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KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

EXECUTION NO

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Saif uallah VS Excise & Taxation

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Muharrir Compilation
7/6/24

Incharge Judicial Branch
7/6/24

899. Sher Zamin Khan Superintendent Governor Secretariat Dept Peshawar
 900. Muhammad Ayib s/o: Mir Azam Baig
 901. Muhammad Aftab Superintendent finance Dept Peshawar
 902. Zarshad Khan s/o: Ulla Khan Superintendent population Dept Peshawar
 903. Muhammad Ayaz Superintendent Auqaf Dept Peshawar
 904. Rasool Muhammad
 905. Shakeel Ahmad s/o: Wajeed Gul
 906. Arshad Aziz Qureshi
 907. All Nawaz Khan s/o: Hassan Bndshah
 908. Shah Bakht
 909. Khan Raziq
 910. Nasib Khan
 911. Abdur Rahman s/o: Abbas Ali Khan
 912. Fazal ur Rahman Superintendent Excise & Taxation Dept Peshawar
 913. Syed Mukhtiar Ahmad Shah s/o: Syed Noor Muhammad
 914. Zahid Shams
 915. Zahoor Shah
 916. Samin Jan
 917. Pervez Khan Superintendent transport Dept Peshawar
 918. Umar Zada
 919. Amanullah s/o: Karim Gul
 920. Muhammad Ilyas s/o; Muhammad Ishague
 921. Feroz Khan
 922. Muhammad Ibrahim s/o: Akhtar Munir
 923. Irfanullah Superintendent Governor House Dept Peshawar
 924. Muhammad Iqbal s/o: Hazrat Shah
 925. Iftikhar Superintendent E & SE Dept Peshawar
 926. Muhammad Ishaq s/o: Ghulam Halder
 927. Shaukat Zaman
 928. Sahibzada Abbas Khan
 929. Aqil Javed
 930. Obaidullah Superintendent Home Dept Peshawar
 931. Dost Muhammad Superintendent IPC Dept Peshawar
 932. Savindar Kumar s/o: Kor Chand
 933. Shah Wali Khan s/o: Bakht Baldar
 934. Juma Khan Superintendent P&D Dept Peshawar
 935. Rizaz Khan Superintendent E&AD Dept Peshawar
 936. Said Faqir Superintendent P&D Dept Peshawar
 937. Khaliq ur Rahman Superintendent E&SE Dept Peshawar
 938. Rahmat Khan
 939. Minn Shah Hussain
 940. Bakhtiar Wali Khan s/o: Wali Zar Khan Wali
 941. Hamayun Khan s/o: Walsal Khan Superintendent Housing Dept Peshawar
 942. Hashmatullah Superintendent law Dept Peshawar
 943. Shahmshad Hussain Superintendent E & SE Dept Peshawar
 944. Shal Muhammad Superintendent Mineral Dept Peshawar
 945. Umarbaz Superintendent PHE Dept Peshawar
 946. Shahbaz Khan Superintendent Health Dept Peshawar
 947. Almal Kha s/o: Jehangir Khan
 948. Muhammad Kamran Superintendent law Dept Peshawar
 949. Syed Muhammad Asif Sattar Superintendent E&AD CS Issue Dept Peshawar
 950. Muhammad Saleem Sajid
 951. Sher Ali Khan Superintendent IE&SE Dept Peshawar
 952. Sawab Gul Superintendent Environment Dept Peshawar
 953. Muhammad Javed s/o: Shah Zaman Superintendent law Dept Peshawar
 954. Rahmat Shah Superintendent Finance Dept Peshawar
 955. Muhammad Nawab Superintendent E&AD HRD II Section Dept Peshawar
 956. Muhammad Rizaz s/o: Sher Khan Superintendent PHE Dept Peshawar
 957. Attiqur Rahman s/o: Muhammad Ayub Superintendent E&SE Dept Peshawar
 958. Muhammad Farooq Superintendent Transport Dept Peshawar
 959. Bahar ud Din Superintendent Finance Dept Peshawar
 960. Ijaz Rahim Superintendent Transport Dept Peshawar
 961. Shehryar Ahmad Superintendent excise Dept Peshawar
 962. Gul Nawaz Khan s/o: Nek Nawaz Khan Superintendent Information Dept Peshawar
 963. Zhaid Mehmood Superintendent C&W Dept Peshawar
 964. Fazil Rauf Superintendent law Industries Peshawar
 965. Sona Khan Superintendent P&D Dept Peshawar
 966. Muhammad Hashim Khan Superintendent CM secretariat Dept Peshawar
 967. Kifayatullah s/o: Abdus Samad Superintendent law Excise & Taxation Peshawar
 968. Miraj s/o: Niaz Muhammad Superintendent Agriculture Dept Peshawar
 969. Muhammad Bashir Superintendent E&AD Dept Peshawar
 970. Hazrat shah s/o: Ahmad Shah Superintendent PHE Dept Peshawar
 971. Muhammad Rizaz s/o: Abdur Rahman Superintendent Higher edu Dept Peshawar
 972. Bakhtiarullah Superintendent E&AD Dept Peshawar
 973. Muhammad Hanif Superintendent information Dept Peshawar
 974. Inayntullah s/o: Abdur Rashid P&D Superintendent P&D Dept Peshawar
 975. Abdul Hanan Superintendent E&SE Dept Peshawar
 976. Ejaz Muhammad Superintendent Transport Dept Peshawar
 977. Muhammad Saleem s/o: Noor Muhammad Superintendent E & AD Dept Peshawar
 978. Mushtaq Shah Superintendent P&D Dept Peshawar
 979. Khilzer Hayat Superintendent Finance Dept Peshawar
 980. Muhammad Tufail Superintendent Health Dept Peshawar
 981. Shamsul Islami Superintendent finance Dept Peshawar

Section ()
 Establishment Department

SA 8878/2020

18th 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, in connected service appeal No. 837/2021, titled "Pervaiz Akhtar Versus the Government of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa, Peshawar and others" 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 18th day of April, 2024.*

SCANNED
KPST
Peshawar



(FAREEHA PAUL)
Member (F)



(RASHIDA BANO)
Member(J)

Fazal Subhan PS

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 18.04.2024 before D.B. Parcha Peshi given to the parties.

SCANNED
KPST
Peshawar



(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 & 2 present. Ms. Perkha Aziz Khan, Legal Advisor for respondent No. 3 also present.

File to come up alongwith connected Service Appeal No. 8872/2020 titled "*Ijaz Anwar Versus Secretary to Government of Khyber Pakhtunkhwa Excise, Taxation & Narcotics Control Department Peshawar, Khyber Pakhtunkhwa and 02 others*" on 05.12.2023 before the D.B. Parcha Peshi given to the parties.

SCANNED
KPST
Peshawar



(Fareeha Paul)
Member (E)



(Salah-ud-Din)
Member (J)

Naeem Amin

05th 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, 2, 4 & 5 present. Ms. Perkha Aziz Khan, Legal Advisor for respondent No. 3 also present.

File to come up alongwith connected Service Appeal No. 8872/2020 titled "*Ijaz Anwar Versus Secretary to Government of Khyber Pakhtunkhwa Excise, Taxation & Narcotics Control Department Peshawar, Khyber Pakhtunkhwa and 02 others*" on 12.03.2024 before the D.B. Parcha Peshi given to the parties.

SCANNED
KPST
Peshawar



(Salah-ud-Din)
Member (J)



(Kalim Arshad Khan)
Chairman


Naeem Amin


09th May, 2023

1. Learned counsel for the appellant present. Mr. Muhammad Jan, District Attorney for the respondents No. 1 & 2 present. Ms. Parkha Aziz Khan, Legal Advisor on behalf of respondent No. 3 present.

2. Adjournment request has been made by the learned counsel for the appellant who was given option to fix the date of his own choice. Adjourned. To 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

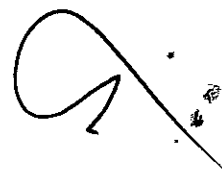
12th July, 2023

1. Learned counsel for the appellant present. Mr. Fazal Shah Mohmand, Additional Advocate General for respondents No.1 & 2 present. Mr. Aftab Hussain, Advocate and Miss. Parkha Aziz Khan, Advocate present on behalf of the respondent No.3.

2. Learned counsel for the appellant, though, opened the arguments but as the appellant has challenged the rules prescribing the method of recruitment, which were notified by the Excise & Taxation Department in consultation with the Finance and Establishment Departments but neither the Finance nor Establishment Department could be arrayed as party. He, therefore, intends to make an application for arraying Secretary Finance and Secretary Establishment as respondents in this matter. He may do so within a week. To come up for arguments on 02.11.2023 before D.B. P.P given to the parties.

SCANNED
KPST
Peshawar


(Fareeha Paul)
Member (E)


(Kalim Arshad Khan)
Chairman

Mutazem Shah

24.11.2022

Learned counsel for the appellant present. Mr. Aftab Hussain, Legal Advisor alongwith Mr. Naseer-ud-Din Shah, Assistant Advocate General 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 on 13.02.2023 before the D.B.

SCANNED
KPBT
Peshawar

(Mian Muhammad)
Member (E)

(Salah-Ud-Din)
Member (J)

13.02.2023

Clerk of learned counsel for the appellant present. Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General for respondents No. 1 & 2 present. Ms. Parkha Aziz Khan, Legal Advisor for respondent No. 3 also present.

Learned Assistant Advocate General stated that connected nature Service Appeal bearing No. 837/2021 titled "Pervaz Hussain Versus Excise & Taxation Department etc" as well as Service Appeal bearing No. 4807/2021 titled "Majid Hussain Versus Excise & Taxation Department etc" are fixed for arguments on 09.05.2023 therefore, the appeal in hand may also be fixed on the same date. Adjourned. To come up for arguments on 09.05.2023 before the D.B.

SCANNED
KPBT
Peshawar

(Fareeha Paul)
Member (E)
(Salah-Ud-Din)
Member (J)

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)

13th 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.



(Fareeha Paul)
Member (E)



(Kalim Arshad Khan)
Chairman

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24th May, 2022 Counsel for the appellant present. Mr. Kabirullah Khattak, Addl. AG for the respondents present.

Learned counsel for the appellant seeks adjournment in order to properly assist the court. Adjourned. To come up for argument on 20.06.2022 before the DB.



(Fareeha Paul)
Member (E)

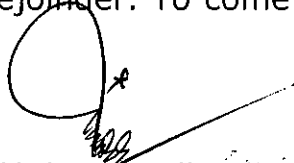


(Kalim Arshad Khan)
Chairman

20.06.2022

Syed Noman Ali Bukhari, Advocate, for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General and Mr. Gohar Rehman Khattak, Legal Advisor for the respondents present.

Vide order dated 20.12.2021, it was directed that the respondents shall submit reply/comments on the next date i.e 21.02.2022, failing which their right of submission of reply/comments shall be deemed as struck off. On 21.02.2022, the Tribunal was defunct due to retirement of worthy Chairman, therefore, the said date was changed on Reader Note and the appeal in hand was fixed for 24.05.2022. Learned counsel for the respondents alleged that para-wise comments on behalf of the respondents were submitted on 24.05.2022, which assertion of the respondents was conceded by learned counsel for the appellant and on perusal of the file, it was observed that the comments of the respondents are available on the file of Service Appeal bearing No. 8872/2020 titled "Ijaz Anwar Versus The Secretary to Government Khyber Pakhtunkhwa Excise, Taxation & Narcotics Control Department Peshawar, Khyber Pakhtunkhwa and two others". As the intervening date i.e 21.02.2022 was Reader Note, therefore, para-wise reply submitted on behalf of respondents on 24.05.2022 was within time and their right of defense could not be considered as struck off. Learned counsel for the appellant submitted rejoinder. To come up for arguments on 05.07.2022 before the D.B.



(Mian Muhammad)
Member (E)



(Salah-ud-Din)
Member (J)

09.12.2021

Learned counsel for the appellant present. Clerk of Mr. Gohar Rehman, Legal Advisor for respondents present and stated that Legal Advisor is out of station today who has been informed about directions of court recorded in order sheet dated 15.09.2021. He requested on behalf of Legal Advisor for a short adjournment. To come up come for reply/comments as well as arguments on 20.12.2021.

(Mian Muhammad)
Member (E)

20.12.2021

Appellant in person and Mr. Muhammad Muhammad Adeel Butt, Addl. AG and Gohar Rahman, Legal Advisor for the respondents present.

The respondents were afforded with lat opportunity for submission of written reply/comments but even today they have not submitted reply/comments and seek adjournment. Let the respondents be afforded with another last chance subject to cost of Rs. 2000/- on or before next date with the warning that in case they fail to submit the written reply/comments and cost, their right for reply/comments shall be deemed as struck off by virtue of this order. Case to come up for arguments on 21.02.2022 before the D.B.

Chairman

21.02.2022


Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 24.05.2022 for the same as before.

Reader

26.05.2021

Counsel for the appellant and Mr. Kabirullah Khattak, Addl. AG for the respondents present.

Learned AAG is required to contact the respondents for submission of written reply/comments in office within 10 days, positively. If the written reply/comments are not submitted within the stipulated time, the office is required to submit the file with a report of non-compliance. File to come up for arguments on 15.09.2021 before the D.B.



Chairman

15.09.2021

Syed Nouman Ali Bukhari, Advocate for the appellant present. Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.

Learned Additional Advocate General sought time for submission of reply/comments. Last opportunity is granted. To come up for reply/comments as well as arguments before the D.B on 09.12.2021


(ATIQ UR REHMAN WAZIR)
MEMBER (EXECUTIVE)


(SALAH UD DIN)
MEMBER (JUDICIAL)

20.01.2021

Counsel for appellant present.

Kabir Ullah Khattak learned Additional Advocate General for respondents present.

Written reply of respondents is still awaited. Representative of respondents is not in attendance, therefore, case is adjourned on the request of learned A.A.G, for submission of written reply/comments. To come up for written reply/comments on 18.03.2021 before S.B.



(Rozina Rehman)
Member (J)

18.03.2021

Junior to counsel for the appellant and Addl: AG for respondents present.

Written reply/comments on behalf of respondents not submitted. Learned AAG seeks time to contact the respondents for submission of written reply/comments. Granted but as a last chance.

Adjourned to 26.05.2021 before S.B.



(Mian Muhammad)
Member (E)

28.09.2020

Counsel for the appellant present.

Contends that through notification issued by Secretary Excise & Taxation Department on 30.03.2010, 100% promotion to the post of Assistant Excise & Taxation Officer was to be made from amongst Inspectors with at least five years service as such. The rules introduced through notification dated 19.02.2018 by the same department included 54% of Inspectors for promotion to the post of Assistant Excise & Taxation Officer (BPS-17). The appellant thereby was jeopardized from his due promotion without any fault on his part.

Subject to all just exceptions, instant appeal is admitted to regular hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents. To come up for written reply/comments on 30.11.2020 before S.B.

Appellant Deposited Security & Process Fee


Chairman

30.11.2020

Junior counsel for appellant is present. Mr. Kabirullah Khattak, Additional Advocate General for the respondents is also present.

Written reply on behalf of respondents not submitted. Learned Additional Advocate General is directed to ensure presence of representative of the department and submit reply on the next date. Adjourned to 20.01.2021 on which date file to come up for written reply/comments before S.B.


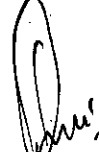


(MUHAMMAD JAMAL KHAN)
MEMBER (JUDICIAL)

FORM OF ORDER SHEET

Court of _____

Case No.- 8878 /2020


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	06/08/2020	<p>The appeal 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 style="text-align: right;"> REGISTRAR</p>
2-		<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>28/9/2020</u></p> <p style="text-align: right;"> CHAIRMAN</p>

The appeal received today i.e on 26-06-2020 by Syed Noman Shah Bukhari, Advocate is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Memorandum of the appeal may be got signed by the appellant.
- 2- Annexure-B, C, D & E of the appeal are illegible which may be replaced by legible/better one.
- 3- Annexure-A, G & H mentioned in memo of appeal are not attached with appeal which may be placed on it.
- 4- Annexures of the appeal may be attested.
- 5- Appeal may be page marked according to the index.
- 6- Affidavit in r/o appellant is not attached with the appeal which may be placed on it.

No. 1360 /S.T,

Dt. 02-07 /2020


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Syed Noman Shah Adv. Pesh.

Objection Remand, file re-submitted.



14

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

8878
APPEAL NO. _____ /2020

Saifullah

Vs

Excise & Taxation Deptt:

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APPELLANT

THROUGH:


(SYED NOMAN ALI BUKHARI)
ADVOCATE, HIGH COURT.

15

1

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

8878
APPEAL NO. _____ /2020



Mr. Saifullah, Inspector (BS-16)
Excise, Taxation and Narcotics Control Deptt: Khyber Pakhtunkhwa

(Appellant)

VERSUS

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

(Respondents)

Filed to day
Registrar
6/8/2020

.....

Re-submitted to -day
and filed.

Registrar
6/8/2020

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED SERVICE RULES DATED 19.02.2018 TO THE EXTENT OF 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 EXTENT OF S.NO.15 AND RESTORED THE 100% QUOTA OF INSPECTORS FOR PROMOTION TO POST OF AETO AS PER LIKE 2010 RULES TO ENHANCE THE PROMOTION CHANCES IN INTEREST OF JUSTICE, 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 joined the respondent department as Inspector on 22.10-10 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 inspectors 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 inspector is reduced to 54%. **Copy of service rules 2010 is attached as annexure-A.**
3. That in service rules 2010 100% promotion quota for inspector to the post of AETO was provided, because the strength of the inspector is too much i.e 181, despite the 100% quota some of the inspector retired after just one step promotion.
4. That after amendment in 2010 service rules and framing of 2018 rules and anomaly was created and the whole promotion structure of inspectors was affected which badly effect the promotion of the appellant and lesser the chances of promotion for inspector. In comparison of 2010 and 2018 rules following changes were made:

Sno.15	2010	2018
AETEO	100% promotion Quota amongst inspectors	6% promotion amongst superintendent 54% promotion amongst inspector 40% induction through PSC

5. That deptt: only malafidely disturbed the promotion of inspector (field) staff by Illegal allocating 6% quota to superintendent as a result of this injustice superintendent will remain in BPS-17 only designation changed, the said rules was also challenged by superintendent.
6. That till 2018 AETO posts were filled by promotion amongst inspector which is evident from the AETO seniority list. But now when 17 post of AETO is fall vacant and The appellat while approaching the authorities for promotion to the post of AETO came to know that Deptt: have framed new service rules 2018 wherein minimized the quota of inspector to 54% and department is off the view that the whole seats will be allocated to direct recruitment and supdt: cadre, so the inspectors have no chance of promotion in coming 10 to 15 years. **Copy of seniority list and service rules 2018 is attached as annexure-B & C.**
7. That thereafter, after getting knowledge about rules appellat 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-D.**
8. That the department did not responded to departmental appeal of the appellat 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 inspectorate cadre nor they have circulated any material in this regard. Even the appellat 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 appellat is of the view that nothing changed but the appellat know about the rules when 17 post of AETO is fall vacant and promotion of the appellat is due and he approached to deptt for promotion. **Copy of seniority list is attached as annexure-E**


- C) That the total strength of inspector cadre is 181 and the department has fixed minimum quota 54% for them in promotion which is too less for promotion to the AETO post which is 46 in strength and superintendent is 6 in strength. So the great injustice was done with inspectors in shape of reduce quota and superintendent in shape of deprived from the BS-18 Promotion. **Copy of detail sanction post is attached as annexure-F.**
- 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 20-09-2009 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% which needs to be redressed but deptt instead of restoring promotion quota for inspector 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 %. Secondly the deptt: says no promotion and seniority effected which is wrong. If the promotion quota for inspector is not restored , promotion and seniority of inspector and as well as superintendent is also effected. **Copy of letter is attached as annexure-G.**
- E) That deptt: only malafidely disturbed the promotion of inspector (field) staff by Illegal allocating 6% quota to superintendent as a result of this injustice superintendent will remain in BPS-17 only designation changed, the said rules was also challenged by superintendent.
- F) That in service rules 2010 100% promotion quota for inspector to the post of AETO was provided, because the strength of the inspector is too much i.e 181, despite the 100% quota some of the inspector retired after just one step promotion.
- G) That after amendment in 2010 service rules and framing of 2018 rules and anomaly was created and the whole promotion structure of inspectors was affected which badly effect the promotion of the appellatant and lesser the chances of promotion for inspector.
- H) That on perusal of service rules 2010 & 2018 of the respondent deptt it is evident that only promotion of inspectors to the post of AETO's was significantly changed and the promotion structure of the inspectors were disturbed.

- I) 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.
- J) That the appellant has not been treated according to law and rules.
- K) 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:


(SYED NOMAN ALI BUKHARI)
ADVOCATE, HIGH COURT

Annexure -A

20

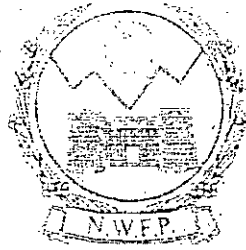
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EXTRAORDINARY

REGISTERED NO. PIII

GOVERNMENT

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(Estt)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

737

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

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ATTESTED.

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

ATTESTED

APPENDIX

R.NO.	Nomenclature of post	Minimum qualification for appointment by initial recruitment/transfer	Age limit	Method of recruitment
1	2	3	4	5
	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 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 (b) Forty 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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N.W.F.P. GOVERNMENT GAZETTE, EXTRAORDINARY, 30th MARCH, 2010. 741

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 Executive / 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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242 NEW P. GOVERNMENT GAZETTE EXTRAORDINARY, 30th MARCH, 2010.

10. Nomenclature of post	Minimum qualification	Age limit	Method of recruitment
2 Senior Scale Stenographer	3 (i) Second class Bachelor's Degree from a recognized University; (ii) a speed of hundred words per minute in Shorthand in English & forty words per minute in typing; and (iii) one year Diploma in Computer Science from the Board of Technical Education.	4 18 to 32 years	5 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	3 (i) Second Class Bachelor's Degree, from a recognised University; and (ii) One year Diploma/Certificate in Computer Science from the Board of Technical Education.	21 to 32 years	(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 (ii) Fifty per cent by initial recruitment.
Data Processing Supervisor	3 (i) Second Class Bachelor's Degree with Computer Science from a recognized university; and (ii) one year's experience in the field of Data Control or Key Punch Operation.	21 to 32 years	(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 (ii) Fifty percent by initial recruitment.

ATTESTED



GOVERNMENT OF KHYBER PAKHTUNKHWA
EXCISE, TAXATION & NARCOTICS CONTROL DEPARTMENT

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NOTIFICATION

Dated Peshawar, the January 24, 2020

50(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 Civil Servant (Appointment, Promotion & Transfer) Rules 1989, the final Seniority List of Assistant Excise & Taxation Officers (BS-17), Excise, Taxation & Narcotics Control, Khyber Pakhtunkhwa as stood on 06.11.2019, is hereby notified / circulated for general information of all concerned:

FINAL SENIORITY LIST OF ASSISTANT EXCISE & TAXATION OFFICERS (BS-17) 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 ST ENTRY INTO GOVT. SERVICE.	REGULAR APPOINTMENT/PROMOTION TO PRESENT POSTS			PRESENT POSTING	REMARKS
				Date	BPS	Method of recruitment		
1	2	3	4	5	6	7	8	
1	Sahibzada Sajjad Ahmad	21-02-1962 Mardan	01-07-1987	10-02-2009	17	By Promotion	O/O ETO Mardan	
2	Mr. Ijlal Qayum Babar, B.A	01-05-1964 Peshawar	13-03-1988	10-02-2009	17	By Promotion	O/O ETO-I, Peshawar	
3	Mr. Nisar Muhammad, LL.B	01-02-1965 Malakand	26-08-1990	10-02-2009	17	By Promotion	ETO (OPS) Lower Dir	
4	Mr. Imtiaz Ali, B.A	10-09-1969 Charsadda	16-08-1990	10-02-2009	17	By Promotion	O/O ETO Charsadda	
5	Muhammad Anwar, B.A	01-04-1965 Mardan	17-10-1990	10-02-2009	17	By Promotion	O/O ETO Swabi	
6	Mr. Shafqat Ullah Khan, B.A	06-03-1965 Bannu	19-11-1990	10-02-2009	17	By Promotion	O/O ETO D.I.Khan	
7	Muhammad Arshad Khan, M.A	05-10-1966 Peshawar	22-08-1990	10-02-2009	17	By Promotion	O/O ETO Mardan	
8	Muhammad Asghar Wazir	05-08-1965	23-11-1996	09-03-2011	17	By Promotion	ETO (OPS) Bannu	

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S. No.	NAME OF OFFICER WITH ACADEMIC QUALIFICATION.	DATE OF BIRTH AND DOMICILE.	DATE OF 1 ST ENTRY INTO GOVT. SERVICE.	REGULAR APPOINTMENT/PROMOTION TO PRESENT POSTS			PRESENT POSTING	REI
				Date	BPS	Method of recruitment		
1	2	3	4	5	6	7	8	
9	Mr. Imtaiz Ahmad	05-08-1965 Peshawar	26-12-1996	09-03-2011	17	By Promotion	O/O ETO-III, Peshawar	
10	Syed Anwar Shah	01-06-1960 Peshawar	01-06-1980	09-03-2011	17	By Promotion	O/O ETO-VI Peshawar	
11	Mr. Farid Ahmad	20-03-1969 D.I.Khan	12-03-1992 08-04-1999	22-05-2014	17	By Promotion	O/O ETO D.I.Khan.	
12	Mr. Imrān Hussain	04-01-1960 Kohat	25-09-1978	19-11-2014	17	By Promotion	O/O ETO Bannu	
13	Mr. Musa Khan	01-04-1964 Peshawar	17-01-1984	19-11-2014	17	By Promotion	O/O ETO-II; Peshawar	
14	Mr. Naeem Akhtar	24-06-1963 Abbottabad	16-09-1981	19-11-2014	17	By Promotion	O/O ETO Mansehra	
15	Mr. Saeed Gul	01 ⁹ / ₁₉₆₅ 21-01-1985 Peshawar	21-01-1985	30.10.2017	17	By Promotion	O/O ETO Nowshera	
16	Mr. Mubarik Islam	05-02-1962 Kohat	04-10-1982	19.11.2014	17	By Promotion	O/O ETO Kohat	
17	Mr. Jhsanul Haq	14-11-1961 Peshawar	10-04-1986	19.11.2014	17	By Promotion	O/O ETO-I, Peshawar	
18	Mr. Sāhibzada Farmanullah Jan	04-01-1965 Charsadda	10-04-1986	19.11.2014	17	By Promotion	O/O ETO-I, Peshawar	
19	Muhamamd Salim	10-04-1963 Charsadda	12-04-1986	19.11.2014	17	By Promotion	O/O ETO-I, Peshawar	
20	Mr. Usman Shahzad	01-06-1976 Abbottabad	29-05-2002	19.11.2014	17	By Promotion	O/O ETO Haripur	
21	Mr. Shakeel Ahmad	19-06-1976 Malaknad Agency	24-05-2002	19.11.2014	17	By Promotion	AETO (Narcotics), O/O DG ET&NC Peshawar	
22	Mr. Shaukat Ali	16-04-1973 Abbottabad	29-05-2002	19.11.2014	17	By Promotion	ETO (OPS) Kohistan	
23	Mr. Zahid Iqbal	25-09-1977 Peshawar	28-05-2005	19.11.2014	17	By Promotion	ETO-IV (OPS), Peshawar	
24	Mr. Nizakat Ali	12-03-1964 Peshawar	11-06-1980	30.10.2017	17	By Promotion	O/O ETO-III, Peshawar	
25	Mr. Zia Uddin	13-02-1978 Swat	04-06-2005	30.10.2017	17	By Promotion	O/O ETO-V	

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S. No.	NAME OF OFFICER WITH ACADEMIC QUALIFICATION.	DATE OF BIRTH AND DOMICILE.	DATE OF 1 ST ENTRY INTO GOVT. SERVICE.	REGULAR APPOINTMENT/PROMOTION TO PRESENT POSTS			PRESENT POSTING	RE
				Date	BPS	Method of recruitment		
1	2	3	4	5	6	7	8	
26	Mr. Gul Fishan	05-05-1975 Swat	18-07-2005	30.10.2017	17	By Promotion	O/O ETO Abbottabad	
27	Muhammad Iqbal	10-04-1980 Mardan	02-06-2005	30.10.2017	17	By Promotion	O/O ETO-V, Peshawar.	
28	Muhammad Khalid	20.04.1968 Swabi	31.05.2005	01.01.2018	17	By Promotion	O/O ETO-II Peshawar	
29	Mr. Fahim Nawaz	20-06-1978 FR Bannu	14-07-2005	30.10.2017	17	By Promotion	O/O ETO D.I.Khan	
30	Mr. Faridullah Khan	01-03-1980 D.I.Khan	04-02-2008	30.10.2017	17	By Promotion	ETO (OPS) Tank.	
31	Syed Naveed Jamal	07-04-1977 Malakand	30-01-2008	30.10.2017	17	By Promotion	O/O Director General	
32	Mr. Mehboob Alam	01.07.1978 SW Agency	19.12.2007	23.02.2018	17	By Promotion	ETO (OPS) Lakki Marwat	

ATTESTED

SO(Admn)ET&NC/1-6/2013 / 1028 - 31

Copy forwarded to the:-

1. Director General Excise, Taxation & Narcotics Control, Khyber Pakhtunkhwa.
2. All Deputy Directors Excise, Taxation & Narcotics Control, Khyber Pakhtunkhwa.
3. All Excise & Taxation Officers in Khyber Pakhtunkhwa.
4. PS to Secretary Excise, Taxation & Narcotics Control, Khyber Pakhtunkhwa.

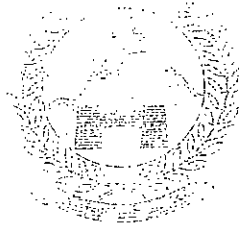
SECRETARY

Dated Peshawar, the January 24, 202



(NASEEM KHAN)
SECTION OFFICER (Admi

2018 Rules



KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, FRIDAY, 16th FEBRUARY, 2018

GOVERNMENT OF KHYBER PAKHTUNKHWA
EXCISE, TAXATION AND NARCOTICS CONTROL DEPARTMENT

ATTESTED

NOTIFICATION

Peshawar, Dated the 19th February, 2018.

No. SO(Admin)/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.

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

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	Computer Programmer (BS-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.	20-32 years.	By promotion, on the basis of seniority-cum-fitness, from amongst the Computer 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 per cent 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 per cent 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 ½ inches).	20-32 years.	(a) Fifty per cent 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 per cent 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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Dated Peshawar the 28/02/2020

To

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

THROUGH PROPER CHANNEL

Subject:-

REPRESENTATION AGAINST SERVICE RULES, 2018 DATED 19/02/2018.

With great reverence it is humbly requested that:

1. That The applicant is Inspector of Excise, Taxation & Narcotics Control Department, Khyber Pakhtunkhwa & joined the Department as Excise & Taxation Inspector on 22-10-2010.
2. Most of the Inspectors are either one step promoted or retired in the same rank.
3. That a single hope of one step promotion was snatched by the Department when the service rules 2010 were drastically amended in 2018.
4. That on perusal of service rules of 2010 & 2018 it is clearly evident that only promotion of Inspectors to the post of AETO's was significantly changed and the promotion structure of inspectors were disturbed.
5. That in Service Rules 2010, Quota for promotion of Inspectors to AETO's was 100%. Even due to that 100% quota, still most of inspectors retired after promotion to the next grade.
6. That after amendment of 2010 Service Rules and framing of 2018 rules an anomaly was created and the whole promotion structure of Inspectors was affected.
7. That in comparison of 2010 & 2018 Service Rules following changes were made at promotion at Inspectorate level:

2010		2018	
AETO	100% promotion amongst Inspectors	AETO	6% promotion amongst Superintendents 54% promotion amongst Inspectors. 40% inducted directly through Public Service Commission.

8. The Department has disturbed the promotions of inspectorate (field) staff by illegally allocating 6% quota in AETO's to Superintendents. As a result of this unjust allocation, Superintendent will remain in the same scale i.e. BPS-17 only their cadre will be changed (Superintendents BPS-17 & AETO BPS-17). This does not benefits neither Superintendents nor inspectors.

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28/2/20

Total Sanction Strength

AETO	Superintendents	Inspectors
47	7	182

9. That as of today, 67 Inspectors have served in the same scale as Inspectors for more than a decade.
10. That it is further stated that the Inspectorate staff is the backbone of this Department in collection of Government revenue and Department has great expectations from them for achieving the recovery targets in harsh and hard circumstances.
11. That despite meager resources, Inspectorate staff has left no stone unturned to hold the norms of the superiors in term of revenue collections.
12. That in comparison to other revenue collection Departments, the Excise Inspectors have minimum Salary, lack of proper & just promotion Structure, no incentives or reward system while this field staff is engaged in collection of direct taxes from the public which is a tough task.
13. That in framing of the aforesaid rules, the said rules were not circulated among present staff for seeking opinion regarding incorporation of amendments.

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Keeping in view the above points, it is requested that Notification No.SO (stb)E&T/1-41/2009 dated 30/03/2010 at S.NO(8) may please be reinstated and the Notification NO. So (Admn)/ET&NC/1-41/2018 dated 19/02/2018 at S.NO 15 may be withdrawn. So that the anomaly may be addressed and chance of promotion to Department employees may be enhanced. Furthermore it is requested that no advertisement in the aforesaid cadre (AETO) shall be made until this anomaly is not removed.



(Mr. Saif Ullah)

EXCISE & TAXATION INSPECTOR


ATTESTED



GOVERNMENT OF KHYBER PAKHTUNKHWA
EXCISE, TAXATION & NARCOTICS CONTROL DEPARTMENT

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NOTIFICATION

Dated Peshawar, the January 24, 2020

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 Servants (Appointment, Promotion & Transfer) Rules 1989, the final Seniority List of Excise & Taxation Officers (BS-18), Excise, Taxation & Narcotics Control 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 ST 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. Fazli 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 ST ENTRY INTO GOVT. SERVICE.	REGULAR APPOINTMENT/PROMOTION/UPGRADATION TO PRESENT POSTS			PRESENT POSTING	REP
				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	

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S. No.	NAME OF OFFICER WITH ACADEMIC QUALIFICATION.	DATE OF BIRTH AND DOMICILE.	DATE OF 1 ST 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 <i>Resigned</i>	Mr. Jehandad Khan	01-02-1960 Peshawar	08-01-1987	31-10-2019	18	By Promotion	Excise & Taxation Officer, Charsadda	

MS

SECRETARY

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ATTESTED

STATEMENT SHOWING THE DETAIL OF SANCTIONED STRENGTH OF EXCISE, TAXATION & NARCOTICS CONTROL DEPARTMENT AS PER

BUDGET FOR THE YEAR 2019-20

S. NO	Designation of the post	E&T Directt.	ETO-I Pesh	ETO-II Pesh	ETO-III Pesh	ETO-IV Pesh	ETO-V Pesh	ETO-VI Pesh	ETO Hangu	ETO Kohat	ETO Nowshera	ETO Charsadda	ETO Mardan	ETO Swabi	ETO Malakand	ETO Lower Dir	ETO Swat	ETO Upper Dir	ETO Buner	ETO Shangla
		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
1	Director General (BPS-20)	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
2	Director Admn (BPS-19)	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
3	Director Revenue (BPS-19)	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
4	Directors (BPS-19)	3	1	—	—	—	—	—	—	—	—	—	1	—	—	—	1	—	—	—
5	Directors Narcotics (BPS-19)	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
6	Dy. Director Operation IT (BPS-18)	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
7	Deputy Director GIS (BS-18)	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
8	Dy. Director (Audit & Accts) (BPS-18)	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
9	Excise & Taxation Officer (BPS-18)	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
10	System Analyst (BPS-18)	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
11	Assist: Director (Audit & Accts) (BPS-17)	2	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
12	Network Engineer (BPS-17)	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
13	Superintendent (BPS-17)	2	1	—	—	—	—	—	—	—	—	—	1	—	—	—	1	—	—	—
14	Web Developer (BPS-17)	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
15	Programmer (BPS-17)	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
16	AETO (BPS-17)	4	4	5	2	1	2	3	—	1	2	2	4	1	2	—	1	—	—	—
17	AETO (Intel.) (BPS-17)	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
18	Asstt: Database Admn. (BPS-16)	2	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
19	Computer Operator (BPS-16)	21	9	3	5	2	3	2	2	3	3	2	4	2	2	1	4	1	1	1
20	Senior Scale Stenographer (BPS-16)	3	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
21	Inspector (Intelligence) (BPS-16)	5	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
22	E&T Inspector (BPS-16)	11	13	23	5	11	2	12	1	8	5	4	12	4	5	3	6	1	1	1
23	Audt & Accounts Assitt. (BPS-14)	4	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
24	Accountant (BPS-14)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
25	Stenographer (BPS-14)	2	1	1	1	—	—	—	—	1	1	1	1	1	1	1	1	—	—	—
26	Sub-Inspector (BPS-14)	3	2	2	—	1	—	1	—	1	—	1	3	1	1	1	1	—	—	—
27	Sub-Inspector (Intel) (BPS-14)	5	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
28	Assistant Sub-Inspector (BPS-11)	15	18	24	12	11	5	12	4	6	15	10	12	6	5	3	6	2	1	2
29	Asstt: Sub-Inspector (Intel) (BPS-11)	10	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
30	Constable (BPS-07)	53	24	34	20	20	7	17	7	11	43	22	33	13	25	5	10	2	2	3
31	Constable (Female) (BPS-07)	2	—	—	—	—	—	—	—	—	1	—	—	—	1	—	—	—	—	—
32	Constable (Intelligence) (BPS-07)	20	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
33	Wireless Operator (BPS-07)	6	—	—	—	—	—	—	—	—	—	—	—	—	2	1	—	—	—	—
34	Driver (BPS-06)	15	2	1	1	1	1	—	1	1	1	1	2	1	3	1	3	1	1	1
35	Driver (Intelligence) (BPS-06)	5	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
36	Chowkidar (BPS-03)	2	3	1	1	1	1	—	—	1	2	1	2	3	3	2	1	—	1	1
37	N/Qasid (BPS-03)	7	5	1	1	1	—	—	—	—	—	—	3	—	1	2	2	—	—	—
38	Sweeper (BPS-03)	2	1	1	1	1	1	—	—	—	—	—	—	—	—	1	—	—	—	—
39	Guard / Jamadar (03)	—	1	—	—	—	—	—	—	—	—	—	1	—	—	—	—	—	—	—
40	Conductor (BPS-03)	—	—	—	—	—	—	—	—	—	—	—	—	1	—	—	—	—	—	—
	TOTAL	217	87	97	50	51	23	48	16	34	74	45	80	34	52	22	38	8	8	10

STATEMENT SHOWING THE DETAIL OF SANCTIONED STRENGTH OF EXCISE, TAXATION & NARCOTICS CONTROL DEPARTMENT AS PER BUDGET FOR THE YEAR 2019-20

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S. NO	Designation of the post	ETO Chitral	ETO Haripur	ETO A.Abad	ETO Manshera	ETO Battagram	ETO Thor Ghar	ETO Kohistan	ETO Karak	ETO Bannu	ETO Lakki	ETO DIKhan	ETO Tank	TOTAL
1	Director General (BPS-20)	20	21	22	23	24	25	26	27	28	29	30	31	1
2	Director Admn (BPS-19)	—	—	—	—	—	—	—	—	—	—	—	—	1
3	Director Revenue (BPS-19)	—	—	—	—	—	—	—	—	—	—	—	—	1
4	Directors (BPS-19)	—	—	1	—	—	—	—	—	—	—	1	—	8
5	Directors Narcotics (BPS-19)	—	—	—	—	—	—	—	—	—	—	—	—	1
6	Dy. Director Operation IT (BPS-18)	—	—	—	—	—	—	—	—	—	—	—	—	1
7	Deputy Director GIS (BS-18)	—	—	—	—	—	—	—	—	—	—	—	—	1
8	Dy. Director (Audit & Accts) (BPS-18)	—	—	—	—	—	—	—	—	—	—	—	—	1
9	Excise & Taxation Officer (BPS-18)	1	1	1	1	1	1	1	1	1	1	1	1	31
10	System Analyst (BPS-18)	—	—	—	—	—	—	—	—	—	—	—	—	1
11	Assist: Director (Audit & Accts) (BPS-17)	—	—	—	—	—	—	—	—	—	—	—	—	3
12	Network Engineer (BPS-17)	—	—	—	—	—	—	—	—	—	—	—	—	1
13	Superintendent (BPS-17)	—	—	1	—	—	—	—	—	1	—	—	—	7
14	Web Developer (BPS-17)	—	—	—	—	—	—	—	—	—	—	—	—	1
15	Programer (BPS-17)	—	—	—	—	—	—	—	—	—	—	—	—	1
16	AETO (BPS-17)	—	2	3	2	—	—	—	1	1	—	3	—	46
17	AETO (Intel) (BPS-17)	—	—	—	—	—	—	—	—	—	—	—	—	1
18	Asstt: Database Admin. (BPS-16)	—	—	—	—	—	—	—	—	—	—	—	—	2
19	Computer Operator (BPS-16)	1	3	4	3	2	2	1	2	3	2	4	2	100
20	Senior Scale Stenographer (BPS-16)	—	—	—	—	—	—	—	—	—	—	—	—	3
21	Inspector (Intelligence) (BPS-16)	—	—	—	—	—	—	—	—	—	—	—	—	5
22	E&T Inspector (BPS-16)	1	6	11	5	1	1	1	1	5	2	13	1	176
23	Audit & Accounts Assistt. (BPS-14)	—	—	—	—	—	—	—	—	—	—	—	—	4
24	Accountant (BPS-14)	—	—	—	—	—	—	—	—	—	—	1	—	1
25	Stenographer (BPS-14)	—	1	1	1	—	—	—	—	1	—	1	—	18
26	Sub-Inspector (BPS-14)	—	1	2	1	—	—	—	—	2	—	2	—	26
27	Sub-Inspector (Intel) (BPS-14)	—	—	—	—	—	—	—	—	—	—	—	—	5
28	Assistant Sub-Inspector (BPS-11)	2	3	4	7	2	1	2	4	11	8	6	4	223
29	Asstt: Sub-Inspector (Intel) (BPS-11)	—	—	—	—	—	—	—	—	—	—	—	—	10
30	Constable (BPS-07)	3	12	20	13	2	2	2	7	14	8	21	7	462
31	Constable (Female) (BPS-07)	—	—	1	—	—	—	—	—	—	—	—	—	5
32	Constable (Intelligence) (BPS-07)	—	—	—	—	—	—	—	—	—	—	—	—	20
33	Wireless Operator (BPS-07)	—	—	2	—	—	—	—	—	—	—	2	—	13
34	Driver (BPS-06)	1	1	5	1	1	—	1	1	1	1	4	1	56
35	Driver (Intelligence) (BPS-06)	—	—	—	—	—	—	—	—	—	—	—	—	5
36	Chowkidar (BPS-03)	—	2	2	1	—	—	—	1	1	1	2	—	36
37	N/Qasid (BPS-03)	—	—	3	—	—	—	—	—	—	—	2	—	28
38	Sweeper (BPS-03)	1	—	—	—	—	—	—	—	—	—	1	—	10
39	Guard / Jamadar (03)	—	—	—	—	—	—	—	—	—	—	—	—	2
40	Conductor (BPS-03)	—	—	—	—	—	—	—	—	—	—	—	—	1
	TOTAL	10	32	61	35	9	7	8	18	41	23	64	16	1318

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ATTESTED

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



No. 3145 /DGET&NC/2019-20/

Date: 20/10/2019

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).

ATTESTED

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

(26)



- 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.

[Signature]
 DIRECTOR GENERAL
 EXCISE, TAXATION & NARCOTICS
 CONTROL KHYBER PAKHTUNKHWA
 PESHAWAR
 Sep 20, 2019

No. 2141 /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.

[Signature]
 DIRECTOR GENERAL
 EXCISE, TAXATION & NARCOTICS
 CONTROL KHYBER PAKHTUNKHWA
 PESHAWAR
 Sep 20, 2019

ATTESTED,

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

SERVICE APPEAL NO. 8872 to 8891/2020.

Mr. Ijaz Anwar and nineteen (19) others.

(Appellants)

VERSUS

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

(Respondents)

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<u>S.NO</u>	<u>PARTICULARS</u>	<u>ANNEXURE</u>	<u>PAGE NO.</u>
1	Para-wise comments		1-4
2	Affidavit		5
3	Copy of seniority position	"A"	6-8

Respondents

Through Counsel



Gohar Rehman Khattak
 (Advocate High court)
 High Court
 Legal Advisor,
 Excise, Taxation &
 Narcotics Control Department
 Khyber Pakhtunkhwa

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

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2. The Standing Service Rules Committee (SSRC) through its chairman/Secretary (Establishment, Civil Secretariat KP, Peshawar).
3. The Director General Excise, Taxation & Narcotics Control Deptt: Peshawar, Khyber Pakhtunkhwa.

(Respondents)

PARA WISE REPLY ON BEHALF OF RESPONDENTS NO. 1-3

Respectfully Sheweth Preliminary objections

1. The service rules 2018 came into force in February 2018 and the instant appeal has been lodged against the said rules.

FACTS:

1. Para-1 being a matter of record needs no comments.
2. Para-2 is contradictory as the statement that the hope of a single step promotion has been snatched by the deptt: while admitting to have the major share of 54% in promotion to the post of AETOs.
3. Para-3 is again contradictory with the statement in Para-1 as on the one hand they allege that the hope of a single step promotion has been snatched whereas in the same Para it has been stated that some of the inspectors retired after just one step promotion.
4. Para-4 is incorrect. The Service Rules 2018 is the improved version of Service Rules, 2010 providing fair chances of promotion and recruitments. The appellants are the junior most officials and according to the seniority list of inspectors, the senior most among them are at S. # 15, 17, 18, 31 & 36 whereas many among them are on S.# 126, 128, 129, 130, 132, 136. (Copy of seniority position is attached as Annexure-A) All these inspectors still have a long way to

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go and certainly they will be promoted on the basis of seniority cum fitness upon their turn. Presently out of 54 posts of AETOs 30 promotee inspectors are occupying the posts of AETOs and soon many others will be promoted in accordance with their share. So far as the slow pace of their promotion is concerned, they are not the only cadre as the constables, ASIs, computer operators, the stenographers, the superintendents, the ETOs and even the Directors all have the same pace of promotions. To settle the anomaly the department is seriously considering to bring further improvements in the service structure of all service cadres including the inspectors and soon a case will be moved for consideration of the Standing Service Rules Committee (SSRC).

5. Para-5 is also incorrect. As per the available record, none of the superintendents of the department has challenged the service rules, 2018. The allocation of 6% quota to superintendents comes to three(03) posts only and upon promotion two(02) superintendents have willingly accepted the posts of AETOs.
6. Para-6 is not correct as according to Service Rules, 2018 they still have the chances of promotion and they will be considered for promotion in accordance with their share as well as their present representation.
7. Para-7 is again incorrect. Since the promulgation of Service Rules 2018 more than 100 promotions in different service cadres have validly been executed stretching over the entire period from its promulgation till date. How come none in the entire service cadre of inspectors remained unaware of the promulgation of the service rules 2018. The departmental appeal has not been made to respondent No. 3 as such respondent No. 3 is not in a position to offer comments.
8. Para-8 is already explained in Para-7 above.

GROUND:


(A) As stated in Para-4 above:

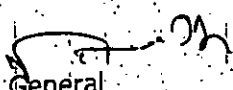
(B) Service Rules are amended/framed by the SSRC and taking consent of any service cadre is neither possible nor mandatory. Rather the SSRC frame rules judiciously taking into account many factors, like induction of the fresh blood via initial recruitment, providing chances of promotion to the competing cadres, practice and precedents in other Government Departments. So far as the 17 vacant posts of AETOs are concerned, they all didn't fall vacant all of sudden. These became vacant upon promotion of the AETOs and retirement of AETOs.

- (C) No doubt the quota of Inspectors have been reduced by allocating 6% to Superintendents and 40 % to the initial recruitment. These quotas were allocated due to the upgradation of the post of AETO from BPS-16 to BPS-17 and that of ETO from BPS-17 to BPS-18. The service rules were amended to tune-up with the changed scenario. Previously 50% ETOs used to be inducted through the Public Service Commission. The SSRC abolished the 50% quota of initial recruitment of ETO and allocated reduced quota of 40% for initial recruitment in the AETOs service cadre. Though in the short term the Inspectors have reduced chances of promotion to the post of AETO but keeping in view the big picture, the AETOs have 100% chances of promotion to the post of ETOs which ultimately offer greater chances of promotion to the lower cadres of Inspectors and below. Therefore, exaggerated apprehensions have been raised in the appeal in hand.
- (D) No such rationalization is in process and again the apprehensions of the appellants are baseless.
- (E) There is no question of malafide. The Superintendents have neither challenged the rules nor they have any reservations rather it is only to add weightage to the claim of the appellants that they are quoting again and again the case of superintendents. The idea of encadrement is not new but in practice in the provincial services.
- (F) Again the same point has been repeated. In the long run the Inspectors have larger chances of promotion but they just have a shorter vision to see the larger interests that they and the rest of the service cadres will reap in the near future.
- (G) Again and again one point is being beaten. This para needs no further comments.
- (H) Again this point is unfounded and the appellants still have the lions share in the promotion to the post of AETO.
- (I) The Service Rules, 2018 were framed in accordance with the rules, valid for all practical reasons and very much sustainable in the eyes of law having benefitted most of the cadres.
- (J) All the service cadres including the initial recruitment have been treated in accordance with the law and rules.


(K) There are no other grounds but the self-centered approach of the appellants who just want to turn and manipulate everything in their favour. However, still they are invited to bring any proofs at the time of hearing and they will be duly considered and addressed.

It is therefore, requested that the appeal being devoid of merit and without any cogent reasons may be dismissed please.


Secretary to Govt of
Khyber Pakhtunkhwa
Excise, Taxation &
Narcotics Control
(RESPONDENT NO. 1)


Director General
Excise, Taxation & Narcotics Control
Khyber Pakhtunkhwa
(Respondent No. 03)
DIRECTOR GENERAL
EXCISE, TAXATION & NARCOTICS
CONTROL, KHYBER PAKHTUNKHWA,
PESHAWAR.

Through counsel


Gohar Rehman Khattak
(Advocate High court)
Legal Advisor,
Excise, Taxation &
Narcotics Control Department
Khyber Pakhtunkhwa

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

SERVICE APPEAL NO. 8872 to 8891/2020.

Mr. Ijaz Anwar and nineteen (19) others.

(Appellants)

VERSUS

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

(Respondents)

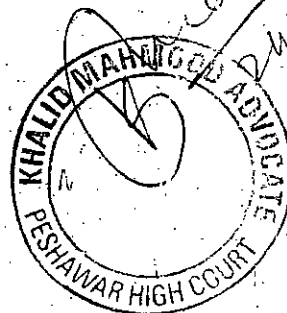
AFFIDAVIT

I, Tarig Ahmad Assistant Excise & Taxation Officer-(Establishment) O/o Director General Excise, Taxation & Narcotics Control Department Khyber Pakhtunkhwa, do hereby solemnly affirm and verify on oath that the contents of accompanying "**Para wise reply**" are true and correct to the best of my knowledge and belief, and nothing has been kept concealed or misstated.

Tarig Ahmad
THE DEPONENT
CNIC # 17801-1499985-3

Identified by Counsel;

Gohar Rehman Khattak
Gohar Rehman Khattak
(Advocate High court)
Legal Advisor,
Excise, Taxation &
Narcotics Control Department
Khyber Pakhtunkhwa





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

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Dated Peshawar, the January 24, 2020

NOTIFICATION

SO (Admin) 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 Civil Servants (Appointment, Promotion & Transfer) Rules 1989, the final Seniority List of Excise & Taxation Officers (BS-18), Excise, Taxation & Narcotics Control, 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 06.11.21)

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S. No.	NAME OF OFFICER WITH ACADEMIC QUALIFICATION	DATE OF BIRTH AND DOMICILE	DATE OF 1 st ENTRY INTO GOVT. SERVICE	REGULAR			PRESENT POSTING	REN
				APPOINTMENT/PROMOTION/UPGRADATION TO PRESENT POSTS	Date	BPS		
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. Saibz Ali B.A.	12-06-1961 Abbotabad	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. Jinnat-ud-Din M.A, J.R	29-05-1983 Peshawar	19-04-2008	20.11.2017	18	By Direct recruitment	Director (OPS), Mardan Region.	
5	Mr. Fazl Ghafoor M.Sc History	05-07-1978 Dir (Lower)	19-04-2008	20.11.2017	18	By Direct recruitment	Excise & Taxation Officer, Manselira.	
6	Mr. Shahkhan Elan 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 ST ENTRY INTO GOVT. SERVICE	REGULAR			PRESENT POSTING	REF
				APPOINTMENT/PROMOTION/UPGRADATION TO PRESENT POSTS	Date	BPS		
1	2	3	4	5	6	7	8	
8	Mr. Sharif Gul B.A.	01-08-1959 Ilango	19-01-1985	20.11.2017	18	By Promotion	Excise & Taxation Officer, Kohat	
9	Mr. Sultan 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, Swat	
16	Mr. Muhammad Salm 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 Wasil 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. Tawseel 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	

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S. No.	NAME OF OFFICER WITH ACADEMIC QUALIFICATION.	DATE OF BIRTH AND DOMICILE.	DATE OF 1 ST ENTRY INTO GOVT. SERVICE.	REGULAR APPOINTMENT/PROMOTION/UPGRADATION TO PRESENT POSTS			PRESENT POSTING	RE
				Date	BPS	Method of recruitment		
24	Mr. Masud 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, Shangha	
28	Mr. Tilla Muhammad, B.A	01-04-1967 Mardan	06-07-1986	31-10-2019	18	By Promotion	Excise & Taxation Officer, Mafkand	
29	Mr. Aurangzeb Afridi, B.A	10-04-1962 FR Kohat	10-07-1986	31-10-2019	18	By Promotion	Excise & Taxation Officer, Hanj	
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. Jehanlod Khan	01-02-1960 Peshawar	08-01-1987	31-10-2019	18	By Promotion	Excise & Taxation Officer, Charsadda	

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SECRETARY