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## KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

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*Pervaiz Akhbar* VS *Excise Taxation*

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Muharir Compilation

29/5/24  
Incharge Judicial Branch

order dated 17.12.2020, which is violation of superior courts judgments.

- D) That although the denovo inquiry committee recommended that the intervening period of the appellant may be treated as leave of kind due, but despite that intervening period was treated as leave without pay, which is violation of superior courts judgments.
- E) That the allegation has not been proved against the appellant during the inquiry proceeding and has been punished for no fault on his part which is against the norms of justice and fair play.
- F) That the appellant seeks permission to advance others grounds and proofs at the time of hearing.

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

  
APPELLANT

THROUGH:

  
(TAIMUR ALI KHAN)  
ADVOCATE HIGH COURT,

&

(ASAD MAHMOOD)  
ADVOCATE HIGH COURT.

①

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

**Service Appeal No. 837/2021**

BEFORE: MRS. RASHIDA BANO ... MEMBER (J)  
MISS FAREEHA PAUL ... MEMBER(E)

Mr. Pervaiz Akhar, Superintendent (BS- 17) Excise, Taxation and Narcotics  
Control Department Khyber Pakhtunkhwa. ....(Appellant)

Versus

1. The Government of Khyber Pakhtunkhwa through Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
2. Secretary to Government of Khyber Pakhtunkhwa excise, Taxation & Narcotics Control Department, Khyber Pakhtunkhwa, Peshawar.
3. The Standing Rules Committee (SSRC) through its Chairman/Secretary (Establishment) Khyber Pakhtunkhwa Civil Secretariat Peshawar.
4. The D.G Excise, Taxation & Narcotics Control Department, Peshawar.
5. The Secretary Finance, Khyber Pakhtunkhwa Civil Secretariat Peshawar.
6. The Secretary Establishment, Khyber Pakhtunkhwa, Civil Secretariat, Peshawar. ....(Respondents)

Mr. Muhammad Asif Yousafzai,  
Advocate ... For appellant

Mr. Asif Masood Ali Shah,  
Deputy District Attorney ... For respondents

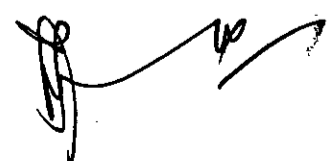
Date of Institution..... 17.07.2020  
Date of Hearing..... 18.04.2024  
Date of Decision..... 18.04.2024

**SCANNED**  
**KPST**  
**Peshawar**

**CONSOLIDATED JUDGEMENT**

**FAREEHA PAUL, MEMBER (E):** Through this single judgment, we intend to dispose of instant service appeal as well as the following connected service appeals as in all the appeals, common questions of law and facts are involved:-

1. Service Appeal No. 8872/2020, Ijaz Anwar,
2. Service Appeal No. 8873/2020, Nasir Mehmood,



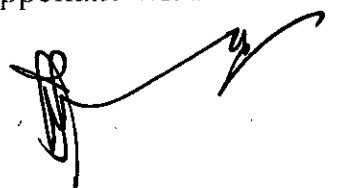
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2

3. Service Appeal No. 8874/2020, Irfan Ali,
4. Service Appeal No. 8875/2020, Faisal Khan,
5. Service Appeal No. 8876/2020, Syed Hamza,
6. Service Appeal No. 8877/2020, Atif Qayum,
7. Service Appeal No. 8878/2020, Saifullah,
8. Service Appeal No. 8879/2020, Zar Ali Khan,
9. Service Appeal No. 8880/2020, Usman Ali,
10. Service Appeal No. 8881/2020, Zar Jan,
11. Service Appeal No. 8882/2020, Arshad Zaman,
12. Service Appeal No. 8883/2020, Muhammad Akram,
13. Service Appeal No. 8884/2020, Ashfaq Ahmad,
14. Service Appeal No. 8885/2020, Sir Anjam Khan,
15. Service Appeal No. 8886/2020, Majid Khan,
16. Service Appeal No. 8887/2020, Shahid Tehseen,
17. Service Appeal No. 8888/2020, Hamcedullah Khan,
18. Service Appeal No. 8889/2020, Shakeel Arshad,
19. Service Appeal No. 8890/2020, Shakir Ullah and
20. Service Appeal No. 8891/2020 Nasir Iqbal

Vs. the Government of Khyber Pakhtunkhwa through Chief Secretary, Khyber Pakhtunkhwa Peshawar and others.

2. The service appeal in hand has been instituted under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the impugned service rules dated 19.02.2018 to the extent of serial no. 11 & serial no. 15 and against not taking any action on the departmental appeal of the appellant within the



statutory period of ninety days. It has been prayed that on acceptance of the appeal, the impugned service rules dated 19.02.2018 might be modified to the extent of serial no.15 and serial no. 11 and the Superintendent quota might be excluded from the list of promotion to the post of AETO and the quota of Superintendent for promotion (BPS- 17) to the post of ETO BPS- 18 might be restored as per Rules 2010 to the extent of the modification that the quota might also be increased from 4% to 10%, alongwith any other remedy which the Tribunal deemed appropriate.

3. Brief facts of the case, as given in the memorandum of appeal, are that the appellant was working as Superintendent in the respondent department. The service structure and service rules of 2010 was a hope for Superintendent to be promoted to the next higher grade, but the department amended the service rules of 2010 in 2018 and promotion quota for Superintendent to the post of ETO was abolished. In service rules of 2010, 4% promotion quota to the post of ETO was provided, but after amendment in 2018 in the said rules, an anomaly was created and the whole promotion structure of Superintendent was changed which affected the promotion and seniority of the appellant and decreased his chances of promotion. The department disturbed the promotion of Superintendent by illegally allocating 6% quota to Superintendent for promotion to the post of AETO, BPS- 17 i.e. BPS- 17 to 17. As a result of that, the Superintendents would remain in BPS- 17 and only their designation would be changed and they would become junior to their junior officials in AETO cadre. Till 2018, 4% posts of ETOs were filled by promotion from amongst Superintendents but after that the said quota of Superintendent for promotion



to the post of FTO was abolished. After getting knowledge about the rules, appellant filed departmental appeal. The department scheduled several meetings to redress the anomaly created by service rules of 2018 but no fruitful result was attained. They also did not respond to the departmental appeal of the appellant within statutory period of ninety days; hence the instant service appeal.

4. Respondents were put on notice who submitted written replies/ comments on the appeal. We heard the learned counsel for the appellant as well as the learned Deputy District Attorney for the respondents and perused the case file with connected documents in detail.

5. Learned counsel for the appellant, after presenting the case in detail, argued that the service rules 2018 were against the law, facts, norms of justice and material on record, therefore not tenable and liable to be modified to the extent of serial no. 15. He argued that while framing rules of 2018 and abolishing quota of Superintendents, the department neither took their consent nor circulated any material in that regard and they were deprived from promotion to the post of BPS- 18. He argued that it was evident from the letter dated 20.09.2019 of the D.G Excise & Taxation addressed to the Secretary Excise & Taxation that due to amendment in service rules certain anomalies were created and a reforms committee was constituted for resolution of various issues. He requested that the appeal might be accepted.

6. Learned Deputy District Attorney, while rebutting the arguments of learned counsel for the appellant, argued that the respondents had the power to amend the service rules at any time. He further argued that amendments in



service rules were not person specific but for the whole province. He requested that the appeal might be dismissed.

7. Through the instant service appeal, the appellant has impugned the service rules notified on 19.02.2018 to the extent of serial no. 11 (which is actually serial no. 10) and 15. Serial no. 10 and 15 are reproduced as follows:-

- “10. Excise and Taxation Officer (BPS- 18) By promotion on the basis of seniority-cum-fitness from amongst the Assistant Excise and Taxation Officers with at least five years service as such who have passed Departmental Examination in higher grade.
15. Assistant Excise and Taxation Officer (BPS- 17). (a) Six percent by promotion, on the basis of seniority-cum-fitness, from amongst the Superintendents, with at least five years service as Superintendent and Stenographers, who have passed the Departmental Examination in higher grade; (b) fifty four percent by promotion, on the basis of seniority-cum-fitness, from amongst holder of the post of Inspectors, with at least five years service as such who have passed Departmental Examination in higher grade; and (c) forty percent by initial recruitment.”

He has compared the impugned rules with the ones notified in 2010.

Relevant rules are reproduced as follows:-

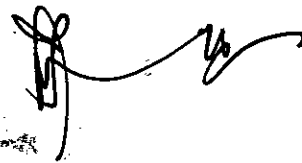
Nomenclature of post	Method of recruitment
Excise & Taxation Officer.	(a) i. Forty six per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Assistant Excise & Taxation Officers (BS- 16) with at least 5 years service as such, who have passed the departmental examination in higher grade; and

<p>Assistant Excise &amp; Taxation Officer:</p>	<p>ii. Four per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Superintendents (BS- 16) with at least 5 years service as such, who have passed the departmental examination in higher grade; and</p> <p>(b) Fifty per cent by initial recruitment, on the recommendations of NWFP Public Service Commission based on the result of a competitive examination conducted by it, in accordance with the syllabus prescribed for the Competitive Examination under Government of North-West Frontier Province Provincial Management Service Rules, 2007.</p> <p>By promotion, on the basis of seniority-cum-fitness, from amongst the holders of the post of Inspectors, with at least five years service as such, and who have passed Departmental examination in higher grade.”</p>
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8. Perusal of both sets of rules shows that the positions of Excise & Taxation Officer, Assistant Excise & Taxation Officer as well as Superintendent were upgraded. The post of Superintendent was upgraded as a result of general upgradation given to various posts of ministerial staff at different times by the provincial government. Superintendent is a post of ministerial cadre. While taking strength from the service rules at the level of Provincial Civil Secretariat, issued by the Establishment Department, being the parent department dealing with the service matters, it appears that when the post was in BS- 16, the incumbent was promoted to the level of Section Officer (BS- 17). After upgradation of the post of Superintendent to BS- 17, there is no change in the channel of promotion and he is still promoted to the post of Section officer (BS- 17) which is acceptable to a prudent mind that he gets




promoted from ministerial cadre level to the level of officer. In case of service rules of the Directorate of Excise & Taxation notified in 2010, it has been noted that the post of Excise & Taxation Officer was in BS- 17 and that of Superintendent in BS- 16. The channel of promotion provided from Superintendent to Excise & Taxation Officer was in line with the one provided by the Establishment Department to the Superintendent where he was promoted to the post of Section Officer. The service rules of Directorate of Excise & Taxation were notified again on 19.02.2018, according to which, the post of Assistant Excise & Taxation Officer was placed in BS- 17 whereas the post of Excise & Taxation Officer was upgraded to BS- 18. In the rules of 2018, the Superintendent gets promoted to the Assistant Excise & Taxation Officer (BS- 17) and this channel of promotion has been impugned before us. Here one must not forget that upgradation of the post of Superintendent to BS- 17 does not qualify him to be included in the cadre of officers who get inducted in the provincial government at the initial level of BS- 17. A Superintendent is a ministerial level position and when he enters into the cadre of officers, he has to enter at the lowest level, which is BS- 17. A Superintendent in the Directorate General of Excise & Taxation has to be promoted to the post of officer in BS- 17, which is the Assistant Excise & Taxation Officer. The plea taken by the learned counsel for the appellant before us that he should be promoted to the post of Excise & Taxation Officer does not hold ground as the post is in BS- 18 and anyone from ministerial level in BS- 17 cannot simply be promoted to an officer level in BS- 18, without first being promoted to BS- 17 officer level.



9. As far as the quota for promotion of Superintendent to the next higher post is concerned, in the rules of 2010, it was 4% which was already enhanced to 6% in the rules of 2018. Here we would like to clarify that making the service rules, determining the qualification for a specific post and quotas for appointment on that post is the exclusive domain of the executive and we should not interfere unnecessarily in this function of the executive. We do not see any injustice meted out to the appellant in the service rules notified in 2018, rather they are very much in line with the rules as notified by the Establishment Department, which is considered as the parent department governing the service matters of all the employees in provincial government.

10. In view of the above discussion, the service appeal in hand as well as the connected service appeals, are dismissed being groundless. Cost shall follow the event. Consign.

11. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal this 18<sup>th</sup> day of April, 2024.*

  
(FARAHIA PAUL)  
Member (E)

  
(RASHIDA BANO)  
Member(J)


SA 837/2021

18<sup>th</sup> Apr. 2024

01. Mr. Muhammad Asif Yousafzai, Advocate for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present. Arguments heard and record perused.

02. Vide our detailed judgment consisting of 08 pages, the appeal in hand is dismissed being groundless. Cost shall follow the event. Consign.

03. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal on this 18<sup>th</sup> day of April, 2024.*

  
(FAREEHA PAUL)  
Member (I)

  
(RASHIDA BANO)  
Member(J)

\*Fazal Subhan PS\*

SCANNED  
KPST  
Peshawar

05<sup>th</sup> Dec. 2023

Mr. Hilal Zubair, junior to learned counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney for respondents No. 1 to 3, 5 & 6 present. Ms. Perkha Aziz Khan, Legal Advisor for respondent No. 4 also present.

Junior to learned counsel for the appellant sought adjournment on the ground that learned senior counsel for the appellant is busy in Peshawar High Court, Peshawar. Last opportunity granted. To come up for arguments on 12.03.2024 before the D.B. Parcha Peshi given to the parties.

SCANNED  
M.P. BT  
Peshawar

\*Naeem Amin\*

(Salah-ud-Din)  
Member (J)

(Kalim Arshad Khan)  
Chairman

12.03.2024

1. Mr. Hilal Zubair, Junior of learned counsel for the appellant present. Mr. Muhammad Jan, District Attorney for respondents No. 1 to 3 & 6 present. Ms. Parkha Aziz Khan, Legal Advisor for respondent No. 4 also present.

2. Junior of learned counsel for the appellant again requested for adjournment on the ground that learned counsel for the appellant is not available today. Adjourned but on payment of cost of Rs. 5000/-. To come up for arguments on ~~02.07.2024~~ <sup>18.04.2024</sup> before D.B. Parcha Peshi given to the parties.

SCANNED  
M.P. BT  
Peshawar

\*Kamranullah\*

(Muhammad Akbar Khan)  
Member (E)

(Kalim Arshad Khan)  
Chairman

02.11.2023


Mr. Hilal Zubair, junior of learned counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney for respondents No. 1 to 3 present. Mr. Aftab Hussain, Legal Advisor for respondent No. 4 also present.

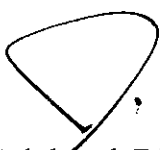
Appellant has submitted an application for impleadment of Secretary Finance as well as Secretary Establishment as respondents in the appeal in hand. In view of the controversy in question, Secretary Finance as well as Secretary Establishment are impleaded as respondents in the instant appeal. Moreover, learned Deputy District Attorney as well as Legal Advisor for the respondents are having no objection on the impleadment application, therefore, the same is allowed and Secretary Finance as well as Secretary Establishment are arrayed as respondents in the instant appeal. Office is directed to make necessary entry in this respect in the heading of appeal as well as relevant registers accordingly. Notice be issued to the impleaded respondent, through TCS and to come up for their reply as well as arguments before the D.B on 05.12.2023. Parcha Peshi given to the parties. Appellant shall deposit the expenses of TCS within 05 days.

Notice to impleaded respondents was sent on 16/11/23  
J. Mohamiv

SECRETARY  
KINER  
PESHAWAR

\*Naeem Amin\*

  
(Fareeha Paul)  
Member (E)

  
(Salah-ud-Din)  
Member (J)

12<sup>th</sup> July, 2023

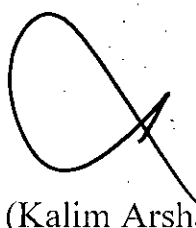
1. Learned counsel for the appellant present. Mr. Fazal Shah Mohmand, Additional Advocate General for respondents present.

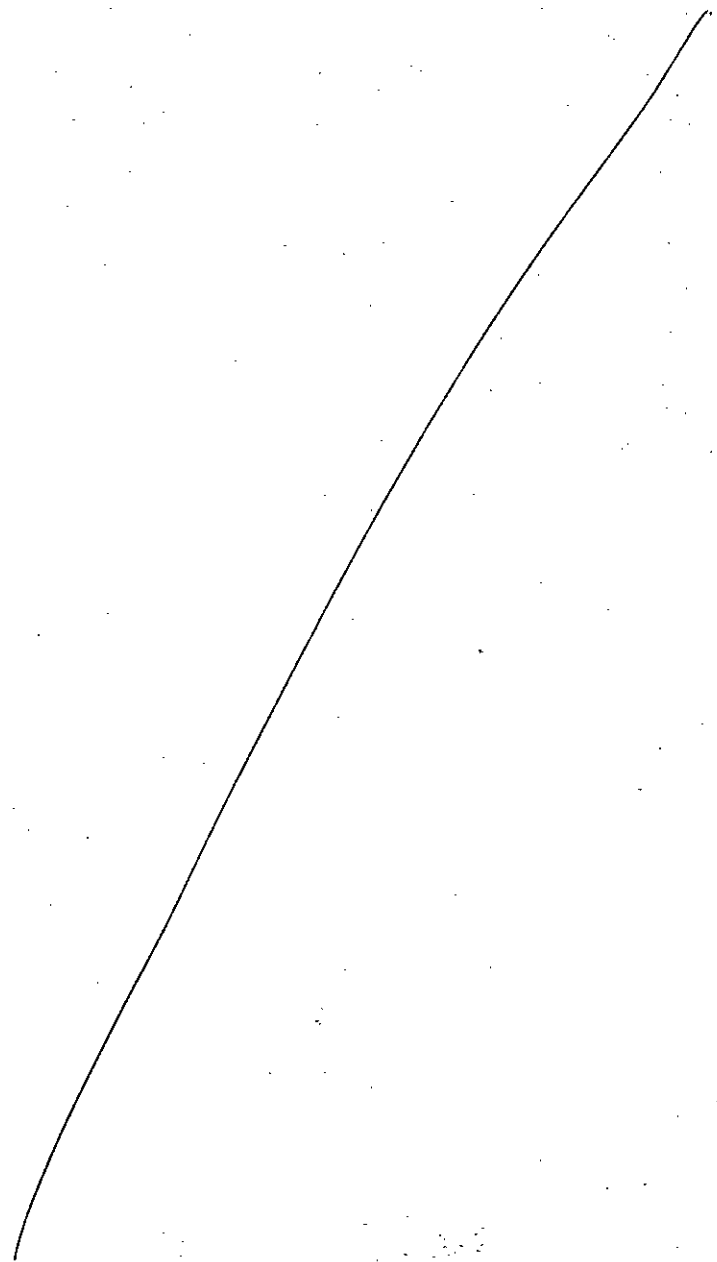
2. Learned counsel for the appellant requested for adjournment in order to prepare the brief. Adjourned. To come up for arguments on 02.11.2023 before D.B. P.P given to the parties.

SCANNED  
KPST  
Peshawar

\*Mutazem Shah\*

  
(Fareeha Paul)  
Member (E)

  
(Kalim Arshad Khan)  
Chairman



31<sup>st</sup> Jan, 2023

Counsel for the appellant present. Syed Naseer Ud Din Shah, Asst: AG for respondents No. 1 to 3 and Mr. Aftab Hussain, Legal Advisor for respondent No.4 present.

Learned counsel for the appellant seeks adjournment on the ground that he has not prepared the case. To come up for arguments on 09.05.2023 before the D.B. P.P is given to the parties.

SCANNED  
KPST  
Peshawar



(Muhammad Akbar Khan)  
Member(Executive)



(Kalim Arshad Khan)  
Chairman

09<sup>th</sup> May, 2023

1. Learned counsel for the appellant present. Mr. Muhammad Jan, District Attorney for the respondents present.
2. Learned counsel for the appellant seeks adjournment as he has not prepared the brief. Adjourned. To come up for arguments on 12.07.2023 before D.B. P.P given to the parties.

SCANNED  
KPST  
Peshawar



(Fareeha Paul)  
Member (E)



(Kalim Arshad Khan)  
Chairman

\*Kaleem Ullah\*

04.04.2022

Junior to counsel for the appellant and Mr. Kabirullah Khattak, Addl. AG for the respondents present.

Written reply/comments have not been submitted. Right of respondents to submit the written reply/comments has already been struck off. Last chance is given to counsel for the appellant to argue the case. To come up for arguments on 05.07.2022 before the D.B.

(Mian Muhammad)  
Member(E)

Chairman

05.07.2022

Syed Noman Ali Bukhari, Advocate for the appellant present. Mr. Muhammad Riaz Khan Paindakheil, Assistant Advocate General and Mr. Gohar Rehman Khattak, Legal Advisor for the respondents present.

Learned counsel for the appellant requested for adjournment on the ground that he has not made preparation for arguments. Adjourned. To come up for arguments before the D.B on 13.10.2022

(MIAN MUHAMMAD)  
MEMBER (EXECUTIVE)

(SALAH-UD-DIN)  
MEMBER (JUDICIAL)

13<sup>th</sup> Oct., 2022

Counsel for the appellant present. Mr. Muhammad Adeel Butt, Addl. AG for the respondents present.

Learned counsel for the appellant seeks adjournment in order to further prepare the brief. Adjourned. To come up for arguments on 24.11.2022 before the D.B.

SCANNED  
KPST  
Peshawar

(Fareeha Paul)  
Member (E)

(Kalim Arshad Khan)  
Chairman

*due to deletion of the case to come up on 31/11/13*



18.10.2021

Appellant present through representative.

04.04.2022

Junior to counsel for the appellant and Mr. Kabir Ullah Khattak learned Additional Advocate General Kabirullah Khattak, Addl. AG for the respondents present for respondents present.

Written reply/comments have not been submitted. Lawyers are on general strike, therefore, case is adjourned to 22.12.2021 for arguments before D.B.

Right of respondents to submit the written reply/comments has already been struck off. Last chance

is given to counsel for the appellant to argue the case. To

come up for arguments on \_\_\_\_\_ before the D.B.

(Atiq-Ur-Rehman Wazir)

Member (E)

(Rozina Rehman)

Member (J)

D

(Mian Muhammad)

Chairman

22.12.2021

Member (E) Counsel for the appellant and Mr. Muhammad Adeel Butt, Addl. AG for the respondents present.

The respondents have not furnished reply/comments. Fresh notices be issued to the respondents with last opportunity and warning that in case they fail to submit the written reply/comments on or before next date, their right for reply/comments shall be deemed as struck off by virtue of this order. Case to come up for arguments on 04.04.2022 before the D.B.

Chairman

Service Appeal No. 837/2021

29.07.2021

Counsel for the appellant present. He has submitted an application for the interim relief to restrain the respondents from finalizing the promotion process and grant of stay against the PSB meeting dated 30.07.2021 to the extent of Item No. 13 against the post of ETO BPS-18 till the disposal of main appeal.

It is because of stay application that this file has been requisitioned. The stay application alongwith documents are placed on file. Notice of the application be given to the respondents. File be returned to office and put up on the date already fixed.

  
Chairman

14.06.2021

Junior to counsel for the appellant and Mr. Muhammad Adeel Butt, Addl. AG for the respondents present.

The respondents have not submitted written reply. Learned AAG is directed to contact the respondents. They are required to submit written reply/comments in office within 10 days, positively. If the written reply/comments are not submitted within the stipulated time, the office shall submit the file with a report of non-compliance. File to come up for arguments on 18.10.2021 before the D.B.

*Stipulated period has passed and reply has not been submitted.*

P.S

  
Chairman

29.06.2021

Learned Addl. A.G be reminded about the omission and for submission of Reply/comments within extended time of 10 days.



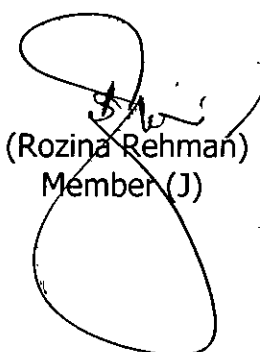
  
Chairman

Form- A

FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No.- 837 /2021 21

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	12/01/2021	<p>The appeal of Mr. Perviaz Akhtar resubmitted today by Syed Noman Ali Bukhari Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR</p>
2-	12.03.2021	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>12/03/21</u></p> <p> CHAIRMAN</p> <p>Appellant present through counsel. Preliminary arguments heard. File perused.</p> <p>Points raised need consideration. Admitted to regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to respondents for written reply/comments. To come up for written reply/comments on <u>14/6/2021</u> before S.B.</p> <p> (Rozina Rehman) Member (J)</p>

Appellant Deposited  
Security Process Fee


12/3/21

The appeal of Mr. Pervaiz Akhtar Superintendent E & T Department received today i.e. on 17.07.2020 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Copy of impugned service rules dated 19.2.2018 mentioned in the heading of the appeal are not attached with the appeal which may be placed on it.
- 2- Documents referred to in the memo of appeal are not attached with the appeal which may be placed on it.
- 3- Six more copies/sets of the appeal along annexures i.e. complete in all respect may also be submitted with the appeal.

No. 1680 /S.T,

Dt. 17-07 /2020.

  
 REGISTRAR  
 SERVICE TRIBUNAL  
 KHYBER PAKHTUNKHWA  
 PESHAWAR.

Syed Noman Ali Bukhari Adv.Pesh.

Sir,

all objection Remun on file Resubmitted

*Handwritten signature*

20

**BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR**

APPEAL NO. \_\_\_\_\_/2020

SCANNED  
KPST  
Peshawar

Pervaiz Akhter

Vs

Excise & Taxation Deptt:

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APPELLANT

THROUGH:

*[Signature]*

(SYED NOMAN ALI BUKHARI)  
ADVOCATE, HIGH COURT.

*[Signature]*

M. Asif Yousaf Zai  
Advocate Supreme Court.

(2)

(1)

**BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR**

837  
APPEAL NO. ~~203~~ 2021 / 2020

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 7416

Dated 17/7/2020

Mr. Pervaiz Akhter, Superintendent (BS-17)  
Excise, Taxation and Narcotics Control Deptt: Khyber Pakhtunkhwa.

(Appellant)

**VERSUS**

1. The Govt of KP through Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
2. Secretary to Govt KP Excise, Taxation & Narcotics Control Deptt: Peshawar, Khyber Pakhtunkhwa.
3. The Standing Rules Committee (SSRC) through its chairman/ Secretary (Establishment, Civil Secretariat KP, Peshawar.
4. The DG Excise, Taxation & Narcotics Control Deptt: Peshawar, Khyber Pakhtunkhwa.

5. *The Secretary Finance, civil secretariat, Khyber Pakhtunkhwa Peshawar.*
6. *The Secretary Establishment, civil secretariat, Khyber Pakhtunkhwa Peshawar.*

(Respondents)

Filed to-day

*[Signature]*  
Registrar  
17/7/20

Re-submitted to-day  
and filed.

*[Signature]*  
Registrar  
12/01/2021

**APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED SERVICE RULES DATED 19.02.2018 THE EXTENT OF SNO.11 & S.NO.15 AND AGAINST NOT TAKING ANY ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN STATUTORY PERIOD OF 90 DAYS.**

✓

**PRAYER:**

**THAT ON THE ACCEPTANCE OF THIS APPEAL, THE IMPUGNED SERVICE RULES DATED 19.02.2018 MAY BE MODIFIED AS EXTENT OF S.NO.15 AND SNO.14 THE SUPERINTENDENT QUOTA MAY BE EXCLUDE FROM THE LIST OF PROMOTION TO THE POST OF AETO AND THE QUOTA OF SUPERINTENDENT FOR PROMOTION. (BPS-17)-TO-THE-POST-OF-ETO BPS-18 MAY BE RESTORED AS PER RULES 2010 TO THE EXTENT OF THE MODIFICATION THAT THE QUOTA FROM 4% TO 10% MAY ALSO BE INCREASED. ANY OTHER REMEDY, WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT, MAY ALSO, BE AWARDED IN FAVOUR OF APPELLANT.**

**RESPECTFULLY SHEWETH:****FACTS:**

1. That the appellant working as Superintendent in the respondent department and working quite efficiently and up to entire satisfaction of his superiors.
2. That the service structure and service rules of 2010 is only hope of superintendent to be promoted to next higher grade, and this hope of single step promotion is snatched by the deptt when the service rules 2010 is amended in 2018 and promotion quota for superintendent is abolished for the post of ETO. Copy of service rules 2010 is attached as annexure-A.
3. That in service rules 2010 4% promotion quota for to the post of AETO was provided, thereafter amendment in 2010 service rules and framing of 2018 rules and anomaly was created and the whole promotion structure of superintendent was affected which badly effect the promotion and seniority of the appellant and lesser the chances of promotion for superintendent.
4. That deptt: only malafidely disturbed the promotion of superintendent by illegal allocating 6% quota to superintendent for promotion to the post AETO BPS-17 i.e BPS 17 to 17, as a result of this injustice superintendent will remain in BPS-17 only designation changed, and the superintendent become juniors to their junior officials in AETO cadre, the said rules was also challenged by inspectors.



5. That till 2018 ETO posts were filled by 4% by promotion amongst superintendent. But now when post of ETO is fall vacant and The appellant while approaching authorities for promotion to the post of ETO came to know that Deptt: have framed new service rules 2018 wherein abolished the quota for superintendent promotion to the post of ETO. Copy of service rules 2018 is attached as annexure-B.
6. That thereafter, after getting knowledge about rules appellant within time file departmental appeal and the department has scheduled several meeting to redress the anomaly created by service rules 2018 but no fruitful result attained. Copy of departmental appeal is attached as annexure-C.
7. That the department did not responded to departmental appeal of the appellant within statutory period of 90 day. hence the present appeal on following grounds amongst other:

#### GROUND:

- A) That the impugned rules 2018 and not responding the departmental appeal within statutory period of 90 days is against the law, facts, norms of justice and material on record, therefore not tenable and liable to be modified to the extent of Sno.15.
- B) That the department while framing 2018 rules neither taken the consent from the superintended nor they have circulated any material in this regard. Even the appellant has no knowledge of the said rules 2018. Quite amazingly in 2018 even after framing of new rules, ETO is appointed on the basis of old rules which is evident from the seniority. So the appellant is of the view that nothing changed but the appellant know about the rules when post of ETO is fall vacant and promotion of the appellant is due and he approached to deptt for promotion. Copy of seniority list is attached as annexure-D.
- C) That the appellant was deprived from promotion to the post of BPS-18. So the great injustice was done with superintendent in shape of abolishing quota and deprived from the BS-18 Promotion.
- D) That now the department in the name of rationalization going to down grade, those post 'of inspector which laying vacant in the promotion quota with view to minimize their representation to 54% promotion quota. It is evident from the letter dated 20-09-209 of DG to Secretary that anomaly was created and rules needs amendment the anomaly was created due to decreased the promotion quota for inspector to 54% and abolishing the quota of superintendent which

needs to be redressed but deptt instead of restoring promotion quota for inspector and superintendent going to downgrade the inspector posts in shelter of financial implications, but there is also no financial implication if the promotion quota for inspector is increase from 54% to 100% or to 80 % and by restoring superintendent quota to 10% for promotion to the post of ETO BS-18. Secondly the deptt: says no promotion and seniority effected which is wrong. If the promotion quota for superintendent is not restored , promotion and seniority of superintendent and as well as inspector is also effected. **Copy of letter is attached as annexure-E.**

- E) That deptt: only malafidely disturbed the promotion of superintendent by Illegal abolished quota for superintendent to the post of BS-18 ETO as a result of this injustice superintendent will remain in BPS-17 only designation changed, the said rules was also challenged by Inspectors.
- F) That after amendment in 2010 service rules and framing of 2018 rules and anomaly was created and the whole promotion structure of superintendent was affected which badly effect the promotion of the appellatant and lesser the chances of promotion for superintendent.
- G) That the whole exercise has nullity in the eye of law as before framing the rules 2018 the deptt not consider all the aspects and without rationalizing the strength of cadres and no exercise has been done before making service rules 2018 . So. The whole impugned action of the respondents is void ab initio and not sustainable in the eye of law.
- H) That the appellatant has been awaiting for promotion since decades but when the time came the rule has been changed and quota of promotion for the superintendent to the post of ETO has been abolished which is great injustice, so 10% quota may be allocated to the Superintendent cader for promotion to the post of ETO BS-18.
- I) That amended service rules published in extraordinary gazette of 20<sup>th</sup> February, 2018 resulted in increase of agonies of applicant. The appellatant has rendered long years of service and now when appellatant was at verge of promotion and according to introduction of new service rules , 2018 their promotion have fallen into a sack tied with iron clips. Further the appellatant became juniors from their juniors.

- J) That all the AETO who are next due to promotion as ETO are far junior than the appellant and in case the grievances of appellant is not redressed they will not be able to get promotion in the entire service.
- K) That the appellant has not been treated according to law and rules.
- L) That the appellant seeks permission to advance others grounds and proofs at the time of hearing.

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

*[Handwritten Signature]*  
**APPELLANT**

**THROUGH:**

*[Handwritten Signature]*  
**(SYED NOMAN ALI BUKHARI)**  
 ADVOCATE, HIGH COURT  
*[Handwritten Signature]*  
 Mo. Asif Yousaf  
 Advocate Supreme Court

17/03/2010 - A

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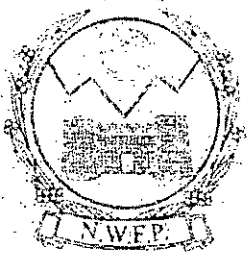
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EXTRAORDINARY  
GOVERNMENT

REGISTERED NO. PIII  
GAZETTE

2010  
Rules

- 100 % -



# North-West Frontier Province

Published by Authority

PESHAWAR, TUESDAY, 30TH MARCH, 2010.

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

## NOTIFICATION

Peshawar dated the 30th March, 2010.

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

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

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Printed and published by the Manager,  
Stary. & Pgr. Deptt., NWFP, Pesh.

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**GOVERNMENT OF NWFP  
EXCISE & TAXATION DEPARTMENT  
SERVICE RULES, 2010.**

**APPENDIX**

R.NO.	Nomenclature of post	Minimum qualification for appointment by initial recruitment/transfer	Age limit	Method of recruitment
1	2	3	4	5
1	Director General, Excise and Taxation.	Bachelor's Degree from a recognized University.	---	i) By transfer; or ii) By promotion, on the basis of seniority-cum-fitness, from amongst the Deputy Directors, Excise & Taxation having five years service as such or fifteen years service in BS-17 and above.
✓	Deputy Director, Excise & Taxation.	Bachelor's Degree from a recognized University.	---	i) By promotion, on the basis of seniority-cum-fitness, from amongst the Excise & Taxation officers with at least five years Service as such or ten years service as Assistant Excise & Taxation Officer and Excise & Taxation Officer; or ii) If no suitable Excise & Taxation officer is available for promotion, then by transfer of suitable officer.

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

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

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NO.	Nomenclature of post	Minimum qualification	Age limit	Method of recruitment
	2	3	4	5
	Computer Programmer.	(i) Second Class Master's Degree in Computer Science from a recognized University; and  (ii) two years experience in a Government Department /Semi-Government/Public Corporation or any well reputed Private Organization.	26 to 35 years.	(i) Fifty per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Data Processing Supervisors with at least five years service as such; and  (ii) Fifty per cent by initial recruitment.
✓	Assistant Excise & Taxation Officer. /	---	---	By promotion, on the basis of seniority-cum-fitness, from amongst the holders of the post of Inspectors, with at least five years service as such, and who have passed Departmental examination in higher grade. /
	Superintendent.	---	---	By promotion, on the basis of seniority-cum-fitness, from amongst the Senior Scale Stenographers with at least five years service as such or ten years total service in the Department as Junior Scale Stenographer and Senior Scale Stenographer
	Assistant Accounts Officer.	i. Second Class Bachelor's Degree in Commerce from a recognized University; and  ii. one year Diploma in Computer Science from the Board of Technical Education.	21 to 32 years	By Initial Recruitment.

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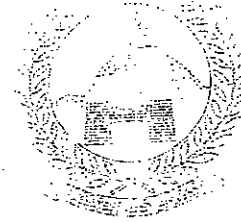
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10.	Nomenclature of post 2	Minimum qualification 3	Age limit 4	Method of recruitment 5
	Senior Scale Stenographer	<ul style="list-style-type: none"> <li>(i) Second class Bachelor's Degree from a recognized University;</li> <li>(ii) a speed of hundred Words per minute in Shorthand in English &amp; forty words per minute in typing; and</li> <li>(iii) one year Diploma in Computer Science from the Board of Technical Education.</li> </ul>	18 to 32 years	By promotion, on the basis of seniority-cum-fitness, from amongst Junior Scale Stenographers (BPS-12), with at least 5 years service as such; provided that if no suitable candidate is available for promotion, then by initial recruitment.
	Inspector	<ul style="list-style-type: none"> <li>(i) Second Class Bachelor's Degree, from a recognised University; and</li> <li>(ii) One year Diploma/Certificate in Computer Science from the Board of Technical Education.</li> </ul>	21 to 32 years	<ul style="list-style-type: none"> <li>(i) Fifty per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Sub-Inspectors with at least five years service as such who have passed the departmental examination in lower grade; and</li> <li>(ii) Fifty per cent by initial recruitment.</li> </ul>
	Data Processing Supervisor.	<ul style="list-style-type: none"> <li>(i) Second Class Bachelor's Degree with Computer Science from a recognized university; and</li> <li>(ii) one year's experience in the field of Data Control or Key Punch Operation.</li> </ul>	21 to 32 years	<ul style="list-style-type: none"> <li>(i) Fifty percent by promotion, on the basis of seniority-cum-fitness, from amongst Key Punch Operators/Data Entry Operators with at least three years service as such; and</li> <li>(ii) Fifty percent by initial recruitment.</li> </ul>

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2018 Rules



# KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, FRIDAY, 16<sup>th</sup> FEBRUARY, 2018.

GOVERNMENT OF KHYBER PAKHTUNKHWA  
EXCISE, TAXATION AND NARCOTICS CONTROL DEPARTMENT

## NOTIFICATION

Peshawar, Dated the 19<sup>th</sup> February, 2018.

No. SO(Admn)/ET&NC/1-41/2018: —In pursuance of the provisions contained in sub-rule (2) of rule 3 of the Khyber Pakhtunkhwa, Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, and in supersession of all previous rules, issued in this behalf, the Excise, Taxation & Narcotics Control Department in consultation with the Establishment and Finance Departments hereby lays down the method of recruitment, qualifications and other conditions specified in column 3 to 5 of the Appendix to this Notification, which shall be applicable to posts in the Directorate General Excise, Taxation and Narcotics Control Department specified in column 2 of the said Appendix.

### APPENDIX

S.No.	Nomenclature of the post.	Minimum qualification for appointment by initial recruitment.	Age limit.	Method of recruitment.
1	2	3	4	5
1	Director General (BPS-20).	---	---	By transfer from amongst the officers of APUG/PAS/PCS-SG/PCS-EG/PMS.
2	Director (Administration) (BPS-19).	---	---	By transfer from amongst the officers of APUG/PAS/PCS-SG/PCS-EG/PMS.



Note: Preference will be given to those who have rich experience in open courses web-based software related with MIS.

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	System Analyst (BS-18)	(i) At least Second Class MBA with Finance or M.Com, from a recognized University; (ii) computer literate with certificate in MS-Office (MS-Word, MS-Excel, MS-Access); and (iii) three years experience in field relating to Taxation in public / private sector, Autonomous / Semi-autonomous bodies.	25-32 years.	By initial recruitment.
9	System Analyst (BS-18)	(i) 1 <sup>st</sup> Class Master's Degree in Computer Science or equivalent qualification from a recognized University; and (ii) Three years experience in field of Electronic Data Processing with system designing and programming skills.	25-32 years.	By initial recruitment.
10	Excise and Taxation Officer (BS-18)			By promotion, on the basis of seniority-cum-fitness, from amongst the Assistant Excise and Taxation Officers with at least five years service as such who have passed Departmental Examination in higher grade.
11	Assistant Director (Audit and Accounts) (BPS-17)	At least Second Class Master's Degree in Commerce with Accounting as one of the subject from a recognized University	22-32 years.	(a) Thirty percent by promotion, on the basis of seniority-cum-fitness, from amongst the Audit and Accounts Assistants; and (b) seventy percent by initial recruitment.

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	Computer Programmer (BPS-17).	At least Second Class Master's Degree in Computer Science (BCS, BSCS, BE(CE), BS(IT) or equivalent qualification from a recognized University having good programming skills.	22-32 years.	By promotion, on the basis of seniority-cum-fitness, from amongst the Operators with at least seven years service as such.  Provided that if no suitable person is available for promotion then by initial recruitment.
13	Network Engineer (BPS-17).	At least Second Class Master's Degree in Computer Science (BCS, BSCS, BE(CE), BS(IT) and MCS or equivalent qualification from a recognized University.  Note: Preference will be given to those having certificate in Computer Networking like MCSE/CCNA/any other latest certification in Networks from recognized Institute.	22-32 years.	By initial recruitment.
14	Web Developer (BPS-17).	At least Second Class Master's Degree in Computer Science (BCS, BSCS, BE(CE), BS(IT) and MCS or Equivalent qualification from a recognized University.  Note: Preference will be given to those having Certificate in web programming like PHP, ASP, Net, C#, or any other latest technology certification in web-dev. and additional working knowledge of CSS, jQuery and web development frame work like Laravel, etc.	22-32 years.	By initial recruitment.
15	Assistant Excise and Taxation Officer (BPS-17).	At least Second Class Bachelor's Degree from a recognized University.	20-32 years.	(a) Six percent by promotion, on the basis of seniority-cum-fitness, from amongst the Superintendents with at least five years service as Superintendent and Stenographers, who have passed the Departmental Examination in higher grade;

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				(b) fifty four percent by promotion, on the basis of seniority-cum-fitness, from amongst holder of the post of Inspectors, with at least five years service as such who have passed Departmental Examination in higher grade; and  (c) forty percent by initial recruitment.
16	Superintendent (BPS-17).	----	----	By promotion, on the basis of seniority-cum-fitness, from amongst the Senior Scale Stenographers with at least five years service as such, or ten years service in the Department as Junior Scale Stenographer and Senior Scale Stenographer.
17	Inspector (BPS-16).	(i) At least Second Class Bachelor's Degree, from a recognized University; and  (ii) (Height...5`7") (Chest...33" with expansion of 1 1/2 inches).	20-32 years.	(a) Fifty percent by promotion, on the basis of seniority-cum-fitness, from amongst Sub Inspectors with at least five years service as such who have passed the Departmental Examination in lower grade; and  (b) fifty percent by initial recruitment.
18	Assistant Data base Administrator (BPS-16).	At least Second Class Bachelor's Degree in Computer Science or equivalent qualification from a recognized University.	20-32 years.	By initial recruitment.
19	Senior Scale Stenographer (BPS-16).	(i) At least Second Class Bachelor's Degree from recognized University;  (ii) a speed of hundred words per minute in English shorthand and Forty words per minute in typing; and  (iii) one year Diploma in Computer Science from the Board of Technical Education.	20-32 years.	By promotion, on the basis of seniority-cum-fitness, from amongst Junior Scale Stenographers with at least five years service as such:  Provided that if no suitable candidate is available for promotion, then by initial recruitment

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To,

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

**THROUGH PROPER CHANNEL.**

Subject: DEPARTMENTAL PRESENTATION FOR AMENDMENT IN EXCISE AND TAXATION SERVICE RULES, 2018.

Departmental representation containing grievances of the applicant was submitted to Worthy Director General, Excise & Taxation, Khyber Pakhtunkhwa, Peshawar, who was kind enough to forward the same to Worthy Secretary to Govt. of KPK Excise, Taxation and Narcotics Control, Peshawar vide letter No.12380/Estab dated 29/12/2017. However, till date no action whatsoever has been taken.

With great reverence it is submitted that the single hope of one step promotion was snatched by the Department when the service rules 2010 were drastically amended in 2018. The main grievances which need to be highlighted before your good self are in the subject matter are as under;

1. That amendments in the service rules were made, however, the Junior Scale Stenographers, Senior Scale Stenographers and Superintendents of the Department were not considered according to the representation. Instead of increasing promotion quota of the applicant to the post of Excise & Taxation Officer from 04% to 10%, the applicant was granted quota in the cadre of Assistant Excise & Taxation Officer (BPS-17). It is worth to mention that post of Assistant Excise Taxation Officer and Superintendent are in the same scale i.e. BPS-17.

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Sir, in the Excise and Taxation Service Rules, 2010 our entire cadre had four percent (04%) share in promotion as Excise and Taxation Officer which comes to only one seat in 31 sanctioned posts of Excise and Taxation Officers in the entire province. That one post was a lifetime position and presently occupied by Mr. Muhammad Ali, Excise and Taxation Officer (Promote Superintendent) since 2013. He will continue to stay on that seat till his retirement in 2022 or his death whichever is earlier. And none of us can be promoted till the happening/ occurrence of that event, which is not only unfair but discriminatory as well.

DIRECTOR (ADMN)	DIRECTOR GENERAL	DIRECTOR (REV)
DY DIR (ADMN)	EXCISE TAXATION &	DY DIR (PESH)
DY DIR (LIT)	NARCOTICS CONTROL	DY DIR (REGST)
SYSTEM ANALYST	KPK, PESHAWAR	AD (ACCTS)
SUPDT-I		SUPDT-II
ETC (ESN)		PA TO DG E

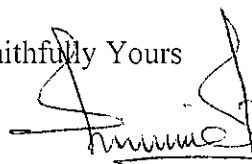
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3. That prior to Service Rules 2018, the post of superintendent was promoted to Excise & Taxation Officer (ETO), but after promulgation of 2018 Service Rules, the post of superintendent was switched to Assistant Excise & Taxation Officer (AETO) which is an injustice with superintendent cadre.
4. Sir, the post of Excise and Taxation Officer has been upgraded to BPS-18 and the 50% direct induction as Excise and Taxation Officer has been abolished allocated to Assistant Excise Taxation Officers, which enhanced their quota from 46% to 100%.
5. That I have been awaiting promotion since decades and out of the 50% direct recruitment as per Service Rules, 2018, 10% may be allocated to our cadre for promotion to the post of Excise & Taxation Officer (BPS-18) (which will bring the quota of our cadre to 10%).
6. That amended service rules published in extraordinary gazette of 20<sup>th</sup> February, 2018 resulted in increase of agonies of applicant. The applicant had rendered long years of service and now when the applicant is at the verge of promotion and according to introduction of new Service Rules, 2018 their promotions have fallen into a sack tied with iron clips. Copies of Service Rules, 2010 and Service Rules, 2018 are attached.
7. All the Assistant Excise Taxation Officers who are next due for promotion as Excise and Taxation Officer are far junior than the applicants and in case the grievance of applicants is not redressed, they will not be able to get promotion in the entire service.

It is, therefore, requested that promotion of Assistant Excise Taxation Officers (AETO) to the post of Excise and Taxation Officer (ETO) may be fixed as 90% (44% increase) and 10% (06% increase) quota may be fixed for Superintendents/ Stenographers of the Excise, Taxation & Narcotics Control, Khyber Pakhtunkhwa and the Service Rules 2018 may please be amended so that the anomalies may be addressed.

Faithfully Yours



( Pervez Akhtar )

Superintendent,

Excise, Taxation & Narcotics Control Directorate,  
Khyber Pakhtunkhwa.

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

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Dated Peshawar, the January 24, 2020

**NOTIFICATION**

**SO(Admn)ET&NC/1-6/2013.** In pursuance of Section-8 of Khyber Pakhtunkhwa Civil Servant Act, 1973 read with Rule 17 of Khyber Pakhtunkhwa of C Servants (Appointment, Promotion & Transfer) Rules 1989, the final Seniority List of Excise & Taxation Officers (BS-18), Excise, Taxation & Narcotics Control Department, Khyber Pakhtunkhwa as stood on 06.11.2019, is hereby notified / circulated for general information of all concerned:

**FINAL SENIORITY LIST OF EXCISE & TAXATION OFFICERS (BS-18) OF EXCISE, TAXATION & NARCOTICS CONTROL, KHYBER PAKHTUNKHWA (AS STOOD ON 06.11.2019)**

S. No.	NAME OF OFFICER WITH ACADEMIC QUALIFICATION.	DATE OF BIRTH AND DOMICILE.	DATE OF 1 <sup>ST</sup> ENTRY INTO GOVT. SERVICE.	REGULAR APPOINTMENT/PROMOTION/UPGRADATION TO PRESENT POSTS			PRESENT POSTING	REM
				Date	BPS	Method of recruitment		
1	2	3	4	5	6	7	8	
1	Mr.Arshed Saeed B.A, LLB	10-05-1961 Peshawar	03.09.1981	20.11.2017	18	By Promotion	Excise & Taxation Officer, Mardan.	
2	Mr.Sabz Ali. B.A.	12-05-1961 Abbottabad	05-09-1981	20.11.2017	18	By Promotion	Excise & Taxation Officer-V, Peshawar	
3	Mr. Tariq Masood M.A History	01-10-1969 S.W.Agency	17-01-2002	20.11.2017	18	By Direct recruitment	Excise & Taxation Officer, Bannu.	
4	Mr. Imaad-ud-Din M.A, I.R	29-05-1983 Peshawar	19-04-2008	20.11.2017	18	By Direct recruitment	Director (OPS), Mardan Region.	
5	Mr. Fazlj Ghafoor M.Sc History	05-07-1978 Dir (Lower)	19-04-2008	20.11.2017	18	By Direct recruitment	Excise & Taxation Officer, Mansehra.	
6	Mr. Shahid-ul-Haq. B.A.	03-02-1960 Nowshera	03-09-1981	20.11.2017	18	By Promotion	Director (OPS) Registration, Peshawar.	
7	Mr. Muhammad Khalid, B.A	10-02-1962 Peshawar	08-07-1985	20.11.2017	18	By Promotion	Excise & Taxation Officer, D.I.Khan	

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S. No.	NAME OF OFFICER WITH ACADEMIC QUALIFICATION.	DATE OF BIRTH AND DOMICILE.	DATE OF 1 <sup>ST</sup> ENTRY INTO GOVT. SERVICE.	REGULAR APPOINTMENT/PROMOTION/UPGRADATION TO PRESENT POSTS			PRESENT POSTING	REMARKS
				Date	BPS	Method of recruitment		
1	2	3	4	5	6	7	8	
8	Mr. Sharif Gul B.A	08-08-1959 Hangu	19-01-1985	20.11.2017	18	By Promotion	Excise & Taxation Officer, Kohat	
9	Mr. Sufian Haqqani M.A	15.05.1987 Nowshera	19.07.2012	20.11.2017	18	By Direct recruitment	System Analyst, Directorate General ET&NC	
10	Mr. Fawad Iqbal B.A	31.03.1985 Mardan	19.07.2012	20.11.2017	18	By Direct recruitment	Excise & Taxation Officer, Nowshera	
11	Mr. Irshad Ullah L.L.B	01.06.1980 F.R. Kohat	19.07.2012	20.11.2017	18	By Direct recruitment	Directorate General ET&NC	
12	Mr. Ammar Khan Jadoon M.Sc	02.05.1986 Abbottabad	19.07.2012	20.11.2017	18	By Direct recruitment	Excise & Taxation Officer, Haripur	
13	Mr. Muhammad Ijaz B.A	01.06.1965 Charsadda	20.01.1985	20.11.2017	18	By Promotion	Excise & Taxation Officer-I, Peshawar	
14	Mr. Muhammad Ali B.A	15.04.1962 Peshawar	03.09.1981	20.11.2017	18	By Promotion	Excise & Taxation Officer, Battagram	
15	Mr. Jehan Javed B.A	03.03.1963 Mardan	01.07.1986	20.11.2017	18	By Promotion	Excise & Taxation Officer, Swabi	
16	Mr. Muhammad Saim Khan BE-ICSE	08.05.1989 Peshawar	29.12.2015	20.11.2017	18	By Direct Recruitment	Deputy Director (IT Operations), DG Office, Peshawar	
17	Mr. Rehman Ud Din B.Sc	29.01.1988 Kohat	29.12.2015	20.11.2017	18	By Direct Recruitment	Excise & Taxation Officer, Karak	
18	Ms. Andleeb Naz M.Sc	23.08.1985 Abbottabad	06.10.2015	20.11.2017	18	By Direct Recruitment	Excise & Taxation Officer, Torghar	
19	Mr. Arshad Hameed F.Sc	23.07.1965 Peshawar	01.07.1986	20.11.2017	18	By Promotion	Excise & Taxation Officer, Buner	
20	Mr. Aftab Ud Din F.A	16.02.1966 Peshawar	01.07.1986	20.11.2017	18	By Promotion	Excise & Taxation Officer-III, Peshawar	
21	Mr. Qazi Wasif Ur Rehman B.A	15.03.1965 Bannu	02.07.1986	20.11.2017	18	By Promotion	Excise & Taxation Officer, Dir Upper	
22	Mr. Faisal Khurshid Burki B.Sc Electronic Engineering	SW Agency 07.01.1986	01.03.2018	01.03.2018	18	By Direct Recruitment	Excise & Taxation Officer-VI, Peshawar	
23	Mr. Tawseef Khan M.Phil (American Study)	Dir Upper 10.03.1987	01.03.2018	01.03.2018	18	By Direct Recruitment	Excise & Taxation Officer-IV, Peshawar	

(19)



S. No.	NAME OF OFFICER WITH ACADEMIC QUALIFICATION.	DATE OF BIRTH AND DOMICILE.	DATE OF 1 <sup>ST</sup> ENTRY INTO GOVT. SERVICE.	REGULAR APPOINTMENT/PROMOTION/UPGRADATION TO PRESENT POSTS			PRESENT POSTING	RE
				Date.	BPS	Method of recruitment		
1	2	3	4	5	6	7	8	
24	Mr. Masuad Ul Haq	Charsadda 09.03.1986	03.04.2014	01.03.2018	18	By Direct Recruitment	Excise & Taxation Officer-VII / (Narcotics), Peshawar	
25	Mr. Fida Hussain, M.A	10 -03-1962 Peshawar	03-07-1986	30.05.2018	18	By Promotion	Excise & Taxation Officer-II, Peshawar	
26	Mr. Irfan Mushtaq, FA	23-03-1963 Peshawar	03-07-1986	11.12.2018	18	By Promotion	Excise & Taxation Officer, Abbottabad	
27	Mr. Haq Nawaz	15-03-1966 Charsadda	06-07-1986	31-10-2019	18	By Promotion	Excise & Taxation Officer, Shangla	
28	Mr. Tilla Muhamamd, B.A	01-04-1967 Mardan	06-07-1986	31-10-2019	18	By Promotion	Excise & Taxation Officer, Malakand	
29	Mr. Aurangzeb Afridi, B.A	18-04-1962 FR Kohat	10-07-1986	31-10-2019	18	By Promotion	Excise & Taxation Officer, Hangu	
30	Mr. Daud Shah, B.A	15-01-1964 Malakand	24-07-1986	31-10-2019	18	By Promotion	Excise & Taxation Officer, Swat	
31	Mr. Jehandad Khan	01-02-1960 Peshawar	08-01-1987	31-10-2019	18	By Promotion	Excise & Taxation Officer, Charsadda	

Required

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SECRETARY

SECRETARY

(40) **E**

**DIRECTORATE GENERAL,  
EXCISE, TAXATION & NARCOTICS CONTROL  
KHYBER PAKHTUNKHWA, PESHAWAR**  
AUQAF COMPLEX, SHAMI ROAD PESHAWAR, PHONE NO. 9212260

(18)

No. 3140 /DGET&NC/2019-20/

Date: 20/07/2019

To:

The Secretary,  
Excise, Taxation & Narcotics Control Officers,  
Khyber Pakhtunkhwa.

Subject:

**RATIONALIZATION OF VARIOUS POSTS AND AMENDMENTS IN  
SERVICE RULES FOR RESOLUTION OF ANOMALIES IN SERVICE  
STRUCTURE AND TO FULFIL REQUIREMENTS OF KHYBER  
PAKHTUNKHWA CONTROL OF NARCOTICS SUBSTANCE ACT 2019.**

Kindly refer to the subject cited above, it is stated that the undersigned constituted a reforms committee for the resolution of various issues as mentioned below (copy enclosed).

- i. Anomaly in the current Service Structure like Faulty Pyramid i.e 31 sanctioned post of Sub Inspectors, 181 sanctioned posts of Inspectors and 233 posts of Assistant Sub Inspectors, resulting in blockage of promotions.
- ii. According to the Khyber Pakhtunkhwa Control of Narcotics Substance ACT, 2019 the Excise officer below the rank of sub inspector is neither authorized to lodge FIR nor can investigate cases. Moreover, the existing strength of Sub Inspectors which is only 31 are not adequate to fulfill the requirements of the Act.
- iii. Besides, due to shortage of ministerial staff, most of Sub Inspectors are also performing the ministerial duties in district offices. Out of 31 Sub Inspector, only 1 sub inspector is performing field duty right now.

2. The above cited anomalies and need of the Department are required to be resolve in two steps, which are as follow: -

**A. Rationalization of posts (First Step): -**

- a) Presently there are 181 sanctioned posts of Inspectors, 31 sanctioned posts of Sub Inspectors, 233 sanctioned posts of Assistant Sub Inspector, and 482 Sanctioned posts of Constables, which has created anomalies in the existing service structure.
- b) Downgrading the 31 vacant posts of Inspectors to Sub Inspectors, upgrading 88 posts of Assistant Sub Inspectors to Sub Inspectors and upgrading 30 post of Constable to Assistant Sub inspectors as per formula of nominal financial implication, (Annexure -A).

**ATTACHED**

(41)

DIRECTORATE GENERAL,  
EXCISE, TAXATION & NARCOTICS CONTROL  
KHYBER PAKHTUNKHWA, PESHAWAR  
AUQAF COMPLEX, SHAMI ROAD PESHAWAR, PHONE NO: 9212260

(19)

- c) By downgrading the 31 posts of Inspectors, upgrading the 88 posts of Assistant Sub Inspectors and upgrading 30 posts of Constables the strength of the posts of Inspectors will stand at 150, that of Sub Inspectors at 150, that of Assistant Sub Inspectors at 175 and that of constables 452.
- d) The proposal for rationalization does not affect the promotion and seniority of any incumbent, and further it has nominal financial implication (as already placed at Annexure-A).

**B. Service Rules (Second Step):-**

Second step to resolve anomalies in service structure is to amend service rules as mentioned/proposed in (Annexure-B) with justification, for which SSRC meeting needs to be called.

3. It is therefore requested that the rationalization case (Annexure-A) may please be forwarded to Finance Department for further necessary action and regarding Service rules (Annexure-B) case step, meeting of the SSRC may be convened to amend the rules in accordance as per the draft proposal.

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

Sep 20, 2018

2141-44  
No \_\_\_\_\_/DGET&NC/2019-20/

Copy Forwarded for information and necessary action to:

1. Director Administration, Excise, Taxation & Narcotics Control Khyber Pakhtunkhwa.
2. All Regional Directors, Excise, Taxation & Narcotics Control Khyber Pakhtunkhwa.
3. Director Narcotics, Excise, Taxation & Narcotics Control Khyber Pakhtunkhwa.
4. Office File.

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

Sep 20, 2018

**ATTACHED**

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01

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

**SERVICE APPEAL NO. 837/2020**

**MR PERVEZ AKHTER ..... Appellant**

**VERSUS**

**GOVT OF KHYBER PAKHTUNHWA THROUGH CHIEF SECRETARY ...**

**Respondents**

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S#	PARTICULARS	ANNEXURE	PAGE NO
01.	Para-Wise Comments		02-04
02	Affidavit		05
03	Authority letter		06

*S. Ahmed*

**DEPONENT**

**CNIC: No. 16101-0268486-7**

**BEFORE THE**

**43**  
**ABLE SERVICE TRIBUNAL, KHYBER**  
**PUNJHWA PESHAWAR.**

02

**SERVICE APPEAL NO. 837/2020**

**MR PERVEZ AKHTER ..... Appellant**

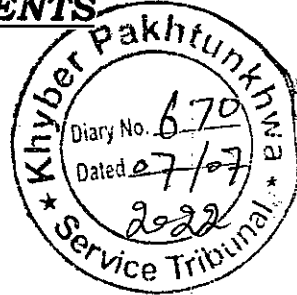
**VERSUS**

**GOVT OF KHYBER PAKHTUNHWA THROUGH CHIEF SECRETARY KHYBER .... Respondents**

**PARAWISE COMMENTS ON BEHALF OF RESPONDENTS**  
**NO.01 TO 04.**

**Respectfully Sheweth:-**

*Preliminary objections: -*



1. *That the appeal is not maintainable and incompetent in the eyes of Law in the present form. That the present is time barred, according to service rules of the Service Tribunal Act, 1974.*
2. *That the appellant is estopped by his own conduct to file this appeal.*
3. *That the appellant has got no cause of action and locus standi to file this instant appeal.*
4. *That the appellant has not come to the tribunal with clean hands and has suppressed all relevant and material facts.*
5. *That the appeal has been mis-oriented, mis-constructed and mistakenly drawn and is incompetent in its present frame and context, and is liable for rejection.*
6. *That as stated in the objections supra, the appeal is bereft of cause of action and is liable for dismissal.*
7. *That the respondents have the power to change the Rules any time for better running of its department and the Rules mentioned in the instant appeal have been made for whole province, not for any specific person/individual.*

**ON FACTS.**

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1. Pertains to record, hence, no comments.
2. Pertains to record. Moreover, the respondents have the power to change the Rules any time for better running of its department and the Rules mentioned in the instant appeal have been made for whole province not for any specific person/individual. It merits mention here that the Govt. has the authority to make and amend rules.
3. Pertains to record. Moreover, detail reply already given in above para.
4. Incorrect, hence denied. As replied in above para.
5. Pertains to record.
6. Pertains to record.
7. Incorrect. The appellant has no legal or vested right to invoke the jurisdiction of this Honorable Tribunal.

**GROUND:**

- A. Incorrect, hence denied. Moreover, the respondents have the power to change the Rules any time better running of its department and the Rules mentioned in the instant appeal have been made for whole province not for any specific person/individual.
- B. Incorrect, hence denied. Detail reply already given in above para.
- C. Incorrect, hence denied. The appellant was treated according to law and has never been deprived of any right.
- D. Incorrect, hence denied. Moreover, respondents amended rules in accordance with law.
- E. Incorrect, hence denied. Moreover, rules mentioned in the instant appeal have been made for whole province, not for any specific person/individual.
- F. Incorrect, hence denied. As replied in para -C above.
- G. Incorrect, hence denied. Detail reply already given above.
- H. Incorrect, hence denied. The appellant has been promoted as per rules.
- I. Incorrect, hence denied. As replied above.
- J. Incorrect, hence denied. As replied in ground "A".


04


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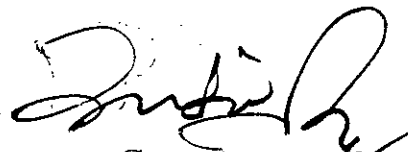
K. Incorrect, hence denied. All the employees were treated according to law and rules.


L. Needs no comment.

It is, therefore, most humbly prayed that on acceptance of these parawise comments, the appeal being devoid of any legal merit may very graciously be dismissed.

  
Chief Secretary, Khyber  
Pakhtunkhwa  
Respondent 01

  
Secretary,  
Excise Taxation & Narcotics Control  
Department  
Respondent 02

  
Secretary,  
Establishment Department  
Respondent 03

  
Director General, Excise Taxation &  
Narcotics Control Department  
Respondent 04



(46)

05

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

**SERVICE APPEAL NO. 837/2020**

**MR PERVEZ AKHTER ..... Appellant**

**VERSUS**

**GOVT OF KHYBER PAKHTUNHWA THROUGH CHIEF SECRETARY**

..... **Respondents**

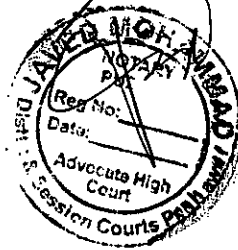
**AFFIDAVIT.**

I, Mr. Shehryar Ahmad, Section Officer (Litigation), Govt. of Khyber Pakhtunkhwa, Excise Taxation & Narcotics Control Department, do hereby solemnly affirm and declare on oath that the contents of the Parawise comments on behalf of Respondents are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Hon'ble Court

*S. Ahmad.*

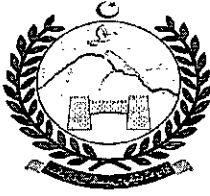
**DEPONENT**

**ATTESTED**



( Shehryar Ahmad )  
Section Officer (Litigation)  
Excise Taxation Department

**CNIC: No. 16101-0268486-7**  
**Cell # 0306-5914678**



06

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

Dated Peshawar the, 29<sup>th</sup> June, 2022

**AUTHORITY LETTER**

Mr. Shehryar Ahmad, Section Officer, Litigation Excise, Taxation & Narcotics Control Department is hereby authorized to submit the Parawise comments in Khyber Pakhtunkhwa, Service Tribunal, Peshawar in Service Appeal No. 837/2020 title "Mr Pervez Akhter Vs Govt Of Khyber Pakhtunkhwa Through Chief Secretary Khyber" on behalf of the undersigned.

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

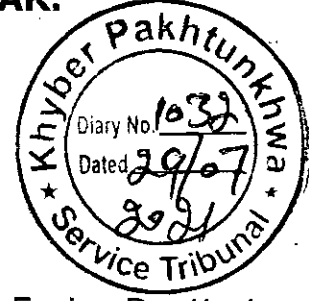
48

1

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

Put up to the court with  
relevant appeal.

Appeal No. 837/2020



*Reader*

Mr. Pervaiz Akhter

*29/7/2021*

V/S

Excise Deptt etc.

**SCANNED  
POST  
Peshawar**

**APPLICATION FOR RESTRAINING THE  
RESPONDENTS FROM FINALIZING THE  
PROMOTION PROCESS AND GRANT STAY  
AGAINST THE PSB MEETING DATED 30.07.2021  
TO THE EXTENT OF ITEM NO.13 AGAINST THE  
POST OF ETO BPS-18 TILL THE DISPOSAL OF  
MAIN APPEAL AND *THE APPEAL MAY BE FIXED  
TODAY DUE TO URGENCY IN THE INSTANT  
APPEAL.***

**RESPECTFULLY SHEWETH:**

1. That the above titled appeal is pending before this august Tribunal and fixed for hearing on 18.10.2021.
2. That the appellant's seniority/promotion is badly affected due to impugned amendment in the rules. So the appellant challenge the same in service tribunal.
3. That now the Govt of KP establishment issue notification on 28.07.2021 and going to conduct meeting of PSB on 30.07.2021 wherein in item no.13 is related to appellant, and on which already appeal is pending in this Hon'able Tribunal on the disputed rules. If the promotion was made against the said post then the appellant's

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case will be suffered a lot and will be become infructuous. **Copy of notification is attached as annexure-A.**

- 4. That the appellant has a good prima facie case and all the ingredients are in favour of appellant.
- 5. That if the respondents are not restrained from finalizing the promotion process till the Disposal of the above mention appeal. Then the appellant will suffer from irrespective loss.

It is, therefore, most humbly prayed that the respondents may be restrained from finalizing the promotion process on the disputed rules and grant stay against the PSB meeting dated 30.07.201 to the extent of item no.13 against the post of ETO BPS-18 till the disposal of main appeal. Further, it is requested that the case may be heard today due to urgency in the instant appeal. Any other remedy with this august Tribunal deems fit may also be awarded in favour of appellant.

APPELLANT  
Pervaiz Akhtar

THROUGH:

(SYED NOMAN ALI BUKHARI)  
**ADVOCATE, HIGH COURT.**

**AFFIDAVIT:**

It is affirmed and declared that the contents of the above Application are true and correct.



Deponent



(50) (3)

**GOVERNMENT OF KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT**

No. SO(PSB)ED/ 1-1/2021/(9)  
Dated Peshawar, the 28.07.2021

To

1. The Additional Chief Secretary,  
Government of Khyber Pakhtunkhwa,  
Planning & Development Department.
2. The Senior Member, Board of Revenue,  
Khyber Pakhtunkhwa.

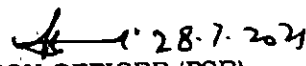
**SUBJECT: - MEETING OF THE PROVINCIAL SELECTION BOARD.**

Dear Sir,

I am directed to refer to the subject and to say that meeting of Provincial Selection Board will be held on 30.07.2021 at 01:30 PM and 31.07.2021 at 10:30 AM under the chairmanship of Chief Secretary, Khyber Pakhtunkhwa in the Conference Room of Chief Secretary, Khyber Pakhtunkhwa. Agenda of the meeting alongwith working papers are enclosed.

2. You are requested to kindly make it convenient to attend the meeting as per agenda of the meeting attached.

Yours faithfully,

  
SECTION OFFICER (PSB)

**Encl. As above**

**Endst. of even No. & date.**

A copy is forwarded to: -

1. The P.S to Chief Secretary, Khyber Pakhtunkhwa.
2. The P.S. to Secretary Establishment Department.
3. The P.S to Special Secretary (Establishment), Establishment department.
4. The P.S to Special Secretary (Reg.) Establishment Department.
5. The P.Ss to Additional Secretaries (Reg.-I&II) Establishment Department.

  
SECTION OFFICER (PSB)

P.T.O

Endst. of even No. & date.

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A copy is forwarded to: -

1. The Chairman, Provincial Inspection Team, Khyber Pakhtunkhwa,
2. The Secretary to Govt. of Khyber Pakhtunkhwa, Finance Department.
3. The Secretary to Govt. of Khyber Pakhtunkhwa, Planning & Development Department.
4. The Secretary to Govt. of Khyber Pakhtunkhwa, Minerals Development Department.
5. The Secretary to Govt. of Khyber Pakhtunkhwa, Zakat & Usher Department.
6. The Secretary to Govt. of Khyber Pakhtunkhwa, Sports, Culture & Tourism Department.
7. The Secretary to Govt. of Khyber Pakhtunkhwa, Industries, Commerce & Technical Education Department.
8. The Secretary to Govt. of Khyber Pakhtunkhwa, Excise & Taxation Department.
9. The Secretary to Govt. of Khyber Pakhtunkhwa, Labour Department.
10. The Secretary to Govt. of Khyber Pakhtunkhwa, Elementary & Secondary Education Department.
11. The Secretary to Govt. of Khyber Pakhtunkhwa, Higher Education Department.
12. The Secretary to Govt. of Khyber Pakhtunkhwa, Population Welfare Department.
13. The Secretary to Govt. of Khyber Pakhtunkhwa, Public Health Engineering Department.
14. The Secretary to Govt. of Khyber Pakhtunkhwa, Irrigation Department.
15. The Secretary to Govt. of Khyber Pakhtunkhwa, C&W Department.
16. The Secretary to Govt. of Khyber Pakhtunkhwa, Home & TAs Department.
17. The Secretary to Govt. of Khyber Pakhtunkhwa, Environment, Forestry & Wildlife Department.
18. The Secretary to Govt. of Khyber Pakhtunkhwa, Agriculture, Livestock , Dairy Development & Cooperative Department.
19. The Secretary to Govt. of Khyber Pakhtunkhwa, Health Department.
20. The Secretary to Govt. of Khyber Pakhtunkhwa, Law & Parliamentary Affairs department with the request to attend the meeting alongwith Advocate General, Khyber Pakhtunkhwa for legal opinion in litigation cases.

They are requested to kindly attend meeting of the PSB to be held on 30.07.2021 at 01:30 PM and 31.07.2021 at 10:30 AM in the Conference Room of Chief Secretary, Khyber Pakhtunkhwa. They are further requested to bring synopsis of PERs, original PER files and other service record of the officers concerned for perusal of the Board.

SECTION OFFICER (PSB)

Endst of even No. & date.

A copy is forwarded to: -

1. The Section Officer (E-I) / (E-II) / (Secret), Establishment Department.
2. PAs to Deputy Secretaries (Reg.-I, II & III), Establishment Department.

SECTION OFFICER (PSB)

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AGENDA OF THE PSB MEETING				
TO BE HELD ON 30.07.2021 AT 01:30 PM				
ITEM#	DESCRIPTION OF CASE	PANEL	POSTS	DEPARTMENT
1.	Promotion of Senior Engineer BS-18 to the post of Member (Technical) BS-19 in Provincial Inspection Team, Khyber Pakhtunkhwa.	1	1	PIT
2.	Promotion of Assistant Treasury Officer BS-17 to the post of District Accounts Officer / Treasury Officer BS-18	24	12	Finance
3.	Promotion of PPS BS-19 officers to the post of PPS BS-20	3	4	P&D
4.	Promotion of Deputy Chief Inspector of Mines BS-19 to the post of Chief Inspector of Mines BS-20	2	1	Minerals Development
5.	Promotion of Assistant Administrator / District Zakat Officer BS-17 to the post of Deputy Administrator / Senior District Zakat Officer BS-18	8	5	Zakat
6.	Promotion of Deputy Director BS-18 to the post of Director General BS-19 in Directorate of Tourist Services, Khyber Pakhtunkhwa	1	1	Sports
7.	Promotion of Director BS-19 on regular basis in the Directorate of Culture, Khyber Pakhtunkhwa	2	1	Sports
8.	Promotion of Deputy Director / Regional Sports Officer BS-18 to the post of Director BS-19	4	2	Sports
9.	Promotion of Associate Professor BS-19 (Basic Sciences and Humanity Group) to the post of Professor BS-20 (Basic Sciences and Humanity Group)	12	4	Industries
10.	Promotion of Associate Professor BS-19 (Technical Subjects) to the post of Professor BS-20 (Technical Subjects) at Govt. College of Technology / Govt. Polytechnic Institutes	16	8	Industries
11.	Promotion of Principal BS-18 (GTVG Women) to the post of Principal BS-19 GTVC Women	1	4	Industries
12.	Promotion of Accounts Officer BS-17 to the post of Deputy Director Administration BS-18 in the Directorate of Industries & Commerce.	1	1	Industries
13.	Promotion of Assistant Excise & Taxation Officer BS-17 to the post of Excise & Taxation Officer BS-18	28	16	Excise
14.	Promotion of Statistical Officer BS-17 to the post of Deputy Director Labour Planning BS-18	1	1	Labour
15.	Promotion of Assistant Director BS-17 to the post of Deputy Director BS-18	4	2	Labour
16.	Promotion of Deputy District Attorney BS-18 to the post of District Attorney BS-19	32	16	Law
17.	Promotion of Administrative Officer BS-17 to the post of Senior Administrative Officer BS-18	1	1	Law
18.	Promotion of Librarian BS-17 as Reference and Research Officer BS-18	1	1	Law
19.	Promotion of Chief Librarian BS-18 to the post of Director BS-19	1	1	HED
20.	Promotion of Librarian BS-18 to the post of Librarian (Senior Scale BS-18) on regular basis of College Cadre Higher Education Department	1	1	HED
21.	Promotion of Research Officer BS-17 to the post of Deputy Director BS-18	2	1	HED
22.	Promotion of Additional Director General BS-20 to the post of Director General BS-20	1	1	Population
23.	Promotion of Assistant Director / DDPWO (Non-Tech) / TPWO/ Dy. Demographer / Instructor (Non-Tech) / Accounts Officer BS-17 to the post of Deputy Director (Non-Tech) / DPWO (Non-Tech) / Demographer / Senior Instructor BS-(Non-Tech) BS-18	6	3	Population
24.	Promotion of Executive Engineer BS-18 to the post of Superintending Engineer BS-19	11	8	PHE
25.	Promotion of Executive Engineer BS-18 to the post of Superintending Engineer BS-19	14	7	Irrigation

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(6)

AGENDA OF THE P&B MEETING TO BE HELD ON 30.07.2021 AT 01:30 PM				
ITEM#	DESCRIPTION OF CASE	PANEL	POSTS	DEPARTMENT
26.	Promotion of Deputy Collector BS-17 to the post of Canal Collector BS-18	2	1	Irrigation
27.	Promotion of Director NTFP BS-19 to the post of Additional Director General (Biological Sciences) BS-20 in Pakistan Forest Institute.	1	1	Environment
28.	Promotion of Sub Divisional Wildlife Officers BS-17 to the post of Deputy Conservator Wildlife / Divisional Wildlife Officers BS-18	20	10	Environment
29.	Promotion of Assistant Director BS-17 to the post of Deputy Director BS-18 in NTFP Directorate of Forest Department	2	1	Environment
30.	Promotion of Assistant Director BS-17 to the post of Deputy Director BS-18 in I&HRD&M Directorate of Forest Department	2	1	Environment
31.	Appointment of Assistant Director BS-17 to the post of Deputy Director BS-18 on acting charge basis in Research & Development (R&D) Directorate of Forest Department	1	1	Environment



(54) (7)

**AGENDA OF THE PMS MEETING**  
**TO BE HELD ON 31.07.2021 AT 10:30 AM**

ITEM#	DESCRIPTION OF CASE	PANEL	POSTS	DEPARTMENT
1.	Promotion of PCS (EG) officers from BS-20 to BS-21	6	3	Establishment
2.	Promotion of PCS (EG) / PCS (SG) / PMS officers from BS-19 to BS-20	22	17	Establishment
3.	Promotion of PMS officers from BS-18 to BS-19	44	34	Establishment
4.	Promotion of PMS officers from BS-17 to BS-18	60	38	Establishment
5.	Promotion of Superintendent BS-17 to PMS BS-17	66	24	Establishment
6.	Promotion of Personal Assistant BS-16 to PMS BS-17	32	10	Establishment
7.	Promotion of Tehsildar BS-16 to PMS BS-17	42	19	Establishment
8.	Promotion of Senior Private Secretary BS-18 to Additional Private Secretary BS-19	3	2	Establishment
9.	Promotion of Private Secretary BS-17 to Senior Private Secretary BS-18	10	7	Establishment
10.	Promotion of Deputy Director IT BS-18 to the post of Director IT BS-19	3	1	Establishment
11.	Promotion of SDEO / Assistant Director BS-17 (Management Cadre) (Male) to the post of DDEO / Deputy Director BS-18	9	12	E&SE
12.	Promotion of SDEO / Assistant Director BS-17 to the post of DDEO / Deputy Director (Female) BS-18	1	1	E&SE
13.	Proforma promotion of Mst. Niaz Parwar to BS-19 in pursuance of Service Tribunal order (Court Case)	1	1	E&SE
14.	Proforma promotion of Mr. Mirza Ali Khan Ex-Head Master BS-17 to BS-18 (Court Case)	1	1	E&SE
15.	Proforma promotion in r/o Muhammad Riaz Ex-Principal BS-18 in pursuance of Peshawar High Court judgment (Court Case)	1	1	E&SE
16.	Promotion of Superintending Engineer BS-19 to the post of Chief Engineer BS-20	14	6	C&W
17.	Promotion of Executive Engineers BS-18 to the post of Superintending Engineers BS-19	38	19	C&W
18.	Promotion of Assistant Engineer / SDO BS-17 to the post of Executive Engineer BS-18	84	42	C&W
19.	Proforma promotion in respect of Engr. Nazir Ahmad Assistant Engineer BS-17 (Retired) to the post of Executive Engineer BS-18 and Superintending Engineer BS-19 with all back benefits in light of Khyber Pakhtunkhwa Service Tribunal judgment (Court Case)	1	1	C&W
20.	Promotion of Director Research & Analysis BS-19 to the Post of Director General Research Analysis BS-20 (Dr. Ayaz Khan Court Case)	1	1	Home
21.	Promotion of Superintendent Jail (BPS-19) to the post of Inspector General of Prison (BPS-20)	1	1	Home
22.	Promotion of Superintendent District Jail BS-18 to the post of DIG Prisons / Superintendent Central Prison BS-19	3	9	Home
23.	Promotion of Deputy Superintendent Jail (BPS-17) to the post of Superintendent, District Jail (BPS-18)	15	10	Home
24.	Promotion of Assistant Director (BPS-17) to the post of Deputy Director (BPS-18)	3	2	Home
25.	Promotion of Senior Probation Officer / Parole Officer BS-17 to the post of Deputy Director Reclamation & Probation BS-18	4	3	Home
26.	Proforma Promotion of Ehtizaz Ahmad Ex-Superintendent Jail BS-18 to BS-19 (Court Case)	1	1	Home
27.	Proforma promotion of Mr. Amir-ud-din to the post of Deputy Director Reclamation & Probation BS-18 in pursuance of Peshawar High Court judgment dated 12.02.2020 (Court Case)	1	1	Home
28.	Promotion of BS-19 officers of Agriculture Extension Wing to the post of Director General / Principal Agriculture Training Institute Peshawar BS-20	6	2	Agriculture
29.	Promotion of officers of Agriculture Research Wing from BS-18 to BS-19	36	18	Agriculture

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AGENDA OF THE PMS MEETING  
TO BE HELD ON 31.07.2021 AT 10:30 AM

DESCRIPTION OF CASE				
	PANEL	POSTS	DEPARTMENT	
30.	Promotion of Senior Research Officer BS-18 to the post of Principal Research Officer BS-19 in L&DD	6	3	Agriculture
31.	Promotion of Deputy Director Fisheries BS-18 to the post of Additional Director Fisheries / Director Fisheries BS-19	9	4	Agriculture
32.	Promotion of Assistant Director Fisheries BS-17 to the post of Deputy Director Fisheries BS-18 in Agriculture, Livestock & Cooperative Department	4	2	Agriculture
33.	Promotion of Research Officer BS-17 to the post of Senior Research Officer BS-18 in L&DD	6	3	Agriculture
34.	Promotion of Instructor BS-17 to the post of Deputy Registrar / Principal BS-18, Cooperative Department	1	1	Agriculture
35.	Promotion of Statistical Officer BS-17 to the post of Statistician BS-18 in the Directorate of Crop Reporting Services	1	1	Agriculture
36.	Promotion of officers of Agriculture Research Wing from BS-17 to BS-18	2	1	Agriculture
37.	Promotion of Associate Professor Medicine BS-19 to the post of Professor Medicine BS-20 in Saidu Medical College, Swat.	2	1	Health
38.	Promotion of Associate Professor of Surgery BS-19 to the post of Professor of Surgery BS-20 in Saidu Medical College, Swat.	1	2	Health
39.	Promotion of Associate Professor ENT BS-19 to the post of Professor ENT BS-20 in Saidu Medical College, Swat	2	1	Health
40.	Promotion of Associate Professor of Biochemistry BS-19 to the post of Professor of Biochemistry BS-20	1	1	Health
41.	Promotion of Associate Professor Pathology BS-19 to the post of Professor Pathology BS-20 in Saidu Medical College, Swat	1	2	Health
42.	Promotion of District Specialist Gynae / OBS: BS-19 to the post of Chief District Specialist Gynae / OBS: BS-20	5	6	Health
43.	Promotion of Assistant Professor Gynaecology / OBS BS-18 to the post of Associate Professor Gynaecology / OBS BS-19 in Saidu Medical College, Swat.	2	2	Health
44.	Promotion of Assistant Professor Pharmacology BS-18 to the post of Associate Professor Pharmacology BS-19 in Saidu Medical College, Swat.	1	1	Health
45.	Promotion of Assistant Professor Pathology BS-18 to the post of Associate Professor Pathology BS-19 in Saidu Medical College, Swat.	2	3	Health
46.	Promotion of District Specialist Psychiatry BS-18 to the post of Senior District Specialist Psychiatry BS-19	6	2	Health
47.	Promotion case of Senior Registrar Cardiology (BS-18) to the post of Assistant Professor Cardiology (BS-18) in Saidu Medical College, Swat.	1	1	Health
48.	Promotion of Senior Registrar Orthopedic BS-18 to the post of Assistant Professor Orthopedic BS-18 in Saidu Medical College, Swat.	2	1	Health
49.	Promotion of Senior Registrar Pulmonology BS-18 to the post of Assistant Professor Pulmonology BS-18 in Saidu Medical College, Swat	1	1	Health
50.	Promotion of Senior Clinical / PHC Technologist BS-18 to the post of Chief Clinical / PHC Technologist BS-19	8	9	Health
51.	Promotion of Clinical / PHC Technologist BS-17 to the post of Senior Clinical / PHC Technologist BS-18	64	148	Health

56

1

BEFORE THE KP SERVICE TRIBUNAL, PESHAWAR.

RECEIVED  
Khyber Pakhtunkhwa  
Peshawar  
30/10/23

CM. No. \_\_\_\_\_/2023

Khyber Pakhtunkhwa  
Service Tribunal

IN

APPEAL No. 837/2021

Diary No. 8714

Dated 30-10-2023

Pervaiz Akhtar Superintendent (BPS17)  
Excise and Taxation Deptt: Peshawar

APPELLANT

VERSUS

1. The Govt of KP through Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
2. Secretary to Govt KP Excise, Taxation & Narcotics Control Deptt: Peshawar, Khyber Pakhtunkhwa.
3. The Standing Rules Committee (SSRC) through its chairman/ Secretary (Establishment, Civil Secretariat KP, Peshawar.
4. The DG Excise, Taxation & Narcotics Control Deptt: Peshawar, Khyber Pakhtunkhwa.

RESPONDENTS

.....  
**SUBJECT: APPLICATION FOR ARRAYING OF SECRETARY FINANCE AND SECRETARY ESTABLISHMENT IN THE PANEL OF RESPONDENTS AS RESPONDENT IN THE ABOVE TITLED APPEAL.**

**RESPECTFULLY SHEWETH:**


1. That the above mentioned service appeal is pending before this August tribunal and fixed for 02/11/2023.
2. That appellant has filed the above mentioned service appeal wherein the appellant challenge the service rules. That on last date the appeal was heard to some length and the appellant was allowed to make Secretary Finance and Secretary Establishment as respondent in the above mentioned appeal vide order dated 12/07/2023 Therefore, it is necessary to implead the same as

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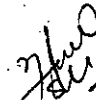
9

necessary party in the mentioned appeal, so, the multiplicity of litigation be avoided. Copy of order sheet is attached as annexure-A.

It is, therefore, most humbly prayed that on acceptance of this application the Secretary Finance and Secretary Establishment to Govt of KP may be arrayed as respondent in the instant appeal.


  
Applicant  
Pervaiz Akhtar

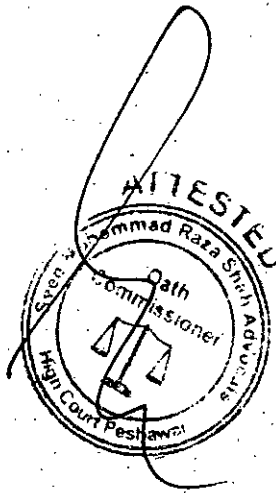
THROUGH:

  
(SYED NOMAN ALI BUKHARI)  
ADVOCATE, HIGH COURT

AFFIDAVIT

I, Pervaiz Akhtar, (Applicant), do hereby solemnly affirm and declare that the contents of the application are true and correct to the best of my knowledge and belief and nothing has been concealed from Hon'ble Court..

  
DEFENDENT  
Pervaiz Akhtar.



Appeal No. 837/2021

58

3

Permy: Akhtar vs Grant / 11/23

12<sup>th</sup> July, 2023

1. Learned counsel for the appellant present. Mr. Fazal Shah Mohmand, Additional Advocate General for respondents present.

2. Learned counsel for the appellant requested for adjournment in order to prepare the brief. Adjourned. To come up for arguments on 02.11.2023 before D.B. P.P given to the parties.



(Fareeha Paul)  
Member (E)

(Kalim Arshad Khan)  
Chairman

\*Muazem Shah\*

Certified to be a true copy  
30/10/23

EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

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BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR

SCANNED  
KPKST  
Peshawar

Appeal No. 837 /2021

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 11710

Dated 12-03-2024

PERHAIZ ATHTAR vs Excise & Taxation

**APPLICATION FOR ADJOURNMENT IN ABOVE MENTIONED  
APPEAL DUE TO ILLNESS OF COUNSEL.**

**RESPECTFULLY SHEWETH:**


1. That the above captioned Appeal is fixed for arguments today.
2. That the counsel for the appellant due to illness of his son and cannot attend the courts due to the illness of his son for today.
3. That due to the above reasons, the appeal needs to be adjourned to any other possible date to meet the end of justice.

It is, therefore, most humbly requested that on acceptance this application the above mentioned appeal may be adjourned.

Dated 12/03/2024

APPELLANT

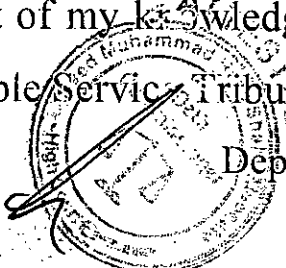
THROUGH:

  
(SYED NOMAN ALI BUKHARI)  
ADVOCATE, HIGH COURT

**AFFIDAVIT**

I, do hereby affirm and declare on oath that the contents of this application are true and correct to the best of my knowledge and belief nothing has been concealed from this Hon'ble Service Tribunal.

12/3

  
Deponent

(60)

**BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR.**

Appeal No. 237 /2021

**PERVAIZ AKHTAR** vs **EXCISE & TAXATION.**

**APPLICATION FOR ADJOURNMENT IN ABOVE MENTIONED  
APPEAL DUE TO ILLNESS OF COUNSEL.**

**RESPECTFULLY SHEWETH:**

1. That the above captioned Appeal is fixed for arguments today.
2. That the counsel for the appellant due to illness of his son and cannot attend the courts due to the illness of his son for today.
3. That due to the above reasons, the appeal needs to be adjourned to any other possible date to meet the end of justice.

It is, therefore, most humbly requested that on acceptance this application the above mentioned appeal may be adjourned.

Dated 12/03/2024

APPELLANT

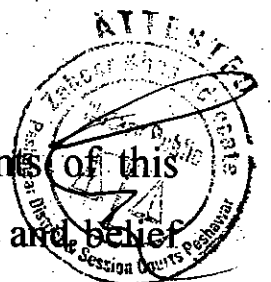
THROUGH:

*7/2021*  
(**SYED NOMAN ALI BUKHARI**)  
ADVOCATE, HIGH COURT

**AFFIDAVIT**

I, do hereby affirm and declare on oath that the contents of this application are true and correct to the best of my knowledge and belief nothing has been concealed from this Hon'ble Service Tribunal.

Deponent



KD Service Tribunal Peshawar

SCANNED  
KPST  
Peshawar

2 پنجاب Perwanj Akhter

بنام

vs

EAT Deptt

مورخہ

مقدمہ

دعویٰ

جرم

### باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کارروائی متعلقہ

آن مقام پشاور کیلئے سید نعمان علی خاں نے

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ کرنے و تقریر ثالث و فیصلہ پر حلف دینے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء اور وصولی چیک دروپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری کی طرف یا اپیل کی برآمدگی اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا۔ از بصورت ضرورت مقدمہ مذکور کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقریر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانبہ التوائے مقدمہ کے سبب سے وہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سندر ہے۔

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