

GOVERNMENT OF PAKISTAN
(REVENUE DIVISION)
FEDERAL BOARD OF REVENUE

Islamabad 20-11-2024

NOTIFICATION
(Minor Penalty)

No.**3087-C-IV/2024**: Whereas, disciplinary proceedings were initiated under the Civil Servants (Efficiency & Discipline Rules), 2020 against Mr. Waseem Arshad, Inspector Customs (TS/BS-17) (under suspension), Collectorate of Customs, Enforcement, Islamabad on account of "Inefficiency & Misconduct" under Rule 3(a)&(b) of the rules ibid vide Order of Inquiry/Charge Sheet and Statement of Allegations dated 05.06.2024.

2. Accordingly, the accused officer was placed under suspension and Ms. Saima Rahim (PCS/BS-18) was appointed as Inquiry officer to scrutinize conduct of the accused officer.

3. The Inquiry Officer furnished inquiry report vide letter dated 12.08.2024 and established the charges of "Inefficiency" and recommended imposition of minor penalty of "Reduction to three (03) lower stages for a period of two years" under Rule-4(2) (b) of the Civil Servants (E&D) Rules, 2020.

4. Accordingly, a Show Cause Notice dated 09.09.2024 under Rule-16(6) of the Civil Servants (E&D) Rules, 2020 was served upon the accused officer. The accused officer furnished his reply to the Show Cause Notice and denied the charges levelled against him and also requested for an opportunity of personal hearing. In terms of Rule-17 of the Civil Servants (Efficiency & Discipline) Rules, 2020, an opportunity of personal hearing was provided to the accused officer on 30.10.2024.

5. The accused Inspector and Departmental Representative (DR) Mr. Osama Dastgir Malik, Assistant Collector, Collectorate of Customs, Islamabad attended the hearing. During the course of personal hearing, the Departmental Representative (DR) stated that in Customs Reference No. 112/2023 titled Iftikhar Ahmed vs Customs Appellate Tribunal, Islamabad filed before the Hon'ble Islamabad High Court, Islamabad, Mr. M. Amin Feroze Khan, Advocate Supreme Court of Pakistan was nominated as Legal Counsel vide nomination letter dated 05.10.2023. However, Mr. Waseem Arshad, Inspector, then posted in Legal Division did not issue authority letter in the subject case which is a requirement for submission of Power of Attorney. Due to this omission on the part of the accused, the Hon'ble Court took a serious view of non-appearance of respondents and imposed a penalty of Rs. 10,000/- upon Collectorate of Customs, Islamabad.

Similarly, in Customs Reference No. 127/2023 (DB) titled M/s Win Pipe Industries (Pvt) Ltd. Vs Customs Appellate Tribunal, Islamabad etc. Ms. Momina Khayal, Advocate was nominated as legal counsel to appear before Honorable Islamabad High Court, Islamabad. The Honorable Court issued notice for hearing in the subject Customs Reference on 15.04.2024. However, the nominated counsel could not appear on the said date due to the reason that her bio-metric process was not completed which was the responsibility of Mr. Waseem Arshad, Inspector, Legal Division. Resultantly, Honorable Islamabad High Court, Islamabad imposed costs of Rs. 10,000/- payable by each of the respondents.

6. The accused argued that the Collector vide letter dated 05.10.2023 nominated Mr. Amin Feroze Khan, Advocate Supreme Court of Pakistan as Legal Counsel. The Legal Counsel after his nomination was required to submit Power of Attorney but he did not submit. With regard to allegation No.2, he called repeatedly to Ms. Momina Khayal on her cell phone for completion of biometric verification process, however, she delayed the matter despite being fully aware of the hearing date. The accused further asserted that Ms. Momina Khayal neither responded to his calls nor cooperated with him, which ultimately led to a fine being imposed on the department.

7. The Member (Admn/HR), FBR being the Authority under rule-2(1)(c) of the Civil Servants, (Efficiency & Discipline) Rules, 2020, in the case, having gone through the available record, facts of the case, inquiry report, show cause notice, reply to the Show Cause Notice, verbal submissions made by the accused, contentions of the DR during the course of personal hearing, taking a lenient view, has decided to impose minor penalty of “**Censure**” upon Mr. Waseem Arshad, Inspector Customs (TS/BS-17) (under suspension), Collectorate of Customs Enforcement, Islamabad under Rule-4(2)(a) of the Civil Servants, (Efficiency & Discipline) Rules, 2020.

8. Moreover, he is reinstated into Government Service with immediate effect and period of his suspension i.e. from 07.06.2024 till his reinstatement is treated as leave of kind due as admissible under the Revised Leave Rules, 1980.

9. In the light of Sr.No.7(ii) of FBR’s policy "Guidelines for Performance Allowance 2015" circulated (Circular No.1/2015) vide C.No.6(96)S(BIC)/2013-2014, dated 06.03.2015, performance allowance of aforesaid officer, is hereby stopped for six months from the date of award of this penalty, he shall have to appear afresh for restoration of the same under the policy.

10. He shall have a right to appeal against this Order before the Appellant Authority under Civil Servants (Appeals) Rules, 1977 within a period of 30 days from the date of communication of this notification.


Munir Ahmad
3087-C-IV/2024

Second Secretary (M/HR.C-IV)

The Manager,
Printing Corporation of Pakistan Press,
Karachi.

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Copy to:-

1. Member (Admn/HR), FBR.
2. Collector, Collectorate of Customs Enforcement, Islamabad.
3. Second Secretary (SSM)/(ERM), FBR.
4. The AGPR, Islamabad.
5. Officer Concerned.
6. Personal File / Notification folder /Library.



Munir Ahmad
3087-C-IV/2024

Second Secretary (M/HR.C-IV)

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