

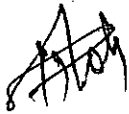
31.05.2019

Counsel for the appellant present. Mr. Riaz Ahmad Paindakheil,
Assistant Advocate General for the respondents present. Arguments heard and
record perused.

Vide our detailed judgment of today consisting of five pages placed in
connected Service Appeal No. 674/2016 titled "*Sangeen vs* Secretary Excise, Taxation and
Narcotics Control Khyber Pakhtunkhwa and three others, without touching the
merit of the case, the present service appeal is dismissed being not maintainable
due to joint departmental appeal and also being time barred. Parties are left to
bear their own costs. Files be consigned to the record room.

ANNOUNCED

31.05.2019



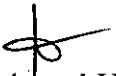
(HUSSAIN SHAH)
MEMBER

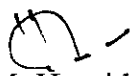


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

29.01.2019


Mr. Ihsan Sardar, Advocate, Junior to counsel for the appellant present. Mr. Usman Ghani, District Attorney for respondents present. Junior to counsel for the appellant submitted an application for adjournment wherein he stated that counsel for the appellant was busy at hospital with his elder brother. Application is allowed. Case to come up for arguments on 28.02.2019 before D.B.


(Ahmad Hassan)
Member


(M. Hamid Mughal)
Member

28-2-2019

The Bench is incomplete therefore
case is adjourned to 15-4-2019


Reader

15.04.2019

Counsel for the appellant and Mr. Riaz Ahmad Paindakheil, Assistant AG alongwith Mr. Arshed Javed, Inspector (Litigation) for the respondents present. Learned Assistant AG requested for adjournment. Adjourned. To come up for arguments on 31.05.2019 before D.B.


(HUSSAIN SHAH)
MEMBER


(M. AMIN KHAN KUNDI)
MEMBER

16.08.2018

Appellant absent. Learned counsel for the appellant absent. Mr. Muhammad Jan learned Deputy District Attorney present. Adjourned. To come up for arguments on 10.10.2018 before D.B.



(Muhammad Amin Kundi)
Member



(Muhammad Hamid Mughal)
Member

10.10.2018

Appellant in person and Mr. Riaz Ahmed Paindakhel learned Assistant Advocate General for the respondent present. Appellant seeks adjournment as his counsel is not in attendance. Adjourn. To come up for arguments on 26.11.2018 before D.B.



Member



Member

26.11.2018

Learned counsel for the appellant and Mr. Riaz Paindkhel learned Assistant Advocate General for the respondents present. Learned counsel for the appellant requested for adjournment. Adjourn. To come up for arguments on 11.12.2018 before D.B.



Member



Member

11.12.2018

Counsel for the appellant present. Mr. Muhammad Riaz Khan Paindakhel, Asst: AG for respondents present. Counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 29.01.2019 before D.B.



Member





Member

679/2016

08.02.2018

Appellant in person and Mr. Muhammad Jan, Deputy District Attorney alongwith Arshed Javed, Inspector (litigation) for the respondents present. Appellant seeks adjournment as his counsel is not available today. Adjourned. To come up for arguments on 12.04.2018 before the D.B.



Member


Chairman

12.04.2018


Junior to counsel for the appellant and Addl. AG alongwith Nughman Akhtar, Inspector E&T for the respondents present. It was submitted that senior counsel for the appellant has gone to perform Umra and requested for adjournment. Granted. To come up for arguments on *27.06.2018 before the D.B.



Member


Chairman

27.06.2018

Appellant absent. Learned counsel for the appellant is also absent. However, clerk of counsel for the appellant present and seeks adjournment on the ground that learned counsel for the appellant is busy before the Hon'ble Peshawar High Court. Mr. Kabirullah Khattak, Additional AG alongwith Mr. Noman Akhtar, Inspector for the respondents present. Adjourned. To come up for arguments on 16.08.2018 before D.B.


(Muhammad Amin Kundi)
Member


(Muhammad Hamid Mughal)
Member

13.02.2017


Counsel for appellant and Mr. Muhammad Adeel Butt, Additional AG for respondents present. Learned counsel for appellant submitted rejoinder which is placed on file. To come up for arguments on 15.06.2017 before D.B.


(AHMAD HASSAN)
MEMBER


(ASHFAQUE TAJ)
MEMBER

15.06.2017

Clerk of the counsel for appellant present. Mr. Muhammad Adeel Butt, Additional AG for the respondents also present. Clerk of the counsel for appellant requested for adjournment. Adjourned. To come up for arguments on 11.08.2017 before D.B.


(GUL ZEB KHAN)
MEMBER


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

11.08.2017


Clerk of the counsel for appellant present. Mr. Kabirullah Khattak, Assistant AG for the respondents present. Clerk of the counsel for appellant seeks adjournment on the ground that learned counsel for the appellant is not available today. Adjourned. To come up for arguments on 08.12.2017 before D.B.



(Muhammad Amin Khan Kundi)
Member (J)


(Muhammad Hamid Mughal)
Member (J)

08.12.2017

Appellant in person present. Mr. Muhammad Jan, Deputy District Attorney for the respondents also present. Appellant seeks adjournment as his counsel is not in attendance. Adjourned. To come up for arguments on 08.02.2018 before D.B.


(Ahmad Hassan)
Member (E)


(Muhammad Amin Khan Kundi)
Member (J)

01.09.2016

Appellant in person and Mr. Abdur Rehman, ETO
alongwith Muhammad Jan, GP for respondents present.
Written reply not submitted. Requested for adjournment.
To come up for written reply/comments on 14.11.2016
before S.B.


Chairman

14.11.2016

Agent of counsel for the appellant and Mr.
Arshad Javed, Inspector alongwith Asstt. AG for the
respondents present. Requested for adjournment. To
come up for written reply/comments on 22.12.2016
before S.B.


Chairman

22.12.2016

Clerk to counsel for the appellant and Mr. Hisbullah,
Stenographer alongwith Addl. AG for respondents present. Written
reply submitted. The appeal is assigned to D.B for rejoinder and
final hearing on 13.02.2017.


(MUHAMMAD AAMIR NAZIR)
MEMBER

13.07.2016

Counsel for the appellant present and requested for adjournment. To come up for preliminary hearing on 27.07.2016 before S.B.


Member

27.07.2016

Counsel for the appellant present. Learned counsel for appellant argued that the appellant is a civil servant and serving in the Taxation and Narcotics Control Department Khyber Pakhtunkhwa Peshawar. That he was subjected to enquiry for mis-using of official position, embezzlement of huge quantity of charas and replaced fine quality of charas with inferior one and vide impugned orders dated 24.11.2015 penalty in the shape of stoppage of 3 annual increments, barred from any executive/serious nature duty in future as well as transferred to hard area were passed against the appellant constraining the appellant to prefer departmental appeal on 21.12.2015 followed by another departmental appeal dated 21.1.2016 which were not responded where-after Writ petition No. 1609-P/2016 was instituted before the Hon'ble Peshawar High Court Peshawar which was not entertained for want of jurisdiction hence the instant service appeal on 13.06.2016.

That during the enquiry police officials i.e. witnesses had neither appeared nor examined and that despite no evidence against the appellant, the impugned orders were passed which are against facts and law and therefore, liable to be set aside.

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 01.09.2016 before S.B.


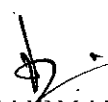

Appellant Deposited
Security & Process Fee


Chairman

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 675/2016


S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	23/06/2016	<p>The appeal of Mr. Sahib Jan resubmitted today by Mr. Javed Iqbal Gulbela 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</p>
2-	27.06.2016	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on. <u>27-6-2016</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
27.6.2016		<p>Agent of counsel for the appellant present. Counsel for the appellant is not in attendance. Seeks adjournment. Adjourned for preliminary hearing to 13.07.2016 before S.B.</p> <p style="text-align: right;"> Chairman</p>

The appeal of Mr. Sahib Jan constable Excise and Taxation office Peshawar received to-day i.e. on 13.06.2016 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Page No. 13, 17, 32, 35, 36, 39 & 40 of the appeal are illegible which may be replaced by legible/better one.
- 2- One copy/set of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 1091 /S.T,

Dt. 13/6 /2016


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Javed Iqbal Gulbela Adv. Pesh.

Respected Sir,

*Resubmitted after necessary
completion.*

J. Iqbal
23/06/2016

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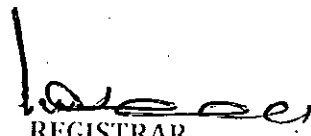
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No. 1091 /S.T,

Dt: 13/6 /2016


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Javed Iqbal Gulbela Adv. Pesh.

Respected Sir,

*Resubmitted after necessary
completion.*

J. Iqbal
23/06/2016

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BEFORE THE HONBLE KHYBER PAKHTUNKHWA
SERVICES TRIBUNAL PESHAWAR

In Re S.A _____/2016

Sahib Jan

VERSUS

Secretary Excise and others


INDEX

S#	Description of Documents	Annex	Pages
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5.	Copy of Murasila dated 11/08/2015	"B"	14-18
6.	Copy of suspension order	"C"	20
7.	Copy of FIR & Murasila	"D to G"	21-24
8.	Copies of Inquiry, applications and relevant documents	"H & I"	25-48
9.	Copies of impugned orders	"J & K"	49-50
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Dated: 08/06/2016

Appellant

Through


JAVED IQBAL GULBELA
Advocate High Court
Peshawar.

BEFORE THE HONBLE KHYBER PAKHTUNKHWA
SERVICES TRIBUNAL PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

In Re S.A 675 /2016

Diary No. 618

Dated 13-6-2016

Sahib Jan (Constable) R/o Excise, Taxation and Narcotics
Control Department K.P.K, Peshawar.

------(Appellant)

VERSUS

1. Secretary Excise, Taxation and Narcotics control
Khyber Pakhtunkhwa.
2. Director General Excise, Taxation and Narcotics
Control Khyber Pakhtunkhwa.
3. Director Excise, Taxation and Narcotics Control Khyber
Pakhtunkhwa.
4. Deputy Director Litigation, Excise, Taxation and
Narcotics Control Khyber Pakhtunkhwa.

------(Respondents).

APPEAL U/S 4 OF THE KHYBER
PAKHTUNKHWA SERVICES TRIBUNAL
ACT -1974 AGAINST THE IMPUGNED
OFFICE ORDER NO: 3508 AND 3519 OF
DATED 24/11/2015 OF THE RESPONDENT
NO. 2, WHEREBY MANIFOLD
PENALTIES WERE IMPOSED UPON THE
APPELLANT IN A CLASSICALLY
CURSORY AND WHIMSICAL MANNER.

Filed to-day

Registrar

13/6/16

Re-submitted to-day
and filed.

Registrar

Respectfully Sheweth;

1. That the appellant is a respectable citizen of the Islamic Republic of Pakistan and is serving in the Taxation and Narcotics Control Department Khyber Pakhtunkhwa as Inspector.
2. That infact the appellant was the member of Mobile Squad Burea-2 of the Excise and Taxation Department, which squad was constituted vide the office order dated 25/04/2014 of the Director General of the Excise Department. (Copy of the order dated 25/04/2014 is annexed as Annexure- "A")
3. That in pursuance to the aforementioned notification, the appellant performed his duties to the utmost of his capabilities and potential and left no stone unturned in pragmatically performance of his duties. It was in this back drop that on 10/08/2015 upon receiving information about smuggling of Narcotics by the appellant was directed to be alert and after being raising a check point at Kohat Road, at about 03:00 to 04:00 am on 11/08/2015 a vehicle Land Cruiser bearing No. BC-0006 Karachi, was intercepted and was stopped. The driver namely Amjid Khan S/o Muhammad Riaz was got apprehended on the spot. The local police of Police Station Badhber

was informed who in the mean while came to the spot in a mobile. As it was dark and the area was danger, so the vehicle alongwith the driver was taken to Police Station Badhber. After arrival of SHO and SP, the vehicle was thoroughly checked and 38 KG of Charas was recovered. Mursala was drafted on 11/08/2015 and recovery took place on the same date. But the Police didn't lodge the report i.e FIR. (Copies of Mursila dated 11/08/2015 is annexed as Annexure "B").

4. That local police of Badhber was not ready to cooperate and lodge the FIR, so the Incharge of the Mobile Squad made written and otherwise requests to his superiors and kept them on board all the time, but instead of asking the high ups of the police department to ask the SHO concerned to cooperate with the appellant and his team the Respondents Taxation Department suspended the appellant and his whole squad in utter violation to law and astonishingly without even mentioning the reasons of the suspension. (Copy of suspension order are annexed herewith as annexure "C").
5. That on the other hand the police tried to malign the career and best efficiency of the appellant and his team lodged an FIR No. 697, dated 13/08/2015 U/S 9C CNSA and tried to showed that the

occurrence has taken place on 13/08/2015. A Murasila was shown to have allegedly lodged on 13/08/2015, recoveries were shown to have allegedly recovered on 13/08/2015 and all other acts were shown to have taken place on 13/08/2015 and not on 11/08/2015. (Copies of FIR, Murasila as Annexure "D" to "G" respectively).

6. That an Inquiry was ordered and Deputy Director (Litigation) of Excise Department was appointed as Inquiry officer. The Inquiry Officer In spite of persistent applications of the appellant and his whole team of their no-trust and no-confidence upon the I.O, the worthy I.O proceeded with the same. Although neither the SHO bothered to appear or pursue his nefarious allegations of confining the culprit for two days and embezzling huge quantity of Charas and of substituting the alleged high quality Charas with low quality and thus no allegation, raised against the appellant and his team was proved at all, but even then penalty was recommended and imposed upon. (Copies of Inquiry proceedings, applications against the I.O and relevant documents are annexed as Annexure "H & I", respectively).

7. That the competent authority imposed penalties vide impugned office order No. 3519, dated 24/11/2015 of stopped of three annual increment and permanent barring from having any Executive/Seniors nature of duties in future and vide impugned office order No. 3508/Ests/Mobile Squad -2015 dated 24/11/2015, were transferred to hard areas as punishment, so were double jeopardized. (Copies of impugned orders dated 24/11/2015 are annexed as Annexure "J & K", respectively).
8. That thereafter the appellant moved an appeal to Director General for redressal on 21/01/2015 and thereafter to the worthy Secretary of the Department on 10/03/2016, but nothing come out of those futile attempts. (Copies of Appeal are annexed herewith as annexure "L & M", respectively).
9. That thereafter the appellant alongwith other filed a W.P# 1690-P/2016 which was disposed off vide judgment and order dated 11/05/2016 by holding that proper remedy is available by approaching this Hon'ble Tribunal, hence the instant appeal. (Copies of W.P# 1690-P/2016 and order dated 11/05/2016 are annexed herewith as Ann- "N & O", respectively).

10. That now the appellant prefers the instant appeal for setting aside both the impugned office orders upon the following grounds, inter alia.

Grounds:

A. That under no law, under any circumstances two or more penalties for a single alleged wrong done can be imposed as done and carried in case of the appellant and his team.

B. That on one hand the appellant with others were barred from taking any sort of Executive or serious nature of responsibilities, so a permanent stigmata was pasted and bestowed upon the appellant and his whole team even without any fault on their part or rather a price for their effectually intercepting the culprit and recovering huge quantity of narcotics and on the other hand three annual increment were stopped and besides the above even were transferred to hard areas and other as penalty; so many penalties were imposed for no wrong done.

BEFORE THE HONBLE KHYBER PAKHTUNKHWA
SERVICES TRIBUNAL PESHAWAR

In Re S.A. _____ \2016

Sahib Jan

VERSUS

Secretary Excise and others

ADDRESSES OF PARTIES

APPELLANT.

Sahib Jan (Inspector) R/o Excise, Taxation and Narcotics
Control Department K.P.K. Peshawar.

ADDRESSES OF RESPONDENTS

1. Secretary Excise, Taxation and Narcotics control
Khyber Pakhtunkhwa.
2. Director General Excise, Taxation and Narcotics
Control Khyber Pakhtunkhwa.
3. Director Excise, Taxation and Narcotics Control Khyber
Pakhtunkhwa.
4. Deputy Director Litigation, Excise, Taxation and
Narcotics Control Khyber Pakhtunkhwa.

Dated: 08/06/2016

Appellant

Through

JAVED IQBAL QURESHI
Advocate High Court
Peshawar.

C. That the allegations against the appellant and his team were that they arrested the culprit and kept him in illegal confinement and after doing so for two days, the alleged 160 kg was reduced to 38kg by alleged embezzling or concealing the same and allegedly substituted the remaining 38 kg fine quality Charas with raw sort of Charas. Now these allegations were raised by Police against the appellant squad and thus the appellant and his team were suspended on 11/08/2015. Now if it was the case then how Murasila was drafted on 11/08/2015 and recovery was affected on 11/08/2015 and above all how the police came to know on 11/08/2015 and suspension order was made on 11/08/2015 when the culprit was not in scene and FIR was not there; Murasila as per police was not there and even culprit etc was not there?

D. That even the concerned SHO never bothered to appear before the I.O in spite of persistent requests

by I.O then how the allegations were declared as proved one?

E. That inspite of the aforementioned scenario so many penalties were imposed upon the appellant and his team which is wrong and illegal.

F. That interestingly one Khanzeb was also suspended because of the alleged occurrence, inspite of the fact that he was on leave on that particular date. (Copies are attached).

G. That the appellant and his team did perform their duties to their utmost capabilities and responsibility and it was because of the non co-operations and malafide of the local police of Badbher Police Station that not only the appellant and the whole squad were defamed in department, but in the eyes of the General Public as well and were envisaged with so many unwarranted penalties.

H. That no head was ever paid to the badgers and inculcations of the appellant and his colleagues by

none of their high-ups and even objections over I.O were simply shunt out for no justification at all.

I. That the I.O was biased one and because of the same, the inquiry proceedings were maliciously carried out in utter violation to the law on the subject.

J. That from every angle of the matter in question, fundamental rights of the appellant have been violated and so many penalties, inspite and being quiet innocent have been imposed upon the appellant, so both the impugned office orders dated 24/11/2015 of the Office of the Director General, Excise and Taxation and Narcotics Control Department Khyber Pakhtunkhwa Peshawar, are liable to be set aside.

K. That two appeals dated 21/01/2015 to D.G Excise and dated 10/03/2016 to Secretary Excise were moved, but nothing came out of them, hence the instant appeal.

L. That any other ground not raised here may graciously be allowed at the time of arguments.

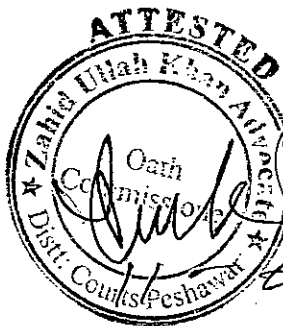
It is, therefore, most humbly prayed that on acceptance of instant appeal, both the impugned office order No. 3508/Estd/Mobile Squad -2015, dated 24/11/2015 and No. 3519/Estd/Mobile Squad -2015, dated 24/11/2015 of the office of the Director General, Excise, Taxation and Control Department, Khyber Pakhtunkhwa Peshawar, be set aside and cancelled and the appellant be restored back to his previous positions, with all relevant and consequential benefits.

Any other relief not specifically asked for may also graciously be extended in favour of the appellant in the circumstances of the case.

Interim Relief:


By way of interim relief the operation of the impugned office order of single dated 24/11/2015 may very graciously be suspended till the final disposal of the instant appeal.

Dated: 08/06/2016.

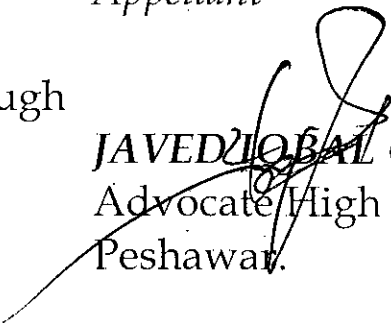


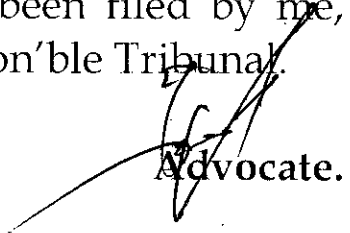
NOTE:-

No such like appeal for the same appellant, upon the same subject matter has earlier been filed by me, prior to the instant one, before this Hon'ble Tribunal.


Appellant

Through


JAVED IQBAL GULBELA
Advocate High Court
Peshawar.


Advocate.

BEFORE THE HONBLE KHYBER PAKHTUNKHWA
SERVICES TRIBUNAL PESHAWAR

In Re S.A _____/2016

Sahib Jan

VERSUS

Secretary Excise and others

AFFIDAVIT

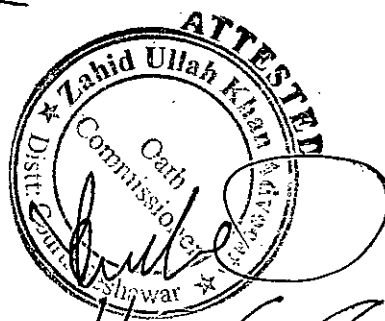
I ,Sahib Jan (Inspector) R/o Excise, Taxation and Narcotics Control Department K.P.K; Peshawar, do hereby solemnly affirm and declare that all the contents of the accompanied appeal are true and correct to the best of my knowledge and belief and nothing has been concealed or withheld from this Hon'ble Tribunal.



DEPONENT

Identified By :

Javed Iqbal Gulbela
Advocate High Court
Peshawar.



**BEFORE THE HONBLE KHYBER PAKHTUNKHWA
SERVICES TRIBUNAL PESHAWAR**

In Re S.A _____/2016

Sahib Jan

VERSUS

Secretary Excise and others

ADDRESSES OF PARTIES

APPELLANT.

Sahib Jan (Inspector) R/o Excise, Taxation and Narcotics
Control Department K.P.K, Peshawar.

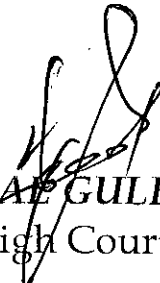
ADDRESSES OF RESPONDENTS

1. Secretary Excise, Taxation and Narcotics control
Khyber Pakhtunkhwa.
2. Director General Excise, Taxation and Narcotics
Control Khyber Pakhtunkhwa.
3. Director Excise, Taxation and Narcotics Control Khyber
Pakhtunkhwa.
4. Deputy Director Litigation, Excise, Taxation and
Narcotics Control Khyber Pakhtunkhwa.

Dated: 08/06/2016

Appellant

Through


JAVED IQBAL GULBELA
Advocate High Court
Peshawar.

(H) (13)

Am-A

**DIRECTORATE GENERAL, EXCISE & TAXATION,
KHYBER PAKHTUNKHWA.**

Chief Executive, Shoran Road, Peshawar Cantt. Phone Nos. 921-9212, 920-9211, 902

ORDER.

Peshawar dated the 25/11/2011.

No. 7009 /Estb/P.File. A Mobile Squad of Excise & Taxation, Intelligence Bureau-II, Directorate of Excise & Taxation Khyber Pakhtunkhwa Peshawar, has been reorganized under the supervision of Mr. Muhammad Khalid, Inspector Excise & Taxation of this Office to conduct road checking in order to take resolute action against vehicles plying on roads in violation of laws governing the functions/plying of vehicles on the road including seizure of illegal vehicles and contraband items i.e. Narcotics and other excisable items, illegal Personalized number plates, un-registered vehicles plying on roads, vehicle found with forged and fabricated documents, tax defaulters and any other violation of motor vehicle Ordinance 1955 across the Province.

The squad will perform road checking and submit their daily progress report to Director General, Excise & Taxation Khyber Pakhtunkhwa Peshawar. The mobile squad comprises of;

S.NO	NAME OF SQUAD	NAME	DESIGNATION
1-	BUREAU-II	Muhammad Khalid	Incharge mobile squad
2-		Mr. Sher Muhammad.	Inspector (Sub Incharge)
3-		Mr. Muhammad Riaz.	Assistant Sub Inspector
4-		Mr. Zia Anwar.	Assistant Sub Inspector
5-		Mr. Tahir.	Constable.
6-		Mr. Sahib Jan.	Constable.
7-		Mr. Jawad Sabir.	Constable.
8-		Mr. Hidayat.	Constable.
9-		Syed Ali Shah.	Constable.
10-		Mr. Shahnishah.	Constable.

The squad will checked all the Districts mobile squad and offices of Excise & Taxation Office Khyber Pakhtunkhwa and report to the undersigned on weekly basis.

The Intelligence mobile squad is directed to wear proper uniform, to avoid resulting of smooth flow of traffic, to extend due respect to drivers/owners, to conduct road checking in official vehicle and to always keep their wireless/mobile sets switch on to inform the Department in case of emergency.

[Signature]
DIRECTOR-GENERAL,
EXCISE & TAXATION,
KHYBER PAKHTUNKHWA,
PESHAWAR.

No. 707c-73

/Estb/P.File

Copy forwarded to;

- 1- Chief Capital City Police (CCPC), Peshawar.
- 2- D.I.G (Traffic) Khyber Pakhtunkhwa, Peshawar.
- 3- A.I.G (Traffic) Khyber Pakhtunkhwa, Peshawar.
- 4- All District Police Officers in concerned Districts, with the request to extend best possible help.
- 5- SSP N-5, Motorway Police at Khairabad to direct the Motorway Police authority to extend every possible help to the mobile squad in their capacity.
- 6- Director (Admn) Excise & Taxation Khyber Pakhtunkhwa, Peshawar.
- 7- All Regional Deputy Directors Excise & Taxation in Khyber Pakhtunkhwa
- 8- PS to Secretary to Govt. of Khyber Pakhtunkhwa, Excise & Taxation Deptt. Peshawar.
- 9- Officials concerned.

[Signature]
DIRECTOR-GENERAL,
EXCISE & TAXATION,
KHYBER PAKHTUNKHWA,
PESHAWAR.

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تاریخ دفعہ دوسرے 11/15/11 وقت 06:00

تاریخ دفعہ دوسرے 11/15/11 وقت 08:30

کارہ دوسرے (تعمیراتی دورہ) نزد کرسی

90/11/11

قرآن مجید

دوران امتحان اطلاع انسٹیٹیوٹ انجینئرنگ اور ٹیکنالوجی

موجودہ پروفیسر اور اساتذہ کی طرف سے 10000 روپے

میں سے وصول کیے گئے ہیں۔ اساتذہ کی طرف سے

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SH of B.B. 11.2.15

ATTESTED

DIRECTORATE GENERAL, EXCISE & TAXATION KHYBER PAKHTUNKHWA

Peshawar dated the 25/04/2014

ORDER:-

A Mobile squad of Excise and Taxation, intelligence Bureau-II, Directorate of Excise and Taxation Khyber Pakhtunkhwa Peshawar, has been reorganized under the supervision of Mr. Muhammad Khalid, Inspector Excise and Taxation of this Office to conduct road checking in order to take resolute action against vehicles plying on roads in violation of lawsthe functions/plying of vehicles plying on roads including seizure of illegal vehicles and contraband items i.e Narcotics and other excitable items, illegal personalized number plates, un-registered vehicles plying on roads, vehicle found with forged and fabricated documents, tax defaulters and any other violation of motor vehicle Ordinance 1965 across the province.

The squad will performs road checking and submit their daily progress report to Director. Excise and Taxation Khyber Pakhtunkhwa Peshawar. the mobile squad comprises of;

S#	NAME OF SQUAD	NAME	DESIGNATION
1	BIREAU- II	Muhammad Khalid	Incharge mobile squad
2		Mr. Sher Muhammad	Inspector (Sub Incharge)
3		Mr. Muhammad Riaz	Assistant Sub Inspector
4		Mr. Zia Anwar	Assistant sub Inspector
5		Mr. Tahir	Constable
6		Mr. Sahib Jan	Constable
7		Mr. Jawad Sabir	Constable
8		Mr. Hidayat	Constable
9		Syed Ali Shah	Constable
10		Mr. Shahinshah	Constable

The Squad will checked at the Districts mobile squad and offices of Excise and Taxation Office Khyber Pakhtunkhwa and report to the undersigned on weekly basis.

The intelligence mobile squad is directed to wear proper uniform, to avoid of smooth flew of traffic, to extend due respect to drivers/owners, to conduct road an official vehicle and to always, keep their wireless/mobile sets switch on to inform the Department in case of emergency.

**DIRECTOR GENERAL
EXCISE & TAXATION
KHYBER PAKHTUNKHWA
PESHAWAR**

Copy forwarded to:

1. Chief Capital City Police (CCPO), Peshawar.
2. D.I.G (Traffic) Khyber Pakhtunkhwa, Peshawar.
3. A.I.G (Traffic) Khyber Pakhtunkhwa Peshawar.
4. All District Police Officers in concerned Districts with the request to extend best possible help.
5. SSP N-5, Motorway Police at Khairabad to direct the Motorway Police authority extend every possible help to the mobile squad in their capacity.
6. Director (Admn) Excise and Taxation Khyber Pakhtunkhwa, Peshawar.
7. All Regional Deputy Directors Excise and Taxation in Khyber Pakhtunkhwa.
8. PS to Secretary to Govt. of Khyber Pakhtunkhwa, Excise and Taxation Deptt, Peshawar.
9. Official Concerned.

ATTESTED

کرد حیوانی

ک ۱۵

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کتاب شماره 687 در 11 جلد 15/11/90 قلم 15/11/90

توضیح: این کتاب در مورد تاریخ و تمدن ایران است

این کتاب در 11 جلد است و در مجموع 37810 صفحه دارد
 جلد اول 3800 صفحه، جلد دوم 3800 صفحه، جلد سوم 3800 صفحه، جلد چهارم 3800 صفحه، جلد پنجم 3800 صفحه، جلد ششم 3800 صفحه، جلد هفتم 3800 صفحه، جلد هشتم 3800 صفحه، جلد نهم 3800 صفحه، جلد دهم 3800 صفحه، جلد یازدهم 3800 صفحه

INSP E. Amir Pashayev

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مجلس شورى علماء ہندو اور جینوں کے لئے
مجلس انجمن اہل حقانیت

کتابی جرائد اطلاع کاروانی

بیت دوا کے لئے حضرت سرو سنگھ صاحب دیکھا ہے ایڈیٹر دیکھا ہے
102 انجمن اہل حقانیت سکواڈ B-2 لہنہ اور

11/8/2015

السیکٹر سوانی سکواڈ B-2

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شیخ محمد خان انسپیکٹر ایکسائز انسٹیبل جنس سو بائیل سکواد 2-8
سید احمد علی بیگم عدیلہ ایکسائز اینڈ ٹیکسیشن اینڈ اینڈ ماڈرن کٹنگ روڈ
سوان۔ سوان۔ سندھ (چھوٹی)

برائے

جناب عالی! یہ سلسلہ عذر ہے کہ 11 کے تحت روڈ چیلنگ کے کارڈ

درج ذیل میں گاڑی ملنگ اور منشیات چوکے پیکر کو پولیس اسٹیشن
پر سپر کہو ای کے گاڑی تھی۔ آج پورے گاڑی کو رو بائیل فون نمبر 1410672-111
ملاحظہ ہو کہ تمام پتہ اسناد رجم بالا عذر اسلمہ کے مطابق FIR نہیں گزارا جا سکا
لیونڈ ایکسائز جن سے اسٹریٹ میٹریٹ چوکے پیکر میں گاڑی کے مطابق پتہ پتہ
در عذر ما بین تاکہ عذر کو رہ صورت حال کو عذر لفظ رکھتے ہوئے عذر پتہ کارروائی
میں لائی جا سکے۔

2015
8/12
انسپیکٹر
سید محمد

الخارج سو بائیل سکواد 2-8

تمام کے اطلاع دہر دہی کارروائی۔

سوان سوان پتہ پتہ پتہ

الخارج سو بائیل سکواد جناب خان انسپیکٹر

11/12

DIARY NO: 481
DATED: 19-8-15
ACTION BY:
DIRECTOR GENERAL
EXCISE & TATION
KHUYER PAKISTAN

12/08

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DIRECTORATE GENERAL
EXCISE, TAXATION & NARCOTICS CONTROL
KHYBER PAKHTUNKHWA.

Auqaf Complex, Shami Road, Peshawar, Phone No. 091-9212260

Am-2
~~Am-2~~
~~Am-2~~

ORDER

Peshawar, dated: 11 / 11 / 2017

No. 1417 /Estb/XXXV-D-412. Due to mis-conduct the following officials of Mobile Squad (Bureau-II) Excise & Taxation Department are hereby suspended with immediate effect.

- 1- Mr. Sher Muhammad Inspector.
- 2- Mr. Zia Anwar, Acting Sub Inspector.
- 3- Mr. Sahib Jan, Constable.
- 4- Mr. Tahir, Constable.
- 5- Mr. Arshad, Constable.
- 6- Mr. Sageen, Constable.
- 7- Mr. Hidayat, Constable.
- 8- Mr. Khanzeb, Constable.

2- The proceeding against the above named officials under Rule-5, Sub Rule (b) and Rule (10) Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules 2011, will follow;

3- Mr. Hameedullah, Deputy Director (Litigation) Excise & Taxation is hereby appointed as an Inquiry Officer to probe into the matter and submit his facts finding reports within (07) days positively.

DIRECTOR (ADMIN),
EXCISE, TAXATION & NARCOTICS,
CONTROL KHYBER PAKHTUNKHWA,
PESHAWAR

No. 1418-24 /Estb/XXXV-D-4.12.

Copy forwarded to:-

- 1- Secretary to Govt of Khyber Pakhtunkhwa, Excise, Taxation & Narcotics Control Department
- 2- Secretary to Govt of Khyber Pakhtunkhwa, Home & Tribal Affairs Department.
- 3- P.S.O to Chief Secretary Khyber Pakhtunkhwa.
- 4- P.S to Chief Secretary Khyber Pakhtunkhwa.
- 5- Mr. Hameedullah, Deputy Director (Lit)/Inquiry Officer Excise & Taxation Khyber Pakhtunkhwa.
- 6- Mr. Fida Muhammad Stenographer (Estb-I), is hereby directed to assist the inquiry officer in the instant case.
- 7- Officials concerned.
- 8- P. File of officials concerned.

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DIRECTOR (ADMIN),
EXCISE, TAXATION & NARCOTICS,
CONTROL KHYBER PAKHTUNKHWA,
PESHAWAR

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13-8-15

INSP E and T Bhatta

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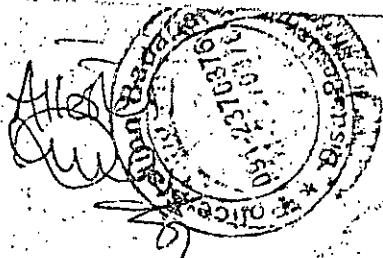
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ضلع گجرات



محمد مصدق علی

انٹرنیٹ سروس
An F

لغبت جلد 697 صوفہ 13/5 جم 94/NSA قانہ بندہ
نامہ المدفون ولد محمد باص سکنہ انٹرنیٹ گڈ روڈ

دوبلو گواہان ذیل مندرجہ بالا کو گنڈ پورہ غیر 80006 میں
آتا ہوا تھا یا جا کر دوران تلاش گنڈ پورہ کے پھل پست کے
خانہ سے 38 بیگٹ ہیرا اور پونے جو ٹرنال ٹرن پیرس بیگٹ اعلو ٹرن
جس میں گنڈ پیرس اعل 38 کلو ٹرن جمس گنڈ پیرا اور پونے جو ٹرن پیرس
بیگٹ میں سے 5/5 ٹرن جمس گنڈ پیرس گنڈ پیرا اسل 38
تیرس گنڈ پیرس 451 جبکہ باقی فائدہ 38 کلو 810 ٹرن جمس سے 18
کلو 905 ٹرن گنڈ پیرا اسل غیر 39 اور 18 کلو 605 ٹرن گنڈ پیرا اسل
40 سز گنڈ پیرا اسل کے ٹرن 3/3 عدد جو پیرا اسل 5.12 بیگٹ گنڈ
جکیر 1/1 عدد غوثیہ جو پیرا اسل کے اندر محفوظ گنڈ پیرا اسل گنڈ پورہ گنڈ پیرا سے
دو غیر بیگٹ گنڈ پیرا اسل گنڈ پیرا اسل دور اور پھل پست کے
مابٹ گنڈ پیرا اسل گنڈ پیرا اسل گنڈ پیرا اسل گنڈ پیرا اسل گنڈ پیرا اسل
گواہان ذیل سے تھیں

INSP. Encl T peche.

13-08-15

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Signature

Signature

ای ضابطہ انور اسکینا ٹریڈنگ ایسوسی ایشن
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24 Am - G

پشاور ایبٹ آباد اسلام آباد اور کراچی سے یک وقت شائع ہونے والا کثیر الاشاعت قومی اردو ماہنامہ

روزنامہ

پشاور پاکستان

عبداللہ پوری

جلد 26 نمبر 12

جمرات 13 اگست 2015ء - 27 ستمبر 1436ھ - نمبر 12 پتے پورے ہی آٹا

شمارہ 214

سمگل شدہ چرس غائب کرنے پر محکمہ ایکسائز کے 8 اہلکار معطل

پشاور (خبر کار خرم) محکمہ ایکسائز کے سوبان سکواڈ میں شامل تمام ملے کو معطل کر کے تحقیقات کا حکم دے نے سکروں سے کڑی گئی اہلی کو آٹھ کی چرس غائب دیا گیا گیا ہے کہ (ان سٹو 10 پتے نمبر 41) کردی پولیس کی رپورٹ پر صوبائی حکومت نے سکواڈ

ملازمین معطل

ایگزیکٹو سرحد کی قیادت میں سوبان سکواڈ نے پشاور میں ایک کارروائی کے دوران لاکھوں روپے مالیت کی اہلی کو آٹھ کی چرس بکری تاجم پولیس سٹیشن میں ایف آئی آر کے اندراج سے مل چکے ایکسائز کے ملے نے اہلی کو آٹھ کی چرس غائب کردی اور اس کی جگہ ٹیر مہماری چرس رکھ دی جبکہ بکری چرس کی مقدار بھی آٹھ کی چرس کی

رپورٹ پر صوبائی حکومت نے سکواڈ میں شامل ایگزیکٹو سرحد میں ایگزیکٹو ڈائریکٹر کا سٹیل صاحب جان طاہر، شدہ مسٹین، ہدایت اور خان، زیب کو معطل کر کے واقعہ کی تحقیقات کا حکم دے دیا ہے ذہنی ڈائریکٹر سٹیشن حیدر نڈ کہ تحقیقاتی افسر متحرک کیا گیا ہے جنہیں سات روز کے اندر رپورٹ پیش کرنے کی ہدایت کی گئی ہے۔

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FACTS FINDING ENQUIRY REPORT.

SUBJECT: FACTS FINDING INQUIRY PROCEEDING AGAINST MR. SHER MOHAMMAD INSPECTOR AND SUB-ORDINATE STAFF.

ORDER OF INQUIRY:

Orders of the competent authority to conduct the instant enquiry vide order No.1475/ESTAB, dated 17-08-2015 (Annexure-A)

BACKGROUND:

On the source report, Excise, Taxation and Narcotics staff (Mobile Squad B-2) Peshawar, during a raid on Monday, 10/08-2015 seized cannabis medica (Charas) 160Kg on Ring Road, Peshawar, and FIR was lodged on 13-08-2015 in Police Station Badabir, Peshawar. (Annexure-B) but reportedly the quantity of the seized charas was shown 38Kg and fine quality charas has been replaced with inferior quality. Charge sheet and statement of allegations dully signed by Director General, Excise and Taxation were served upon Inspector Sher Muhammad and Zia Anwar Acting Sub Inspector, Sahaib Jan, Tahir Constables Arshad, Sangeen, Hedayat, Khan Zeb on dated: 17-08-2015.

The following charges were leveled against Inspector Sher Muhammad and Sub-Ordinate staff.

"By misusing your official position, embezzled huge quantity of charas that were seized during road checking, and reported lesser quantity as well as replaced fine quality charas with inferior one."

PROCEEDINGS:

In order to proceed further into the inquiry, written statements of the following officials were recorded respectively.

1. Mr. Sher Mohammad, Inspector (Annexed-C)
2. Mr. Zia Anwar, Acting Sub Inspector (Annexed-D)
3. Mr. Sahaib Jan Constable (Annexed-E)
4. Mr. Tahir Constable (Annexed-F)
5. Mr. Arshad Constable (Annexed-G)
6. Mr. Sangeen Constable (Annexed-H)
7. Mr. Hedayat Constable (Annexed-I) ETO-I
8. Mr. Khan Zeb Constable (Annexed-J) and
9. Mr. Amjad Khan S/o Mohammad Riaz Driver (Annexed-K)
10. Mr. Ebad Khan, SHO, Badabir Peshawar (Annexed-L)


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STATEMENT OF SHER MOHAMMAD, INSPECTOR:

6. I misconduct been suspended from duties alongwith the sub-ordinate staff, for the uncommitted sin. It is pertinent to mention here, that among the constabulary staff Mr. Khan Zeb, Constable was on leave on that day. Moreover, the reasons of suspension have not been mentioned in the said order.

7. I intimated that sub-ordinate staff to join the duty at night, as I received a call on 10-08-2015 from the informer, that a huge amount of cannabis Medical is likely to be smuggled on 11-08-2015 between 3:00 am to 4:00 am in the morning. In the mean time, while patrolling, a vehicle bearing registration mark BC-0006 Karachi (Land Cruiser) appeared, the same was stopped for search of contra bands substances. Police Station Badabir, was informed, Mobile squad of said Police Station approached on spot. The accused, alongwith the vehicle were marched under the supervision of concerned Police Station Mobile Squad for through search & recovery.

On reaching the Police Station, the accused was locked up. In the meanwhile, I was told by the SHO that Superintendent of Police (Ruler) is out of Police Station and will be backed to station in short time. The vehicle was examined and thoroughly checked in front of him. During search 38 packets of charas was found from secret cavities of the vehicle (CD attached). I insisted to seal the seized charas for taking sample out of it, for Forensic treatment, but the concerned S.H.O turn it down, on the pretext that, It was a joint operation. Now it is our responsibility to meet the legal and codal formalities & receive a copy of FIR after two hours.

Control Room of ET&NC was informed through wireless to inform the higher authorities about the successful operation. When after two hours the concerned Police Station was contacted on phone. They refused to lodge FIR, and asked to take back into custody the culprit and cannabis and carry to some other Police Station for lodging the FIR. The reasons of not lodging the FIR could no be ascertained even after asking.

0. In meanwhile, I intimated the concerned S.H.O and authorities of Excise, Taxation and Narcotics Control vide Morasla No. 481 on 11-08-2015, bearing Diary No.....dated 12-09-2015, for legal opinion/guidance, but in vain suspension order instead were issued.

On the 2nd day, I came to know that the S.H.O has brought the culprit alongwith the impounded vehicle and cannabis to Directorate General, ET&NC. The accused was questioned, and vehicle was examined thoroughly to ascertain the accommodation capacity, for carrying the stated amount of Charas.

I, along with sub-ordinate staff attended the office of the inquiry officer, dated 13-08-2015 for recording the statements. According to FIR, the incident took place on 13-08-2015, but as per Morasla the incident date is 11-08-2015, which is the actual one, and FIR has been lodged after two days.

ATTESTED

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- 27 -

13 I have been threatened to bear/face the consequences, rendered life and service, both in danger. All the allegations leveled against me are baseless. Therefore, it is prayed that I may be exonerated from all the charges and my services may be reinstated.

STATEMENT OF MR. ZIA ANWAR, ASI:

14 In response to Order No 1417 dated 13-08-2015, I submit reply as under.

I was informed by in-charge Inspector, Mr. Sher Mohammad to report and joined Mobile Squad (B-2) for special duty. During patrolling on road, a vehicle bearing Registration Mark BC-0006, Karachi was stopped, the vehicle and driver seemed suspicious, concerned Police Station was informed, Mobile Squad of Police Station Badabir, approached on spot, but due to imminent danger, the vehicle along with accused were taken to concerned Police Station in supervision of Police Mobile Squad. On reaching police station badabir, we were told that, S.H.O and SP (Rural) are out of station and will be backed to station soon, after a short time S.H.O and SP (Rural) approached, the station. The vehicle was searched in front of S.H.O and SP (Rural) and 38 packets of charas were found from secret cavities of the said vehicle (CD attached), Morasla was prepared, with my and concerned police station staff signature. We were told, that after two hours collect a copy of FIR. The culprit locked-up. After two hours, I was told by In-charge, inspector Mr. Sher Mohammad that FIR may not be launched, were told to take into custody the impounded vehicle, alongwith charas.

Inspector, Sher Muhammad intimated the higher authorities for further legal opinion/guidance. In the meanwhile suspension orders were issued. On 13-08-2015 the concerned S.H.O approached the Directorate General, ET&NC to surrender the impounded vehicle alongwith charas. After a lengthy discussion with S.H.O and making consultation with superiors of Police Department, the S.H.O was ordered to lodge FIR of the instant case. We took all the pain for the good name and reputation of the department. Therefore, it is requested that all allegations leveled against us are baseless, and may be exonerated.

STATEMENT OF SAHIB JAN, CONSTABLE:

The recorded statement of Constable Mr. Sahib Jan, Constable narrates the one and same story. Therefore, it will be a mere replication and waste of time and energy to reproduce the same narration.

STATEMENT OF MR. MUHAMMAD TAHIR, CONSTABLE:

7 The recorded statement of Mr. Muhammad Tahir Constable narrates the one and same story. Therefore, it will be a mere replication and waste of time and energy to reproduce the same narration.

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STATEMENT OF SANGEEN SHAH, CONSTABLE:

8. The recorded statement of Mr. Sangeen Shah, Constable narrates the one and same story. Therefore, it will be a mere replication and waste of time and energy to reproduce the same narration.

STATEMENT OF MR. HIDAYAT ULLAH, CONSTABLE:

The recorded statement of Hidayat Ullah, Constable narrates the one and same story. Therefore, it will be a mere replication and waste of time and energy to reproduce the same narration.

STATEMENT OF MR. KHANZEB, CONSTABLE:

0. Mr. Khanzeb constable was reportedly on leave on that day i.e. 10-08-2011.
(Approved leave application and attendance register copies attached)

STATEMENT OF S.H.O POLICE STATION BADABIR:

11. A Morasla dated 13-08-2015 at 8:45 was submitted by Inspector, Sher Muhammad (Mobile Squad B-2), Peshawar via Sahib Jan, constable in Police Station, Badabir, Peshawar and was received and duly signed by Shaista Rehman. The instant in-charge of the case is Javid Khan Sub Inspector, Police Station Badabir.

12. As per Morasla, a vehicle bearing Registration Mark BC-0006, Karachi, was impounded and 38 kgs of charas had been found. 1-38 packets sample were separated for Forensic Treatment and the rest has sealed in Parsal No.39 and 40.

13. The Registration Book of impounded vehicle has been kept into Police custody, driver of vehicle has been locked-up and challan has been issued against the driver.

STATEMENT OF THE ACCUSED/DRIVER:

4. As per directions of Mr Bilal, I Mr. Amjad Khan S/o Muhammad Riaz took the charge to take the subject vehicle bearing Registration Mark BC-0006, Karachi to the final destination i.e Patang Chowk, Peshawar, against agreed amount of Rs.6000. At dusk, I started to drive the vehicle from Shakas via Ring Road, to Patang Chowk. On the way to Patang Chowk, ASI, ET&NC, in black car stopped my vehicle between 8:30 PM to 9:00 PM. My eyes were covered, and got me step in the car. On Mobile Phone he called other staff members to reach the point. They destined me, to unknown location, road was in pathetic condition, after 15-20 minutes drive, I was taken to a building, I sensed wood fragrance scattered there, all around, seems to be a wood warehouse or factory. I was kept

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there, the rest of the night, with eyes covered and hand cuffed. One official was kept on my surveillance. Later on, at night, I heard a disturbing sound of hitting and knocking of vehicle. The surveillance official told me, that you have loaded vehicle with 5 bags of charas and still more to come. At Azan time, they got me in the car and drove off. After some time, I was told to put down my head, as Army check post was ahead. After this my eyes were uncovered, when I look around, I found myself on Kohat Road. After some time, I was taken to Police Station Badabir. During search, they took one mobile Phone, with SIM No.0312-9212774 and Rs.5200/- into possession.

In lock up, the concerned inspector, met me three times to withdraw/change my statement, otherwise have to face the consequences. On 31-08-2015 my brother Akhtar Hussain, intimated that Excise Inspector is contacting my Cousin Mr. Aftab for withdrawal/change of statement. I was not aware of the charas loaded in the vehicle.

QUESTIONS AND REPLIES.

5. INSPECTOR MR. SHER MUHAMMAD.

Q. No. 1 Did you inform any superiors/higher authorities before going on Special Duty?

Ans. I informed Mr. Khalid Incharge Provincial Excise warehouse Peshawar.

Q. No. 2 Was staff equipped with Fire Arms & ammunition?

Ans. We were equipped with 4 AK-47 and two pistols.

Q. No. 3 Why Director General and Director Excise, Taxation & Narcotics Control were not informed, on time?

Ans. I tried to call Mr. Khalid but his cell was off.

Q. No. 4 Why you Left, the Police Station without getting photocopy of FIR?

Ans. It takes time to get registered FIR, that's why left the police station without getting a copy of FIR.

Q. No. 5 Why you did not submit situation report?

Ans. written documents submission is Mr. Khalid job.

Q. No. 6 Why two Mursalas were signed and submitted to Police by you?

Ans. I submitted this on direction of higher authorities of the department.

Q. No. 7 Why you approached the accused for change/ withdrawal of his statement?

Ans. I hereby categorical ly deny this.

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ACTING SUB INSPECTOR MR. ZIA ANWAR.

Q. No. 1 Did you arrest the accused on 10-08-2015?
Ans. I did not arrest him on 10-08-2015 rather on 11-08-2015.

Q. No. 2 From where you got the cell number of the S.H.O?
Ans. I got the number from police station.

Q. No. 3 Did you possess any firearms at that time?
Ans. Yes, I had my personal pistol.

Q. No. 4 Do you have video of earlier seizures process?
Ans. No, I have pictures of earlier seizures.

Q. No. 5 Did you approach the accused for change of his statement?
Ans. No.

FINDINGS:

8.

- 1) A detailed analysis of the finding reveals a stark contradiction between the timings of apprehension of accused by mobile squad (B-2) and production before the police. The accused revealed, that he had been arrested at around 20:00 Hrs at evening dated 10-08-2015, where as the Mobile Squad insists, that he was apprehended at dawn dated 11-08-2015.
- 2) A Morasla was lodged at Police Station Badabir, dated 11-08-2015. While a 2nd Morasla has been lodged at Police Station Badabir dated 13-08-2015 and FIR of the same has been lodged at 13-08-2015. Why need of submission of 2nd Morasla arouse?
- 3) The statements clearly reveal that procedural SOPs were violated by the mobile squad.
- 4) The Police completely refused to cooperate with the undersigned and despite repeated reminder did not turn up to record their statement or to be cross questioned.
- 5) Mr. Khanzeb constable was on leave for which he presented relevant record and was verified from the concerned incharge.
- 6) Action under E&D rules needs to be taken by awarding penalty as to why laid down standard rules & procedure were violated.

ATTACHED

Hameed ulfar
Inquiry Officer
Deputy Director Litigation
Excise Taxation & Narcotics
ATTESTED

NOTE SHEET:

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29. The fact finding inquiry against Mobile Squad B-2, Peshawar was assigned to the undersigned on 11-08-2015. Statement of allegation were served upon all the relevant staff on 17-08-2015.

After submission of their written statements cross examination of Sher Muhammad, inspector, Incharge Mobile Squad B-2 Peshawar and Zia Anwar Sub-Inspector Mobile Squad B-2 Peshawar was conducted, SHO Badabir was requested again & again to attend the office of the undersigned for cross examination, but despite the repeated reminders he did not turn up.

A: 79 Pages record regarding the subject inquiry alongwith a CD and 8 pages fact finding inquiry report, duly signed by the undersigned is submitted for further order please.

Director General (E&T)

Deputy Director Litigation

21/09/15

U. Examine & put up in light of inquiry findings coupled with E&D Rules.

Director Admin

2. Having gone through the findings it is recommended that the following penalties be imposed under E&D rules.

- i. The mobile squad B-1i, be dismembered and all its members be posted to hard areas with complete ban on their field postings / mobile squads.
- ii. 03 increments of the entire team be stopped with immediate effect along with a recordable warning under E&D rules.
- iii. The non cooperation of police with the inquiry officer raises serious concerns as it was police who had raise the questions on quantity of seized charas

23/9/15

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DIRECTORATE GENERAL EXCISE, TAXATION AND
NARCOTICS CONTROL, KHYBER PAKHTUNKHWA
Angel Complex, Shami Road, Peshawar Cantt. Phone Nos. 091-91-2266-2272, 200.

No. 1221 /Etab: Dated Peshawar the 12/06/2015

To Mr. Ebad Khan,
Sub-Inspector / Station House Officer (SHO),
Bazaar Peshawar.

Subject: INQUIRY AGAINST THE EXCISE AND TAXATION STAFF - MOBILE SQUAD B-2

Reference: Director General Excise, Taxation & Narcotics Control, Peshawar, Paktunkhwa Peshawar Order No. 1917/Estb/XXXV-D-412, dated 11.08.2015, whereby proceedings were initiated against the Excise and Taxation Staff (Mobile Squad B-2) and Mr. Ebad Khan was appointed as inquiry officer.

In order to proceed further, you are directed to appear before me in person on 19.06.2015 at 10:00 AM, in my Office, regarding seizure of hashish/charas by the Mobile Squad B-2 and record your statement.

DEPUTY DIRECTOR (INQUIRY OFFICER),
EXCISE, TAXATION & NARCOTICS CONTROL,
KHYBER PAKHTUNKHWA, PESHAWAR.

No. 1221 /Etab:

Copy forwarded to Mr. PA to District Office, Peshawar for information.

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

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BETTER COPY NO. 32

**DIRECTORATE GENERAL EXCISE, TAXATION AND NARCOTICS CONTROL, KHYBER
PAKHTUNKWHA.**

Auqaf Complex, Shami Road, Peshawar Cantt, Phone No. 091-9212260

No. ____/Estab: Dated Peshawar the

To

Mr .Fahad Khan

Subject: **INQUIRY AGAINST THE EXCISE AND TAXATION STAFF**

Further to the Director General Excise, Taxation and Narcotics Control, Khyber Pakhtunkhwa Peshawar Order No. 1417/Estab/XXXV-D-412, dated 11/08/2015, whereby inquiry proceedings were initiated against the Excise and Taxation Staff (Mobile Squad B-2) and he was appointed as inquiry officer.

You are hereby directed to appear before me in person on 17/08/2015 at 12:30 PM, in office of the undersigned, regarding sizure of hashish/charas.

**DEPUTY DIRECTOR (LIT) INQUIRY OFFICER,
EXCISE, TAXATION AND NARCOTICS CONTROL
KHYBER PAKHTUNKHWA, PESHAWAR.**

ATTESTED



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

Auqaf Complex, Shami Road, Peshawar Cantt. Phone Nos. 091-9212260-9211209.

[Handwritten initials and signatures]

No. 1473 /Estab: _____ Dated _____ Peshawar the 17/08/2015
 To Mr. Zia Anwar, Assistant Sub-Inspector
 (Acting sub-Inspector) Mobile Squad B-II, Peshawar.
 Subject SUMMON.

Further to the Director General Excise, Taxation & Narcotics Control, Khyber Pakhtunkhwa Peshawar Order No. 1417/Estb/XXXV-D-412, dated. 11.08.2015. whereby inquiry proceedings were initiated against you and the undersigned was appointed as inquiry officer, you are hereby directed to appear before me in person along with the road checking record on 17.08.2015 at 12:30 PM, in office of the undersigned, regarding seizure of hashish/charas.

DEPUTY DIRECTOR (LIT) INQUIRY OFFICER,
 EXCISE, TAXATION & NARCOTICS CONTROL,
 KHYBER PAKHTUNKHWA, PESHAWAR.

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DIRECTORATE GENERAL EXCISE, TAXATION AND NARCOTICS CONTROL, KHYBER PAKHTUNKHWA

Augaf Complex, Shami Road, Peshawar Cantt. Phone Nos. 091-9212266-9211201

No. 1474 /Estab: _____ Dated _____ Peshawar the _____ 2015

To Mr. Sher Muhammad,
Inspector incharge Mobile Squad B-II, Peshawar.

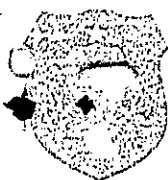
Subject SUMMON.

Further to the Director General Excise, Taxation & Narcotics Control, Khyber Pakhtunkhwa Peshawar Order No. 1417/Estb/XXXV-D-412, dated. 11.08.2015, whereby inquiry proceedings were initiated against you and the undersigned was appointed as inquiry officer, you are hereby directed to appear before me in person along with the road checking record on 17.08.2015 at 12:30 PM, in office of the undersigned, regarding seizure of hashish/charas.

[Signature]
DEPUTY DIRECTOR (SI) INQUIRY OFFICER,
EXCISE, TAXATION & NARCOTICS CONTROL,
KHYBER PAKHTUNKHWA, PESHAWAR.

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ATTESTED



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

Auqaf Complex, Shami Road, Peshawar Cantt. Phone Nos. 091-9212260-9211209

No. **1475** /Estab: _____ Dated _____ Peshawar the _____ / 2015

To
 Mr. Hameed Ullah Khan,
 Deputy Director(Litigation),
 Excise and Taxation, Khyber Pakhtunkhwa,
 Peshawar.

Subject **DISCIPLINARY PROCEEDINGS AGAINST STAFF OF THE EXCISE AND TAXATION DEPARTMENT.**

Further to this Office Order No. 1417/Estib/XXXV-D-412, dated 11.08.2015 whereby officials of the Mobile Squad (Bureau-II) Excise and Taxation Department were placed under suspension and you were appointed as Inquiry Officer to probe into the matter, the charge sheets and statements of allegations are attached herewith.

Enclosed:- (XVI)

[Signature]
 DIRECTOR GENERAL,
 EXCISE, TAXATION & NARCOTICS CONTROL,
 KHYBER PAKHTUNKHWA, PESHAWAR.

No. **1476-21** /Estab: _____

Copy forwarded for information to:

1. Secretary to Government of Khyber Pakhtunkhwa, Excise, Taxation & Narcotics Control Department
2. Secretary to Government of Khyber Pakhtunkhwa, Home & Tribal Affairs Department
3. PSO to Chief Secretary Khyber Pakhtunkhwa.
4. PS to Chief Secretary Khyber Pakhtunkhwa.
5. Officials concerned (Alongwith copies of charge sheets & Statements of allegations)
6. Personal Files of Officials concerned.

[Signature]
 DIRECTOR GENERAL,
 EXCISE, TAXATION & NARCOTICS CONTROL,
 KHYBER PAKHTUNKHWA, PESHAWAR.

ATTACHED

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BETTER COPY NO. 35

DIRECTORATE GENERAL EXCISE, TAXATION AND NARCOTICS CONTROL, KHYBER
PAKHTUNKHWA

Auqaf Complex, Shami Road, Peshawar Cantt, Phone No. 091-9212260

No. 1475 /Estb: Dated Peshawar the 17/03/2015

To

Mr. Hameed Ullah Khan,
Deputy Director (Litigation)
Excise and Taxation, Khyber Pakhtunkhwa,
Peshawar.

Subject: DISCIPLINARY PROCEEDINGS AGAINST STAFF OF THE EXCISE
AND TAXATION DEPARTMENT.

Further to this Office Order No. 1417/Estb/XXXV-D412, dated 14/08/2015 thereby officials of the Mobile Squad (Bureau-II) Excise and Taxation Department were placed under suspension and you were appointed as Inquiry Officer to probe into the matter, the charge sheets and statements to allegation are attached herewith.

Enclosed: (XVI)

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

No. 1476-81 / Estab:

Copy forwarded for information to:

1. Secretary to Government of Khyber Pakhtunkhwa, Excise, Taxation & Narcotics Control Department.
2. Secretary to Government of Khyber Pakhtunkhwa, Home & Tribal Affairs Department.
3. PSO to Chief Secretary Khyber Pakhtunkhwa.
4. PS to Chief Secretary Khyber Pakhtunkhwa.
5. Officials concerned (Alongwith copies of charge sheet and statements of allegations).
6. Personal Files of officials concerned.

ATTESTED

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



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

Auqaf Complex, Shami Road, Peshawar Cantt. Phone Nos. 091-9212260-9211209.

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No. 1472 /Estab: _____ Dated _____ Peshawar the 17/08/2015
 To Mr. Khanzeb Khan, Excise and Taxation Constable,
 Mobile Squad B-II, Peshawar.
 Subject SUMMON.

Further to the Director General Excise, Taxation & Narcotics Control, Khyber Pakhtunkhwa Peshawar Order No. 1417/Estb/XXXV-D-412, dated. 11.08.2015, whereby inquiry proceedings were initiated against you and the undersigned was appointed as inquiry officer, you are hereby directed to appear before me in person on 17.08.2015 at 12:30 PM, in office of the undersigned, regarding seizure of hashish/charas.

DEPUTY DIRECTOR (LIT)/INQUIRY OFFICER,
 EXCISE, TAXATION & NARCOTICS CONTROL,
 KHYBER PAKHTUNKHWA, PESHAWAR.

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BETTER COPY NO. 36

**DIRECTORATE GENERAL EXCISE, TAXATION AND NARCOTICS CONTROL, KHYBER
PAKHTUNKWHA.**

Auqaf Complex, Shami Road, Peshawar Cantt, Phone No. 091-9212260

No. 1472 /Estab: Dated Peshawar the 17/08/2015

To

Mr . Khanzeb Khan, Excise and Taxation Constable,
Mobile Squad B-II, Peshawar.

Subject: **SUMMON.**

Further to the Director General Excise, Taxation and Narcotics Control, Khyber Pakhtunkhwa Peshawar Order No. 141/Estab/XXXV-D-412, dated 11/08/2015, whereby proceedings were initiated you and the undersigned was appointed as inquiry officer, you are hereby directed to appear before me in person on 17/08/2015 at 12:30 PM, in office of the undersigned, regarding sizure of hashish/charas.

**DEPUTY DIRECTOR (LIT) INQUIRY OFFICER,
EXCISE, TAXATION AND NARCOTICS CONTROL
KHYBER PAKHTUNKHWA, PESHAWAR.**

ATTESTED



DIRECTORATE GENERAL EXCISE, TAXATION AND NARCOTICS CONTROL, KHYBER PAKHTUNKHWA

Augaf Complex, Shami Road, Peshawar Cantt. Phone Nos. 091-9212260, 921-202

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(12)

No. 1467 /Estab: _____ Dated _____ Peshawar the _____ 17/08/2015
 To Mr. Sahib Jan, Excise and Taxation Constable
 Mobile Squad B-II, Peshawar.
 Subject SUMMON.

Further to the Director General Excise, Taxation & Narcotics Control, Khyber Pakhtunkhwa Peshawar Order No. 1417/Esib/XXXV-D-412, dated. 11.08.2015, whereby inquiry proceedings were initiated against you and the undersigned was appointed as inquiry officer, you are hereby directed to appear before me in person on 17.08.2015 at 12:30 PM, in office of the undersigned, regarding seizure of hashish/charas.

[Signature]
 DEPUTY DIRECTOR (LIT) INQUIRY OFFICER,
 EXCISE, TAXATION & NARCOTICS CONTROL,
 KHYBER PAKHTUNKHWA, PESHAWAR.
[Signature]

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BETTER COPY NO. 37

**DIRECTORATE GENERAL EXCISE, TAXATION AND NARCOTICS CONTROL, KHYBER
PAKHTUNKWHA.**

Auqaf Complex, Shami Road, Peshawar Cantt, Phone No. 091-9212260

No. 1467 /Estab: Dated Peshawar the 17/08/2015

To

Mr . Sahib Jan, Excise and Taxation Constable,
Mobile Squad B-II, Peshawar.

Subject: **SUMMON.**

Further to the Director General Excise, Taxation and Narcotics Control, Khyber Pakhtunkhwa Peshawar Order No. 1417/Estab/XXXV-D-412, dated 11/08/2015, whereby inquiry proceedings were initiated you and the undersigned was appointed as inquiry officer, you are hereby directed to appear before me in person on 17/08/2015 at 12:30 PM, in office of the undersigned, regarding sizure of hashish/charas.

**DEPUTY DIRECTOR (LIT) INQUIRY OFFICER,
EXCISE, TAXATION AND NARCOTICS CONTROL
KHYBER PAKHTUNKHWA, PESHAWAR.**

ATTESTED



DIRECTORATE GENERAL EXCISE, TAXATION AND NARCOTICS CONTROL, KHYBER PAKHTUNKHWA

Auqaf Complex, Shami Road, Peshawar Cantt. Phone Nos. 091-9212260-9211209.

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No. 1468 /Estab: _____ Dated _____ Peshawar the 17/08/2015

To _____
Mr. Tahir Khan, Excise and Taxation Constable,
Mobile Squad B-II, Peshawar.

Subject SUMMON.

Further to the Director General Excise, Taxation & Narcotics Control, Khyber Pakhtunkhwa Peshawar Order No. 1417/Estb/XXXV-D-412, dated. 11.08.2015, whereby inquiry proceedings were initiated against you and the undersigned was appointed as inquiry officer, you are hereby directed to appear before me in person on 17.08.2015 at 12:30 PM, in office of the undersigned, regarding seizure of hashish/charas.

[Signature]
DEPUTY DIRECTOR (LIT)/INQUIRY OFFICER,
EXCISE, TAXATION & NARCOTICS CONTROL
KHYBER PAKHTUNKHWA, PESHAWAR.

~~ATTENDED~~

[Signature]
ATTENDED

BETTER COPY NO. 38

**DIRECTORATE GENERAL EXCISE, TAXATION AND NARCOTICS CONTROL, KHYBER
PAKHTUNKWHA.**

Augaf Complex, Shami Road, Peshawar Cantt, Phone No. 091-9212260

No. 1468 /Estab: Dated Peshawar the 17/08/2015

To

Mr . Tahir Khan, Excise and Taxation Constable,
Mobile Squad B-II, Peshawar.

Subject: **SUMMON.**

Further to the Director General Excise, Taxation and Narcotics Control, Khyber Pakhtunkhwa Peshawar Order No. 1417/Estab/XXXV-D-412, dated 11/08/2015, whereby inquiry proceedings were initiated you and the undersigned was appointed as inquiry officer, you are hereby directed to appear before me in person on 17/08/2015 at 12:30 PM, in office of the undersigned, regarding sizure of hashish/charas.

**DEPUTY DIRECTOR (LIT) INQUIRY OFFICER,
EXCISE, TAXATION AND NARCOTICS CONTROL
KHYBER PAKHTUNKHWA, PESHAWAR.**

ATTESTED



DIRECTORATE GENERAL EXCISE, TAXATION AND NARCOTICS CONTROL, KHYBER PAKHTUNKHWA

Auqaf Complex, Shami Road, Peshawar Cantt. Phone Nos. 091-9212260-9211209

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No. 14159 /Estab: _____ Dated _____ Peshawar the 17/08/2015
 To Mr. Arshad Khan, Excise and Taxation Constable,
 Mobile Squad B-II, Peshawar.
 Subject SUMMON.

Further to the Director General Excise, Taxation & Narcotics Control, Peshawar Order No. 1417/Estb/XXXV-D-412, dated. 11.08.2015, whereby inquiry proceedings were initiated against you and the undersigned was appointed as inquiry officer, you are hereby directed to appear before me in person on 17.08.2015 at 12:30 PM, in office of the undersigned regarding seizure of hashish/charas.

[Signature]
 DEPUTY DIRECTOR (LIT) INQUIRY OFFICER,
 EXCISE, TAXATION & NARCOTICS CONTROL,
 KHYBER PAKHTUNKHWA, PESHAWAR.

[Signature]
 ATTESTED

[Signature]
 ATTESTED

[Signature]
 ATTESTED

BETTER COPY NO. 39

**DIRECTORATE GENERAL EXCISE, TAXATION AND NARCOTICS CONTROL, KHYBER
PAKHTUNKWHA.**

Auqaf Complex, Shami Road, Peshawar Cantt, Phone No. 091-9212260

No. 1469 /Estab: Dated Peshawar the 17/08/2015

To

Mr . Arshad Khan, Excise and Taxation Constable,
Mobile Squad B-II, Peshawar.

Subject: **SUMMON.**

Further to the Director General Excise, Taxation and Narcotics Control, Khyber Pakhtunkhwa Peshawar Order No. 1417/Estab/XXXV-D-412, dated 11/08/2015, whereby inquiry proceedings were initiated you and the undersigned was appointed as inquiry officer, you are hereby directed to appear before me in person on 17/08/2015 at 12:30 PM, in office of the undersigned, regarding sizure of hashish/charas.

**DEPUTY DIRECTOR (LIT) INQUIRY OFFICER,
EXCISE, TAXATION AND NARCOTICS CONTROL
KHYBER PAKHTUNKHWA, PESHAWAR.**

ATTESTED



DIRECTORATE GENERAL EXCISE, TAXATION & NARCOTICS CONTROL, KHYBER PAKHTUNKHWA

Auqaf Complex, Shami Road, Peshawar Cantt. Phone Nos. 091-9212260-9211209.

No. 1470 /Estab: _____ Dated _____ Peshawar the _____ 2015

To Mr. Sangeen Shah, Excise and Taxation Constable,
Mobile Squad B-II, Peshawar.

Subject SUMMON.

Further to the Director General Excise, Taxation & Narcotics Control, Khyber Pakhtunkhwa Peshawar Order No. 1417/Estb/XXXV-D-412, dated. 11.08.2015, whereby proceedings were initiated against you and the undersigned was appointed as inquiry officer, you are hereby directed to appear before me in person on 17.08.2015 at 12:30 PM, in office of the undersigned, regarding seizure of hashish/charas.

DEPUTY DIRECTOR (LIT)/INQUIRY OFFICER
EXCISE, TAXATION & NARCOTICS CONTROL
KHYBER PAKHTUNKHWA, PESHAWAR.

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BETTER COPY NO. 40

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

Auqaf Complex, Shami Road, Peshawar Cantt, Phone No. 091-9212260

No. 1470 /Estab: Dated Peshawar the 17/08/2015

To

Mr . Sangeen Shah, Excise and Taxation Constable,
Mobile Squad B-II, Peshawar.

Subject: **SUMMON.**

Further to the Director General Excise, Taxation and Narcotics Control, Khyber Pakhtunkhwa Peshawar Order No. 1417/Estab/XXXV-D-412, dated 11/08/2015, whereby inquiry proceedings were initiated you and the undersigned was appointed as inquiry officer, you are hereby directed to appear before me in person on 17/08/2015 at 12:30 PM, in office of the undersigned, regarding sizure of hashish/charas.

**DEPUTY DIRECTOR (LIT) INQUIRY OFFICER,
EXCISE, TAXATION AND NARCOTICS CONTROL
KHYBER PAKHTUNKHWA, PESHAWAR.**

ATTESTED



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

Auqaf Complex, Shami Road, Peshawar Cantt. Phone Nos. 091-9212260-9211209.

No. 1471 /Estab: _____ Dated _____ Peshawar the 17/08/2015
 To Mr. Hidayat, Excise and Taxation Constable,
 Mobile Squad B-II, Peshawar.
 Subject SUMMON.

Further to the Director General Excise, Taxation & Narcotics Control, Khyber Pakhtunkhwa Peshawar Order No. 1417/Estb/XXXV-D-412, dated. 11.08.2015, whereby inquiry proceedings were initiated against you and the undersigned was appointed as inquiry officer, you are hereby directed to appear before me in person on 17.08.2015 at 12:30 PM, in office of the undersigned, regarding seizure of hashish/charas.

[Signature]
 DEPUTY DIRECTOR (LIT)/INQUIRY OFFICER,
 EXCISE, TAXATION & NARCOTICS CONTROL,
 KHYBER PAKHTUNKHWA, PESHAWAR.

[Signature]
ATTESTED

BETTER COPY NO. 41

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

Auqaf Complex, Shami Road, Peshawar Cantt, Phone No. 091-9212260

No. 1471 /Estab: Dated Peshawar the 17/08/2015

To

Mr . Hidayat, Excise and Taxation Constable,
Mobile Squad B-II, Peshawar.

Subject: **SUMMON.**

Further to the Director General Excise, Taxation and Narcotics Control, Khyber Pakhtunkhwa Peshawar Order No. 1417/Estab/XXXV-D-412, dated 11/08/2015, whereby inquiry proceedings were initiated you and the undersigned was appointed as inquiry officer, you are hereby directed to appear before me in person on 17/08/2015 at 12:30 PM, in office of the undersigned, regarding sizure of hashish/charas.

**DEPUTY DIRECTOR (LIT) INQUIRY OFFICER,
EXCISE, TAXATION AND NARCOTICS CONTROL
KHYBER PAKHTUNKHWA, PESHAWAR.**

~~ATTESTED~~

The Director General,
Excise Taxation & Narcotics Control
Department.

Subject: Enquiry against B-2 Syed.

Memo, with great veneration It is stated that, according to your order vide no: 1417/Estb/XXXV-D-412 dated: 11/08/2015 Mr. Hameedullah, deputy director (litigation) was nominated as enquiry officer.

Now from envoy sources we have come to know that the Director (Administration) directed the enquiry officer to recommend the major penalty for us as he has committed with the police department. kindly It is requested that nominate two member committee for our enquiry according to E&D rules because we don't have faith in deputy director (litigation).

Thanking you,



Hidayatullah

DIARY NO: 510
DATED: 12-8-2015
ACTION BY:
DIRECTOR GENERAL
EXCISE & TAXATION
KHYBER PAKHTUNKHWA

ATTESTED

ATTESTED

The Director General,
Excise Taxation & Narcotics Control
Department.

(11) (13)

Subject: Enquiry against B-2 Squad.

Memo;
With great veneration It is stated
that, according to your order vide
no: 1417/Estb/XXXV-D-412 dated: 11/08/2015
Mr. Hameedullah, deputy director (Litigation)
was nominated as enquiry officer.

Now from envoy sources we have
come to know that the Director
(Administration) directed the enquiry
officer to recommend the major penalty
for us as he has committed with
the police department. kindly It is
requested that nominate two members
committee for our enquiry according
to E&D rules because we don't have
faith in deputy director (Litigation).

Thanking you
MS

ARSHAD constable

DIARY NO: 509
DATED: 12-8-2015
ACTION BY:
DIRECTOR GENERAL
EXCISE & TAXATION
KHYBER PAKHTUNKHWA

ATTACHED

(44)

The Director General, ~~Excise~~
Excise Taxation & Narcotics Control
Department.

Subject: Enquiry against B-2 Squad

Memo, with great veneration It is stated that, according to your order vide no: 1417/Estb/XXXV-D-112 dated: 10/08/2015 Mr. Hameedullah, deputy director litigation was nominated an enquiry officer.

Now from envoy sources we have come to know that the Director (Administration) directed the enquiry officer to recommend the major penalty for us as he has committed with the police department. kindly It is requested that nominate two member committee for our enquiry according to E&D rules because we don't have faith in deputy director (litigation).

Thanking you,

~~Tahir Khon Constable~~

DIARY NO: 508

DATED: 12-8-2015

ACTION BY:

DIRECTOR GENERAL

EXCISE & TAXATION

KHYBER PAKHTUNKHWA

ATTESTED

(45)

(57)

The Director General,
Excise Taxation & Narcotics Control
Department.

Subject: Enquiry against B-2 Squad.

Memo, with great veneration it is stated that, according to your order vide no. 1417/Estb/XXXV-D-412 dated: 11/08/2015 Mr. Hameedullah, deputy director litigation was nominated an enquiry officer.

Now from envoy sources we have come to know that the Director (Administration) directed the enquiry officer to recommend the major penalty for us as he has committed with the police department. kindly it is requested that nominate two member committee for our enquiry according to E&D rules because we don't have faith in deputy director (litigation).

Thanking you,

(Signature)
Sahib Jan
17/8/2015

ATTENDED
ATTENDED

ATTENDED

DIARY NO: 507.
DATED: 17-8-2015
ACTION BY:
DIRECTOR GENERAL
EXCISE & TAXATION
KHYBER PAKHTUNKHWA

DIARY NO. 506
DATE: 17-8-2015
ACTION:
LTD. OFF. (BENT) P.L.
SECRETARY'S OFFICE
KUALA LUMPUR

Sg. Jerni Singh

ATTESTED

Sg. Jerni Singh

Thanking you,

faith in deputy director (Investigation).

to E&D rules because we don't have committee for our enquiry/according

requested that I nominate two member the Police department. kindly, it is

for us as he has committed with officer to recommend the major penalty

(Administration) directed the enquiry come to know that the Director

Now from enquiry sources as it was nominated an enquiry officer

Mr. Hameedullah, deputy director (Investigation) no: 1417/Estb/xxv-D-412 dated: 11/08/2015

that, according to your order vide Memo, with great veneration it is stated

Subject: Enquiry against B-2 Squad

Department

Excise Taxation & Narcotics Control

The Director General,

Handwritten initials and signature

~~ATTACHED~~
~~NOT ATTACHED~~

Zia Anwar Acting SSB
Inspector

Subject: Enquiry against B-2 squared.
Memo, with great veneration it is stated that, according to your order vide no: 1417/Estb/XXV-D-412 dated: 11/08/2015 Mr. Hameedullah, deputy director, Liberton was nominated an enquiry officer. Now from every source we have come to know that the Director (Administration) directed the enquiry officer to recommend the major penalty for us as he has committed with the police department. kindly it is requested that nominate two member committee for our enquiry according to E & O rules because we don't have faith in deputy director (Liberton).
Thanking you,

The Director General,
Excise Taxation & Narcotics Control
Department

(47)
~~45~~
37

(۷۸) (۷۹)

~~(۵۰)~~

پیش ڈائنٹیشن (Litigation) کے تحت درخواستیں

میں سے درخواستیں کی گئی ہیں۔ خانزادہ صاحبہ کے خلاف درخواستیں

1417 - 1418 - 1419 (DQ) کے تحت -

11-8-2015 کو سوسائٹی میں آئے۔
Suspended -

10-8-2015 سے 11-8-2015 تک MPA کے

میں سے درخواستیں کی گئی ہیں۔ خانزادہ صاحبہ کے

میں سے درخواستیں کی گئی ہیں۔ خانزادہ صاحبہ کے

Suspended -

11-8-2015

M.C. خانزادہ صاحبہ

موبائل نمبر 3301 3302

17-8-2015

ATTESTED

ATTESTED

KHYBER PAKHTUNKHWA, PESHAWAR

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

ORDER

Dated Peshawar the 24/11/2015

No. 3519. /Estb/Mobile Squad-2015. In pursuance of the recommendation of the inquiry officer and under Rule-4(1)(a)(ii) a minor penalty of stoppage of three annual increments commencing from 2015 is hereby imposed on the following officials of Mobile Squad Bureau-2 with immediate effect. They are further barred from any executive/serious nature duty in future.

S. No.	Name and designation	Office	Remarks
1.	Mr. Sher Muhammad, Excise & Taxation Inspector	Directorate General, Excise, Taxation & Narcotics Control	
2.	Mr. Zia Anwar, Assistant Sub-Inspector	Directorate General, Excise, Taxation & Narcotics Control	
3.	Mr. Sahib Jan, Excise & Taxation Constable	Directorate General, Excise, Taxation & Narcotics Control	
4.	Mr. Tahir, Excise & Taxation Constable	Directorate General, Excise, Taxation & Narcotics Control	
5.	Mr. Arshad, Excise & Taxation Constable	Directorate General, Excise, Taxation & Narcotics Control	
6.	Mr. Sangeen, Excise & Taxation Constable	Directorate General, Excise, Taxation & Narcotics Control	
7.	Mr. Hidayat, Excise & Taxation Constable	Excise & Taxation Officer-1, Peshawar	

-sd-
DIRECTOR GENERAL,
EXCISE, TAXATION &
NARCOTICS CONTROL,
KHYBER PAKHTUNKHWA,
PESHAWAR.

No. 3576-27/Estb/Mobile Squad-2015

Copy forwarded for information and necessary action to:

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Inquiry Officer/Deputy Director (Lit) Directorate General Excise, Taxation & Narcotics Control Khyber Pakhtunkhwa, Peshawar.
3. Deputy Director, Excise & Taxation, Peshawar Region, Peshawar.
4. Assistant Director (Acctg), Directorate General, Excise, Taxation & Narcotics Control, Khyber Pakhtunkhwa, Peshawar with the direction to comply with the above orders as well as entry in his original service book may also be ensured.
5. District Accounts Officer, Peshawar.
6. Excise & Taxation Officer-1, Peshawar with the direction to comply with the above orders as well as entry in his original service book may also be ensured.
7. Officials concerned.
8. P.File of officials concerned.

[Signature]
DIRECTOR (ADMN),
EXCISE, TAXATION &
NARCOTICS CONTROL,
KHYBER PAKHTUNKHWA,
PESHAWAR.

ATTENDED

ATTESTED

ATTESTED



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

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

ORDER

Dated Peshawar the 24/11/2015

No. 3508 /Estb/Mobile Squad-2015. In pursuance of the inquiry conducted by the Deputy Director (Litigation) Directorate General, Excise, Taxation & Narcotics Control Khyber Pakhtunkhwa against the officials of Mobile Squad Bureau-2, the following posting/transfer are hereby ordered with immediate effect in the best public interest.

S. No.	Name and Designation	Transferred		Remarks
		From	To	
1.	Mr. Sher Muhammad, Excise & Taxation Inspector	Directorate General, Excise, Taxation & Narcotics Control	Excise & Taxation Officer-IV, Peshawar	Against vacant post
2.	Mr. Zia Anwar, Assistant Sub-Inspector	Directorate General, Excise, Taxation & Narcotics Control	Excise & Taxation Officer, Kohat	Vice S.No.3
3.	Qazi Bilal, Assistant Sub-Inspector	Excise & Taxation Officer, Kohat	Directorate General, Excise, Taxation & Narcotics Control	Vice S.No.2
4.	Mr. Sahib Jan, Excise & Taxation Constable	Directorate General, Excise, Taxation & Narcotics Control	Excise & Taxation Officer, Kohat	Vice S.No.5
5.	Mr. Amjid Ali, Excise & Taxation Constable	Excise & Taxation Officer, Kohat	Directorate General, Excise, Taxation & Narcotics Control	Vice S.No.4
6.	Mr. Tahir, Excise & Taxation Constable	Directorate General, Excise, Taxation & Narcotics Control	Excise & Taxation Officer, Kohat	Vice S.No.7
7.	Mr. Saifullah, Excise & Taxation Constable	Excise & Taxation Officer, Kohat	Directorate General, Excise, Taxation & Narcotics Control	Vice S.No.6
8.	Mr. Arshad, Excise & Taxation Constable	Directorate General, Excise, Taxation & Narcotics Control	Excise & Taxation Officer, Kohat	Vice S.No.9
9.	Mr. Sajjad, Excise & Taxation Constable	Excise & Taxation Officer, Kohat	Directorate General, Excise, Taxation & Narcotics Control	Vice S.No.8
10.	Mr. Sangeen, Excise & Taxation Constable	Directorate General, Excise, Taxation & Narcotics Control	Excise & Taxation Officer, Kohat	Vice S.No.11
11.	Mr. Atifullah, Excise & Taxation Constable	Excise & Taxation Officer, Kohat	Directorate General, Excise, Taxation & Narcotics Control	Vice S.No.10
12.	Mr. Hidayat, Excise & Taxation Constable	Excise & Taxation Officer-I, Peshawar	Excise & Taxation Officer, Kohat	Vice S.No.13
13.	Mr. Inam, Excise & Taxation Constable	Excise & Taxation Officer, Kohat	Excise & Taxation Officer-I, Peshawar	Vice S.No.12

2. No T./DA is allowed.

[Signature]
DIRECTOR GENERAL,
EXCISE, TAXATION &
NARCOTICS CONTROL,
KHYBER PAKHTUNKHWA,
PESHAWAR.

ATTENDED

ATTENDED

Continued on page 2

To

The Director General,
Excise, Taxation and Narcotics Control,
Khyber Pakhtunkhwa.

(S) *(SF)*

~~Am-L~~
2

Sub: Appeal Regarding Exoneration from Charges

Respected Sir,

With due respect, it is stated that the officials of Mobile Squad Bureau-2 of this directorate were suspended on charges of misusing official position by reportedly embezzling huge quantity of seized charas during a raid on 10-08-2015 vide this office order No.1417/Estb/XXX-D-412 dated 11-08-2015. Deputy Director Litigation, Directorate Excise, Taxation and Narcotics Control, was appointed as Inquiry Officer in this regard vide order No. 1475/Estb. Dated 17-08-2015.

In pursuance of the recommendation of the inquiry officer and under rule 4(1)(a)(ii) a penalty of stoppage of annual three increments commencing from 2015 is imposed coupled with posting out from Directorate vide order No. 3519/Estb/Mobile squad-2015 dated 24-11-2015.

Sir,

The inquiry was conducted on the basis of source report against which no evidence produced whatsoever. The complainant, Police of the concerned police station, did not bother even to attend the office of inquiry officer.

The double penalization announced on mere source report seems unjust and seems overwhelming vis-à-vis the charges leveled. As the appellants are young officials who have to serve the department for years to come so double penalization is against the norms of justice.

In light of the above, it is humbly requested the appellant may be exonerated from the charges leveled against them so that they could perform their duties wholeheartedly in future. It is assured that the appellants will be careful in future.

Thanks,

Officials of Mobile Squad B-2

- 1) Sher Muhammad
- 2) Zia Anwar
- 3) Sahib Jan
- 4) Lahu Khan
- 5) Arshad Khan
- 6) Sangeen
- 7) Hidayat

FMD 21/12/2015
Sangeen
Arshad Khan

DIARY 3715
21-12-15

ATTESTED

ATTESTED

ATTESTED

(52) (5)

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

Subject: Appeal Regarding Exoneration from Charges

R/Sir,

In Continuation of our previous Appeal Dated, 21/12/2015 another appeal submitted with the request to consider on humanitarian grounds.

With due respect, it is stated that officials of Mobile Squad Bureau-2 of this directorate was suspended on charges of miss using official position by the reportedly embezzling huge quantity of seized chars during a raid on 10/08/2015 vide this office order No-1417/Estb/XXX-D-412 dated 11/08/2015. The Deputy Director Litigation, Directorate of Excise, Taxation & Narcotics Control was appointed as inquiry officer vide Order No-1475/Estb dated 17/08/2015. On the directions of Director General of Excise, Taxation & Narcotics Control, the Director Admin proposed a penalty of stoppage of annual three increments commencing from 2015 along with posting to hard areas.

The inquiry was conducted on bases of source report against which no evidence produced by the complainant i-e (SHO) Badabher. The police officer of concerned police station did not bother even to attend the office of inquiry officer. While completely refused to cooperate with the inquiry officer despite of repeated reminders for recording of his statement or further proceeding in the matter.

It is added here that the penalty imposed on us neither proved nor recommended by the inquiry officer accordingly.

In light of above, It is humbly requested the applicants may be exonerated from the charges leveled against us, So that they could perform their duties whole heartedly in future.

Thanks,

Officials of Mobile Squad B-2

- 1) Sher-Mohammad (Inspector)
- 2) Zia Anwar (ASI)
- 3) Sahib Jan (Constable)
- 4) Tahir (Constable)
- 5) Sangeen (Constable)
- 6) Hidayat (Constable)
- 7) Arshad (Constable)

(Handwritten signatures and initials)
Saib Jan
Sangeen
Arshad

DIARY NO. 4239
DATED 21-12-2016
DIRECTORATE GENERAL,
EXCISE, TAXATION & NARCOTICS
CONTROL, KHYBER PAKHTUNKHWA.

ATTESTED

ATTESTED

To

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

SB
~~SECRET~~

~~SECRET~~
Am-M-2

APPEAL REGARDING EXONERATION FROM CHARGES.

Respected Sir,

With all the due respects, it is submitted that we, the following staff of Mobile Squad Bureau-2 Excise and Taxation were suspended on unsubstantiated charges of misusing official position and embezzling huge quantity of seized charas and inquiry was conducted against us leading to the imposition of stoppage of three(03) annual increments and transfer to other stations.

Order of imposition of penalty and transfer orders are attached as Annexure-I & II respectively.

In this connection two review applications were submitted in succession to Office of the Director General, Excise, Taxation and narcotics Control, Khyber Pakhtunkhwa, however, till date no action has been taken thereupon. Hence, this appeal.

Copies of the review applications are attached as Annexure-III and IV.

It is further submitted we have been performing our duty to the best of our abilities, honesty and utmost responsibility and not only recovered huge quantity of hashish by risking our lives but refused to accept huge money offer from the accused at the time of seizure. Besides, in the entire inquiry proceedings and the final inquiry report nothing has been proved against us, therefore, the imposition of penalties and transfers is not only arbitrary but excessive as well.

In view of the above, it is requested that, we may kindly be exonerated from the untrue charges leveled against us and the penalty awarded may also be withdrawn.

Thanks and best regards.

OBEDIENTLY YOUR'S

Diary No. 671
Dated 10.3.2016.
P/S to Secy: E&T Deptt:

- 1. SHER MUHAMMAD (INSPECTOR) [Signature]
- 2. ZIA ANWAR (ASI) [Signature]
- 3. SAHIB JAN (CONSTABLE) [Signature]
- 4. TAHIR KHAN (CONSTABLE) [Signature]
- 5. ARSHAD KHAN (CONSTABLE) [Signature]
- 6. SANGEEN (CONSTABLE) [Signature]
- 7. HIDAYAT (CONSTABLE) [Signature]

Dt 10.3.2016.

ATTESTED

ATTESTED

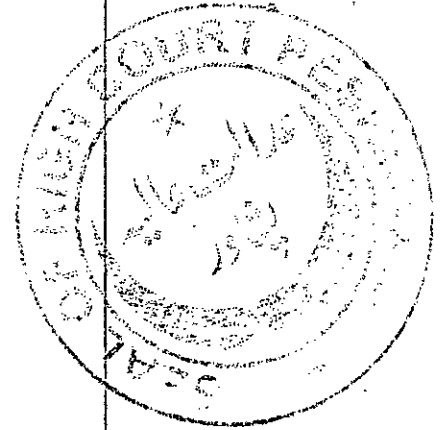
ATTESTED

(54) Am-N^o 1

BEFORE THE PESHAWAR HIGH COURT PESHAWAR

In Re

W.P.No. 1690 P /2016



1. Sher Muhammad (Inspector)
2. Zia Anwar (ASI)
3. Sahib Jan (Constable)
4. Tahir Khan (Constable)
5. Arshad Khan (Constable)
6. Sangeen (Constable)
7. Hidayat (Constable)

All residents of Excise, Taxation & Narcotics Control Department K.P.K, Peshawar.

.....Petitioners

VERSUS

1. Secretary Excise, Taxation & Narcotics Control Khyber Pakhtunkhwa.
2. Director General Excise, Taxation & Narcotics Control Khyber Pakhtunkhwa.
3. Director Excise, Taxation & Narcotics Control Khyber Pakhtunkhwa.
4. Deputy Director Litigation, Excise, Taxation & Narcotics Control Khyber Pakhtunkhwa.

.....Respondents

FILED TODAY

Deputy Registrar

26 APR 2016

WRIT PETITION UNDER ARTICLE 199

CONSTITUTION OF THE ISLAMIC REPUBLIC

OF PAKISTAN, 1973

ATTESTED

ATTESTED
EXAMINER
Peshawar High Court
23 MAY 2016

Respectfully Sheweth,

(2) (55)

1. That the petitioners are respectable citizens of the Islamic Republic of Pakistan and are civil servants from Excise & Taxation and Narcotics Control Department Khyber Pakhtunkhwa, in deferent capacities of BPS.
2. That infact the petitioners were the members of Mobile Squad Burea-2 of the Excise and Taxation Department, which squad was constituted vide the office order dated 25/04/2014 of the Director General of the Excise Department. (Copy of the order dated 25/04/2014 is annexed as Annexure-"A")
3. That in pursuance to the aforementioned notification, the petitioners performed their duties to the utmost of their capabilities and potential and left no stone unturned in pragmatically performance of their duties. It was in this back drop that on 10/08/2015 upon receiving information about smuggling of Narcotics by petitioner No.1; the squad was directed to be alert and of being raising a check point at Kohat road, at about 03:00 to 04:00 am on 11/08/2015; a vehicle Land Cruiser bearing No.BC-0006 Karachi, was intercepted and was stopped. The driver namely Amjid Khan S/o Muhammad Riaz was got approached on the spot. The local police of police station Badhber more informed who in the mean while came to the spot in a mobile. As it was dark and the area was danger, so the vehicle alongwith the driver was taken to police station Badhber. After arrival of SHO and SP, the

ATTESTED
EXAMINER
Peshawar High Court
23 MAY 2016

FILED TODAY
Deputy Registrar
26 APR 2016

ATTESTED

(5) (6)

vehicle was thoroughly checked and 38 KG of Charas was recovered. Mursala was drafted on 11/08/2015 and recovery took place on the same date. But the police didn't lodge the report i.e. FIR. (Copies of Mursala dated 11/08/2015 is annexed as Annexure "B")

4. That local police of Badhber was not ready to cooperate and lodging the FIR, so the petitioner No.1, being Incharge of the Mobile Squad, made written and otherwise requests to his superior and kept them on board all the time, but instead of asking the high ups of the police department to ask the SHO concerned to cooperate with the petitioner, the respondents Taxation Department suspended the petitioners in utter violation to law and astonishingly without even mentioning the reasons of the suspension. (Copies of application / requests and supervision order are annexed herewith as annexure "C" & "D", respectively)

5. That on the other hand the police tried to malign the career and best efficiency of the petitioner lodged on FIR No.697, dated 13/08/2015 U/S 9CCNSA and tried to showed that the occurrence has taken place on 13/08/2015. A Mursala was shown to have been drafted on 13/08/2015, recoveries were shown to have allegedly recovered on 13/08/2015 and all other acts were shown to have taken place on 13/08/2015 and not on 11/08/2015. (Copies of FIR, Mursala, Recovery Memo and other are annexed as Annexure "E" to "H", respectively)

ATTESTED

EXAMINER
Peshawar High Court

27 MAY 2016

FILED TODAY

Deputy Registrar

26 APR 2016

ATTESTED
27 MAY 2016

(1) 57

6. That an Inquiry was ordered and Deputy Director (litigation) of Excise Department was appointed as Inquiry officer. The Inquiry Officer inspite of persistent applications of the petitioners of their no-trust and no-confidence upon the I.O the worthy I.O proceeded with the same. Although neither the SHO bothered to appear or purse his nefarious allegations of confirming the culprit for two days and embezzling huge quantity of Charas and of substituting the alleged high quality Charas with low quality and thus no allegation, raised against the petitioners, was proved at all, but even then penalty was recommended and imposed upon. (Copies of Inquiry proceedings applications against the I.O and relevant documents are annexed as Annexure "I" & "J" respectively)

7. That the competent authority imposed penalties vide impugned office order No.3519, dated 24/11/2015 of stopped of three annual increment and permanent barring from having any Executive/Seniors nature of duties in future and vide impugned Office order No.3508/Ests/Mobile Squad-2015 dated 24/11/2015, were transferred to hard areas as punishment, so were double jeopardized. (Copies of Impugned Orders dated 24/11/2015 are annexed as Annexure "K" & "L", respectively)

8. That thereafter the petitioners an appeal to Director General for redressal on 21/01/2015 and thereafter to

ATTESTED

EXAMINER
Peshawar High Court
23 MAY 2016

FILED TODAY

Deputy Registrar

26 APR 2016

ATTESTED

~~(S)~~ (S)

the worthy Secretary of the Department on 10/03/2016, but nothing come out of those futile attempts. (Copies of Appeal are annexed herewith as annexure "M" & "N", respectively)

9. That now being exhausted the petitioner approaches this August Court for redressal of their grievances and protection of their fundamental rights upon the following grounds inter alia;

Grounds:

- A. That there exists no other expedient-cum-expeditious and Adequate remedy available to the petitioners else where, hence the instant petition under the extra-ordinary jurisdiction of this August Court.
- B. That as the matter in question otherwise too, do not pertains to terms and conditions of service, so invoking the jurisdiction of this August Court is not hit by barring provision of the fundamental law.
- C. That under no law, under any circumstances two or more penalties for a single alleged wrong done can be imposed as done and carried in case of the petitioners.
- D. That on one hand the petitioners were barred from taking any sort of Executive or serious nature of responsibilities, so a permanent stigmata was pasted and bestowed upon the petitioners even without any fault on their part or rather a price for their effectually

TESTED
EXAMINER
Kawar High Court
27 MAY 2016

FILED TODAY
Deputy Registrar
26 APR 2016

ATTESTED

(S) (S)

intercepting the culprit and recovering huge quantity of narcotics and on the other hand three annual increment were stopped and besides the above even were transferred to hard areas and other as penalty so many penalties were imposed for no wrong done.

E. That the allegations against the petitioners were that petitioners arrested the culprit and kept him in illegal confinement and after doing so for two days, the alleged 160 kg was reduced to 38kg by alleged embezzling or concealing the same and allegedly substituted the remaining 38 kg fine quality Charas with raw sort of Charas. Now there allegations were raised by police against the petitioners and thus the petitioners were suspended on 11/08/2015. Now if it was the case then how Murasila was drafted on 11/08/2015 and recovery was affected on 11/08/2015 and above all how the police came to know on 11/08/2015 and suspension order was made on 11/08/2015 when the culprit was not in scene and FIR was not there; Murasila as per police was not there and even culprit etc were not there?

F. That even the concerned SHO never bothered to appear before the I.O. inspite of persistent requests by I.O then how the allegations were declared as proved one?

G. That inspite of the aforementioned scenario so many penalties were imposed upon the petitioners for no wrong.

FILED TODAY
Deputy Registrar
26 APR 2016

ATTESTED
CLERK
High Court
26 MAY 2016

ATTESTED

~~(60)~~

- H. That interestingly one Khanzeb has also suspended because of the alleged occurrence, inspite of the fact that he was on leave on that particular date. (Copies are attached).
- I. That the petitioners did perform their duties to their utmost capabilities and responsibility and it was because of the non co-operations and malafide of the local police of Badbher Police station that not only the petitioners were defamed in department, but in the eyes of the General Police as well and were envisaged with so many unwarranted penalties.
- J. That no head was ever paid to the badgers and inculcations of the petitioners by none of their high-ups and even objections over I.O were simply shunt out for no justification at all.
- K. That the I.O. was biased one and because of the same the inquiry proceedings were maliciously carried out in utter violation to the law on the subject.
- L. That from every angle of the matter in question, fundamental rights of the petitioners have been violated and so many penalties, inspite and being quiet innocent have been imposed upon the petitioners, so both the impugned office orders dated 24/11/2015 of the Office of the Director General, Excise and Taxation and Narcotics Control Department Khyber Pakhtunkhwa Peshawar, are liable to be set aside.
- M. That any other ground not raised here may graciously be allowed at the time of arguments.

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 EXAMINER
 Peshawar High Court
 23 MAY 2016

FILED TODAY
 Deputy Registrar
 26 APR 2016

ATTESTED

It is, therefore, most humbly prayed that on acceptance of the instant Petition, both the impugned office order No.3508/Estd/Mobile Squad-2015, dated 24/11/2015 and No.3519/Estd/Mobile Squad-2015, dated

(4) (65)

24/11/2015 of the office of the Director General, Excise , Taxation and Control Department, Khyber Pakhtunkhwa Peshawar, be set aside and cancelled and the petitioners be restored back to their previous positions, with all relevant and consequential benefits.

Any other relief not specifically asked for may also graciously be extended in favour of the petitioners in the circumstances of the case

Interim Relief

By way of interim relief the operation of the impugned office orders and single dated 24/11/2015 may very graciously be suspended till the final disposal of the instant writ petition.

Dated: 26/04/2016

Petitioner
Through
[Signature]
JAVED IQBAL GULBELA,

KHIZAR HAYAT KHAZANA

&

AMIR NAWAZ KHAN
Advocates High Court
Peshawar

Note:

No suchlike petition for the same petitioner, upon the same subject matter has earlier been filed by me, prior to the instant one.

List of book

1. Constitution of Pakistan.
2. Case laws.
3. Any other book as per need.

ATTESTED
[Signature]
Advocate

ATTESTED
[Signature]
Advocate

EXAMINER
Peshawar High Court

02 MAY 2016

FILED TODAY
Family Registrar
26 APR 2016

(62)

BEFORE THE PESHAWAR HIGH COURT PESHAWAR

W.P No. 1690/2016

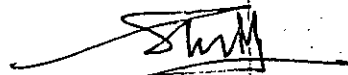
Sher Muhammad and others.....Petitioners

VERSUS

Secretary Excise and otherRespondents

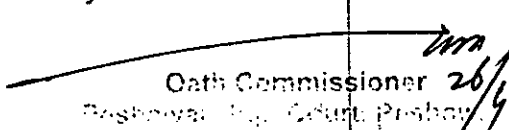
AFFIDAVIT

I, Sher Muhammad S/o Faqir Muhammad R/o Kanai Road Notia Payan Peshawar, do hereby solemnly affirm and declare on oath that the contents of the accompanying Writ Petition is true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.



DEPONENT

CNIC#17301-1632706-1

No:..... <u>17981</u>
Certified that the above was verified on solemnly affirmation before me in office, this <u>26th</u> day of <u>Apr</u> 20 <u>16</u> by <u>Sher Muhammad</u> s/o <u>Faqir Muhammad</u> who was identified by <u>Sher Muhammad</u> Who is personally known to me:
 Oath Commissioner <u>26/4</u> Peshawar High Court Peshawar

FILED TODAY

Deputy Registrar

26 APR 2016

ATTESTED

ATTESTED

EXAMINER
Peshawar High Court

23 MAY 2016

10 (63)

BEFORE THE PESHAWAR HIGH COURT PESHAWAR

In Re

W.P.No. 16908 /2016

Sher Muhammad & others

VERSUS

SECRETARY EXCISE & OTHERS

ADDRESSES OF PARTIES

Petitioners:

1. Sher Muhammad (Inspector)
2. Zia Anwar (ASI)
3. Sahib Jan (Constable)
4. Tahir Khan (Constable)
5. Arshad Khan (Constable)
6. Sangeen (Constable)
7. Hidayat (Constable)

All residents of Excise, Taxation & Narcotics Control Department K.P.K, Peshawar.

Respondents:

1. Secretary Excise, Taxation & Narcotics Control Khyber Pakhtunkhwa.
2. Director General Excise, Taxation & Narcotics Control Khyber Pakhtunkhwa.
3. Director Excise, Taxation & Narcotics Control Khyber Pakhtunkhwa.
4. Deputy Director Litigation, Excise, Taxation & Narcotics Control Khyber Pakhtunkhwa.

All residents of Excise, Taxation & Narcotics Control Department K.P.K, Peshawar.

Dated: 26/04/2016

FILED TODAY

Deputy Registrar

26 APR 2016

ATTESTED

EXAMINER
Peshawar High Court

ATTESTED Petitioner

Through

JAVED IQBAL GULBELA,
Advocate High Court Peshawar

64
Am-10th
Judgment Sheet

IN THE PESHAWAR HIGH COURT, PESHAWAR
JUDICIAL DEPARTMENT

J U D G M E N T

Writ Petition No.1690-P/2016.
Date of hearing.....11.05.2016

Sher Muhammad & others...Vs...Secretary Excise, Taxation &
Narcotics control KPK & others.

Petitioner(s) by... *Javed Iqbal Gulbela Advocate*

Respondent(s) by.....

IRSHAD KAISER, J:- Through this petition the petitioner Sher Muhammad & six others seek the extraordinary jurisdiction of this Court under Article 199 of the Constitution of Islamic Republic of Pakistan 1973 with the prayer:-

“On acceptance of the instant petition, both the impugned office order No.3508/Estd/Mobile Squiad-2015, dated 24.11.2015 and No.3519/Est/Mobile Squad-2015, dated 24.11.2015 of the office of the Director General, Excise, Taxation and Control Department, Khyber Pakhtunkhwa, Peshawar, be set aside and cancelled and the petitioners be restored back to their previous positions, with all relevant and consequential benefits. Any other relief not specifically asked for may also graciously be extended in

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EXAMINER
Peshawar High Court

23 MAY 2016

(85)

favour of the petitioners in the circumstances of the case."

2. In essence, the grievances of the petitioners are that they are civil servants in Excise & Taxation and Narcotics Control Department KPK. That as per office order dated 25.04.2014, passed by Director General of the Excise Department, the petitioners were the members of Mobile Squad Bureau-2 of the Excise and Taxation Department. The petitioners performed their duties in accordance with law to the satisfaction of their superiors. That on 10.08.2015 on the basis of information about smuggling of narcotics, petitioner No.1 directed the squad to be alert. At about 03:00 to 04:00 A.M on 11.08.2015 a vehicle Land Cruiser bearing No.BC-0006 Karachi was intercepted/stopped and on search 38 KG chars was recovered. Murasila was drafted on 11.08.2015, but the local police P.S Badhber did not register the FIR. Having no fault on their part the petitioners were suspended on the allegations that fine quality of chars has been replaced with inferior quality. An inquiry was initiated against them and after fulfilling the legal

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EXAMINER
Peshawar High Court

23 Nov 2016

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process the competent authority imposed penalty of stoppage of three annual increments and also transferred them to hard area. It is contended that since fundamental rights of the petitioners have been violated, therefore, they filed instant writ petition.

3. Arguments heard and record perused with the assistance of learned counsel for petitioners.

4. Through this petition the petitioner has challenged two orders dated 24.11.2015, passed by D.G Excise and Taxation and Narcotics Control KPK, Peshawar. Vide order No.3519/Est/Mobile Squad-2015 dated 24.11.2015 minor penalty of stoppage of three annual increments was imposed on the petitioners in pursuance of the recommendation of the inquiry officer while vide order No.3508/Est/Mobile Squad-2015 dated 24.11.2015 petitioners alongwith some other officials of Mobile squad No.2 were transferred in pursuance of the inquiry.

5. Admittedly petitioners are civil servants and they challenged the transfer posting

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EXAMINER
Peshawar High Court

3 MAY 2016

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order and the penalty order passed by competent authority. The controversy agitated through the instant petition fall within the purview of terms and condition of service which in the first instance can well be urged before the Departmental authority and then before the Services Tribunal. The jurisdiction of this Court is barred by virtue of Article 212 of the Constitution of Islamic Republic of Pakistan, 1973.

6. Thus we while exercising Constitutional Jurisdiction cannot sit in judgment on such dispute as it has constantly been held in cases reported in 1997 SCMR 167, 2007 SCMR 54, PLD 1995 SC 530 by the apex Supreme Court that transfer and posting being related to the terms and condition of service fall within the exclusive domain of Service Tribunal. High Court cannot interfere in such like matter. This ratio set by the apex Supreme Court has also be followed by this Court in number of judgment. It is also settled that imposition of pending by the competent authority also comes within terms and condition of civil servant.

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EXAMINER
Peshawar High Court
23 MAY 2016

(62)

7. In such view of the matter this Court cannot adjudicate upon the controversy in dispute when proper forum is available to the petitioner. Thus the writ petition being without force is hereby dismissed in limine with no order as to costs.

sd/- Jafar Dair

sd/- Syed Afzal Shah

J

J

JUDGE

JUDGE

Announced.
11.05.2016.

CERTIFIED TO BE TRUE COPY

Examiner
Peshawar High Court, Peshawar
Authorized Under Article 87 of
The Qanun-e-Sadrat Order 1981

23 MAY 2016

28916

Date of Presentation of Application 14-05-16
Serial No. 15P
Fees of Rs. 30 00
Date of Receipt of Application 23-05-16
Date of Issuance of Copy 23-05-16
Received by Jafar



ATTACHED

69

~~Amir~~
8

مذاہر شاہ اور سید امین شاہ کے بیچ ان کے درمیان کی گئی گفتگو کی رپورٹ

Amir P

مذاہر شاہ کے بیان سے ظاہر ہے کہ مذکورہ گفتگو میں ان کے درمیان کی گئی گفتگو کی رپورٹ

گواہان کے بیان سے ظاہر ہے کہ مذکورہ گفتگو میں ان کے درمیان کی گئی گفتگو کی رپورٹ
دو طرفہ گفتگو کی رپورٹ ہے۔
ذرا زیادہ تفصیلی ہے۔

Amir P
B2

Dated: 10-08-2015
Approved and Forwarded
Minza

10/8/15

10/8/15

Amir P

Received
10/08/15

ATTESTED

ATTESTED

70 August 2015

Amir Arafat

Daily Attendance Register of the Constables-Drivers

Serial No.	Name	Father's Name	Rank	1	2	3	4	5	6	7	8	9	10	11	12
1	Rahmadad		H/L			P	P	P	P	P	P		P	P	
2	Liaqat		H/L			P	P	P	P	P	P		P	P	
3	Sahib Jan		H/L			P	P	P	P	P	P		P	P	
4	Jameel Babar		constab			P	P	P	P	P	P		P	P	
5	Sangeen Shah		"			P	P	P	P	P	P		P	P	
6	Said DAD Khan		"			P	P	P	P	P	P		P	P	
7	Jan Nabi		"			P	P	P	P	P	P		P	P	
8	Jhisan Nabi		"			P	P	P	P	P	P		P	P	
9	Khan Yaz		"			P	P	P	P	P	P		P	P	
10	Ashad		"			P	P	P	P	P	P		P	P	
11	Abfandyar		"			P	P	P	P	P	P		P	P	
12	faisal murad		"			P	P	P	P	P	P		P	P	
13	Hidayat		"			P	P	P	P	P	P		P	P	
14	Khan Zeb		"			P	P	P	P	P	P		P	P	
15	Talha		"			P	P	P	P	P	P		P	P	
16	Waqar Saleem		"			P	P	P	P	P	P		P	P	
17	Talib		"			P	P	P	P	P	P		P	P	
18	Hamid Amin		"			P	P	P	P	P	P		P	P	
19	Ju'az		Constable			P	P	P	P	P	P		P	P	
20	Mohsin		Drivers			P	P	P	P	P	P		P	P	
21	Shahreen		"			P	P	P	P	P	P		P	P	

MS

ATTENDED

ATTENDED

The DIRECTOR GENERAL
Excise Taxation & Narcotics Control
Department.

Subject: Inquiry against Bureau-2 Squad.

Memo:

Reference to your letter No: 1496 dated; 18/8/2015. Details of the required record is here by submitted

- 1) Orders of the mobile squad Bureau-2
- 2) Marasla submitted to SHO.
- 3) CD containing the recorded version
- 4) Marasla submitted to Director General.
- 5) Suspension orders of the seven incumbents
- 6) FIR, Marasla and Fard dated 13/8/2015.
- 7) Application Submitted to Director General.
- 8) Leave application of the Khanzab constable.
- 9) Other record in shape of Marasla and information have been submitted to you by the Police.

ATTACHED

ATTACHED

ATTACHED

Please find here-with (copy enclosed)

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10 us

~~Smt~~
19/8/2015

Insp. Sher Muhammad

[Handwritten signature]

[Handwritten signature]

ATTESTED ✓

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Am-S



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

Auqaf Complex, Shami Road, Peshawar Cantt. Phone Nos. 091-9212260-9211209.

No. 1851 /

Dated Peshawar, the 24 / 09 / 2015

To

Station House Officer,
Badabir, Peshawar.

Subject:

INQUIRY AGAINST THE EXCISE AND TAXATION STAFF-MOBILE
SQUAD B-2.

Memo:

In continuation to this office letter No.1496/Estb date 18-08-2015 on the subject noted above. Your written statement in this regard has been received, but not clear and comprehensive.

You are therefore, requested to attend the office of undersigned for cross examination ~~session~~ on Monday, 7th, September 2015, to proceed further in the matter.

DEPUTY DIRECTOR (LIT)
EXCISE, TAXATION
AND NARCOTICS CONTROL
DEPARTMENT
KHYBER PAKHTUNKHWA,

Copy to: 1892

1. P.A to Director General, Excise Taxation and Narcotics Control Department Khyber Pakhtunkhwa.

DEPUTY DIRECTOR (LIT)
EXCISE, TAXATION
AND NARCOTICS CONTROL
DEPARTMENT
KHYBER PAKHTUNKHWA

Received by the SHO
PS Badabir on
24-9-15.

04-09-15
SHO PS Badabir

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DIRECTORATE GENERAL, EXCISE, TAXATION & NARCOTICS CONTROL DEPARTMENT
KHYBER PAKHTUNKHWA.

Augaf Complex, Shami Road, Peshawar Cantt. Phone Nos. 091-9212350-9211235.

No. 2223/1

Dated Peshawar, the 11 / 9 / 2015

To

Station House Officer,
Badabir, Peshawar.

Subject: INQUIRY AGAINST THE EXCISE AND TAXATION STAFF MOBILE SQUAD B-2.

Memo:

In continuation to this office letter No.1496/Estb date 18-03-2015 and letter No.1891 dated 04-09-2015 on the subject noted above. Your written statement in this regard has been received, which is not clear rather elusive.

You are therefore, once again requested to attend the office of undersigned for cross examination on Wednesday, 9th, September 2015, to proceed further in the matter.

DEPUTY DIRECTOR (LT)
EXCISE, TAXATION
AND NARCOTICS CONTROL
DEPARTMENT
KHYBER PAKHTUNKHWA,

Copy to: 2004

1.P.A to Director General, Excise Taxation and Narcotics Control Department Khyber Pakhtunkhwa.

ATTESTED

DEPUTY DIRECTOR (LT)
EXCISE, TAXATION
AND NARCOTICS CONTROL
DEPARTMENT
KHYBER PAKHTUNKHWA

ATTESTED

CHARGE SHEET

I, Muhammad Javed Marwat, Director General, Excise, Taxation and Narcotics Control, Khyber Pakhtunkhwa, Peshawar, as competent authority, hereby charge you, Mr. Sher Muhammad, Inspector Excise and Taxation as follows:-

2. That you, while posted as Incharge Mobile Squad (Bureau-II), Peshawar, in collaboration with the squad members, committed the following irregularities:

(a) By misusing your official position, embezzled huge quantity of Charas that were seized during road checking, and reported lesser quantity as well as replaced fine quality charas with inferior quality.

3. By reason of the above, you appear to be guilty of misconduct and under rule 3 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 have rendered yourself liable to all or any of the penalties specified in rule 4 of the rules ibid.

4. You are, therefore, required to submit your written defense within seven days of the receipt of this Charge Sheet to the inquiry officer.

5. Your written defense, if any, should reach the inquiry officer within the specified period, failing which it shall be presumed that you have no defense to put in and in that case ex-arte action shall be taken against you.

6. Intimate whether you desire to be heard in person.

7. A statement of allegations is enclosed.

COMPETENT AUTHORITY

ATTESTED

ATTESTED

ATTESTED

DISCIPLINARY ACTION

I, Muhammad Javed Marwat, Director General, Excise and Taxation, Khyber Pakhtunkhwa, Peshawar, as competent authority, am of the opinion that Mr. Sher Muhammad, Inspector Excise and Taxation (Incharge Mobile Squad Bureau-II) has rendered himself liable to be proceeded against, as he committed the following acts/omissions, within the meaning of rule 3 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011.

STATEMENT OF ALLEGATIONS

- (a) That on 11.08.2015, while misusing his official position, embezzled huge quantity of Charas that were seized during road checking, and reported lesser quantity as well as replaced fine quality charas with inferior quality, in collaboration with the Squad members.
2. For the purpose of inquiry against the said accused with reference to the above allegations, an inquiry officer, is constituted under rule 10(1)(a) of the ibid rules.

Mr. Hameed Ullah Khan, Deputy Director (Litigation),
Excise, Taxation and Narcotics Control, Khyber Pakhtunkhwa,
Peshawar.
3. The inquiry officer shall, in accordance with the provisions of the ibid rules, provide reasonable opportunity of hearing to the accused, record its findings and make, within thirty days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused.
4. The accused and a well conversant representative of the department shall join the proceedings on the date, time and place fixed by the inquiry officer/inquiry committee.

COMPETENT AUTHORITY

ATTESTED

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~~ab~~
CHARGE SHEET

1. Muhammad Javed Marwat, Director General, Excise, Taxation and Narcotics Control, Khyber Pakhtunkhwa, Peshawar, as competent authority, hereby charges you, Mr. Zia Anwar, Assistant Sub-Inspector (Acting sub-Inspector) as follows:-

2. That you, while posted with Mobile Squad (Bureau-II), Peshawar, in collaboration with the squad members, committed the following irregularities:

(a) By misusing your official position, embezzled huge quantity of Charas that were seized during road checking, and reported lesser quantity as well as replaced fine quality charas with inferior quality.

3. By reason of the above, you appear to be guilty of misconduct and under rule 3 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 have rendered yourself liable to all or any of the penalties specified in rule 4 of the rules ibid.

4. You are, therefore, required to submit your written defense within seven days of the receipt of this Charge Sheet to the inquiry officer.

5. Your written defense, if any, should reach the inquiry officer within the specified period, failing which it shall be presumed that you have no defense to put in and in that case ex-arte action shall be taken against you.

6. Intimate whether you desire to be heard in person.

7. A statement of allegations is enclosed.

COMPETENT AUTHORITY

~~ATTENDED~~

~~ATTENDED~~

DISCIPLINARY ACTION

I, Muhammad Javed Marwat, Director General, Excise and Taxation, Khyber Pakhtunkhwa, Peshawar, as competent authority, am of the opinion that Mr. Zia Anwar, Assistant Sub-inspector (Acting Sub-Inspector) of Mobile Squad Bureau-II has rendered himself liable to be proceeded against, as he committed the following acts/omissions, within the meaning of rule 3 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011.

STATEMENT OF ALLEGATIONS

(a) That on 11.08.2015, while misusing his official position, embezzled huge quantity of Charas that were seized during road checking, and reported lesser quantity as well as replaced fine quality charas with inferior quality, in collaboration with the Squad members.

2. For the purpose of inquiry against the said accused with reference to the above allegations, an inquiry officer, is constituted under rule 10(1)(a) of the ibid rules.

Mr. Hameed Ullah Khan, Deputy Director (Litigation),
Excise, Taxation and Narcotics Control, Khyber Pakhtunkhwa,
Peshawar.

3. The inquiry officer shall, in accordance with the provisions of the ibid rules, provide reasonable opportunity of hearing to the accused, record its findings and make, within thirty days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused.

4. The accused and a well conversant representative of the department shall join the proceedings on the date, time and place fixed by the inquiry officer/inquiry committee.

COMPETENT AUTHORITY

ATTESTED

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ATTESTED

CHARGE SHEET

I, Muhammad Javed Marwat, Director General, Excise, Taxation and Narcotics Control, Khyber Pakhtunkhwa, Peshawar, as competent authority, hereby charge you, Mr. Sahib Jan, Excise and Taxation Constable as follows:-

2. That you, while posted with Mobile Squad (Bureau-II), Peshawar, in collaboration with the squad members, committed the following irregularities:

(a) By misusing your official position, embezzled huge quantity of Charas that were seized during road checking, and reported lesser quantity as well as replaced fine quality charas with inferior quality.

3. By reason of the above, you appear to be guilty of misconduct and under rule 3 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 have rendered yourself liable to all or any of the penalties specified in rule 4 of the rules ibid.

4. You are, therefore, required to submit your written defense within seven days of the receipt of this Charge Sheet to the inquiry officer.

5. Your written defense, if any, should reach the inquiry officer within the specified period, failing which it shall be presumed that you have no defense to put in and in that case ex-arte action shall be taken against you.

6. Intimate whether you desire to be heard in person.

7. A statement of allegations is enclosed.

COMPETENT AUTHORITY

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~~DISCIPLINARY ACTION~~

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I, Muhammad Javed Marwat, Director General, Excise and Taxation, Khyber Pakhtunkhwa, Peshawar, as competent authority, am of the opinion that Mr. Sahib Jan, Excise & Taxation Constable, of Mobile Squad Bureau-II has rendered himself liable to be proceeded against, as he committed the following acts/omissions, within the meaning of rule 3 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011.

STATEMENT OF ALLEGATIONS

- (a) That on 11.08.2015, while misusing his official position, embezzled huge quantity of Charas that were seized during road checking, and reported lesser quantity as well as replaced fine quality charas with inferior quality, in collaboration with the Squad members.
2. For the purpose of inquiry against the said accused with reference to the above allegations, an inquiry officer, is constituted under rule 10(1)(a) of the ibid rules.
- Mr. Hameed Ullah Khan, Deputy Director (Litigation),
Excise, Taxation and Narcotics Control, Khyber Pakhtunkhwa,
Peshawar.
3. The inquiry officer shall, in accordance with the provisions of the ibid rules, provide reasonable opportunity of hearing to the accused, record its findings and make, within thirty days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused.
4. The accused and a well conversant representative of the department shall join the proceedings on the date, time and place fixed by the inquiry officer/inquiry committee.

1500-3
COMPETENT AUTHORITY

[Signature]

ATTESTED

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ATTESTED

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CHARGE SHEET

(7)

1, Muhammad Javed Marwat, Director General, Excise, Taxation and Narcotics Control, Khyber Pakhtunkhwa, Peshawar, as competent authority, hereby charge you, Mr. Tahir Khan, Excise and Taxation Constable as follows:-

2. That you, while posted with Mobile Squad (Bureau-II), Peshawar, in collaboration with the squad members, committed the following irregularities:

(a) By misusing your official position, embezzled huge quantity of Charas that were seized during road checking, and reported lesser quantity as well as replaced fine quality charas with inferior quality.

3. By reason of the above, you appear to be guilty of misconduct and under rule 3 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 have rendered yourself liable to all or any of the penalties specified in rule 4 of the rules ibid.

4. You are, therefore, required to submit your written defense within seven days of the receipt of this Charge Sheet to the inquiry officer.

5. Your written defense, if any, should reach the inquiry officer within the specified period, failing which it shall be presumed that you have no defense to put in and in that case ex-arte action shall be taken against you.

6. Intimate whether you desire to be heard in person.

7. A statement of allegations is enclosed.

COMPETENT AUTHORITY

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ATTESTED

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DISCIPLINARY ACTION

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I, Muhammad Javed Marwat, Director General, Excise and Taxation, Khyber Pakhtunkhwa, Peshawar, as competent authority, am of the opinion that Mr. Tahir Khan, Excise & Taxation Constable, of Mobile Squad Bureau-II has rendered himself liable to be proceeded against, as he committed the following acts/omissions, within the meaning of rule 3 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011.

STATEMENT OF ALLEGATIONS

- (a) That on 11.08.2015, while misusing his official position, embezzled huge quantity of Charas that were seized during road checking, and reported lesser quantity as well as replaced fine quality charas with inferior quality, in collaboration with the Squad members.
2. For the purpose of inquiry against the said accused with reference to the above allegations, an inquiry officer, is constituted under rule 10(1)(a) of the ibid rules.
- Mr. Hameed Ullah Khan, Deputy Director (Litigation),
Excise, Taxation and Narcotics Control, Khyber Pakhtunkhwa,
Peshawar.
3. The inquiry officer shall, in accordance with the provisions of the ibid rules, provide reasonable opportunity of hearing to the accused, record its findings and make, within thirty days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused.
4. The accused and a well conversant representative of the department shall join the proceedings on the date, time and place fixed by the inquiry officer/inquiry committee.

[Signature]
COMPETENT AUTHORITY

[Signature]
ATTESTED

[Signature]
ATTESTED

73
72
7
CHARGE SHEET

1. Muhammad Javed Marwat, Director General, Excise, Taxation and Narcotics Control, Khyber Pakhtunkhwa, Peshawar, as competent authority, hereby charge you, Mr. Arshad Khan, Excise and Taxation Constable as follows:-

2. That you, while posted with Mobile Squad (Bureau-II), Peshawar, in collaboration with the squad members, committed the following irregularities:

(a) By misusing your official position, embezzled huge quantity of Charas that were seized during road checking, and reported lesser quantity as well as replaced fine quality charas with inferior quality.

3. By reason of the above, you appear to be guilty of misconduct and under rule 3 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 have rendered yourself liable to all or any of the penalties specified in rule 4 of the rules ibid.

4. You are, therefore, required to submit your written defense within seven days of the receipt of this Charge Sheet to the inquiry officer.

5. Your written defense, if any, should reach the inquiry officer within the specified period, failing which it shall be presumed that you have no defense to put in and in that case ex-arte action shall be taken against you

6. Intimate whether you desire to be heard in person.

7. A statement of allegations is enclosed.

COMPETENT AUTHORITY

ATTESTED

ATTESTED

ATTESTED

(84) (7)

DISCIPLINARY ACTION

(7)

I, Muhammad Javed Marwat, Director General, Excise and Taxation, Khyber Pakhtunkhwa, Peshawar, as competent authority, am of the opinion that Mr. Arshad Khan, Excise & Taxation Constable, of Mobile Squad Bureau-II has rendered himself liable to be proceeded against, as he committed the following acts/omissions, within the meaning of rule 3 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011.

STATEMENT OF ALLEGATIONS

- (a) That on 11.08.2015, while misusing his official position, embezzled huge quantity of Charas that were seized during road checking, and reported lesser quantity as well as replaced fine quality charas with inferior quality, in collaboration with the Squad members.
2. For the purpose of inquiry against the said accused with reference to the above allegations, an inquiry officer, is constituted under rule 10(1)(a) of the ibid rules.
- Mr. Hameed Ullah Khan, Deputy Director (Litigation),
Excise, Taxation and Narcotics Control, Khyber Pakhtunkhwa,
Peshawar.
3. The inquiry officer shall, in accordance with the provisions of the ibid rules, provide reasonable opportunity of hearing to the accused, record its findings and make, within thirty days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused.
4. The accused and a well conversant representative of the department shall join the proceedings on the date, time and place fixed by the inquiry officer/inquiry committee.

COMPETENT AUTHORITY

(Signature)

ATTESTED

ATTESTED

ATTESTED

CHARGE SHEET

I, Muhammad Javed Marwat, Director General, Excise, Taxation and Narcotics Control, Khyber Pakhtunkhwa, Peshawar, as competent authority, hereby charge you, Mr. Hidayat, Excise and Taxation Constable as follows:-

2. That you, while posted with Mobile Squad (Bureau-II), Peshawar, in collaboration with the squad members, committed the following irregularities:
 - (a) By misusing your official position, embezzled huge quantity of Charas that were seized during road-checking, and reported lesser quantity as well as replaced fine quality charas with inferior quality.
3. By reason of the above, you appear to be guilty of misconduct and under rule 3 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 have rendered yourself liable to all or any of the penalties specified in rule 4 of the rules ibid.
4. You are, therefore, required to submit your written defense within seven days of the receipt of this Charge Sheet to the inquiry officer.
5. Your written defense, if any, should reach the inquiry officer within the specified period, failing which it shall be presumed that you have no defense to put in and in that case ex-arte action shall be taken against you.
6. Intimate whether you desire to be heard in person.
7. A statement of allegations is enclosed.

COMPETENT AUTHORITY

ATTESTED

ATTESTED

(81) (54) (A)
CHARGE SHEET

1. Muhammad Javed Marwat, Director General, Excise, Taxation and Narcotics Control, Khyber Pakhtunkhwa, Peshawar, as competent authority, hereby charge you, Mr. Sangeen Shah, Excise and Taxation Constable as follows:-

2. That you, while posted with Mobile Squad (Bureau-II), Peshawar, in collaboration with the squad members, committed the following irregularities:
 - (a) By misusing your official position, embezzled huge quantity of Charas that were seized during road checking, and reported lesser quantity as well as replaced fine quality charas with inferior quality.
3. By reason of the above, you appear to be guilty, of misconduct and under rule 3 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 have rendered yourself liable to all or any of the penalties specified in rule 4 of the rules ibid.
4. You are, therefore, required to submit your written defense within seven days of the receipt of this Charge Sheet to the inquiry officer.
5. Your written defense, if any, should reach the inquiry officer within the specified period, failing which it shall be presumed that you have no defense to put in and in that case ex-arte action shall be taken against you.
6. Intimate whether you desire to be heard in person.
7. A statement of allegations is enclosed.

COMPETENT AUTHORITY

ATTESTED

ATTESTED

36

DISCIPLINARY ACTION

I, Muhammad Javed Marwai, Director General, Excise and Taxation, Khyber Pakhtunkhwa, Peshawar, as competent authority, am of the opinion that Mr. Sangeen Shah, Excise & Taxation Constable, of Mobile Squad Bureau-II has rendered himself liable to be proceeded against, as he committed the following acts/omissions, within the meaning of rule 3 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011.

STATEMENT OF ALLEGATIONS

- (a) That on 11.08.2015, while misusing his official position, embezzled huge quantity of Charas that were seized during road checking, and reported lesser quantity as well as replaced fine quality charas with inferior quality, in collaboration with the Squad members.
2. For the purpose of inquiry against the said accused with reference to the above allegations, an inquiry officer, is constituted under rule 10(1)(a) of the ibid rules.

Mr. Hameed Ullah Khan, Deputy Director (Litigation),
Excise, Taxation and Narcotics Control, Khyber Pakhtunkhwa,
Peshawar.
3. The inquiry officer shall, in accordance with the provisions of the ibid rules, provide reasonable opportunity of hearing to the accused, record its findings and make, within thirty days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused.
4. The accused and a well conversant representative of the department shall join the proceedings on the date, time and place fixed by the inquiry officer/inquiry committee.

COMPETENT AUTHORITY

[Handwritten Signature]

ATTESTED

ATTESTED

ATTESTED

78
DISCIPLINARY ACTION

1. Muhammad Javed Marwat, Director General, Excise and Taxation, Khyber Pakhtunkhwa, Peshawar, as competent authority, am of the opinion that Mr. Hidayat, Excise & Taxation Constable, of Mobile Squad Bureau-II has rendered himself liable to be proceeded against, as he committed the following acts/omissions, within the meaning of rule 3 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011.

STATEMENT OF ALLEGATIONS

- (a) That on 11.03.2015, while misusing his official position, embezzled huge quantity of Charas that were seized during road checking, and reported lesser quantity as well as replaced fine quality charas with inferior quality, in collaboration with the Squad members.
2. For the purpose of inquiry against the said accused with reference to the above allegations, an inquiry officer, is constituted under rule 10(1)(a) of the ibid rules.

Mr. Hameed Ullah Khan, Deputy Director (Litigation),
Excise, Taxation and Narcotics Control, Khyber Pakhtunkhwa,
Peshawar.

3. The inquiry officer shall, in accordance with the provisions of the ibid rules, provide reasonable opportunity of hearing to the accused, record its findings and make, within thirty days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused.

4. The accused and a well conversant representative of the department shall join the proceedings on the date, time and place fixed by the inquiry officer/inquiry committee.

COMPETENT AUTHORITY

ATTACHED

ATTACHED

ATTACHED

29
CHARGE SHEET

1. Muhammad Javed Marwat, Director General, Excise, Taxation and Narcotics Control, Khyber Pakhtunkhwa, Peshawar, as competent authority, hereby charge you, Mr. Khanzeb Khan, Excise and Taxation Constable as follows:-

2. That you, while posted with Mobile Squad (Bureau-II), Peshawar, in collaboration with the squad members, committed the following irregularities:

(a) By misusing your official position, embezzled huge quantity of Charas that were seized during road checking, and reported lesser quantity as well as replaced fine quality charas with inferior quality.

3. By reason of the above, you appear to be guilty of misconduct and under rule 3 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 have rendered yourself liable to all or any of the penalties specified in rule 4 of the rules ibid.

4. You are, therefore, required to submit your written defense within seven days of the receipt of this Charge Sheet to the inquiry officer.

5. Your written defense, if any, should reach the inquiry officer within the specified period, failing which it shall be presumed that you have no defense to put in and in that case ex-arte action shall be taken against you.

6. Intimate whether you desire to be heard in person.

7. A statement of allegations is enclosed.

Javed
COMPETENT AUTHORITY

Javed
ATTESTED

Javed
ATTESTED

90
DISCIPLINARY ACTION

I, Muhammad Javed Marwat, Director General, Excise and Taxation, Khyber Pakhtunkhwa, Peshawar as competent authority, am of the opinion that Mr. Khanzeb Khan, Excise & Taxation Constable, of Mobile Squad Bureau-II has rendered himself liable to be proceeded against, as he committed the following acts/omissions, within the meaning of rule 3 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011.

STATEMENT OF ALLEGATIONS

(a) That on 11.08.2015, while misusing his official position, embezzled huge quantity of Charas that were seized during road checking, and reported lesser quantity as well as replaced fine quality charas with inferior quality in collaboration with the Squad members.

2. For the purpose of inquiry against the said accused with reference to the above allegations, an inquiry officer, is constituted under rule 10(1)(a) of the ibid rules.

Mr. Hameed Ullah Khan, Deputy Director (Litigation),
Excise, Taxation and Narcotics Control, Khyber Pakhtunkhwa,
Peshawar.

3. The inquiry officer shall, in accordance with the provisions of the ibid rules, provide reasonable opportunity of hearing to the accused, record its findings and make, within thirty days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused.

4. The accused and a well conversant representative of the department shall join the proceedings on the date, time and place fixed by the inquiry officer/inquiry committee.

COMPETENT AUTHORITY

ATTESTED

ATTESTED

ATTESTED

وکالت نامہ

بعدالت: خیرہ گوٹرا سرسبز سہیل
 نام صکوت
 منجانب امیرانہ دعویٰ ۱۰۸
 تاریخ _____

امیرانہ گوٹرا
 ایک سہیلی
 امیرانہ

باعث تحریر آنکہ مقدمہ مندرجہ بالا عنوان اپنی طرف سے واسطی طور پر درج ذیل جواب دہ
 بمقام _____ کیلئے جاوید اقبال گل بیلہ ایڈووکیٹ ہاشمی کورٹ کوہا میں شرط وکیل
 مقرر کیا ہے۔ کہ میں ہر پیشی کا خود یا بزرگیہ مختار خاص رو برو عدالت حاضر ہوتا ہوں گا۔ اور بوقت پکارے جانے مقدمہ وکیل
 صاحب موصوف کو اطلاع دے کر حاضر عدالت کروں گا، اگر پیشی پر من مظهر حاضر نہ ہوں اور مقدمہ میری غیر حاضری کی وجہ سے
 کسی طور پر میرے برخلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے۔ نیز وکیل صاحب موصوف صدر
 مقام پکھری کی کسی اور جگہ یا پکھری کے مقررہ اوقات سے پہلے یا پیچھے یا بروز تعطیل بیروی کرنے کے ذمہ دار نہ ہوں گے۔ اگر
 مقدمہ علاوہ صدر مقام پکھری کے کسی اور جگہ سماعت ہونے یا بروز تعطیل یا پکھری کے اوقات کے آگے پیچھے پیش ہونے پر
 من مظهر کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا مختار نہ واپس کرنے کے بھی
 صاحب موصوف ذمہ دار نہ ہوں گے۔ مجھے کوکل ساختہ پر داخہ صاحب موصوف مثل کردہ ذات خود منظور و قبول ہوگا۔ اور
 صاحب موصوف کو عرضی دعویٰ و جواب دعویٰ اور درخواست اجراء ذگری و نظر ثانی اپیل و نگرانی ہر قسم کی درخواست پر دستخط و
 تصدیق کرنے کا بھی اختیار ہوگا اور کسی حکم یا ڈگری کے اجراء کرنے اور ہر قسم کے روپیہ وصول کرنے اور رسید دینے اور داخل
 کرنے اور ہر قسم کے بیان دینے اور سپروٹاشی و راضی نامہ فیصلہ برخلاف کرنے اقبال دعویٰ دینے کا بھی اختیار ہوگا۔ اور
 بصورت اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یکطرفہ درخواست حکم امتناعی یا قرتی یا گرفتاری قبل از اجراء ڈگری بھی موصوف
 کو بشرط ادائیگی علیحدہ مختار نہ بیروی کا اختیار ہوگا۔ اور بصورت ضرورت صاحب موصوف کو بھی اختیار ہوگا یا مقدمہ مذکورہ یا
 اس کے کسی جزو کی کاروائی کے واسطے یا بصورت اپیل، اپیل کے واسطے دوسرے وکیل یا بیرسٹر کو بجائے اپنے یا اپنے ہمراہ
 مقرر کریں اور ایسے مشیر قانون کے ہر امر دہی اور ویسے ہی اختیارات حاصل ہوں گے جیسے کے صاحب موصوف کو حاصل
 ہیں۔ اور دوران مقدمہ میں جو کچھ ہر جانہ التواء پڑے گا۔ اور صاحب موصوف کا حق ہوگا۔ اگر وکیل صاحب موصوف کو
 پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہوگا کہ مقدمہ کی پیروی نہ کریں اور ایسی صورت
 میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔ لہذا مختار نامہ لکھ دیا کہ سند رہے۔
 مورخہ _____ مضمون مختار نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔

Sahil Gul
 (ایڈووکیٹ)

Handwritten signature and initials at the bottom of the page.

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

Service Appeal No. 675/2016.

Sahib Jan (Constable)R/o Excise, Taxation and Narcotics Control
Department KPK, Peshawar.

(Appellant)

VERSUS

1. Secretary, Excise, Taxation & Narcotics Control Khyber Pakhtunkhwa.
2. Director General Excise, Taxation and Narcotics Control Department,
Khyber Pakhtunkhwa.
3. Director Excise, Taxation and Narcotics Control Khyber Pakhtunkhwa.
4. Deputy Director Litigation, Excise, Taxation & Narcotics Control Khyber
Pakhtunkhwa

(Respondents)

I N D E X

S.No	Description of documents	Annexure	Pages
01	Para wise Reply		1-3
02	Affidavit		4


THE DEPONENT.

CNIC # 17301-1425914-7

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

Service Appeal No. 675/2016.

Sahib Jan (Constable)R/o Excise, Taxation and Narcotics Control
Department KPK, Peshawar.

(Appellant)

VERSUS

1. Secretary, Excise, Taxation & Narcotics Control Khyber Pakhtunkhwa.
2. Director General Excise, Taxation and Narcotics Control Department,
Khyber Pakhtunkhwa.
3. Director Excise, Taxation and Narcotics Control Khyber Pakhtunkhwa.
4. Deputy Director Litigation, Excise, Taxation & Narcotics Control Khyber
Pakhtunkhwa.

(Respondents)

REPLY ON BEHALF OF RESPONDENTS NO. 1-4

Respectfully Sheweth.

Preliminary objections.

1. The appeal is barred by time.
2. The appeal is not maintainable in its present form.
3. The Departmental appeal has been made in joint, which is violation of
Appeal Rules, 1986.
4. This Honorable Tribunal has no jurisdiction in respect of minor penalties.
5. The appellant was involved in heinous misconduct but a lenient view has
already been taken against him and other staff members.
6. No application for condonation of delay has ever been filed by the
appellant, therefore, the appeal is time barred.

FACT.

1. Para-1, Needs no Comments.
2. Para-2, pertains to record, however, it is added the appellant was charged
for changing contraband item i.e. "Chars" which is mis-conduct on his
part, and liable to be proceeded for under the rules.

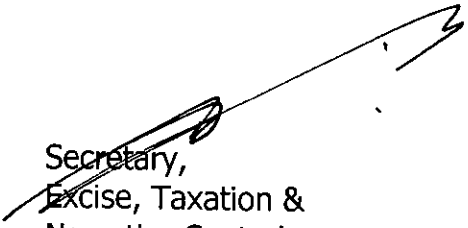
3. Incorrect, and without evidence. The squad responsible intentionally kept the contrabands Narcotics item for ulterior motives and intentionally delayed the report.
4. Incorrect. As explained in Para-3, above: The appellant was suspended by competent authority.
5. Incorrect hence denied. The appellant should have reported timely to the high ups of the Department and should have lodged timely FIR against the culprits, but they showed laxity in criminal case.
6. Incorrect and baseless. The inquiry officer was an impartial person and competent officer. Moreover, the appellant was not having any cogent reason and evidence to show distrust on the inquiry officer.
7. Incorrect. The appellant was awarded penalty in accordance with law by competent authority. Moreover, the posting transfer orders does not amount to penalty as per Efficiency and Disciplinary Rules, 2011.
8. The appeal is in violation to Appeal Rules, 1986 as all the accused officials made joint departmental appeal.
9. Incorrect. The writ petition was dismissed and not disposed off as stated. Moreover, the present appeal is barred by time.
10. The appeal is not maintainable, entertainable and liable to be set aside.

ON GROUNDS.


- A. Incorrect and misconceived. The appellant was penalized with minor penalty whereas the posting order does not amount to punishment under the Law.
- B. Incorrect. There were serious allegations against the appellant. Moreover, the order regarding the nature and place of duty is within the competence of the competent authority. The appellant was given punishment of stoppage of annual increments only. Thus no illegality has been done by respondents.
- C. Misconceived. The allegations were proved against the appellant during the course of inquiry.
- D. Incorrect. The non appearance of the Station House Officer has no relevance with the misconduct committed by the appellant.

- E. Incorrect. As explained in Para-B above.
- F. Incorrect. Hence denied.
- G. Incorrect. The allegation against the appellant stood proven in the inquiry.
- H. Incorrect and Misconceived, hence denied. Detail reply has been given above.
- I. Denied for want of proof as explained in para-6 above.
- J. Incorrect. Detail reply has been given in above Paras. Moreover only one appeal is permissible under the law. The joint appeal is not allowed under Appeal Rules, 1986. Moreover, the present appeal is barred by time.
- K. As replied in above paras-A.
- L. The respondents also seek permission to raise additional grounds at the time of arguments.


It is therefore, most humbly prayed that the appeal in hand may be dismissed with costs being meritless, time barred and not maintainable.




Secretary,
Excise, Taxation &
Narcotics Control
Khyber Pakhtunkhwa.
(Respondent No. 1)



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



Director,
Excise, Taxation &
Narcotics Control
Khyber Pakhtunkhwa
(Respondent No. 3)



Deputy Director Litigation
Excise, Taxation &
Narcotics Control
Khyber Pakhtunkhwa
(Respondent No.4)

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

Service Appeal No. 675/2016.

Sahib Jan (Constable)R/o Excise, Taxation and Narcotics Control
Department KPK, Peshawar.

(Appellant)

VERSUS

1. Secretary, Excise, Taxation & Narcotics Control Khyber Pakhtunkhwa.
2. Director General Excise, Taxation and Narcotics Control Department,
Khyber Pakhtunkhwa.
3. Director Excise, Taxation and Narcotics Control Khyber Pakhtunkhwa.
4. Deputy Director Litigation, Excise, Taxation & Narcotics Control Khyber
Pakhtunkhwa.

(Respondents)

AFFIDAVIT

I, **Jamshed Khan** Deputy Director (Litigation), Excise,
Taxation & Narcotics Control Khyber Pakhtunkhwa Peshawar, do hereby
solemnly affirm and verify on oath that the contents of accompanying
"**Para wise Reply**" are true and correct to the best of my knowledge
and belief, and nothing has been kept concealed or misstated.



THE DEPONENT.

CNIC # *17301-1425914-7*

BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR

In Re S.A#.675/2016

Sahib Jan

VERSUS

Secretary Excise etc

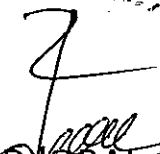
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S#	Description of documents	Page Nos
1	Rejoinder	1-3

Dated:13/02/2017

Appellant

Through


JAVED IQBAL GULBELA,
Advocate High Court
Peshawar

Add: 9-10A Al-Nimrah Centre, Govt College Chowk Peshawar

BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR

In Re S.A#.675/2016

Sahib Jan

VERSUS

Secretary Excise etc

**REJOINDER ON BEHALF OF THE APPELLANT TO THE
COMMENTS FILED BY THE RESPONDENTS**

Respectfully Sheweth,

Reply to preliminary objections

1. Para No-1 is denied
2. Para No-2 of the preliminary objection is incorrect and misleading; hence denied.
3. Para No-3 of The preliminary Objection is misleading and denied The joint appeal is only a technical irregularity & not illegality to vitiate the rights of the appellant or his colleagues.
4. Para No-4 of the preliminary objection is misleading; hence denied.
5. Para No-5 of the preliminary objection is incorrect, fake, concocted & misleading; hence strongly denied. Neither the appellant have committed any offence, nor was ever allowed to the properly defend against the false & frivolous allegations .
6. Incorrect.

← **On Fats:**

1. No comments.
2. Para No-2 of the comments as laid down is wrong and denied, while true picture is detailed out in the main Appeal.
3. Para No-2 of the comments as laid down is wrong and denied, while true picture is detailed at in the main Appeal.
4. Para No-2 of the comments as laid down is wrong and denied, while true picture is detailed at in the main Appeal.
5. Para No-2 of the comments as laid down is wrong and denied, while true picture is detailed at in the main Appeal.
6. Para No-2 of the comments as laid down is wrong and denied, while true picture is detailed at in the main Appeal.
7. Para No-2 of the comments as laid down is wrong and denied, while true picture is detailed at in the main Appeal.

8. Para No-8 of the comments is misleading & denied Joint Appeal is maintainable in the light of 1986 PLC (CS) 637.
9. Para No-9 of the comments is misleading, hence denied.
10. Para NO-10 of the comments is incorrect, wrong and denied.


On Grounds:

- A. To in -> All Paras of the comments from A to K are misleading, incorrect, fake, concocted , fabricated & misleading; hence denied, while that of the main appeal are correct & a true picture is already detailed out in the main appeal.
- L. No comments.

It is therefore, humbly prayed that on acceptance of the instant rejoinder, the appeal of the appellant may very graciously be allowed as prayed for therein.

Appellant

Through


JAVED IQBAL GULBELA,
Advocate High Court
Peshawar

Affidavit;

I, Javed Iqbal Gulbela Advocate for the petitioner do hereby solemnly affirm and declare on oath that all the contents of the instant rejoinder is true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble court.




Deponent