

The appeal of Syed Israr Ali Shah, Inspector Excise Taxation Department received today i.e on 26.10.2023 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

Copy of proper rejection order of departmental appeal dated 28.09.2023 mentioned in the heading of the appeal is not attached with the appeal be placed on it.

No. 3463 /S.T.

Dt. 27/10 /2023.



REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

M. Asif Yousafzai Adv.  
S.C. of Pakistan Peshawar.

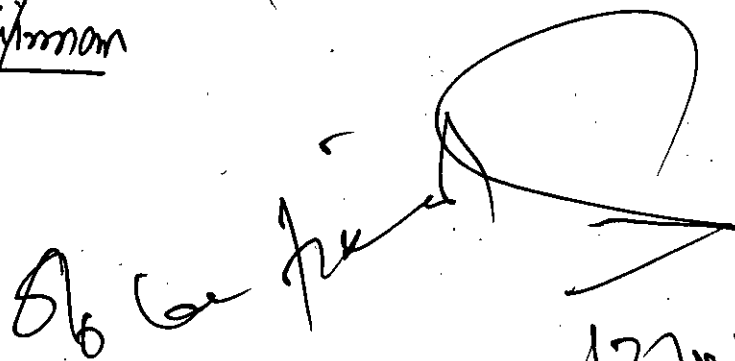
objection is cleared through filling of  
application under rule (b) (Read with proviso  
27),

M. Asif Yousafzai

Sir,

This office objection is standing still. The learned counsel resubmitted without removing objection. ~~but~~ The reply along application under rule (b) read with (Proviso) rule-27 is submitted for an appropriate order, please.

Honible Chairman



13/11/23

M.  
13/11/23

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR.

Appeal No. 2499 /2023

Syed Israr Shah

V/S Exeise deptt etc  
.....

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*Syed Israr Shah*  
APPELLANT  
Syed Israr Shah

THROUGH:

*M. Asif Yousafzai*  
(M. ASIF YOUSAFZAI)  
ADVOCATE SUPREME COURT.

*Syed Noman Ali Bukhari*  
&  
SYED NOMAN ALI BUKHARI  
ADVOCATES, PESHAWAR.

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

Appeal No. 2499 /2023

Syed Israr Shah Inspector (Rtd),  
Excise and Taxation Narcotics Department, Peshawar.

**APPELLANT**

**VERSUS**

1. Secretary to Government of Khyber Pakhtunkhwa, Excise Taxation and Narcotics Control Department.
2. Director General, Excise Taxation and Narcotics Control Department, Peshawar
3. Chief secretary to government of KP Civil Secretariate Peshawar.

**RESPONDENTS**

.....

**APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA, SERVICE TRIBUNALS ACT, 1974 AGAINST THE ORDER DATED 1-11-2021 AND 9-11-2021 AND REJECTION ORDER DATED 28-09-2023 WHEREBY THE PERIOD W.E.FROM 20-08-2020 TO 31-10-2021 IS TREATED AS LEAVE WITHOUT PAY.**

.....

**PRAYER:**

**THAT ON ACCEPTANCE OF THIS APPEAL, THE ORDER DATED 1-11-2021 AND 9-11-2021 MAY PLEASE BE MODIFIED TO THE EXTENT PERIOD W.E.FROM 20-08-2020 TO 31-10-2021 MAY PLEASE BE TREATED AS FULL PAY OR LEAVE WITH KIND DUE WITH ALL BACK AND CONSEQUENTIAL BENEFITS. ANY OTHER REMEDY, WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT, MAY ALSO BE AWARDED IN FAVOUR OF APPELLANT.**

**RESPECTFULLY SHEWETH:**

1. That the appellant joined the Excise and Taxation Department dated 14-04-1986 and performing his duty with the entire satisfaction of his superior and never give any chance of complained to his superior, that appellant have good service record though out.

2. That the appellant was transferred vide order dated 10-03-2020 from the office of (Excise and Taxation officer-II Peshawar) to (Excise and Taxation Officer DI Khan against the vacant post). Copies of transfer order dated 10-03-2020 is attached as Annexure A
3. That an order was passed by the competent authority on dated 20-08-2020, in which they imposed major penalty **COMPULSORY RETIREMENT FROM SERVICE**, the reason given that *(the appellant failed to report for duty as reported by the Excise and Taxation office D.I. Khan)*. Copy of the order dated 20-08-2020, is attached as annexure B.
4. That the appellant feeling aggrieved from the order dated 20-08-2020 filed department appeal against it, in which the appellant gave his explanation in detailed "that when the transfer order was passed the covid pandemic was throughout the country and traveling from one place to other is strictly prohibited by the government and the public transport was also closed for traveling, while further the appellant gave reason that he is above the of fifty years (50). old and government prohibited the traveling of person who has age above fifty years(50).
5. That the department appeal of the appellant was accepted vide order dated 1-11-2021, wherein the authority reduced the major penalty of **compulsory retirement** in to minor penalty of **CENSURE**, while further stated that "*the appellate authority (secretary, ET&NC) has further pleaded that the intervening period of absence from duty in respect of the above name inspector may be treated as Extraordinary Leave (Leave Without pay) under the Revised leave rule 1981*" copy of order dated 1-11-2021 is attached as annexure C.
6. That in pursuance of order dated 1-11-2021 the order was passed on dated 9-11-2021 by the Director General in which the appellant was re-instated into service with immediate effect from 1-11-2021. Copy of order dated 9-11-2021 is attached as annexure D.
7. That the appellant filed appeal against the order *(that the entire period may be kindly be treated as leave with pay)* which was forward by the Director General ET&NC to Secretary to Government of Khyber Pakhtunkhwa Excise, Taxation & Narcotics control department Peshawar for further necessary action through a letter dated 2-01-2022. Copy of letter dated 2-01-2022 is attached as annexure E.
8. That a letter dated 03-02-2022 was send by the section officer on the direction of the Secretary Excise, Taxation and Narcotics department to the Secretary Finance Department for seeking the

advice as to whether the above-named inspector concerned entitled for conversion extra ordinary Leave are available at the credit of the officer concerned. Copy of lettered dated 03-02-2022 is attached as annexure F.

9. That a letter dated 21-02-2022 was send by the Secretary Finance to the Secretary Excise, Taxation and Narcotics and stated "that the subjected case is not covered under the relevant rules" copy of latter dated 21-02-2022, is attached as annexure G.
10. That in response to letter dated 21-02-2022a letter dated 12-02-2023 was send by the section officer to the Director General ET&NCwith request to re-examine the case under prevailing law/rules at your end. Copy of latter dated 15 -02-2023, is attached as annexure H.
11. That the appellant file the reminder before the competent authority for revision of departmental appeal on dated 12 -09 -2023, in response to which departmental appeal was rejected on dated 28-09-2023. Copy of the reminder dated 12-09-2023 is attached as annexure I.
12. That the appellant having no other remedy and constrained to file service appeal to this Honorable Tribunal on the following grounds amongst the others.

**GROUND:**

- A) That the impugned order dated 1-11-2021 and order dated 9-11-2021 are against the law, facts, norms of justice and material on record, therefore, not tenable and liable to be set aside.
- B) That neither the appellant was associated with neither the inquiry proceedings nor Even a chance of cross examination was also not provided to the appellant which is a violation of norms of justice.
- C) That the appellant has not been treated under the proper law despite he was a civil servant of the province, therefore, the impugned order is liable to be set aside on this score alone.
- D) That during the epidemic (Covid) the appellant cannot performed his duties and this fact is clear to authority but despite the appellant was awarded major punishment but on departmental appeal the

same was set-aside which is evident of that the appellant was wrongfully prevented from performing duties, so when the fault lie on the part of the deptt: the appellant is fully entitled to back benefits.

- E) That as per epidemic control relief act 2020, section 26 ( c) "during the period of relief, no employee or worker shall be laid off, terminated or removed from service on account of his absence, furlough non-performance of duties owing to closure of any establishment, shut down or other measures relating to epidemic control". Soother major punishment impose upon the appellant was illegal there for the same was set aside by the appellatte authority ,so the appellant begin entitled to get back benefits of intervening period .
- F) That the appellant duly informed the authority on telephone about his non joining of post in D.I.KHAN while the written application was not submitted by the appellant due to covid, pandemic.
- G) That the appellant duly informed the authority that due to covid pandemic he is not able to join the duty, which is totally fault of the department, and according to the judgment of apex court 2021 SCMR 962, that if there is fault lie on the part of authority then full pay benefits will be given to the appellant .

It is, therefore, most humbly prayed that the appeal of the appellant may be accepted as prayed for.

  
APPELLANT  
Syed Israr shah

THROUGH:

  
(M. ASIF YOUSAFZAI)  
ADVOCATE SUPREMCOURT.

  
SYED NOMAN ALI BUKHARI  
ADVOCATES, PESHAWAR

HILAL ZUBAIR  
ADVOCATE PESHAWAR

**BEFORE THE KP SERVICE TRIBUNAL PESHAWAR**

APPEAL NO. \_\_\_\_\_/2023

Syed Israr Shah V/S Excise deptt.

**CERTIFICATE:**

It is certified that no other service appeal earlier has been filed between the present parties in this Tribunal, except the present one.

DEPONENT

**LIT OF BOOKS:**

1. Constitution of the Islamic Republic of Pakistan, 1973.
2. The ESTA CODE.
3. Any other case law as per need.

  
(SYED NOMAN ALI BUKHARD)  
ADVOCATE HIGH COURT

**BEFORE THE KP SERVICE TRIBUNAL PESHAWAR**

APPEAL NO. \_\_\_\_\_/2023

Syed Israr Shah V/S Excise deptt.

**AFFIDAVIT**

I, Muhammad Adnan Ex-Senior Scale Stenographer  
Establishment & Administration Department Khyber Pakhtunkhwa,  
Peshawar (Appellant) do hereby affirm that the contents of this  
service appeal are true and correct, and nothing has been concealed  
from this honorable Tribunal.

  
DEPONENT

Syed Israr Shah



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR

C.M No. \_\_\_\_\_/2023

In

Appeal No. \_\_\_\_\_/2023

Syed Israr Shah

Vs.

Excise Department etc.

**APPLICATION UNDER RULE-6 (PROVISO)**  
**READ WITH RULE-27 OF THE KHYBER**  
**PAKHTUNKHWA SERVICE TRIBUNAL**  
**RULES, 1974 FOR WAIVING OFF SOME**  
**REQUIRED DOCUMENTS AND ALLOWING**  
**THE APPEAL TO BE ENTERTAINED WITH**  
**DIRECTIONS TO THE RESPONDENTS FOR**  
**PRODUCING THE REQUIRED DOCUMENTS**  
**BEFORE THE WORTHY TRIBUNAL.**

**Respectfully Sheweth:**

1. That the applicant/appellant has filed an appeal alongwith this application in which no date is fixed so far.
2. That some documents i.e. rejection order dated 28.09.2023 are not in custody of applicant/appellant, due to which the applicant is unable to annex the same with the appeal. However, the said record is available with the respondents' department.
3. That due to reasons, mentioned in Para-2 above, the instant application is filed under Rule-6 (Proviso)

read with Rule-27 of the Khyber Pakhtunkhwa Service Tribunal Rules, 1974 and the august Tribunal has the ample power to pass an appropriate order thereupon.

It is, therefore, most humbly prayed that the applicant's appeal may be entertained in absence of record, mentioned in Para-2 above, and the respondents' department may be directed to produce the same before this august Tribunal.

Any other remedy which this august Tribunal deems fit and proper may also be granted.

*[Handwritten Signature]*  
Appellant

Through

*[Handwritten Signature]*  
**M. Asif Yousafzai**  
Advocate Supreme Court

*[Handwritten Signature]*  
**Syed Noman Bukhari**  
Advocate High Court

*[Handwritten Signature]*  
**Hilal Zubair**  
Advocate Peshawar

Dated: 26.10.2023



## DIRECTORATE GENERAL,

EXCISE, TAXATION & NARCOTICS CONTROL KHYBER PAKHTUNKHWA.  
Auqaf Complex, Shami Road, Peshawar, Phone No. 091-9:212260.

### ORDER.

Peshawar, dated 10/03/2020.

No. 10153 /Estb/XXXV-D-412. The following Inspectors Excise & Taxation are hereby transferred / posted in the offices as mentioned against each with immediate effect in the best public interest on administrative grounds.

S#	Name & Designation	From	To
1-	Mr. Shahjehan, Inspector.	Excise & Taxation Officer-II, Peshawar.	Excise & Taxation Office- Tank, against the vacant post
2-	Mr. Israr Ali Shah, Inspector.	Excise & Taxation Officer-II, Peshawar.	Excise & Taxation Officer- D.I.Khan, against the vacant post.

*SUB*  
10.3.2020  
DIRECTOR GENERAL,  
EXCISE, TAXATION & NARCOTICS,  
CONTROL KHYBER PAKHTUNKHWA,  
PESHAWAR.

No. 10154-59 /Estb/XXXV-D-412.

Copy forwarded for information to:-

- 1- Director (Admn) Excise & Taxation Khyber Pakhtunkhwa, Peshawar.
- 2- Directors Excise & Taxation concerned.
- 3- Excise & Taxation Officers concerned.
- 4- District Accounts Officers concerned.
- 5- Officials concerned.
- 6- P:File of officials concerned.

*SUB*  
10.3.2020  
DIRECTOR GENERAL,  
EXCISE, TAXATION & NARCOTICS,  
CONTROL KHYBER PAKHTUNKHWA,  
PESHAWAR.



B 8/1

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

Aujal Complex, Shamal Road, Peshawar Phone: 091-9212260

**ORDER**

Dated Peshawar the 20/08/2020

*File Peshawar  
20/08/2020*

No. 1851 /Estb/XXXV-D-412. Mr. Israr Ali Shah, Excise and Taxation Inspector Excise and Taxation Office-II, Peshawar was transferred to Excise and Taxation Office, Dera Ismail Khan vide this Office Order No. 10153/Estb/XXXV-D-412, dated. 10.03.2020. However, he failed to report for duty as reported by the Excise and Taxation Officer, D.I.Khan vide his letter No. 1204, dated. 30.04.2020. In this connection an inquiry was ordered vide Order No. 11737/Estb/Complaint-2019, dated.18.05.2020, wherein the Director Excise and Taxation D.I.Khan Region was nominated as Inquiry Officer. The Inquiry Officer vide his report No. 243/Dir-DI Khan Region, dated. 10.06.2020 established that even after the lapse of almost 4 months the official has not reported for duty which is a willful non-compliance of the transfer order.

Resultantly, a show cause notice was issued vide this Office No. 139/P.File, dated. 03.07.2020 tentatively deciding to impose upon him the major penalty of "Compulsory retirement from service" to which he replied on 29.07.2020, however, his reply was not found satisfactory. Despite that an opportunity of personal hearing was also given vide letter No. 1518/Estb/P.File, dated. 12.08.2020, but again he offered nothing in his defense.

In view of the above, the undersigned as Competent Authority, in exercise of powers conferred under Rule 4(1)(b)(ii) of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 impose major penalty of "Compulsory retirement from service" upon Mr. Israr Ali Shah, Excise & Taxation Inspector, with immediate effect in the best public interest.

*awc*  
**DIRECTOR GENERAL,**  
EXCISE, TAXATION & NARCOTICS CONTROL,  
KHYBER PAKHTUNKHWA, PESHAWAR.  
*August 20, 2020*

No. 1852-90 /Estb/ XXXV-D-412.

Copy forwarded for information to:

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Director Admn, Excise, Taxation & Narcotics Control, Peshawar.
3. All Regional Directors, Excise, Taxation & Narcotics Control, Khyber Pakhtunkhwa.
4. All District Excise & Taxation Officers, Khyber Pakhtunkhwa.
5. PS to Secretary to Government of Khyber Pakhtunkhwa, Excise, Taxation and Narcotics Control Department, Peshawar.
6. Official concerned.
7. P.File of official concerned.

*awc*  
**DIRECTOR GENERAL,**  
EXCISE, TAXATION & NARCOTICS CONTROL,  
KHYBER PAKHTUNKHWA, PESHAWAR  
*August 20, 2020*



9

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

Dated Peshawar, the 1st: November, 2021

**ORDER**

No. SO(Estab/ET&NC/1-67/2020:- In pursuance of the personal hearing on 05.10.2021 at 11.00 A.M.. The Appellate Authority (Secretary, ET&NC) under Rule-17 (2) (c) of the Khyber Pakhtunkhwa Government Servants(Efficiency & Discipline ) Rules,2011, has been pleased to reduce the major penalty of Compulsory retirement from service into minor penalty "**Censure**" in respect of Mr. Israr Ali Shah, Inspector Excise, Taxation & Narcotics Control Department Peshawar with immediate effect and also condoned the delay in preferring the appeal in light of the of Khyber Pakhtunkhwa Civil Servants (Appeal) Rules, 1986, Sub Rule-3.

The Appellate Authority (Secretary, ET&NC) has further pleased that the intervening period of absence from duty in respect of the above named Inspector may be treated as Extraordinary Leave (Leave without pay) under the Revised leave rules, 1981.

Director (Admn)	Director (Peshawar)
Director (Taxation)	Director (Peshawar)
Director (Narcotics)	Director (Registration)
Director (Excise)	By Dir (AS&A)
Director (Finance)	Inspector (Ward)
Director (IT)	Superintendent-I
Director (Genl. Inv.)	Superintendent-II
Director (Genl. Inv.)	Superintendent-III
Director (Genl. Inv.)	Superintendent-IV
Director (Genl. Inv.)	Superintendent-V
Director (Genl. Inv.)	Superintendent-VI
Director (Genl. Inv.)	Superintendent-VII
Director (Genl. Inv.)	Superintendent-VIII
Director (Genl. Inv.)	Superintendent-IX
Director (Genl. Inv.)	Superintendent-X
Director (Genl. Inv.)	Superintendent-XI
Director (Genl. Inv.)	Superintendent-XII
Director (Genl. Inv.)	Superintendent-XIII
Director (Genl. Inv.)	Superintendent-XIV
Director (Genl. Inv.)	Superintendent-XV
Director (Genl. Inv.)	Superintendent-XVI
Director (Genl. Inv.)	Superintendent-XVII
Director (Genl. Inv.)	Superintendent-XVIII
Director (Genl. Inv.)	Superintendent-XIX
Director (Genl. Inv.)	Superintendent-XX

sd/-  
Secretary to Government of  
Khyber Pakhtunkhwa, Excise,  
Taxation & Narcotics Control  
Department  
(Appellate Authority)

Dated 01.11.2021

No. SO(Estab/ET&NC/1-67/2020 / 6531-35

Copy of the above is forwarded for information to the:-

- 1) Director General Excise, Taxation & Narcotics Control, Khyber Pakhtunkhwa, Peshawar
- 2) Accountant General, Khyber Pakhtunkhwa, Peshawar
- 3) District Accounts Officer concerned.
- 4) PS to Secretary to Government of Khyber Pakhtunkhwa, Excise, Taxation & Narcotics Control Department
- 5) Official Concerned

(BARKAT KHAN),  
Section Officer (Admn)  
Excise, Taxation & Narcotics  
Control Department



**DIRECTORATE GENERAL,**  
**EXCISE, TAXATION & NARCOTICS CONTROL,**  
**KHYBER PAKHTUNKHWA, PESHAWAR.**  
Auqaf Complex, Shami Road, Peshawar Phone. 091-9212260

D  
10

**ORDER**

Dated Peshawar the 9/11/2021

No. 43571 Estb/ XXXV-D-412 Consequent upon the order issued by the Competent Authority (Secretary to govt of Khyber Pakhtunkhwa Excise, Taxation & Narcotics Control vide bearing Endst No.SO(Estab/ET&NC/1-67/2020/6531-35 dated, 01-11-2021 Syed Israr Ali Shah Excise & Taxation Inspector (BPS-16) is hereby re-instated in service with immediate effect from 01-11-2021 (FN) and posted in the District Excise and Taxation office-IV, Peshawar against the vacant post.

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

4358064  
No. /Estb/ XXXV-D-412

Copy forwarded for information and further necessary action to:

1. Accountant General, Khyber Pakhtunkhwa Peshawar.
2. Director (Admn) Excise, Taxation & Narcotics Control Khyber Pakhtunkhwa
3. PS to Secretary, Excise, and Taxation & Narcotics Control Khyber Pakhtunkhwa with reference to his letter cited above.
4. Excise & Taxation Officer-II and IV, Peshawar.
5. Syed Israr Ali Shah, Excise & Taxation Inspector.
6. P.File officer concerned.
7. Office copy.

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

To

E.

(11)

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

SUBJECT: APPEAL REGARDING RELAXATION IN PENALTY.

R/Sir,

It is most humbly submitted that on appeal against the decision of Director General, Excise, Taxation & Narcotics Control, Khyber Pakhtunkhwa, Peshawar, who imposed major penalty of compulsory retirement from service, the appellate Authority (Secretary ET&NC) reduced the major penalty into minor penalty "Censure". However my entire period of the absent from duty is treated as extraordinary leave (Leave without pay).

on the light of my personal hearing and facts, It is requested that, my appeal may be consider, my penalty may be more reduce and the entire period may kindly be treated as leave with pay please.

I will pray for you though my life. Thanking you with anticipation.

Your Obedient Servant,

*Israr*  
Syed Israr Ali Shah  
Inspector

w.e.f - \_\_\_\_\_ to \_\_\_\_\_ (- days)  
may be considered on full pay ~~at half~~  
as sufficient leave are available at  
my credit. *Exp*



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

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

12

No. 7478 /Estb/

Dated Peshawar the

12/01/2022

To

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

**Subject: APPEAL REGARDING RELAXATION IN PENALTY.**

Enclosed find herewith a copy of letter received from Excise & Taxation Officer-IV Peshawar No 131 dated 05-01-2022 alongwith application submitted by the Syed Israr Ali Shah Excise & Taxation Inspector (BPS-16) on the subject cited above.

The Appellate Authority (Secretary ET&NC) reduced the major penalty into minor penalty "Censure" that the entire period of the absent from duty was treated as Extraordinary leave (Leave without pay) vide order No SO(Estab)/ET&NC/1-67/2020/6531-35 Dated 01-11-2021 (photocopy attached) in respect of Syed Israr Ali Shah Inspector (BPS-16) and then re-instated in service with immediate effect i.e 01-11-2021 (FN) by this Directorate General, Excise, Taxation & Narcotics Control vide Oder No 43571/Estb/XXXV-D-412 Dated 09-11-2021 (Photocopy attached). Now, the officer concerned is requesting that entire absent period w.e.f 20<sup>th</sup> August 2020 to 31<sup>st</sup> October 2021 may be considered as leave on full pay.

In view of the above, request of the officer Syed Israr Ali Shah Excise & Taxation Inspector (BPS-16) is send herewith for kind perusal and further necessary action, please.

*[Signature]*  
DIRECTOR GENERAL,  
EXCISE, TAXATION & NARCOTICS CONTROL,  
KHYBER PAKHTUNKHWA, PESHAWAR.  
11/1/22

No

7419-22  
/Estb/

Copy forwarded for information to:

1. Director, (Admn) Excise, Taxation & Narcotics Control, Khyber Pakhtunkhwa.
2. Excise & Taxation Officer-IV Peshawar with reference to his letter cited above.
3. Officers Concerned.
4. P file.

*[Signature]*  
DIRECTOR GENERAL,  
EXCISE, TAXATION & NARCOTICS CONTROL,  
KHYBER PAKHTUNKHWA, PESHAWAR.  
11/1/22





GOVERNMENT OF KHYBER PAKHTUNKHWA  
EXCISE, TAXATION AND NARCOTICS CONTROL DEPARTMENT

No. SO(Admn)E&T/1-67/2020/10.36-38  
Dated Peshawar, the February 03, 2022

To

The Secretary to Government of Khyber Pakhtunkhwa,  
Finance Department, Peshawar

Subject:- **APPEAL REGARDING RELAXATION IN PENALTY/ CONVERSION OF  
EXTRA ORDINARY LEAVE INTO LEAVE WITH FULL PAY.**

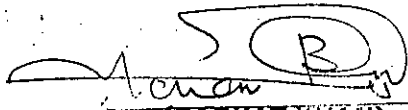
Dear Sir,

I am directed to refer to the subject noted above and to enclose herewith a copy of letter No. 7418/Estab dated 12.01.2022 received from the Director General ET&NC wherein he stated that the Appellate Authority (Secretary ET&NCD) reduced the major penalty into minor penalty "Censure" and the entire period of the absent from duty was treated as Extra ordinary leave (Leave without pay) vide order No. SO(Estab)/ET&NC/1-67/2020/6531-35 dated 01-11-2021 (photocopy attached) in respect of Syed Israr Ali Shah Inspector (BPS-16) and then re-instated in service with immediate effect i.e. 01.11.2021 (FN) by the Directorate General, Excise, Taxation & Narcotics Control vide order No. 43571/Estb/XXXV-D-412 dated 09.11.2021 (Photocopy attached). Now, the officer concerned is requested that entire absent period w.e.f. 20<sup>th</sup> August 2020 to 31<sup>st</sup> October 2021 may be considered as leave on full pay.

2. In view of the above, this department is seeking advice as to whether the above-named Inspector concerned entitled for conversion Extra Ordinary Leave into leave with full pay as sufficient leave are available at the credit of the officer concerned.

An early advice is requested please.

Yours faithfully,


  
(BARKAT KHAN)  
SECTION OFFICER (ADMN)

**Encl: As Above.**

**Endst: No. & Date Even.**

Copy is forwarded for information to the: -

1. P.S to Secretary Excise, Taxation & Narcotics Control Department, Khyber Pakhtunkhwa, Peshawar.
2. P.S to Additional Secretary Excise, Taxation & Narcotics Control Department, Khyber Pakhtunkhwa, Peshawar.
3. Master file.

  
SECTION OFFICER (ADMN)



GOVERNMENT OF KHYBER PAKHTUNKHWA  
FINANCE DEPARTMENT  
(REGULATION WING)

14

NO. SOSR-IV/FD/2-15/2021-22/Excise Deptt  
Dated Peshawar the 21-02-2022

To

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

Subject: - APPEAL REGARDING RELAXATION IN PENALTY/CONVERSION OF  
EOL INTO LEAVE WITH FULL PAY.

Dear Sir,

I am directed to refer to your department's letter No. SO(Admn)E&T/1-67/2020/1036-38 dated 03-02-2022 on the subject noted above and to state that the subject case is not covered under the relevant rules, please.

Yours faithfully,

(MAQSOOD KHAN)  
SECTION OFFICER (SR-IV)

Encls: No. & date even

Copy forwarded to the:-

1. PA to Additional Secretary (Regulation) Finance Department.
2. PA to Deputy Secretary (Regulation) Finance Department.
3. Master File.

SECTION OFFICER (SR-IV)

22/2/22

354

22-2-2022

Section Officer Deptt:

DSC(A)

23/02

23/2/2022

SO(A)



GOVERNMENT OF KHYBER PAKHTUNKHWA  
EXCISE, TAXATION AND NARCOTICS CONTROL DEPARTMENT

No. SO(Admn)E&T/1-67/2020  
Dated Peshawar, the February 15, 2023

15

To

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

Subject:- **APPEAL IN RESPECT OF SYED ISRAR ALI SHAH EX-INSPECTOR.**

Dear Sir,

I am directed to refer to your letter No. 5571/Estb: dated 12.01.2023 on the subject noted above and to enclose herewith a copy of Finance Department letter No. SOSR-IV/FD/2-15/2021-22/Excise Deptt dated 21.02.2022, which is self-explanatory, with the request to re-examine the subject case under prevailing law/ rules at your end, please.

*re-examine*

Yours faithfully,

*(Signature)*  
(MUNIR KHAN)  
SECTION OFFICER (ADMN)

Encl: As Above.

Endst: No. & Date Even.

Copy is forwarded for information to the: -

1. P.S to Secretary Excise, Taxation & Narcotics Control Department, Khyber Pakhtunkhwa, Peshawar.
2. P.S to Additional Secretary Excise, Taxation & Narcotics Control Department, Khyber Pakhtunkhwa, Peshawar.
3. Master file.

*(Signature)*  
SECTION OFFICER (ADMN)

*Section*  
*Section*  
*Section*

4325-P  
27-09-2023

I  
(16)

To

The Chief Secretary,  
Khyber Pakhtunkhwa, Peshawar.

Secy Excise  
J  
12/9

SUBJECT:- **Appeal for consideration**  
Respected sir,

With due veneration it is submitted that I was appointed as Junior clerk on 01.08.1986 in Excise Department and retired on 14.04.2022 as Inspector (BS-16) on the age of superannuation. I had not applied for any kind of leave nor availed any kind of leave in the entire 33 years and 8 months service.

2. It is humbly submission that my 12 months intervening period w.e.f. 20.08.2020 to 31.10.2021 may be considered as leave with pay as hugh leave are credit / available on my leave accounts.

3. Therefore, my application forwarded to the Director General, Excise, Taxation & Narcotics Control Department for consideration on humanitarian ground, being my appointing authority please.

I shall pray for your long life and prosperity.

Yours sincerely,

  
Syed Israr Shah

Inspector(Rtd:) Excise Deptt:

Dated 12.9.2023: ✓

Domination

VAKALAT NAMA

17

NO. \_\_\_\_\_/2023

IN THE COURT OF KP Justice Faizurrahman Peshawar

Syed Israr Shah

(Appellant)  
(Petitioner)  
(Plaintiff)

VERSUS

Excise Depto

(Respondent)  
(Defendant)

I Syed Israr Shah (Appellant), Do hereby appoint and constitute **M. Asif Yousafzai, Advocate Supreme Court of Pakistan & Syed Noman Ali Bukhari, Advocate High Court** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate/Counsel on my/our costs.

I/We authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter. The Advocate/Counsel is also at liberty to leave my/our case at any stage of the proceedings, if his any fee left unpaid or is outstanding against me/us.

**AND** to all acts legally necessary to manage and conduct the said case in all respects, whether herein specified or not, as may be proper and expedient.

**AND** I/we hereby agree to ratify and confirm all lawful acts done on my/our behalf under or by virtue of this power or of the usual practice in such matter.

**PROVIDED** always, that I/we undertake at time of calling of the case by the Court/my authorized agent shall inform the Advocate and make him appear in Court, if the case may be dismissed in default, if it be proceeded ex-parte the said counsel shall not be held responsible for the same. All costs awarded in favour shall be the right of the counsel or his nominee, and if awarded against shall be payable by me/us.

Dated \_\_\_/\_\_\_/2023

Syed Israr Shah  
(CLIENT)

ACCEPTED

M. Asif Yousafzai  
(M. ASIF YOUSAFZAI)

ADVOCATE SUPREME COURT,  
OF PAKISTAN.

S. Noman Ali Bukhari  
(S. NOMAN ALI BUKHARI)  
ADVOCATE HIGH COURT,

**OFFICE:**

Room # FR-8, 4<sup>th</sup> Floor,  
Bilour Plaza, Peshawar,  
Cantt: Peshawar  
Cell No. 0302-5548451  
0333-9103240  
0306-5109438

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

C.M No. \_\_\_\_\_ 2023

IN

**SERVICE APPEAL No. \_\_\_\_\_ /2023**

RECEIVED  
CUST  
PESHAWAR

Syed Israr Shah

V/S

Govt: of KP and others.

**APPLICATION UNDER RULE-6 (PROVISO) READ  
WITH RULE-27 OF THE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL RULES, 1974 FOR WAIVING  
OFF SOME REQUIRED DOCUMENTS AND  
ALLOWING THE APPEAL TO BE ENTERTAINED  
WITH DIRECTIONS TO THE RESPONDENTS FOR  
PRODUCING THE REQUIRED DOCUMENTS  
BEFORE THE WORTHY TRIBUNAL.**

**RESPECTFULLY SHEWETH:**

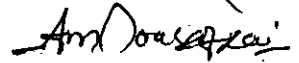
1. That the applicant/appellant has filed an appeal alongwith this application in which no date is fixed so far.
2. That some documents i.e Rejection order dated 28.09.2023 are not in custody of applicant/appellant, due to which the applicant is unable to annex the same with the appeal. However, the said record is available with the respondents' Department.
3. That due to reasons, mentioned in Para-2 above, the instant application is filed under Rule-6 (proviso) read with Rule-27 of the Khyber Pakhtunkhwa Service Tribunal, 1974 and the august Tribunal has the ample power to pass an appropriate order thereupon.

It is, therefore, most humbly prayed that the application of the applicant/appellant may be entertained in absence of record, mentioned in Para-2 above, and the respondents' Department may be directed to produce the same before this august Tribunal.

PETITIONER

  
Syed Israr Shah

THROUGH:



(M. ASIF YOUSAFZAI)  
ADVOCATE SUPREME COURT  
OF PAKISTAN

  
(S. NOMAN ALI BUKHARI)  
ADVOCATE HIGH COURT

  
(HILAL ZUBAIR)  
ADVOCATE PESHAWAR.

**AFFIDAVIT**

I, Syed Israr Shah (Appellant), do hereby solemnly affirm and declare that the contents of the Application are true and correct to the best of my knowledge and belief.

  
**DEPONENT:**

(*Syed Israr Shah*)