

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No.367/2019

Date of Institution ... 15.03.2019
Date of Decision ... 09.12.2020

Muhammad Abid S/O Haqnawaz Ex-Naib Qasid Excise, Taxation &
Narcotics Control Office, District Dera Ismail Khan.

... (Appellant)

VERSUS

1. Government of Khyber Pakhtunkhwa through Secretary Excise,
Taxation & Narcotics Control, Khyber Pakhtunkhwa Peshawar and three
others.

... (Respondents)

Sadam Hussain Zakori,
Advocate

... For appellant.

Muhammad Jan,
Deputy District Attorney

... For respondents.

ROZINA REHMAN
ATIQU-UR-REHMAN WAZIR

... MEMBER (J)
... MEMBER (E)

JUDGMENT

ROZINA REHMAN, MEMBER : Muhammad Abid, appellant was a Naib
Qasid in the office of Excise, Taxation & Narcotics Control, D.I.Khan. He was
terminated from service vide order dated 08.11.2018: It is the legality and

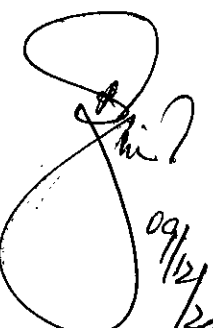
validity of this order which has been challenged by him in the present service appeal filed U/S 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974.

2. Brief facts of the case are that the appellant was initially appointed as Naib Qasid in the department of respondents in the year 2011. An anonymous complaint was filed against the appellant and after conducting inquiry, appellant was exonerated but during this period, his salary was stopped and his salaries were released on the directions of Hon'ble Peshawar High Court D.I.Khan Bench. He preferred two complaints to the office of respondent No.2 but to no avail. He, therefore, forwarded complaints against ETO to the Assistant Director Anti-corruption Establishment where-after his attendance register was taken into possession by ETO and the appellant was not allowed to mark his attendance in the said register. That show cause notice was issued to the appellant for willful absence despite the fact that he was performing his duties. He, therefore, submitted reply to the show cause notice and that inquiry was conducted against the appellant by an officer of BPS-15 and that this was a counterblast of not casting vote in favor of the ETO in the elections. Again, a show cause notice was issued which was properly replied and it was sent without any inquiry report, therefore, a request was made for production of the said report. Accordingly, inquiry report was sent and lastly, services of the appellant were terminated vide order dated 08.11.2018. He preferred departmental appeal on 20.11.2018 which was not responded to, hence the instant service appeal.

3. Learned counsel for appellant contends that impugned order is against law and facts and that the inquiries were held at the behest of the

Director which are against law and facts and these inquiries were never conducted by an independent officer. He submitted that the appellant did not cast his vote in favor of ETO, Asghar Khan Wazir with the result that appellant was terminated. Learned counsel further contends that salary of the appellant was stopped without any reason and it would remain stopped if not interfered by the Hon'ble Peshawar High Court D.I.Khan Bench on 27.11.2018. That the salary cannot be stopped even under suspension. He contended that the appellant was to serve his superiors but only in the ambit of law and not otherwise and it was not the appellant rather the said officials who were not allowing the appellant to work at the office. He submitted that the appellant was entitled to fair trial under Article 10-A of the Constitution of Islamic Republic of Pakistan, 1973, but the same was not given and the entire proceedings were conducted against law and facts.

4. Conversely, learned D.D.A contends that an anonymous complaint was filed against the appellant, therefore, the competent authority appointed an inquiry officer to conduct inquiry and accordingly, the appellant was exonerated from the charges and no punishment was awarded to him. He argued that an impartial, fair and transparent inquiry against the appellant was conducted by respondent No.3 and this conduct of the respondent falsified all the baseless allegations leveled against him by the appellant. He argued that appellant willfully absented from his official duty and Inspector of Excise and Taxation Office Lakki Marwat was appointed as inquiry officer who conducted inquiry and he was terminated in accordance with law as charges of willful long absence and causing nuisance in official affairs were proved in the inquiry proceedings. It was submitted that salary was temporarily stopped since inquiry proceedings


09/12/20

were pending against the appellant due to his deliberate long absence and subsequently all these charges proved against him and lastly, he contended that the appellant was dealt with in accordance with law and he made false and frivolous complaints against his officers only to blackmail and harass them.

5. Record reveals that the appellant during the course was warned time and again to resume his duty. His explanation for his willful absence from duty was called on but instead of justifying his absence, derogatory language was used by him in series of correspondence held with the respondents in this regard. In order to pacify issue of his absence, he started lodging complaints against his superiors to various fora. It was also noted that the appellant used postal service for submitting replies to the explanations as well as show cause notices which testify the contention of respondents that the appellant remained absent from his official responsibilities for a long time. Inquiry was conducted in accordance with law which proved his absence as willful and declared his behavior as undisciplined, insubordinate and disrespectful. He was afforded fair opportunity of defense including personal hearing but in reply to the show cause notice, he did not prove his innocence rather used threatening and menacing language and asked the competent authority to keep aloof from his case which also amounts to misconduct. It took almost one and half year for the respondents to conclude proceedings against him and we did not notice any irregularity or lapse on the part of respondents. The proceedings were conducted as per law. Simultaneously, we also did not notice any improvement in the behavior of appellant towards his responsibilities and he wasted his time in non-productive activities only to



09/12/20

undermine his superiors. He was terminated from service being insolent and impudent as well as for his willful absence.

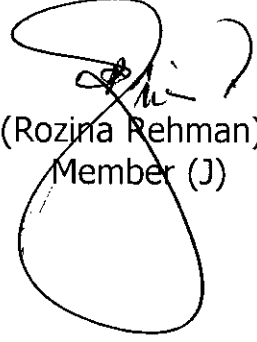
6. In view of the situation, the instant appeal being devoid of merits, is dismissed. With no order as to costs. File be consigned to record room.

ANNOUNCED.

09.12.2020



(Attiq ur Rehman Wazir)
Member (E)



(Rozina Rehman)
Member (J)

09.12.2020


Appellant present in person.

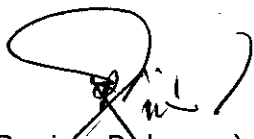
Muhammad Jan learned Deputy District Attorney for respondents present.

Vide detailed judgment of today of this Tribunal placed on file, instant service appeal is dismissed. With no order as to costs. File be consigned to the record room.

ANNOUNCED.

09.12.2020

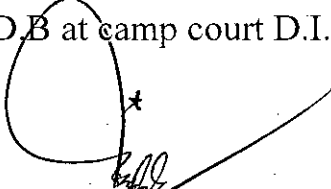

(Atiq-ur-Rehman Wazir)
Member (E)

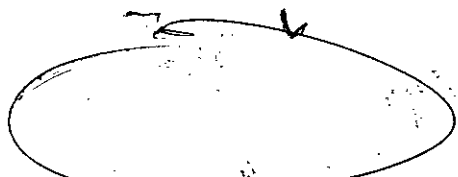

(Rozina Rehman)
Member (J)

27.10.2020

Appellant is present in person. Mr. Muhammad Jan,
Deputy District Attorney for respondents is present.

Since the Members of the High Court as well as of the
District Bar Association D.I.Khan are observing strike today,
therefore, the case is adjourned to 25.11.2020 for arguments
before D.B at camp court D.I.Khan.


(Mian Muhammad)
Member(E)



(Muhammad Jamal Khan)
Member(J)
Camp Court D.I.Khan

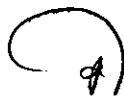
25.11.2020

Appellant with counsel present.

Muhammad Jan learned Deputy District Attorney for
respondents present.

Arguments heard. To come up for consideration at
Principal Seat Peshawar on 09.12.2020 before this D.B.


(Atiq-ur-Rehman Wazir)
Member (E)
Camp Court, D.I Khan


(Rozina Rehman)
Member (J)
Camp Court, D.I Khan


24/3/2020

Due to COVID-19 the case is adjourned. To come up for the same 28/4/2020 at Camp Court, D.I Khan


Reader

26/4/2020

Due to COVID-19 the case is adjourned. To come up for the same 21/9/2020 at Camp Court, D.I Khan



Reader


21.09.2020

Appellant present in person.

Mr. Usman Ghani, learned District Attorney alongwith Muhammad Iqbal, Computer Operator for respondents present.


Appellant submitted rejoinder, which is placed on file. Copy of the same is handed over to the learned District Attorney. To come up for arguments on 27.10.2020 before D.B at Camp Court, D.I Khan.


(Attiq-ur-Rehman Wazir)
Member
Camp Court, D.I Khan


(Rozina Rehman)
Member
Camp Court, D.I Khan


23.09.2019


Clerk to counsel for the appellant present. Mr. Farhaj Sikandar learned Deputy District Attorney alongwith Iqbal Khan Computer Operator present and submitted written reply/comments. Adjourn. To come up for rejoinder if any and arguments 25.11.2019 before D.B at Camp Court, D.I.Khan.


Member
Camp Court, D.I.Khan.

25.11.2019

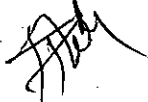
Appellant in person and Mr. Ziaullah, Deputy District Attorney for the respondents present. Appellant seeks adjournment on the ground that his counsel is not available today due to general strike of Khyber Pakhtunkhwa Bar Council. Adjourned to 27.01.2020 for rejoinder and arguments before D.B at Camp Court D.I.Khan.



(Hussain Shah)
Member
Camp Court D.I.Khan


(M. Amin Khan Kundi)
Member
Camp Court D.I.Khan

27.01.2020

Appellant in person and Mr. Usman Ghani, District Attorney alongwith Mr. Muhammad Iqbal, Computer Operator for the respondents present. Appellant requested for adjournment on the ground that his counsel is not available today due to strike of Khyber Pakhtunkhwa Bar Council. Adjourned to 24.03.2020 for rejoinder and arguments before D.B at Camp Court D.I.Khan.


(Hussain Shah)
Member
Camp Court D.I.Khan


(M. Amin Khan Kundi)
Member
Camp Court D.I.Khan


24.04.2019

Learned counsel for the appellant present. Preliminary arguments heard.

The appellant (Ex-Naib Qasid) has filed the present service appeal u/s 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the order dated 08.11.2018 whereby major penalty of removal from service was imposed upon the appellant and all the salaries and other benefits received by the appellant from the date of his absence i.e. from 03.07.2017 to 08.11.2018 were declared illegal and recoverable in favor of Government of Khyber Pakhtunkhwa.


Points urged need consideration. The appeal is, admitted for regular hearing subject to all the legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for written reply/comments. To come up for written reply/comments on 26.06.2019 before S.B at Camp Court, D.I.Khan.

Appellant Deposited
Security & Process Fee


Member
Camp Court, D.I.Khan

26.06.2019



Appellant in person and Mr. Farhaj Sikandar, District Attorney for the respondents present. Neither written reply on behalf of respondents submitted nor representative of the department is present therefore, notices be issued to the respondents with the direction to direct the representative to attend the court and submit written reply on the next date positively. Adjourned to 23.09.2019 for written reply/comments before S.B at Camp Court D.I.Khan.


(Muhammad Amin Khan Kundi)
Member
Camp Court D.I.Khan

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 367/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	15/03/2019	<p>The appeal of Mr. Muhammad Abid received today by post through Mr. Sadam Hussain Zakori Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR 15/3/19</p>
2-	1-4-19	<p>This case is entrusted to touring S. Bench at D.I.Khan for preliminary hearing to be put up there on <u>24-4-2019</u></p> <p style="text-align: right;"> CHAIRMAN</p>

**BEFORE THE PROVINCIAL SERVICE TRIBUNAL,
KHYBERPAKHTUNKHWA**

Appeal No. 367/2019

**Muhammad Abid *VERSUS* Government of KP and others
APPEAL U/S 4 OF KP CIVIL SERVANT ACT, 1973**

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Yours Humble Appellant ✓

Through Counsel

Sadam Hussain Zakori

①

**BEFORE THE PROVINCIAL SERVICE TRIBUNAL,
KHYBERPAKHTUNKHWA**

Service Tribunal Appeal No: 368 of 2019

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 343

Dated 15/3/2019

Muhammad Abid S/O Haqnawaz, Ex – Naib Qasid Excise, Taxation & Narcotics Control Office, District Dera Ismail Khan

(Appellant)

VERSUS

1. **Government of Khyber Pakhtunkhwa through Secretary Excise, Taxation & Narcotics Control, Khyber Pakhtunkhwa, Peshawar**
2. **Director General, Excise, Taxation & Narcotics Control, Khyber Pakhtunkhwa, Peshawar**
3. **Director, Excise, Taxation & Narcotics Control, Khyber Pakhtunkhwa, Office Dera Ismail Khan**
4. **Excise & Taxation Officer (ETO), Excise, Taxation & Narcotics Control, Khyber Pakhtunkhwa, Office Dera Ismail Khan**

Filed to-day

[Signature]
Registrar
15/3/19

(Respondents)

**APPEAL UNDER SECTION 4 OF THE SERVICE TRIBUNAL ACT, 1974
KP AGAINST THE OFFICE ORDER OF THE RESPONDENT NO.3 NO.
949-55/DIR- DIKHAN REGION DATED 08.11.2018 VIDE WHICH THE
SERVICE OF THE APPELLANT IS TERMINATED AGAINST WHICH
THE APPELLANT PREFERRED DEPARTMENTAL APPEAL DATED
20.11.2018 TO THE RESPONDENT NO.2 WHICH IS NOT RESPONDED
TO TILL DATE, HENCE THE INSTANT APPEAL WITHIN NEXT 30
DAYS OF THE EXPIRY OF STATUTORY PERIOD OF 90 DAYS**

Respectfully Sheweth,

[Signature]

1. That the addresses of the parties written above for the purpose of services may be deemed sufficient.

3. That the appellant was initially appointed as Nauib Qasid in the department of the respondents in the year 2011 posted at Dera Ismail Khan.
3. That the appellant was lastly serving as Naib Qasid Excise, Taxation & Narcotics Control Office, Dera Ismail Khan working with Director Eid Badshah.
4. That there was an anonymous complaint against the appellant addressed to the respondent No.2. Copy of the anonymous complaint Dated 09/04/2017 is attached as Annexure-A.
5. That the above-named Director was appointed as inquiry officer who was directed to conduct the inquiry and send the report within 3 days to respondent No.2. Copy of respondent No.2 office letter No. 3549 Dated 17/04/2017 is attached as Annexure-B.
6. That, however, it took the Director almost 5 months to send back the inquiry report. But, the appellant was exonerated in the inquiry report from the allegations levelled in the said anonymous letter. Copy of the inquiry report is attached as Annexure-C.
7. That, inspite of the fact that the complaint was made by an unknown person and during the inquiry proceeding, which took the Director almost 5 months to finalize and submit report to your worthy office, the appellant never remained under suspension, yet the monthly salary of the appellant was stopped. The salary of the appellant remained unpaid for many months since 01.04.2017 till when the Honourable High Court, D.I.Khan Bench on 27.11.2017 was pleased to allow the monthly salary accruing to the appellant. However, even than the appellant was not paid the salary for the months since 01.04.2017 till 27.11.2017. Copies of the writ petition and the order dated 27.11.2017 are attached as Annexure-D.
8. That the appellant approached the said Director and the Excise & Taxation Officer (ETO) Mr. Asghar Khan Wazir time and again but they didn't pay heed to the requests of the appellant. The reason being that the appellant didn't cast vote in favour of the said ETO in the departmental elections. He had thereafter threatened me with dire consequences.
9. That during this whole time during which the salary of the appellant was stopped the appellant went through the worst time of his life because I belong to a poor family and the said act of the Deputy Director & ETO adversely effected appellant and his family. The inflation is at its peak in our country and stoppage of salary of a Naib Qasid amounted to the financial murder of the appellant.
10. That the appellant also preferred two complaints to the worthy office of respondent No.2, but no action whatsoever was taken by your worthy office. Copies of the said two complaints are attached as Annexure-E.
11. That in such bleak and hopeless situation the appellant also forwarded two written complaints against the said Director & ETO to the Assistant Director



- Anti-Corruption Establishment office Dera Ismail Khan. The first complaint was preferred against both of them while the second complaint was made against the ETO. Copies of the said complaints were also sent to your worthy office. Copies of the said complaints are attached as Annexure-F.
12. That, after coming into know about the said complaints the ETO took into his own possession the attendance register and hence, was not allowing the appellant to mark his attendance in the said register. Where after, the Director initially served the appellant with a show-cause notice alleging therein that the appellant is wilfully absent from his duties since 03.10.2017. Though, the appellant was still working and performing his official duties with zeal and full dedications. Copy of the show-cause notice is attached as Annexure-G.
13. That however, the appellant submitted his written reply to the above show-cause notice within time wherein, my main contention was that they are not allowing me to enter the office and mark my attendance in the register. Copy of the written reply is attached as Annexure-H.
14. That thereafter, as expected, the said Director served me with the second show-cause notice. But, I submitted reply to this notice as well. Copies of the second Show-cause notice and its replies are attached as Annexure-I.
15. That, as expected and anticipated, the Director now appointed a BPS-15 officer as an Inquiry Officer. Now, the appellant had not an iota of doubt that the recommendation of the said inquiry will be imposition of major penalty of termination from service which was the ultimate goal set by the said Director and ETO.
16. That the above-mentioned show-cause notices bear testimonies to the fact that since 01.04.2017 (the time the salary of the appellant was stopped) till 03.10.2017 the appellant was working at the office and was efficiently delivering his official duties. Yet, the salary of the appellant, who was a Naib Qasid, was stopped without any reason and legal authority.
17. That all this was counterblast of my not casting vote in favour of the said ETO in the elections which he had thereafter threatened me with dire consequences and subsequently the written complaints against them to the Worthy office of respondent No.2 and Assistant Director Anti-Corruption Establishment.
18. That not even a single complaint has ever been made by any person, private or public, against me, not even from the said two officers. It is recently when I opted to stand for my rights against the mishandling of the superior officers the said incidents took place.
19. That the appellant had no trust and faith in the said Deputy Director and said ETO and officers working under them and this fact was time and again reiterated by the appellant in his replies to the show cause notices etc.



19. That recently the said Director issued a show cause notice No. 917-20/DIR (D.I.Khan Region) DATED DIKhan the 24.10.2018, copy of which was also submitted to the worthy office of respondent No.2 as well as to the ETO, DIKhan. Copy of the show cause notice No. 917-20/DIR (D.I.Khan Region) DATED DIKhan the 24.10.2018 is attached as Annexure-J.
21. That as there was a mention of enquiry report but no such report was annexed with the said show cause notice, hence, the appellant within time requested for the production of the said report in his reply to the same. Copy of which was also sent to the office of respondent No.2. Copy of the reply is attached as Annexure-K.
22. That the said Director after receiving the reply send another office letter No. 922/Dir DIKhan Region dated 29.10.2018 to the appellant wherein, he alleged that the said enquiry report was already sent with the show cause notice but Director is once again forwarding it to the appellant. However, a bare reading of the first show cause notice dated 24.10.2018 it transpires as there is no such report attached with the same. However, as the appellant Alhamdulillah knew from the day one as what is going to be the fate of the appellant at the hands of the said Director, so was not worried at all because the appellant knew that the ALMIGHTY ALLAH PAK will safeguard him. Copy of the letter No. 922/Dir DIKhan Region dated 29.10.2018 is attached as Annexure-L.
23. That, however, even this time the enquiry report was not complete and hence, the appellant once again through a reply requested for the statements of those officials who were purported to record their statements against the appellant. Copy of the said reply is attached as Annexure-M.
24. That, however, this time the said Director, as anticipated, vide his office order No. 949-55/DIR- DIKhan Region Dated 08.11.2018 terminated the services of the appellant with order to recover from the appellant the salaries received since 03.07.2017 till date (08.11.2018). Copy of the impugned office order No. 949-55/DIR- DIKhan Region Dated 08.11.2018 is attached as Annexure-N.
25. That against the said illegal termination of the appellant, I also preferred a departmental appeal dated 20.11.2018 to the respondent No.2, which is never responded till that and hence, 90 days statutory period is expired. Copy of the departmental appeal along with the registry receipt are attached as Annexure-O.
26. That feeling aggrieved from the impugned order dated 08.11.2018 of the said Director and not accepting the departmental appeal dated 20.11.2018 the appellant is left with no other option but to invoke the jurisdiction of this Honourable Tribunal inter alia on the following grounds;

ROUNDS:

1. That the impugned order is against the law and facts hence, not tenable in the eyes of law
2. That all the enquiries held at the behest of the said Director are against the law as all of the enquiries were held not by an independent enquiry officers rather were subordinate to the said Director, which is against the law and natural justice.
3. That as the appellant didn't vote in favour of ETO DIKhan, Asghar Khan Wazir, hence, this became basis for all the ill treatments of the appellant by the Director and finally terminated the appellant.
4. That the appellant being a Naib Qasid was a soft target for them as it is also evident from the fact that the salary of the appellant remained stopped since 01.04.2017 and would remain stopped if not interfered by the Honourable Peshawar High Court, DIKhan Bench on 27.11.2018. There was no justification of the same by the said Director because salary can't be stopped even of a person under suspension. Though, the appellant never remained suspended and was working with utmost zeal and honesty. This is the reason the said period is considered not being absent from duty.
5. That the appellant also made a prompt complaint against the despotic behaviour of the said officers to respondent No.2. However, no one came forward to save the appellant from the clutches of the said officers.
6. That the appellant also timely informed the Honourable Peshawar High Court, DIKhan Bench as well as the Anti-Corruption Establishment regarding the mishandling of the appellant by the said officers, hence, the impugned order is liable to be set aside and the appellant is liable to be reinstated in his service, with all back benefits as well as stringent departmental action against the said officers. Otherwise, no subordinate in the future will dare to stand upright against the illegal and dishonest attitudes of his / her superiors.
7. That the appellant was to serve his superiors but only in the ambit of law and not otherwise. This wisdom is also time and again reiterated by the August Supreme Court of Pakistan in its various landmark judgments. This is how the Nations develop and thrive in their comity. It was not the appellant rather the said officials who were not allowing the appellant to work at the office.
8. That appellant was entitled to fair trial under the article 10A of the Constitution of Pakistan, 1973 and other statutory and case laws which was never provided to him.
9. That the facts mentioned above me please be considered sufficient grounds for the acceptance of the instant appeal, however, the counsel of the appeal



may please be allowed to raise additional grounds for the success of the instant appeal.

HENCE, IT IS, THEREFORE, REQUESTED TO SET ASIDE THE IMPUGNED ORDER DATED 08.11.2018 AND TO REINSTATE THE APPELLANT IN HIS SERVICE WITH ALL ITS BACK BENEFITS AND ALSO TO TAKE STERN ACTION AGAINST THE SAID OFFICIALS.



Dated 13 / 03 / 2019



Your humble Appellant

Muhammad Abid

CMIC # 12101-6873284-1

Ex - Naib Qasid

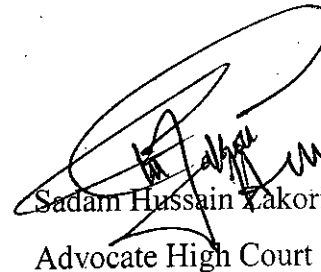
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Excise, Taxation &

Narcotics Control Office,

Dera Ismail Khan

Through Counsel



Saddam Hussain Zakori
Advocate High Court

7

**BEFORE THE PROVINCIAL SERVICE TRIBUNAL,
KHYBERPAKHTUNKHWA**

Muhammad Abid *VERSUS* Government of KP and others

APPEAL U/S 4 OF KP CIVIL SERVANT ACT, 1973

AFFIDAVIT

I Muhammad Abid do hereby solemnly affirm and declare that the contents of this Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Tribunal and this is the lone Appeal on the subject.



Deponent

13/03/19

CNIC # 12101-6873284-J

Mob # 0333-9974624

CERTIFIED AT D.I.KHAN

That the parawise content of the instant appeal are true and correct and it is the lone petition on the subject matter



Muhammad Abid....(Appellant)

8

**BEFORE THE PROVINCIAL SERVICE TRIBUNAL,
KHYBERPAKHTUNKHWA**

Muhammad Abid *VERSUS* Government of KP and others

APPEAL U/S 4 OF KP CIVIL SERVANT ACT, 1973

MEMO OF ADDRESS

**Muhammad Abid S/O Haqnawaz, Ex – Naib Qasid Excise, Taxation &
Narcotics Control Office, District Dera Ismail Khan**

(Appellant)

VERSUS

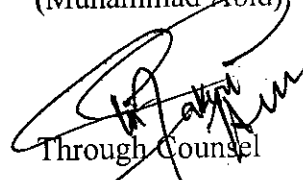
1. **Government of Khyber Pakhtunkhwa through Secretary Excise, Taxation & Narcotics Control, Khyber Pakhtunkhwa, Peshawar**
2. **Director General, Excise, Taxation & Narcotics Control, Khyber Pakhtunkhwa, Peshawar**
3. **Director, Excise, Taxation & Narcotics Control, Khyber Pakhtunkhwa, Office Dera Ismail Khan**
4. **Excise & Taxation Officer (ETO), Excise, Taxation & Narcotics Control, Khyber Pakhtunkhwa, Office Dera Ismail Khan**

(Respondents)




Your humble Appellant

(Muhammad Abid)



**Through Counsel
Sadam Hussain Zakori
Advocate High Court
Dera Ismail Khan**



Dated 13 / 03 / 2019

عنوان: شکایت پر خلاف محمد عابد عرف عابد اعوان ولد حق توان نانہہ قاصد ایکسائز اینڈ ٹیکسیشن آفس ڈیپو ایس ایچ جی

جناب عالی

مؤدبانہ گزارشہ ہے کہ آپ کا نانہہ قاصد محمد عابد عرف عابد اعوان ولد حق توان شافی کارڈ نمبر

1-6873284-12101 آپ کے دفتر واقع ڈیرہ ایس ایچ جی خانہ میں صرفہ تنخواہ وصولی والا ملازم ہے

وہ یہ آپ کے دفتر جاتا ہے اس لیے صرف اس کے اکاؤنٹ میں تنخواہ آجاتی ہے شائد منہاں دیکھا ہے آپ کے

ڈسٹرکٹ آفیسر ایگزوزیٹو کو۔ بالکل ایسی اوقات میں سالیئم پیپلز پارٹی کے سینئر وقار خان کے دفتر میں

کام کرتا ہے۔ اس کا پبلسکل کوآرڈینیشن سے اس کے لئے سارا دن سیاسی دورے گزارتا ہے۔ اس وقت وقار خان کی

ٹوکری پچھلے کا مہینے سے جائزگی کی ہوئی ہے۔

کیا سرکاری ملازم 2 تنخواہیں لے سکتا ہے؟ کیا سرکاری ملازم کسی سیاسی گروپ یا پارٹی کے لئے کام کر سکتا ہے؟

کیا سرکاری ملازم سیاسی پارٹی کا ممبر دار رہ سکتا ہے؟ کیا سرکاری ملازم پیپلز پارٹی دینے تنخواہ لے سکتا ہے

یہ سادے کام تو یہ بندہ کرتا ہے پھر کہاں ہے آپ کی تبدیلی؟ کہاں ہے آپ کا انتظام؟ کہاں ہے حکومتی دعوے؟

آپ سے گزارش ہے کہ آج کی روایت کو برقرار رکھ کر اللہ کو حاضر جان کر انصاف کی بات اور اس پر دربانہ

شخص کو فارغ کیا جائے یہ امیر توحی سے فریبوں کی حق تلفی کر رہا ہے۔

منہ

آئیٹ ادنیٰ ملازم (ڈسٹرکٹ ایکسائز اینڈ ٹیکسیشن آفس DTK)

مترنامہ اس لئے نہیں لکھا کہ مجھے جانو کتری سے نکالنے میں آپ 17-6-9

نوٹ: کاپی برائے اطلاع جناب پرویز خان صاحب وزیر اعلیٰ KPK وزیر ممل ہاؤس پشاور

کاپی برائے اطلاع جناب ڈائریکٹر ایس ایچ جی پشاور

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

13
17/6

[Handwritten signature]



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

Auqaf Complex, Shami Road, Peshawar, Phone / Fax: 091-9212260 / 9223021.

No. 3548

Peshawar Dated 12/4/17

To

Deputy Director (South Region)
Excise & Taxation, D.I.Khan.

Subject: ENQUIRY AGAINST MR. M. ABID S/O HAQ NAWAZ, NAIB
QASID, OFFICE OF EXCISE & TAXATION OFFICER D.I.K.

Memo,

Enclosed please find herewith a complaint received against the above mentioned official.

In this regard, you are hereby nominated as Enquiry Officer, with the directions to probe into the matter and submit report within three days positively.

DIRECTOR (Admn),

EXCISE, TAXATION & NARCOTICS
CONTROL DEPARTMENT,
KHYBER PAKHTUNKHWA.

Peshawar Dated 12/4/17

No. 3550-57

Copy forwarded to the:

1. The Director General, Excise, Taxation & Narcotics Control.
2. Excise & Taxation officer, D.I.Khan, with directions to assist the enquiry officer.

DIRECTOR (Admn),

EXCISE, TAXATION & NARCOTICS
CONTROL DEPARTMENT,
KHYBER PAKHTUNKHWA.

(11)

GOVERNMENT OF KHYBER PAKHTUNKHWA
OFFICE OF THE DEPUTY DIRECTOR, EXCISE, TAXATION &
NARCOTICS CONTROL, DIKHAN REGION,
DERA ISMAIL KHAN

No. 389 /DD (DI Khan Region)

Dated: 30/05/2017

To


Mr. M.ABID
PEON/NAIB QASID ✓
OFFICE OF DEPUTY DIRECTOR ET & NC
DI KHAN REGION DI KHAN

Subject: ENQUIRY AGAINST MR. M.ABID S/O HAQ NAWAZ, NAIB QASID, OFFICE OF
EXCISE & TAXATION OFFICER, D.I.K

Memo,

Reference to Directorate General Excise, Taxation & Narcotics Control Khyber Pakhtunkhwa letter No.3549 dated; 12-04-2017 on the subject. The undersigned has been appointed as enquiry officer in the subject complaint. Therefore, you are directed to submit your written statement before the undersigned on 31-05-2017 at 11:00 am.

Enclosed: Complaint along with annexures

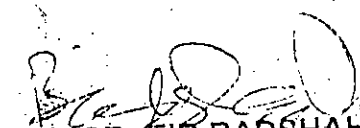

(ENGR; EID BADSHAH)
Deputy Director, Excise, Taxation &
Narcotics Control, DIKhan Region,
D.I.Khan

Dated: 30/05/2017

No. 390 /DD DIKhan Region)

Copy to for information:-

Director (Admn), Excise, Taxation & Narcotics Control, Khyber Pakhtunkhwa, Peshawar.


(ENGR; EID BADSHAH)
Deputy Director, Excise, Taxation &
Narcotics Control, DIKhan Region,
D.I.Khan



Subject: INQUIRY REPORT AGAINST MUHAMMAD ABID NAIB QASID OFFICE OF THE DEPUTY DIRECTOR, EXCISE, TAXATION & NARCOTICS CONTROL, DIKHAN REGION, DIKHAN

Reference: Director (Admn :), Excise, Taxation & Narcotics Control Department, Khyber Pakhtunkhwa, Peshawar letter vide No. 3549 dated 17.04.2017 on the subject. (Annexure-A) wherein the undersigned has been appointed as Inquiry Officer vide above referred letter in the subject case.

GROUNDS

An anonymous application dated 09.04.2017 (Annexure-B) addressed to Director General, Excise, Taxation & Narcotics Control Department, Khyber Pakhtunkhwa, Peshawar received through Director (Admin:) Excise, Taxation & Narcotics Control Department, Khyber Pakhtunkhwa, Peshawar letter vide No. 3549 dated 17.04.2017.

Application contains complaint against Muhammad Abid S/o Haq Nawaz Naib Qasid Office of the Deputy Director, Excise, Taxation & Narcotics Control, DIKhan Region, DIKhan. Anonymous complainant stated:-

1. That Abid Awan (CNIC No 12101-6873284-1) is not performing his duties in the office.
2. That he perhaps pays monthly bribe to Asghar Wazir, District Excise Officer, DIKhan in lieu of his absence.
3. That he is a political coordinator of Waqar Khan Ex-Senator (PPP) and is working in his office. He pays visits for him. Abid Awan has joined his office since last six months. He has attached copy of Salary Sheet of Pak Arab Housing Scheme for the month of March 2017. (Annexure-C)

The complainant blamed that Abid Awan is receiving salaries without performing his duties in the office.

5. He demanded to dismiss Abid Awan from his job.

PROCEEDINGS

- 1) A letter No 398/ (DD DIKhan Region) dated 01.06.2017 (Annexure-D) was issued to Lt Col^o Muhammad Aqdas, Director Admin

[Handwritten signature]
 Director
 Excise, Taxation & Narcotics Control
 DIKhan Region, DIKhan

[Handwritten signature]

WAKGROUP with the request to examine the salary sheet in question and this office about authenticity of the salary sheet or otherwise. In case of confirmation of the said sheet, it was also requested to provide data/particulars of said Abid Awan for further proceeding in the subject inquiry.

2) In response to this office letter, Lt Col[®] Muhammad Aqdas, Director Admin WAKGROUP vide his letter No nil dated 03.06.2017 intimated to contact his General Manager, HR Department WAK GROUP for the purpose. (Annexure-E)

3) A letter No 407/ (DD DIKhan Region) dated 05.06.2017 (Annexure-F) was issued to General Manager, HR Department WAK GROUP with the similar request to provide the requisite data of said Abid Awan to proceed further in the matter.

4) In response, General Manager, HR Department WAK GROUP vide His letter No HR/Letters/49/Govt. Department dated 12.06.2017 has categorically declared that someone with malafide intentions had twisted the facts to misguide your department by providing fabricated and altered documents..... He also submitted the requisite information/data with employee code in his above quoted letter. (Annexure-G). He attached separate Pay Slip and Salary Sheet for the month of May 2017 which are Annexure-H Annexure-I.

5) A letter No 389/ DD(DIKhan Region) dated 30.05.2017 was issued to Muhammad Abid, Naib Qasid in the office of Deputy Director, Excise, Taxation & Narcotics Control, DIKhan Region, DIKhan to submit his written statement in the matter. (Annexure-J)

STATEMENT OF MUHAMMAD ABID, NAIB QASID, OFFICE OF THE DEPUTY DIRECTOR, EXCISE, TAXATION & NARCOTICS CONTROL, DIKHAN REGION

Signature
Deputy Director
Excise, Taxation & Narcotics Control
DIKhan Region DIKhan

Muhammad Abid, Naib Qasid, in his written statement, has utterly negated all the charges leveled against him. He stated that allegations are false and baseless. He added that pay slip attached with anonymous application is fake and fictitious. He further stated that complainant has no moral courage to disclose his identity. He added that keeping the dictums of Superior Courts in

Signature

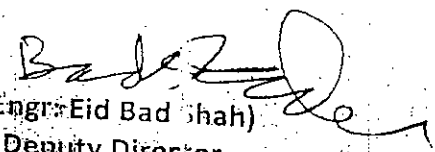
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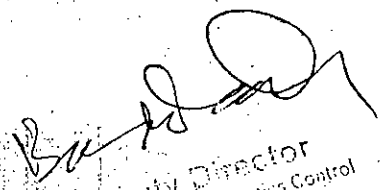
view, anonymous applications are not to be entertained. He explained that Pay Slip of Pak-Arab Housing Scheme reflects my job at Lahore while he had been serving in the office of Deputy Director, Excise, Taxation & Narcotics Control, DIKhan Region, at DIKhan. He attached copies of attendance register of the office of Deputy Director, Excise, Taxation & Narcotics Control, DIKhan Region, DIKhan which is **Annexure-K**. He emphasized that it is not possible for a person to be present daily at two distant places (Lahore & DIKhan) of different provinces. His statement is attached as **Annexure-L**

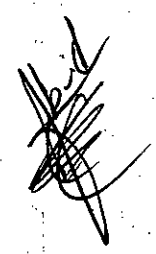
FINDINGS

1. Application is anonymous.
2. Complainant totally relied upon pay slip of Pak-Arab Housing Scheme. General Manager, HR Department WAK GROUP has categorically declared that someone with mala fide intentions has twisted the facts to misguide this department by providing fabricated and altered documents.

Dated


 (Engr. Eid Bad Shah)
 Deputy Director,
 (Inquiry Officer)


 Deputy Director
 Excise, Taxation & Narcotics Control
 DIKhan Region DIKhan



BEFORE THE HONOURABLE PESHAWAR HIGH COURT,

DERA ISMAIL KHAN BENCH.

Writ Petition No. _____ -D of 2017

Muhammad Abid S/o Haq Nawaz R/o Inside Imamia Gate, Phulajat, Awan Steet, Tehsil & District Dera Ismail Khan.

Naib Qasid, Excise, Taxation & Narcotics Control Office, Dera Ismail Khan

(PETITIONER)

VERSUS

1. Government of Khyber Pakhtunkhwa, through Secretary Excise, Taxation & Narcotics Control, Peshawar.
2. Director General Excise, Taxation & Narcotics Control, Peshawar.
3. Deputy Director Excise, Taxation & Narcotics Control Office, Dera Ismail Khan
4. Excise & Taxation Officer, Excise, Taxation & Narcotics Control Office, Dera Ismail Khan
5. District Audit & Account Officer, Dera Ismail Khan

(RESPONDENTS)

**WRIT PETITION UNDER ARTICLE 199 OF THE CONSTITUTION
OF ISLAMIC REPUBLIC OF PAKISTAN, 1973.**

Respectfully Sheweth,

1. That the addresses of parties as given above are correct & sufficient for the purpose of service.
2. That the petitioner is currently serving as Naib Qasid Excise, Taxation & Narcotics Control Office, Dera Ismail Khan working with Respondent No. 3.

EXAMINER
31-10-18
Peshawar High Court
D.I. Khan Bench

16

BEFORE THE PESHAWAR HIGH COURT DERA
ISMAIL KHAN BENCH.

Write Petition No. 941-D/2017

Muhammad Abid S/o Haq Nawaz R/o Inside Imamia Gate, Phulajat, Awan Stree,
Tehsil & District Dera Ismail Khan. Naib Qasid, Excise, Taxation & Narcotics
Control Office, Dera Ismail Khan.

(Petitioner)

VERSUS

1. Government of Khyber Pakhtunkhwa, through Secretary Excise, Taxation & Narcotics Control, Peshawar.
2. Director General Excise, Taxation & Narcotics Control, Peshawar.
3. Deputy Director Excise, Taxation & Narcotics Control Office, Dera Ismail Khan.
4. Excise & Taxation Officer, Excise, Taxation & Narcotics Control Office, Dera Ismail Khan.
5. District Audit & Account Officer, Dera Ismail Khan.

(Respondents)

PARA WISE COMMENTS ON BEHALF OF RESPONDENT NO. 3

Respectfully Sheweth,
Preliminary objections.

1. That the petitioner has got no cause of action and locus standi to file instant writ petition.
2. The petitioner has no cause of action.
3. The instant writ petition is not maintainable.
4. The Honorable court has no jurisdiction to interfere in the Government policy matters.
5. That the petitioner has not come to the court with clean hands.
6. That the petitioner has deliberately concealed the material facts from this Honourable court.

FACTS.

1. Para-1, Needs no comments.



ATTESTED
31-10-18
EXAMINOR
Peshawar High Court
D.I. Khan Bench

2. Para-2, is correct to the extent that Petitioner is serving as Naib Qasid in the office of Director Excise, Taxation & Narcotics Control, Dera Ismail Khan Region Dera Ismail Khan.
3. Para-3, is correct.
4. Para-4, is correct.
5. Para-5, is correct. However, delay in inquiry report was due to the load of official business.
6. Salary was temporarily stopped as a corrective measure for reformation of the petitioner as his behavior was found highly irresponsible. However, salary has been released already and this Para may be considered as resolved.
7. Denied. He has duly been heard and relief has already been granted. i.e. Salary has been released.
8. Same as above.
9. Para-9, speaks loads of the official misbehavior and misconduct. Departmental remedies are always available and direct approach to other authorities, by bypassing the intermediate channels in itself is actionable.
10. As explained in Para-6.
11. Denied. Attendance Register is available in the office and the petitioner has not been restrained to mark his attendance.
12. Denied, in view of the foregoing paras.
13. Denied. Petitioner may not be allowed to waste precious time of Honorable Court as the needful already stands performed.

ON GROUNDS.

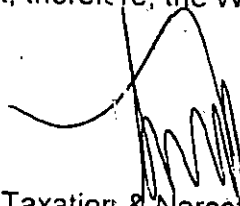
- I. Denied, as explained in Para-6 above.
- II. Denied. Respondent is performing their official duties under the law.
- III. Denied. Petitioner is not performing his duties in the office rather he remained absent since 03/10/2017. However, still his salary has been released.
- IV. Salary of the Petitioner was stopped as explained in Para- 6 above.
- V. Denied.



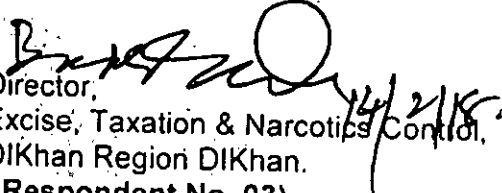
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 Peshawar High Court
 D.I.Khan Bench

VI. No further arguments needs to be made as that will amount to the wastage of the time of this honorable court.

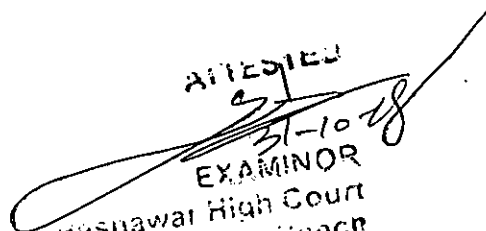
Since the cause of action has ceased to exist, therefore, the Writ Petition being infructuous may be dismissed with costs.



Excise, Taxation & Narcotics Control Officer,
Dera Ismail Khan.
(Respondent No.04)

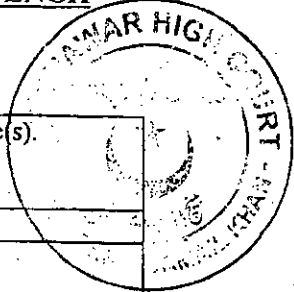

Director,
Excise, Taxation & Narcotics Control,
DIKhan Region DIKhan.
(Respondent No. 03)



ATTESTED

31-10-18
EXAMINOR
-eshawar High Court
D.I.Khan Bench

PESHAWAR HIGH COURT, D.I.KHAN BENCH

FORM OF ORDER SHEET



Date of Order or proceedings	Order or other proceedings with signature of Judge(s).
(1)	(2)
28:11.2017.	<p><u>W.P.No.941-D/2017.</u></p> <p><u>Present:</u> Mr. Saddam Hussain Zakori, Advocate for the petitioner. ***</p> <p>Respondents No.3 to 5 shall file comments within a fortnight. Adjourned to a date in office.</p> <p><u>C.M.No.107-D/2017.</u></p> <p>Notice. In the mean time the respondents are directed to forthwith release the current salary of the petitioner, if his appointment order is still intact.</p> <p style="text-align: right;"><u>JUDGE?</u></p> <p style="text-align: center; font-size: 2em;">3996</p> <p>GR.No. _____ Application filed on <u>12-11-18</u> Copies for Rs. _____ No of <u>07 page</u> Copy _____ Urgent <u>yes</u> Total Fee _____ Copy ready for delivery <u>12-11-18</u> Copy delivered on <u>12-11-18</u> Signature of Examiner _____ <u>12-11-18</u></p> <p><u>Habib*</u></p> <p style="text-align: right;"><u>JUDGE</u></p> <p style="text-align: right;">Submitted to be into Com. <u>12-11-18</u></p>

office
29/11

(DB)
Hon'ble Justice Ijaz Anwar
Hon'ble Justice Shakeel Ahmad

Peshawar High Court
D.I. Khan Bench
Authorized Signatory
Commissioner

To,

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

Subject:

**COMPLAINT AGAINST THE ILL-TREATMENT OF
THE DEPUTY DIRECTOR & E.T.O OF EXCISE,
TAXATION & NARCOTICS CONTROL, DERA
ISMAIL KHAN.**

Respectfully Stated,

1. That the undersigned is working as Naib Qasid in Excise, Taxation & Narcotics Control at Dera Ismail Khan.
2. That the undersigned has the below grievances from the Deputy Director, Dera Ismail Khan.
 - i. For illegal stoppage of salary of the undersign for the last 6/7 months.
 - ii. For not allowing the undersign to mark his presence in the attendance Register.
 - iii. For not sanctioning study leave of the undersign.
3. That there was an inquiry pending against the undersign on an application from an anonymous person due to which the Deputy Director & the E.T.O stopped the monthly salary of the undersign. The undersign was later on exonerated from the charge leveled in the said application.



However, the salary of the undersign is still stopped and not released. Copies attached.

4. That the undersign has given a written application to the Deputy Director, Dera Ismail Khan for the sanctioning of study leave to the undersign as the undersign wants to take admission in L.L.B for his better future, which is his legal right, whereas the D.D is willfully reluctant to process the study leave application.
5. That now the E.T.O & Deputy Director are not allowing the undersign to mark presence in the attendance register, rather they are showing me absent everyday. Though, the undersign is present and is working everyday with full zeal.

Hence, the instant appeal of the undersign may please be accepted and the above grievances of the undersign may please be released for which the undersign will stand indebted.

Dated: 18/10/2017

Your humble Complainant / Applicant

MUHAMMAD ABID
(Naib Qasid)

Excise, Taxation & Narcotics Control,
D.I.Khan Region, Dera Ismail Khan

Copy forwarded to:

1. Secretary Excise, Taxation & Narcotics Control,
KPK, Peshawar.

Abid

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

Subject: COMPLAINT AGAINST THE DISCRIMINATORY TREATMENT OF THE UNDERSIGN AT THE HANDS OF DEPUTY DIRECTOR & E.T.O AT THE D.I.KHAN OFFICE

Respectively Stated;

The undersign humbly submits as below;

1. That the undersign is currently serving as Naib Qasid Excise, Taxation & Narcotics Control Office, Dera Ismail Khan working with Deputy Director Eid Badshah.
2. That there was an anonymous complaint against the undersign addressed to your goodself. Copy of the anonymous complaint Dated 09/04/2017 is attached.
3. That the above-mentioned Deputy Director was appointed as inquiry officer who was directed to conduct the inquiry and send the report within 3 days to your goodself's office. Copy of your office letter No. 3549 Dated 17/04/2017 is attached.
4. That, however, it took the Deputy Director almost 5 months to send back the inquiry report. But, the undersign was exonerated in the inquiry report from the allegations levelled in the said anonymous letter. Copy of the inquiry report is attached.
5. That, inspite of the fact that the complaint was made by an unknown person and during the inquiry proceeding, which took Deputy Director almost 5 months to finalize and submit report to your worthy office, the undersign never remained under suspension, yet the monthly salary of the undersign was stopped. The salary of the undersign is stopped since 01 - 04 - 2017 till date.
6. That the undersign approached the said Deputy Director and the Excise & Taxation Officer (ETO) Mr. Asghar Khan Wazir times and again but they didn't pay heed to the requests of the undersign. The reason being that the undersign didn't not cast vote in favour of the said ETO in the elections. He had thereafter
departmental



- threatened me with dire consequences The salary of the undersign is still not released.
7. That during this whole time during which the salary of the undersign is stopped the undersign is going through the worst time of his life because I belongs to a poor family and the said act of the Deputy Director & ETO has adversely effected undersign and his family. The inflation is at its peak in our country and is the time when a single KG of tomatoes is sold at the rate of Rs. 200+. It amounts to the financial murder of the undersign.
 8. That in such bleak and hopeless situation the undersign recently forwarded two written complaints against the Deputy Director & ETO to the Assistant Director Anti-Corruption Establishment office Dera Ismail Khan. The first complaint was preferred against both of them while the second complaint was made against the ETO. Copies of the said complaints were also sent to your worthy office. Copies of the said complaints are attached.
 9. That, after coming into know about the said complaint the ETO took into his own possession the attendance register and hence is not allowing the undersign to mark his attendance in the said register. Whereafter, the Deputy Director initially served the undersign with a show-cause notice alleging therein that the undersign is wilfully absent from his duties since 03 - 10 - 2017. Though, the undersign is still working and performing his official duties with zeal and full dedications. Copy of the show-cause notice is attached.
 10. That however, the undersign submitted his written reply to the above show-cause notice within time wherein, my main contention was that they are not allowing me to enter the office and mark my attendance in the register. Copy of the written reply is attached.
 11. That thereafter, as expected, the said Deputy Director served me with the second show-cause notice. But, I submitted reply to this notice as well. Copies of the second Show-cause notice and its reply are attached.
 12. That, as expected and anticipated, the Deputy Director now has appointed a BPS-15 officer as an Inquiry Officer. Now, the undersign has not an iota of doubt that the recommendation of the said inquiry will be imposition of major penalty of termination from service which is the ultimate target set by the Deputy Director and ETO.
 13. That the above-mentioned show-cause notices bear testimonies to the fact that since 01 - 04 - 2017 (the time the salary of the undersign was stopped) till date the undersign is working at the office and is efficiently delivering his official duties. Yet, the salary of the undersign, who is a Naib Qasid, is stopped without any reason and legal authority.
 14. That all this is counterblast of my written complaints against them to the Assistant Director Anti-Corruption Establishment as well as not casting ^{departmental} vote in favour of the said ETO in the elections which he had thereafter threatened me with dire consequences.
 15. That not even a single complaint has ever been made by any person, private or public, against me, not even from the said two officers. It is recently when I opted to stand for my rights against the mishandling of the superior officers the said incidents took place.
 16. That the undersign has no trust and faith in the said Deputy Director and said ETO and officers working under them.

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It is, therefore, requested to take a serious action against the said two officers and to save the undersign from their clutches because even before serving me with the first show-cause notice I have shown my written lack of confidence in them and has highlighted their malafides.

~~Abid~~
11/11/17

Muhammad Abid

Naib Qasid

Excise, Taxation &

Narcotics Control Office,

Dera Ismail Khan

~~Abid~~

~~Handwritten signature~~

① Director General, Forests, Jammu
Nocoties Control, Kybur Park, Jammu
Jammu

Copy furnished to:

0333-974624
CNIC = 1101-6873

5-10-2017

Handwritten signatures and stamps:
Anti Corruption Division
Chief Officer
Jammu

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Anti Corruption Circle Officer
Criminal Breach of Trust

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... Criminal Breach of Trust ...

... Delaying Tactics (Financial Murder) ...

... Criminal Breach of Trust ...

... Criminal Breach of Trust ...

... Criminal Breach of Trust ...

... Criminal Breach of Trust ...

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... (ETO) / (BD) / (ACE) ...

... (AD) ...

والے انتہائی ذہنی و جسمانی قوتوں سے مزین و آواز سے گونجنے والے۔

۶۔ یہ کہ اس روز مورخہ 26/09/2017 کو سائل جب بوقت 08:00 بجے صبح دیئے اپنے دفتر اپنی سرکاری ڈیوٹی سرانجام دینے گیا تو سائل نے جب رجسٹری حاضری میں اپنی حاضری لگانا چاہی تو وہاں پر ملزم مذکورہ نے پہلے سائل کو غیر حاضر دکھایا تھا اور اب سائل کو یہ خطرہ ہے کہ ملزم مذکورہ سائل کو روز غیر حاضر دکھائے گا جبکہ سائل نے کبھی چھٹی نہ کی ہے اور بطور ثبوت سائل حضری رجسٹری کی نقول کو پیش کرتا ہے۔

۷۔ یہ کہ ملزم مذکورہ کا یہ معنی سائل کو غیر حاضر ظاہر کرنا Criminal Breach of Duty اور Corrupt Practice کی تشریح میں آتا ہے اور ملزم مذکورہ بالا جملہ تمام فعل Corrupt Practice کی تشریح میں آتا ہے۔

۸۔ یہ کہ سائل آج پنجاب سے استدعا کرتا ہے کہ عید بادشاہ ڈیٹی ڈائریکٹر / اصفیہ وزیر ETO کے مذکورہ بالا افعال ملزمانہ ہیں اور بدیں وجہ سیکشن نمبر 5 نئی کرپشن ایکٹ سائل 1947ء و سیکشن نمبر 24 احتساب کمیشن ایکٹ سال 2014ء و دیگر معاون قوانین کی روشنی میں ملزمان کو قرار واقع سزا دی جائے۔ لہذا استدعا ہے کہ درخواست ہذا کو قبول فرمایا جا کر ملزمان کو قرار واقع سزا دی جاوے۔

(العارض)

محمد عابد ولد شہزاد (سائل) 68732841-12/01-NIC

mob =

03339974624

حال نائب قاصد دفتر ایکسائز اینڈ ٹیکسیشن و نارکائٹس کنٹرول ڈیرہ اسماعیل خان

Copy Forwarded for necessary Action:

1. Director General Excise, Taxation & Narcotics Control Khyber Pakhtunkhwa, Peshawar.
2. Director NAB khyber pakhtunkhwa Peshawar

انوار

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ANTI CORRUPTION OFFICER
CIRCLE OFFICER

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5

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3

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(1) General Ensign, Pakistan & Military Center
Hyderabad, Pakistan

Copies forwarded for necessary action

~~Handwritten signature~~

Handwritten notes in Urdu script

Mobile # 0313-9847700
CNC # 12101-6873 284-1

Handwritten signature

Handwritten notes in Urdu script

(4)

(32)

Annexure G

33



GOVERNMENT OF KHYBER PAKHTUNKHWA
OFFICE OF THE DEPUTY DIRECTOR, EXCISE & TAXATION,
DIKHAN REGION DIKHAN.

No. 629 /DD/ DIKHAN REGION

Dated 10/10 /2017.

To

Muhammad Abid,
Niab Qasid.

Subject: = ABSENCE FROM DUTY.

Memo:-

It has been noticed with great concern that you are absent from duty since 03/10/2017 till date without prior permission/application of the undersigned. Your behavior shows that you are not serious with your job/duties.

You are directed to explain your position within 3-days of the receipt of this letter failing which disciplinary action will be taken against you under the law.

(Engr. Eid Badshah)

Deputy Director, Excise, Taxation & Narcotics Control,
DIKHAN REGION DIKHAN.

Endst. No. 630 /DD/DIKHAN REGION

Copy to :-

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

(Engr. Eid Badshah)

Deputy Director, Excise, Taxation & Narcotics Control,
DIKHAN REGION DIKHAN.

To,

Annexure - H

34

The Deputy Director,
Excise, taxation & Narcotics Control,
Dera Ismail Khan Region, Dera Ismail Khan.

**SUBJECT:- REPLY TO YOUR SHOW CAUSE NOTICE SUBJECT
"ABSENCE FROM DUTY" DATED 10/10/2017.**

Reference your office letter No. 629/DD/DIKhan Region
Dated 10/10/2017.

Respectfully Stated,

That the undersigned humbly submits the below reply to
your show cause notice dated 10/10/2017:

1. That there was an inquiry initiated against the undersign on the basis of an anonymous letter. However, the undersign was exonerated in the inquiry and was hold not guilty. But, as the salary of the undersign was stopped for the last 5/6 months which the undersign had brought into your knowledge from time to time but in vain. Thus, the undersign served you, through my counsel, with a legal notice. Copy of notice is attached.
2. That you feeling annoyed with the said notice, with the collaboration of incumbent E.T.O, the said E.T.O took into his own possession the attendance register and is not allowing the undersign to mark his presence in the said register. Though, still, the undersigned is performing his official duties properly everyday.
3. That the undersign has also preferred written complaints twice to the office of Assistant Director Anti Corruption Establishment & has complained therein that the incumbent E.T.O is not letting the undersign to mark his presence in the attendance register. Copies of the said complaints are also forwarded to the Worthy Director General Excise, Taxation & Narcotics Control, KPK, Peshawar. Copies of complaints are attached.



- 4. That the allegation of willful absentism leveled against the undersign in your show cause notice is baseless and based on malafide and ill-intention, when the undersign is dispensing with his official duties efficiently on daily basis.
- 5. That it would have been better had you, instead of the instant show cause notice, done something positive about the illegal stoppage of the salary of the undersign since 01/04/2017 till date.

Hence, it is requested that the instant reply may please be considered sufficient and the said show cause notice may please be withdrawn and to make sure not to create any hurdles for the undersign in future.

Dated; 13/10/2017

Abid
13/10/17

MUHAMMAD ABID
(Naib Qasid)

Excise, Taxation & Narcotics Control
DIKhan Region, DIKhan.

Copy forwarded to:

Director General Excise, Taxation & Narcotics Control,
Khyber Pakhtunkhwa, Peshawar for necessary action,
please.

Abid

Annexure - I (36)



GOVERNMENT OF KHYBER PAKHTUNKHWA
OFFICE OF THE DEPUTY DIRECTOR, EXCISE & TAXATION,
DIKHAN REGION DIKHAN.

No. 664 /DD/ DIKHAN REGION Dated 18/10 2017.

To

Muhammad Abid,
Niab Qasid.

Subject: = REPLY TO YOUR SHOW CAUSE NOTICE SUBJECT " ABSENCE
FROM DUTY " DATED 10/10/2017.

Memo:-

Reference your reply No. Nil dated 13/10/2017.

Reply of your explanation is neither satisfactory nor you joined the duty to
date i.e. 18/10/2017.

In view of the above, you are directed to immediately join the duty and
explain your position for your continuous absence.


(Engr. Eid Badshah)

Deputy Director, Excise, Taxation & Narcotics Control,
DIKHAN Region DIKHAN.

Endst. No. 665 /DD/DIKHAN REGION

Copy to :-

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


(Engr. Eid Badshah)

Deputy Director, Excise, Taxation & Narcotics Control,
DIKHAN Region DIKHAN.



37

To,

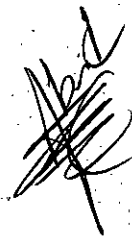
The Deputy Director,
Excise, Taxation & Narcotics Control
Dera Ismail Khan.

Subject: REPLY TO YOUR OFFICE LETTER NO.
664/DD/DIKHAN VIDE DATED 18/10/2017.

Respectfully Stated,

That the undersigned humbly submits the reply as under:

1. That the reply of the undersigned to your show cause notice dated 10/10/2017 was very much elaborated wherein, the undersigned mentioned the facts with details.
2. That it is not possible for the undersigned to make his attendance due to the reason/fact that the attendance register is taken into possession by the one Mr. Asghar Khan Wazir (E.T.O) at your behest.
3. That the undersigned has preferred as written complaint against you at the office of Anti Corruption Establishment (A.C.E) Dera Ismail Khan office, proper inquiry in this regard has been initiated by the Assistant Director A.C.E, D.I.Khan against you.
4. That never ever in the past has remained any inquiry or complaint pending against the undersigned. It was in the recent past when you without any legal reason stopped the salary of the undersigned with malafide intensions. Due to which I held you and Mr. Asghar Khan Wazir




E.T.O responsible for all the illegal actions taken against the undersigned including the illegal retaining of the attendance register. Needless to mention here that you are also not allowing the undersigned to perform his official duties and not allowing undersigned even to enter in the office.

5. That your recent spot of show cause notices is the counter blast of my complaints at the office of A.C.E, D.I.Kha. I have no faith and trust in you nor in the said E.T.O. For the said reasons you are morally and legally bound to withdraw your show cause notices.

Hence, the instant reply may please be deemed sufficient and your notice may please be withdrawn.

Dated: 21 / 10 / 2017

Your humble Complainant / Applicant


MUHAMMAD ABID
(Naib Qasid)

Excise, Taxation & Narcotics Control,
D.I.Khan Region, Dera Ismail Khan.

Copy forwarded to:

- 1. D.G Excise, Taxation & Narcotics Control Peshwar, KPK for information and legal action against Mr. Eid Badshah (D.D) and Mr. Asghar Khan Wazir E.T.O D.I.Khan for their illegal Action.



SHOW CAUSE NOTICE.

Annexure - J (39)

I, Engineer Eid Badshah, Director, Excise, Taxation & Narcotics Control, DIKhan Region DIKhan as Competent Authority, under the Khyber Pakhtunkhwa Government Civil Servants (Efficiency and Discipline) rules, 2011, do hereby serve you, Muhammad Abid, Naib Qasid(BPS-03) of this office as follows:-

1.
 - i) That consequent upon the completion of inquiry conducted against you by the inquiry officer for which you were given opportunity of hearing vide No. 305 dated 06-11-2017 and
 - ii) Ongoing through the findings of the inquiry officer, the material on record and other conducted papers including your defense before the inquiry officer.

I am satisfied that you have committed the following acts/omission specified in Rule 3 of the said rules:


- (b) guilty of misconduct
 - (d) guilty of habitually absenting yourself from duty without prior approval of leave;
2. As a result thereof, I, as the competent authority, have tentatively decided to impose upon you the major penalty of removal of service under rule 4(b) (iii) of the ibid rules, as well as recovery of all the service benefits received by you during the period of your unauthorized absence since 03/10/2017.
 3. You are, therefore, required to show cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.
 4. If no reply to this notices received within seven days or not more than fifteen days of its delivery, it shall be presumed that you have no defense to put in and in that case an ex-parte action shall be taken against you.
 5. Copy of Inquiry report is enclosed.

DIRECTOR
EXCISE, TAXATION & NARCOTICS CONTROL,
DIKHAN REGION DIKHAN.

No. 917-20 /Dir (DIKhan Region) Dated DIKhan the 24/10/2018.

Copy forwarded for information to :-

1. Director General, Excise, Taxation & Narcotics Control, Khyber Pakhtunkhwa Peshawar.
2. The Excise, Taxation & Narcotics Control Officer, DIKhan.
3. Muhammad Abid S/O Haq Nawaz Resident of Inside Imamia Gate, Mohallah Phulla Jatt, Awan Street, Tehsil & District DIKhan.
4. Personal File of official concern.


DIRECTOR
EXCISE, TAXATION & NARCOTICS CONTROL,
DIKHAN REGION DIKHAN.



To,

The Director,
Excise, Taxation & Narcotics Control,
D.I.Khan region, D.I.Khan.

Subject: WRITTEN REPLY TO THE SHOW CAUSE NOTICE NO. 917-20/DIR (D.I.KHAN REGION) DATED 24.10.2018.

Respectfully Stated,

That the undersigned humbly submits as below:

1. That your goodself has served the undersign with the above mentioned show cause notice.
2. That your goodself has made a reference to an inquiry vide No. 305 dated 06.11.2017. however, the undersign is not provided with any document of the said inquiry, not even the report of the inquiry officer/committee which is evident from the instant show cause notice.
3. That a bare reading of your goodself's show cause notice transpires that the report of the inquiry officer/committee is in my favour as no reference to any adverse remarks, if any, has been made to the said report.
4. That as your goodself is biased towards the undersign along with the Excise, Taxation & Narcotics Control Officer, D.I.Khan, who only want to satiate your unbridled egos & unfortunately this time the soft target is the undersigned.
5. That you and the ETO D.I.Khan have since 03.10.2017 not allowed the undersign to serve in the office and to



mark my attendance in the office attendance register and had stopped my salary for more then 6 months, later current salary of the undersign was released by the orders of Honorable Peshawar High Court, Peshawar, D.I.Khan Bench. In this regard the undersign has sent timely letters to the worthy Director General Excise, Taxation & Narcotics Control Department KPK and also have preferred complaints against you in the office of Anti-corruption Establishment D.I.Khan. The undersign has also raised the same issue before the Honorable Peshawar High Court, Peshawar, D.I.Khan Bench in writ petition NO. 941-D/17, please find all the attached necessary record, though your goodself is acquainted with all these facts.

6. That the undersign has no faith in your goodself and had timely apprehended in well in advance the decision of you imposing major penalty of removal from service.

Hence, it is therefore requested to your goodself to aloof yourself from the case of the undersign as your association with the case of the undersign is against the golden principles of justice as well as against the Islamic Injunctions.

Dated: 26/10/2018

Sincerely yours /respondent

MUHAMMAD ABID
(Naib Qasid)

Excise, Taxation & Narcotics Control,
D.I.Khan Region, Dera Ismail Khan

[Handwritten signature]
26/10/18

Copy forwarded to:

1. Director General Excise, Taxation & Narcotics Control, KPK, Peshawar.
2. Excise, Taxation & Norcotics Control, D.I.Khan.

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Annexure - L (42)

GOVERNMENT OF KHYBER PAKHTUNKHWA
OFFICE OF THE DIRECTOR, EXCISE & TAXATION,
DIKHAN REGION DIKHAN.

No. 922 /Dir. DIKHAN REGION Dated 29/10/2018.

To

Muhammad Abid S/O Haq Nawaz
R/O Inside Imamia Gate, Mohallah Phulla Jatt,
Awan Street, Tehsil & District DIKhan.


Subject:- WRITTEN REPLY TO THE SHOW CAUSE NOTICE NO. 917-20/DIR
DIKHAN REGION DATED 24/10/2018.

Memo:-

Reference your written reply No. Nil dated 26/10/2018, wherein you have mentioned that inquiry report of the Inquiry Officer has not been attached with Show Cause Notice. The same has already been sent vide this office letter No. 917-20/Dir-DIKhan Region dated 24/10/2018. However, the same is once again sent herewith.

Furthermore, you are directed to submit your reply within seven days or not more than fifteen days of its delivery, otherwise it shall be presumed that you have no defense to put in and in that case an ex-parte action shall be taken against you.

Enclosed (05)


Director.

Endst. No. /Dir. ET&NC

Copy to :-

- 1) The Director General, Excise, Taxation & Narcotics Control, Khyber Pakhtunkhwa, Peshawar for information please.
- 2) The Excise, Taxation & Narcotics Control Officer, DIKhan for information.


Director.



Annexure - M (43)

To,

The Director,
Excise, Taxation & Narcotics Control,
D.I.Khan region, D.I.Khan.

Subject: **REPLY TO YOUR LETTER SUBJECT "WRITTEN
REPLY TO THE SHOW CAUSE NOTICE NO. 917-
20/DIR (D.I.KHAN REGION) DATED 24.10.2018".**

Reference to your office letter No. 922/DIR D.I.Khan Region, Dated
24.10.2018

Respectfully Stated,

That the undersigned humbly submits as below:

1. That undersigned was previously issued with a show cause notice No. 917-20/DIR (D.I.KHAN REGION), dated 24.10.2018 by your goodself. Wherein written reply dated 26.10.2018 was also submitted by the undersign, however as at that time there was not annexed any report of the inquiry officer, hence, was unable to submit appropriate reply at that time. Hence, requested your goodself for the same.
2. That, however, this time your goodself has not annexed with the report, the statements of various officials concerned including the statement of undersign which were recorded by the concerned inquiry officer. They are important for the undersign to indite reply to your goodself's show cause notice.

Note:- Previous reply of the undersign dated 26.10.2018 may also be considered part & parcel of the instant reply.

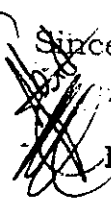


44

Hence, it is therefore requested to your goodself to provide the entire record pertaining to the said inquiry, including statements of officials & undersign record.

Dated: 06/11/2018

Sincerely yours /respondent



MUHAMMAD ABID
(Naib Qasid)

Excise, Taxation & Narcotics Control,
D.I.Khan Region, Dera Ismail Khan

Copy forwarded to:

1. Director General Excise, Taxation & Narcotics Control, KPK, Peshawar.
2. Excise, Taxation & Norcotics Control, D.I.Khan.





Annexure - N (45)

GOVERNMENT OF KHYBER PAKHTUNKHWA
OFFICE OF THE DIRECTOR, EXCISE, TAXATION &
NARCOTICS CONTROL, DI KHAN REGION,
DI KHAN

ORDER

Dated DI Khan the 08/11/2018.

No. /Dir-DI Khan Region. Whereas, Muhammad Abid, Peon (BPS-3), Office of the Director Excise, Taxation & Narcotics Control DI Khan Region DI Khan remained absent from his official duties since 03-10-2017 to 10-10-2017. Explanation was called vide this office letter No. 629/DD/DI Khan Region, dated; 10/10/2017. In response, he sent his reply through postal service, received on 16-10-2017. The reply was deficient of any meaningful content and rationale and he continued his absence from duties. Subsequently, he was again directed to resume his duties immediately and justify his unauthorized absence vide this office letter No.664/DD/DI Khan Region, dated; 18/10/2017. Once again, he submitted his reply through postal service, received on 23-10-2017. He failed again to justify his unauthorized absence since 03-10-2017 and continued his willful absence.

In view of the above, Mr. Adil Rauf Insp (BS-16) o/o ET&NC office Lakki Marwat was appointed as enquiry officer vide this office letter No.689/DD (DI Khan Region), dated; 24/10/2017. The enquiry officer was directed to conduct comprehensive enquiry to ascertain the facts for the continuous and willful absence from duty since 3-10-2017. Consequently, the enquiry officer, after perusal the statements of Muhammad Abid, other officials of this office and the connected documents, submitted enquiry report vide No.386, dated;21/11/2017 with the following findings:

"It is established, that the behavior of Muhammad Abid Naib Qasid has been undisciplined, insubordinate, disrespectful, and blackmailing towards his senior officers (Deputy Director DI Khan and ET&NC officer DI Khan) and willfully absented from official duty since 03/10/2017 till 08-11-2017. Furthermore, he has ceased as an obedient and efficient official and become a nuisance for the office of deputy director di khan region".

He continued his absence again. He was directed through the print media to explain his position and immediately resume duty. This time, he submitted his reply in person on 5-04-2018 and left the office again without assuming duties. Furthermore, the reply was not satisfactory again and continued his absence again to 24-10-2018.

Show cause notice was served on him vide this office endorsement No.917-20/Dir. (Dir DI Khan Region), dated;24-10-2018 in the light of the findings of enquiry officer. He was directed to show cause within seven (07) days or not more than fifteen (15) days as to why major penalty of removal from service along with recovery service benefits he received since 03-10-2017 to date may not be imposed upon him. He submitted his reply through postal service and was received in this

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GOVERNMENT OF KHYBER PAKHTUNKHWA
OFFICE OF THE DIRECTOR, EXCISE, TAXATION &
NARCOTICS CONTROL, DI KHAN REGION,
DI KHAN

office on 29-10-2018. He stated lame excuses of not receiving the report of enquiry officer with the stated show cause notice. He was once again served with show cause notice along with enquiry report vide this office letter No.922/Dir.DI Khan Region, dated 29/10/2018. Consequently, he submitted his reply through postal service, received on 07-11-2018 and resorted to lame excuses again with the only motive to delay the legal action. None of the two replies, were found satisfactory. All the above facts explicitly show that Muhammad Abid failed time and again to rectify his behavior and is not interested in continuing his job as Peon in this office.

Therefore, I Engr. Eid Badshah, Director Excise, Taxation & Narcotics Control DI Khan Region, as competent authority, am satisfied that circumstances exist that renders it necessary to impose major penalty of removal from service upon Muhammad Abid Peon (BPS-3). Consequently, the stated official i.e. Muhammad Abid peon (BS-3) is removed from service under Rule 4(1)(b)(iii) of Khyber Pakhtunkhwa Government Servants (E&D) Rules, 2011 with immediate effect in the best public interest. Furthermore, all the salaries and other service benefits, he received from the date of his absence (i.e. 03-07-2017) to date (08-11-2018) are declared illegal and recoverable in favour of Government of Khyber Pakhtunkhwa.

Sd/-
DIRECTOR

No. 949-55 /DIR- DI Khan Region

Dated: 08 / 11 / 2018

Copy for information :-

- 1-Director General Excise, Taxation & Narcotics Control Khyber Pakhtunkhwa Peshawar.
- 2-Excise, Taxation & Narcotics Control officer DI Khan with the direction to recover all the salaries and other service benefits from 03-10-2017 to date i.e. 08-11-2018 from Muhammad Abid immediately with intimation to undersigned.
- 3-District Accounts officer DI Khan.
- 4-P.S to Secretary Excise, Taxation & Narcotics Control Department Khyber Pakhtunkhwa.
- 5-Muhammad Abid S/O Haq Nawaz, Awan street, Inside Imamia Gate, Street Phula Jat DI Khan City DI Khan.
- 6-Personal File.

Badshah
DIRECTOR

To,

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

Subject: APPEAL AGAINST THE ORDER NO. 949-55/DIR-D.I.KHAN REGION DATED 08.11.2018 OF THE DIRECTOR EXCISE, TAXATION & NARCOTICS CONTROL, D.I.KHAN REGION

Respectively Stated;

The undersign humbly submits as below;



20/11/2018

FACTS:

1. That the undersign was lastly serving as Naib Qasid Excise, Taxation & Narcotics Control Office, Dera Ismail Khan working with Director Eid Badshah.
2. That there was an anonymous complaint against the undersign addressed to your goodself. Copy of the anonymous complaint Dated 09/04/2017 is attached.
3. That the above-named Director was appointed as inquiry officer who was directed to conduct the inquiry and send the report within 3 days to your goodself's office. Copy of your office letter No. 3549 Dated 17/04/2017 is attached.
4. That, however, it took the Director almost 5 months to send back the inquiry report. But, the undersign was exonerated in the inquiry report from the allegations levelled in the said anonymous letter. Copy of the inquiry report is attached.
5. That, inspite of the fact that the complaint was made by an unknown person and during the inquiry proceeding, which took the Director almost 5 months to finalize and submit report to your worthy office, the undersign never remained under suspension, yet the monthly salary of the undersign was stopped. The salary of the undersign remained unpaid for many months since 01.04.2017 till when the Honourable High Court, D.I.Khan Bench on 27.11.2017 was pleased to allow the monthly salary accruing to the appellant. However, even than the appellant was not paid the salary for the months since 01.04.2017 till 27.11.2017. Copies of the writ petition and the order dated 27.11.2017 are attached.



6. That the undersign approached the said Director and the Excise & Taxation Officer (ETO) Mr. Asghar Khan Wazir times and again but they didn't pay heed to the requests of the undersign. The reason being that the undersign didn't not cast vote in favour of the said ETO in the elections. He had thereafter threatened me with dire consequences.
7. That during this whole time during which the salary of the appellant was stopped the appellant went through the worst time of his life because I belong to a poor family and the said act of the Deputy Director & ETO adversely effected undersign and his family. The inflation is at its peak in our country and stoppage of salary of a Naib Qasid amounted to the financial murder of the appellant.
8. That the appellant also preferred ^{two} ~~an~~ appeal to the worthy office of your goodself, but no action whatsoever was taken by your worthy office. Copy of the said appeal is attached.
9. That in such bleak and hopeless situation the appellant also forwarded two written complaints against the said Director & ETO to the Assistant Director Anti-Corruption Establishment office Dera Ismail Khan. The first complaint was preferred against both of them while the second complaint was made against the ETO. Copies of the said complaints were also sent to your worthy office. Copies of the said complaints are attached.
10. That, after coming into know about the said complaint the ETO took into his own possession the attendance register and hence was not allowing the appellant to mark his attendance in the said register. Whereafter, the Director initially served the undersign with a show-cause notice alleging therein that the undersign is wilfully absent from his duties since 03.10.2017. Though, the undersign was still working and performing his official duties with zeal and full dedications. Copy of the show-cause notice is attached.
11. That however, the undersign submitted his written reply to the above show-cause notice within time wherein, my main contention was that they are not allowing me to enter the office and mark my attendance in the register. Copy of the written reply is attached.
12. That thereafter, as expected, the said Director served me with the second show-cause notice. But, I submitted reply to this notice as well. Copies of the second Show-cause notice and its reply are attached.
13. That, as expected and anticipated, the Director now appointed a BPS-15 officer as an Inquiry Officer. Now, the appellant had not an iota of doubt that the recommendation of the said inquiry will be imposition of major penalty of termination from service which was the ultimate goal set by the Director and ETO.
14. That the above-mentioned show-cause notices bear testimonies to the fact that since 01.04.2017 (the time the salary of the undersign was stopped) till 03.10.2017 the appellant was working at the office and was efficiently delivering his official duties. Yet, the salary of the undersign, who was a Naib Qasid, was stopped without any reason and legal authority.
15. That all this was counterblast of my not casting vote in favour of the said ETO in the elections which he had thereafter threatened me with dire consequences and subsequently the written complaints against them to the Worthy office of your goodself and Assistant Director Anti-Corruption Establishment.
16. That not even a single complaint has ever been made by any person, private or public, against me, not even from the said two officers. It is recently when I opted


20/11/2018



to stand for my rights against the mishandling of the superior officers the said incidents took place.

17. That the undersign had no trust and faith in the said Deputy Director and said ETO and officers working under them and this fact was time and again reiterated by the appellant in his replies to the show cause notices etc.
18. That recently the said Director issued a show cause notice No. 917-20/DIR (D.I.Khan Region) DATED DIKhan the 24.10.2018, copy of which was also submitted to your worthy office as well as to the ETO, DIKhan. Copy of the show cause notice No. 917-20/DIR (D.I.Khan Region) DATED DIKhan the 24.10.2018 is attached.
19. That as there was a mention of enquiry report but no such report was annexed with the said show cause notice, hence, the appellant within time requested for the production of the said report in his reply to the same. Copy of which was also sent to your goodself office. Copy of the reply is attached.
20. That the said Director after receiving the reply send another office letter No. 922/Dir DIKhan Region dated 29.10.2018 to the appellant wherein, he alleged that the said enquiry report was already sent with the show cause notice but Director is once again forwarding it to the appellant. However, a bare reading of the first show cause notice dated 24.10.2018 it transpires as there is no such report attached with the same. However, as the appellant Alhamdolilah knew from the day one as what is going to be the fate of the appellant at the hands of the said Director, so was no worried at all because the appellant knew that the ALMIGHTY ALLAH PAK is my safeguard. Copy of the letter No. 922/Dir DIKhan Region dated 29.10.2018 is attached.
21. That, however, even this time the enquiry report was not complete and hence, the appellant once again through a reply requested for the statements of those officials who were purported to record their statements against the appellant. Copy of the said reply is attached.
22. That, however, this time the said Director, as anticipated; vide his office order No. 949-55/DIR- DIKhan Region Dated 08.11.2018 terminated the services of the appellant with order to recover from the appellant the salaries received since 03.07.2017 till date (08.11.2018). Copy of the impugned office order No. 949-55/DIR- DIKhan Region Dated 08.11.2018 is attached.
23. That feeling aggrieved from the impugned order dated 08.11.2018 of the said Director the appellant is left with no other option but to submit the instant appeal inter alia on following grounds;

GROUNDS:


1. That the impugned order is against the law and facts hence, not tenable in the eyes of law
2. That all the enquiries held at the behest of the said Director are against the law as all of the enquiries were held not by an independent enquiry officers rather were subordinate to the said Director, which is against the law and natural justice.
3. That as the appellant didn't vote in favour, of ETO DIKhan, Asghar Khan Wazir, hence, this became basis for all the ill treatments of the appellant by the Director and finally terminated the appellant.



29/11/2018

4. That the appellant being a Naib Qasid was a soft target for them as it is also evident from the fact that the salary of the appellant remained stopped since 01.04.2017 and would remain stopped if not interfered by the Honourable Peshawar High Court, DIKhan Bench on 27.11.2018. There was no justification of the same by the said Director because salary can't be stopped even of a person under suspension. Though, the appellant never remained suspended and was working with utmost zeal and honesty. This is the reason the said period is considered not being absent from duty.
5. That the appellant also made a prompt complaint against the despotic behaviour of the said officers to your worthy office. However, no one came forward to save the appellant from the clutches of the said officers.
6. That the appellant also timely informed the Honourable Peshawar High Court, DIKhan Bench as well as the Anti-Corruption Establishment regarding the mishandling of the appellant by the said officers, hence, the impugned order is liable to be set aside and the appellant is liable to be reinstated in his service, with all back benefits as well as stringent departmental action against the said officers. Otherwise, no subordinate in the future will dare to stand upright against the illegal and dishonest attitudes of his / her superiors.
7. That the appellant was to serve his superiors but only in the ambit of law and not otherwise. This wisdom is also time and again reiterated by the August Supreme Court of Pakistan in its various landmark judgments. This is how the Nations develop and thrive in their comity. It was not the appellant rather the said officials who were not allowing the appellant to work at the office.
8. That the facts mentioned above me please be considered sufficient grounds for the acceptance of the instant appeal

HENCE, IT IS, THEREFORE, REQUESTED TO SET ASIDE THE IMPUGNED ORDER DATED 08.11.2018 AND TO REINSTATE THE SERVICE OF THE APPELLANT WITH ALL ITS BACK BENEFITS AND ALSO TO TAKE STERN ACTION AGAINST THE SAID OFFICIALS.


20/11/2018

Muhammad Abid

Ex - Naib Qasid

Excise, Taxation &

Narcotics Control Office,

Dera Ismail Khan





KHYBER PAKHTUNKHWA
BAR COUNCIL

Annexure - (53)

SADAM HUSSAIN ZAKORI

Advocate

bc-14-4591

Date of issue: November 2017

Valid upto: November 2020



ADVOCATE HIGH COURT

Acting Secretary
KP Bar Council

VAKALAT NAMA

(Power of attorney)

IN THE COURT OF Honorable Service Tribunal, Khyber Pakhtunkhwa

Muhammad Abid

Plaintiff/Applicant/Appellan
t/Petitioner/Complainant
Decree-holder

Govt of KP & others

VERSUS

Defendant/Respondent/Accused
Judgment-debtor

Offence/Suit/Appeal/Application/Writ Appeal u/s 4 of KP Civil Servant Act, 1973

From: Muhammad Abid

I/We hereby appoint **SADAM HUSSAIN ZAKORI ADVOCATE HIGH COURT, DIKHAN** according to the following terms & conditions:-

1. As my / our counsel in the above mentioned case with power to appear, plead and act marking and presenting applications to the Court by signing and verifying pleadings, by withdrawing and receiving document and money from Court or from the opposite party in the above said case. By doing all other legal acts and legal proceedings as I / we were present personally.
2. The fee paid or agreed upon to my / our counsel shall be entitled to retain costs payable by the other side.
3. No part of fee is refundable in any case whatsoever and my / our counsel shall be entitled to retain costs payable by other side.
4. I / we make our own arrangements for attending the Court on every hearing and to inform him. My / our counsel shall not be responsible for any loss caused to me through my / our failure to so inform him.
5. I / we shall make special arrangements for travel in case my / our hearing is held in any outstation. All expenses shall be borne by me / us and my / our counsel is not liable to incur any of the said expenses.
6. I / we undertake to appear in the above matter before the Court, my / our counsel shall not be held responsible in case the matter is dismissed / disposed off ex-party due to my / our failure to appear / attend the case.
7. I / we also undertake to pay his full professional fees before the conclusion of the case. In case his full fee is not paid the counsel can withdraw his vakalatnama from the above matter.
8. My / our counsel is also authorized to engage and appoint any other pleader or counsel whenever my / our counsel thinks to do so.

This... 13th.....Day of March 2019

Accepted By:

SADAM HUSSAIN ZAKORI
ADVOCATE HIGH COURT, D.I.KHAN

Signature / thumb impression of Client

Muhammad Abid (Petitioner)

• CNIC # 12101-6873289-1

Mob # 0333-9974624

BEFORE THE HONOURABLE SERVICE TRIBUNAL PESHAWAR,
CAMP COURT DERA ISMAIL KHAN

Service Appeal No. 367 of 2019.

Muhammad Abid

(Appellant)

VERSUS


Govt. of Khyber Pakhtunkhwa & others

(Respondents)

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2	Affidavit		6
3	Copy of the said Inquiry Report is already annexed by the appellant with his appeal	"A"	
2	Copy of inquiry report dated 21/11/2017	"B"	

Respondents
Through Counsel


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

BEFORE THE HONOURABLE SERVICE TRIBUNAL PESHAWAR,
CAMP COURT DERA ISMAIL KHAN

Service Appeal No. 367 of 2019

Muhammad Abid

(Appellant)

VERSUS

Govt. of Khyber Pakhtunkhwa & others

(Respondents)

PARA-WISE COMMENTS ON BEHALF OF
RESPONDENTS NO. 1, 2, 3 & 4.

Respectfully Sheweth:-
Preliminary objections:-

- A. That the appeal of the appellant is not maintainable in its present form and style.
- B. That the appellant has got no cause of action to file the instant appeal.
- C. That the appellant has got no locus standi to file the instant appeal.
- D. That the appellant is estopped due to his own conduct.
- E. That the appellant has concealed the material facts from this Honorable Tribunal and the basis of false, frivolous and baseless plea filed the instant appeal which is liable to be dismissed.
- F. That the appellant has not come to this worthy Tribunal with clean hands.
- G. That the appeal of the appellant is badly time barred.
- H. That the charges against the appellant were proved during inquiry proceedings.
- I. That the appellant badly failed to defend his version by producing any witness or proof during inquiry proceedings.

FACTS

- 1) That the Para No. 1 of the appeal is formal in nature hence needs no comments.
- 2) That Para No. 2 of the appeal pertains to record.
- 3) Correct. The appellant was serving as Naib Qasid in Excise & Taxation Office, DIKhan.
- 4) In regard to Para No. 4 of the appeal, it is submitted that anonymous complaint made against the appellant, on such complaint, respondent No. 3 appointed as Inquiry Officer who conducted inquiry and the appellant was exonerated from the charges and no punishment was awarded to the appellant on the basis of said anonymous application. **(Copy of the said Inquiry Report is already annexed by the appellant with his appeal as Annexure "A")**

It is worth to mention here that respondent No. 3 conducted impartial, fair and transparent inquiry against the appellant and exonerated him from the charges, hence this conduct of the respondent No. 3, itself falsified all the baseless allegations leveled against him by the appellant in the instant appeal.

It is also pertinent to mention here that thereafter the appellant willfully absented from his official duty that's why Adil Rauf, Inspector (BPS-15) of Excise & Taxation Office, Lakki Marwat was appointed as Inquiry Officer who conducted Inquiry. The charges of willful long absence and causing nuisance in official affairs were successfully proved in the Inquiry proceeding, hence he was terminated according to rule and law. **(Copy of such inquiry report dated 21/11/2017 is enclosed as Annexure "B")**

- 5) Detail answer is already given in supra para.
- 6) Detail answer is already given in supra para, however the said inquiry is not question mark in the instant appeal as the appellant himself admitted in the instant Para that in the said inquiry he was exonerated.
- 7) That Para No. 7 of the appeal is misconceived as framed, as the salary of the appellant was temporary stopped since the inquiry proceedings were pending against him due to his willful and deliberate long absence,

subsequently such charges were proved against him. It is correct that appellant also filed Writ Petition before the Honourable High Court, Dera Ismail Khan Bench which is still pending

- 8) Incorrect. It is submitted that the contents of Para No. 8 are false, frivolous and baseless allegations leveled against the then Excise and Taxation Officer Mr. Asghar Wazir is also baseless and frivolous.
- 9) Incorrect. Only to gain sympathy of this Worthy Tribunal, the appellant drafted the para-in-question.
- 10) In regard to Para No. 10, it is submitted that appellant only to blackmail and harass his officers/moved false and baseless complaints against them, in his service tenure.
- 11) In regard to Para No. 11, it is also submitted that only for pressurizing, harassing and blackmailing, the appellant used to more false, concocted complaints against his officers.
- 12) Incorrect. Attendance Register is always available with incharge dairy / dispatch. It is correct that show cause notice was served upon the appellant due to his willful and deliberate long absence which was subsequently proved against him in inquiry proceedings.
- 13) In regard to Para No. 13, it is submitted that appellant was badly failed to defend his version in the enquiry proceeding whereas every opportunity was provided to them.
- 14) That letter No. 664 dated 18/10/2017 was served on appellant with direction to join the duty and to explain his continuous absence but failed to do so.
- 15) It is correct to the extent that a competent officer of BPS-15 was appointed as Inquiry Officer rest of the para is incorrect, false, frivolous and fabricated one.
- 16) Incorrect. Detail answer is already given in ibid paras, however the appellant was not working at office and was dealt according to law.
- 17) Incorrect. It is submitted that respondents was not having any hostile attitude or ill will against the appellant but duo to his own conduct he was charge sheeted and was dealt accordingly.

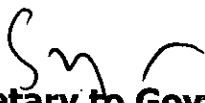
- 18) Incorrect. Detail answer is already given in supra paras.
- 19) Incorrect. Competent officer was nominated as inquiry officer who inquire the facts impartially and found the appellant guilty of the charges.
- 20) In regard to para No. 20, already detail answer is given in ibid paras.
- 21) Incorrect. Inquiry report was conveyed to the appellant.
- 22) Incorrect. It is submitted that inquiry report again sent to the appellant.
- 23) Incorrect. Complete inquiry report was sent to the appellant.
- 24) In response to Para No. 24, it is submitted that he was terminated as per Rule and law and dealt him according to law.
- 25) Pertains to record.
- 26) In response to Para No. 26, it is submitted that the appellant was terminated according to law, hence he has no cause of action to file the instant appeal.

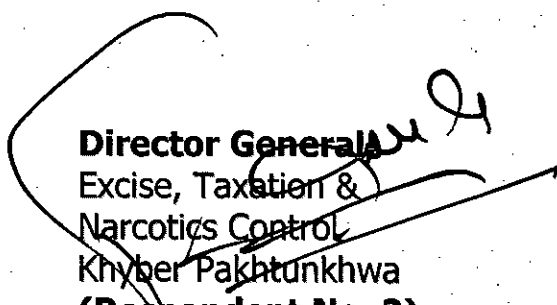
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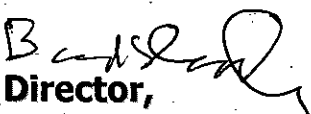
- 1) Incorrect. Order dated 08/11/2018 is passed by the competent authority legally and lawfully and is not against the law or facts, but passed the order according to law and facts.
- 2) Incorrect. Inquiries were conducted due to his own fault of the appellant, which charges was proved against him in transparent and impartial inquiry.
- 3) Incorrect. The story of non casting note in favour of Excise and Taxation Officer Asghar Khan Wazir is concocted, false and baseless story.
- 4) Incorrect. The appellant was dealt according to law.
- 5) Incorrect. The appellant was dealt according to law however it is submitted that only to blackmail and harass the respondents officials, the appellant made false and frivolous complaint against them.
- 6) It is submitted that appellant is terminated legally and he is not liable to be reinstate after proving charges in impartial inquiry.
- 7) It is submitted that appellant is dealt according to law of land.


- 8) It is submitted that every opportunity was provided to the appellant during inquiry proceedings.
- 9) It is submitted that appeal is filed on the basis of false, baseless and frivolous pleas / grounds and is liable to be dismissed.

It is, therefore, humbly prayed that this Honorable Tribunal will be pleased to dismiss the appeal of the appellant being meritless.

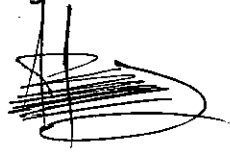

Secretary to Govt. of KPK
Excise, Taxation & Narcotics
Control Department,
Khyber Pakhtunkhwa
(Respondent No.1)


Director General
Excise, Taxation &
Narcotics Control
Khyber Pakhtunkhwa
(Respondent No. 2)


Director,
Excise, Taxation & Narcotics
Control, D.I.Khan Region
D.I.Khan
(Respondent No. 3)


**Excise, Taxation &
Narcotics Control Officer**
Dera Ismail Khan
(Respondent No. 4)

Through Counsel


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

BEFORE THE HONOURABLE SERVICE TRIBUNAL PESHAWAR,
CAMP COURT DERA ISMAIL KHAN

Service Appeal No. 367 of 2019

Muhammad Abid

(Appellant)

VERSUS

Govt. of Khyber Pakhtunkhwa & others

(Respondents)

AFFIDAVIT

I, **Khalid Khan Khalil**, Excise, Taxation & Narcotics Control Officer-D.I.Khan, do hereby solemnly affirm and verify on oath that the contents of accompanying "**Para wise Comments**" are true and correct to the best of my knowledge and belief, and nothing has been kept concealed or misstated.


THE DEPONENT

CNIC # 17301-1653190-3

Identified by Counsel;



S. Hamad Ali Shah

(Advocate),

Supreme Court of Pakistan

Legal Advisor

Excise Taxation & Narcotics

Control Department KPK.

Subject: INQUIRY REPORT AGAINST MUHAMMAD ABID NAIB QASID OFFICE OF THE DEPUTY DIRECTOR, EXCISE, TAXATION & NARCOTICS CONTROL, DIKHAN REGION, DIKHAN

Reference: Director (Admn :), Excise, Taxation & Narcotics Control Department, Khyber Pakhtunkhwa, Peshawar letter vide No. 3549 dated 17.04.2017 on the subject. (Annexure-A) wherein the undersigned has been appointed as Inquiry Officer vide above referred letter in the subject case.

· GROUND S

An anonymous application dated 09.04.2017 (Annexure-B) addressed to Director General, Excise, Taxation & Narcotics Control Department, Khyber Pakhtunkhwa, Peshawar received through Director (Admin:) Excise, Taxation & Narcotics Control Department, Khyber Pakhtunkhwa, Peshawar letter vide No. 3549 dated 17.04.2017.

Application contains complaint against Muhammad Abid S/o Haq Nawaz Naib Qasid Office of the Deputy Director, Excise, Taxation & Narcotics Control, DIKhan Region, DIKhan. Anonymous complainant stated:-

1. That Abid Awan (CNIC No 12101-6873284 J) is not performing his duties in the office.
2. That he perhaps pays monthly bribe to Asghar Wazir, District Excise Officer, DIKhan in lieu of his absence.
3. That he is a political coordinator of Waqar Khan Ex-Senator (PPP) and is working in his office. He pays visits for him. Abid Awan has joined his office since last six months. He has attached copy of Salary Sheet of Pak Arab Housing Scheme for the month of March 2017. (Annexure-C)

The complainant blamed that Abid Awan is receiving salaries without performing his duties in the office.

5. He demanded to dismiss Abid Awan from his job.

PROCEEDINGS

- 1) A letter No 398/ (DD DIKhan Region) dated 01.06.2017 (Annexure-D) was issued to Lt Col® Muhammad Aqdas, Director Admin

[Handwritten signature]

[Handwritten signature]
Deputy Director
Excise, Taxation & Narcotics Control
D.I. Khan Region, D.I. Khan

[Handwritten signature]

WAKGROUP with the request to examine the salary sheet in question and to inform this office about authenticity of the salary sheet or otherwise. In case of confirmation of the said sheet, it was also requested to provide data/particulars of said Abid Awan for further proceeding in the subject inquiry.

2) In response to this office letter, Lt Col[®] Muhammad Aqdas, Director, Admin WAKGROUP vide his letter No nil dated 03.06.2017 intimated to contact his General Manager, HR Department WAK GROUP for the purpose. (Annexure-E)

3) A letter No 407/ (DD DIKhan Region) dated 05.06.2017 (Annexure-F) was issued to General Manager, HR Department WAK GROUP with the similar request to provide the requisite data of said Abid Awan to proceed further in the matter.

4) In response, General Manager, HR Department WAK GROUP vide His letter No HR/Letters/49/Govt. Department dated 12.06.2017 has categorically declared that someone with malafide intentions had twisted the facts to misguide your department by providing fabricated and altered documents..... He also submitted the requisite information/data with employee code in his above quoted letter. (Annexure-G). He attached separate Pay Slip and Salary Sheet for the month of May 2017 which are Annexure-H & Annexure-I.

5) A letter No 389/ DD(DIKhan Region) dated 30.05.2017 was issued to Muhammad Abid, Naib Qasid in the office of Deputy Director, Excise, Taxation & Narcotics Control, DIKhan Region, DIKhan to submit his written statement in the matter. (Annexure-J)

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STATEMENT OF MUHAMMAD ABID, NAIB QASID, OFFICE OF THE DEPUTY DIRECTOR, EXCISE, TAXATION & NARCOTICS CONTROL, DIKHAN REGION

Handwritten signature
Deputy Director
Excise, Taxation & Narcotics Control
D.I.Khan Region D.I.Khan

Muhammad Abid, Naib Qasid, in his written statement, has utterly negated all the charges leveled against him. He stated that allegations are false and baseless. He added that pay slip attached with anonymous application is fake and fictitious. He further stated that complainant has a moral courage to disclose his identity. He added that keeping the dictums of Superior Courts in

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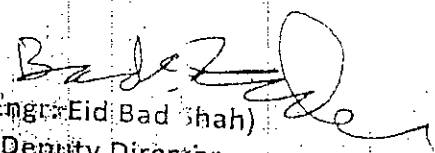
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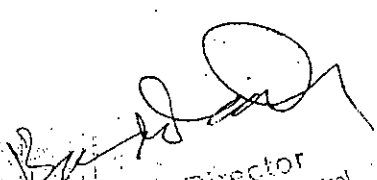
view, anonymous applications are not to be entertained. He explained that Pay Slip of Pak-Arab Housing Scheme reflects my job at Lahore while he had been serving in the office of Deputy Director, Excise, Taxation & Narcotics Control, DIKhan Region, at DIKhan. He attached copies of attendance register of the office of Deputy Director, Excise, Taxation & Narcotics Control, DIKhan Region, DIKhan which is **Annexure-K**. He emphasized that it is not possible for a person to be present daily at two distant places (Lahore & DIKhan) of different provinces. His statement is attached as **Annexure-L**.

FINDINGS

1. Application is anonymous.
2. Complainant totally relied upon pay slip of Pak-Arab Housing Scheme. General Manager, HR Department WAK GROUP has categorically declared that someone with mala fide intentions has twisted the facts to misguide this department by providing fabricated and altered documents.

Dated


 (Engr. Eid Bad Shah)
 Deputy Director,
 (Inquiry Officer)


 Deputy Director
 Excise, Taxation & Narcotics Control
 DIKhan Region DIKhan



3

OFFICE OF THE INSPECTOR EXCISE & TAXATION LAKKI MARWAT/ENQUIRY OFFICER

No. 386 / Dated Lakki Marwat, the

21/11/2017

To:- The Deputy Director(Southern),
Excise & Taxation & Narcotics Control
DIK Region D I Khan.

SUBJECT: INQUIRY REPORT AGAINST MUHAMMAD ABID NAIB QASID O/O DEPUTY DIRECTOR ET&NC DIKHAN FOR WILLFUL AND CONTINUOUS ABSENCE FROM DUTY.

Reference your letter No: 689/DD (DIKhan Region), dated: 24-10-2017 wherein the undersigned has been appointed as Inquiry Officer to conduct comprehensive Inquiry in the subject case.

FACTS

1. As per above quoted letter, Mr Muhammad Abid Naib Qasid (BS-03) O/O Deputy Director (Southern), Excise, Taxation & Narcotics Control DI Khan was willfully and continuously absent from duty since 03-10-2017. The explanation called from the accused official and his replies thereto examined.
2. A notice for appearance on 09.11.2017 before the undersigned was issued and served upon the accused official through his office address vide letter No. 305 dated 06.11.2017 (**Annexure A**) and I proceeded to D I Khan and assembled in the office of the District Excise & Taxation Officer, D I Khan 09.11.2017 while the accused official joined the enquiry proceedings.
3. On the day Mr Ashiq Hussain Naib Qasid, Accused officials and Mr Khan Afzal Driver were present in the office. Mr. Abdul Hameed, ASI who has possession of both attendance registers of staff pertaining to Deputy Director(Southern) and ETO DIKhan, was also present in the office. The accused official submitted his written statement containing two pages, marked **Annexure B** and placed on file.
4. Statements of available Driver namely Khan Afzal and Naib Qasid namely Ashiq Hussain recorded on the spot, examined, marked as **Annexure C & D** respectively and placed on file.
5. The accused official stated in his statement that after coming into knowledge about the said compliant, the ETO DI Khan took into his own possession the attendance register and not allowed him to mark his attendance in the said register. He was served with a show-cause notice by the authority

concerned alleged therein that he is willfully absent from his duties since 03-10-2017 and when came into the office on 03-10-2017 to perform his duties he was not allowed to mark his attendance in the attendance register or to stay in the office. Thereafter, on 05-10-2017, the attendance register was taken into possession by ETO D I Khan and not allowed him to mark his attendance and perform his duties.

6. Mr Ashiq Hussain Naib Qasid office of the Deputy Director (Southern), Excise, Taxation & Narcotics Control DI Khan stated that he is performing his duties in the office of Deputy Director(Southern), Excise, Taxation & Narcotics Control DI Khan and marking my attendance in the attendance register available in the office of ETO D I Khan and never asked by any one not to mark the attendance, however, Mr Muhammad Abid Naib Qasid has not seen in the office since October 2017. **(Annexure E)**

7. Mr Khan Afzal Driver of office of the Deputy Director(Southern), Excise, Taxation & Narcotics Control DI Khan stated that he is performing his duties in the office of Deputy Director(Southern), Excise, Taxation & Narcotics Control DI Khan since 2011 and marking my attendance in the attendance register while two Naib Qasids namely Ashiq Hussain and Mr Muhammad Abid are working in the office of Deputy Director(Southern), Excise, Taxation & Narcotics Control DI Khan and during the duty hours we all meet and shake hands to each other and no one has dis-allowed me from marking of my attendance however since last 15-20 days Mr Muhammad Abid has also not seen available in the office. **(Annexure F)**

8. Mr. Abdul Hameed, ASI of office of Excise & Taxation Office, DIKhan stated that he is performing his duties in the office of ETO DIKhan since 17 years. At present, my duty is Diary Dispatch and possession of both attendance registers of staff pertaining to Deputy Director(Southern) and ETO DIKhan. When high-ups marked "A" (Absent) in the attendance register of accused official, the next day Muhammad Abid asked me reason of marking "A". I replied him, High-ups have marked "A" then he went way. **(Annexure G)**

9. Provided record of attendance register pertaining to staff of Deputy Director(Southern) also shows that accused official is found absent since 03-10-2017 till 08-11-2017. (Attendance register **Annexure H**)

FINDINGS.

10. After perusal of case file, statements and available record, it has also been found that the accused official have filed two numbers of complaints (**Annexure-I**) in the office of Assistant Director ACE D I Khan with endorsement to Director General Excise, NAB against his lawful authority stated therein that Deputy Director and ETO D I Khan concerned have marked him absent from duty and taken into their custody the attendance register which is a dis-grace of his superior officers and also used abuse languages against the officer concerned thus the accused official is found guilty of misconduct and habitually absenting himself from duty as provided in Rule 3 (b) & (d) of the Khyber Pakhtunkhwa, Government Servants (Efficiency & Discipline) Rules, 2011 and Rule 25 (1) of Khyber Pakhtunkhwa Government Servant Conduct Rules, 1987 (**Rule 25(1) Annexure-J**).
11. He has deserted office since 03-10-2017 and continuously black mailing Deputy Director (South) and ETO DI Khan only to neutralize the repercussions of his continuous absence.
12. Deputy Director(Southern) & ETO DIKhan have kept the accused official under observation in order to be dutiful and punctual but he failed to do so thus accused official violated Para 2(b) & 2(d) of ESTA CODE Chapter IV (Punctuality in attendance) (**Annexure-K**).
13. It has also been noticed that due to his willful absence from duty, frequent complaints against senior officers, use of undeveloped language, has spread sense of frustration and chaos among hardworking staff resulting lack of confidence & discipline in government offices which hampering smooth functioning and service delivery to the public at large.
14. During examination of record, replies of Mr. Muhammad Abid, Naib Qasid with regard to explanations of his absence from duties, were sent through postal service to the Deputy Director(Southern), Excise, Taxation & Narcotics Control DIKhan, which shows arrogance and haughtiness.
15. He did not bother to submit his explanations replies in person to the office of Deputy Director(Southern).

In nutshell, it is established that the behavior of Muhammad Abid Naib Qasid has been undisciplined, insubordinate, disrespectful, and blackmailing towards his senior officers (Deputy Director DI Khan region and ETO DI Khan)

and willfully absented from official duty since 03-10-2017 till 08-11-2017.
Furthermore, he has ceased as an obedient and efficient official and become a
nuisance for the office of deputy director di khan region.

Dated: 21-11-2017

(ADEL RAUF),
INQUIRY OFFICER / EXCISE &
TAXATION INSPECTOR
LAKKI MARWA

**BEFORE THE PROVINCIAL SERVICE TRIBUNAL,
KHYBERPAKHTUNKHWA**

Service Tribunal Appeal No: _____ of 2019

Muhammad Abid VERSUS Govt of KP & Others

APPEAL

REJOINDER FROM PETITIONER

Respectfully Sheweth,

That the petitioner humbly presents the below para-wise rejoinder to the comments of the respondents;

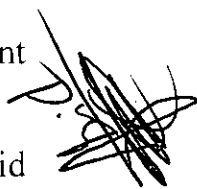
ON PRELIMINARY OBJECTIONS:

- A. Incorrect, hence denied. The petitioner has presented all his legal as well as factual grounds which make the instant appeal maintainable.
- B. Incorrect, hence denied. The petitioner has presented all his legal as well as factual grounds which means that the petitioner has the cause of action.
- C. Incorrect, hence denied. The petitioner has presented all his legal as well as factual grounds which means that the petitioner has the locus standi.
- D. Incorrect, hence denied. Same reply as given in *ibid.* paras.
- E. Incorrect, hence denied. No such alleged fact is disclosed by the respondents, which will enable the petitioner to respond in instant rejoinder.
- F. Incorrect, hence denied. Same reply as given in *ibid.* paras.
- G. Incorrect, hence denied. The instant appeal is well within time.
- H. Incorrect, hence denied. Appeal of the petitioner may please be read in support of the instant para. However, the inquiry was biased.
- I. Incorrect, hence denied. No such opportunity was given to the appellant and the same is clear from the inquiry report. Rest Same reply as given in *ibid.* paras.

ON FACTS:

- 1. Instant para needs no reply.

2. Instant para needs no reply.
3. Instant para needs no reply.
4. Instant para is admitted to the extent of earlier anonymous complaint, its inquiry and exoneration of the appellant from the same. Rest of the para is incorrect, hence denied. The respondents have no explanation as to why they stopped the salary of the petitioner when the petitioner was neither suspended from the service nor removed from the service. Even during the suspension salary of an employee could not be stopped. For the rest of the reply the petitioner relies upon his instant appeal.
5. Same reply as given in ibid. paras.
6. Same reply as given in ibid. paras.
7. Instant para is incorrect. Hence, denied. The salary of the appellant was stopped prior to the allegations of wilful absentism against the petitioner.
8. Instant para is incorrect. Hence, denied. Same reply as given in ibid. paras. The allegations of the appellant against the two are proved due to their own conduct.
9. Instant para is incorrect. Hence, denied. Law doesn't take its course from sympathies.
10. Instant para is incorrect. Hence, denied. Same reply as given in ibid. paras. The impugned inquiry could not have been conducted at the behest of the said officers.
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12. Instant para is incorrect. Hence, denied. Same reply as given in ibid. paras.
13. Instant para is incorrect. Hence, denied. Same reply as given in ibid. paras. It was a wilful manoeuvre by the respondents.
14. Instant para needs no reply. However, the averments made in the instant appeal are true and correct.
15. That the instant para is incorrect to the extent of competency of the said officer as inquiry officer and rest of the para. Hence, denied. He was appointed as inquiry officer by those who were biased against the appellant.
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25. Instant para is incorrect. Hence, denied. Same reply as given in ibid. paras.

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HENCE, IT IS, THEREFORE, REQUESTED TO SET ASIDE THE IMPUGNED ORDER DATED 08.11.2018 AND TO REINSTATE THE APPELLANT IN HIS SERVICE WITH ALL HIS BACK BENEFITS AND ALSO TO TAKE STERN ACTION AGAINST THE SAID OFFICIALS.


Your Humble Appellant
Muhammad Abid

Ex – Naib Qasid
Excise, Taxation &
Narcotics Control Office,
Dera Ismail Khan


Through Counsel
Saddam Hussain Zakori
Advocate High Court

Dated 21/09/2020

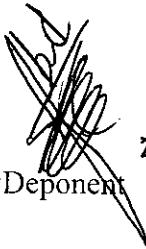
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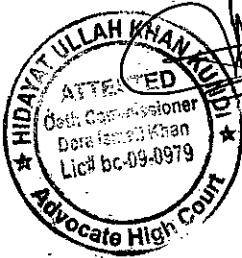
Muhammad Abid *VERSUS* Government of KP and others

APPEAL U/S 4 OF KP CIVIL SERVANT ACT, 1973

AFFIDAVIT

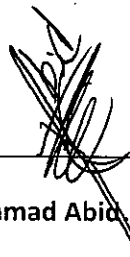
I Muhammad Abid do hereby solemnly affirm and declare that the contents of this Rejoinder are true and correct to the best of my knowledge and belief and nothing has been concealed from this Tribunal


Deponent 21/09/2020



21/9/2020

CERTIFIED AT D.I.KHAN

That the parawise content of the instant rejoinder are true and correct to the best of my knowledge and belief


Muhammad Abid....(Appellant) 21/09/2020

**BEFORE THE PROVINCIAL SERVICE TRIBUNAL,
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Service Tribunal Appeal No: _____ of 2019

Muhammad Abid VERSUS Govt of KP & Others

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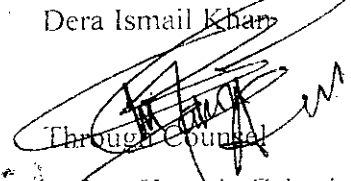
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Your Humble Appellant
Muhammad Abid

Ex - Naib Qasid
Excise, Taxation &
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Dera Ismail Khan

Dated 21/09/2020


Through Counsel
Saddam Hussain Zakori
Advocate High Court

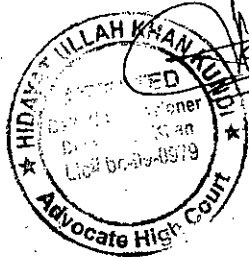
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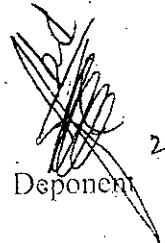
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Muhammad Abid...(Appellant) 21/09/2020