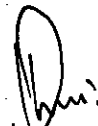


05.09.2019

Counsel for the appellant present.

Learned counsel requests for withdrawal of instant appeal in order to submit the fresh one in accordance with law.

Dismissed as withdrawn. File be consigned to the record room.






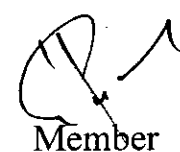
Chairman

Announced:
05.09.2019

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 522/2019


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	24/04/2019	<p>The appeal of Mr. Javed-ur-Rehman 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 24/4/19</p>
2-	25/04/19	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>06/05/19</u></p> <p style="text-align: right;"> CHAIRMAN</p>
06.05.2019		<p>Counsel for the appellant present and seeks adjournment. Adjourned to 12.07.2019 for preliminary hearing before S.B.</p> <p style="text-align: right;"> (MUHAMMAD AMIN KHAN KUNDI) MEMBER</p>
12.07.2019		<p>Clerk to ✓ Learned counsel for the appellant present and seeks adjournment. Adjourn. To come up for preliminary hearing on 05.09.2019 before S.B.</p> <p style="text-align: right;"> Member</p>

The appeal of Mr. Javed-ur-Rehman Inspector Excise and Taxation Narcotic Control Office received today i.e. on 19.04.2019 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.


- 1- Copies of impugned order and departmental appeal against it are not attached with the appeal which may be placed on it.
- 2- Copy of judgment of this Tribunal passed in appeal of the appellant mentioned in the memo of appeal is not attached with the appeal which may be placed on it.

No. 786 /S.T,

Dt. 22-4-2019.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Hassan U.K Afridi Adv.

Re-submitted
departmental appeal is
attached on Page No. 35
and Revert appeal is
on Page 41, and the
Judgment is on Page - 37, 38, 45-48
and impugned order is
on Page 43, 44.


BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. 522 /2019

Javed ur Rehman.....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		1-10
2.	Application for stay alongwith affidavit		11-13
3.	Addresses of parties		14
4.	Appointment order dt.23.05.2012		15-17
5.	Departmental Examination Result of 2007		18-20
6.	Order dated 22.06.2010 of promotion of Sub Inspectors		21
7.	Order dated 13.08.2012 of promotion of Sub Inspector		22
8.	Order dated 10.11.2016		23
9.	Seniority list dt.31.12.2016		24-28
10.	Working papers		29-30
11.	Judgment of this Hon'ble Court dated 08.12.2015 in appeal No.201/2014		31-33
12.	Departmental appeal dt.16.03.2017		34-36
13.	Judgment dated 23.11.2018		37-38
14.	Receipt		39
15.	Covering letters with appeal		40-42
16.	Impugned notification 2010		43-44
17.	Wakalatnama with Judgment: 23.11.2018		45

Appellant

Through

Dated 19.04.2017

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

①

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. 522 /2019

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 632

Dated 19-4-2019

Javed Rehman S/o Ghulam Habib,
Presently posted as Inspector Excise &
Taxation Narcotic Control Office.....**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

Registrar

19/4/19

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

Prayer in Appeal:-

Re-submitted to -day and filed. On acceptance of this appeal, the

respondents may kindly be directed

Registrar

24/4/19

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 23.03.2002. (Appointment letter is attached).
2. That the appellant appeared in the year 2007 for promotion to Assistant Excise and Taxation Officer (A.E.T.O), in departmental examination and passed

two papers in higher grade and two paper in lower grade, 50% marks.

3. 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.
4. 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

5

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:

G R O U N D 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 two papers in high grade and tow paper in lower grade (50%)
- 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.9, 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 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.

- I. 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.
- J. 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**

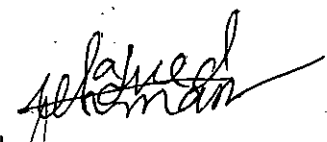
through judgment passed by this Hon'ble Tribunal ,in service appeal No.201/2014 under titled "Muhammad Qamar Versus Chief Secretary of Khyber Pakhtunkhwa etc" by order issued/ passed by the respondents dated 10.11.2016.

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

Appellant
Through



Hassan U.K Afridi
Advocate High Court

Dated 19.04.2019

00

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. _____/2019.

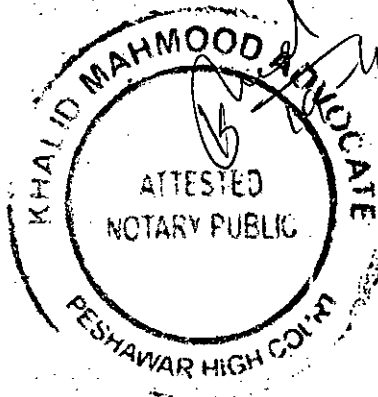
Javed ur Rehman.....**Appellant**

VERSUS

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

AFFIDAVIT

I, Javed Rehman S/o Ghulam Habib, Presently posted as Inspector Excise & Taxation Narcotic Control Office, 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.



Javed Rehman

DEPONENT

(11)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

C.M. No. _____/2019

In

Service Appeal No. _____/2019

Javed ur Rehman **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 19.04.2019

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

C.M. No. _____/2019

In

Service Appeal No. _____/2019

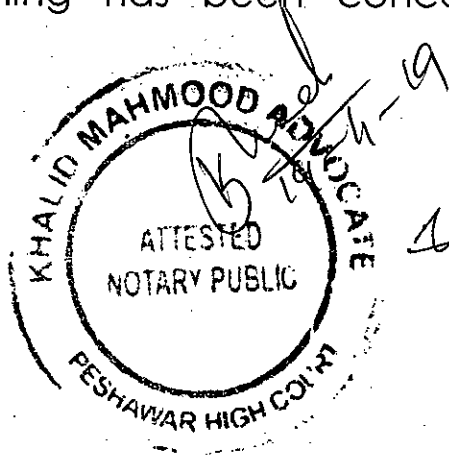
Javed ur Rehman **Appellant**

VERSUS

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

AFFIDAVIT

I, Javed Rehman S/o Ghulam Habib, Presently posted as Inspector Excise & Taxation Narcotic Control Office, 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.



Javed Rehman

DEPONENT

(14)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. _____/2019

Javed ur Rehman.....**Appellant**

V E R S U S

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

ADDRESSES OF PARTIES

A P P E L L A N T:

Javed Rehman S/o Ghulam Habib,
Presently posted as Inspector Excise &
Taxation Narcotic Control Office

R E S P O N D E N T 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

Through Appellant

Hassan U.K Afridi
Advocate High Court



Dated 19.04.2019

15

[Handwritten signature]

[Handwritten mark]

DIRECTORATE GENERAL, EXCISE & TAXATION, N-WFP, PESHAWAR

ORDER

Peshawar, dated the 23th May, 2002

No. 2755 /Estb/XXXV-D-412. On the recommendations of N.W.F.P., Public Service Commission, the following candidates are hereby appointed as Excise & Taxation Inspector in BPS-14 with usual allowances as admissible under the rules, with effect from the date of their taking over charge.

- 1- Mr. Usman Shahzad S/o. Mohammad Slaim
R/o. Mohallah Rian-da-Maira, Bandi Dhundan, P.O.
Qalanadar Abad, Abbottabad.
- 2- Mr. Aitaf-ur-Rehman S/o Fazal-Ur-Rehman
R/o. Village Jabbarh Bandi Shungli Tehsil Oghi,
Upper Tanawal, Mansehra.
- 3- Mr. Abdus Sattar S/o Mian Mohammad Usman,
R/o. Village & P.O. Dak Ismail Khel,
Tehsil & District, Nowshera.
- 4- Mr. Shakeel Ahmad S/o Fazal Sattar
R/o Mohallah Rodate, V&PO Thana,
Malakand Agency.
- 5- Mr. Javed-Ur-Rehman S/o Ghulam Habib
R/o H.No.7, Street No2, Rehman Baba Road,
University Town, Peshawar.
- 6- Mr. Shah Masaud Khan S/o Azizur Rehman
R/o. Village & PO Shahpur, Tehsil Alpuri
District Shangla.
- 7- Mr. Shaikat Ali S/o Mohammad Iqbal,
R/o. House No.LM-554, Lower Malikpura Mera,
Abbottabad.
- 8- Mr. Wasil Khan S/o Zahir Khan
Village & PO Surathi Killa, Tehsil Takht-I-Nasrati,
District Karak.
- 9- Mr. Musa Kalim S/o. Hakim Khan
R/o. Mohallah Sheikhhan, Street Sadiq Ali,
Tehsil & District Tank.

Their appointment to the service shall be subject to the following terms and conditions :-

- i) Their employment in the Excise & Taxation Department is purely temporary and their services may be terminated at any time without any reasons being assigned irrespective of the fact that they are holding a post other than one to which they were originally recruited.

[Handwritten notes: 3-... sh... tai... terestec]

S.No.	Name
1-	Mr. Usman
2-	Mr. Aitaf
3-	Mr. Abdus Sattar
4-	Mr. Shakeel
5-	Mr. Javed
6-	Mr. Shah Masaud
7-	Mr. Shaikat
8-	Mr. Wasil
9-	Mr. Musa

[Handwritten notes: 26/5/02, 25/5/02]

[Handwritten signature]

18

- ii) They shall be governed by the West Pakistan Excise & Taxation Department Subordinate Service Rules, 1966 and N-WFP method of recruitment 1987 as incorporated in the Service Rules.
- iii) They shall be governed by such rules and orders relating to Leave, T.A. and Medical Attendance etc. as may be prescribed by the Government for the category of Government servants to which they belong.
- iv) They shall be required to pass the Departmental Examination within the prescribed period as required under the West Pakistan Excise & Taxation Department, Departmental Examination Rules, 1940.
- v) They shall be on probation initially for a period of two years.
- vi) They shall not be entitled to any TA/DA on their first appointment.
- vii) They shall be liable for posting/transfer any where in N.W.F.P.
- viii) In case they wish to resign at any time, a month's notice will be necessary or in lieu thereof a month's pay may be forfeited.
- ix) They shall have to produce a Medical Certificate of fitness and Character Certificate from Police Department.

3- If the above terms and conditions of appointment are accepted to them, they should report to concerned Excise & Taxation Officers for duty within Seven days. In case they fail to report for duty within prescribed time, it will be presumed that they are not interested to join Excise & Taxation Department and the orders will be treated as cancelled.

4- On their appointment, the following postings/transfers of Excise & Taxation Inspector are hereby ordered:

S.No.	Name of E&T Inspectors.	Place of Postings.	Remarks.
1-	Mr. Usman Shahzad	Office of Excise & Taxation Officer, Haripur.	Against existing vacancy.
2-	Mr. Altaf-Ur-Rehman	Office of Excise & Taxation Officer, Haripur.	Against existing vacancy.
3-	Mr. Abdus Sattar	Office of Excise & Taxation Officer-II, Peshawar.	Against existing vacancy.
4-	Mr. Shakeel Ahmad.	Office of Excise & Taxation Officer, Swat.	Against existing vacancy.
5-	Mr. Javed-Ur-Rehman	Office of Excise & Taxation Officer, Karak.	Against existing vacancy.
6-	Mr. Shah Masood Khan.	Office of Excise & Taxation Officer, Upper Dir.	Against existing vacancy.
7-	Mr. Shaukat Ali.	Office of Excise & Taxation Officer, Abbottabad.	Against existing vacancy.
8-	Mr. Wasil Khan	Office of Excise & Taxation Officer, Kohat.	Against existing vacancy.
9-	Mr. Musa Kalim.	Office of Excise & Taxation Officer, D.I.Khan.	Against existing vacancy.

[Signature]
 DIRECTOR GENERAL
 EXCISE & TAXATION N-WFP,
 PESHAWAR.

[Signature]

5

8.

9.

P

18

08

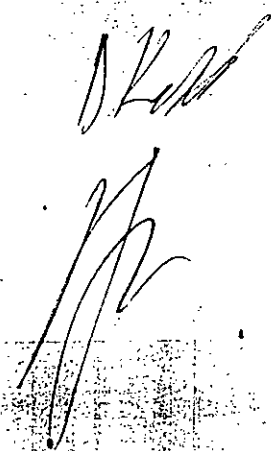
2756-93/Estb/XXXV-D-412.

Copy forwarded to :
Accountant General, N.W.F.P., Peshawar.

- 2 P.S. to Minister for Revenue, Excise & Taxation, N-WFP., Peshawar.
- 3 P.S. to Secretary to Govt. of N-WFP, Excise & Taxation Department, Peshawar.
- 4 Director Recruitment, N.W.F.P., Public Service Commission, Peshawar with reference to his letter No. 9293, dated 27-3-2002.
- 5 Excise & Taxation Officers, Peshawar-II, Abbottabad, Haripur, Swat, Karak, Upper Dir, Kohat & D.I. Khan.
- 6 District Accounts Officers, Abbottabad, Haripur, Swat, Karak, Upper Dir, Kohat & D.I.Khan.
- 7 Section Officer (Estt), Excise & Taxation Department, N-WFP, Peshawar with reference to his letter No.SO(Estt)E&T/1-13/2000, dated 20-5-2002.
- 8 Officials concerned. (at their postal address).
- 9 Personal File of the officials.


DIRECTOR GENERAL,
EXCISE & TAXATION N-WFP,
PESHAWAR.





Examinations 2007

Result

NOTIFICATION:

18

No.20(E&T)E&T/1-10/2000. The following candidates who appeared in the Departmental Examination of Excise & Taxation Department held at Peshawar w.d.f. 03.12.2007 to 06.12.2007, have passed/failed in the subject (s) in higher/lower standard as mentioned against each:-

Roll No.	Name of Officers/Officials	Paper-I Criminal Law	Paper-II Excise Law	Paper-III Taxation Law	Paper-IV Property Tax & Civil Law
1	Mr. Salahud Din, ETO	Higher	Higher	---	---
2	Mr. Manzoor Ahmed, ETO	Higher	Higher	---	---
3	Mr. Javed, ETO	Lower	Lower	Higher	Higher
4	Mr. Eid Badshah, ETO	Higher	Higher	Higher	Higher
5	Mr. Naveed Akbar, ETO	Higher	---	---	---
6	Mr. Muhammad Hayat, ETO	Higher	Higher	Higher	Higher
7	Mr. Saidul Amin, ETO	Absent	Absent	Absent	---
8	Mr. Ayaz Khan, ETO	Higher	Higher	---	---
9	Mr. Haq Nawaz, Inspector	---	---	Fail	---
10	Arbab Aurangzeb, Inspector	---	Absent	---	---
11	Mr. Shakeel Ahmad, Inspector	---	Lower	---	Fail
12	Mr. Tariq Salim, Inspector	Absent	---	---	---
13	Mr. Mohammad Anwar, Inspector	---	---	Higher	---
14	Mr. Muhammad Arshad, Inspector	---	---	Fail	---
15	Mr. Iftikhar Hussain, Inspector.	---	Absent	---	---
16	Mr. Ikramullah-II, Inspector	---	Higher	Fail	---
17	Mr. Juma Gul, Inspector.	---	Absent	---	---
18	Mr. Faizullah Khan, Inspector.	---	Absent	---	---
19	Mr. Mohammad Iqbal, Inspector	---	---	---	Absent
20	Mr. Sardar Mohammad, Inspector	Absent	Absent	Absent	Absent
21	Mr. Pervaz Khan, Inspector	---	---	Fail	---
22	Mr. Mohammad Salim, Inspector.	Fail	Fail	Lower	Lower

No 2066
date 11/2/08

AK
R

23	Mr. Shamsher Ali, Inspector	Absent	Absent		
24	Mr. Nizakat Ali, Inspector		Absent		
25	Mr. Saadud Din, Inspector	Fail	Lower	Fail	
26	Mr. Falak Nawaz, Inspector		Lower		
27	Mr. Shad Mohammad, Inspector	Absent	Absent	Absent	Absent
28	Mr. Mohammad Mushtaq, Inspector	Fail	Higher		
29	Mr. Nasir Latif, Inspector		Absent	Absent	
30	Mr. Mohammad Qamar, Inspector	Lower			
31	Mr. Mohd. Younis Tariq, Inspector	Absent			Absent
32	Mr. Javed, Inspector	Lower			
33	Mr. Saeed Gul, Inspector	Fail	Lower		
34	Mr. Javed Hussain, Inspector		Lower	Lower	
35	Mr. Adalat Khan, Inspector	Absent	Absent	Absent	
36	Mr. Javedur Rehman, Inspector	Higher	Higher	Lower	Lower
37	Mr. Farid Ahmad, Inspector	Higher			
38	Mr. Muhammad Iqbal, Inspector		Higher		
39	Mr. Waheed-ur-Rehman, Inspector	Absent	Absent		
40	Mr. Amjad Zareen, Inspector	Absent	Higher		
41	Mr. Javed Sultan, Inspector		Lower		
42	Mr. Khalid Qayum, Inspector				Higher
43	Mr. Faheem Nawaz, Inspector			Lower	Higher
44	Mr. Arifullah, Inspector	Absent	Absent		
45	Mr. Gul Filshan, Inspector	Higher	Higher		
46	Mr. Madoob-ur-Rehman, Inspector	Absent	Absent	Absent	
47	Arbab Sultanzeb, Inspector	Fail	Lower	Higher	Higher
48	Mr. Muhammad Taj, Inspector	Fail	Lower	Fail	Lower
49				
50	Mr. Nazar Muhammad, Inspector	Absent	Absent	Absent	Absent
51	Mr. Muhammad Khasroon, Inspe		Higher		
52	Mr. Sultan Mahmood, Inspector	Absent	Absent	Absent	Absent
53				
54	Mr. Shah Jenan, Inspector	Absent	Absent	Absent	Absent
55	Mr. Muhammad Muferah Jan, Inspe	Absent	Absent	Absent	Absent

(19)

Handwritten signature

57	Mr. Muhammad Aslam, Inspector	Fail	Lower	Fail	Fail
58	Mr. Hazrat Ali, Inspector	Absent	Absent	Absent	Absent
59	Mr. Behri Karam, Inspector	Fail	Lower	Fail	Fail
60	Mr. Nasir Mahmood, Inspector	Absent	Absent	Absent	Absent
61	Mr. Akhtar Nawaz, Inspector	Absent	Absent	Absent	Absent
62	Mr. Zait-ur-Rehman, Inspector	Higher	Higher	Higher	Higher
63	Mr. Abdul Rashid, Inspector	Absent	Absent	Absent	Absent
64	Mr. Dost Muhammad, Inspector	Fail	Lower	Fail	Fail
65	Mr. Khanzada, Inspector	Fail	Lower	Fail	Fail
66	Mr. Arshad Javed, Inspector	Fail	Lower	Fail	Lower
67	Mr. Amjad Ali, Inspector	Fail	Lower	Fail	Lower
67	Mr. Faizullah Khan	Fail	Fail	Fail	Lower

SECRETARY TO GOVT OF NWFP
EXCISE & TAXATION DEPARTMENT

ENDST: NO. SO(Estt)E&T/1-19/2000 Dated Peshawar the, 26th Jan. 2008.

1. Director General, Excise and Taxation, NWFP, Peshawar with the request to circulate to all ETOs and E&T Inspectors.

Stullah Khan, Additional Secretary (General),
Government of NWFP, Law Department.

3. Mr. Muhammad Asif, Legal Drafter/Head Drafting Cell,
Government of NWFP, Law Department.

Officers in NWFP.

5. PS to Secretary, Excise & Taxation Department.

6. PA to Deputy Secretary, Excise & Taxation Department

(Muhammad Jamil)
(MUHAMMAD JAMIL)
SECTION OFFICER (ESTT)

[Handwritten signatures]

Promotion of
Sub-Inspectors

21

21

21

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-14 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

[Handwritten signature]

[Handwritten signature]

promotion of sub-Inspector

22

(Signature)

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.

(Signature)

(SHAH JEHAN)
SECTION OFFICER (ADMN)

(Signatures)

(23) (2/21)

**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.

7c
SECTION OFFICER (ADMN)

Attested
[Signature]

[Signature]

Annexure E

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

Seniority list 31-12-2016

24

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	Mohammad 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	

[Signature]

[Signature]

Annexure - 6

52

6

	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. Mr. Baima 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	
	32. Mr. Sajjad Ahmad	Charsadda	18-02-1976	19-05-2007	---	11-02-2009	Seniority fixed in pursuance to the Khyber Pakhtunkhwa Public Service Commission (Promoted as E&T Inspector on 11-02-2009)
	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	
	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	Promotee (Redesignated as E&T Inspector on 13-09-2009)
	38. Mr. Ikram Muhammad	Peshawar	10-10-1962	10-7-1986	19-02-2002	30-03-2009	

Annexure - G

20

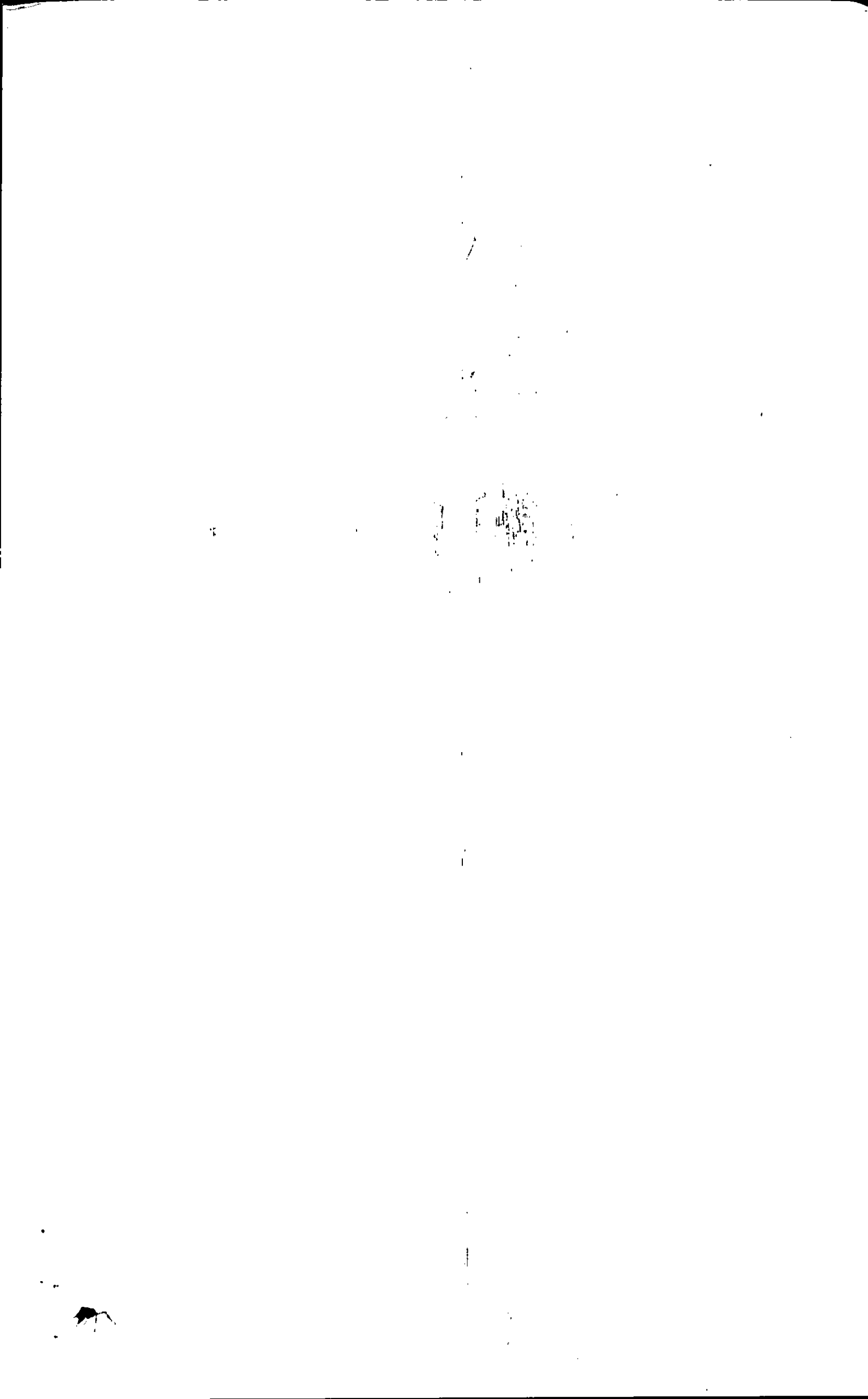
Sl. No.	NAME OF E & T INSPECTOR	HOME DISTRICT	DATE OF BIRTH	DATE OF JOINING GOVT. SERVICE	DATE OF PROMOTION OF SENIOR CLERK	DATE OF APPOINTMENT/PROMOTION AS E & T INSPECTOR	REMARKS
39	Mr. Bakht Zaman	Dir	04-07-1958	19-04-1984	27-06-1905	30-03-2009	
40	Qazi Inayat ur Rehman	Bannu		12-1-1982	26-01-2004	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. Shaid Iqbal	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	01-01-1985	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.

[Handwritten signature]

Attested

[Handwritten signature]

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



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
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	05-02-1982	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 Jabeel Khan	Dir	20-04-1976	22-10-2010	---	22-10-2010	
72	Muhammad Riaz-II	Dir	15-03-1979	25-10-2010	---	25-10-2010	Seniority fixed in pursuance to the Khyber Pakhtunkhwa Public Service Commission
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	DI 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 Raul	Lakki Marwat	03-09-1987	06-03-2008	---	25-10-2010	

Seniority fixed in pursuance to the Khyber Pakhtunkhwa Public Service Commission

Attested


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	<i>Direct Initial Recruit</i>
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

Attached


29
33



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

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

**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 are (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



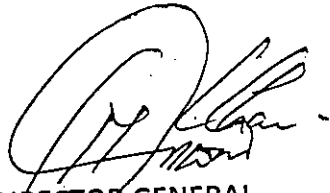
30
3/4



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

Auqaf Complex, Shami Road, Peshawar.
Phone. 091-9212269

				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:
- No departmental/disciplinary/Anti-corruption/Judicial proceeding are pending against the officials.
 - The eligible officials are holding the post of Excise & Taxation Inspector (BPS-15) on regular basis.
 - The officials are not actually on deputation nor on long leave.
 - 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

31
~~30~~
2015

Date of order/proceedings 2
Order or other proceedings with signature of Magistrate 3

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

Service Appeal No. 201/2014

Muhammad Qamar, Versus The Chief Secretary, KPK
Peshawar and others.

JUDGMENT

08-12-2015

PIR BAKHSI SHAH MEMBER. - Appellant with

counsel (Mr. Muhammad Asif Yousafzai, Advocate) and
Government Pleader (Mr. Muhammad Jan) with Arbab
Khalid Mehmood, Legal Advisor for the respondents
present.

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 Examination Rules,
1950, which are still in the field and operational and
according to which rules Inspector & Sub Inspectors has
to pass this exam in lower standard (50%) respectively
for promotion to the rank of Inspector and Asstt. Excise
& Taxation Officer. But the respondent-department
notified new rules vide notification dated 30.3.2010,
according to which lower standard of departmental


Attested
AM

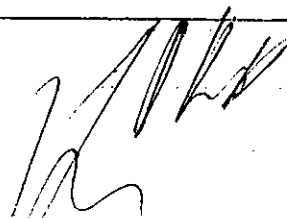
Handwritten signature and scribbles

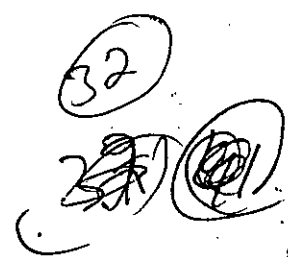
examination was replaced with higher standard. That this decision being anomalous and contradictory with the Examination Rules, 1950, the appellant made application for consideration of the departmental authority, which was forwarded and recommended by the Director General. to the Secretary, Excise & 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

Attested




32


33
38
45

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.

ANNOUNCED
08.12.2015.

sd

sd

(PIR BAKHSH SHAH)
MEMBER

(ABDUL LATIF)
MEMBER

Date of report

14-12-2015

1200

800

200

1000

sd

14-12-2015

14-12-2015

Handwritten signature and initials on the left margin.

Large handwritten signature at the bottom center.



OFFICE OF THE EXCISE TAXATION &
NARCOTICS CONTROL OFFICER
DISTRICT KARAK.

34



No 4033

Dated Karak the: 16/3/17

To,

The Deputy Director,
Excise Taxation & Narcotics
Control Department D.I Khan
Region, D.I Khan.

Subject:

PROMOTION TO THE POST OF AETO

Memo,

The application in respect of Mr. Javed-ur-Rehman, Inspector of this office, is sent herewith for onward submission please.

Excise Taxation & Narcotics
Control officer Karak.

16/3/17

[Handwritten signature]

35

To,

~~The Secretary Excise Taxation & Narcotics~~
Control Khyber Pakhtoonkhawa Peshawar.

Through Proper Channel

Subject: PROMOTION TO THE RANK OF AETO.

Respected Sir,

It is respectfully submitted that I have passed two papers of departmental examination in higher standard and two papers in lower standard. It has come into my notice that I am being superseded because of having passed two papers in lower standard.

The Honorable Service Tribunal KPK, Peshawar, in its judgment (copy enclosed) announced on 08-12-2015 in response to appeal No 201/2014, 202/2014 and 203/2014, filed by Muhammad Qamar, Nizakat Ali, and Falak Nawaz respectively, directed the respondent department to consider the appellants for promotion by relaxing the requirement of departmental examination under rule 7 (3) of examination rules 1950, as this discretion had already been exercised by the government vide its notifications dated 22-06-2010 and 13-08-2012 even after the enforcement of the rules of 2010.

It is, therefore, requested that as my case is of the same nature, I may not please be superseded and promoted as AETO as per my seniority.

Thanks,

Yours obediently,

Javed-Ur-Rehman
Javed-Ur-Rehman

Inspector Excise Taxation & Narcotics
Control Office Karak.

16/3/17

[Handwritten signature]

36



**OFFICE OF THE DEPUTY DIRECTOR EXCISE, TAXATION AND
NARCOTICS CONTROL D.I.KHAN REGION**

47

No. _____

Date: 17-3-2017

To

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

Subject: PROMOTION TO THE RANK OF A.E.T.O

Memo:

The application in respect of Mr. Javed-ur-Rehman, Inspector of Excise & Taxation & Narcotics Control office Karak is sent herewith for further necessary action please.

sd

DEPUTY DIRECTOR,
EXCISE, TAXATION & NARCOTICS CONTROL
D.I.KHAN REGION.

No 216 /E&T

Dated D.I.Khan the ___/___/___

Copy forwarded to the Excise, Taxation & Narcotics Control Officer, Karak with reference to his letter No.4033 dated 16/03/2017

[Signature]
DEPUTY DIRECTOR,
EXCISE, TAXATION & NARCOTICS CONTROL,
D.I.KHAN REGION.

[Signature]

37



**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**

Service Appeal No. 737 /2017

**Khyber Pakhtunkhwa
Service Tribunal**

Diary No. 806

Dated 13-7-2017

Javed ur Rehman S/o Ghulam Habibi,
Presently posted as Inspector Excise, Taxation,
Narcotics control Office, Karak.....**Appellant**

VERSUS

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 to-day
Registrar
25/7/17**

Prayer in Appeal:-

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

ATTESTED

**Registrar
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar**

38

10.10.2018

Appellant in person and Mr. Ziaullah, Deputy, District Attorney alongwith Mr. Noman, Inspector for the respondents present. Appellant requested for adjournment on the ground that his counsel is not available today. Adjourned. To come up for arguments on 23.11.2018 before D.B.

AH

(Ahmad Hassan)
Member

MA

(Muhammad Amin Kundli)
Member



Order

23.11.2018

Counsel for the appellant present. Mr. Muhammad Jan, Deputy District Attorney alongwith Mr. Noman Akhtar, Inspector for respondents present. Arguments heard and record perused.

This appeal is also disposed off as per detailed judgment of today placed on file in connected service appeal No. 340/2017 titled "Faved Sultan -vs- The Govt. of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat, Peshawar and three others". Parties are left to bear their own cost. File be consigned to the record room.

Announced:
23.11.2018

AH

(Ahmad Hassan)
Member

HD

(Hamid Farooq Durani)
Chairman

Certified to be true copy
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Date of Presentation of _____ 27/11/18
Number of Words _____ 800
Copying Fee _____ 6/-
Urgent _____
Total _____ 6/-
Name of Copyholder _____
Date of Completion of Copy _____ 19-12-18
Date of Delivery of Copy _____ 19-12-18

No. 1149

For Insurance Notices see reverse. Rs. Ps.

Stamps affixed except in case of uninsured letters of not more than the initial weight prescribed in the Post Office Guide or on which no acknowledgement is due.

Received a registered addressed to

Date-Stamp

Initials of Receiving Officer with the word "insured" before it when necessary.

Insured for Rs. (in figures) (in words)

Insurance fee Rs. Ps. (in words) Weight Kilo Grams

Name and address of sender

If insured.

60/39

M. S. ...

...

...

...

...

...



OFFICE OF THE EXCISE, TAXATION AND NARCOTICS CONTROL
OFFICER/ MOTOR REGISTERING AUTHORITY/
ASSISTANT COLLECTOR G-I

BANNU

etobannu@gmail.com

0928-9270125

No 3778 /E&T

Dated Bannu the 21 / 01 / 2019

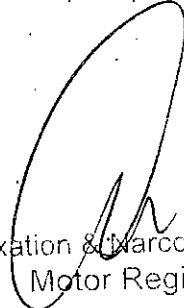
To:

The Director,
Excise, Taxation & Narcotics Control Department,
D.I.Khan (Region)

Subject:- RELAXATION/ WAIVING OFF DEPARTMENTAL EXAMINATION
IN THE LIGHT OF JUDGMENT OF KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL DATED 23/11/2018

Memo:

The application in respect of Mr. Javed-ur-Rehman, Inspector of this office is sent herewith for further necessary action please.

de 
Excise, Taxation & Narcotics Control Officer,
Motor Registering Authority,
BANNU

mf
21/1/2019

To:- The Secretary,
Excise, Taxation & Narcotics
Control Department, Khyber Pakhtunkhwa
Peshawar.

(4)

Through Proper Channel

Subject:- RELAXATION / WAIVING OFF DEPARTMENTAL
EXAMINATION IN THE LIGHT OF JUDGMENT OF
KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
DATED 23-11-2018.

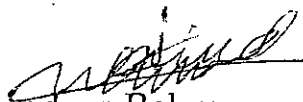
Respected Sir,

It is most humbly submitted that I had preferred a departmental appeal on 16-03-2017 for waiving off two papers of departmental examination (Taxation Law & Property Tax and Civil Law) which I had passed in lower standard on the basis of the relief as was given to Muhammad Qamar, Nazakat Ali (Inspectors of this department) in the light of Khyber Pakhtunkhwa Service Tribunal Judgment dated 08-12-2015. But my appeal was not decided and I was compelled to file appeal in the said Service Tribunal. The judgment of the Service Tribunal dated 23-11-2018 in connection with my appeal No. 737/2017 is enclosed herewith.

It is, therefore, requested that I may please be promoted as per my seniority in the light of the above said judgments of the Khyber Pakhtunkhwa Service Tribunal.

Dated 21-01-2019

Yours Obediently,


Javed-ur-Rehman
Inspector Excise, Taxation &
Narcotics Control Office Bannu.



42

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

No. 78 /Dir. DIKHAN REGION Dated 11/02/2019.

To .

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

Subject:- RELAXATION/WAIVING OFF DEPARTMENTAL EXAMINATION IN THE
LIGHT OF JUDGEMENT OF KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
DATED 23/11/2018.

Respected Sir,

Enclosed find herewith letter No. 3778/E&T dated 21/01/2019 on the subject alongwith its enclosure received from Excise, Taxation & Narcotics Control Officer Bannu for perusal and consideration please.

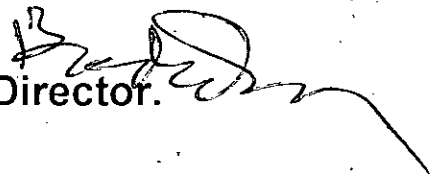
Encl:- (-)


Director.

Endst. No. 79 /Dir. ET&NC

Copy to :-

The Excise, Taxation & Narcotics Control Officer, Bannu for information with ref. to his No. & dated cited above.


Director.

481

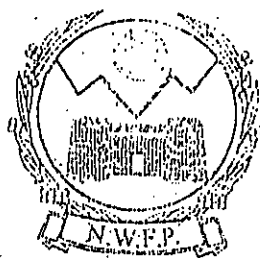
48

11

REGISTERED NO. P.III

GAZETTE

EXTRAORDINARY
GOVERNMENT



North-West Frontier Province

Published by Authority

PESHAWAR, TUESDAY, 30TH MARCH, 2010.

GOVERNMENT OF THE NORTH-WEST FRONTIER PROVINCE
EXCISE & TAXATION DEPARTMENT
SERICE RULES, 2010.

NOTIFICATION

Peshawar dated the 30th March, 2010.

No. SO(Estt)E&T/1-41/2009: - In pursuance of the provisions contained in sub-rule (2) of rule (3) of the North-West Frontier Province Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, and in supersession of all rules issued in this behalf, the Excise & Taxation Department in consultation with the Establishment and the Finance Departments, hereby lays down the method of recruitment, qualifications and other conditions, specified in column No. 3 to 5 of the Appendix to this Notification which shall be applicable to posts in the Excise & Taxation Department specified in column 2 of the said Appendix.

SECRETARY
GOVERNMENT OF THE NORTH-WEST FRONTIER PROVINCE
EXCISE & TAXATION DEPARTMENT

737

AH

[Signature]

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

SR.NO.	Nomenclature of post	Minimum qualification	Age limit	Method of recruitment
1	2	3	4	5
5	Excise & Taxation Officer.	Second Division Bachelor's Degree from a recognized University.	21 to 30 years	<p>(a) i. Forty six per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Assistant Excise & Taxation Officers (BS-16) with at least 5 years service as such, who have passed the departmental examination in higher grade; and</p> <p>ii. Four per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Superintendents (BS-16) with at least 5 years service as such, who have passed the departmental examination in higher grade; and</p> <p>(b) Fifty per cent by initial recruitment, on the recommendations of N.W.F.P. Public Service Commission based on the result of a competitive Examination conducted by it, in accordance with the Syllabus prescribed for the Competitive Examination under Government of North-West Frontier Province Provincial Management Service Rules, 2007.</p>
6	Accounts Officer.	<p>i. Second Class Master's Degree in Commerce with Accounting as one of the subject, from a recognized University; and</p> <p>ii. one year Diploma in Computer Science from the Board of Technical Education.</p>	21 to 32 years	By initial recruitment.

[Handwritten signature]

1

(45) (45)

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.-

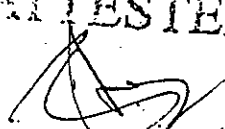
This judgment shall dispose of the instant service appeal as well as connected service appeal no. 737/2017 titled Javed ur Rehman as similar question of law and facts are involved therein.

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

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

appeal 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

Departmental Appeal
Excise and Taxation Officer
Kolkata

On the other hand learned Deputy District Attorney argued that according to the

FILED
11/02/2013

2013 and judgment of this Tribunal dated 14.08.2012 passed in service appeal no. 1000/2012. The appellant's reliance was placed on case law reported as 2018 2013 330 3000

similar relief but was not responded within the stipulated period, hence the instant

plea of the above appellants. The appellant through his departmental appeal also sought

the respondents vide order dated 10.11.2012 waived off the condition of higher grade in

relaxation contained in the said rules provided the case was otherwise fit for the same

the respondents for examination on the analogy of previous precedent and grant of

1920. This Tribunal vide judgment dated 08.12.2012 this Tribunal remitted the case to

Excise and Taxation Officer, as per Rule 3(3) of the Departmental Examination Rules

department filed service appeal for promotion from the rank of inspector to Assistant

that Mr. Muhammad Qamar, Muzakir Ali and Faisal Naz, inspectors serving in the said

marks). He made another attempt in 2009 but could not improve his previous position.

passed all the papers in higher grade, except Excise Law Paper-II in lower grade (2009).
promotion examination for the post of Assistant Excise and Taxation Officer in 2009 and
learned counsel for the appellant argued that he appeared in the departmental

ARGUMENTS

appeal on 08.04.2013.

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

Handwritten signature or initials in a circle.

(47)

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

M. J. JAWANER
Khayber Pakhtunkhwa
Service Tribunal,
Peshawar

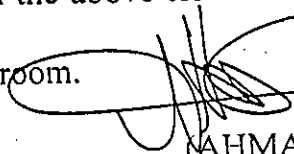
As departmental appeal preferred by the appellant was not decided by the respondents within the stipulated period, so we deem it appropriate to remit this case back to them for

48

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

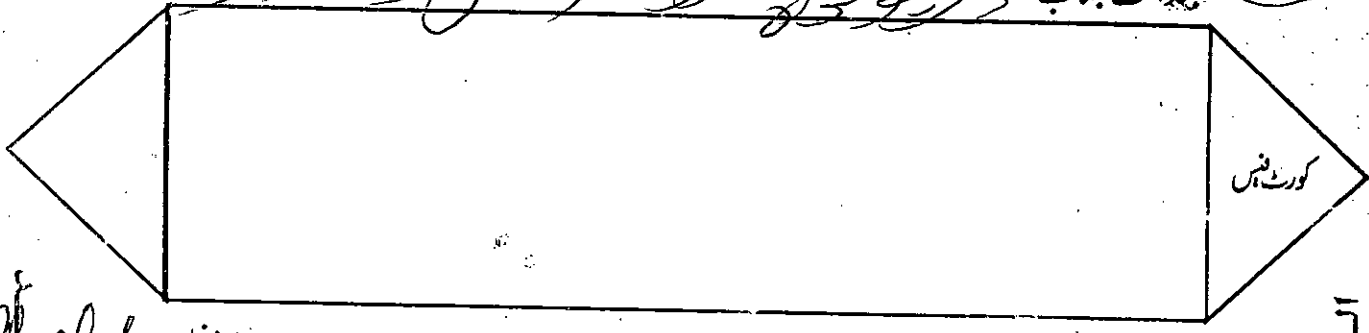
23.11.2018

Certified to be true copy


Khan Sahib
Services 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 [Signature]
 Date of Completion of Copy 19-12-18
 Date of Delivery of Copy 19-12-18

بعدالت جناب جسٹریٹ جی ڈی ایچ کراچی



کورٹ نہیں

۲۰ منجانب Appella

بنام گورنمنٹ آف KPC

جاوید الرحمن

مقدمہ

علت نمبر

جرم زبردفعہ

مورخہ

تھانہ

سروس ایپل

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جوابدہی کل کارروائی متعلقہ آس مقام کے لیے
 مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا اختیار ہوگا۔ نیز وکیل صاحب کو کرنے راضی نامہ و تقرر
 ثالث و فیصلہ برحلف دیکھے بواب ذہی اور اقبال دعویٰ اور بصورت ڈگری کرانے اجرا اور وصولی چیک در روپیہ اور عرضی دعویٰ اور
 درخواست ہر قسم کی تصدیق زر اس پر دستخط کرنے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا ڈگری یک طرفہ یا اپیل کی برآمدگی اور
 منسوخی و نیز دائر کرنے اپیل نگرانی نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ اور بصورت ضرورت مقدمہ مذکور کے کل یا جزو کارروائی
 کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنی بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو بھی ذہی جملہ مذکورہ بالا
 اختیارات حاصل ہوں گے اور اس کا ساختہ پر داخستہ منظور و قبول ہوگا۔ دوران مقدمہ میں جو خرچہ و ہرجانہ التوائے مقدمہ کے
 سبب سے ہوگا اس کے مستحق کیا صاحب موصوف ہوں گے نیز بقایا خرچہ کی وصولی کرنے کا بھی اختیار ہوگا۔ اگر کوئی تاریخ پیشی
 مقام دورہ پر ہو یا حد سے باہر ہو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سندر ہے۔

۲۰

ماہ

المرقوم

مقام مور کے لیے منظور ہے

HASSAN J. K. AHMAD
High Court

جاوید الرحمن
Appella