

08.07.2019

Counsel for the appellant present.

Learned counsel for the appellant states that he is under instruction to request for withdrawal of instant appeal with permission to file a fresh one, if need be.

Dismissed as withdrawn. The appellant may seek redressal of his grievance, if any, in accordance with law.

File be consigned to the record room.


Chairman

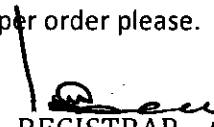


ANNOUNCED

08.07.2019

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 509/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	17/04/2019	<p>The appeal of Mr. Javed Sultan resubmitted today by Mr. Hassan U.K. Afridi 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 17/4/19</p>
2-	22/05/19	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>27/05/19</u></p> <p style="text-align: right;"> CHAIRMAN</p>
	27.05.2019	<p>Notice to appellant/counsel for preliminary hearing on 08.07.2019 before S.B.</p> <p style="text-align: right;"> Chairman</p>

1-42

The appeal of Mr. Javed Sultan son of Sultan Ahmad Shah r/o Mohallah Sangerh District Hangu presently Inspector Excise and Taxation Office Kohat received today i.e. on 10.04.2019 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

Copy of impugned order and departmental appeal against it are not attached with the appeal which may be placed on it.

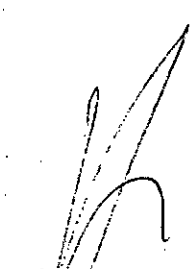
No. 740 /S.T,

Dt. 10/4/2019.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Hassan U.K. Afridi Adv. Pesh.

Re-submitted
impugned not filed.
dt 30-3-2010
has annexed and
the departmental appeal
is on page - 46, 38
while the table attached
give direction to the
Rajpots to decide the
case of appeal within
90 days.



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. 509 /2019

Javed Sultan.....Appellant

V E R S U S

Government of Khyber Pakhtunkhwa
Through Chief Secretary & others.....Respondents

I N D E X

S#	Description of Documents	Annex	Pages
1.	Service Appeal with affidavit		1-9/10
2.	Application for stay alongwith affidavit		10-13
3.	Addresses of parties		14
4.	Appointment order dt.28.05.2005		15-17
5.	Departmental Examination Result of 2006		18-20
6.	Departmental Examination Result of 2009		21-23
7.	Order dated 22.06.2010 of promotion of Sub Inspectors		24
8.	Order dated 13.08.2012 of promotion of Sub Inspector		25
9.	Order dated 10.11.2016		26
10.	Seniority list dt.31.12.2016		27-30
11.	Working papers		31-33
12.	Judgment of this Hon'ble Court dated 08.12.2015 in appeal No.201/2014		34-36
13.	Departmental appeal dt.27.12.2016		37-38
14.	Judgment dated 23.11.2018		39-43
15.	Recds -		44
16.	Covering letters with letter -		45-46
17.	Wakalatnama with imposed words 30 ³ / ₁₀		47-49

Appellant

Through

Dated 09.04.2017


Hassam U.K. Afridi
Advocate High Court
Cell No.0300-9151963

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. 509 /2019

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 599

Dated 10-4-2019

Javed Sultan S/o Sultan Ahmad Shah,
R/o Mohallah Sangerh, District Hangu
Presently Inspector
Excise & Taxation Office, Kohat.....

Appellant

V E R S U S

1. Government of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat, Peshawar
 2. Secretary Excise & Taxation Department, Khyber Pakhtunkhwa, Peshawar
 3. Director General Excise & Taxation Department, Khyber Pakhtunkhwa Shami Road, Peshawar
 4. Standing Service Rules Committee through its Chairman, Secretary E&T Department, Khyber Pakhtunkhwa, Peshawar
- Respondents**

Filed to-day

[Signature]
Registrar

10/4/19

**APPEAL Under section 4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT,
1974**

Re-submitted to -day
and filed.

[Signature]
Registrar

17/4/19 Prayer in Appeal:-

On acceptance of this appeal, the
respondents may kindly be directed

1. to promote the appellant under the examination rules 1950, from inspector to assistant Excise and Taxation Officer (AETO), with all back consequential benefit under the law, as other candidates have already been promoted through judgment passed by this Hon'ble Tribunal ,in service appeal No.201/2014 under titled "Muhammad Qamar Versus Chief Secretary of Khyber Pakhtunkhwa etc" by order issued/ passed by the respondents dated 10.11.2016.
2. to waive off the condition of higher standard and grant relaxation in paper from higher standard (excise law-paper-II) as other candidates have already granted the same relief.
3. That notification dated 30.03.2010, may kindly be declared null and void upon the rights of the appellant as it is in conflict with examination rules of 1950.

4. That the seniority of the appellant may kindly be consider from the date when the appellant apply for his promotion.
5. That order may kindly be passed, that the appellant may be treated similarly as other candidates have already been promoted under the law, being employees of the same department and the name of the appellants may be in listed in working paper /due promotion list for DPC.
6. Any the relief, the Honourable Court may deem fit for the safe administration of justice

Respectfully Sheweth:-

1. That the appellant was appointed as inspector in BPS-14 in the department of respondent No.2, 3 on 28.05.2005. (Appointment letter is attached).
2. That the appellant appeared in the year 2006 for promotion to Assistant Excise and Taxation Officer (A.E.T.O), in departmental examination and passed

all the papers in higher grade but only one paper (excise law paper-II) passed in lower grade mean 50% marks).

3. That in the year 2009, the appellant appeared in the same departmental examination for improvement and passed the same paper on lower grade (50% marks).
4. That Mr. Muhammad Qamar Nizakat Ali, and Falak Naz, inspectors in the same department filed a Service Appeal, for promotion from inspectors to Assistant Excise and Taxation Officer (AETO) who were in the same footing as the appellant, the appeals of the said inspectors have been disposed of, with the direction to respondents, the cases of appellants may be considered under the rule 7 (3) of examination rules 1950, and on the light of said judgment, the respondents promoted the above mentioned three inspectors to (AETO), under order, dated 10.11.2016.
5. That the appellant filed departmental appeal to the respondents, for his promotion to Assistant Excise & Taxation Officer (AETO), on 27.12.2016, under the law to similar treatment with the

appellant but no response/reply has been received from the respondents hence the service appeal filed on 06.04.2017, which was disposed off by the Hon'ble Tribunal on 23.11.2018, with the direction to respondents to decide the departmental appeal of the appellant as pending, within 90 days from the date of receipt of the judgment through speaking order and the appellant received the said judgment on 19.12.2018 and then delivered to respondents through covering letter issued by the Excise Taxation & Narcotics Control Officer, Kohat with the application, but still no response, hence this service appeal on the following amongst the other grounds:

GROUND S:

- A. That the rules dated 30.03.2010 is against law and justice, therefore, not tenable and as this Hon'ble Tribunal has already been directed to the respondents to comply the rules of examination 1950, rule-7 (3).
- B. That the appellant is legally entitled for the same and similar treatment as the other employees have already been treated under order dated

10.11.2016, passed by the respondents, in the light of judgment passed by this Hon'ble Tribunal.

- C. That the appellant is also entitled for the similar treatment as the employees of the same department as Sub Inspectors have already been promoted to inspector under Rule-7 (3) of examination rule 1950, vide order dated 22.01.2010 and 13.08.2012 and granted relaxation.
- D. That every one is equal before law and every one treated equally in accordance with law and the respondents are violating the fundamental rights embodied in the constitution.
- E. That the appellant passed his departmental examination for promotion to (AETO) in Higher grade except paper-II of Excise law in lower grade (50% marks).
- F. That the appellant has been kept deprived from his legal right of promotion in an arbitrary manner under the grabbers of rules of 30.03.2010, which are not sustainable and contradictory with the examination rules 1950.

- G. That under the seniority list of inspector vide dated 31.12.2016, the appellant is in serial No.16, and is very much entitle for promotion to (AETO), while in working paper/list of candidate as inspectors, due for promotion, the name of the appellant has not been mentioned/listed, is against the rule of law and justice and juniors have been promoted.
- H. That
- I. That the rules dated 30.03.2010, has not applied to the appellant as the appellant has passed an departmental examination before promulgation the said impugned rules.
- J. That the respondents are continuously denying the principles embodied in judgments of Hon'ble Supreme Court i.e. 2018 SCMR 380, 2009 SCMR 1, etc as committed contempt of judgment of Supreme Court as everyone bound to obey the judgments of Hon'ble Supreme Court of Pakistan under article 198 of the Constitution of Pakistan 1973.

K. That some other ground may be adduced at the time of arguments with the permission of this Honourable Court.

It is, therefore most humbly prayed that on acceptance of this appeal, the respondents may kindly be directed

1. To promote the appellant under the examination rules 1950, from inspector to assistant Excise and Taxation Officer (AETO), with all back consequential benefit under the law, as other candidates have already been promoted through judgment passed by this Hon'ble Tribunal, in service appeal No.201/2014 under titled "Muhammad Qamar Versus Chief Secretary of Khyber Pakhtunkhwa etc" by order issued/ passed by the respondents dated 10.11.2016.

2. To waive off the condition of higher standard and grant relaxation in paper from higher standard (excise law-paper-II) as other candidates have already granted the same relief.

3. That notification dated 30.03.2010, may kindly be declared null and void upon the rights of the appellant as it is in conflict with examination rules of 1950.
4. That the seniority of the appellant may kindly be consider from the date when the appellant apply for his promotion.
5. That order may kindly be passed, that the appellant may be treated similarly as other candidates have already been promoted under the law, being employee of the same department and the name of the appellants may be in listed in working paper /due promotion list for DPC.
6. Any the relief, the Honourable Court may deem fit for the safe administration of justice

Through


Appellant

Dated 09.04.2019


Hassan U.K Afridi
Advocate/High Court

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. _____/2019

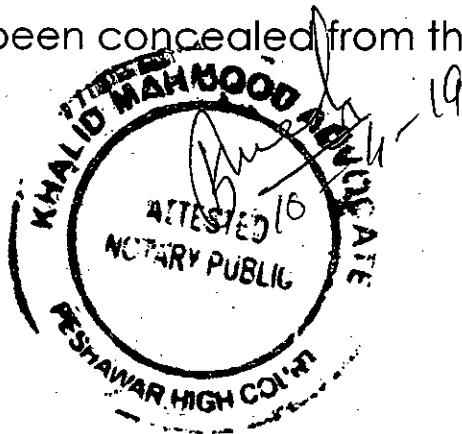
Javed Sultan.....**Appellant**

V E R S U S

Government of Khyber Pakhtunkhwa
 Through Chief Secretary & others.....**Respondents**

A F F I D A V I T

I, Javed Sultan S/o Sultan Ahmad Shah, R/o Mohallah Sangerh, District Hangu Presently Inspector Excise & Taxation Office, Kohat, do hereby solemnly affirm and declare on oath that the contents of the accompanying **Service Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.




DEPONENT

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

C.M. No. _____/2019

In

Service Appeal No. _____/2019

Javed Sultan.....**Appellant**

V E R S U S

Government of Khyber Pakhtunkhwa
Through Chief Secretary & others.....**Respondents**

**APPLICATION FOR GRANTING STATUS
QUO/ STAY FOR FURTHER PROCEEDINGS
OF DEPARTMENTAL PROMOTION
COMMITTEE OVER THE DUE PROMOTION
LIST/ WORKING PAPER OF INSPECTORS,
TILL THE FINAL DECISION OF APPEAL**

Respectfully Sheweth:

1. That the appellant filed appeal with this application which has bright chance to succeed.
2. That the appellant has good prima facie case.
3. That the balance of convenience also lies in favour of the appellant.
4. That if the status quo has not been granted, the appellant will suffer irreparable loss.

5. That the grounds of appeal, may be consider as integral part of this application,
6. That some other ground may be adduced at the time of arguments with the permission of this Honourable Court

It is, therefore humbly prayed that on acceptance of this application, the stay/status quo in further proceedings of departmental promotion committee over the due promotion list /working papers of inspector, till the final decision of appeal.

Appellant

Through


Hassan U.K Afridi
Advocate High Court

Dated 09.04.2019

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

C.M. No. _____/2019

In

Service Appeal No. _____/2019

Javed Sultan.....**Appellant**

VERSUS

Government of Khyber Pakhtunkhwa
 Through Chief Secretary & others.....**Respondents**

AFFIDAVIT

I, Javed Sultan S/o Sultan Ahmad Shah, R/o Mohallah Sangerh, District Hangu Presently Inspector Excise & Taxation Office, Kohat, do hereby solemnly affirm and declare on oath that the contents of the accompanying **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.


DEPONENT

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. _____/2019

Javed Sultan.....**Appellant**

V E R S U S

Government of Khyber Pakhtunkhwa
 Through Chief Secretary & others.....**Respondents**

ADDRESSES OF PARTIES

APPELLANT:

Javed Sultan S/o Sultan Ahmad Shah,
 R/o Mohallah Sangerh, District Hangu
 Presently Inspector
 Excise & Taxation Office, Kohat

RESPONDENTS:

1. Government of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat, Peshawar
2. Secretary Excise & Taxation Department, Khyber Pakhtunkhwa, Peshawar
3. Director General Excise & Taxation Department, Khyber Pakhtunkhwa Shami Road, Peshawar
4. Standing Service Rules Committee through its Chairman, Secretary E&T Department, Khyber Pakhtunkhwa, Peshawar

Appellant

Through

Hassan U.K Afridi
 Advocate High Court

Dated 09.04.2019

15

DIRECTORATE GENERAL, EXCISE & TAXATION N-W.F.P., PESHAWAR.

ORDER

Peshawar, dated the 28th May, 2005.

No. 8667 /Estb/XXXV-D-412. On the recommendation of the N.W.F.P., Public Service Commission, the following candidates are hereby appointed on contract basis, as Excise & Taxation Inspector in BPS-14 viz: Rs.3100-240-10300, with usual allowances as admissible under the rules, with immediate effect, on the terms and conditions mentioned below :-

- 1- Mr. Zahid Iqbal S/o Sardar Khan R/o. Village Nasapa Bala P.O. Khazana Payan Tehsil & District Peshawar.
- 2- Mr. Asif Khan S/o Muhammad Azam, R/o. Technology Transfer Institute PARC Tarnab, Peshawar.
- 3- Mr. Muhammad Iqbal S/o. Pari Zad R/o Village & PO Kotar Pan, Rustam, Mardan.
- 4- Syed Shahid Ali Shah S/o Syed Gulzar Hussain Shah R/o Sheikh Junaid Abad No.3 H.No.946/14A, Peshawar City.
- 5- Mr. Muhammad Khalid s/o shamshad Khan R/o Hayatabad Science College, Sector No.1 Phase-IV, Hayatabad Peshawar.
- 6- Mr. Muhammad Zahoor S/o Ahmed Jan R/o. Street No.3 Near Ideal Public School, Din Bahar Colony, Charsadda Road, Peshawar.
- 7- Mr. Zakir Ullah S/o Ghulam Rasool Khan R/o. Village & PO Maindan Bandi Tehsil Lal Qilla District Lower Dir.
- 8- Mr. Taj Wali S/o Faqir Said R/o. H.No.3 Street No.19 P.O. Ashrafia Colony, Latifabad, Peshawar city.
- 9- Mr. Riaz-ud-Din S/o Muhammad Hashim Khan C/o. Haji Abdul Aziz & Sons, Chemical Merchants, Green Chowk Mingora Swat.
- 10- Mr. Amjad Ali Khan S/o Aurangzeb Khan R/o. Allama Iqbal Colony, Jogan Murree Road Nawan Shehr, Abbottabad.
- 11- Mr. Waheedur Rehman S/o Habibur Rehman (Late) R/o Utility Store Corporation of Pakistan, Head Office Plot No.2039 P.O. Box No.1339, Blue Area F/7-G/7, Islamabad.
- 12- Mr. Amjid Zareen S/o Muhammad Zareen R/o. D.E.O. Planning & Development Department RD Section Civil Secretariat Peshawar.
- 13- Mr. Ziaud Din S/o Misbahud Din R/o. Pir General Store, Nizd Ghala Mundi Chowk Bannu City.
- 14- ~~Mr. Javed Sultan S/o Sultan Ahmed Shah R/o. Ahmad Brothers Shinwari Jewellers Shop, Madrassa Road, Mohallah Sangerh District Hangu.~~
- 15- Mr. Khalid Qayyum S/o Abdul Qayyum Shah R/o Masoor-ur-Rehman, State Bank of D.I.Khan.
- 16- Mr. Abdus Samad S/o Umer Haval R/o. Village & PO Dhakki Tehsil Pahar Pur


- 17- Mr. Ahmad Naeem S/o Mohammad Nazir Ashk R/o. Inside Lahori Gate Near Alaud Din Mosque, D.I.Khan. 16
- 1- They will get pay at the minimum of BPS-14 including usual allowances as admissible under the rules and also be entitled to annual increment as per existing contract policy.
 - 2- Their contract appointment in the Excise & Taxation Department will be for minimum three (03) years and shall stand terminated automatically on the expiry of the contract period.
 - 3- Their services will be liable to termination with or without any reason on two months notice from either side. In case of termination without notice by the employer or two months notice from the employee for resignation, two months pay and allowances shall be paid by the Government or refunded by the employee as the case may be.
 - 4- Their services under the present contract shall not qualify for pension/gratuity.
 - 5- They will not contribute towards G.P. Fund. However, he will contribute C.P. Fund @ 5% of minimum of pay scale and an equal amount of 5% contribution will be made by the Government as per rules.
 - 6- They will not be considered for regulation of contract service i.e. at any stage.
 - 7- They will be allowed Conveyance, Medical, House Rent Allowance, Leave and TA/DA as per Government rules.
 - 8- They will be entitled to facility of Benevolent Fund as per contract policy.
 - 9- They have to join duty at their own expense.
 - 10- They will execute an agreement bond for their contract, appointment with the Government of N.W.F.P.
 - 11- If they accept the post on these conditions, they should report for duty to the Excise & Taxation Officers mentioned against their names within 14 days of the receipt of this offer and produce original educational certificates, domicile certificate etc.

S.No.	Name of Excise & Taxation Inspectors.	Place of Postings.
1-	Mr. Zahid Iqbal S/o Sardar Khan	Office of Excise & Taxation Officer-II, Peshawar.
2-	Mr. Asif Khan S/o Muhammad Azam,	Office of Excise & Taxation Officer, Peshawar-IV
3-	Mr. Muhammad Iqbal S/o. Pari Zad	Office of Excise & Taxation Officer, Buner..
4-	Syed Shahid Ali Shah S/o Syed Gulzar Hussain Shah	Office of Excise & Taxation Officer, Kohat.
5-	Mr. Muhammad Khalid s/o shamshad Khan	Office of Excise & Taxation Officer, Peshawar-IV.
6-	Mr. Muhammad Zahoor S/o Ahmed Jan	Office of Excise & Taxation Officer, Peshawar-IV.
7-	Mr. Zakir Ullah S/o Ghulam Rasool Khan	Office of Excise & Taxation Officer, Lower Dir.
8-	Mr. Taj Wali S/o Faqir Said	Office of Excise & Taxation Officer, Chitral.
9-	Mr. Riaz-ud-Din S/o Muhammad Hashim Khan	Office of Excise & Taxation Officer, Shangla Par.
10-	Mr. Amjad Ali Khan S/o Aurangzeb Khan	Office of Excise & Taxation Officer, Haripur.

17

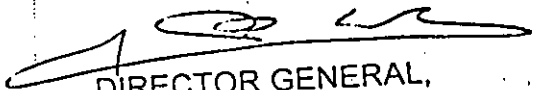
11-	Mr. Waheedur Rehman S/o Habibur Rehman (Late)	Office of Excise & Taxation Officer, Kohistan.
12-	Mr. Amjid Zareen S/o Muhammad Zareen	Office of Excise & Taxation Officer, Haripur.
13-	Mr. Ziaud Din S/o Misbahud Din	Office of Excise & Taxation Officer, Swat.
✓ 14-	Mr. Javed Sultan S/o Sultan Ahmed Shah	Office of Excise & Taxation Officer, Kohat.
✓ 15-	Mr. Khalid Qayyum S/o Abdul Qayyum Shah	Office of Excise & Taxation Officer, D.I.Khan.
16-	Mr. Abdus Samad S/o Umer Hayat	Office of Excise & Taxation Officer, D.I.Khan.
17-	Mr. Ahmad Naeem S/o Mohammad Nazir Ashk	Office of Excise & Taxation Officer, Bannu.

Order raised
Dec 2
28.5.05


DIRECTOR GENERAL,
EXCISE & TAXATION, N.W.F.P.,
PESHAWAR. ✓

No. 8668-8757 / Estb/XXXV-D-412.
Copy forwarded to :

- 1- PS to Minister for Food, Excise & Taxation, N.W.F.P., Peshawar.
- 2- PS to Secretary to Govt. of N.W.F.P., Excise & Taxation Department, Peshawar.
- 3- Accountant General, N.W.F.P., Peshawar.
- 4- All Excise & Taxation Officers in N.W.F.P.
- 5- All District Accounts Officers in N.W.F.P.
- 6- Officials named above.
- 7- Personal File of the officials.


DIRECTOR GENERAL,
EXCISE & TAXATION, N.W.F.P.,
PESHAWAR. ✓

No.9212260-61

87-8313/Est./XIX-C-140, Peshawar, dated the 25/4/2006.

(18)

All concerned to note. 24/5

Director General,
Excise & Taxation, N-WFP,
Peshawar.

All the Excise & Taxation Officers,
In N-WFP.

To

Subject :-

DEPARTMENTAL EXAMINATION.

Memo:

A copy of Notification No.SO(Estt)E&T/1-19/2000, dated 16-01-2006 received from Secretary to Government of N-WFP, Excise & Taxation Department, information and necessary action and inform all the officers/officials concerned accordingly.

[Signature]
DIRECTOR GENERAL,
EXCISE & TAXATION, N.W.F.P.,
PESHAWAR.

No.

/Est.:

Copy forwarded to Section Officer, Excise & Taxation Department, NW Peshawar for information with reference to his Notification No. cited above please.

[Signature]
DIRECTOR GENERAL,
EXCISE & TAXATION, N.W.F.P.,
PESHAWAR.

- 13-
- 14-
- 15-
- 16- Mr.
- 17- Mr.
- 18- Mr. Mc
- 19- Mr. Sarc
- 20- Mr. Pervaz
- 21- Mr. Mohamr

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&
Est

23-	Mr. Rehmatullah, Inspector.	Absent	Absent	Absent	Absent
24-	Mr. Abdul Wali, Inspector.	--	Lower	Higher	Higher
25-	Mr. Shamsheer Ali, Inspector	Fail	Absent	Fail	Fail
26-	Mr. Nizakat Ali, Inspector	--	Lower	Fail	Fail
27-	Mr. Saadud Din, Inspector	Fail	Lower	--	Higher
28-	Mr. Falak Nawaz, Inspector	--	--	Absent	Absent
29-	Mr. Faridullah Shah, Inspector	Higher	Absent	Absent	Absent
30-	Mr. Shad Mohammad, Inspector.	Absent	Fail	--	--
31-	Mr. Mohammad Mushtaq, Inspector	Fail	Fail	Absent	Absent
32-	Mr. Nasir Latif, Inspector.	--	Absent	Absent	--
33-	Mr. Mohammad Qamar, Inspector	Lower	--	--	Lower
34-	Mr. Mohd: Younis Tariq, Inspector.	Lower	Lower	--	--
35-	Mr. Javed, Inspector	Lower	--	--	--
36-	Mr. Saeed Gul, Inspector.	Absent	Absent	--	--
37-	Mr. Javed Hussain, Inspector.	--	Fail	Fail	--
38-	Mr. Adalat Khan, Inspector.	Fail	Fail	Fail	--
39-	Mr. Usman Shahzad, Inspector.	Higher	Higher	Higher	Higher
40-	Mr. Abdus Sattar, Inspector.	Higher	Higher	Higher	Higher
41-	Mr. Javedur Rehman, Inspector	--	Absent	Absent	Absent
42-	Mr. Shaukat Ali, Inspector	Absent	Absent	Higher	Higher
43-	Mr. Farid Ahmad, Inspector.	--	--	--	--
44-	Mr. Altaf ur Rehman, Inspector.	Lower	Higher	Higher	Lower
45-	Mr. Farid Khan, Superintendent	Higher	Higher	Higher	Higher
46-	Mr. Zahid Iqbal, Inspector.	Higher	Higher	Higher	Higher
47-	Mr. Muhammad Iqbal, Inspector.	Higher	Higher	Higher	Higher
48-	Syed Shahid Ali Shah, Inspector.	Higher	Higher	Higher	Higher
49-	Mr. Muhammad Khalid, Inspector.	Higher	Higher	Higher	Higher
50-	Mr. Muhammad Zahoor, Inspector.	Higher	Higher	Higher	Higher
51-	Mr. Zakirullah, Inspector.	Absent	Absent	Absent	Absent
52-	Mr. Taj Wali, Inspector.	Higher	Higher	Fail	Lower
53-	Mr. Raizud Din, Inspector.	Higher	Higher	Absent	Absent
54-	Mr. Waheed-ur-Rehman, Inspector.	Absent	Absent	Absent	Absent
55-	Mr. Anjad Zareen, Inspector.	Absent	Absent	Absent	Absent
56-	Mr. Ziaud Din, Inspector.	Absent	Absent	Absent	Absent
57-	Mr. Amjad Zareen, Inspector.	Higher	Lower	Fail	Higher
58-	Mr. Ziaud Din, Inspector.	Higher	Lower	Higher	Higher
59-	Mr. Javed Sultan, Inspector.	Higher	Higher	Higher	Higher
60-	Mr. Khalid Qayum, Inspector.	Higher	Higher	Higher	Lower

59-	Mr. Abdus Samad, Inspector.	Higher	Higher	Higher	High
60-	Mr. Ahmad Naeem, Inspector.	Higher	Higher	Higher	High
61-	Mr. Faheem Nawaz, Inspector.	Higher	Higher	Lower	Low
62-	Mr. Arifullah, Inspector.	Absent	Absent	Absent	Absent
63-	Mr. Gul Filshan, Inspector.	Absent	Absent	Absent	Absent
64-	Mr. Matloob-ur-Rehman, Inspector.	Absent	Absent	Absent	Absent
65-	Arbab Sultanzeb, Inspector.	Fail	Lower	Fail	Fail
66-	Mr. Arshad Parvaiz, Inspector.	Higher	Higher	Lower	High
67-	Mr. Muhammad Taj, Inspector.	Absent	Absent	Absent	Absent
68-	Mr. Nisar Ahmad, Inspector.	Fail	Fail	Higher	High
69-	Mr. Nazar Muhammad, Inspector.	Absent	Absent	Absent	Absent
70-	Mr. Muhammad Khasroon, Inspe	Higher	Lower	Lower	Low
71-	Mr. Sultan Mehmood, Inspector	Absent	Absent	Absent	Absent
72-	Mr. Sardaraz, Inspector.	Higher	Lower	Fail	Fail
73-	Mr. Shah Jehan, Inspector	Absent	Absent	Absent	Absent
73-	Mr. Muhammad Mufereh Jan, Inspe	Absent	Absent	Absent	Absent

noted
noted

**SECRETARY TO GOVT OF NWFP
 EXCISE & TAXATION DEPARTMENT**

Dated Peshawar the, 16th Jan; 2006.

ENDST: NO. SO(Est)E&T/1-19/2000

Copy forwarded to the:-

1. ✓ Director General, Excise and Taxation, NWFP, Peshawar with the request to circulate to all AETOs, E&T Inspectors.
2. Mr. Umar Ali, Assistant Legal Drafter, Govt of NWFP, Law Department w/r to his letter No.E&A/LD/5-30/92, dated 16.11.2005.
3. Section Officer (G) Law Department w/r to his letter No: E&A/LD/5-30/92, dated 05.12.2005.
4. PS to Secretary, Excise & Taxation Department.

(21)

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

Dated Peshawar the, 5th November, 2009

NOTIFICATION

No.SO(Estt)E&T/1-19/2000. The following candidates who appeared in the Departmental Examination of Excise & Taxation Department held at Peshawar w.e.f. 23.02.2009 to 26.02.2009 and 29.09.2009, have failed / passed in the subject (s) in higher/lower standard as mentioned against each:-

Roll No.	Name of Officers/officials	Paper-I	Paper-II	Paper-III	Paper-IV
		Criminal Law	Excise Law	Taxation Law	Property Tax & Civil Law
1.	Mr. Javed, ETO	Lower	Fail	-	-
2.	Mr. Saidul Amin, ETO	Lower	Fail	Lower	-
3.	Mr. Tariq Masood, ETO	Absent	Fail	Fail	Lower
4.	Mr. Imadud Din, ETO	Fail	Fail	Fail	Lower
5.	Mr. Fazli Ghafoor, ETO	Absent	Absent	Absent	Absent
6.	Mr. Fiaz Alam, ETO	Fail	Fail	Fail	Higher
7.	Mr. Haq Nawaz, Inspector	-	-	Higher	-
8.	Arbab Aurangzeb, Inspector	-	Fail	-	-
9.	Mr. Shakeel Ahmad-1, Inspector	-	Fail	-	Fail
10.	Mr. Tariq Saleem, Inspector	Absent	-	-	-
11.	Mr. Sardar Muhammad, Inspector	Absent	Fail	Fail	Fail
12.	Mr. Ikramullah-II, Inspector	-	-	Fail	-
13.	Mr. Juma Gul, Inspector	-	Absent	-	-
14.	Mr. Faiz Ullah Khan-I, Inspector	-	Lower	-	-
15.	Mr. Muhammad Iqbal, Inspector	-	-	-	Absent
16.	Mr. Pervez Khan, Inspector	-	-	Fail	-
17.	Mr. Muhammad Saleem, Inspector	Absent	Absent	Absent	Absent
18.	Mr. Shamsheer Ali, Inspector	Absent	Absent	-	-
19.	Mr. Nizakat Ali, Inspector	-	Absent	-	-
20.	Mr. Saad ud Djin, Inspector	Fail	Lower	Higher	-
21.	Mr. Falak Nawaz, Inspector	-	Fail	-	-

Attested

	Mr. Shad Mohammad, Inspector	Absent	Absent	Absent	Absent
	Mr. Muhammad Mushtaq, Inspector	Absent	-	-	-
	Mr. Muhammad Qamar, Inspector	Absent	-	-	-
	Mr. Muhammad Younis Tariq, Inspector	Absent	-	-	Absent
26.	Mr. Nasir Latif, Inspector	-	Absent	Absent	-
27.	Mr. Javed, Inspector	Absent	-	-	-
28.	Mr. Saeed Gul, Inspector.	Fail	Lower	-	-
29.	Mr. Javed Hussain, Inspector	-	Lower	Fail	-
30.	Mr. Adalat Khan, Inspector	Absent	Absent	Absent	-
31.	Mr. Javed-ur-Rehman, Inspector	-	-	Absent	Absent
32.	Mr. Sardaraz Khan, Inspector	-	Fail	-	-
33.	Mr. Muhammad Aslam, Inspector	Fail	Fail	Fail	Fail
34.	Mr. Muhammad Taj, Inspector	Fail	Absent	Fail	Absent
35.	Mr. Nazar Muhammad, Inspector	Absent	Fail	Fail	Fail
36.	Mr. Amjad Zareen, Inspector	Absent	-	-	-
37.	Mr. Waheed-ur-Rehman, Inspector	Fail	Lower	-	-
38.	Mr. Javed Sultan, Inspector	-	Lower	-	-
39.	Mr. Matloob-ur-Rehman, Inspector	Absent	Absent	Absent	-
40.	Mr. Fahim Nawaz, Inspector	-	-	Higher	-
41.	Mr. Faizullah Khan-II, Inspector	Fail	Fail	Higher	Higher
42.	Mr. Nisar Ahmad, Inspector	Fail	Fail	-	-
43.	Mr. Behr-e-Karam, Inspector	Absent	Absent	Absent	Absent
44.	Arbab Sultan Zeb, Inspector	Fail	Fail	-	-
45.	Mr. Faridullah Khan, Inspector	Absent	Higher	Fail	Higher
46.	Syed Naveed Jamal, Inspector	Absent	Fail	Lower	Lower
47.	Mr. Mehbood Alam, Inspector	Fail	Lower	Lower	Higher
48.	Mst. Siama Gul, Inspector	Absent	Absent	Absent	Absent
49.	Mr. Hazrat Ali, Inspector	Absent	Fail	Fail	-
50.	Mr. Nasir Mehmood, Inspector	Fail	Fail	Fail	Fail
51.	Mr. Akhtar Nawaz, Inspector	Fail	Fail	Fail	Fail

Affected
[Signature]

29

52.	Mr. Abdul Rashid, Inspector	Absent	Fail	Fail	Fail
53.	Mr. Dost Muhammad, Inspector	Absent	Fail	Fail	Fail
1.	Mr. Khanzada, Inspector	Fail	Fail	Fail	Lower
55.	Mr. Arshad Javed, Inspector	Absent	Fail	Fail	Fail
56.	Mr. Amjad Ali, Inspector	Fail	Absent	Fail	Absent

**SECRETARY TO GOVT OF NWFP
EXCISE & TAXATION DEPARTMENT**

Endst: No.SO(Estt)E&T/1-19/2000

Dated Peshawar the 5th November 2009.

Copy forwarded to the:-

1. Director General, Excise and Taxation, NWFP, Peshawar with the request to circulate to all ETOs and E&T Inspectors.
2. Mr. Muhammad Farhatullah Khan, Additional Secretary (General), Government of NWFP, Law Department.
3. Ms. Farah Jamshed Khan, Deputy Solicitor, Government of NWFP, Law Department.
4. All Excise & Taxation Officers in NWFP.
5. PS to Secretary, Excise & Taxation Department.
6. PA to Deputy Secretary, Excise & Taxation Department.


(USMAN SHAH)
SECTION OFFICER (ESTT)

Note:- " - " stands for paper passed in Higher standard.

Attested


24

17

GOVERNMENT OF KHYBER PAKHTUNKHWA
EXCISE & TAXATION DEPARTMENT

Ho. No. (Estb) 1731/1-19/2010
Dated Peshawar the 22/06/2010

ORDER.

In exercise of powers conferred under sub rule (3) of rule 7 of the Departmental Examination Rules, 1950 of the Excise & Taxation Department, one time relaxation in the condition of passing the Departmental Examination is granted to the eligible Sub-Inspectors, Excise & Taxation enabling them to be considered for promotion against the available posts of Inspector, Excise & Taxation falling in the share of promotion quota subject to the condition that they will have to pass subsequent examination for next promotion.

SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA
EXCISE & TAXATION DEPARTMENT

Endst: of Even No. and Date.

Copy forwarded to the: -

1. Director General, Excise & Taxation, Khyber Pakhtunkhwa, Peshawar w/r to his letter No. 7822/Estb/XIX-C-140 dated 04.05.2010.
2. All the Excise & Taxation Officers in Khyber Pakhtunkhwa.
3. P.S to Minister for Excise & Taxation, Khyber Pakhtunkhwa, Peshawar.
4. P.S to Secretary, Excise & Taxation Department, Khyber Pakhtunkhwa, Peshawar.

U/c
(USMAN SHAH)
SECTION OFFICER (ESTT:)

U/c
22/6/10

District D.I.Khan.

Better copy

29

GOVERNMENT OF KHYBER PAKHTUNKHWA
EXCISE & TAXATION DEPARTMENT

No.SO(Estb)E&T/1-19/2010
Dated Peshawar the, 22.06.2010

ORDER

In exercise of powers conferred under sub-rule(3) of rule 7 of the Departmental Examination Rules, 1950 of the Excise & Taxation Department, one time relaxation in the condition of passing the Departmental Examination is granted to the eligible Sub-Inspectors, Excise & Taxation enabling them to be considered for promotion against the available posts of Inspector, Excise & Taxation falling in the share of promotion quota subject to the condition that they will have to pass subsequent examination for next promotion.

SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA
EXCISE & TAXATION DEPARTMENT

Endst: of Even No. and Date.

Copy forwarded to the: -

1. Director General, Excise & Taxation, Khyber Pakhtunkhwa, Peshawar w/r to his letter No. 7822/Estb/XIX-C-140 dated 04.05.2010.
2. All the Excise & Taxation Officers in Khyber Pakhtunkhwa.
3. P.S to Minister for Excise & Taxation, Khyber Pakhtunkhwa, Peshawar.
4. P.S to Secretary, Excise & Taxation Department, Khyber Pakhtunkhwa, Peshawar.

g/c
(USMAN SHAH)
SECTION OFFICER (ESTT:)

22/6/10

Attested

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18

GOVERNMENT OF KHYBER PAKHTUNKHWA
EXCISE & TAXATION DEPARTMENT

No. SO(ESTT)/E&T/1-19/2010/
Dated Peshawar the 15.08.2012

ORDER

In exercise of powers conferred under sub-rules(3) of rule 7 of the Departmental Examination Rules, 1950 of the Excise & Taxation Department, one time relaxation in the condition of passing the Departmental Examination granted to the eligible Sub-Inspectors, Excise & Taxation enabling them to be considered for promotion against the available posts of Inspector, Excise & Taxation falling in the share of promotion quota subject to the condition that they will have to pass subsequent examination for next promotion.

SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA
EXCISE & TAXATION DEPARTMENT

Endst: of even No. & Date.

Copy forwarded to the: -

1. Director General, Excise & Taxation, Khyber Pakhtunkhwa w/r to his letter No.919/Estb/XIX-C-140 dated 09.08.2012.
2. All-Excise & Taxation Officer in Khyber Pakhtunkhwa.
3. P.S to Minister for Excise & Taxation, Khyber Pakhtunkhwa.
4. P.S to Secretary, Excise & Taxation Department, Khyber Pakhtunkhwa, Peshawar.

(SHAH JEHAN)
SECTION OFFICER (ADMIN)

Behera

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**GOVERNMENT OF KHYBER PAKHTUNKHWA
EXCISE & TAXATION DEPARTMENT**

**No.SO(ESTT)/E&T/1-19/2010/27
Dated Peshawar the, 13.08.2012**

ORDER

In exercise of powers conferred under sub-rules(3) of rule 7 of the Departmental Examination Rules, 1950 of the Excise & Taxation Department, one time relaxation in the condition of passing the Departmental Examination is granted to the eligible Sub-Inspectors, Excise & Taxation enabling them to be considered for promotion against the available posts of Inspector, Excise & Taxation falling in the share of promotion quota subject to the condition that they will have to pass subsequent examination for next promotion.

**SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA
EXCISE & TAXATION DEPARTMENT**

Endst: of even No. & Date.

Copy forwarded to the: -

1. Director General, Excise & Taxation, Khyber Pakhtunkhwa w/r to his letter No.919/Estb/XIX-C-140 dated 09.08.2012.
2. All Excise & Taxation Officer in Khyber Pakhtunkhwa.
3. P.S to Minister for Excise & Taxation, Khyber Pakhtunkhwa.
4. P.S to Secretary, Excise & Taxation Department, Khyber Pakhtunkhwa, Peshawar.

Shah Jehan
**(SHAH JEHAN)
SECTION OFFICER (ADMN)**

H *Accepted*
[Signature]

(26) (28)

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

Dated Peshawar the 10th November, 2016

ORDER

No.SO(ESTT)/E&T/1-19/2010/6476-79 In exercise of the powers conferred under sub-rule (3) of rule 7 of the Excise & Taxation Departmental Examination Rules, 1950, the condition of passing the Departmental Examination by higher standard of the papers noted against the names of the following Excise & Taxation Inspectors is hereby waived off in compliance of the Khyber Pakhtunkhwa Services Tribunal judgment dated 08.12.2015:-

S.#	Name of Inspector	Paper	Remarks
1	Mr. Muhammad Qamar	I	All these officials have already passed the remaining three papers by higher grade.
2	Mr. Nizakat Ali	II	
3	Mr. Falak Nawaz	II	

**SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA
EXCISE, TAXATION & NARCOTICS CONTROL DEPARTMENT**

Endst: of even No. & Date.

Copy forwarded to the: -

1. The Director General Excise, Taxation & Narcotics Control, Khyber Pakhtunkhwa w/r to his letter No.9835/Estb/XIX-C-140 dated 27.10.2016.
2. The Registrar, Khyber Pakhtunkhwa Service Tribunal w/r to judgment dated 08.12.2015 in Service Appeal No.201/2014.
3. P.S to Secretary Excise, Taxation & Narcotics Control Department.
4. The officials concerned.

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SECTION OFFICER (ADMN)

Attested
[Signature]

Annexure - B

FINAL SENIORITY LIST OF INSPECTORS (BPS-15) OF EXCISE, TAXATION & NARCOTICS CONTROL KHYBER PAKHTUNKHWA AS IT STOOD ON 31-12-2016

S. NO	NAME OF E & T INSPECTOR	HOME DISTRICT	DATE OF BIRTH	DATE OF JOINING GOVT. SERVICE	DATE OF PROMOTION OF SENIOR CLERK	DATE OF APPOINTMENT/PROMOTION AS E & T INSPECTOR	REMARKS
1	Mr. Arbab Aurangzeb	Peshawar	12-04-1959	10-07-1986	---	10-07-1986	Direct
2	Mr. Shakeel Ahmad-I	Charsadda	21-01-1967	19-07-1986	---	19-07-1986	Direct
3	Mr. Tariq Saleem	Mardan	15-03-1957	11-01-1987	---	11-01-1987	Direct
4	Mohammiad Qamar	Peshawar	02-01-1959	03-06-1980	28-07-1994	15-09-2001	Proforma promotion had been granted w.e.f 28-07-1994 in pursuance of the Director Excise & Taxation vide order No.2240/Estb/P.File dated 08.05.1997
5	Mr. Nizakat Ali	Peshawar	12-03-1964	11-06-1980	27-09-1995	19-02-1997	Promotee
6	Mr. Javed	Swat	03-02-1965	02-08-1986	19-02-1997	15-09-2001	Promotee
7	Mr. Saeed Gul	Peshawar	01-09-1965	21-01-1985	25-09-2001	12-02-2002	Promotee
8	Mr. Javed Hussain	Peshawar	21-05-1964	10-04-1986	25-09-2001	12-02-2002	Promotee
9	Mr. Javed-ur-Rehman	Karak	01-04-1974	28-05-2002	---	28-05-2002	Direct
10	Mr. Zia-ud-Din	Swat	13-02-1978	04-06-2005	---	04-06-2005	Seniority fixed in pursuance to the Khyber Pakhtunkhwa, Public Service Commission.
11	Mr. Amjad Zareen	Mansehra	12-04-1981	30-05-2005	---	30-05-2005	
12	Mr. Waheed-ur-Rehman	Mansehra	09-06-1972	09-06-2005	---	09-06-2005	Seniority fixed in pursuance to the Khyber Pakhtunkhwa, Public Service Commission.
13	Mr. Gul Fishan	Swat	05-05-1975	18-07-2005	---	18-07-2005	
14	Mr. Muhammad Iqbal	Mardan	10-04-1980	02-06-2005	---	02-06-2005	
15	Mr. Muhammad Khalid	Swabi	20-04-1968	31-05-2005	---	31-05-2005	
16	Mr. Javed Sultan	Hangu	01-07-1975	30-05-2005	---	30-05-2005	
17	Mr. Matloob-ur-Rehman	Swat	15-04-1982	13-07-2005	---	13-07-2005	

Attested

Annexure - G

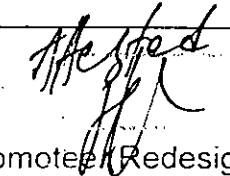


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	NAME OF E & T INSPECTOR	HOME DISTRICT	DATE OF BIRTH	DATE OF JOINING GOVT. SERVICE	DATE OF PROMOTION OF SENIOR CLERK	DATE OF APPOINTMENT/ PROMOTION AS E & T INSPECTOR	REMARKS
	18. Mr. Fahim Nawaz	FR Bannu	20-06-1978	14-07-2005	---	14-07-2005	
	19. Arbab Sultan Zeb	Peshawar	01-03-1957	03-07-1986	19-03-2003	30-05-2006	Promotee
	20. Mr. Yasin Khan	Peshawar	06-01-1983	06-07-1986	29-03-2009	06-10-2006	Seniority fixed in pursuance of the judgment passed by the Khyber Pakhtunkhwa Services Tribunal Peshawar on 29-06-2010
	21. Farid Ullah Khan	D.I.Khan	01-03-1980	04-02-2008	---	04-02-2008	Seniority fixed in pursuance to the Khyber Pakhtunkhwa, Public Service Commission.
	22. Syed Naveed Jamal	Malakand	07-04-1977	30-01-2008	---	30-01-2008	
	23. Mehboob Alam	S.Waziristan Agency	01-07-1978	19-12-2007	---	19-12-2007	Seniority fixed in pursuance to the Khyber Pakhtunkhwa, Public Service Commission.
	24. Ms. Saima Gul	Peshawar	28-03-1984	02-09-2008	---	02-09-2008	
	25. Mr. Akhtar Nawaz	Haripur	17-11-1969	07-09-1991	12-08-2005	11-02-2009	Promotee
	26. Zaitur Rehman	Mardan	02-01-1962	13-09-1981	12-08-2005	11-02-2009	Promotee
	27. Mr. Dost Muhammad	Mardan	02-05-1959	02-07-1986	12-08-2005	11-02-2009	Promotee
	28. Mr. Khan Zada	Peshawar	24-02-1961	07-07-1986	12-08-2005	11-02-2009	Promotee
	29. Mr. Arshad Javed	Peshawar	10-01-1963	31-07-1986	12-08-2005	11-02-2009	Promotee
	30. Mr. Amjad Ali	Peshawar	01-10-1964	03-09-1986	12-08-2005	11-02-2009	Promotee
	31. Mr. Arshad Zaman	Peshawar	01-04-1979	07-05-2007	---	11-02-2009	Seniority fixed in pursuance to the Khyber Pakhtunkhwa Public Service Commission. (Promoted as E&T Inspector on 11-02-2009)
	32. Mr. Sajjad Ahmad	Charsadda	18-02-1976	19-05-2007	---	11-02-2009	
	33. Mr. Majid Khan	Mohmand Agency	23-03-1983	15-08-2007	---	11-02-2009	
	34. Mr. Atif Qayyum	Mansehra	25-03-1981	10-05-2007	---	11-02-2009	
	35. Mr. Qayum Nawaz	D.I.Khan	20-11-1958	---	---	09-03-2009	 Promotee (Redesignated as E&T Inspector on 13-09-2009)
	36. Muhammad Ejaz	Peshawar	21-3-1966	14-10-1986	19-02-2002	30-03-2009	
	37. Mr. Sabir Jan	Charsadda		5-7-1987	19-02-2002	30-03-2009	
	38. Mr. Ikrant Muhammad	Peshawar	10-10-1962	10-7-1986	19-02-2002	30-03-2009	

Annexure-G

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Sl. No.	NAME OF E & T INSPECTOR	HOME DISTRICT	DATE OF BIRTH	DATE OF JOINING GOVT. SERVICE	DATE OF PROMOTION OF SENIOR CLERK	DATE OF APPOINTMENT/ PROMOTION AS E & T INSPECTOR	REMARKS
39	Mr. Bakht Zaman	Dir	04-07-1958	19-04-1984	27-06-1905	30-03-2009	
40	Qazi Inayat ur Rehman	Bannu		12-1-1982	26-01-2004	30-03-2009	
41	Mr. Abbas Khan	Karak	12-12-1958	09-03-1978	31-12-2003	23-07-2010	Promotee
42	Mr. Malik Aman	Swabi	17-08-1963	20-06-1987	31-12-2003	23-07-2010	Promotee
43	Ms. Shazia Afridi	Khyber Agency	19-12-1977	23-07-2009	---	23-07-2009	Direct
44	Mr. Zar Ali Khan	Peshawar	01-10-1977	22-10-2010	---	22-10-2010	Seniority fixed in pursuance to the Khyber Pakhtunkhwa, Public Service Commission.
45	Mr. Zia-ul-Islam	Mansehra	28-04-1982	27-08-2009	---	27-08-2009	
46	Muhammad Zaman (On lien upto 10-01-2018)	Karak	15-03-1982	22-10-2010	---	22-10-2010	
47	Mr. Ashfaq Ahmad	Mohmand Agency	21-04-1974	25-10-2010	---	25-10-2010	
48	Mr. Shahid Tehseen	Peshawar	21-09-1979	25-10-2010	---	25-10-2010	
49	Mr. Shah Jehan	Mardan	10-03-1983	25-10-2010	---	25-10-2010	
50	Mr. Ijaz Anwar	Buner	12-07-1983	27-10-2010	---	27-10-2010	
51	Mr. Nasir Iqbal	Dir	04-04-1981	22-10-2010	---	22-10-2010	
52	Mr. Sher Muhammad	Mohmand Agency	09-05-1979	22-10-2010	---	22-10-2010	
53	Mr. Zeeshan Sharif Afridi	FR Kohat	15-04-1982	22-10-2010	---	22-10-2010	
54	Mr. Shahzad Anwar Khan	Peshawar	23-03-1987	22-10-2010	---	22-10-2010	
55	Mr. Zain Ullah Jan	Bannu	20-11-1981	22-10-2010	---	22-10-2010	
56	Mr. Saif Ullah	Khyber Agency	01-03-1985	22-10-2010	---	22-10-2010	
57	Mr. Shabbir Ahmad (On lien upto 07-12-2018)	Karak	24-02-1983	22-10-2010	---	22-10-2010	
58	Mr. Sami Ur Rehman	Nowshera	01-04-1984	25-10-2010	---	25-10-2010	
59	Mr. Aqif Nawaz	Khyber Agency	04-11-1985	22-10-2010	---	22-10-2010	
60	Mr. Saqib Jan	Peshawar	10-10-1976	25-10-2010	---	25-10-2010	
61	Mr. Saeed Ullah Shah	Haripur	18-01-1983	22-10-2010	---	25-10-2010	Seniority fixed in pursuance to the Khyber Pakhtunkhwa, Public Service Commission.

Attested


Annexure - G

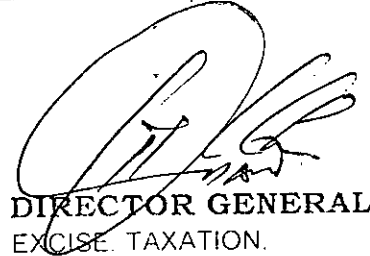
Sl. No.	NAME OF E & T INSPECTOR	HOME DISTRICT	DATE OF BIRTH	DATE OF JOINING GOVT. SERVICE	DATE OF PROMOTION OF SENIOR CLERK	DATE OF APPOINTMENT/ PROMOTION AS E & T INSPECTOR	REMARKS
62	Mr. Aftab Ahmad	Mohmand Agency	01-04-1984	22-10-2010	---	22-10-2010	
63	Muhammad Riaz-I	FR Kohat	01-04-1985	25-10-2010	---	25-10-2010	
64	Shakir Ullah	Dir	25-01-1979	25-10-2010	---	25-10-2010	
65	Yasir Shahzad	Haripur	11-12-1980	25-10-2010	---	25-10-2010	
66	Farman Ali	Mohmand Agency	21-12-1980	25-10-2010	---	25-10-2010	
67	Wasif Khan	Malakand Agency	06-02-1982	25-10-2010	---	25-10-2010	
68	Shahid Hussain	Malakand Agency	20-04-1983	22-10-2010	---	22-10-2010	
69	Rasool Rehman	Karak	15-08-1984	25-10-2010	---	25-10-2010	
70	Nasir Mehmood Khan	Kohat.	31-01-1986	26-10-2010	---	26-10-2010	
71	Muhammad Wakeel Khan	Dir	20-04-1976	22-10-2010	---	22-10-2010	
72	Muhammad Riaz-II	Dir	18-03-1979	25-10-2010	---	25-10-2010	
73	Shahid	Abbottabad	26-06-1982	27-10-2010	---	27-10-2010	
74	Tahir Shah Jehan	Abbottabad	15-04-1978	25-10-2010	---	25-10-2010	
75	Abdul Hafeez	Abbottabad	05-02-1979	26-10-2010	---	26-10-2010	
76	Ms. Sajida	Peshawar	10-11-1985	03-12-2009	---	03-12-2009	
77	Muhammad Fawad Tahir	Mardan	20-09-1984	22-10-2010	---	22-10-2010	
78	Mr. Faisal Khan	Peshawar	06-02-1987	22-10-2010	---	22-10-2010	
79	Mr. Anwar Sadat	Swat	08-04-1980	27-10-2010	---	27-10-2010	
80	Mr. Zeeshan Munawar	Orakzai Agency	06-02-1983	25-10-2010	---	25-10-2010	
81	Mr. Abdul Mansoor	Haripur	22-12-1983	27-10-2010	---	27-10-2010	
82	Mr. Hizbullah Khan	D.I.Khan	21-03-1980	25-10-2010	---	25-10-2010	
83	Mr. Shakeel Arshad	Dir	10-03-1981	25-10-2010	---	25-10-2010	
84	Mr. Adil Rauf	Lakki Marwat	03-09-1987	06-03-2008	---	25-10-2010	

Seniority fixed in pursuance to the Khyber Pakhtunkhwa, Public Service Commission.

Attested
[Signature]

Annexure G

	NAME OF E & T INSPECTOR	HOME DISTRICT	DATE OF BIRTH	DATE OF JOINING GOVT. SERVICE	DATE OF PROMOTION OF SENIOR CLERK	DATE OF APPOINTMENT/ PROMOTION AS E & T INSPECTOR	REMARKS
85	Muhammad Nadeem	Dir	10-02-1971	05-05-2005	---	22-10-2010	
86	Masam Khan	Mohmand Agency	15-07-1974	22-10-2010	---	22-10-2010	
87	Raja Saif Ur Rehman	Abbottabad	07-05-1987	17-12-2012	---	17-12-2012	Direct Initial Recruit
88	Mr. Alif Shah	Peshawar	16-01-1966	06-03-1984	06-10-2006	13-05-2013	Promotee
89	Mr. Sadaqat Ali	Peshawar	09-04-1962	12-11-1988	06-10-2006	13-05-2013	Promotee
90	Mr. Azmat Amin	Nowshera	24-06-1963	13-11-1988	06-10-2006	13-05-2013	Promotee
91	Mr. Jehangir Khan	Peshawar	24-10-1961	12-09-1981	06-10-2006	13-05-2013	Promotee


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

Attended




DIRECTORATE GENERAL,
EXCISE, TAXATION AND NARCOTICS CONTROL,
KHYBER PAKHTUNKHWA, PESHAWAR.

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

(32)

GOVERNMENT OF KHYBER PAKHTUNKHAWA,
EXCISE, TAXATION & NARCOTICS CONTROL DEPARTMENT.

WORKING PAPER

SUBJECT: PROMOTION OF EXCISE & TAXATION INSPECTORS (BPS-15) TO THE POST OF ASSISTANT EXCISE & TAXATION OFFICERS (BPS-16) ON REGULAR BASIS.

There are forty five (45) Sanctioned posts of Assistant Excise & Taxation Officers (BPS-16) in the Excise, Taxation & Narcotics Control Department Khyber Pakhtunkhwa wherein forty (40) posts are occupied by the incumbents on regular basis. Five (05) posts of Assistant Excise & Taxation Officer (BPS-16) falling vacant one (01) due to retirement of Mr. Iqbal Ud Din Assistant Excise & Taxation Officer (BPS-16) on 01-06-2014 (Copy attached at Annexure-A), 2nd of Mr. Jehanzeb Assistant Excise & Taxation Officer (BPS-16) on 20-04-2015 (Copy attached at Annexure-B), 3rd on promotion of Mr. Jehan Javed as Excise & Taxation Officer (BPS-17) on 24-07-2015 (Copy attached at Annexure-C), 4th on retirement of Mr. Abdul Wali Assistant Excise & Taxation Officer (BPS-16) on 31-12-2015 (Copy attached at Annexure-D) and 5th of Mr. Faridullah Shah Assistant Excise & Taxation Officer (BPS-16) on 01-03-2017 (Copy attached at Annexure-E)

2. In terms of S.No.8, Col-5 of the Appendix, of the Khyber Pakhtunkhwa, Excise, Taxation & Narcotics Control Department, Service Rules, 2010 framed/notified vide Notification No.SO(Estt)/E&T/1-11/2009, dated 30th March, 2010, the following method of recruitment for the post of Assistant Excise & Taxation Officer (BPS-16) has been prescribed. (Annexure-F)

"By promotion, on the basis of seniority-cum-fitness, from amongst the holders of the post of Inspectors, with atleast five years' service as such, and who have passed Departmental examination in higher grade".

3. According to the final seniority list as stood on 31-12-2016 is attached at (Annexure-G). The particulars of the Inspectors due for promotion are given as under:

S#	Name of Officials	Date of entry into Govt: Service.	Date of regular appointment/ Promotion as Inspector (BPS-15)	Departmental Examination passed in Higher Grade.	Whether fulfill the prescribed length of Service.
1	Muhammad Qamar	03-06-1980	15-09-2001	Three (03) papers passed in Higher grade and paper I waived off in compliance of the KPK Service Tribunal Judgment dated 08-12-2015 (Copy attached at Annexure-H)	Yes
2	Mr. Nizakat Ali	11-06-1980	19-02-1997	Three (03) papers passed in Higher grade and paper II waived off in compliance of the KPK Service Tribunal Judgment	Yes



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

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

(33)

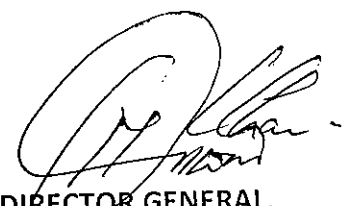
				dated 08-12-2015)	
3	Mr. Zia Ud Din	04-06-2005	04-06-2005	Yes	Yes
4	Mr. Gul Fishan	18-07-2005	18-07-2005	Yes	Yes
5	Muhammad Iqbal	02-06-2005	02-06-2005	Yes	Yes
6	Muhammad Khalid	31-05-2005	31-05-2005	Yes	Yes
7	Mr. Fahim Nawaz	14-07-2005	14-07-2005	Yes	Yes
8	Mr. Faridullah Khan	04-02-2008	04-02-2008	Yes	Yes
9	Syed Naveed Jamal	30-01-2008	30-01-2008	Yes	Yes
10	Ms. Saima Gul	02-09-2008	02-09-2008	Yes	Yes

4. It is certified that as per available records:

- i) No departmental/disciplinary/Anti-corruption/Judicial proceeding are pending against the officials.
- ii) The eligible officials are holding the post of Excise & Taxation Inspector (BPS-15) on regular basis.
- iii) The officials are not actually on deputation nor on long leave.
- iv) The seniority list of Excise & Taxation Inspectors is final and not disputed.

5. The synopsis of PERs of the officials concerned except the official at S.No.6, 9 & 10 is placed below for perusal of the Committee Annexed at (Annexure-I, J, K, L, M, N, O). Original PER- Dossiers will be placed before the Committee during the course of meeting.

6. The Departmental Promotion Committee is requested to consider the suitability of Five (05) Excise & Taxation Inspectors (BPS-15) for promotion as Assistant Excise & Taxation Officers (BPS-16) on regular basis accordingly.


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



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Sr. No.	Date of order/ proceedings	Order or other proceedings with signature of Magistrate
1.	08.12.2015	<p style="text-align: center;">KHYBER PAKHTUNKHWA SERVICE TRIBUNAL <u>PESHAWAR.</u></p> <p style="text-align: center;">Service Appeal No. 201/2014</p> <p style="text-align: center;">Muhammad Qamar, Versus The Chief Secretary, KPK Peshawar and others.</p> <p style="text-align: center;"><u>JUDGMENT</u></p> <p style="text-align: center;"><u>PIR BAKHSH SHAH, MEMBER.-</u> Appellant with counsel (Mr. Muhammad Asif Yousafzai, Advocate) and Government Pleader (Mr. Muhammad Jan) with Arbab Khalid Mehmood, Legal Advisor for the respondents present.</p> <p>2. According to para-1 of the appeal, the appellant joined the department in the year, 1980, later on promoted as Senior Clerk in 1994, as Inspector in the year, 2001, who is at S.No. 8 per seniority list of 2011. That the appellant has also passed his departmental examination. That the departmental examination for promotion to various posts is conducted under the <u>Examination Rules,</u> <u>1950</u>, which are still in the field and operational and according to which rules <u>Inspector & Sub Inspectors</u> has to pass this exam in lower standard (50%) respectively for promotion to the rank of <u>Inspector and Asstt. Excise</u> & <u>Taxation Officer.</u> But the respondent department notified new rules vide notification dated 30.3.2010, according to which lower standard of departmental</p>

Asif
AM

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examination was replaced with higher standard. That this decision being anomalous and contradictory with the Examination Rules, 1950, the appellant made application for consideration of the departmental authority, which was forwarded and recommended by the Director General, to the Secretary, Excise & Taxation vide his letter dated 11.09.2013. However, the same was rejected by respondent No. 2 vide his letter dated 23.1.2014, hence this appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974.

3. Arguments heard and record perused.

4. It was noted that the standard for departmental examination for the post of Sub Inspector and Inspector, Excise & Taxation was lower standard per Rules of 1950 which has been raised to higher standard per impugned rules of 2010. It was further noted that per rule 7 (3) of the rules of 1950 the provincial government in case of Asstt. Excise & Taxation Officer and Commissioner, E&T KPK, in case of the Sub Inspector and Inspector can waive the requirement of this examination. Fortunately, this discretion has already been exercised by the government vide its notification dated 22.6.2010 and 13.08.2012 even after the enforcement of the rules of 2010, hence the contention of the respondent-department that new rules of 2010 has altogether replaced Examination Rules, 1950 does not seem to be correct. That rules of 2010 may be

TESTED

[Signature]

SECRETARY
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL

Attested

[Signature]

36 (B)

interfered with, this Tribunal, instead in the stated situation, would like to remit the case to the respondent-department to examine case of the appellants on the analogy of the officials of said notifications and if otherwise, fit for such relaxation than by relaxing the requirement of departmental examination under Rule-7(3) of Examination Rules, 1950, the case of the appellants may be considered. The appeal is disposed off accordingly. Parties are left to bear their own costs. File be consigned to the record room.

5. This judgment will also dispose of two other connected appeals No. 202/2014 Nizakat Ali and 203/2014 Falak Nawaz, having common questions of law, in the same manner.

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Certified to be true copy
Secretary, Tribunal,
Faisalabad

ANNOUNCED
08.12.2015.

sd

sd

(ABDUL LATIF)
MEMBER

(PIR BAKHSH SHAH)
MEMBER

Date of Presentment of Appeal	14-12-2015
No. of Appeals	1200
C	800
L	200
N	100
Da	sd
Date of	14-12-2015
	14-12-2015

sd
Ali

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OFFICE OF THE EXCISE, TAXATION & NARCOTICS CONTROL OFFICER, KOHAT.

No. 2212 /E&T Dated Kohat the 27/12/2016

To **The Deputy Director (Peshawar Region),
Excise, Taxation & Narcotics Control Department,
Khyber Pakhtunkhwa.**

Subject **REQUEST FOR EXEMPTION/ RELAXATION**

Enclosed please find here with the application of Mr. Javed Sultan (Inspector) of this office which is self explanatory for further necessary action.

c/c
Arz/n
Excise, Taxation & Narcotics Control Officer,
Kohat

No. 2212 /E&T Dated Kohat the / /2016

Copy forwarded to:

- 1. Director General, Excise, Taxation, & Narcotics Control Department, Peshawar.
- 2. P.S to Secretary Excise, Taxation, & Narcotics Control Department, Peshawar.

c/c
Arz/n
Excise, Taxation & Narcotics Control Officer,
Kohat

Attested
[Signature]

38

(Signature)

To,

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

Through Proper Channel

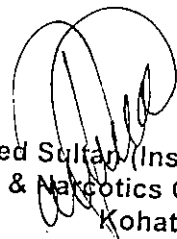
Subject: REQUEST FOR EXEMPTION/ RELAXATION


Respected Sir,

Most humbly requested that I have already passed the three papers, I, III and IV by higher standard and only Paper II (Excise Law) by lower standard.

In this connection recently an order issued by your good office on 10th November, 2016 where in three Excise & Taxation Inspectors namely Muhammad Qamar, Mr. Nizakat Ali and Mr. Falak Nawaz were granted relaxation in Paper I, II, and III respectively from higher standard and waived off the condition of higher standard in compliance of Khyber Pakhtunkhwa Service Tribunal Judgment.

It is therefore requested that I may kindly be exonerated and relaxation be granted from the condition of passing the department Examination in Paper II by higher standard as cited above on humanitarian ground.


Javed Sultan (Inspector)
Excise, Taxation & Narcotics Control Office
Kohat

Attested


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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. 340 /2017

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 340

Date 06-4-2017

Javed Sultan S/o Sultan Ahmad Shah,
R/o Mohallah Sangerh, District Hangu
Presently Inspector
Excise & Taxation Office, Kohat.....**Appellant**

V E R S U S

1. Government of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat, Peshawar
2. Secretary Excise & Taxation Department, Khyber Pakhtunkhwa, Peshawar
3. Director General Excise & Taxation Department, Khyber Pakhtunkhwa Shami Road, Peshawar
4. Standing Service Rules Committee through its Chairman, Secretary E&T Department, Khyber Pakhtunkhwa, Peshawar**Respondents**

**APPEAL Under section 4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT,**

1974

Filed day

Registrar

06/04/2017

Prayer in Appeal:-

On acceptance of this appeal, the
respondents may kindly be directed

ATTESTED

Registrar
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Registrar

06/04/17

Re-submitted to -day
and filed

(90)

1

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Appeal No. 340/2017

Date of Institution ... 06.04.2017

Date of Decision ... 23.11.2018



Javed Sultan S/O sultan Ahmad Shah,
R/o Mohallah Sangerh, District Hangu Presently Inspector Excise and Taxation
Office, Kohat. ... (Appellant)

VERSUS

1. The Govt. of Khyber Pakhtunkhwa through Chief Secretary, Civil
Secretariat, Peshawar and three others. ... (Respondents)

MR. HASSAN U.K AFRIDI,
Advocate

--- For appellant.

MR. MUHAMMAD JAN,
Deputy District Attorney

--- For respondents.

MR. AHMAD HASSAN,
MR. HAMID FAROOQ DURANI

--- MEMBER (Executive)
--- CHAIRMAN

JUDGMENT

AHMAD HASSAN, MEMBER.-


This judgment shall dispose of the instant service appeal as well as connected
service appeal no. 737/2017 titled Javed ur Rehman as similar question of law and
facts are involved therein.

2. Arguments of the learned counsel for the parties heard and record perused.

FACTS

3. The short facts of the case are that the appellant has prayed for promotion from the
post of Inspector to Assistant Excise and Taxation Officer (AETO) in relaxation of Rule
7(3) of the Departmental Examination Rules, 1950. He preferred an undated departmental

ATTESTED


EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

appeal, which was not responded within the stipulated period, hence, the instant service appeal on 06.04.2017.

ARGUMENTS

4. Learned counsel for the appellant argued that he appeared in the departmental promotion examination for the post of Assistant Excise and Taxation Officer in 2006 and passed all the papers in higher grade, except Excise Law Paper-II in lower grade (50% marks). He made another attempt in 2009 but could not improve his previous position. That Mr. Muhammad Qamar, Nizakat Ali and Falak Naz, Inspectors serving in the said department filed service appeal for promotion from the rank of inspector to Assistant Excise and Taxation Officer, as per Rule 7(3) of the Departmental Examination Rules 1950. This Tribunal vide judgment dated 08.12.2015 this Tribunal remitted the case to the respondents for examination on the analogy of previous precedent and grant of relaxation contained in the said rules provided the case was otherwise fit for the same. The respondents vide order dated 10.11.2016 waived off the condition of higher grade in favour of the above appellants. The appellant through his departmental appeal also sought similar relief but was not responded within the stipulated period, hence, the instant service appeal. Reliance was placed on case law reported as 2018 SCMR 380, 2009 SCMR 1 and judgment of this Tribunal dated 14.09.2017 passed in service appeal no. 293/2017.

ATTESTED

Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

5. On the other hand learned Deputy District Attorney argued that according to the Excise and Taxation Service Rules, 2010 passing departmental examination in higher grade was mandatory for promotion to the post of Assistant Excise and Taxation officer.

The appellant did not fulfill this condition, hence, was not eligible for promotion. An undated departmental appeal was forwarded by the Excise and Taxation Officer, Kohat

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on 17.12.2016, which was badly time barred. No application for condonation of delay had been submitted by the appellant. On this score alone the present appeal was not maintainable.


CONCLUSION

6. Having gone through the record, it transpired that though the appellant was aggrieved of notification dated 30.03.2010 but did not challenge it in time. Even his departmental appeal was silent on this account. His departmental appeal was badly barred by time so strictly speaking, present service appeal was not maintainable. Learned counsel for the appellant failed to justify the delay caused in preferring the departmental appeal.

7. On the other hand, learned counsel for the appellant relied on judgment of this Tribunal dated 08.12.2015 and 14.09.2017 in which relief was granted to the appellants by the respondents. The principle of consistency and parity demanded identical treatment should have been extended to the appellant by the respondents to meet the ends of justice. Our viewpoint is further augmented by 1996 SCMR 1185 in which the august Supreme Court of Pakistan held that:-

"If the Service Tribunal or Supreme Court decides a point of law relating to the terms of civil servant which covers not only the case of civil servant who litigated, but also of other civil servant, who may not taken any legal proceedings, in such a case, the dictates and rule of good governance demands that the benefits of such judgment by Service Tribunal/Supreme Court be extended to other civil servant, who may not be parties to the litigation instead of compelling them to approach the Service Tribunal or any other forum".

ATTESTED


 DEPARTMENTAL
 Khyber Pakhtunkhwa
 Service Tribunal,
 Peshawar

As departmental appeal preferred by the appellant was not decided by the respondents within the stipulated period, so we deem it appropriate to remit this case back to them for

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decision within a period of ninety days from the date of receipt of this judgment through a speaking order. The appeal is disposed off in the above terms. Parties are left to bear their own costs. File be consigned to the record room.




(HAMID FAROOQ DURANI)
CHAIRMAN

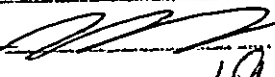


(AHMAD HASSAN)
MEMBER

ANNOUNCED
23.11.2018

Certified to be true copy


KHWAJA GHULAM NABI KHAN
Service Tribunal,
Peshawar

Date of Presentation of Application 27-11-18
 Number of Words 2050
 Copying Fee 12-00
 Urgent —
 Total 12-00
 Name of Copyist 
 Date of Completion of Copy 19-12-18
 Date of Delivery of Copy 19-12-18