lower Dir dated 25-06-2015 of Excise, Taxation and Narcotics Control officer Lower Dir received on dated 29-06-2015.

Whereas Mr. Jehandar Said were summoned by undersigned to appear and produced documents in his support, but he failed to produce any documents in his support.

The competent authority is pleased to dismiss the appeal being meritless in the best public interest.


  
DEPUTY DIRECTOR  
EXCISE, TAXATION &  
NARCOTICS CONTROL  
MALAKAND REGION SWAT.

NO 1202-07 /DD/Mkd

DATED: 30/06 /2015

Copy to:-

- 1) The Director General Excise, Taxation and Narcotics Control Khyber Pakhtunkhwa Peshawar.
- 2) P.S to Secretary to Govt: of Khyber Pakhtunkhwa Excise, Taxation and Narcotics Control Peshawar.
- 3) P.S to Minister Excise, Taxation and Narcotics Control Khyber Pakhtunkhwa Peshawar.
- 4) Excise, Taxation and Narcotics Control officer Lower Dir.
- ✓ 5) Mr. Jehandar Said.
- 6) Personal File/Record.

  
DEPUTY DIRECTOR  
EXCISE, TAXATION &  
NARCOTICS CONTROL  
MALAKAND REGION SWAT.

*All work done  
H.R.B.  
28/7/15*

  
**POWER OF ATTORNEY / WAKALATNAMA**

In  
The KHYBER PAKHTUNKHAWA SERVICES TRIBUNAL AT  
In Ref. of \_\_\_\_\_ PESHAWAR

JEHANDIR SAID

[Plaintiff  
[Appellant ✓  
[Petitioner

Versus

EXCISE & TAXATION OFFICER & OTHERS

[Defendant  
[Respondent ✓

I / We JEHANDIR SAID

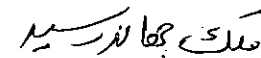
hereby appoint **Hazrat Said Khan Advocate**, as counsel in the above mentioned case, to do all or any of the following acts, deeds and things on behalf of the -  
APPELLANT.

1. To appear, act, and plead for me/ us in the above mentioned case in the Court / Tribunal in which the same may be tried or heard, and any other proceedings arising out of or connected therewith.
2. To sign, verify and file or withdraw all proceedings, petition, appeals affidavits and applications in the Court or compromise, withdraw or for submission to arbitration of the case or any other documents as may be deemed necessary or advisable for the conduct, prosecution or defense of the case at all stages.
3. To receive payment of and issues receipts for all the money / that may be or become due and payable to us during the course or on the conclusion of the proceedings.  
To do all other acts and things which may be deemed necessary or advisable during the course of the proceedings.

**AND AS SUCH / WE HEREBY AGREE:**

- a. To ratify whatever the advocate may do in the proceedings.
- b. Not to hold the Advocate responsible/ answerable if the case be proceeded ex-parte or dismissed in default in consequence of absence from the Court/ Tribunal when it is called for hearing.
- c. The advocate shall be entitled to withdraw from the persuasion / Pleading of the case if the whole or any part of the fees agreed remains unpaid.





Signature of Executant /s

Attested / Accepted subject to above terms and conditions.

**Hazrat Said Khan**  
Advocate, High Court,  
Peshawar

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

Restoration Application No. 25/2016

In

Service Appeal No. 967/2015.

Jehandar Said S/o Anwar Khan R/O Kot, Tehsil Balambat, Lower Dir.

**(Appellant)**

**VERSUS.**

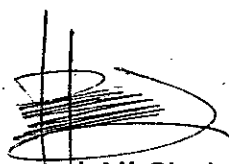
1. Excise and Taxation Office/Motor Registering Authority, Lower Dir.
2. Deputy Director, Excise, Taxation and Narcotics Control, Malakand Region, Swat.

**(Respondents)**

**INDEX**

S.No	Description of documents	Annexure	Pages
01	Para wise Reply		1-3
02	Affidavit		4
03	Copy of the notices & Publications.	"A" & "B"	5-8
04	Copy of FIA letter and the IBMS Travel History Report.	"C" & "D"	9-10

Respondents No. 1 & 2  
Through Counsel

  
**S. Hamad Ali Shah**  
**(Advocate),**  
**Supreme Court of Pakistan**  
**Legal Advisor**  
**Excise Taxation & Narcotics**  
**Control Department KPK.**

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

Restoration Application No. 25/2016

In

Service Appeal No. 967/2015.

Jehandar Said S/o Anwar Khan R/O Kot, Tehsil Balambat, Lower Dir.

**(Appellant)**

**VERSUS.**

1. Excise and Taxation Office/Motor Registering Authority, Lower Dir.
2. Deputy Director, Excise, Taxation and Narcotics Control, Malakand Region, Swat.

**(Respondents)**

**APPEAL UNDER SECTION 4 OF THE SERVICE TRIBUNAL ACT, 1974, FOR SETTING ASIDE/DECLARING NULL AND VOID BOTH THE ORDERS OF THE RESPONDENT NO. 1 & 2 AND FOR THE RESTORATION OF THE SERVICES OF THE APPELLANT WITH FULL BACK BENEFITS.**

**PARA-WISE COMMENTS ON BEHALF OF RESPONDENT NO. 1 AND 2**

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

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

## FACTS.

1. Para-1. Correct.
2. Para-2. Subject to proof.
3. Para-3. Needs no proof.
4. Para-4. Need no comments.
5. Para-5. The appellant was removed from service after adopting proper procedure under the rules. Numerous explanations were called upon and newspaper proclamations were issued directing him to resume his duties but to no avail. Resultantly, no other option was left but to take action which concluded upon his removal from service. Respondent No. 1 had no idea or information about the whereabouts of the appellant and was constrained to take action for his prolonged, unauthorized and un-intimated absence. **(Copy of the notices & Publications are Annexure "A" &"B")**
6. Para-6. The removal from service order was neither arbitrary nor illegal and he was removed from service after due process of law. The departmental representation before Respondent No. 2 was properly considered, the appellant was heard in detail and was dismissed having been found meritless and without lawful grounds.

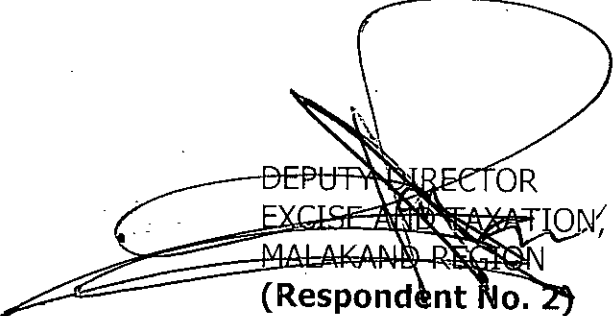
## GROUND:

- A. Incorrect. Position narrated by the appellant is concocted and misleading. Infact the appellant went abroad without any leave or N.O.C., His departure and arrival was ascertained from the Deputy Director/FIA, Immigration Peshawar who vide his letter No. Immigration/357, dated. 25.04.2016 provided the IBMS Travel History Report which clearly mention the date of departure as 13.10.2014 and arrival as 03.04.2016, which are the very dates when he remained absent. **(Copy of FIA letter and the IBMS Travel History Report are attached as Annexure-"C" & "D")**. The action taken against the appellant was inevitable rather necessitated by his own conduct.
- B. Absence without prior approval of the competent authority is a misconduct and is liable to penal action under Rule-9 of the Efficiency & Disciplinary Rules, 2011. He was proceed for accordingly.




- C. All possible means of communicating with the appellant were exhausted. Letters were sent through special messenger on his home address and newspapers proclamations were issued in the leading newspapers providing him every possible opportunity to defend his position. But he failed to join his duty, therefore, there was no other option but to order his removal from service after exhaustion of the codal formalities as required under Rule-9 of Efficiency & Disciplinary Rules, 2011.
- D. So far as the grant of opportunity to defend himself is concerned. Both respondent No. 1 and 2 have given him adequate opportunities on a number of occasions but he was abroad and had no valid defense to put forth. No doubt the grant of opportunity to defend himself was his right but his right has duly been acknowledged and sufficient material on record is available to prove this. It is just flimsy attempt to mislead this honorable tribunal.

In view of the above, it is requested that since the appellant remained absent without any intimation, leave approval/sanction of the competent authority and the action taken against him was forced by his own conduct, therefore, the orders passed by respondent No.1 and 2 having been passed on judicious grounds may be upheld and appeal be dismissed with costs.

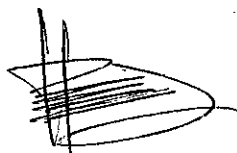


DEPUTY DIRECTOR  
EXCISE AND TAXATION,  
MALAKAND REGION  
**(Respondent No. 2)**



EXCISE AND TAXATION OFFICER  
LOWER DIR  
**(Respondent No. 1)**

Through counsel



**S. Hamad Ali Shah**  
**(Advocate),**  
**Supreme Court of Pakistan**  
**Legal Advisor**  
**Excise Taxation & Narcotics**  
**Control Department KPK, Peshawar.**

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

Restoration Application No. 25/2016

In

Service Appeal No. 967/2015.

Jehandar Said S/o Anwar Khan R/O Kot, Tehsil Balambaţ, Lower Dir.

**(Appellant)**

**VERSUS.**

1. Excise and Taxation Office/Motor Registering Authority, Lower Dir.
2. Deputy Director, Excise, Taxation and Narcotics Control, Malakand Region, Swat.

**(Respondents)**

**AFFIDAVIT**

I, **Nisar Muhammad**, Excise and Taxation Officer Lower Dir, do hereby solemnly affirm and verify on oath that the contents of accompanying "**Para wise Reply**" are true and correct to the best of my knowledge and belief, and nothing has been kept concealed or misstated.

THE DEPONENT.

Identified by:



**S. Hamad Ali Shah**  
**(Advocate),**  
**Supreme Court of Pakistan**  
**Legal Advisor**  
**Excise Taxation & Narcotics**  
**Control Department KPK, Peshawar.**

(40)

(10)

OFFICE OF THE EXCISE & TAXATION OFFICER/MOTOR  
REGISTERING AUTHORITY DIR (L). PHONE#0945-9250148.

No. 2776 /MRA LOWER DIR

Dated. 4 /09/2014.

Mr. Jehan dar said (Driver),

Subject: ABSENT FROM GOVERNMENT DUTY.

An explanation was called upon you vide this office letter no 2728/MRA Lower dir dated 12/8/2014, but you failed to attend the office of the undersigned for Government duty and remained absent till date.

Therefore, you are once again directed to report for duty with in 07 days positively otherwise strict disciplinary action will be initiated against you under the relevant rules.

EXCISE & TAXATION OFFICER/  
MOTOR & REGISTERING AUTHORITY  
LOWER DIR.

No. 2777-78 /MRA

Dated.      /09 /2014.

Copy forwarded for information & necessary action to:

- 1) PA to Director General, Excise & taxation Department Khyber Pakhtunkhwa Peshawar.
- 2) PA to Director (Admn) Excise & taxation Department Khyber Pakhtunkhwa Peshawar.
- 3) PA to Deputy Director Excise & taxation Department Malakand Region at Swat.

EXCISE & TAXATION OFFICER/  
MOTOR & REGISTERING AUTHORITY  
LOWER DIR.

Attested.

      
01/03/2017

OFFICE OF THE EXCISE & TAXATION OFFICER  
REGISTERING AUTHORITY DIR (L). PHONE

No. 2728 /MRA LOWER DIR

OR  
0148.

/08/2014.

To

Mr. Jehan dar said (Driver),

Subject: EXPLANATION.

All the detailed orders were canceled vide Director General Excise & Taxation Department Khyber Pakhtunkhwa Peshawar order No.8985/Estb/XXXV-D-412/246182 dated 07-07-2014.

The undersigned observed that you Mr. Jehandar said Driver of this office has not reported for duty and still found absent from the duty with out prior permission of the undersigned.

In this regard you are directed to explain your position with in 07 days positively otherwise strict disciplinary action will be initiated against you under the relevant rules.

Moreover, the account section of this office directed to stop the salary of the official concerned with immediate effect.

EXCISE & TAXATION OFFICER/  
MOTOR & REGISTERING AUTHORITY  
LOWER DIR.

No. 2728 /MRA

Dated.      /08/2014.

Copy forwarded for information & necessary action to:

- 1) PA to Director General, Excise & taxation Department Khyber Pakhtunkhwa Peshawar.
- 2) PA to Director (Admn) Excise & taxation Department Khyber Pakhtunkhwa Peshawar.
- 3) PA to Deputy Director Excise & taxation Department Malakand Region at Swat.

EXCISE & TAXATION OFFICER/  
MOTOR & REGISTERING AUTHORITY  
LOWER DIR.

Attended.

5/1/03/2017



۳۶

پشاور ایسٹ آباد اسلام آباد اور کراچی سے بیک وقت شائع ہونے والا کثیر الاشاعت روزنامہ

روزنامہ کی خدمات آن کا سب سے بہتر

روزنامہ



پشاور  
پاکستان

ایڈیٹر  
عبدالواحد یوسفی

صفحہ 12

جلد 26 جمعہ 16 جنوری 2015ء 24 ربیع الاول 1436ھ قیمت 12 روپے ہی ایڈیشن شماره 07

**ویزینٹ انجمن**  
ادارہ ایم ایف ڈی جی ایچ پی ای

INF(P)268

**آسامیان خالی ہیں**

ایک پبلک سیکرٹری کے ذریعہ ایجنسی کے سربراہان کو اطلاع دی گئی کہ آسامیوں کے لیے خیر بھرتی کرنا ان کے لیے سزاوار ہے اور ان کے لیے سزاوار ہے۔

نمبر	نام آسامی	سن	تعلیمی قابلیت	تجربہ
1	ذرا پور	18 40 سال	مڈل	کارنامہ ڈراما ٹیم کے ممبران کے طور پر آسامیوں کے لیے خیر بھرتی کرنا ان کے لیے سزاوار ہے اور ان کے لیے سزاوار ہے۔
2	نائب ساد	18 40 سال	مڈل	مختلف تجربات کے ذریعہ آسامیوں کے لیے خیر بھرتی کرنا ان کے لیے سزاوار ہے اور ان کے لیے سزاوار ہے۔

وہیں رکھے والے امیدوار سادہ کاغذ پر اپنی درخواستیں جمع کروانے کے لیے آسامیوں کے لیے خیر بھرتی کرنا ان کے لیے سزاوار ہے اور ان کے لیے سزاوار ہے۔

**پوسٹ بک نمبر 1208 جس میں اوپن شاپر کینٹ**  
INF(P) 307 Also available on www.khyberpakhtunkhwa.gov.pk

INF(P) 272

**ایکٹو ایڈیشن**

0945-9250148

ایکٹو ایڈیشن کے ذریعہ ایجنسی کے سربراہان کو اطلاع دی گئی کہ آسامیوں کے لیے خیر بھرتی کرنا ان کے لیے سزاوار ہے اور ان کے لیے سزاوار ہے۔

کڑی بر	ٹویوٹا	ٹویوٹا	ٹویوٹا
کڑی بر	ٹویوٹا	ٹویوٹا	ٹویوٹا
کڑی بر	ٹویوٹا	ٹویوٹا	ٹویوٹا
کڑی بر	ٹویوٹا	ٹویوٹا	ٹویوٹا

INF(P) 276

**اظہارِ وجوہ توجہ**

آپ سہی جہانگیر سید (ذرا پور) اگست 2014ء سے اپنی ذیولٹی سے ملازمہ غیر حاضری پر ہیں۔

2728/MRA نمبر چھٹی مورخہ 4/9/2014 مورخہ 12/11/2014 چھٹی نمبر 2776 مورخہ 20/11/2014 چھٹی نمبر 3053 مورخہ 21/11/2014 اطلاع دی گئی کہ آپ ذیولٹی پر حاضر ہو جائیں اور غیر حاضری کی وجہ بتائیں لیکن تا حال نہ آپ نے ذیولٹی پر حاضری دی اور نہ ہی تحریری رپورٹ دی۔

لہذا آپ کو بذریعہ اشتہار مطلع کیا جاتا ہے کہ اس اشتہار کے 15 دن کے اندر اندر ذیولٹی پر حاضر ہو جائیں بصورت دیگر آپ کے خلاف گورنمنٹ خیر بھرتی کرنا (ای ایڈ ڈی) روڈ 2011 کی دفعہ نمبر 9 کے تحت یکطرفہ کارروائی کی جائے گی جو آپ کو ملازمت سے برطرف کر سکتی ہے۔

**افضل غفور**  
ایس ایف ڈی جی ایچ پی ای  
INF(P) 275 also available on www.khyberpakhtunkhwa.gov.pk

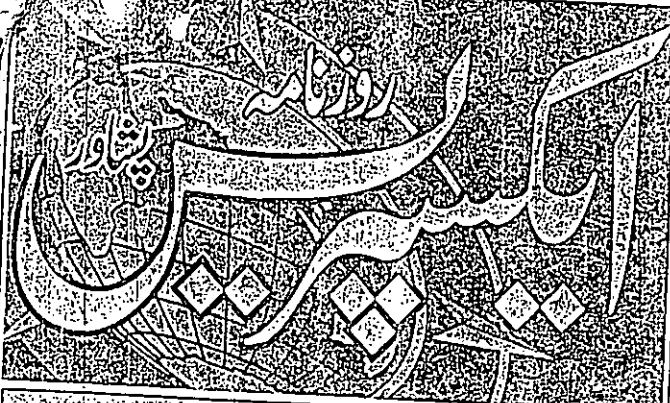
Attached

5/1/2017

19

78

# AILY EXPRESS



FRIDAY, JANUARY 18, 2017

پاکستان کے 11 شہروں سے ایک وقت شائع ہونے والا واحد اخبار  
1077-1213 | پتہ: اسلام آباد، فون: 3743-1436 | 16 جنوری 2015ء | صفحہ 2

## تعمیراتی نوٹس

مختلف سٹانڈرڈز اور سببوں سے جو کہ بائینڈل باور سائیزز میں تحریر کئے ہوئے ہیں ان سے متعلق اور  
اپریکیشن کے کام کے لئے ملائڈ فہری ہائینڈ و باور کولیکشن درگی کے لئے سرٹیفیکیشن طلب  
ہے۔ لی اور کی اور کام کی تفصیل دفتری اوقات کار کے دوران حاصل کی جاسکتی ہے۔ سٹینڈر  
ملائڈ فہری درگی میں 3/2/2015 کو 2 بجے کھولا جائے گا۔ سٹینڈر نام سٹینڈر کے لئے سے  
ایک دن پہلے جاری کئے جائیں گے۔ نیاز بالا کو اختیار حاصل ہے کہ کسی بھی وقت سٹینڈر کو  
بلا دیے سبب کریں۔

Available on [www.khyberpaktunkhwa.gov.pk](http://www.khyberpaktunkhwa.gov.pk) INF(P)268

## اظہار وجوہ نوٹس

آپ کی جہاند سید (ڈرائیور) اگست 2014ء سے اپنی ذمہ داری سے ملا دیے گئے ہیں آپ کو  
بذریعہ پیش سٹیج سٹیج آپ کے گھر کے پتہ پر بحوالہ جمنی نمبر 2728/MRA سہرو  
12/8/2014، جمنی نمبر 2776 سہرو، 4/9/2014، جمنی نمبر 3045 سہرو  
20/11/2014 جمنی نمبر 3053 سہرو، 21/11/2014 اطلاع دی گئی کہ آپ ذمہ داری پر  
حاضر ہو جائیں اور غیر حاضر کی وجہ بتائیں لیکن 3 ماہ نہ آپ نے ذمہ داری پر حاضر کی اور نہ ہی  
تعمیری رپورٹ دی۔ لہذا آپ کو بذریعہ اشتہار مطلع کیا جا رہا ہے کہ اس اشتہار کے 15 دن کے  
اندرون ذمہ داری پر حاضر ہو جائیں بصورت دیگر آپ کے خلاف گورنمنٹ خیر محکمہ (ای اینڈ  
ای) رولر 2011 کی دلدہ نمبر 1 سے تحت کے لٹریچر کارروائی کی جائے گی۔ یہ آپ کو ملازمیت سے  
برطرفی پر ہی ہو سکتی ہے۔

Available on [www.khyberpaktunkhwa.gov.pk](http://www.khyberpaktunkhwa.gov.pk) INF(P)275

*Attached*

*5/1/2017*

6/1

EXCISE & TAXATION OFFICER/  
MOTOR & REGISTERING AUTHORITY



OFFICE OF THE DEPUTY DIRECTOR  
FEDERAL INVESTIGATION AGENCY  
IMMIGRATION AIRPORT PESHAWAR  
PH: 091-9213372

No. Immigration/ 357

Dated: 25/04/2016

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

Subject: TRAVELING HISTORY IN RESPECT OF MR. JANDAR SAID HAVING  
CNIC NO. 15306-2508669-7 AND BEARING PASSPORT NO. EC 4106692

Reference to your office letter No 1102 / DD/Mkd dated 07-04-2016 on the  
subject noted above.

Enclosed please find herewith Travel History of the above mentioned persons  
provided by Assistant Director IBMS Peshawar Airport, for further necessary action.

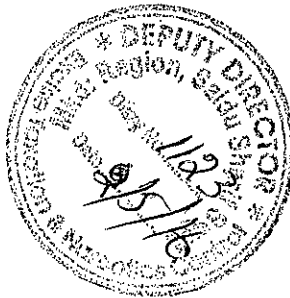
Encl: As above.

*K 02/05/2016*

*P.A*

*(Signature)*

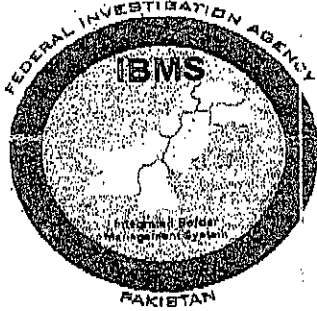
DEPUTY DIRECTOR / FIA  
IMMIGRATION PESHAWAR



*Attached*


*(Signature)  
51/03/2017*

# IBMS TRAVEL HISTORY REPORT



Name MALAK JANDAR SAID KHA  
 Father/Husband Name ANWAR KHAN  
 Personal Number 1530625086697  
 Birth Dat 12-FEB-83  
 Nationality PK

Document Number	Event Date	Flight No	Entry Status	Name	Location Name
BC4106692	13-OCT-14	X.Y741	departing		Peshawar International Airport
BC4106692	03-APR-15	NL724	arriving		Peshawar International Airport

*Attested,*  
  
 01/02/2017