

31.10.2019

Nemo for appellant.

Despite, repeated calls no one is in attendance on behalf of the appellant and it is already past 2.00 P.M.

Dismissed for non-prosecution. File be consigned to the record room.

Chairman



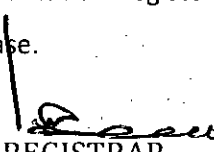



ANNOUNCED
31.10.2019

81/5/8

Form- A
FORM OF ORDER SHEET

Court of _____

Case No.- 889/2019


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	08/07/2019	<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 8/7/19</p>
2-	09/07/19	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>19/08/19</u></p> <p style="text-align: right;"> CHAIRMAN</p>
	19.08.2019	<p>None for the appellant.</p> <p>Issue notice to appellant/counsel for preliminary hearing 17.09.2019 before S.B.</p> <p style="text-align: right;"> Chairman</p>
	17.09.2019	<p>Junior to counsel for the appellant present.</p> <p>Learned senior counsel for the appellant is reported to be in appearance before the Apex Court, therefore, a request for adjournment is made.</p> <p>Adjourned to 31.10.2019 before S.B.</p> <p style="text-align: right;"> Chairman</p>

The appeal of Mr. Javed Sultan Son of Sultan Ahmad Shah inspector Excise and Taxation Office received today i.e. on 26.06.2019 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Memorandum of the appeal may be got signed by the appellant.
- 2- Affidavit may be got attested by the Oath Commissioner.
- 3- Annexures of the appeal are illegible which may be replaced by legible/better one.

No. 1132 /S.T,

Dt. 27.6- /2019.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Haasan U.K. Afridi Adv. Pesh.

Re-submitted
after judgment of
the above order
on - 08-07/19



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. 889 /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		1-10
2.	Application for stay alongwith affidavit		11
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		27-31
11.	Working papers		32-33
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.	Receipts		44
16.	Covering letter with letter		45-46
17.	Impugned order dt.30.05.2019		47-48
18.	Wakalatnama		49

Appellant

Through

Dated 26.06.2019 .

Hassan U.K Afridi
Advocate High Court
Cell No.0300-9/54963

1

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. 889 /2019

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

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 900

Dated 26/6/2019

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

26/6/19

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

Re-submitted to -day
and filed.

Registrar

8/7/19 **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 and the impugned order

passed by the respondent No.2 vide dated 30.05.2019 may also be set aside.

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 then respondent No.2 decided the departmental appeal and rejected the prayer of the appellant on 30.05.2019, hence this appeal on the following amongst the other grounds:

GRUNDS:

- 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). Further that the impugned order passed by the respondent No.2, vide dated 30.05.2019 is against law and is liable to be set aside.

- 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 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 the appellant has already reserved one chance of examination, while instead of that the respondent No.2, decided the departmental appeal and awarded one chance of examination, which means no relief.
- 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 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 and the impugned order passed by the respondent No.2 vide dated 30.05.2019 may also be set aside.
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 26.06.2019

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. _____/2019

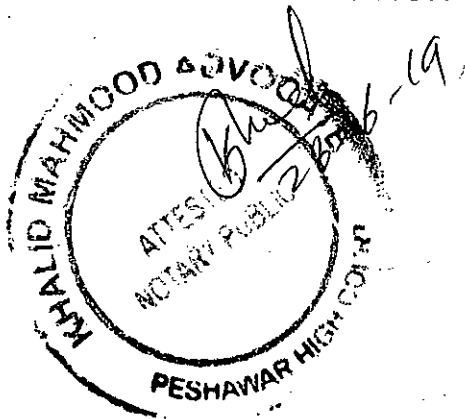
Javed Sultan.....**Appellant**

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

Dated 26.06.2019



Hassan U.K. Afridi
Advocate High Court

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

C.M. No. _____/2019

In

Service Appeal No. _____/2019

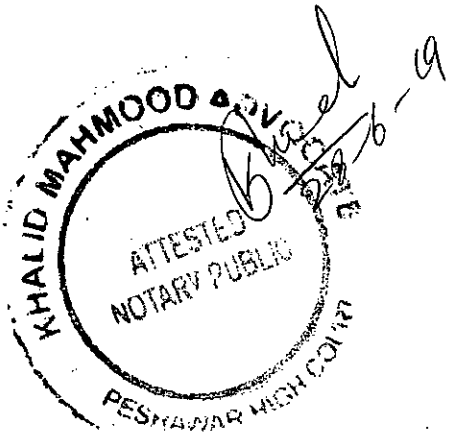
Javed Sultan.....**Appellant**

V E R S U S

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

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 **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 26.06.2019

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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 Bardi 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. Abdul Samad S/o ...

17-

Mr. Ahmad Naeem S/o Mohammad Nazir Ashk R/o. Inside Lahori Gate Near Alaud Din Mosque, D.I.Khan.

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- 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 Auranczeb Khan	Office of Excise & Taxation Officer, Haripur.

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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.

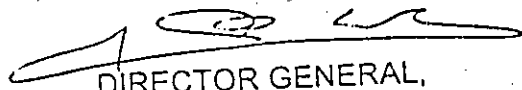
Order dated
Dec 2
28-5-5


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

287-8313/Est./XIX-C-140, Peshawar, dated the 25/4/2006

(18)

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

All concerned
to note. 2/5

To

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

Subject :-

DEPARTMENTAL EXAMINATION.

Memo:

A copy of Notification No.SO(Est)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.

&
Est

- 13-
- 14-
- 15- Mr.
- 16- Mr.
- 17- Mr. I
- 18- Mr. Mc
- 19- Mr. Sarg
- 20- Mr. Pervaz
- 21- Mr. Mohamir

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

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

noted by
noted by

SECRETARY TO GOVT OF NWFP
 EXCISE & TAXATION DEPARTMENT

Dated Peshawar the, 16th Jan; 2006.

ENDST: NO. SO(Estt)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.

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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. Shamsher Ali, Inspector	Absent	Absent	-	-
19.	Mr. Nizakat Ali, Inspector	-	Absent	-	-
20.	Mr. Saad ud Din, Inspector	Fail	Lower	Higher	-
21.	Mr. Falak Nawaz, Inspector	-	Fail	-	-

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11/11

	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

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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


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.

(USMAN SHAH)
SECTION OFFICER (ESTT:)

22/6/10

Attested

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GOVERNMENT OF KHYBER PAKHTUNKHWA
EXCISE & TAXATION DEPARTMENT

Ho 50(1-11)131/1-19/2010

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:)

Signature
22/6/10

District D.I.Khan.

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25

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)

Accepted
[Signature]

25 (18)

GOVERNMENT OF KHYBER PAKHTUNKHWA
EXCISE & TAXATION DEPARTMENT

No. SO(ESTT)/E&T/1-19/2010/
~~Dated Peshawar the 13/01/2012~~

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 of Excise & Taxation enabling them to be considered for promotion against the available posts of Inspector, Excise & Taxation falling in the share or 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)

Mir. Abbas
District D.I.Khan.

1 (26) (28)

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

Dated Peshawar the 10th November, 2016

ORDER

No. SO(ESTT)/E&T/1-19/2010/6976-79 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]

Annexure G

**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	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	

[Handwritten 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
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. Ikram 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. Sa'eed Ullah Shah						Seniority fixed in pursuance to the Khyber Pakhtunkhwa, Public Service Commission

Attested


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

Annexure - G


30	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	

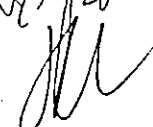
Seniority fixed in pursuance to the Khyber Pakhtunkhwa. Public Service Commission.

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	<i>Direct Transfer Recd with</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

Attended




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

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

(32)

**GOVERNMENT OF KHYBER PAKHTUNKHWA,
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

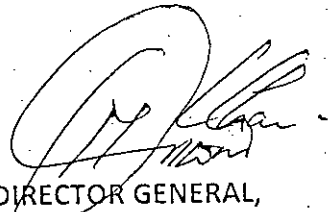
				dated 08-12-2015)	
3	Mr. Zia Ud Din	04-06-2005	04-06-2005	Yes	Yes
4	Mr. Gul Fishan	18-07-2005	18-07-2005	Yes	Yes
5	Muhammad Iqbal	02-06-2005	02-06-2005	Yes	Yes
6	Muhammad Khalid	31-05-2005	31-05-2005	Yes	Yes
7	Mr. Fahim Nawaz	14-07-2005	14-07-2005	Yes	Yes
8	Mr. Faridullah Khan	04-02-2008	04-02-2008	Yes	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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Sl. No.	Date of order/ proceedings	Order or other proceedings with signature of Magistrate
	2	3
	08.12.2015	<p style="text-align: center;">KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.</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, 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 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</p>

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PESHAWAR

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

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 Director General
 Excise & Taxation
 Khyber Pakhtunkhwa

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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.

Copy to be made
of this judgment
for the record
of the court
14/12/2015

ANNOUNCED
08.12.2015.

sd

(PIR BAKHSH SHAH)
MEMBER

sd

(ABDUL LATIF)
MEMBER

Date of Presentation of Appeal	14-12-2015
No. of Appellants	1200
No. of Respondents	800
No. of Witnesses	200
No. of Documents	1000
Date of Judgment	14-12-2015
Date of Disposal	14-12-2015

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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
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
Excise, Taxation & Narcotics Control Officer,
Kohat

Attested
[Signature]

38

To,

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

Through Proper Channel

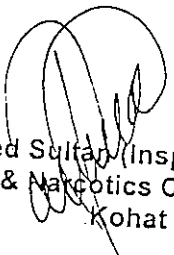
Subject: REQUEST FOR EXEMPTION/ RELAXATION

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


39



**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, PeshawarRespondents

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

Filed to-day
[Signature]
Registrar
06/04/2017

Prayer in Appeal:-

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

submitted to -day
filed.
[Signature]
Registrar
12/4/17

ATTESTED
[Signature]
Registrar
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

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

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.

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 Deputy District Attorney
 Excise and Taxation
 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.

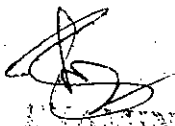
CONCLUSION

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


 ATTENDING OFFICER
 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

Clerk
Peshawar Service Tribunal,
Peshawar

Date of Presentation of Appeal 27-11-18
 Number of Words 2000
 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

No. 575

For Insurance Notices see reverse.
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.

Rs. Ps.

50

644

Received a registered
addressed to

Excise Taxation
Date Stamp

Write here "letter", "post card", "packet" or "parcel"
with the word "insured" before it when necessary.

Initials of Receiving Officer

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

Insurance fee Rs. Resh Weight Resh Kilo Grams

Name and address of sender 8/17/11

No. 576

For Insurance Notices see reverse.
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.

Rs. Ps.

50

Received a registered
addressed to

Excise Taxation
Date Stamp

Write here "letter", "post card", "packet" or "parcel"
with the word "insured" before it when necessary.

Initials of Receiving Officer

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

Insurance fee Rs. Resh Weight Resh Kilo Grams

Name and address of sender 8/17/11

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

No. 176 /E&T

Dated

Kohat

the 17/1 /2019

To,

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

**Subject: REQUEST FOR RELAXATION/WAIVING OFF IN RESPECT OF
KHYBER PAKHTUNKHWA SERVICE TRIBUNAL JUDGEMENT
DATED 23-11-2018**

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


EXCISE, TAXATION & NARCOTICS
CONTROL OFFICER KOHAT.

No. 177-78 /E&T

Dated

Kohat

the ___ / ___ /2019

Copy forwarded to:

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


EXCISE, TAXATION & NARCOTICS
CONTROL OFFICER KOHAT.

46

To,

**The Secretary to Government of Khyber Pakhtunkhwa,
Excise, Taxation & Narcotics Control Department,
Khyber Pakhtunkhwa, Peshawar.**

Through Proper Channel

**Subject: REQUEST FOR EXEMPTION/ WAIVING OFF IN RESPECT OF
KHYBER PAKHTUNKHWA SERVICES TRIBUNAL JUDGMENT
DATED 23-11-2018**

Respected Sir,

Most humbly requested that I have submitted an application on 27/12/2016 for waiving off the condition of higher standard for Paper-II (Excise Law) which I have passed in lower standard on the basis of the same relief as was given to Mr. Muhammad Qamar (Inspector), Mr. Nazakat Ali (Inspector) and Mr. Falak Naz (Inspector) by your good office vide Notification No SO (ESTT)/E&T/1-19/2010/6476-79 dated 10th November, 2016 in compliance of the Khyber Pakhtunkhwa services Tribunal Judgement dated 08-12-2015.

But, my appeal was not decided. Hence, I was compelled to appeal in the Khyber Pakhtunkhwa services Tribunal for relief.

The judgment of services Tribunal is enclosed herewith for ready reference, which refers to the Judgment of Supreme Court, which says that the law of parity in identical cases may be extended to the Civil Servant who may not be the parties to the litigation.

Therefore, it is requested that my appeal may please be decided in the light of the said judgment.

Yours sincerely,

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

Dated: 17-01-2019





GOVERNMENT OF KHYBER PAKHTUNKHWA
EXCISE, TAXATION AND NARCOTICS CONTROL
DEPARTMENT

ORDER

47

DATE OF ORDER OR PROCEEDINGS	ORDER OR OTHER PROCEEDINGS WITH SIGNATURE OF THE COMPETENT AUTHORITY
07.05.2019	<p><u>APPEAL NO. 340/2017, TITLED "JAVED SULTAN VS EXCISE & TAXATION"</u> <u>APPEAL NO. 737 OF 2017 MR. JAVED UR REHMAN VS GOVT. OF KHYBER PAKHTUNKHWA</u></p> <p>This order shall dispose of the identical service appeals Nos. 340/2017 and 737/2017 in respect of Mr. Javed Sultan and Javed Ur Rehman, Inspectors respectively which were remanded back to the department for decision by Khyber Pakhtunkhwa Service Tribunal vide its judgment dated 23.11.2018.</p> <p>In compliance with judgment of the Court, both the appellants were summoned and heard personally. The appellants prayed for waiver from passing the Departmental Examination in Higher Standard in relaxation of Rule 7(3) of the Departmental Examination Rules 1950, which is mandatory for promotion and the appellants failed to achieve the required standard/grade in the examination despite giving them more than three (3) chances (Javed Sultan - 4 chances and Javed Ur Rehman - 5 chances). The appellants claimed that at the time of exam in 2006 the rules were in their favour. However, later on at the time of processing of promotion cases the Rules were amended and required passing the exam in higher grades. However, according to them some of their colleagues, who were in the same situation as the appellants, were given waiver of Departmental Examination by the competent authority on the direction of Hon'ble Court and later on they were promoted to the post of AETO, on the same analogy, the appellants preferred appeals for the subject waiver.</p> <p>Representative of the department stated that the plea of the appellants is not based on facts. Though under Rule 10-A of the Departmental Examination Rules 1950, if any officer fails to pass the Departmental Examination within the prescribed period of two years, he shall be liable for removal from service. However, the department was generous enough and did not take action rather provided them special chance alongwith their other colleagues to qualify the examination. But instead of availing the chance, they absented themselves and preferred appeals in the Court for waiver of exams. Moreover the claimed waiver was done much before the case of appellant were received for promotion. Representative of the department further stated that the grant of exemption defeats the very spirit of the Departmental Examination and will set a bad precedent and open a pathway to others, which will result in increasing litigation cases.</p>

After threadbare discussion, the chair observed that it revealed that the appellant claims for exemption/waiver of exam on the analogy of their other colleagues who were given waiver and were later on promoted, did not carry weightage and are not covered under the law. Moreover, their contemporaries were given only chance to reappear in exam.

Keeping in view the above, the chair decided to dismiss the appeals regarding waiver in light of recommendation of the Director General, Excise, Taxation & Narcotics Control and merits of the case under the rules. At the same time, it was decided to allow the appellants to avail another chance to appear in the Departmental Examination as and when scheduled in the light of rules.

SECRETARY
GOVT. OF KHYBER PAKHTUNKHWA
EXCISE, TAXATION AND NARCOTICS CONTROL DEPARTMENT

Endst. No. SO(Lit)/ET&NC/8-6/2018/KC

Dated: 30.05.2019

Copy is forwarded to the 14811-15

1. PS to Director General, Excise, Taxation and Narcotics Control Department, Khyber.
2. PS to Secretary Excise, Taxation & Narcotics Control Department.
3. Mr. Javed Sultan (Inspector).
4. Mr. Javed Ur Rehman (Inspector).


Section Officer(Litigation)

بجالت جناب جسٹس محمد حیات علی صاحب مدظلہ العالی (سید)

کورٹ نمبر

مقدمہ	جاوید سلطان
علت نمبر	بنام گورنمنٹ آف پاکستان
جرم زید دفعہ	Civil appeal - ۱۹۱۴
موردہ	
تھانہ	

باعث تحریر آئندہ

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 دینے 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 وہی جملہ مذکورہ بالا
 اختیارات حاصل ہوں گے اور اس کا ساختہ پرداخت منظور و قبول ہوگا۔ دوران مقدمہ میں جو خرچہ و ہر جانہ التوائے مقدمہ کے
 سبب سے ہوگا اس کے استحقاق 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 سندز ہے۔

المرقوم _____ ماہ _____ ۲۰

WASIM U.K. AHMED
 High Court

مقام محکمات کے لیے منظور ہے
