

E.P. No. 242/2016
Pervez Akhtar vs Govt

the petitioner can assail that order before this Tribunal, subject to all just exceptions. The present execution petition is filed as duly executed. File be consigned to the record room.

Chairman
Camp Court A/Abad

ANNOUNCED

21.07.2017

E.P. No. 242/2016
Pervez Akhtar vs Govt

Waheed Khan who is junior to the petitioner is appointed on acting charge basis.

After hearing arguments of learned counsel for the parties and perusing the record, this Tribunal has reached the conclusion that by promoting the petitioner as Senior Scale Stenographer and making him senior to Mr. Waheed Khan, the spirit of the judgment of this Tribunal has been fulfilled. The prayer in the appeal was that the appellant be promoted from the date of deferment. But the final order of this Tribunal has never directed the department to promote the appellant from the date of deferment but had ordered the department to consider the appellant for promotion to the post of Senior Scale Stenographer at the first instance and there-after the post of Superintendent to be filled. It means that at the time of considering the appellant for promotion the department could have even not promoted him on other grounds. However, the learned counsel for the appellant is of the view that according to judgment of the august Supreme Court of Pakistan reported as 2011-SCMR-389 if a civil servant is deferred for no fault on his behalf then he should be promoted ante-date when his juniors were promoted. But this Tribunal is not inclined to agree with the learned counsel for the appellant because this is not the proper stage to decide that whether the appellant should be promoted ante-dated or not. Firstly because at present this petition is for the implementation of the judgment of this Tribunal which has never said that the petitioner be given ante-dated promotion. Secondly this very judgment of the august Supreme Court of Pakistan has not made it mandatory for the department to give promotion ante-dated because the wordings used in the judgment are discretionary and not mandatory.

Nevertheless this Tribunal as observed above is of the view that the spirit of the judgment of this Tribunal has been implemented and if the petitioner considers that in accordance with law and judgment of the of august Supreme Court of Pakistan he should have been given ante-dated promotion, then he is at liberty to avail departmental remedy first against the order dated 16.05.2017 and if the department failed to honor his demand, then

EP 242/16

25.05.2017

Since tour programme to camp court, Abbottabad for the month of May, 2017 has been cancelled by the Worthy Chairman, therefore, case to come up for the same on 21.07.2017 at camp court, Abbottabad. Notices be issued to the parties for the date fixed accordingly


Registrar

21.07.2017

- Petitioner alongwith counsel and Syed Hamad Ali Shah, Advocate/counsel for the respondents present. Implementation report submitted by the learned counsel for the respondents.

The learned counsel for the petitioner objected to the implementation report on the ground that though the petitioner was promoted vide order dated 16.05.2017 but his promotion is not from the date when he was deferred rather it was with immediate effect. Therefore the order dated 16.05.2017 does not fulfill the spirit of the judgment dated 19.01.2016 of this Tribunal because the promotion of the petitioner should have been from the date of deferment and not with immediate effect. He submitted that the department should have given the petitioner seniority from the date of deferment and should have promoted the petitioner to the post of Superintendent from back date.

On the other hand the learned counsel for the respondents submitted that this Tribunal cannot go beyond its own order/judgment and the spirit of judgment of this Tribunal was that the petitioner should be considered for promotion as Senior Scale Stenographer and that the post of Superintendent should be filled in thereafter keeping in view the mandate of law including seniority and in the prescribed manners. The learned counsel for the respondents further submitted that there is nothing in the order of this Tribunal for promotion of the petitioner from the date of deferment. He also submitted that the post of Superintendent has not been filled on regular basis and at present one person namely


Execution Petition No. 242/2016
Pervez Akhtar vs Govt

16.03.2017

Counsel for the appellant and Mr. Shahid Inspector alongwith Mr. Muhammad Siddique Sr.GP for the respondents present. Wakalatnama placed on file.




Representative of the respondents submitted minutes of Departmental Promotion Committee Meeting dated 09.02.2017 on the basis thereof order dated 28.02.2017 has also passed wherein petitioner has been appointed as Senior Scale Stenographer (BPS-16) on acting charge basis while one Muhammad Ismail, Junior Scale Stenographer has been promoted as Senior Scale Stenographer on regular basis. The afore-stated outcome is prima-facie destructive to the spirit of the judgment of this Tribunal. It is manifest from the minutes of the meeting followed by the said order that the participants of the DPC has purposely ignored directions passed in judgment of this Tribunal dated 19.01.2016 with an object to extend favour to others and, at the same time, to defeat directions issued by this Tribunal.

In view of the above orders passed by the respondents regarding promotion of the said officer vide order dated 28.02.2016 are suspended. The respondents No. 1 & 2 as well as participants of the DPC shall explain their position within 7 days of receipt of this order as to why they shall not be proceeded against for professional misconduct as well as for violating the judgment of this Tribunal. To come up for further proceedings on 18.05.2017 at camp court, Abbottabad.


Chairman
Camp court, A/Abad

FORM OF ORDER SHEET

Execution Petition No. 242/2016

S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	16.12.2016	<p>The Execution Petition of Mr. Pervaz Akhtar submitted to-day by Mr. Muhammad Asif Yousafzai Advocate may be entered in the relevant Register and put up to the Court for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2	27-12-2016	<p>This Execution Petition be put up before S. Bench on <u>11-01-2017</u></p> <p style="text-align: right;"> CHAIRMAN</p>
	11.01.2017	<p>Petitioner with counsel present. Notice to respondents be issued for 16.03.2017 before S.B at Camp Court Abbottabad.</p> <p style="text-align: right;"> Chairman</p>

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

Execution Petition No. 242 /2016
In Service Appeal No.1207/2015

**Khyber Pakhtukhwa
Service Tribunal**

Diary No. 1189

Dated 16-12-16

Parvez Akhtar, Junior Scale Stenographer,
Excise & Taxation Office, Haripur.

PETITIONER

VERSUS

1. Secretary to Govt: of KPK, Excise & taxation department.
2. Director General, Excise & Taxation department, KPK, Peshawar.
3. The Director Admn: Excise & Taxation department, KPK, Peshawar.
4. Waheed Khan, Stenographer/Acting Superintendent, office of Director General, Excise & Taxation department, KPK, Peshawar.

RESPONDENTS

.....

**EXECUTION PETITION FOR DIRECTING THE
RESPONDENTS TO IMPLEMENT THE JUDGMENT
DATED 19.01.2016 OF THIS HONOURABLE
TRIBUNAL IN LETTER AND SPIRIT.**

.....

RESPECTFULLY SHEWETH:

1. That the petitioner has filed an appeal bearing No.1207/2015 against the impugned order dated 11.9.2015, whereby his departmental appeal was rejected and with the prayer that the petitioner may be promoted to the post of Senior Scale Stenographer w.e.f 20.03.2012 and there-after, the post of Superintendent.
2. That the said appeal was heard by this Honourable Tribunal on dated 19.01.2016 and the august Tribunal was kind enough to accept the appeal and set aside the impugned final order of the appellate authority and direct that the case of the appellant be considered for promotion to the post of Senior Scale Stenographer

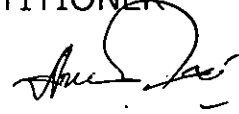
at the first instance and there-after, the post of Superintendent be filled in keeping in view the mandates and spirit of law including seniority list updated there-after in the prescribed manners. (Copy of judgment dated 19.01.2016 is attached as Annexure-A)

3. That the private respondent No.4 (Waheed Khan) filed Civil Petition No.48/2016 in the august Supreme Court of Pakistan against the judgment dated 19.01.2016, which was also dismissed on dated 27.09.2016. (Copy of Supreme Court judgment dated 27.09.2016 is attached as Annexure-B)
4. That the petitioner filed applications to the Secretary Excise, Taxation & Narcotics Control, KPK, Peshawar and Director General Excise, Taxation & Narcotics Control, KPK, Peshawar on dated ^{25.1.2016} & 18.11.2016 for implementation of judgment 19.01.2016 but they also did not take any action on these applications. (Copies of applications are attached as Annexure-C&D&E)
5. That in-action and not fulfilling formal requirements by the respondents after passing the judgment of this august Tribunal, is totally illegal amount to disobedience and Contempt of Court.
6. That the petitioner has having no other remedy to file this execution petition.

It is, therefore, most humbly prayed that the respondents may be directed to implement the judgment dated 19.01.2016 of this august Tribunal in letter and spirit. Any other remedy, which this august Tribunal deems fit and appropriate that, may also be awarded in favour of petitioner.

PETITIONER

THROUGH:


M.ASIF YOUSAFZAI
(ADVOCATE SUPREME COURT),


TAIMUR ALI KHAN
(ADVOCATE HIGH COURT),

&

S. NOMAN ALI BUKHRI
ADVOCATE PESHAWAR.

AFFIDAVIT:

It is affirmed and declared that the contents of the execution petition are true and correct to the best of my knowledge and belief.

ATTESTED



Ru
DEPONENT

A

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR
CAMP COURT ABBOTTABAD

SERVICE APPEAL NO. 1207/2015

Date of institution ... 27.10.2015
 Date of judgment 19.01.2016



Pervez Akhtar, Junior Scale Stenographer, Excise & Taxation Office,
 Haripur. ..(Appellant)

VERSUS

1. Secretary to Govt. of Khyber Pakhtunkhwa, Excise & Taxation Department,
 Peshawar.
2. Director General, Excise & Taxation Department, KPK, Peshawar.
3. The Director Admn: Excise & Taxation Department, KPK, Peshawar.
4. Waheed Khan, Stenographer/Acting Superintendent, office of Director General
 Excise and Taxation Department, Peshawar. .. (Respondents)

Mr: Muhammad Asif Yousafzai,
 Advocate.

For appellant

Mr. Muhammad Saddique,
 Senior Govt: Pleader
 alongwith Legal Advisor

For official Respondents
 No.1 to 3

Sophia Noureen
 Advocate.

For private respondent
 No. 4.

Mr. Muhammad Azim Khan Afridi,
 Mr. Abdul Latif Khan,

Chairman
 Member

JUDGMENT

MUHAMMAD AZIM KHAN AFRIDI, CHAIRMAN:

Pervez Akhtar,

Junior Scale Stenographer, Excise and Taxation office Haripur, hereinafter referred to as the appellant, has preferred the instant appeal against the Secretary to Government of Khyber Pakhtunkhwa, Excise and Taxation Department and others including private respondent No.4, Waheed Khan, under section 4 of the Khyber Pakhtunkhwa Service Tribunal, Act, 1974 against the order of respondent No.1 dated 11.9.2015 communicated to appellant on 28.9.2015, whereby his appeal dated 8.7.2015 against him senior to private respondent No.4 was rejected.

ATTESTED

Signature of Mr. Muhammad Azim Khan Afridi
 Chairman
 Khyber Pakhtunkhwa
 Service Tribunal,
 Peshawar

Office
2015
Health

2. Brief facts giving rise to the present appeal are that the appellant was appointed as Junior Scale Stenographer (BPS-12) in Excise and Taxation Department of KPK vide order dated 23.12.1989. That a joint seniority list of Junior Scale Stenographers of Excise and Taxation Department of Khyber Pakhtunkhwa was issued by respondent No.2, the Director General, Excise and Taxation Department, Khyber Pakhtunkhwa, Peshawar, wherein appellant was shown at S.No.2 while private respondent No.4 was shown at S.No.6 of the said list. That a meeting of Departmental Promotion Committee was held on 20.3.2012 wherein promotion of Junior Scale Stenographers against two posts of Senior Scale Stenographers (BPS-16) were considered. That the promotion of the appellant was deferred on account of a criminal case against him in the Court of Learned Anti-Corruption Judge and private respondent No.4 was promoted as Senior Scale Stenographer. That a post of Senior Scale Stenographer was reserved for the promotion of the appellant. That after the acquittal of appellant, the appellant applied for promotion but of no avail and vide letter dated 6.5.2015 promotion case of private respondent No.4 to the post of Superintendent was taken up. That aggrieved of the said decision, the appellant preferred departmental appeal which was rejected vide order dated 11.9.2015 and hence the instant service appeal.

3. Learned counsel for the appellant has argued that as per final seniority list of Junior Scale Stenographers (BPS-12) dated 31.12.2011 the name of the appellant was enlisted at S.No.2 while the name of private respondent No.4 was enlisted at S.No.6. That the appellant has joined the service on 23.12.1989 while private respondent No.4 has joined the service on 12.4.1999. That on the strength of meeting of DPC dated 20.3.2012 appellant was deferred due to his involvement in an anti-corruption case and one regular post was reserved for him under Rule-V (a) (ii). That one Muhammad Ismail enlisted as Junior Scale Stenographer at S.No. 1 has foregone his promotion and, similarly, Mr.Faqir Khan, Mr. Ali Gohar and Mr.Fida Muhammad enlisted at S.No. 3 to 5, had also foregone their promotion and, therefore, private respondent No.4 Mr.Waheed Khan was promoted as Senior Scale Stenographer (BPS-15). That the department was obliged to promote the appellant after his acquittal from the criminal case vide

ATTESTED

Khyber Pakhtunkhwa
 High Court
 Peshawar

order dated 19.2.2013 but to extend undue favour to private respondent No.4 and to usurp the rights of the appellant working paper for promotion to the post of Superintendent was prepared and the said respondent was shown sole candidate in the seniority list dated 31.8.2014 constraining the appellant to prefer departmental appeal to respondent No.1 which was rejected vide order dated 11.9.2015.

4. Legal Advisor, Learned Senior Govt. Pleader for official respondents No.1 to 3 and learned counsel for private respondent No.4 have argued that the appeal was not entertain-able as no final order was passed. That the appellant is not entitled to claim seniority or eligibility to the post of Superintendent unless and until he is promoted as Senior Scale Stenographer. That the appeal being incompetent is liable to dismissal.

5. We have heard arguments of learned counsel for the parties and perused the record.

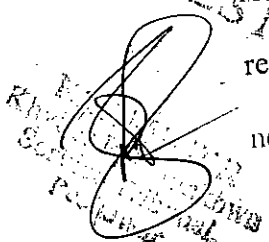
6. The instant appeal has been preferred against final order passed by respondent No.1 dated 11.9.2015 whereby departmental appeal of the appellant was rejected.

7. Section-4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 authorizes a civil servant aggrieved by any final order, whether original or appellate, made by a departmental authority in respect of terms and conditions of civil servant to prefer an appeal to Tribunal within thirty days of the communication of such order. According to Section-7 of the said Act, a Tribunal may, on appeal, confirm, set-aside, vary or modify the order appealed against. Since the order of respondent No.1 is a final order within the meaning of section 4 of the said Act and the Tribunal, in view of section 7 of the said Act may confirm, set-aside, vary or modify such order as such we are of the humble view that the appeal of the appellant, on the touchstone of the afore-stated provisions of law, is competent and entertain-able.

7. Perusal of seniority list of Junior Scale Stenographers dated 31.12.2011 (Annexure-A pages 16 & 17) would reveal that the appellant was cited senior to private

respondent No.4 as the name of the appellant is reflecting at S.No.2 while that of private respondent No.4 is shown at S.No.6. The said seniority list is neither disputed before us nor was ever earlier disputed by any civil servant or department. Perusal of minutes of

ATTESTED



the meeting of Departmental Promotion Committee dated 20.3.2012 (Annexure-B page-18) would suggest that the said seniority list was considered in the same sequence and Muhammad Ismail appearing at S.No.1 was not promoted as he opted to forego promotion while appellant enlisted at S.No.2 was deferred due to his involvement in an anti-corruption case while other three civil servants namely Faqir Khan, Ali Gohar and Fida Muhammad enlisted at S.No.3, 4 and 5 were not promoted as they had opted for foregoing their promotion and, resultantly, private respondent No.4, Mr. Waheed Khan, was cleared for regular promotion as Senior Scale Stenographer. A careful perusal of the said minutes would suggest that the appellant was otherwise eligible to promotion but was deferred due to involvement in the said criminal case and the department, therefore, reserved a post for promoting him, in case of acquittal, under Rule-V(a)(ii) of Khyber Pakhtunkhwa Civil Servants Promotion Policy, 2009. It is also not disputed before us and is also established from the record that the appellant was acquitted in the criminal case by the Court of learned Special Judge Anti-Corruption, Khyber Pakhtunkhwa (Camp at Abbottabad) vide judgment dated 19.9.2013. In such a situation and keeping in view the findings of the Departmental Promotion Committee in its meeting dated 20.3.2012 the competent authority was obliged to have constituted a DPC for the consideration of the case of the appellant for promotion to the post of Senior Scale Stenographer. It is observed with concern that the authority, in negating their own stance taken in the said meeting, initiated proceedings for filling up the post of Superintendent by considering private respondent No.4, Mr. Waheed Khan, against the said post as a sole aspirant despite the fact that he may not remain senior if the appellant is considered for promotion to the post of Senior Scale Stenographer and so promoted. In such a situation it was desirable and appropriate for the appellate authority to have considered the departmental appeal of the appellant with a positive note. The final order of the appellate authority by filing the departmental appeal of the appellant vide order dated 11.9.2015 is, therefore, found contrary to the norms of justice and fair play and, therefore, provides space for interference by this Court.

ATTESTED

Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

8. In view of the above, we are, therefore, left with no option but to accept the present appeal and set aside the impugned final order of the appellate authority and direct that the case of the appellant be considered for promotion to the post of Senior Scale Stenographer at the first instance and, there-after, the post of Superintendent be filled in keeping in view the mandates and spirit of law including seniority list updated there-after in the prescribed manners. The appeal is accepted in the above terms. Parties are, however, left to bear their own costs. File be consigned to the record room.

Announced
19.01.2016 *Sd/- M. Azim Khan Abidali*
Chairman

Certified to be true copy

[Signature]
Khayr Pakhwan
Service Tribunal
Peshawar

Sd/- Abdul Latif
Member

Date of Presentation of Application 17-11-16
Number of Wards 2000
Copying Fee 12
Urgent 2
Total 14
Name of Corrupt [Signature]
Date of Completion 17-11-16
Date of Delivery 17-11-16

ngs or proceedings.	Date of Order or proceedings.	Order or other proceedings with signature of Judge or Magistrate and that of parties where necessary.
	2	3

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR
CAMP COURT ABBOTTABAD



SERVICE APPEAL NO. 1207/2015

(Pervez Akhtar-vs-Secretary Excise & Taxation Department etc.)

JUDGMENT

MUHAMMAD AZIM KHAN AFRIDI, CHAIRMAN:

19.01.2016

Appellant with counsel, Mr. Arshad Javed, Inspector (lit) and Legal Advisor alongwith Mr. Muhammad Saddique, Senior Government Pleader for official respondents No.1 to 3 and counsel for private respondent No.4 present. Arguments heard and record perused.

Vide our detailed judgment of today, placed on file, we accept the present appeal and set aside the impugned final order of the appellate authority and direct that the case of the appellant be considered for promotion to the post of Senior Scale Stenographer at the first instance and, there-after, the post of Superintendent be filled in keeping in view the mandates and spirit of law, including seniority list updated there-after in the prescribed manners. The appeal is accepted in the above terms. Parties are, however, left to bear their own costs. File be consigned to the record room.

M. Azim Khan Afridi
Chairman

Abdul Latif
Member

Date of Disposal of Application: 19-11-16
 Number of Voids: 1200
 Copying Fee: [Signature]
 Urgent: [Signature]
 Total: [Signature]
 Name of Court: [Signature]
 Date of Copy: 17-11-16
 Date of Delivery: 17-11-16

Certified to be true copy
 [Signature]
 Peshawar

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

B

PRESENT:

MR. JUSTICE SH. AZMAT SAEED
MR. JUSTICE MANZOOR AHMAD MALIK
MR. JUSTICE KHILJI ARIF HUSSAIN

CIVIL PETITION NO.418 OF 2016

(On appeal from judgment dated 19.1.2016, passed by the Khyber Pakhtunkhwa Service Tribunal Peshawar, Camp Court Abbottabad in Service Appeal No.1207/2015)

Waheed Khan ... Petitioner (s)

Versus

Pervez Akhtar and 3 others ... Respondent (s)

For the Petitioner (s) : Mr. Ijaz Anwar, ASC with
Mr. M.S. Khattak, AOR

Respondent (s) : N.R.

Date of Hearing : 27.09.2016

ORDER

SH. AZMAT SAEED, J.- We have heard the learned counsel for the Petitioner at some length and have examined the impugned judgment dated 19.01.2016 of the learned Khyber Pakhtunkhwa Service Tribunal Peshawar, Camp Court Abbottabad. No substantial question of law of public importance has been raised justifying the exercise of our jurisdiction under Article 212(3) of the Constitution of the Islamic Republic of Pakistan, 1973

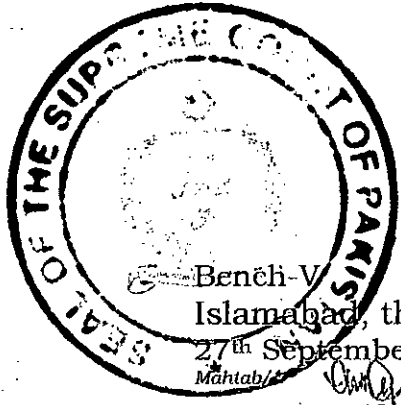
2. Consequently, this Civil Petition is dismissed and leave declined.

Sd/- Sh. Azmat Saeed, J
Sd/- Manzoor Ahmad Malik, J
Sd/- Khilji Arif Hussain, J

Certified to be True Copy

29/9/16

Court Associate
Supreme Court of Pakistan
Islamabad



Bench-V
Islamabad, the
27th September, 2016
Mahtab

29/9/16

C

OFFICE OF THE EXCISE AND TAXATION OFFICER, HARIPUR.

No. 66 /E&T,

Dated Haripur the 25/01/2016.

To

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

Subject: **APPLICATION OF MR. PERVEZ AKHTAR, JUNIOR SCALE STENOGRAPHER FOR THE GRANT OF PROMOTIONS.**

Enclosed please find herewith an application alongwith the judgment dated. 19.01.2016 of the Khybr Pakhtunkhwa Service Tribunal Peshawar Camp Court Abbottabad in respect of Mr. Pervez Akhtar, Junior Scale Stenographer of this Office for further necessary action.


EXCISE AND TAXATION OFFICER,
HARIPUR.

Enclosed:- (-VI-)

ST

S.C

To

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

Through: PROPER CHANNEL.

Subject: REQUEST FOR THE GRANT OF PROMOTION WITH ALL BACK BENEFITS AS SENIOR SCALE STENOGRAPHER WITH EFFECT FROM THE DATE OF DEFERMENT I.E., 20.03.2012 AND SUPERINTENDENT WITH EFFECT FROM 06.08.2013}

Reference: KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR CAMP COURT ABBOTTABAD JUDGEMENT DATED. 19.01.2016 IN SERVICE APPEAL NO. 1207/2015.

Respected Sir,

With all the due respects, attention is invited to the above referred judgment passed by the Honorable Khyber Pakhtunkhwa Service Tribunal Peshawar, camp court Abbottabad (Copy attached) where in Para-8 the learned court has directed that the case of *"the appellant be considered for promotion to the post of Senior Scale Stenographer at the first instance and, thereafter, the post of Superintendent be filled in view the mandates and spirit of law including seniority list updated thereafter in the prescribed manner"*.

In the above circumstance implementation of the above referred judgment is very humbly solicited with the grant of all the due financial back benefits with effect from 20.03.2012 (i.e., the date of DPC for promotion of junior scale stenographers as senior scale stenographers) AND Superintendent with effect from the 06.08.2013 (i.e., the date of DPC for promotion of Senior Scale Stenographer as Superintendent) as I have suffered a lot since long and further delay in providing justice will amount to the denial of justice.

Further to the above, it is to point out that the concerned Establishment personnel being prejudiced right from the beginning are not likely to conduct the case of my promotion impartially, as it was due to their prejudiced attitude that I suffered for the past three(03) years, therefore, I have to request that this case may kindly be processed through other impartial person/s.

Therefore, it is requested that I may be promoted as Senior Scale Stenographer with effect from my due date 20.03.2012 and thereafter, drawing proper seniority list of Senior Scale Stenographers my promotion to the post of Superintendent from due date may also be considered in light of the judgment of the Honorable Service Tribunal dated. 19.01.2016.

Thanking you in anticipation.



PERVEZ AKHTAR,
JR. SCALE STENOGRAPHER,
EXCISE & TAXATION OFFICE,
HARIPUR.

Dated:- 25.01.2016.

D

OFFICE OF THE EXCISE & TAXATION OFFICER, HARIPUR

No. 1095 /E&T, Dated: Haripur the 8 / 11 / 2016

To,

The Worthy Secretary,
Excise, Taxation & Narcotics Control,
Govt. of Khyber Pakhtunkhwa,
Peshawar.

Subject: **APPLICATION OF MR. PERVEZ AKHTAR, JUNIOR SCALE STENOGRAPHER FOR THE GRANT OF PROMOTIONS AS SENIOR SCALE STENOGRAPHER BPS-16 ON REGULAR BASIS FROM THE DATE OF DEFFERMENT I.E 20-03-2012 WITH ALL BACK BENEFITS. AND PROMOTION AS SUPERINTENDENT BPS-17 ON REGULAR BASIS W.E.F 06-08-2013 WITH ALL BACK BENEFITS.**

Memo:

Enclosed please find an application alongwith judgment of the Khyber Pakhtunkhwa Service Tribunal, Peshawar Camp Court Abbottabad dated 19/01/2016 and Order of August Supreme Court of Pakistan Islamabad dated 27/09/2016 in respect of Mr. Pervez Akhtar, Junior Scale Stenographer of this office for your kind perusal and further favourable necessary action please.

Signature
o/l
EXCISE & TAXATION OFFICER,
HARIPUR

Enclosed:- 12

Diary No. 853-A (photocopy/office copy, Original copy
Dated 22-11-2016 retained in the Deptt. for n.e).
P/S to Secy: B&T Deptt.

To,

The Worthy Secretary,
Excise, Taxation & Narcotics Control,
Govt. of Khyber Pakhtunkhwa,
Peshawar.

Through: *Proper Channel.*

Subject: **REQUEST FOR THE GRANT OF PROMOTION WITH ALL BACK BENEFITS AS SENIOR SCALE STENOGRAPHER WITH EFFECT FROM THE DATE OF DEFERMENT I.E 20/03/2012 AND SUPERINTENDENT WITH EFFECT FROM 06/08/2013.**

Reference: **Khyber Pakhtunkhwa Service Tribunal, Peshawar Camp Court Abbottabad judgment dated 19/01/2016 in service appeal No.1207/2015 and order of August Supreme Court of Pakistan dated 27/09/2016.**

Respected Sir,

With all the due respects, attention of your goodself is invited to the above referred judgment passed by the Honourable Khyber Pakhtunkhwa Service Tribunal, Peshawar Camp Court, Abbottabad (copy attached). In Para-8 of the judgment, learned Tribunal has directed that the case of "*the appellant be considered for promotion to the post of Senior Scale Stenographer at the first instance and, thereafter, the post of Superintendent be filled in view the mandates and spirit of law including seniority list updated thereafter in the prescribed manner*". The appeal filed against the judgment of Honourable Service Tribunal before Supreme Court of Pakistan was also dismissed vide order dated 27/09/2016, as such, the judgment of Service Tribunal has attained finality. Copy of order dated 27/09/2016 is attached.

In the above circumstances implementation of the above referred judgment is very humbly solicited with the grant of all the due financial back benefits with effect from 20/03/2012 (i.e the date of DPC for promotion of Junior Scale Stenographers as Senior Scale Stenographers) and Superintendent with effect from the 06/08/2013 (i.e the date of DPC for promotion of Senior Scale

Diary No. 853-1A
Dated 22.11.2016
P/S to Secy: E&T Deptt:


Stenographer as Superintendent) as I have suffered a lot since long and further delay in providing justice will amount to the denial of justice.

Further to the above, it is to point out that the concerned Establishment personnel being prejudiced right from the beginning are not likely to conduct the case of my promotion impartially, as it was due to their prejudiced attitude that I suffered for the past three (03) years, therefore, I have to request that this case may kindly be processed through other impartial persons.

Therefore, it is requested that I may be promoted as Senior Scale Stenographer with effect from my due date 20/03/2012 and thereafter, drawing proper seniority list of Senior Scale Stenographers my promotion to the post of Superintendent from due date may also be considered in light of the judgment of the Honourable Service Tribunal dated 19/01/2016.

Thanking you in anticipation.

Dated: 18 - 01 - /2016


PERVEZ AKHTAR
Jr. Scale Stenographer,
Excise & Taxation Office,
Haripur

E

OFFICE OF THE EXCISE & TAXATION OFFICER, HARIPUR

No. 1096 /E&T, Dated: Haripur the 18/11/2016

To,

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

Subject: **APPLICATION OF MR. PERVEZ AKHTAR, JUNIOR SCALE STENOGRAPHER FOR THE GRANT OF PROMOTIONS AS SENIOR SCALE STENOGRAPHER BPS-16 ON REGULAR BASIS FROM THE DATE OF DEFFERMENT I.E 20-03-2012 WITH ALL BACK BENEFITS. AND PROMOTION AS SUPERINTENDENT BPS-17 ON REGULAR BASIS W.E.F 06-08-2013 WITH ALL BACK BENEFITS.**

Memo:

Kindly refer to this office Letter No.66/E&T dated 25-01-2016

(Copy enclosed).

Enclosed please find an application alongwith judgment of the Khyber Pakhtunkhwa Service Tribunal, Peshawar Camp Court Abbottabad dated 19/01/2016 and Order of August Supreme Court of Pakistan Islamabad dated 27/09/2016 in respect of Mr. Pervez Akhtar, Junior Scale Stenographer of this office for your kind perusal and further favourable necessary action please.

Samy And
o/c
EXCISE & TAXATION OFFICER,
HARIPUR

Enclosed:- 12

DIARY NO
DATED
DIRECTOR GENERAL
EXCISE, TAXATION & NARCOTICS
CONTROL, KHYBER PAKHTUNKHWA.
23/11/2016

To,

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

Through: *Proper Channel.*

Subject: **REQUEST FOR THE GRANT OF PROMOTION WITH ALL BACK BENEFITS AS SENIOR SCALE STENOGRAPHER WITH EFFECT FROM THE DATE OF DEFERMENT I.E 20/03/2012 AND SUPERINTENDENT WITH EFFECT FROM 06/08/2013.**

Reference: **Khyber Pakhtunkhwa Service Tribunal, Peshawar Camp Court Abbottabad judgment dated 19/01/2016 in service appeal No.1207/2015 and order of August Supreme Court of Pakistan dated 27/09/2016.**

Respected Sir,

With all the due respects, attention of your goodself is invited to the above referred judgment passed by the Honourable Khyber Pakhtunkhwa Service Tribunal, Peshawar Camp Court, Abbottabad (copy attached). In Para-8 of the judgment, learned Tribunal has directed that the case of "*the appellant be considered for promotion to the post of Senior Scale Stenographer at the first instance and, thereafter, the post of Superintendent be filled in view the mandates and spirit of law including seniority list updated thereafter in the prescribed manner*". The appeal filed against the judgment of Honourable Service Tribunal before Supreme Court of Pakistan was also dismissed vide order dated 27/09/2016, as such, the judgment of Service Tribunal has attained finality. Copy of order dated 27/09/2016 is attached.

In the above circumstances implementation of the above referred judgment is very humbly solicited with the grant of all the due financial back benefits with effect from 20/03/2012 (i.e the date of DPC for promotion of Junior Scale Stenographers as Senior Scale Stenographers) and Superintendent with effect from the 06/08/2013 (i.e the date of DPC for promotion of Senior Scale

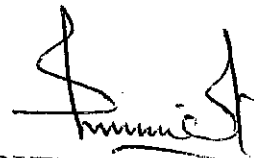
Stenographer as Superintendent) as I have suffered a lot since long and further delay in providing justice will amount to the denial of justice.

Further to the above, it is to point out that the concerned Establishment personnel being prejudiced right from the beginning are not likely to conduct the case of my promotion impartially, as it was due to their prejudiced attitude that I suffered for the past three (03) years, therefore, I have to request that this case may kindly be processed through other impartial persons.

Therefore, it is requested that I may be promoted as Senior Scale Stenographer with effect from my due date 20/03/2012 and thereafter, drawing proper seniority list of Senior Scale Stenographers my promotion to the post of Superintendent from due date may also be considered in light of the judgment of the Honourable Service Tribunal dated 19/01/2016.

Thanking you in anticipation.

Dated: 18-11-2016



PERVEZ AKHTAR
Jr. Scale Stenographer,
Excise & Taxation Office,
Haripur

VAKALAT NAMA

NO. _____ /2016

IN THE COURT OF Service Tribunal Peshawar

Pasvez Akhtar (Appellant)
(Petitioner)
(Plaintiff)

VERSUS

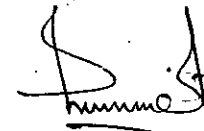
Govt of KPK & others (Respondent)
(Defendant)

I/We Pasvez Akhtar

Do hereby appoint and constitute **M.Asif Yousafzai, Advocate, Peshawar**, 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.

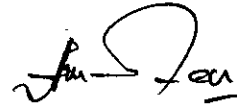
I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter. The Advocate/Counsel is also at liberty to leave my/our case at any stage of the proceedings, if his any fee left unpaid or is outstanding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

Dated _____ /20



(CLIENT)

ACCEPTED




M. ASIF YOUSAFZAI
Advocate

M. ASIF YOUSAFZAI
Advocate High Court,
Peshawar.

OFFICE:

Room No.1, Upper Floor,
Islamia Club Building,
Khyber Bazar Peshawar.
Ph.091-2211391-
0333-9103240

& 
TAIMUR ALI KHAN
Advocate

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


16

ANNEXURE A

NOTIFICATION

Peshawar, dated 20/01/2012

No SS45 /Estb/XXXV-A-227: Final Seniority list of Junior Scale Stenographer (BPS-12), Excise & Taxation Department, Khyber Pakhtunkhwa, as it stood on 31-12-2011, is circulated for information of all concerned.

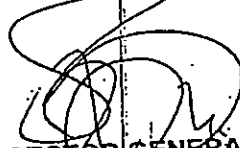

DIRECTOR GENERAL,
EXCISE & TAXATION,
KHYBER PAKHTUNKHWA,
PESHAWAR.

SS46-87

No. SS46-87 /Estb/XXXV-A-227

Copy forwarded to:

1. All Excise & Taxation Officers in Khyber Pakhtunkhwa.
2. Section Officer (Estt), Excise & Taxation Department, Khyber Pakhtunkhwa, Peshawar.
3. Officials concerned.


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

19

Attested



MAD KABIR AFRIDI
Director (Admn),
Excise & Taxation,
Pakhtunkhwa,
Peshawar

Attested



SYED MAZHAR



(17)

FINAL SENIORITY LIST OF JUNIOR SCALE STENOGRAPHERS (BPS-12) OF EXCISE & TAXATION DEPARTMENT, KHYBER PAKHTUNKHWA, AS STOOD ON 31.12.2011

S. NO.	NAME OF OFFICIALS	HOME DISTRICT	DATE OF BIRTH	DATE OF JOINING GOVT. SERVICE	DATE OF APPOINTMENT AS JUNIOR SCALE STENOGRAPHER	DATE OF JOINING E&T DEPARTMENT AS JUNIOR SCALE STENOGRAPHER	REMARKS
1	Mr. Muhammad Ismail	Swat	22-12-1957	05-05-1976	22-01-1985	22-01-1985	Excise & Taxation Department Employee
2	Mr. Pervaz Akhtar	Abbottabad	12-04-1967	23-12-1989	23-12-1989	23-12-1989	
3	Mr. Faqir Khan	Kohat	16-01-1969	29-05-1990	29-05-1990	29-05-1990	
4	Mr. Ali Gohar-I	Swabi	29-04-1969	13-10-1990	13-10-1990	13-10-1990	
5	Mr. Fida Muhammad	Peshawar	08-10-1969	17-10-1990	17-10-1990	17-10-1990	
6	Mr. Waheed Khan	Peshawar	16-12-1973	12-04-1999	12-04-1999	12-04-1999	Recomendee of Public Service Commission
7	Mr. Bawar Khan	Swat	12-02-1958	01-06-1979	29-05-1990	11-09-1999	Adjusted from Surplus Pool
8	Mr. Shabir Ahmad	Abbottabad	06-12-1958	18-05-1988	18-05-1988	11-09-1999	Adjusted from Surplus Pool
9	Mr. Rahamdil Khan	Swat	01-02-1957	03-03-1979	05-03-1988	13-09-1999	Adjusted from Surplus Pool
10	Mr. Nasrullah Khan	Karak	14-09-1969	14-09-1988	14-09-1988	15-09-1999	Adjusted from Surplus Pool
11	Mr. Musa Khan	Karak	01-11-1966	12-07-1987	12-07-1987	16-09-1999	Adjusted from Surplus Pool
12	Mr. Mohammad Riaz	Mansehra	18-05-1953	08-01-1977	08-01-1977	20-09-1999	Adjusted from Surplus Pool
13	Mr. Ali Gohar-II	Charsadda	10-01-1958	23-08-1976	25-01-1995	23-04-2003	Adjusted from Surplus Pool
14	Mr. Abdul Hafeez	Peshawar	22-08-1978	26-04-2003	12-09-2006	12-09-2006	Recomendee of Public Service Commission

Attest

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

MINUTES OF THE MEETING OF DEPARTMENTAL PROMOTION COMMITTEE MEETING OF EXCISE TAXATION DEPARTMENT HELD ON 20-03-2012 AT 11:00 AM

In order to fill up the two regular posts of Senior Scale Stenographer (BPS-15) a meeting of the Departmental Promotion Committee of Excise & Taxation Department Khyber Pakhtunkhwa was held on 20-03-2012 at 11:00 AM in the office of Director General, Excise & Taxation, Khyber Pakhtunkhwa to discuss the cases of promotion of Junior Scale Stenographer (BPS-12) to the post of Senior Scale Stenographer (BPS-15). The following members attended the meeting:

- | | |
|---|----------|
| 1. Syed Nazar Hussain Shah
Director General, Excise & Taxation,
Khyber Pakhtunkhwa. | In Chair |
| 2. Mohammad Kabir Afridi,
Director (Admn.), Excise & Taxation,
Khyber Pakhtunkhwa. | Member |
| 3. Syed Mazhar Ali Shah,
Section Officer (Establishment),
Excise & Taxation Department, Khyber Pakhtunkhwa. | Member |

The Committee after thorough examination and scrutiny of service record of eligible officials, decided as follows:

S.No.	Name of Junior Scale Stenographer (BPS-12)	Decision
1	Mohammad Ismail	Opted to forego promotion.
2	Mr. Pervez Akhtar	Deferred due to his alleged involvement in an anti-corruption case, although one regular post reserved for him under Khyber Pakhtunkhwa Civil Servants Promotion Policy, 2009, Rule V (a) (ii).
3	Mr. Faqir Khan	Opted to forego promotion.
4	Mr. Ali Gohar-I	Opted to forego promotion for time being.
5	Mr. Fida Mohammad	Opted to forego promotion for time being.
6	Mr. Waheed Khan	Cleared for regular promotion as Senior Scale Stenographer (BPS-15).

The meeting ended with the exchange of thanks.

SYED NAZAR HUSSAIN SHAH
Director General, Excise & Taxation,
Khyber Pakhtunkhwa
Peshawar

MOHAMMAD KABIR AFRIDI
Director (Admn.),
Excise & Taxation,
Khyber Pakhtunkhwa,
Peshawar

Attested

SYED MAZHAR ALI SHAH
Section Officer,
Excise & Taxation Department,
Khyber Pakhtunkhwa

وکالت نامہ

کورٹ فیس

Service Tribunal KPLP Peshawar بعد الت

Pervez Akhtar نام Secretary Taxation عنوان

Appellant منجانب:

نوعیت مقدمہ:

باعث تحریر آنکہ

مقدمہ مندرجہ میں اپنی طرف سے واسطے پیروی و جواب دہی کل کاروائی متعلقہ آن مقام

Muhammad Wajid Khan Tanoli
Advocate High Court

M. Arshad Khan Advocate Adjacent to

کو وکیل مقرر کر کے اقرار کرتا ہوں کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا نیز وکیل صاحب موصوف کو کرنے راضی نامہ و تقرر ثالث و فیصلہ برحلف و دینے اقبال دعویٰ اور بصورت دیگر ڈگری کرانے اجراء وصولی چیک روپیہ و عرضی دعویٰ کی تصدیق اور اس پر دستخط کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکور کی کل یا کسی جزوی کاروائی کے لئے کسی اور وکیل یا مختار صاحب قانونی کو اپنے ہمراہ اپنی بجائے تقرر کا اختیار بھی ہوگا اور صاحب مقرر شدہ کو بھی وہی اور ویسے ہی اختیارات ہوں گے اور اس کا ساختہ پرداختہ مجھ کو منظور قبول ہوگا۔ دوران مقدمہ جو خرچہ دہر جانہ التوائے مقدمہ کے سبب ہوگا اس کے مستحق وکیل صاحب ہوں گے۔ نیز بقایا رقم وصول کرنے کا بھی اختیار ہوگا۔ اگر کوئی پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب موصوف پابند ہوں گے کہ پیروی مقدمہ مذکورہ کریں اور اگر مختار مقرر کردہ میں کوئی جزو بقایا ہو تو وکیل صاحب موصوف مقدمہ کی پیروی کے پابند نہ ہوں گے۔ نیز درخواست بمراد استجارت ناٹش بصیغہ مفلسی کے دائر کرنے اور اس کی پیروی کا بھی صاحب موصوف کو اختیار ہوگا۔

لہذا وکالت نامہ تحریر کر دیا تاکہ سند رہے۔

2017
المرقوم: 16 ماہ 16

بمقام: Abbottabad

Accepted

Muhammad Wajid Khan Tanoli
Advocate High Court
Office No. 33 Adjacent to
Abbottabad

العب



**GOVERNMENT OF KHYBER PAKHTUNKHWA
 EXCISE, TAXATION & NARCOTICS CONTROL DEPARTMENT**
 No.SO(Admn)ET&NC/1-12/2016//196
 Dated Peshawar the 27th February, 20

To

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

Subject:- **MINUTES OF THE DEPARTMENTAL PROMOTION COMMITTEE'S MEETING HELD ON 09.02.2017 AT 02.00 PM UNDER THE CHAIRMANSHIP OF ADDITIONAL SECRETARY EXCISE, TAXATION & NARCOTICS CONTROL DEPARTMENT, KHYBER PAKHTUNKHWA.**

I am directed to refer to your letter No.1819/Estb/XXXV-D-412 dated 22.02.2017 on the subject noted above and to enclose herewith a copy of minutes of the Departmental Promotion Committee's meeting held on **09/02/2017 at 1400 hours** duly signed by all concerned along-with a copy of the Establishment Department letter No.SOR-VI(E&AD)/1-3/2012/APT Rules dated 27.01.2017 for further necessary action at your end, please.

[Signature]
SECTION OFFICER (ADMN)

Encl: as above
Endst: No. & Date Even.

Copy forwarded to P.S to Secretary Excise, Taxation & Narcotics Control Department.

/
SECTION OFFICER (ADMN)

RECEIVED
 DIRECTOR GENERAL
 EXCISE, TAXATION & NARCOTICS CONTROL DEPARTMENT
 PESHAWAR
 27/2



GOVERNMENT OF KHYBER PAKHTUNKHWA
EXCISE, TAXATION & NARCOTICS CONTROL DEPARTMENT
No.SO(Admn)ET&NC/1-12/2016
Dated Peshawar the 9th February,

Subject:- **MINUTES OF THE DEPARTMENTAL PROMOTION COMMITTEE'S MEETING HELD ON 09.02.2017 AT 02.00 PM UNDER THE CHAIRMANSHIP OF ADDITIONAL SECRETARY EXCISE, TAXATION & NARCOTICS CONTROL DEPARTMENT, KHYBER PAKHTUNKHWA.**

A meeting of the Departmental Promotion Committee was held on 09.02.2017 at 02.00 pm under the chairmanship of Additional Secretary Excise Taxation & Narcotics Control Department in his office to consider the case of promotion of two (02) Junior Scale Stenographers (BPS-14) to Senior Scale (BPS-16). The following attended the meeting:-

- 1) Muhammad Nadir Khan Rana, In chair
Additional Secretary, Excise, Taxation & Narcotics Control Deptt:
Khyber Pakhtunkhwa, Peshawar.
- 2) Muhammad Anwar Khan,
Director General Excise, Taxation & Narcotics Control,
Khyber Pakhtunkhwa.
- 3) Ms^r Farzana Afzal,
Deputy Secretary Excise, Taxation & Narcotics Control Deptt:
- 4) Muhammad Abbas Khan,
Section Officer (R-II), Establishment Department.
- 5) Liaqat Ali,
Section Officer (SR-III),
Finance Department.

2. The meeting started with the recitation from the holy Quran. The chair welcomed the participants of the meeting. The Director General Excise, Taxation & Narcotics Control, Khyber Pakhtunkhwa explained the working paper presented for promotion of two Junior Scale Stenographers (BPS-14) to Senior Scale Stenographer (BPS-16). The two posts of Senior Scale Stenographers (BPS-16) were lying vacant in the office of Director General Excise, Taxation & Narcotics Control, Khyber Pakhtunkhwa due to promotion of Mr. Asif Iqbal Sr. Scale Stenographer as Superintendent on regular basis and Mr. Waheed Khan Sr. Scale Stenographer as Superintendent on acting charge basis. He therefore, requested the committee that the proposed promotion may also be considered against the existing vacant posts i.e one on regulars and one on acting charge basis.

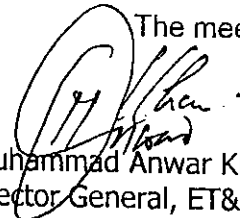
3. The representative of Finance Department observed that the ACR in respect of Mr. Pervez Akhtar for the calendar year 2016 is not available. The Director General Excise, Taxation & Narcotics Control informed that as the instant promotion case is processed before 31st March, so the ACR's for the last calendar year 2016 would not be required as per rule/policy.

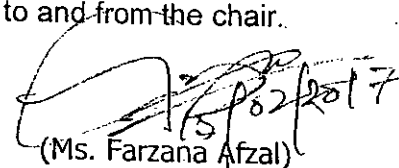
4. According to final seniority list of Junior Scale Stenographers (BPS-14) as stood on 31.12.2016 Mr. Muhammad Ismail and Mr. Pervez Akhtar were in line of promotion against the vacant posts of Senior Scale Stenographer respectively.

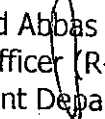
5. The Departmental Promotion Committee thoroughly checked the service record and performance evaluation reports in respect of Mr. Muhammad Ismail & Mr. Pervez Akhtar. The Committee considered suitability of both the officials as per the following details:-


1	Mr. Muhammad Ismail, Junior Scale Stenographer (BPS-14)	Recommended for promotion to Senior Scale Stenographer (BPS-16) on regular basis.
2	Mr. Pervez Akhtar, Junior Scale Stenographer (BPS-14)	Recommended for promotion to Senior Scale Stenographer (BPS-16) on acting charge basis.

6. The meeting ended with a vote of thanks to and from the chair.


(Muhammad Anwar Khan)
Director General, ET&NC
Khyber Pakhtunkhwa


(Ms. Farzana Afzal)
Deputy Secretary
ET&NC Department


(Muhammad Abbas Khan)
Section Officer (R-II),
Establishment Department


Liaqat Ali
Section Officer (SR-III),
Finance Department


(Muhammad Nadir Khan Rana)
Additional Secretary Excise, Taxation & Narcotics Control Department.



DIRECTORATE GENERAL,
EXCISE, TAXATION & NARCOTICS CONTROL, KHYBER PAKHTUNKHWA.
Auqaf Complex, Shami Road, Peshawar, Phone No. 091-9212260.

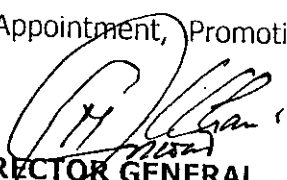
ORDER.

Peshawar, dated 28 /02/2017.

NO. 1988 /Estb/XXXV-D-412. On the recommendation of Departmental Promotion Committee of Excise, Taxation & Narcotics Control Department Khyber Pakhtunkhwa, in its meeting held on 09-02-2017, the following Junior Scale Stenographers (BPS-14) are hereby promoted / appointed as Senior Scale Stenographers (BPS-16) with immediate effect with usual allowances as admissible under the rules.

1-	Muhammad Ismail, Junior Scale Stenographer (BPS-14).	Promoted as Senior Scale Stenographer (BPS-16) on regular basis.
2-	Mr. Pervez Akhtar, Junior Scale Stenographer (BPS-14).	Appointed as Senior Scale Stenographer (BPS-16) on acting charge basis.

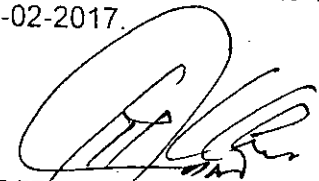
The above officers will remain on probation for a period of one year under Rule-15(I) of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989.


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

No. 1989-2000 /Estb/XXXV-D-412.

Copy forwarded and further necessary action to:-

- 1- Registrar Hon'ble Supreme Court of Pakistan with reference to Civil Petition No.418 of 2016 (on appeal from judgment dated 19-01-2016, passed by Khyber Pakhtunkhwa Service Tribunal Peshawar, Camp Court Abbottabad in Service (Appeal No.1207/2015).
- 2- Accountant General, Khyber Pakhtunkhwa, Peshawar.
- 3- Directors (Admn) and (Rev) Excise, Taxation & Narcotics Control Department Khyber Pakhtunkhwa, Peshawar.
- 4- Deputy Directors Excise & Taxation Malakand and Hazara Regions.
- 5- Excise & Taxation Officers, Swat and Haripur.
- 6- Assistant Director (Audit & Accounts) Directorate General, Excise, Taxation & Narcotics Control Khyber Pakhtunkhwa Peshawar.
- 7- District Accounts Officers, Swat and Haripur.
- 8- PS to Minister for Excise, Taxation & Narcotics Control Deptt:Khyber Pakhtunkhwa.
- 9- PS to Secretary to Govt. of Khyber Pakhtunkhwa, Excise, Taxation & Narcotics Control Department Khyber Pakhtunkhwa, Peshawar with reference to his letter No.SO(Admn)ET&NC/1-12/2016/992-93, dated 17-02-2017.
- 10- Officers concerned.
- 11- P.File of officers concerned.
- 12- Office copy.


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

MINUTES OF THE MEETING OF DEPARTMENTAL PROMOTION COMMITTEE MEETING OF EXCISE TAXATION DEPARTMENT HELD ON 20-03-2012 AT 11:00 AM

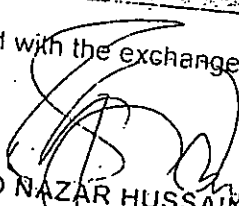
In order to fill up the two regular posts of Senior Scale Stenographer (BPS-15) a meeting of the Departmental Promotion Committee of Excise & Taxation Department Khyber Pakhtunkhwa was held on 20-03-2012 at 11:00 AM in the office of Director General, Excise & Taxation, Khyber Pakhtunkhwa to discuss the cases of promotion of Junior Scale Stenographer (BPS-12) to the post of Senior Scale Stenographer (BPS-15). The following members attended the meeting:


1. Syed Nazar Hussain Shah
Director General, Excise & Taxation,
Khyber Pakhtunkhwa. In Chair
2. Mohammad Kabir Afridi,
Director (Admn.), Excise & Taxation,
Khyber Pakhtunkhwa. Member
3. Syed Mazhar Ali Shah,
Section Officer (Establishment),
Excise & Taxation Department, Khyber Pakhtunkhwa. Member

The Committee after thorough examination and scrutiny of service record of eligible officials, decided as follows:


S.No.	Name of Junior Scale Stenographer (BPS-12)	Decision
1	Mohammad Ismail	Opted to forego promotion.
2	Mr. Pervez Akhtar	Deferred due to his alleged involvement in an anti-corruption case, although one regular post reserved for him under Khyber Pakhtunkhwa Civil Servants Promotion Policy, 2009, Rule V (a) (ii).
3	Mr. Faqir Khan	Opted to forego promotion.
4	Mr. Ali Gohar-I	Opted to forego promotion for time being.
5	Mr. Fida Mohammad	Opted to forego promotion for time being.
6	Mr. Waheed Khan	Cleared for regular promotion as Senior Scale Stenographer (BPS-15).

The meeting ended with the exchange of thanks.


SYED NAZAR HUSSAIN SHAH
Director General, Excise & Taxation,
Khyber Pakhtunkhwa
Peshawar


MOHAMMAD KABIR AFRIDI
Director (Admn.),
Excise & Taxation,
Khyber Pakhtunkhwa,
Peshawar

Attested


SYED MAZHAR ALI SHAH
Section Officer,
Excise & Taxation Department,
Khyber Pakhtunkhwa

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

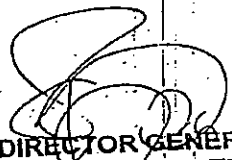
16

ANNEXURE A

NOTIFICATION

Peshawar, dated 20/01/2012

No. SS45 /Estb/XXXV-A-227. Final Seniority list of Junior Scale Stenographer (BPS-12), Excise & Taxation Department, Khyber Pakhtunkhwa, as it stood on 31-12-2011, is circulated for information of all concerned.

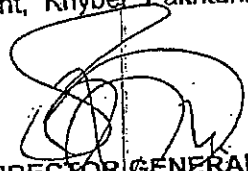

DIRECTOR GENERAL,
EXCISE & TAXATION,
KHYBER PAKHTUNKHWA,
PESHAWAR.

SS46-87

No. _____ /Estb/XXXV-A-227

Copy forwarded to:

1. All Excise & Taxation Officers in Khyber Pakhtunkhwa.
2. Section Officer (Estt), Excise & Taxation Department, Khyber Pakhtunkhwa, Peshawar.
3. Officials concerned.


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

(A)

Attested

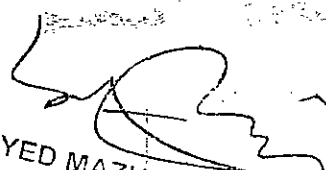


MAD KABIR AFRIDI
Director (Admn),
Excise & Taxation,
Pakhtunkhwa,
Peshawar

Attested



SYED MAZHAR



(17)

FINAL SENIORITY LIST OF JUNIOR SCALE STENOGRAPHERS (BPS-12) OF EXCISE & TAXATION DEPARTMENT,
KHYBER PAKHTUNKHWA, AS STOOD ON 31.12.2011

S.NO.	NAME OF OFFICIALS	HOME DISTRICT	DATE OF BIRTH	DATE OF JOINING GOVT SERVICE	DATE OF APPOINTMENT AS JUNIOR SCALE STENOGRAPHER	DATE OF JOINING EXCISE & TAXATION DEPARTMENT AS JUNIOR SCALE STENOGRAPHER	REMARKS
1	Mr. Muhammad Ismail	Swat	22-12-1957	05-05-1976	22-01-1985	22-01-1985	Excise & Taxation Department Employee
2	Mr. Pervaz Akhtar	Abbottabad	12-04-1967	23-12-1989	23-12-1989	23-12-1989	
3	Mr. Faqir Khan	Kohat	16-01-1969	29-05-1990	29-05-1990	29-05-1990	
4	Mr. Ali Gohar-I	Swabi	29-04-1969	13-10-1990	13-10-1990	13-10-1990	
5	Mr. Fida Muhammad	Peshawar	08-10-1969	17-10-1990	17-10-1990	17-10-1990	
6	Mr. Waheed Khan	Peshawar	16-12-1973	12-04-1999	12-04-1999	12-04-1999	Recomendee of Public Service Commission
7	Mr. Bawar Khan	Swat	12-02-1958	01-06-1979	29-05-1990	11-09-1999	Adjusted from Surplus Pool
8	Mr. Shabir Ahmad	Abbottabad	06-12-1958	18-05-1988	18-05-1988	11-09-1999	Adjusted from Surplus Pool
9	Mr. Rahamdil Khan	Swat	01-02-1957	03-03-1979	05-03-1988	13-09-1999	Adjusted from Surplus Pool
10	Mr. Nasrullah Khan	Karak	14-09-1969	14-09-1988	14-09-1988	15-09-1999	Adjusted from Surplus Pool
11	Mr. Musa Khan	Karak	01-11-1966	12-07-1987	12-07-1987	16-09-1999	Adjusted from Surplus Pool
12	Mr. Mohammad Riaz	Mansehra	18-05-1953	08-01-1977	08-01-1977	20-09-1999	Adjusted from Surplus Pool
13	Mr. Ali Gohar-II	Charsadda	10-01-1958	23-08-1976	25-01-1995	23-04-2003	Adjusted from Surplus Pool
14	Mr. Abdul Hafeez	Peshawar	22-08-1978	26-04-2003	12-09-2006	12-09-2006	Recomendee of Public Service Commission

Attest

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

MINUTES OF THE MEETING OF DEPARTMENTAL PROMOTION COMMITTEE MEETING OF EXCISE TAXATION DEPARTMENT HELD ON 20-03-2012 AT 11:00 AM

In order to fill up the two regular posts of Senior Scale Stenographer (BPS-15) a meeting of the Departmental Promotion Committee of Excise & Taxation Department Khyber Pakhtunkhwa was held on 20-03-2012 at 11:00 AM in the office of Director General, Excise & Taxation, Khyber Pakhtunkhwa to discuss the cases of promotion of Junior Scale Stenographer (BPS-12) to the post of Senior Scale Stenographer (BPS-15). The following members attended the meeting:

- | | |
|---|----------|
| 1. Syed Nazar Hussain Shah
Director General, Excise & Taxation,
Khyber Pakhtunkhwa. | In Chair |
| 2. Mohammad Kabir Afridi,
Director (Admn.), Excise & Taxation,
Khyber Pakhtunkhwa. | Member |
| 3. Syed Mazhar Ali Shah,
Section Officer (Establishment),
Excise & Taxation Department, Khyber Pakhtunkhwa. | Member |

The Committee after thorough examination and scrutiny of service record of eligible officials, decided as follows:

S.No.	Name of Junior Scale Stenographer (BPS-12)	Decision
1	Mohammad Ismail	Opted to forego promotion.
2	Mr. Pervez Akhtar	Deferred due to his alleged involvement in an anti-corruption case, although one regular post reserved for him under Khyber Pakhtunkhwa Civil Servants Promotion Policy, 2009, Rule V (a) (ii).
3	Mr. Faqir Khan	Opted to forego promotion.
4	Mr. Ali Gohar-I	Opted to forego promotion for time being.
5	Mr. Fida Mohammad	Opted to forego promotion for time being.
6	Mr. Waheed Khan	Cleared for regular promotion as Senior Scale Stenographer (BPS-15).

The meeting ended with the exchange of thanks.

SYED NAZAR HUSSAIN SHAH
Director General, Excise & Taxation,
Khyber Pakhtunkhwa
Peshawar

MOHAMMAD KABIR AFRIDI
Director (Admn.),
Excise & Taxation,
Khyber Pakhtunkhwa,
Peshawar

Attested

SYED MAZHAR ALI SHAH
Section Officer,
Excise & Taxation Department,
Khyber Pakhtunkhwa

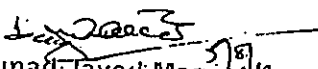
MINUTES OF THE MEETING OF DEPARTMENTAL PROMOTION
COMMITTEE MEETING OF EXCISE & TAXATION DEPARTMENT
(HELD ON 05-08-2013 AT 11:00AM)

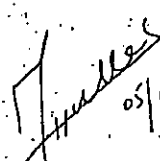
In order to fill up one post of Superintendent (BPS-16), for which a meeting of the Departmental Promotion Committee, Excise & Taxation Department, Khyber Pakhtunkhwa was held on 05-08-2013 at 11:00am in the office of Director General, Excise & Taxation Khyber Pakhtunkhwa to discuss the appointment case of Superintendent (BPS-16) on acting charge basis. The following members attended the meeting:

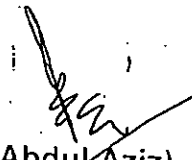
- 1) Muhammad Javed Marwat, In Chair.
Director General,
Excise & Taxation Khyber Pakhtunkhwa.
- 2) Mr. Mattiullah, Member.
Director (Admn),
Excise & Taxation Khyber Pakhtunkhwa;
- 3) Mr. Abdul Aziz, Member.
Deputy Secretary (Estb),
Excise & Taxation Department,
Khyber Pakhtunkhwa.

The Committee after thoroughly examination and scrutiny of the service record of Mr. Waheed Khan, Senior Scale Stenographer (BPS-16) recommended for appointment as Superintendent (BPS-16) on acting charge basis.

The meeting ended with exchange of thanks.


Muhammad Javed Marwat
Director General,
Excise & Taxation,
Khyber Pakhtunkhwa.


(Mattiullah),
Director (Admn),
Excise & Taxation
Khyber Pakhtunkhwa.


(Abdul Aziz),
Deputy Secretary (Estb)
Excise & Taxation Department
Khyber Pakhtunkhwa.



45

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

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

ORDER

Dated 06/08/2013

No. 609 /Estb/XXXV-D-412. In pursuance of the recommendation of the Departmental Promotion Committee meeting held on 05-08-2013, Mr. Waheed Khan, Senior Scale Stenographer (BPS-16) is hereby appointed as Superintendent (BPS-16) on acting charge basis with immediate effect.

The above officer will remain on probation for a period of one year in terms of Section-6(2) of Khyber Pakhtunkhwa Civil Servants Act, 1973 read with Rule-15(1) of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989.

L. M. S. 3
DIRECTOR GENERAL,
EXCISE & TAXATION,
KHYBER PAKHTUNKHWA,
PESHAWAR

No. 610-624/Estb/XXXV-D-412

Copy forwarded for information and necessary action to:

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Director (Admn), Excise & Taxation, Khyber Pakhtunkhwa.
3. Director (Revenue), Excise & Taxation, Khyber Pakhtunkhwa.
4. Deputy Director (Registration), Excise & Taxation, Khyber Pakhtunkhwa.
5. Deputy Director (Admn), Excise & Taxation, Khyber Pakhtunkhwa.
6. All Regional Deputy Directors, Excise & Taxation, Khyber Pakhtunkhwa.
7. Assistant Director (Accts.) Directorate General, Excise & Taxation, Khyber Pakhtunkhwa, Peshawar.
8. PS to Secretary to Govt. of Khyber Pakhtunkhwa, Excise & Taxation Department.
9. PS to Advisor to Chief Minister for Excise & Taxation, Khyber Pakhtunkhwa.
10. Mr. Waheed Khan, Superintendent office of Director General, Excise & Taxation, Khyber Pakhtunkhwa, Peshawar.
11. P. File.

L. M. S. 3
DIRECTOR GENERAL,
EXCISE & TAXATION,
KHYBER PAKHTUNKHWA,
PESHAWAR.

**DIRECTORATE GENERAL,
EXCISE, TAXATION & NARCOTICS CONTROL, KHYBER PAKHTUNKHWA.**
Auqaf Complex, Shami Road, Peshawar, Phone No. 091-9212260.

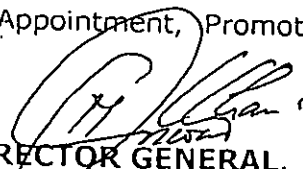
ORDER.

Peshawar, dated 28 /02/2017.

NO. 1988 /Estb/XXXV-D-412. On the recommendation of Departmental Promotion Committee of Excise, Taxation & Narcotics Control Department Khyber Pakhtunkhwa, in its meeting held on 09-02-2017, the following Junior Scale Stenographers (BPS-14) are hereby promoted / appointed as Senior Scale Stenographers (BPS-16) with immediate effect with usual allowances as admissible under the rules.

1-	Muhammad Ismail, Junior Scale Stenographer (BPS-14).	Promoted as Senior Scale Stenographer (BPS-16) on regular basis.
2-	Mr. Pervez Akhtar, Junior Scale Stenographer (BPS-14).	Appointed as Senior Scale Stenographer (BPS-16) on acting charge basis.


The above officers will remain on probation for a period of one year under Rule-15(I) of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989.


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

No. 1989-2000 /Estb/XXXV-D-412.

Copy forwarded and further necessary action to:-

- 1- Registrar Hon'ble Supreme Court of Pakistan with reference to Civil Petition No.418 of 2016 (on appeal from judgment dated 19-01-2016, passed by Khyber Pakhtunkhwa Service Tribunal Peshawar, Camp Court Abbottabad in Service (Appeal No.1207/2015).
- 2- Accountant General, Khyber Pakhtunkhwa, Peshawar.
- 3- Directors (Admn) and (Rev) Excise, Taxation & Narcotics Control Department Khyber Pakhtunkhwa, Peshawar.
- 4- Deputy Directors Excise & Taxation Malakand and Hazara Regions.
- 5- Excise & Taxation Officers, Swat and Haripur.
- 6- Assistant Director (Audit & Accounts) Directorate General, Excise, Taxation & Narcotics Control Khyber Pakhtunkhwa Peshawar.
- 7- District Accounts Officers, Swat and Haripur.
- 8- PS to Minister for Excise, Taxation & Narcotics Control Deptt:Khyber Pakhtunkhwa.
- 9- PS to Secretary to Govt. of Khyber Pakhtunkhwa, Excise, Taxation & Narcotics Control Department Khyber Pakhtunkhwa, Peshawar with reference to his letter No.SO(Admn)ET&NC/1-12/2016/992-93, dated 17-02-2017.
- 10- Officers concerned.
- 11- P.File of officers concerned.
- 12- Office copy.


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

ԲԵՅՈՒՄԱՆԻ
 ԿՆԱՅԵՔ ԲԱԿՏԻՍԻԿՈՒՄԱՆ
 ԿԱՅՏՈՒՄՆԵՐ ԿՈՄԻՏԵՑ
 ԵՃՈՒՅՔ ԼՆՊՈՒՆՈՒՆ Գ՝
 ԴԻՐԵԿՏՈՐ ԳԵՆԵՐԱԼԻ

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- 11. ՕՏԻՑԻ ԿՈՄԻՏԵ
- 10. ԲՆԻՔԻ ՕՏԻՑԻՆԵ ԳՈՒՅՑՆԵՐԻ
- 9. ՕՏԻՑԻՆԵ ԳՈՒՅՑՆԵՐԻ ԳՈՒՐՈՒՄԻ ԿՆԱՅԵՔ ԲԱԿՏԻՍԻԿՈՒՄԱՆ
- 8. ԵՅ ԵՎ ԶԵՏԵՐՆԱ ԵՃՈՒՅՔԻ ԼՆՊՈՒՆՈՒՆ Գ՝ ԿԱՅՏՈՒՄՆԵՐ ԿՈՄԻՏԵՑԻ ԳՈՒՐՈՒՄԻ ԿՆԱՅԵՔ ԲԱԿՏԻՍԻԿՈՒՄԱՆ
- 7. ԵՅ ԵՎ ԿՈՄԻՏԵՑ ԵՃՈՒՅՔԻ ԼՆՊՈՒՆՈՒՆ Գ՝ ԿԱՅՏՈՒՄՆԵՐ ԿՈՄԻՏԵՑԻ ԳՈՒՐՈՒՄԻ ԿՆԱՅԵՔ ԲԱԿՏԻՍԻԿՈՒՄԱՆ
- 6. ԴԻՐԵԿՏՆԵՐ ԿԱՅՏՈՒՄՆԵՐ ԿՈՄԻՏԵՑԻ ԶՄԱՆ ԵՎ ԿԱՅԻՐՈՒՄԻ ԼՆՊՈՒՆՈՒՆ Գ՝ ԿԱՅՏՈՒՄՆԵՐ ԿՈՄԻՏԵՑԻ ԿՆԱՅԵՔ ԲԱԿՏԻՍԻԿՈՒՄԱՆ ԲԵՏՐԱՄԱՆ
- 5. ԱՅԿՆԱՆԻ ԴԻՐԵԿՏՈՐ (ԱՎՈՒՄ Գ՝ ԱՅՏՈՒՄՆԵՐ) ԴԻՐԵԿՏՈՐՆԵ ԳԵՆԵՐԱԼԻ ԵՃՈՒՅՔԻ ԼՆՊՈՒՆՈՒՆ Գ՝ ԿԱՅՏՈՒՄՆԵՐ ԿՈՄԻՏԵՑԻ ԳՈՒՐՈՒՄԻ ԿՆԱՅԵՔ ԲԱԿՏԻՍԻԿՈՒՄԱՆ ԲԵՏՐԱՄԱՆ
- 4. ԵՃՈՒՅՔԻ ԼՆՊՈՒՆՈՒՆ Գ՝ ԿԱՅՏՈՒՄՆԵՐ ԿՈՄԻՏԵՑԻ ԳՈՒՐՈՒՄԻ ԿՆԱՅԵՔ ԲԱԿՏԻՍԻԿՈՒՄԱՆ ԲԵՏՐԱՄԱՆ
- 3. ԳԵՆԵՐԱԼ ԴԻՐԵԿՏՈՐ ԵՃՈՒՅՔԻ ԼՆՊՈՒՆՈՒՆ Գ՝ ԿԱՅՏՈՒՄՆԵՐ ԿՈՄԻՏԵՑԻ ԳՈՒՐՈՒՄԻ ԿՆԱՅԵՔ ԲԱԿՏԻՍԻԿՈՒՄԱՆ ԲԵՏՐԱՄԱՆ
- 2. ԴԻՐԵԿՏՈՐ (ԱՎՈՒՄ) ԵՎ (ԿՍԱ) ԵՃՈՒՅՔԻ ԼՆՊՈՒՆՈՒՆ Գ՝ ԿԱՅՏՈՒՄՆԵՐ ԿՈՄԻՏԵՑԻ ԳՈՒՐՈՒՄԻ ԿՆԱՅԵՔ ԲԱԿՏԻՍԻԿՈՒՄԱՆ ԲԵՏՐԱՄԱՆ
- 1. ԱՅՏՈՒՄՆԵՐ ԳԵՆԵՐԱԼԻ ԿՆԱՅԵՔ ԲԱԿՏԻՍԻԿՈՒՄԱՆ ԲԵՏՐԱՄԱՆ

ԿՈՄԻՏԵՑԻ ԳՈՒՐՈՒՄԻ ԿՆԱՅԵՔ ԲԱԿՏԻՍԻԿՈՒՄԱՆ ԲԵՏՐԱՄԱՆ

NO 3007-ESTP/XXXA-D-413

ԲԵՅՈՒՄԱՆԻ
 ԿՆԱՅԵՔ ԲԱԿՏԻՍԻԿՈՒՄԱՆ
 ԿԱՅՏՈՒՄՆԵՐ ԿՈՄԻՏԵՑ
 ԵՃՈՒՅՔ ԼՆՊՈՒՆՈՒՆ Գ՝
 ԴԻՐԵԿՏՈՐ ԳԵՆԵՐԱԼԻ

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05. ԱՎՈՒՄ ԵՎ ԿԱՅԻՐՈՒՄԻ ԼՆՊՈՒՆՈՒՆ Գ՝

ԵՆՈ	ԱՅՏՈՒՄՆԵՐ ԳԵՆԵՐԱԼԻ	ԱՅՏՈՒՄՆԵՐ ԿՈՄԻՏԵՑԻ ԿՆԱՅԵՔ ԲԱԿՏԻՍԻԿՈՒՄԱՆ ԲԵՏՐԱՄԱՆ
05	ԱՅՏՈՒՄՆԵՐ ԿՈՄԻՏԵՑԻ	ԿԱՅՏՈՒՄՆԵՐ ԿՈՄԻՏԵՑԻ ԿՆԱՅԵՔ ԲԱԿՏԻՍԻԿՈՒՄԱՆ ԲԵՏՐԱՄԱՆ
01	ԱՅՏՈՒՄՆԵՐ ԿՈՄԻՏԵՑԻ	ԿԱՅՏՈՒՄՆԵՐ ԿՈՄԻՏԵՑԻ ԿՆԱՅԵՔ ԲԱԿՏԻՍԻԿՈՒՄԱՆ ԲԵՏՐԱՄԱՆ
	ԱՅՏՈՒՄՆԵՐ ԿՈՄԻՏԵՑԻ	ԱՅՏՈՒՄՆԵՐ ԿՈՄԻՏԵՑԻ

ԱՅՏՈՒՄՆԵՐ ԿՈՄԻՏԵՑԻ ԿՆԱՅԵՔ ԲԱԿՏԻՍԻԿՈՒՄԱՆ ԲԵՏՐԱՄԱՆ
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 ԵՃՈՒՅՔԻ ԼՆՊՈՒՆՈՒՆ Գ՝ ԿԱՅՏՈՒՄՆԵՐ ԿՈՄԻՏԵՑԻ ԳՈՒՐՈՒՄԻ ԿՆԱՅԵՔ ԲԱԿՏԻՍԻԿՈՒՄԱՆ ԲԵՏՐԱՄԱՆ
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ԵՃՈՒՅՔԻ ԼՆՊՈՒՆՈՒՆ Գ՝ ԿԱՅՏՈՒՄՆԵՐ ԿՈՄԻՏԵՑԻ ԳՈՒՐՈՒՄԻ ԿՆԱՅԵՔ ԲԱԿՏԻՍԻԿՈՒՄԱՆ ԲԵՏՐԱՄԱՆ
 ԵՃՈՒՅՔԻ ԼՆՊՈՒՆՈՒՆ Գ՝ ԿԱՅՏՈՒՄՆԵՐ ԿՈՄԻՏԵՑԻ ԳՈՒՐՈՒՄԻ ԿՆԱՅԵՔ ԲԱԿՏԻՍԻԿՈՒՄԱՆ ԲԵՏՐԱՄԱՆ

IN THE SUPREME COURT OF PAKISTAN

(Appellate Jurisdiction)

PRESENT:

MR. JUSTICE SH. AZMAT SAEED
MR. JUSTICE MANZOOR AHMAD MALIK
MR. JUSTICE KHILJI ARIF HUSSAIN

CIVIL PETITION NO.418 OF 2016

(On appeal from judgment dated 19.1.2016, passed by the Khyber Pakhtunkhwa Service Tribunal Peshawar, Camp Court Abbottabad in Service Appeal No.1207/2015)

Waheed Khan ... Petitioner (s)

Versus

Pervez Akhtar and 3 others ... Respondent (s)

For the Petitioner (s) : Mr. Ijaz Anwar, ASC with
Mr. M.S. Khattak, AOR

Respondent (s) : N.R.

Date of Hearing : 27.09.2016

ORDER

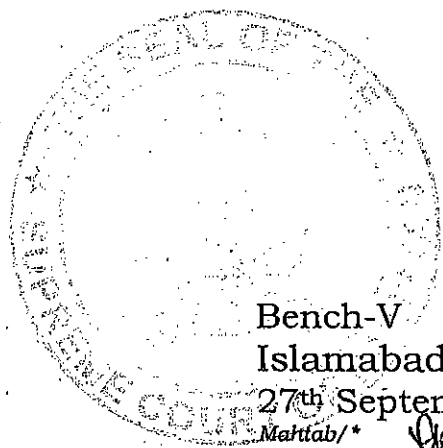
SH. AZMAT SAEED, J.- We have heard the learned counsel for the Petitioner at some length and have examined the impugned judgment dated 19.01.2016 of the learned Khyber Pakhtunkhwa Service Tribunal Peshawar, Camp Court Abbottabad. No substantial question of law of public importance has been raised justifying the exercise of our jurisdiction under Article 212(3) of the Constitution of the Islamic Republic of Pakistan, 1973

2. Consequently, this Civil Petition is dismissed and leave declined.

Sd/- Sh. Azmat Saeed, 5
Sd/- Manzoor Ahmad Malik, 5
Sd/- Khilji Arif Hussain, 5

Certified to be True Copy

Court Associate
Supreme Court of Pakistan
Islamabad



Bench-V
Islamabad, the
27th September, 2016
Mahtab/*



GOVERNMENT OF KHYBER PAKHTUNKHWA
EXCISE, TAXATION & NARCOTICS CONTROL DEPARTMENT
 No.SO(Admn)ET&NC/1-12/2016//196
 Dated Peshawar the 27th February, 20

To

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

Subject:- **MINUTES OF THE DEPARTMENTAL PROMOTION COMMITTEE'S MEETING HELD ON 09.02.2017 AT 02.00 PM UNDER THE CHAIRMANSHIP OF ADDITIONAL SECRETARY EXCISE, TAXATION & NARCOTICS CONTROL DEPARTMENT, KHYBER PAKHTUNKHWA.**

I am directed to refer to your letter No.1819/Estb/XXXV-D-412 dated 22.02.2017 on the subject noted above and to enclose herewith a copy of minutes of the Departmental Promotion Committee's meeting held on **09/02/2017 at 1400 hours** duly signed by all concerned along-with a copy of the Establishment Department letter No.SOR-VI(E&AD)/1-3/2012/APT Rules dated 27.01.2017 for further necessary action at your end, please.

SECTION OFFICER (ADMN)

Encl: as above
Endst: No. & Date Even.

Copy forwarded to P.S to Secretary Excise, Taxation & Narcotics Control Department.

SECTION OFFICER (ADMN)

BY DIS. (ADMN)	BY DIR (PESH)
BY DIR (LIT)	BY DIR (REGST)
SYSTEM ANALYS	AD (ACCT. S)
BY DIR (LIT)	SUP-DEN ✓
BY DIR (LIT)	BY DIR (REGST)

27/2



GOVERNMENT OF KHYBER PAKHTUNKHWA
EXCISE, TAXATION & NARCOTICS CONTROL DEPARTMENT
No.SO(Admn)ET&NC/1-12/2016
Dated Peshawar the 9th February,

Subject:- **MINUTES OF THE DEPARTMENTAL PROMOTION COMMITTEE'S MEETING HELD ON 09.02.2017 AT 02.00 PM UNDER THE CHAIRMANSHIP OF ADDITIONAL SECRETARY EXCISE, TAXATION & NARCOTICS CONTROL DEPARTMENT, KHYBER PAKHTUNKHWA.**

A meeting of the Departmental Promotion Committee was held on 09.02.2017 at 02.00 pm under the chairmanship of Additional Secretary Excise Taxation & Narcotics Control Department in his office to consider the case of promotion of two (02) Junior Scale Stenographers (BPS-14) to Senior Scale (BPS-16). The following attended the meeting:-

- 1) Muhammad Nadir Khan Rana, In chair
Additional Secretary, Excise, Taxation & Narcotics Control Deptt:
Khyber Pakhtunkhwa, Peshawar.
- 2) Muhammad Anwar Khan,
Director General Excise, Taxation & Narcotics Control,
Khyber Pakhtunkhwa.
- 3) Ms⁺ Farzana Afzal,
Deputy Secretary Excise, Taxation & Narcotics Control Deptt:
4. Muhammad Abbas Khan,
Section Officer (R-II), Establishment Department.
5. Liaqat Ali,
Section Officer (SR-III),
Finance Department.

2. The meeting started with the recitation from the holy Quran. The chair welcomed the participants of the meeting. The Director General Excise, Taxation & Narcotics Control, Khyber Pakhtunkhwa explained the working paper presented for promotion of two Junior Scale Stenographers (BPS-14) to Senior Scale Stenographer (BPS-16). The two posts of Senior Scale Stenographers (BPS-16) were lying vacant in the office of Director General Excise, Taxation & Narcotics Control, Khyber Pakhtunkhwa due to promotion of Mr. Asif Iqbal Sr. Scale Stenographer as Superintendent on regular basis and Mr. Waheed Khan Sr. Scale Stenographer as Superintendent on acting charge basis. He therefore, requested the committee that the proposed promotion may also considered against the existing vacant posts i.e one on regulars and one on acting charge basis.

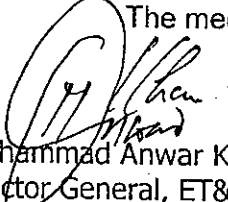
3. The representative of Finance Department observed that the ACR in respect of Mr. Pervez Akhtar for the calendar year 2016 is not available. The Director General Excise, Taxation & Narcotics Control informed that as the instant promotion case is processed before 31st March, so the ACR's for the last calendar year 2016 would not be required as per rule/policy.

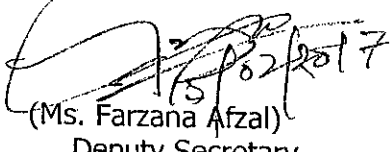
4. According to final seniority list of Junior Scale Stenographers (BPS-14) as stood on 31.12.2016 Mr. Muhammad Ismail and Mr. Pervez Akhtar were in line of promotion against the vacant posts of Senior Scale Stenographer respectively.

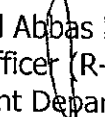
5. The Departmental Promotion Committee thoroughly checked the service record and performance evaluation reports in respect of Mr. Muhammad Ismail & Mr. Pervez Akhtar. The Committee considered suitability of both the officials as per the following details:-

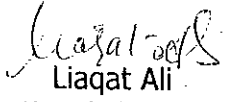
1	Mr. Muhammad Ismail, Junior Scale Stenographer (BPS-14)	Recommended for promotion to Senior Scale Stenographer (BPS-16) on regular basis.
2	Mr. Pervez Akhtar, Junior Scale Stenographer (BPS-14)	Recommended for promotion to Senior Scale Stenographer (BPS-16) on acting charge basis.

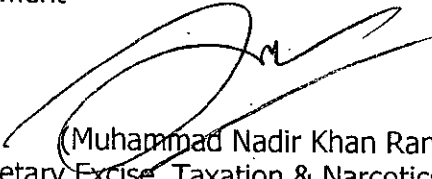
6. The meeting ended with a vote of thanks to and from the chair.


(Muhammad Anwar Khan)
Director General, ET&NC
Khyber Pakhtunkhwa


(Ms. Farzana Afzal)
Deputy Secretary
ET&NC Department


(Muhammad Abbas Khan)
Section Officer (R-II),
Establishment Department


Liaqat Ali
Section Officer (SR-III),
Finance Department


(Muhammad Nadir Khan Rana)
Additional Secretary Excise, Taxation & Narcotics Control Department.



DIRECTORATE GENERAL,
EXCISE, TAXATION & NARCOTICS CONTROL, KHYBER PAKHTUNKHWA.
Auqaf Complex, Shami Road, Peshawar, Phone No. 091-9212260.

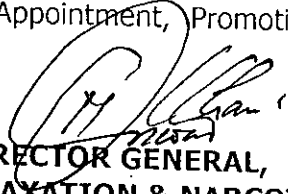
ORDER.

Peshawar, dated 28/02/2017.

NO. 1988 /Estb/XXXV-D-412. On the recommendation of Departmental Promotion Committee of Excise, Taxation & Narcotics Control Department Khyber Pakhtunkhwa, in its meeting held on 09-02-2017, the following Junior Scale Stenographers (BPS-14) are hereby promoted / appointed as Senior Scale Stenographers (BPS-16) with immediate effect with usual allowances as admissible under the rules.

1-	Muhammad Ismail, Junior Scale Stenographer (BPS-14).	Promoted as Senior Scale Stenographer (BPS-16) on regular basis.
2-	Mr. Pervez Akhtar, Junior Scale Stenographer (BPS-14).	Appointed as Senior Scale Stenographer (BPS-16) on acting charge basis.


The above officers will remain on probation for a period of one year under Rule-15(I) of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989.


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

No. 1989-2000 /Estb/XXXV-D-412.

Copy forwarded and further necessary action to:-

- 1- Registrar Hon'ble Supreme Court of Pakistan with reference to Civil Petition No.418 of 2016 (on appeal from judgment dated 19-01-2016, passed by Khyber Pakhtunkhwa Service Tribunal Peshawar, Camp Court Abbottabad in Service (Appeal No.1207/2015).
- 2- Accountant General, Khyber Pakhtunkhwa, Peshawar.
- 3- Directors (Admn) and (Rev) Excise, Taxation & Narcotics Control Department Khyber Pakhtunkhwa, Peshawar.
- 4- Deputy Directors Excise & Taxation Malakand and Hazara Regions.
- 5- Excise & Taxation Officers, Swat and Haripur.
- 6- Assistant Director (Audit & Accounts) Directorate General, Excise, Taxation & Narcotics Control Khyber Pakhtunkhwa Peshawar.
- 7- District Accounts Officers, Swat and Haripur.
- 8- PS to Minister for Excise, Taxation & Narcotics Control Deptt:Khyber Pakhtunkhwa.
- 9- PS to Secretary to Govt. of Khyber Pakhtunkhwa, Excise, Taxation & Narcotics Control Department Khyber Pakhtunkhwa, Peshawar with reference to his letter No.SO(Admn)ET&NC/1-12/2016/992-93, dated 17-02-2017.
- 10- Officers concerned.
- 11- P.File of officers concerned.
- 12- Office copy.


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

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

No. 528-34 /ST

Dated 21 /3 /2017


To

1. The Secretary Excise & Taxation Department, Peshawar.
2. Director General, Excise & Taxation Department, Peshawar.
3. Muhammad Nadir Khan Rana, Additional Secretary, Excise & Taxation Narcotics Control Department, Peshawar.
4. Muhammad Anwar Khan, Director General, Excise & Taxation Narcotics Control Department, Peshawar.
5. Miss Farzana Afzal, Deputy Secretary Excise & Taxation Narcotics Control Department, Peshawar.
6. Muhammad Abbas Khan, Section officer (R-II) Establishment Department Peshawar.
7. Liaqat Ali, Section officer (SR-III) Finance Department Peshawar.

Subject: - ORDER.

I am directed to forward herewith a certified copy of order dated 16.3.2017 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.



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

Auqaf Complex, Shami Road, Peshawar.

Phone. 091-9212260

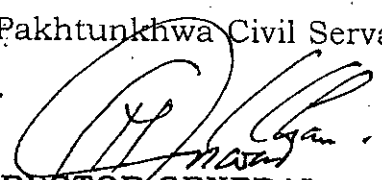
ORDER

Dated Peshawar the 16/05/2017

No. 4401 / Estb/XXXV-D-412 On the recommendation of Departmental Promotion Committee meeting of Excise, Taxation & Narcotics Control Department Govt. of Khyber Pakhtunkhwa, held on 15-05-2017, the following Junior Scale Stenographers (BPS-14) are appointed / promoted as Senior Scale Stenographers (BPS-16) with immediate effect with usual allowances as admissible under the rules.

1.	Mr. Pervez Akhtar, Junior Scale Stenographer (BPS-14)	Promoted as Senior Scale Stenographer (BPS-16) on regular basis.
2.	Muhammad Ismail, Junior Scale Stenographer (BPS-14)	Appointed as Senior Scale Stenographer (BPS-16) on acting charge basis.

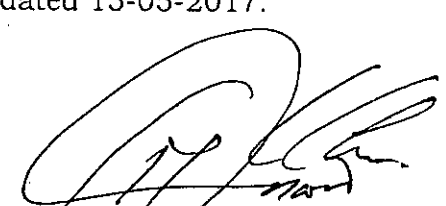
02. The officer promoted at S.No.1 will remain on probation for a period of one year under Rule-15(1) of the Khyber Pakhtunkhwa Civil Servants (Appointment, Probation and Transfer) Rules, 1989.


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

No. 4402-13 / Estb/ XXXV-D-412

Copy forwarded for information and necessary action to:

1. Registrar Hon'bel Supreme Court of Pakistan with reference to Civil Petition No.418 of 2016 (on appeal judgment dated 19-01-2016, passed by Khyber Pakhtunkhwa Service Tribunal, Peshawar Camp Court Abbottabad in Service Appeal No.1207/2015)
2. Accountant General, Khyber Pakhtunkhwa, Peshawar.
3. Director (Admn) and Director (Revenue), Excise, Taxation & Narcotics Control, Peshawar.
4. Deputy Director, Excise & Taxation, Malakand and Hazara Regions.
5. Excise & Taxation Officers Swat and Haripur.
6. Assistant Director (Audit & Accounts) Directorate General, Excise, Taxation & Narcotics Control, Peshawar.
7. District Accounts Officer, Swat and Haripur.
8. PS to Minister Excise, Taxation & Narcotics Control Department Peshawar.
9. PS to Secretary to Govt. of Khyber Pakhtunkhwa, Excise, Taxation & Narcotics Control Department Peshawar with reference to his letter No.SO(Admn)ET/NC/1-12/2016/3638-39, dated 15-05-2017.
10. Officers Concerned.
11. P.File of officers concerned.
12. Office copy.


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

Annexure-67




DIRECTORATE GENERAL,
EXCISE, TAXATION & NARCOTICS CONTROL, KHYBER PAKHTUNKHWA.
Auqaf Complex, Shami Road, Peshawar, Phone No. 091-9212260.

ORDER.

12

Peshawar, dated 14/04/2017.


No. 3556 /Estb/XXXV-D-412. In compliance with the directions issued by the Service Tribunal Camp Court Abbottabad the promotion / appointment on acting charge basis order in respect of Senior Scale Stenographers (BPS-16) vide No. 1988/Estb/XXXV-D-412 dated 28-02-2017 is hereby suspended with immediate effect. All sort of perk and privileges as a result of the said orders also stand suspended till final orders of the Hon'ble Court.


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

No. 3557-68 /Estb/XXXV-D-412.

Copy forwarded and further necessary action to:-

- 1- Registrar Hon'ble Supreme Court of Pakistan with reference to Civil Petition No.418 of 2016 (on appeal from judgment dated 19-01-2016, passed by Khyber Pakhtunkhwa Service Tribunal Peshawar, Camp Court Abbottabad in Service (Appeal No.1207/2015).
- 2- Accountant General, Khyber Pakhtunkhwa, Peshawar.
- 3- Directors (Admn) and (Rev) Excise, Taxation & Narcotics Control Department Khyber Pakhtunkhwa, Peshawar.
- 4- Deputy Directors Excise & Taxation Malakand and Hazara Regions.
- 5- Excise & Taxation Officers, Swat and Haripur.
- 6- Assistant Director (Audit & Accounts) Directorate General, Excise, Taxation & Narcotics Control Khyber Pakhtunkhwa Peshawar.
- 7- District Accounts Officers, Swat and Haripur.
- 8- PS to Minister for Excise, Taxation & Narcotics Control Deptt:Khyber Pakhtunkhwa.
- 9- PS to Secretary to Govt. of Khyber Pakhtunkhwa, Excise, Taxation & Narcotics Control Department Khyber Pakhtunkhwa, Peshawar.
- 10- Officers concerned.
- 11- P.File of officers concerned.
- 12- Office copy.


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

ANNEXURE B

3

MINUTES OF THE MEETING OF DEPARTMENTAL PROMOTION COMMITTEE MEETING OF EXCISE TAXATION DEPARTMENT HELD ON 20-03-2012 AT 11:00 AM

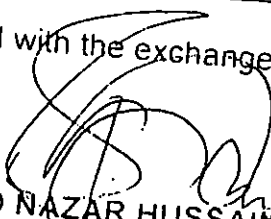
In order to fill up the two regular posts of Senior Scale Stenographer (BPS-15) a meeting of the Departmental Promotion Committee of Excise & Taxation Department Khyber Pakhtunkhwa was held on 20-03-2012 at 11:00 AM in the office of Director General, Excise & Taxation, Khyber Pakhtunkhwa to discuss the cases of promotion of Junior Scale Stenographer (BPS-12) to the post of Senior Scale Stenographer (BPS-15). The following members attended the meeting:


- | | |
|---|----------|
| 1. Syed Nazar Hussain Shah
Director General, Excise & Taxation,
Khyber Pakhtunkhwa. | In Chair |
| 2. Mohammad Kabir Afridi,
Director (Admn.), Excise & Taxation,
Khyber Pakhtunkhwa. | Member |
| 3. Syed Mazhar Ali Shah,
Section Officer (Establishment),
Excise & Taxation Department, Khyber Pakhtunkhwa. | Member |

The Committee after thorough examination and scrutiny of service record of eligible officials, decided as follows:


S.No.	Name of Junior Scale Stenographer (BPS-12)	Decision
1	Mohammad Ismail	Opted to forego promotion.
2	Mr. Pervez Akhtar	Deferred due to his alleged involvement in an anti-corruption case, although one regular post reserved for him under Khyber Pakhtunkhwa Civil Servants Promotion Policy, 2009, Rule V (a) (ii).
3	Mr. Faqir Khan	Opted to forego promotion.
4	Mr. Ali Gohar-I	Opted to forego promotion for time being.
5	Mr. Fida Mohammad	Opted to forego promotion for time being.
6	Mr. Waheed Khan	Cleared for regular promotion as Senior Scale Stenographer (BPS-15).

The meeting ended with the exchange of thanks.


SYED NAZAR HUSSAIN SHAH
Director General, Excise & Taxation,
Khyber Pakhtunkhwa
Peshawar


MOHAMMAD KABIR AFRIDI
Director (Admn.),
Excise & Taxation,
Khyber Pakhtunkhwa,
Peshawar

Attested


SYED MAZHAR ALI SHAH
Section Officer,
Excise & Taxation Department,
Khyber Pakhtunkhwa

**BEFORE THE KHYBER PAKHTUNKHWA SERVICES
TRIBUNAL, ABBOTTABAD.**

Execution Petition No. 242/2016
In
Services Tribunal No. 1207/2015

Pervez Akhter, Junior Scale Stenographer, Excise and Taxation Office, Haripur.
Petitioner.

V E R S U S

1. Secretary to Govt. of KPK, Excise & Taxation Department.
2. Director General, Excise & taxation Department, KPK, Peshawar.
3. The Director Admn: Excise & Taxation Department, KPK, Peshawar.
4. Waheed Khan, Stenographer/Acting Superintendent, Office of Director General, Excise & Taxation Department, KPK Peshawar.

Respondents.

I N D E X.

S.NO	Particulars	Annexure	Pages
1-	Implementation Report.	--	1-2
2-	Affidavit	--	3
3-	copy of the Working paper	A	5-6
3-	Copies of the ^{NOTIFICATION, DPC} seniority list, minutes of the Departmental Promotion Committee, Promotion Order and posting order & seniority List.	B,C,D & E	7-13

Respondents No. 1 to 3

Through Counsel



S. Hamad Ali Shah
(Advocate),
Supreme Court of Pakistan
Legal Advisor
Excise Taxation & Narcotics
Control Department KPK.

(1)

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, ABBOTTABAD.

1-12

Execution Petition No. 242/2016

In

Service Appeal No.1207/2015 .

Pervez Akhtar VS Secretary to Govt. of Khyber Pakhtunkhwa, Excise, Taxation & Narcotics Control Department Khyber Pakhtunkhwa Peshawar and others.

IMPLEMENTATION REPORT OF JUDGMENT DATED 19.01.2016 IN SERVICE APPEAL NO.1207/2015.

Respectfully sheweth.

- (i) That, the above noted execution petition in Service Appeal No. 1207/2015 is pending before this August court, and is fixed for dated 18.05.2017.
- (ii) That, in order to implement the judgment of this august Tribunal, the following actions were taken by the respondents ;
 - (a) In light of order dated 16.03.2017, the order for promotion as senior scale stenographer on acting charge basis of petitioner Pervez Akhtar, dated 28.02.2016 was cancelled through order dated 14.04.2017, with immediate effect.
 - (b) For convening the meeting of DPC for implementing the judgment of this august Tribunal, the working paper dated 10.05.2017 was submitted by the respondent No. 2 &3 to respondent No.1.

(Copy of working paper dated 10.05.2017 maintained by respondent No.2 & 3 for implementing the judgment of Service Tribunal dated 16.03.2017 to respondent No.1 is attached as Annex-A)

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(c) The meeting of the DPC was called through order dated 11.05.2017 by the respondent No.1 through issuing notices to its concerned participants.

(Copy of notice to participants is attached as Annex "B".)


(d) The DPC meeting under the chairmanship of respondent No.1 was held on 15.05.2017, and, in order to implement judgment in this August Tribunal, ~~the~~ notification / order dated 16.05.2017 regarding promotion of petitioner Pervez Akhtar from Junior Scale Stenographer to Senior Scale Stenographer, was issued by respondent No.2.

(copies of Minutes of meeting dated 15.05.2017 and, order / Notification No4401/Estb/XXXV-D-412 dated 16.05.2017 are attached Annex "C" & "D" respectively.)

(e) The respondent with utmost respect extend unconditional apology due to the acts committed under some misconception regarding certain legal and factual aspects in respect of promotion of petitioner, as the respondents cannot even think to defy / disobey any order of this August tribunal.

It is therefore most humbly prayed, that in view of afore noted facts the execution petition may kindly be filed, as the judgment of this August Tribunal is being implemented by the respondents in letter and spirit, under the prevailing circumstances.

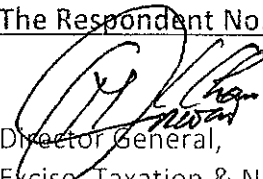
The Respondent No. 1


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

(3)

21


The Respondent No. 2


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

The Respondent No. 3

Director (Admn),
Excise, Taxation & Narcotics Control,
Khyber Pakhtunkhwa, Peshawar.

Through Counsel


Syed Farhad Ali Shah
(Advocate)
Supreme Court of Pakistan,
Legal Advisor, Excise, Taxation & Narcotics Control Department,
Khyber Pakhtunkhwa, Peshawar.

(4)

28

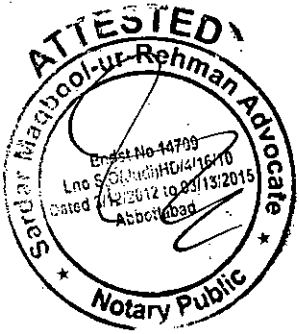
BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, ABBOTTABAD.

Execution Petition No. 242/2016
In
Service Appeal No.1207/2015.

Pervez Akhtar VS Secretary to Govt. of Khyber Pakhtunkhwa, Excise, Taxation &
Narcotics Control Department Khyber Pakhtunkhwa Peshawar
and others.

IMPLEMENTATION REPORT.

AFFIDAVIT

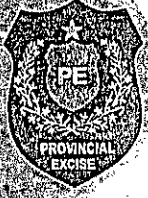


I Mr. Muhammad Anwar Khan, Director General Excise, Taxation & Narcotics Control Khyber Pakhtunkhwa, do hereby solemnly affirm and declare on oath that, the implementation report is true and correct to the best of my knowledge and belief, and information in the light of record.

Dated: 16th May, 2017

The Deponent

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



(5)

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

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

No. 4257 / Estb/ XXXV-D-412 Dated Peshawar the 10 /05/2017

To

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

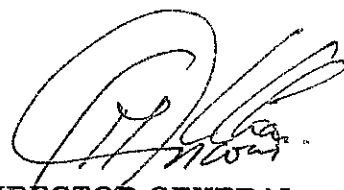
**Subject: IMPLEMENTATION OF JUDGMENT DATED 19-01-2016 BY
KHYBER PAKHTUNKHWA SERVICE TRIBUNAL IN SERVICE
APPEAL NO.1207/2015.**

Kindly refer to your office letter No.SO(Admn)ET&NC/1-12/2016/3478-80 dated 04-05-2017 on the subject cited above.

02. In order to implement the judgment of Khyber Pakhtunkhwa, Service Tribunal and to fill up two (02) vacant posts of Senior Scale Stenographer (BPS-16), working paper is prepared and sent herewith (in original) for your kind perusal and further necessary action.

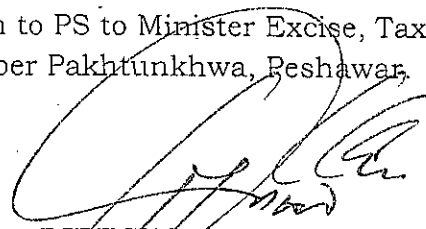
03. It is, therefore, requested to constitute a Departmental Promotion Committee (DPC) at the earliest, please.

Enclosure: 19 No. pages.


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

No. 4258 / Estb/XXXV-D-412

Copy forwarded for information to PS to Minister Excise, Taxation & Narcotics Control Department Khyber Pakhtunkhwa, Peshawar.


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

appointed on acting charge basis as senior scale stenographer (BPS-16) at the moment to implement the judgment of the Service Tribunal Govt. of Khyber Pakhtunkhwa. The promotion of Muhammad Ismail who once forgone his promotion in 2011 may also be considered against the supernumerary post as and when approved by the Finance Department, Govt. of Khyber Pakhtunkhwa or any other vacant post which ever is earlier.

6. According to the final seniority list of Junior Scale Stenographers (BPS-14) as it stood on 31.12.2015 (Annexure-E), the following junior scale stenographers (BPS-14) are in the line of promotion against the vacant posts of Senior Scale Stenographer (BPS-16):-

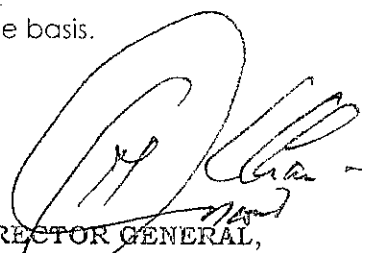
S#	NAME OF JR.SCALE STENOGRAPHER	DATE OF BIRTH	DATE OF APPOINTMENT AS JR. SCALE STENOGRAPHER	Remarks
1	Muhammad Ismail	22-12-1957	22-01-1985	PERs complete.(He forgone the promotion in 2011). His promotion order vide No.1988/Estb/XXXV-D-412, dated 28-02-2017 (Copy attached at Annexure-F) stands suspended on the directions of Service Tribunal Khyber Pakhtunkhwa vide No.3556/Estb/XXXV-D-412, dated 14-04-2017 (Copy attached at Annexure-G)
2	Mr. Pervez Akhtar	12-04-1967	23-12-1989	PERs complete, He moved the Service Tribunal Khyber Pakhtunkhwa. His acting charge basis appointment order stands suspended on the direction of the Court.

7. As per available record it is certified that:-

- i. None of the official is involved in any criminal / judicial proceeding.
- ii. No penalties were imposed on any officials above during the preceding 5 years.
- iii. No official is actually serving on deputation or long leave.
- iv. Both the officials are holding the post of Junior Scale Stenographer (BPS-14) on regular basis and none of them is holding the post on ad-hoc-basis.
- v. Both the officials have completed the prescribed minimum length of 5 years qualifying service.
- vi. Seniority of the officials is final and undisputed.

8. The synopsis of PERs of both the officials are placed below for perusal of the Committee (Annexure-H & I). Original PERs - dossiers will be produced before the Committee during course of meeting.

9. The Departmental Promotion Committee is requested to consider the suitability of two (02) Junior Scale Stenographers (BPS-14) for promotion and appointment to the post of Senior Scale Stenographers (BPS-16) on regular basis and acting charge basis.


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

(7)

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

NO. SO(Admn)ET&nc/1-12(A)/2016
Dated Peshawar the 11.05.2017

To

1. The Special Secretary (Reg:),
Establishment Department.
2. The Addl: Secretary (Reg:),
Finance Department.
3. The Director General,
Excise, Taxation & Narcotics Control,
Khyber Pakhtunkhwa, Peshawar.

Subject:- **MEETING OF THE DEPARTMENTAL PROMOTION COMMITTEE (DPC)
IN LIGHT OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
JUDGMENT.**

Dear Sir,

I am directed to refer to the subject noted above and to state that a meeting of the Departmental Promotion Committee (DPC) is scheduled to be held on **15/05/2017 at 1100 hours** under the Chairmanship of Secretary Excise, Taxation & Narcotics Control Department in his office to discuss promotion case of (02) Junior Scale Stenographers (BPS-14) to Senior Scale (BPS-16) in light of the Khyber Pakhtunkhwa Service Tribunal Abbottabad Bench judgment.

2. I am, therefore directed to request you to kindly make it convenient to attend the Departmental Promotion Committee's meeting on the date, time and venue mentioned above.

Yours faithfully

[Signature]
SECTION OFFICER (ADMN)

Endst: No. & Date Even.

- [Signature]*
- Copy forwarded to:
1. The Registrar, Khyber Pakhtunkhwa Service Tribunal, Peshawar w/r to his letter No.528-34/ST dated 21.03.2017.
 2. The Section Officer (R-II) Establishment Department alongwith a set of working paper.
 3. The Section Officer (SR-III) Finance Department alongwith a set of working paper.
 4. The Deputy Secretary Excise, Taxation & Narcotics Control Department.
 5. P.S to Secretary Excise, Taxation & Narcotics Control Department.

[Signature]
SECTION OFFICER (ADMN)



(8)

287

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

Subject:- **MINUTES OF THE DEPARTMENTAL PROMOTION COMMITTEE MEETING HELD ON 15.05.2017 AT 1100 HOURS UNDER THE CHAIRMANSHIP OF SECRETARY EXCISE, TAXATION & NARCOTICS CONTROL DEPARTMENT.**

In pursuance of the Hon'able Khyber Pakhtunkhwa Service Tribunal Abbottabad Bench judgment dated 16.03.2017, a meeting of the Departmental Promotion Committee was held on 15.05.2017 at 1100 hours under the chairmanship of Secretary Excise, Taxation & Narcotics Control Department in its office to consider the case of promotion of two (02) Junior Scale Stenographers (BPS-14) to Senior Scale (BPS-16). The following attended the meeting:-

- 1) Muhammad Javed Marwat, In-Chair
Secretary, Excise, Taxation & Narcotics Control Deptt:
- 2) Muhammad Nadir Khan Rana,
Additional Secretary, Excise, Taxation & Narcotics Control Deptt:
- 3) Muhammad Anwar Khan,
Director General Excise, Taxation & Narcotics Control,
Khyber Pakhtunkhwa.
- 4) Muhammad Javed Siddiqi
Deputy Secretary (SR-I),
Finance Department.
- 5) Rehan Gul Khattak
Deputy Secretary Excise, Taxation & Narcotics Control Deptt:
- 6) Muhammad Salim Shah,
Section Officer (R-V), Establishment Department.

2. The meeting started with the recitation from the holy Quran. The In-Chair welcomed the participants of the meeting. The Director General Excise, Taxation & Narcotics Control, Khyber Pakhtunkhwa explained the working paper in light of Hon'able Khyber Pakhtunkhwa Service Tribunal Abbottabad Bench judgment dated 16.03.2017 regarding promotion of two Junior Scale Stenographers (BPS-14) to Senior Scale Stenographer (BPS-16). The Director General apprised the forum that two posts of Senior Scale Stenographers (BPS-16) are lying vacant i.e (one post on regular and one on acting charge basis) in the office of Director General Excise, Taxation & Narcotics Control, Khyber Pakhtunkhwa.

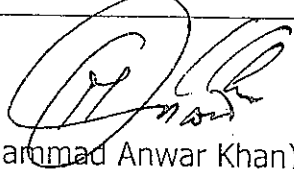
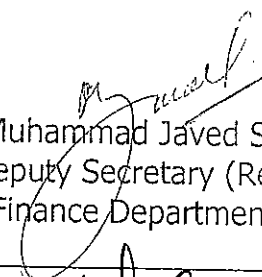
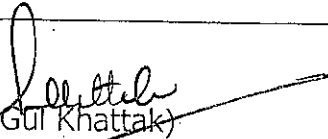
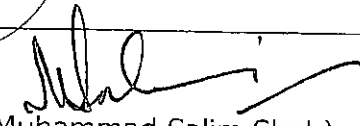
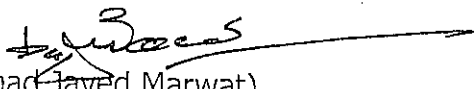
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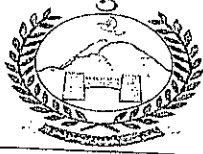
288

3. The Departmental Promotion Committee examined promotion case of two Junior Scale Stenographers (BPS-14) to the post of Senior Scale Stenographer (BPS-16) in the light of Hon'able Khyber Pakhtunkhwa Service Tribunal Abbottabad Bench judgment and considered suitability of Mr. Muhammad Ismail & Mr. Pervez Akhtar as per the following details:-

1	Mr. Muhammad Ismail, Junior Scale Stenographer (BPS-14)	Recommended for promotion to Senior Scale Stenographer (BPS-16) on acting charge basis
2	Mr. Pervez Akhtar, Junior Scale Stenographer (BPS-14)	Recommended for promotion to Senior Scale Stenographer (BPS-16) on regular basis

4. The meeting ended with a vote of thanks to and from the chair.

 (Muhammad Anwar Khan) Director General Excise, Taxation & Narcotics Control, Khyber Pakhtunkhwa	 (Muhammad Javed Siddiqi) Deputy Secretary (Reg-I), Finance Department
 (Rehan Gul Khattak) Deputy Secretary Excise, Taxation & Narcotics Control Department	 (Muhammad Salim Shah) Section Officer (Reg-V), Establishment Department
 (Muhammad Javed Marwat) Secretary to Government of Khyber Pakhtunkhwa Excise, Taxation & Narcotics Control Department	



GOVERNMENT OF KHYBER PAKHTUNKHWA
EXCISE, TAXATION & NARCOTICS CONTROL DEPARTMENT

No.SO(Admn)ET&NC/1-12/2017

Dated Peshawar the 15th May 2017

To

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

Subject:-

MINUTES OF THE DEPARTMENTAL PROMOTION COMMITTEE MEETING HELD ON 15.05.2017 AT 1100 HOURS UNDER THE CHAIRMANSHIP OF SECRETARY EXCISE, TAXATION & NARCOTICS CONTROL DEPARTMENT.

I am directed to refer to the subject noted above and to enclose herewith minutes of the Departmental Promotion Committee's (DPC) meeting held on **15/05/2017 at 1100 hours** (in original) regarding promotion of two (02) Junior Scale Stenographers (BPS-14) to Senior Scale (BPS-16) duly signed by all concerned for further necessary action at your end.

Encl: as above

Endst: No. & Date Even.

SECTION OFFICER (ADMN)

Copy forwarded to P.S to Secretary Excise, Taxation & Narcotics Control Department.

SECTION OFFICER (ADMN)



(11)
**DIRECTOR GENERAL,
EXCISE, TAXATION & NARCOTICS CONTROL,
KHYBER PAKHTUNKHWA, PESHAWAR.**

Auqaf Complex, Shami Road, Peshawar.

Phone. 091-9212260

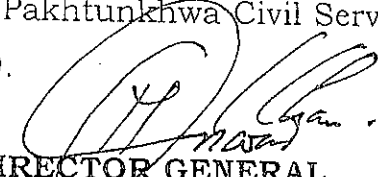
ORDER

Dated Peshawar the 16/05/2017

No. 4401 / Estb/XXXV-D-412 On the recommendation of Departmental Promotion Committee meeting of Excise, Taxation & Narcotics Control Department Govt. of Khyber Pakhtunkhwa, held on 15-05-2017, the following Junior Scale Stenographers (BPS-14) are appointed / promoted as Senior Scale Stenographers (BPS-16) with immediate effect with usual allowances as admissible under the rules.

1.	Mr. Pervez Akhtar, Junior Scale Stenographer (BPS-14)	Promoted as Senior Scale Stenographer (BPS-16) on regular basis.
2.	Muhammad Ismail, Junior Scale Stenographer (BPS-14)	Appointed as Senior Scale Stenographer (BPS-16) on acting charge basis.


02. The officer promoted at S.No.1 will remain on probation for a period of one year under Rule-15(1) of the Khyber Pakhtunkhwa Civil Servants (Appointment, Probation and Transfer) Rules, 1989.


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

No. 4402-13 / Estb/ XXXV-D-412

Copy forwarded for information and necessary action to:

1. Registrar Hon'bel Supreme Court of Pakistan with reference to Civil Petition No.418 of 2016 (on appeal judgment dated 19-01-2016, passed by Khyber Pakhtunkhwa Service Tribunal, Peshawar Camp Court Abbottabad in Service Appeal No.1207/2015)
2. Accountant General, Khyber Pakhtunkhwa, Peshawar.
3. Director (Admn) and Director (Revenue), Excise, Taxation & Narcotics Control, Peshawar.
4. Deputy Director, Excise & Taxation, Malakand and Hazara Regions.
5. Excise & Taxation Officers Swat and Haripur.
6. Assistant Director (Audit & Accounts) Directorate General, Excise, Taxation & Narcotics Control, Peshawar.
7. District Accounts Officer, Swat and Haripur.
8. PS to Minister Excise, Taxation & Narcotics Control Department Peshawar.
9. PS to Secretary to Govt. of Khyber Pakhtunkhwa, Excise, Taxation & Narcotics Control Department Peshawar with reference to his letter No.SO(Admn)ET/NC/1-12/2016/3638-39, dated 15-05-2017.
10. Officers Concerned.
11. P.File of officers concerned.
12. Office copy.


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



Amir E
(02)

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

Auqaf Complex, Shami Road, Peshawar.

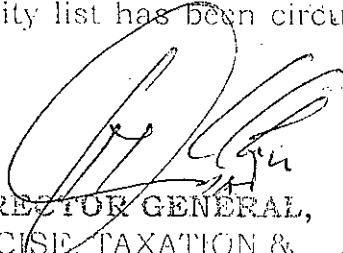
Phone. 091-9212260

NOTIFICATION

Dated Peshawar the 17/07/2017

No. 5825 /Estb/XXXV-A-227 (S.S.S.) In exercise of powers conferred under Section-8 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 read with sub rule-2(c)(i) of Rule-4 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, final seniority list of Senior Scale Stenographer (BPS-16) Excise, Taxation & Narcotics Control Department Govt. of Khyber Pakhtunkhwa as it stood on 30-06-2017 is circulated for information of all concerned.

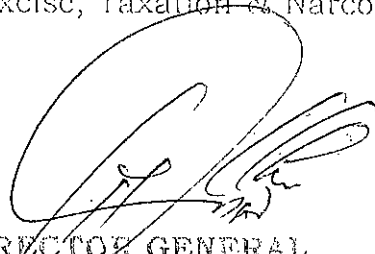
2. The supervisory officers are further directed to circulate the same and send a certificate in this regard that the seniority list has been circulated to all concerned.


DIRECTOR GENERAL,
EXCISE, TAXATION &,
NARCOTICS CONTROL,
KHYBER PAKHTUNKHWA,
PESHAWAR. 4

No. 5826-30 /Estb/XXXV-A-227 (S.S.S.)

Copy forwarded for information and further necessary action to:

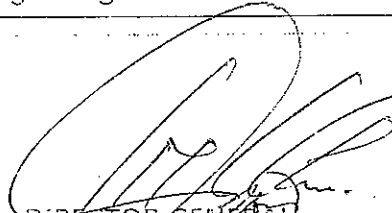
1. Director (Admn), Directorate General, Excise, Taxation & Narcotics Control, Peshawar.
2. All Regional Deputy Directors, Excise & Taxation, Khyber Pakhtunkhwa with the direction to circulation amongst concerned.
3. P.S to Secretary to Govt. of Khyber Pakhtunkhwa. Excise, Taxation & Narcotics Control Department.
4. Superintendent-I & II, Directorate General, Excise, Taxation & Narcotics Control, Khyber Pakhtunkhwa.
5. Office copy.


DIRECTOR GENERAL,
EXCISE, TAXATION &,
NARCOTICS CONTROL,
KHYBER PAKHTUNKHWA,
PESHAWAR. 4

(13)

FINAL SENIORITY LIST OF SENIOR SCALE STENOGRAPHERS (BPS-16) OF EXCISE, TAXATION & NARCOTICS CONTROL DEPARTMENT, GOVT. OF KHYBER PAKHTUNKHWA, AS IT STOOD ON 30-06-2017

S.NO.	NAME	HOME DISTRICT	DATE OF BIRTH	DATE OF FIRST ENTRY IN GOVT: SERVICE	DATE OF APPOINTMENT/ PROMOTION AS SENIOR SCALE STENOGRAPHER	REMARKS
1	Mr.Pervaz Akhtar	Abbottabad	12-04-1967	23-12-1989	16-05-2017	Promoted as Senior Scale Stenographer on on regular basis
2	Mr Waheed Khan	Peshawar	16-12-1973	12-04-1999	20-03-2012	Appointed as Superintendent (BS-17) on acting charge basis


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