

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Appeal No. 1038/2018

Date of Institution ... 17.08.2018

Date of Decision ... 10.07.2019

Mr. Usman CT, Radiology, Shaheed Farid Khan, DHQ Hospital Hangu.  
... (Appellant)

VERSUS

The Secretary Health Khyber Pakhtunkhwa, Civil Secretariat Peshawar and six  
others. ... (Respondents)

-----  
SYED NOMAN ALI BUKHARI,  
Advocate

--- For appellant.

MR. M. RIAZ KHAN PAINDAKHEL,  
Assistant Advocate General

--- For respondents.

MR. AHMAD HASSAN,  
MR. MUHAMMAD HAMID MUGHAL

--- MEMBER(Executive)  
--- MEMBER(Judicial)

JUDGMENT

AHMAD HASSAN, MEMBER:- Arguments of the learned counsel for the  
parties heard and record perused.

ARGUMENTS

02. Learned counsel for the appellant argued that he was working as Clinical Technician Radiology (BPS-12) in the Health Department since 2004. Some fact finding enquiries were conducted against other employees but based on findings/recommendations, the appellant was awarded penalty of recovery of Rs. 37000/- vide impugned order dated 26.06.2018. The appellant filed departmental appeal on 03.07.2018, which was regretted on 16.08.2018, hence, the present service appeal. Impugned order was passed without holding regular enquiry, therefore, the same was nullity in the eyes of law. He was not associated with the

enquiry proceedings. As opportunity of defense was denied, therefore, the appellant was condemned unheard. The respondents failed to pass speaking order on his departmental appeal thus violated Section-24-A of General Clauses Act, 1897.

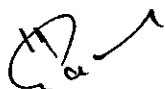
03. Learned Assistant Advocate General argued that Director General Health Services, Khyber Pakhtunkhwa notified an enquiry committee to probe the issue highlighted in the TORs. After conducting enquiry penalty was imposed on the appellant. All codal formalities were observed before passing the impugned order.

#### CONCLUSION

04. Record placed before us revealed that on the directions of D.G Health Services, Khyber Pakhtunkhwa enquires were ordered against the other employees of the Health Department. Needless to add that name of the appellant was not included in the list of accused officials. However, on the basis of enquiry conducted by Dr. Tahir Bashir ud Din Hilji and Dr. Faridullah Shah made recommendations of recovery of Rs. 37000/- from the appellant and the amount be handed over to Dr. Hayat as the same was illegally collected by the appellant. To cut the long story short, the appellant was penalized on the basis of fact finding enquiry. To award punishment to a civil servant procedure laid down in the E&D Rules 2011 has to be followed. The present impugned order is illegal, unlawful and void ab-initio. Respondents are under obligation to conduct proper/regular enquiry under E&D Rules 2011 and thereafter pass orders as may deem appropriate.

05. As a sequel to the above, the instant appeal is accepted and the impugned orders dated 26.06.2018 and 16.08.2018 are set aside. The respondents are directed

to conduct proper inquiry strictly in accordance with law and rules. Parties are left to bear their own costs. File be consigned to the record room.



(MUHAMMAD HAMID MUGHAL)  
MEMBER



(AHMAD HASSAN)  
MEMBER

ANNOUNCED  
10.07.2019

Order

10.07.2019 Counsel for the appellant and Asst. AG for respondents present. Arguments heard and record perused.

Vide our detailed judgment of today of this Tribunal placed on file, the instant appeal is accepted and the impugned orders dated 26.06.2018 and 16.08.2018 are set aside. The respondents are directed to conduct proper inquiry strictly in accordance with law and rules. Parties are left to bear their own cost. File be consigned to the record room.

Announced:  
10.07.2019



(Ahmad Hassan)  
Member



(Muhammad Hamid Mughal)  
Member

26.02.2019

Learned counsel for the appellant and Mr. Kabirullah Khattak Addl; AG alongwith M/S Jaffar Ali Assistant and Amjid Ali (Assistant) for the official respondents No. 1 & 2 present.

No one present on behalf of respondents No.3 and Private respondents No. 4 to 7. Representative of the respondents seeks time to file written reply on the next date. Adjourned. To come up for written reply/comments on 13.03.2019 before. SB.

  
(Ahmed Hassan)  
Member

13.03.2019

Counsel for the appellant and Mr. Kabirullah Khattak, Additional AG alongwith Mr. Hazrat Shah, Superintendent for official respondents No. 1 to 3 present. None present on behalf of private respondents No. 4 to 7 therefore, notice be issued to them for attendance and filing of written reply. Written reply on behalf of official respondent also not submitted. Learned Additional AG seeks further adjournment for filing of written reply. Adjourned. To come up for written reply/comments on 17.04.2019 before S.B.

  
(MUHAMMAD AMIN KHAN KUNDI)  
MEMBER

17.04.2019

Learned counsel for the appellant and Mr. Kabir Ullah Khattak learned Additional Advocate General alongwith Jafar Ali Assistant present. Written reply submitted. To come up for rejoinder/arguments on 10.07.2019 before D.B.


  
Member

07.1.2019

Appellant alongwith counsel and Addl. AG alongwith Hazrat Badshah, Supdt. for the respondents present.

Once again the representative of the respondents seeks time for submission of requisite reply.

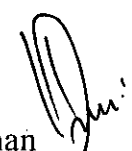
Adjourned to 15.01.2019 before S.B. The order dated 24.08.2018 restraining the respondents from making recovery from the appellant shall remain operative till next date.

  
Chairman

15.1.2019


Counsel for the appellant and Hazrat Shah, Superintendent for respondents No. 1 & 2 alongwith Addl. AG for the respondents present.

Representative of respondents No. 1 & 2 states that written reply is in the process of preparation, therefore, requests for adjournment. Adjourned to 12.2.2019. The respondent No. 3 shall also be put on notice for the date fixed. The order dated 24.08.2018 restraining the respondents from making recovery from appellant shall remain operative till next date.

  
Chairman

12.02.2019

Learned counsel for the appellant present. Hazrat Shah Shah Superintendent and Jafar Ali Assistant representatives of the respondents No.1 & 2 present. Learned counsel for private respondent No.7 also present. Written reply not submitted. Representatives of the respondents No.1 & 2 and learned counsel for private respondent No.7 requested for time to furnish written reply/comments. No one present on behalf of respondents No.3 to 6. Notice be issued to respondents No.3 to 6. Adjourn. To come up for written reply/comments on 26.02.2019 before S.B.

  
Member

08.10.2018

Counsel for the appellant Miss Uzma Syed present. Mr. Usman Ghani, District Attorney alongwith Said Ahmad, Junior Clerk for the official respondents and private respondents No. 5 & 6 in present and requested for adjournment. Fresh notice be issued to respondent No. 7. To come up for written reply/comments on 06.11.2018 before S.B.

  
Chairman

06.11.2018

Due to retirement of Hon'ble Chairman, the Tribunal is defunct. Therefore, the case is adjourned. To come up on 24.12.2018. Written reply not received.

  
READER

24.12.2018

Syed Numan Ali Bukhari Advocate for appellant and Addl. AG for the official respondents present. Nemo for private respondents No. 4 to 7.

On the last occasion the instant matter was adjourned on the strength of Reader note, therefore, notices be repeated to respondents for submission of their respective replies on the next date.

Adjourned to 07.01.2019 before S.B. The order dated 24.08.2018 restraining the respondents from making recovery from the appellant shall remain operative till next date.

  
Chairman


Appeal No-1038/2018  
Muhammad Usman vs Govt

24.08.2018

Counsel for the appellant Muhammad Usman present. Preliminary arguments heard. It was contended by learned counsel for the appellant that the appellant was serving in Health Department as Clinical Technician Radiology (BPS-12). It was further contended that during service the appellant was imposed penalty of recovery of Rs. 37000/- as well as entry of one increment (Non accumulative) in his service book vide order dated 26.06.2018 on the charge of receipt of illegal charges. It was further contended that the appellant filed departmental appeal on 03.07.2018 which was rejected on 16.08.2018 hence, the present service appeal on 17.08.2018. It was further contended that neither proper inquiry was conducted nor charge sheet and statement of allegation was served nor any final show-cause notice was issued to the appellant therefore, the impugned order is illegal and liable to be set-aside.

The contention raised by the learned counsel for the appellant need consideration. The appeal is admitted for regular hearing subject to deposit of security and process fee within 10 days thereafter, notice be issued to the respondents for written reply/comments for 08.10.2018 before S.B. Learned counsel for the appellant also submitted application for suspension of the operation of the impugned order dated 26.06.2018 and restraining the respondents from making recovery of Rs. 37000/- from appellant. Notice of the same be also issued to the respondents for the date fixed. In the meanwhile respondents are restrained from making recovery from the appellant till the next date.

Appellant Deposited  
Security & Process Fee

  
(Muhammad Amin Khan Kundi)  
Member



Form- A

FORM OF ORDER SHEET

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

Case No. 1038/2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	17/08/2018	<p>The appeal of Mr. Muhammad Usman presented today by Syed Noman Ali Bukhari Advocate may be entered in the Institution Register and put up to the Learned Member for proper order please.</p> <p style="text-align: right;"><i>[Signature]</i> REGISTRAR</p> <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>24-8-18</u>.</p> <p style="text-align: right;"><i>[Signature]</i> MEMBER</p>
2-		

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR.

Appeal No. 1038 /2018

Muhammad Usman

V/S

Health Deptt.

.....  
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Appellant

Muhammad Usman

THROUGH:

  
(SYED NOMAN ALI BUKHARI)

&  
  
(UZMA SYED)

Advocates, HIGH COURT

①

**BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR**

APPEAL NO. 1038/2018

Mr. Usman CT, Radiology  
Shaheed Farid Khan DHQ  
Hospital Hangu.

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 1300

Dated 17-8-2018

..... (Appellant)

**VERSUS**

1. The Secretary health K.P.K, Civil Secretariat Peshawar.
2. The Director General Health Services K.P.K, Peshawar.
3. The Medical Superintendent Shaheed Farid Khan DHQ, Hospital Hangu.
4. Dr. Fazle Mola, EX (MS) Shaheed Farid Khan DHQ, Hospital Hangu now MS Siffat Ghayur Children Hospital GT Road Peshawar.
5. Dr. Tahir Bashir-Ud-Din Add: Director General DGHS Office Peshawar.
6. Fareed Ullah shah Deputy Director Nursing DGHS office Peshawar.
- ✓ 7. Dr. Muhammad Hayat SMO Shaheed Farid Khan DHQ, Hospital Hangu.

.....(Respondents)

**Filed to-day**

**Registrar,**  
17/8/18

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APPEAL UNDER SECTION 4 OF THE KHYBER  
PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974  
AGAINST THE ORDER DATED: 26-06-2018 WHEREBY  
THE RECOVERY OF RS 37000/- AS WELL AS ENTRY  
OF STOPPAGE OF ONE INCREMENT IN THE  
SERVICE BOOK IMPOSED UPON THE APPELLANT

AND AGAINST REJECTION ORDER DATED 16.08.2018 WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT WAS REJECTED WITHOUT SHOWING ANY REASON.

**PRAYER:**

THAT ON ACCEPTANCE OF THIS APPEAL, THE IMPUGNED ORDER DATED 26.6.2018 and 16.06.2018 MAY BE SET ASIDE AND THE RESPONDENTS MAY BE DIRECTED TO REMOVE ENTRY OF STOPPAGE OF ONE INCREMENT FROM SERVICE BOOK AND AMOUNT MAY NOT BE RECOVERED FROM THE APPELLANT. 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 has been working as Clinical Technician Radiology BPS-12 in Health Department Since 2004 with full zeal and devotion and with entire satisfaction of his superiors. **(copy of appreciation certificate is attached as Annexure-A.**
2. That the three sets of fact finding inquiry was conducted. In the first two inquiries, the inquiry officer only discuss the issue of the Dr. Willayat shah and Shakila naz. Thereafter in 3<sup>rd</sup> inquiry appellant name was quite astonishingly mentioned in the departmental inquiry and held responsible. **(Copies inquiry reports is attached as Annexure-B, C & D respectively).**
3. That without following proper procedure on the basis of deficient fact finding inquiry the impugned order dated 26-06-2018 was issued in the light of letter dated 29.05.2018 without any proper procedure. The appellant being arrived filed departmental appeal which was rejected vide order dated 16.08.2018 without showing any grounds. **(Copy of impugned order, departmental appeal and rejection order are attached as Annexure-E, F & G).**

4. That the appellant has no other remedy but come this august Tribunal on the basis of following grounds amongst others.

**GROUND:**

- A) That the impugned order dated 26.06.2018 and 16.08.2018 is against the law, facts, norms of justice and material on record, therefore, not tenable and liable to be set aside.
- B) That there were no proper inquiry was conducted because appellant has been condemned unheard and not providing fair chance of defence to the appellant which is against the law and rules.
- C) That the appellant has been condemned unheard and has not been treated according to law and rules which is violation of Principle of Audi Alteram Partem which the Honourable Supreme Court of Pakistan has also declared the violation of law in case of Aneesa Rehman, 1994 SCMR Page 2232.
- D) That the appellant neither was associated with the enquiry proceedings nor provided any chance to the appellant to defend himself which is violation of norms of justice.
- E) That no charge sheet and statement of allegations were issued to the appellant which is against the law and in violation of E&D Rules.
- F) That the appeal of the appellant was rejected vide order dated 16.08.2018 without showing any reason which is also violation of the Art 24-A of the General Clauses Act and superior court judgments.
- G) That no personal hearing was given to appellant and no proper chance provided to appellant.
- H) That the inquiry officer has totally neglected the domain and submitted the inquiry report against the appellant is not sustainable in the eyes of law. Thus the impugned order is void ab initio.
- I) That even the termination order is the violation of Article-10(A) of the Constitutional because the petitioner has been stigmatized


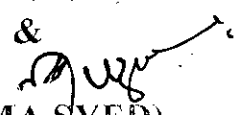
without following proper procedure and not providing fair chance of defence to the petitioner.

- 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**  
 Muhammad Usman

**THROUGH:**

  
**(SYED NOMAN ALI BUKHARI)**  
 &  
  
**(UZMA SYED)**  
 Advocates, HIGH COURT

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

Appeal No: \_\_\_\_\_

Mr. Muhammad Usman

V/S

Health deptt

.....

**APPLICATION FOR SUSPENSION OF THE OPERATION OF THE  
IMPUGNED ORDER DATED 26-06-2018 AND RESTRAINING THE  
RESPONDENTS FROM MAKING RECOVERY OF 37000/-RS FROM  
APPELLANT TILL THE FINAL DECISION OF THE MAIN  
APPEAL.**

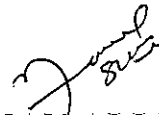
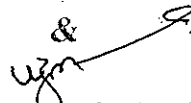
**RESPECTFULLY SHEWETH:**

1. That the appellant has filed an appeal along with this application in which a date is not fixed so far.
2. That the appellant filed above mentioned appeal against the order dated 26.06.2017.
3. That all the conduct of the respondents is based on malafide and against the cause of justice. More, so the appellant has a good prima facie case and all the ingredients are in favour of appellant. The grounds of the appeal consider integral part of the application.
4. That if the respondents are not restrained from making recovery then the appellant will suffer from irrespective loss.

It is, therefore, most humbly prayed that the order dated 26.06.2018 may be suspended and the respondent may be restrained from making recovery from appellant till the final decision of the main Appeal. Any other remedy, which this august Tribunal deems fit and appropriate that, may also be awarded in favour of appellant.

  
Appellant  
Muhammad Usman

THROUGH:

  
(SYED NOMAN ALI BUKHARI)  
&  
  
(UZMA SYED)  
ADVOCATES, HIGH COURT

AFFIDAVIT:

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

ATTESTED



  
DEPONENT

17-8-28





Annex (A) (7)

**OFFICE OF THE  
NAZIM DISTRICT GOVT, HANGU**

Ph: 0925/621445, Email: dn.hangu@gmail.com

NO. 97 /PS/Health/DN/H

Dated. 15 / 03 / 2018

To

Mr. Usman Iqbal Incharge B-Day,  
Senior X-Ray Technician DHQ Hospital, Hangu.

Subject:

**APPRECIATION FOR EXEMPLARY PERFORMANCE.**

During the course of undersigned visits whenever paid to District Head Quarter Hospital Hangu, resilience and passion on your part in dispensing medical treatment to the patients has always been observed. Such ambition hard working and paying dedication to work with honesty has greatly contributed in facilitating the patients to their satisfaction. These hectic efforts are exemplary and unprecedented to be acknowledged.

I am confident that same spirit of performance and team work will be replicated in future as well (Insha-Allah)

\* Best Regards!

*(Akhunzada Mufi Obaidullah)*  
(Akhunzada Mufi Obaidullah)  
Nazim, District Government  
Hangu.

**NO & DATE EVEN:**

Copy :-

1. Director General Health services Khyber Pakhtunkhwa.
2. Deputy Commissioner Hangu
3. Medical Superintendent DHQ Hospital Hangu.
4. District Health Officer Hangu.

*(Akhunzada Mufi Obaidullah)*  
(Akhunzada Mufi Obaidullah)  
Nazim, District Government  
Hangu.

**ATTESTED**

Annex B (8)

OFFICE OF THE  
DEPUTY COMMISSIONER, HANGU

No. 553 /ADC./DC (H)

Dated Hangu the, 20/02/2018

To

The Deputy Commissioner  
Hangu

Subject: INQUIRY REPORT.

1. Introduction The undersigned was appointed as inquiry officer on the written complaint of Miss Shakila Naz d/o Usman duly signed by few other female staff working in DHQ Hospital Hangu, on 13-10-2017 by Deputy Commissioner Hangu. After four days the undersigned got letter of District Nazim Hangu dated 19-10-2017 in which the undersigned was appointed as chairman of inquiry committee, alongwith DHO, Noor Awaz and Abdul Aziz and Haji Zaman Noor Bangash in the above mentioned case
2. History:- Charge Nurse Miss Shakila Naz along with her sister Salma Naz then submitted an application to worthy commissioner Kohat Division Koha, requesting to cancel her transfer order within the Hospital, order issue, by DMS Wilayat Shah, after written complaint being lodged/ submitted by them to Deputy Commissioner Hangu, dated 13-10-2017. She further requesting Commissioner Kohat Division Kohat that she has been transferred to some other unit and that she has tried to resolve the issue but in vain
3. Inquiry Proceeding. After receiving the inquiry, the undersigned called the other members of the inquiry Committee to support the chairman in the said inquiry. The issue was thoroughly discussed in detail and available record was perused.

While going through the available record it was revealed that the complainant and the accused officer, both are involved in dominating other officials. That is very much clear from the written statement of Dr. Nawab Hussain who submitted his written reply to the inquiry officer on 30-10-2017. Dr Nawab Hussain has admitted that he had submitted earlier inquiry report to MS DHQ Hospital Hangu for further necessary action, but in October 2017, Dr Wilayat Shah a medical Officer gave him an inquiry report for signature that ( he) Nawab Hussain has missed signature or submitted an unsigned inquiry report against Miss Shakila Naz to MS DHQ Hangu, to which he refused as to how can he submit an unsigned report and he still remembers that he has signed completed report in all respect and action has been taken against the accused on that report, and how could MS DHQ initiated action on unsigned report. So this shows a mala fide action on the part of Dr Wilayat Shah. A possibility still exists that he may have changed the report to get the desired results.

Further, the same charge Nurse Miss Shakila Naz was transferred to DHQ Hospital Karak dated 26-10-2017 during the inquiry proceeding by the Director General Health Services Khyber Pakhtunkhwa for which the District Nazim Hangu also requested DGHS to cancel the order till the completion of the inquiry proceeding on dated 30-10-2017. The accused officer Medical Officer Dr Wilayat Shah submitted written reply on 26-10-2017, stating that Miss Shakil Naz is constantly threatening the other female staff to change their earlier statement for which photocopies / written statement of few female staff is attached. But while looking through the written statements, the other charge Nurse Mehtab and Rabia stating that they had mistakenly signed the report against Dr Wilayat Shah few days earlier. Neither they have been blackmailed

ATTACHED

Wilayat Shah sitting on administrative post in DHQ Hospital Hangu might have influenced both these females working in the Hospital, that hence they have changed their statement which shows malafide on the part of DMS Dr Wilayat Shah.

Further moving forward in the inquiry proceedings and looking into the available record, Miss Shakila Naz charge nurse working in DHQ Hospital Hangu is equally responsible as she has faced some there earlier inquiries about dual job issue, willful absence from the duty and charging of overpayment etc.

Initially an inquiry was conducted by DDHO Dr Nawab Hussain dated 13-08-2016 regarding her dual job in which he established the fact that Miss Shakila Naz remained absent from duties in June and July 2016 verified through biometric record. She had been absent without taking prior approval of the competent authority. Further she had been warned by the then Ms Dr Azam Wazir, dated 10-09-2013 as Miss Shakila was then working with NGO in Kohat along with the govt job. The then MS then wrote to DGHS on 12-09-2013 to transfer her from District Hangu as she is unwilling worker and creating problems for the health administration.

Findings:

(a). Based on the above detail it is clear as that Dr Wilayat Shah DMS DHQ has used his administrative post and influenced the female staff to change their statement.

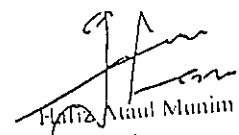
(b). Presenting an unsigned inquiry report to Dr Nawab Hussain to which he refused to sign shows his malafide intention.

(c). Charge Nurse Shakila Naz too has very problematic career as she has faced so many inquiries regarding dual job, willful absence and overpayment for which she had been warned and explanation issued many times. It is evident that she had been involved in these issues since long.

Recommendations:- on the basis of observation and findings of the report, recommendation of inquiry officer are as follow:-

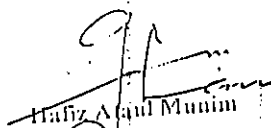
1. The CDR Data available with the Inquiry Officer needs technical support to be verified for which high level technical committee be constituted as the undersigned has no such technical expertise.
2. Keeping in view the above findings it is recommended that both the official / officers DMS (Dr. Wilayat Shah and charge Nurse Miss Shakila Naz be posted out from District Hangu, so that the peaceful administrative environment of DHQ Hospital may not be disturbed.


Report submitted.

  
Hafiz Ataul Munim  
Inquiry Officer  
Additional Deputy Commissioner  
Hangu

Enclst: No. & Date Even.  
Copy to:-

The District Nazim Hangu with request to his letter dated 19-10-2017.

  
Hafiz Ataul Munim  
Inquiry Officer  
Additional Deputy Commissioner  
Hangu

  
**ATTESTED**

Annex C (10)

ENQUIRY REPORT

With reference to the Director General, Health Services, Khyber Pakhtunkhwa, Peshawar office order bearing endst. No. 8477-80/E-II, dated 26-10-2017, the undersigned proceed to DHQ Hospital Hangu on 12-12-2017 to conduct enquiry into the complaint of Miss. Shakeela Naz & Mst. Salma Naz, Charge Nurses of DHQ Hospital Hangu against Dr. Wilayat Shah, Medical Officer. Statements of the following were recorded:-

1. Dr. Wilayat Shah, MO.
2. Miss. Shakeela Naz, Staff Nurse.
3. Miss. Salma Naz, Staff Nurse.
4. Verbal discussion with M.S, DHQ Hospital Hangu.
5. Verbal discussion with DHO Hangu.

SCOPE OF ENQUIRY:

Miss. Shakeela Naz & Salma Naz Charge Nurses have lodged a complaint against Dr. Wilayat Shah, Medical Officer under harassment act, that the doctor concerned have mentally tortured them.

1. According to the statement of Dr. Wilayat Shah, MO, he is working as DMS DHQ Hospital Hangu since January 2017, appointed by the then Medical Superintendent, Hangu. He stated that since his posting as DMS he pointed out the illegal activities / mal-practices in the hospital doing by Ms. Shakeela Naz. She was also involved in threatening / teasing the other female staff. She also adopted the evil way of providing the personal mobile numbers of the female staff of the hospital to outsiders. She was also in contact to various media person and provided them official information to blackmail the hospital administration.

Furthermore she does not perform her duty for so many months. He confessed that he had visited DGHS Office for their transfer from DHQ Hospital Hangu. He also blamed Mr. Ghafoor Assistant Nursing Section DGHS Office regarding giving all information to them. He also stated in his statement that she threatened the other Staff Nurses to write and sign the complaint against Dr. Wilayat Shah, MO, but majority of staff refused to do so. Then she signed some fake signature on it. She deserved that she & her supporting staff must be treated with iron hands in order to run the institutions smoothly. He also produced copies of sms between him and Shakeela Naz, Staff Nurse, but it cannot be treated as fact until and unless verified by PTA (Pakistan Telecommunication Authority).

2. According to the statement of Miss. Shakeela Naz, Staff Nurse DHQ Hospital Hangu, since his posting as DMS he was always teasing her and mentally tortured her. He demanded her personal cell number and by refusing, he tortured her. She further stated that he offered her a friendship and threatened her on one way or the other. He also offered her for night stay. He also threatened her for kidnapping.

His activities in the hospital specially in the labour room were very much suspicious. He was involved in immoral activities. He always made rounds of labour room and Gynae Wards unnecessarily in night shift and using abusing language to staff Nurses. He also had a bed in his office. He tried so many time to kiss her but the great mighty Allah saved her from him.

She stated in her statement that the doctor concerned was involved in immoral activities, was a very cheap man and was caught twice by her with female staff in objectionable condition.

3. According to statement of Salma Naz, Staff Nurse, Dr. Wilayat Shah, MO had mentally teased her in each and every way. He crossed the human border line. She further stated that once she was on routine night duty at labour room, when he made visit to labour room at about 11:00 PM, I told him sir no light in labour room. After 5 to 10 minutes he again came to labour room and offered for a "KISS" then I locked the door of labour room. He again came to labour room at about 2:00 PM.

ATTESTED

(11)

On 9<sup>th</sup> Muharram he again came to Labour Room where I was on routine evening duty. He also offered me for night stay. She further stated in her statement that Dr. Wilayat Shah, MO always tried to tease the female staff. He is involved in immoral activities.

4. As per verbal discussion with Medical Superintendent, Hangu he has no complaint against both the staff nurses. He stated that they were performing their duties regularly according to their duty rota.

5. As per verbal statement of DHO Hangu he has also no complaint against the Staff Nurses.

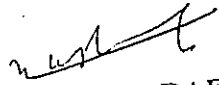
6. As per verbal statement of Dr. Furqan presently working as DMS he has also no complaint against the Staff Nurses Miss. Shakeela Naz & Miss. Salama Naz.


CONCLUSION:

1. Both the parties (Dr. Wilayat Shah, MO & Staff Nurses are at fault).
2. Both have personal grudges.
3. Dr. Wilayat Shah, MO has visited DGHS Office visited twice for transfer of Miss. Shakeela Naz, Staff Nurse.
4. Miss. Shakeela Naz, Charge Nurse and her sister Salma Naz, Charge Nurse have lodged the complaint under harassment act against Dr. Wilayat Shah, MO as a revenge of their transfer order from DHQ Hospital Hangu to District Karak.
5. Harassment cannot be proved.

RECOMMENDATION:

✓ Keeping in view the above discussion it is recommended that both Dr. Wilayat Shah, MO / DMS & staff Nurse, Shakeela Naz & Salma Naz may be transferred out of the District Hangu to maintain smooth running of the hospital, instead of being battle field between Nurses & Administration.

  
DR. MUSHARAF KHAN  
DISTRICT HEALTH OFFICER KOHAT  
(ENQUIRY OFFICER)

  
ATTESTED

The Director General Health Services,  
Khyber Pakhtunkhwa, Peshawar

Subject: ENQUIRY REPORT

R/Sir,

Reference your directives dated 27.02.2018, we conducted an enquiry at DHQ Hospital Hangu on 27.02.2018 regarding:

1. Receipt of illegal charges from Labour Room patients.
2. Harrassment case against Dr. Walayat Shah.

1. Illegal charges/Receipts:

- a. Rs. 1500/- were charged by Labour Room Staff from one Mr. Muhammad Azam on account of delivery of his wife.

Mr. Muhammad Azam was called for enquiry. He solemnly declared that his previous statement submitted to MS DHQ Hangu is correct and he still claims it to be true. When the Labour Room registers were examine to verify the delivery date and time, it was found that the two pages of specific date and time were torn away in order to conceal the facts and name of Charge Nurse who delivered the baby of Mst. Fahira Naz w/o Muhammad Azam. Whereas the duty roaster provided by the Charge Nurse Shakeela Naz (Nursing Suptt) shows the name of Charge Nurse Bushra. But she was selected for the post RN in KMU and was relieved in last week of September from DHQ Hangu. Saima Naz, the sister of Shakeela Naz may be on duty on that night, as Salima is often performing duty in Labour Room at night.

- b. Charge Nurse Shakeela Naz who claims to be Nursing Superintendent forcibly and illegally collected Rs. 5000/- from Charge Nurse Poleen James and Rs. 3050/- from Charge Nurse Innaz Bibi on account of purchasing LCD TV for the then Medical Superintendent (Dr. Fazle Maula) as a gift.

Shakeela Naz was posted as Acting Nursing Superintendent on the recommendation of the then MS Dr. Fazle Maula. Whereas Shakeela Naz was collecting different amounts from the other Charge Nurses to present gift to the MS. In this regard she took Rs. 5000/- from Charge Nurse Poleen James and Rs. 3050/- from Charge Nurse Innaz Bibi.

- c. Illegally charging of Rs. 30000/- and Rs. 7000/- by Mr. Usman X-Ray Technician from Dr. Muhammad Hayat MO DHQ Hospital Hangu on account of making payments to MS for his (i) illegal private practice & (ii) one week casual leave.

According to written statement of Dr. Muhammad Hayat MO, Dr. Fazle Maula MS alongwith Mr. Usman X-Ray Technician came to his clinic on 06.02.2017 at about 08:15 AM. They made a video film showing his presence in the clinic at 08:15 AM. Later on Mr. Muhammad Usman went to him and asked for Rs. 30000/- in order to delete the video picture and not to forward it to the Secretary Health and DGHS. He paid Rs. 30,000/- for this act. Few days later, Dr. Hayat needed one week leave to go to Karachi. Again Mr. Usman came and asked for Rs. 7000/- for one week leave. Which Dr. Hayat paid to him and he got approval.

In the above case, Dr. Syed Ahmed CMO (BPS-20) DHQ Hospital Charsadda conducted an enquiry and his report alongwith recommendations are hereby also strongly endorsed by this committee.

Amex (D)  
9/1/18  
14/02  
09/07/18  
19

2. Harassment Case: Harassment case against Dr. Wilayat Shah lodged by Charge Nurse Shakeela Naz and her sister Salma Naz Charge Nurse under Harassment Act of Khyber Pakhtunkhwa. An enquiry was conducted by Dr. Musharraf (BPS-20) DHO Kohat on 12.12.2017 in the same case.

Findings:

We (Dr. Tahir Basheeruddin Khilji, ADGHS (BPS 20) and Mr. Faridullah, DD Nursing) jointly conducted enquiry on 27.02.2018. The findings of previous and present enquiry are exactly the same. Therefore we further endorse the findings of the enquiry report being submitted by Dr. Musharraf Khan DHO Kohat.

Recommendation:

1. Dr. Wilayat Shah, Shakila Naz Charge Nurse and Mr. Usman X-Ray Technician may be transferred on administrative grounds to Karak, D.I.Khan and Tank/or any other far away where post is available.
2. Rs. 37000/- may be recovered from Mr. Usman X-Ray Technician and the amount may be handed over to Dr. Hayat, which was illegally collected from the said doctor.
3. Rs. 5000/- and Rs. 3050/- may be recovered from Charge Nurse Shakila Naz and may be handed over to Charge Nurse Poolan James and Charge Nurse Innaz Bibi respectively as illegally collected from both of them.
4. Charge Nurse Salma Naz (Sister of Shakila Naz acting Nursing Superintendent) may be permanently banned to perform duty in Gynea <sup>1063</sup> Unit.
5. One non-accumulative increment may be stopped from Dr. Wilayat Shah, Shakila Naz Charge Nurse and Mr. Usman X-Ray Technician.
6. The then MS. Dr. Fazle Moula presently working Sifwat Ghayyur (ID Children) Hospital Peshawar may be issued warning to be careful in future.

Dr. Tahir Basheeruddin Khilji,  
ADGHS, DGHS Office

Mr. Faridullah Shah,  
DD Nursing DGHS Office

Noted  
ATTESTED

Think over the case  
do as in recommend  
CAJ

1-ADG-HR  
2-BDS-HR  
3-DD (N)  
4-AD-Personal

**DIRECTORATE GENERAL HEALTH SERVICES  
KHYBER PAKHTUNKHWA, PESHAWAR.**

Annex (E) (14)



Office Ph# 091 - 9210269

Exchange# 091 - 9210187, 091 - 9210196,

Fax #091 - 9210230

All communications should be addressed to the Director General Health Services Peshawar and not to any official by name.

No. 4394 /AE-VI,

Dated 29 /15/2018

To

The Medical Superintendent,  
Shaheed Farid Khan Memorial Hospital,  
Hangu.

Subject: - **ENQUIRY REPORT.**

I am directed to refer to the subject noted above and to enclose herewith copies of Enquiry Reports which are self explanatory with the request to implement the recommendations of all the Enquiry Committees i.e. recovery of Rs.37000/- from Mr.Usman, CT Radiology as well as entry of one increment (non accumulative effect) may be made in his Service Book, prepared and furnish report to this Directorate alongwith the receipt of Rs.37000/- of the involved staff. After recovery of amount he will be transferred out of District Hangu.

ADDITIONAL DIRECTOR GENERAL (H.R.M)  
DIRECTORATE GENERAL HEALTH  
SERVICES KPK, PESHAWAR.

78/5

ATTESTED



Annex (F) (15)

# HEALTH DEPARTMENT

**OFFICE OF MEDICAL SUPERINTENDENT  
SHAHEED FARID KHAN DISTRICT HEAD QUARTER HOSPITAL HANGU**

PH # +92-925-621508 Fax# +92-925-621508 E-mail: dhqhangu@gmail.com,

No: # \_\_\_\_\_ / \_\_\_\_\_ / Dated Hangu the \_\_\_\_\_



## OFFICE ORDER.

As recommended by the Enquiry Committee to recover Rs.37000/- as well as entry of one increment (non accumulative ) in his service book from Mr.Usman CT,Radiology vide the Director General Health Services,KPK Peshawar Office letter No.4324/AE-VI, dated 29.1.5.2018.

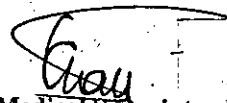
Therefore, he is directed to bring the above mentioned amount to the office of the undersigned to hand-over to Dr.Hayat ,otherwise the amount will be recovered from his monthly salary.


**Medical Superintendent  
Shaheed Farid Khan DHQ  
Hospital Hangu.**

No: # 2/12-13 / \_\_\_\_\_ / Dated Hangu the 01-1-2018

Copy forwarded to:

1. The Director General Health Services KPK,Peshawar.
2. The District Accounts Officer,Hangu.
3. Mr.Usman CT,Radiology for information and strict compliance.
4. Local Account Section for necessary entry in his service book.

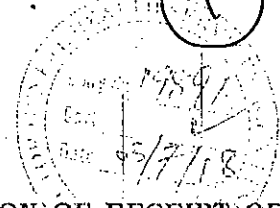
  
**Medical Superintendent  
Shaheed Farid Khan DHQ  
Hospital Hangu**

  
**ATTESTED**

Annex

9

16



To

The Director General Health Services  
Khyber Pakhtunkhwa Peshawar.

**Subject: APPEAL AGAINST INQUIRY REPORT/ DEDUCTION OF RECEIPT OF RS. 37000/- AND DEDUCTION OF 01-ANNUAL INCREMENT NON-ACCUMULATIVE EFFECT FROM MR. USMAN CLINICAL TECHNICAL RADIOLOGY.**

Respected Sir,

I have the honor to state that I am working as Clinical Technician Radiology BS-12 in Health Department since 2003, with great zeal, interest devoted to my duty. So far not a single explanation has been called from me during my entire service career by my superior officers not any complaint has been lodged against me by the community concerned.

It is very much astonishing to note that I have received a letter from your office bearing Endst: No. 4324/AE-VI dated 29.05.2018, through Medical Superintendent Shaheed Farid Khan Hospital Hangu Bering order No. 2110-13 dated 26.06.2018, wherein the following penalties have been imposed upon me in the light of inquiry report conducted by worthy Additional Director General (Admn) and Deputy Director Nursing Peshawar.

- Recovery of Rs. 37000/-
- Deduction of 01 Annual increment non-accumulative effect.
- Transfer to far-flung area.

Respected Sir,

The inquiry committee headed by worthy Additional DG (Dr. Tahir Bashir-ud-Din Khiljee) was given mandate to enquire the following allegations: -

- Receipt of illegal charges from Labour Room Patients.
- Harassment Case against Dr. Wilayat Shah Medical Officer Hangu.

Astonish to say that the inquiry committee has totally neglected the domain and submitted the inquiry report against me while I have no concern with the allegations mentioned in the enquiry. The story narrated in the inquiry report is totally baseless because:-

- I am a low grade (BS-12) Govt: Servant and subordinate.
- I am not executive authority to grand leave to someone.
- Being a low grade (BS-12) Govt: Servant how I can made raid over Doctor Clinic and make video without any authority.
- Dr. Fazal Maula, the then Medical Superintendent Hangu may also be asked regarding this drama launched by Dr. Wilayat Shah and Dr. Hayat Medical Officers.

ATTESTED

Worthy Sir,

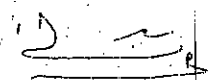
It is to pertinent to mention here before this enquiry two other enquires have already been conducted, one by DHO Kohat in response to your good office order No. 1477-80/E-II dated 26.10.2017, which has already been submitted to your office by DHO Kohat in which not a single word has been discussed against me by the authorized enquiry officer regarding my involvement and the other one conducted by District Government i.e. Deputy Commissioner through Additional Deputy Commissioner Hangu, in which no role has been attributed to me even I was not called for recording statement as an accused which clearly indicates that I have no concern with the enquiry.

All enquiry shows the dispute between Dr. Wilayat Shah and Shakeela Naz Charge Nurse. The Enquiry Conducted by the Additional DG Administration and DD Nursing is based on prema-facia mollified intentions. All the enquiry officers recommended disciplinary action against Dr. Wilayat Shah Medical officer and Shakeela Naz Charge Nurse but so far no action has been taken against them and strangely I was awarded triple penalties which is injustice under the rules.

Therefore, it is requested that your good office letter No. 4324/AE-VI dated 29.05.2018 received under the cover of Medical Superintendent Hangu letter No. 2110-13 dated 26.06.2018 may be withdrawn and I may be exonerated in the light of above mentioned facts, so as I may not file the appeal in the court of law OR I may be provided a chance of personal hearing in the office of your good self before proceeding in the matter.


Thanks.

Your s Obediently

  
27/7/18  
Mr. Usman Iqbal  
Clinical Technician (Radiology)  
Shaheed Fareed Khan Hospital  
Hangu.

Copy forwarded to the:-

1. PS to Secretary Health Khyber Pakhtunkhwa Peshawar.
2. Medical Superintendent Shaheed Farid Khan Hospital Hangu.

  
ATTACHED

Annex (4)

18

DIRECTORATE GENERAL HEALTH SERVICES  
KHYBER PAKHTUNKHWA, PESHAWAR



Office Ph#091 – 9210269 Exchange 091-9210187 Fax # 091-9210230  
All communications should be addressed to the Director General Health Services Peshawar.  
And not to any official by name.

No. 6130 /AE-VI.

Dated. 16/8 /2018.

To

Mr. Usman Iqbal,  
Clinical Technician (Radiology)  
C/O M.S Shaheed Farid Khan,  
Memorial Hospital Hangu.

Subject: - APPEAL AGAINST INQUIRY REPORT/DEDUCTION OF RECEIPT OF  
RS.37000/- AD DEDUCTION OF 01. ANNUAL INCREMENT NON-  
ACCUMULATIVE EFFECT FROM MR.USMAN CLINICAL TECHNICAL  
RADIOLOGY.

I am directed to refer to your appeal dated 3/7/2018, on the subject noted above and to inform that the recommendations of Enquiry Committee will be implemented.

ADDITIONAL DIRECTOR GENERAL (H.R.)  
DGHS KHYBER PAKHTUNKHWA  
PESHAWAR.

ATTACHED

**VAKALAT NAMA**

NO. \_\_\_\_\_/20

IN THE COURT OF K.P.O. Service Tribunal Peshawar

Mohamed Usman

(Appellant)  
(Petitioner)  
(Plaintiff)

VERSUS

Health Deptt.

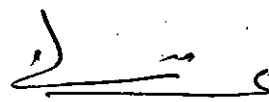
(Respondent)  
(Defendant)

I/We, Mohamed Usman

Do hereby appoint and constitute **Syed Noman Ali Bukhari, Advocate High Court Peshawar**, to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate/Counsel on my/our costs.

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

Dated \_\_\_\_\_/20

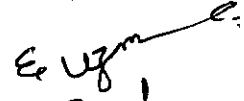


(CLIENT)

ACCEPTED



**Syed Noman Ali Bukhari**  
Advocate High Court Peshawar.



Uzma Syed

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

**SERVICE APPEAL NO. 1038 OF 2018**

Muhammad Usman.....Appellant

**Versus**

Govt. of Khyber Pakhtunkhwa and others.....Respondents

**Respectfully Sheweth:**

**PARAWISE COMMENTS ON BEHALF OF RESPONDENTS**

**Preliminary Objections:-**

1. That the Appellant has got neither cause of action nor locus standi to file the instant appeal.
2. That the Appellant has filed the instant appeal just to pressurize the respondents.
3. That the instant Appeal is against the prevailing Law and Rules.
4. That the Appeal is not maintainable in the present form and also in the present circumstances of the issue.
5. That the Appellant has filed the instant appeal with mala-fide intention hence liable to be dismissed.
6. That the Appellant has not come to the Tribunal with clean hands.
7. That the Appeal is time barred.
8. That the Honorable Tribunal has no Jurisdiction to adjudicate upon the matter.

**ON FACTS:**

1. Para No. 1 is correct, being matter of record.
2. In reply to Para No. 2 it is stated that Director General Health Services Khyber Pakhtunkhwa nominated two enquiry officers i.e. Dr. Tahir Bashiruddin Khilji Addl: Director General and Mr. Faridullah Shah Deputy Director (Nursing) of this Directorate vide Order No. Nil dated 27/02/2018 (Annex-A). Both the

officers conducted enquiry and report was submitted to Director General Health Services, Khyber Pakhtunkhwa.

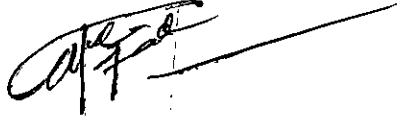
3. Para No. 3 Medical Superintendent Shahid Farid Khan DHQ Hospital, Hangu issued Officer Order vide No. 2110-13 dated 26/06/2018 (Annex-B) in response of letter issued by the Addl: Director General vide letter No. 4324/AE-VI dated 29/05/2018 (Annex-C) to official concerned to bring the above mentioned amount of the office of Medical Superintendent Shahid Farid Khan DHQ Hospital, Hangu to handover to Dr. Muhammad Hayat, otherwise the amount will be recovered from his monthly salary.
4. Para No. 4 not related.

**Grounds:**

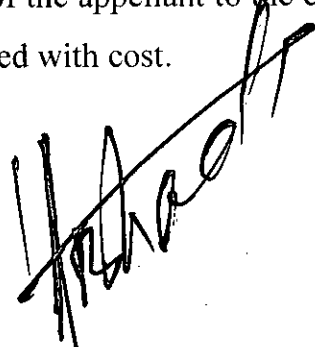
- A. Para-A correct, being matter of record.
- B. Para-B no comments.
- C. Para-C no comments.
- D. Para-D no comments.
- E. Para-E correct, no Charge Sheet has given to the Appellant.
- F. In reply to Para-F it is stated that the Appeal has not been acceded to, in light of the recommendations of the Enquiry Committee (Already Annexed at Annex-A).
- G. Para-G no comments.
- H. In reply to Para-H, it is stated that Director General Health Services Khyber Pakhtunkhwa has nominated two enquiry officers i.e. Dr. Tahir Bashiruddin Khilji Addl: Director General and Mr. Faridullah Shah Deputy Director (Nursing) of this Directorate vide Order No. Nil dated 27/02/2018. Both the officers conducted enquiry and report was submitted to Director General Health Services, Khyber Pakhtunkhwa.
- I. Para-I not related.
- J. Para-J no comments.
- K. Para-K no comments.

**Prayer:**

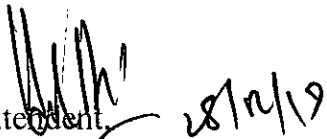
It is therefore humbly prayed that the claim of the appellant to the extent of the replying respondent may very graciously be dismissed with cost.



Secretary Health, Khyber Pakhtunkhwa .  
**Respondent No. 01**



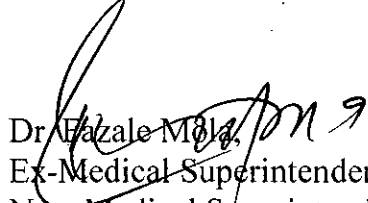
Director General Health Services,  
Khyber Pakhtunkhwa.  
**Respondent No. 02**



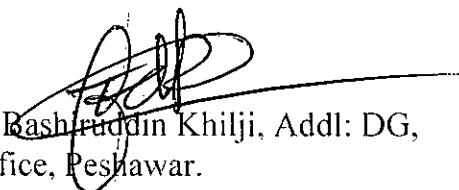
28/2/19

Medical Superintendent,  
Shaheed Farid Khan DHQ Hospital, Hangu.  
**Respondent No. 03**

**MEDICAL SUPERINTENDENT**  
Shaheed Farid Khan D.H.Q  
Hospital - Hangu



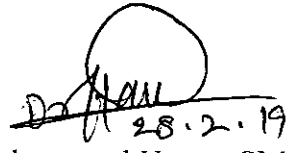
Dr. Fazale Memon,  
Ex-Medical Superintendent, DHQ Hangu,  
Now Medical Superintendent Sifwat Ghayur  
Children Hospital, Peshawar.  
**Respondent No. 04**



Dr. Tahir Bashiruddin Khilji, Addl: DG,  
DGHS office, Peshawar.  
**Respondent No. 05**



Mr. Faridullah Shah, Deputy Director (Nursing),  
DGHS office, Peshawar.  
**Respondent No. 06**



28.2.19

Dr. Muhammad Hayat, SMO,  
Shaheed Farid Khan DHQ Hospital, Hangu.  
**Respondent No. 07**

**MEDICAL OFFICER**  
Shaheed Farid Khan D.H.Q  
Hospital - Hangu



Annex-A  
a11

14/02  
09/01/8  
11

Subject: ENQUIRY REPORT

R/Sir,

Reference your directives dated 27.02.2018, we conducted an enquiry at DHQ Hospital Hangu on 27.02.2018 regarding:

1. Receipt of illegal charges from Labour Room patients.
2. Harrassment case against Dr. Walayat Shah.

i. Illegal charges/Receipts:

- a. Rs. 1500/- were charged by Labour Room Staff from one Mr. Muhammad Azam on account of delivery of his wife.

Mr. Muahammad Azam was called for enquiry. He solemnly declared that his previous statement submitted to MS DHQ Hangu is correct and he still claims it to be true. When the Labour Room registers were examine to verify the delivery date and time, it was found that the two pages of specific date and time were torn away in order to conceal the facts and name of Charge Nurse who delivered the baby of Mst. Fahira Naz w/o Muhammad Azam. Whereas the duty roaster provided by the Charge Nurse Shakeela Naz (Nursing Supt) shows the name of Charge Nurse Pushra. But she was selected for the post RN in KMC and was relieved in last week of September from DHQ Hangu. Saima Naz, the sister of Shakeela Naz may be on duty on that night, as Salma is often performing duty in Labour Room at night.

- b. Charge Nurse Shakeela Naz who claims to be Nursing Superintendent forcibly and illegally collected Rs. 5000/- from Charge Nurse Poleen James and Rs. 3050/- from Charge Nurse Innaz Bibi on account of purchasing LCD TV for the then Medical Superintendent (Dr. Fazle Maula) as a gift.

Shakeela Naz was posted as Acting Nursing Superintendent on the recommendation of the then MS Dr. Fazle Maula. Whereas Shakeela Naz was collecting different amounts from the other Charge Nurses to present gift to the MS. In this regard she took Rs. 5000/- from Charge Nurse Poleen James and Rs. 3050/- from Charge Nurse Innaz Bibi.

- c. Illegally charging of Rs. 30000/- and Rs. 7000/- by Mr. Usman X-Ray Technician from Dr. Muhammad Hayat MO DHQ Hospital Hangu on account of making payments to MS for his (i) illegal private practice & (ii) one week casual leave.

According to written statement of Dr. Muhammad Hayat MO, Dr. Fazle Maula MS alongwith Mr. Usman X-Ray Technician came to his clinic on 06.02.2017 at about 08:15 AM. They made a video film showing his presence in the clinic at 08:15 AM. Later on Mr. Muhammad Usman went to him and asked for Rs. 30000/- in order to delete the video picture and not to forward it to the Secretary Health and DGHS. He paid Rs. 30,000/- for this act. Few days later, Dr. Hayat needed one week leave to go to Karachi. Again Mr. Usman came and asked for Rs. 7000/- for one week leave. Which Dr. Hayat paid to him and he got approval.

In the above case, Dr. Syed Ahmed CMO (BPS-20) DHQ Hospital Charsadda conducted an enquiry and his report alongwith recommendations are hereby also strongly endorsed by this committee.

2. Harassment Case: Harassment case against Dr. Wilayat Shah lodged by Charge Nurse Shakeela Naz and her sister Salma Naz Charge Nurse under Harassment Act of Khyber Pakhtunkhwa. An enquiry was conducted by Dr. Musharraf (BPS-20) DHO Kohat on 12.12.2017 in the same case.

Findings:

We (Dr. Tahir Basheeruddin Khilji, ADGHS.(BPS 20) and Mr. Faridullah, DD Nursing) jointly conducted enquiry on 27.02.2018. The findings of previous and present enquiry are exactly the same. Therefore we further endorse the findings of the enquiry report being submitted by Dr. Musharraf Khan DHO Kohat.

Recommendation:

1. Dr. Wilayat Shah, Shakila Naz Charge Nurse and Mr. Usman X-Ray Technician may be transferred on administrative grounds to Karak, D.I.Khan and Tank/or any other far away where post is available.
2. Rs. 37000/- may be recovered from Mr. Usman X-Ray Technician and the amount may be handed over to Dr. Hayat, which was illegally collected from the said doctor.
3. Rs. 5000/- and Rs. 3050/- may be recovered from Charge Nurse Shakila Naz and may be handed over to Charge Nurse Poolan James and Charge Nurse Innaz Bibi respectively as illegally collected from both of them.
4. Charge Nurse Salma Naz (Sister of Shakila Naz acting Nursing Superintendent) may be permanently banned to perform duty in Gynea <sup>1065</sup> Unit.
5. One non-accumulative increment may be stopped from Dr. Wilayat Shah, Shakila Naz, Charge Nurse and Mr. Usman X-Ray Technician.
6. The then MS. Dr. Fazole Moola presently working Sifwat Ghayyur (ID Children) Hospital Peshawar may be issued warning to be careful in future.

Dr. Tahir Basheeruddin Khilji,  
ADGHS, DGHS Office

Mr. Faridullah Shah,  
DD Nursing DGHS Office

*Noted*  
*[Signature]*

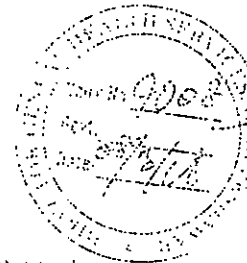
*Think over the case  
of do as in Recommen*

- 1-ADGHS-GR
- 2-DDS-GR
- 3-DD-(N)
- 4-AD-Perman

The Director General Health Services,  
Khyber Pakhtunkhwa, Peshawar

Subject: ENQUIRY REPORT

R/Sir



81

Reference your verbal directives dated 27.02.2018, we conducted an enquiry at DHQ Hospital Hangu on 27.02.2018 regarding:

1. Receipt of illegal charges from Labour Room patients.
2. Harassment case against Dr. Wajiyat Shah.

1. Illegal charges/Receipts:

- a. Rs. 1500/- was charged by Labour Room Staff from one Mr. Muhammad Azam on account of delivery of his wife.

Mr. Muhammad Azam was called for enquiry. He solemnly declared that his previous statement submitted to MS DHQ Hangu is correct and he still claims it to be true. When the Labour Room registers were examined to verify the delivery date and time, it was found that the two pages of specific date and time were torn away in order to conceal the facts and name of Charge Nurse who delivered the baby of Mrs. Tahira Naz w/o Muhammad Azam. Whereas the duty roster provided by the Charge Nurse Shakeela Naz (Nursing Supdt) shows the name of Charge Nurse Bushra. But she was selected for the post RN in KMU and was relieved in last week of September from DHQ Hangu. Salma Naz, the sister of Shakeela Naz may be on duty on that night, as Salma is often performing duty in Labour Room at night.

- b. Charge Nurse Shakeela Naz who claims to be Nursing Superintendent forcibly and illegally collected Rs. 5000/- from Charge Nurse Paleen James and Rs. 3050/- from Charge Nurse Innaz Bibi on account of purchasing LCD TV for the then Medical Superintendent (Dr. Fazle Maula) as a gift.

Shakeela Naz was posted as Acting Nursing Superintendent on the recommendation of the then MS Dr. Fazle Maula. Whereas Shakeela Naz was collecting different amounts from the other Charge Nurses to present gift to the MS. In this regard she took Rs. 5000/- from Charge Nurse Paleen James and Rs. 3050/- from Charge Nurse Innaz Bibi.

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1. Illegally charging - Rs. 30,000/- in the name of Mr. Usman X-Ray Technician from Dr. Muhammad Hayat AHO (DHO) Hospital Mangu on account of making payments to MS for his (il)legal private practice of his one week casual leave.

According to written statement of Dr. Muhammad Hayat MO, Dr. Faziq Maula MS alongwith Mr. Usman X-Ray Technician came to his clinic on 04.02.2017 at about 08:15 AM. They made a video film showing his presence in the clinic at 08:15 AM. Later on Mr. Muhammad Usman went to him and asked for Rs. 30000/- in order to delete the video picture and not to forward it to the Secretary Health and DGHS. He paid Rs. 30,000/- for this act. Few days later Mr. Hayat needed one week leave to go to Karachi. Again Mr. Usman came and asked for Rs. 7000/- for one week leave which Dr. Hayat paid to him and he got approval.

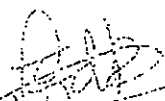
In the above case, Dr. Syed Ahmed CMO (BPS-20) DHO Hospital Charsadda conducted an enquiry and his report alongwith recommendations are herenby also strongly endorsed by this committee.


2. Harassment Case: Harassment case against Dr. Waqar Khan lodged by Charge Nurse Shakeela Naz and her sister Saima Naz Charge Nurse under harassment Act of Khyber Pakhtunkhwa. An enquiry was conducted by Dr. Musbarraf Khan (BPS-20) DHO Kohat on 12.12.2017 in the same case.

Findings:

1. We (Dr. Tahir Basheeruddin Khilji, ADGHS (BPS-20) and Mr. Faridullah, DD Nursing) jointly conducted enquiry on 27.02.2015. The findings of previous and present enquiry are exactly the same. Therefore we further endorse the findings of the enquiry report being submitted by Dr. Musbarraf Khan DHO Kohat.

The recommendations forwarded by Dr. Musbarraf and Dr. Syed Ahmed CMO DHO Charsadda (BPS-20) may be acted upon. However, one non-quantitative increment may be deducted from Charge Nurse Shakeela Naz and Mr. Usman X-Ray Technician. Moreover, Shakeela Naz, Usman and Dr. Waqar Khan may be posted in various Dikhan and Tank on administrative grounds. The then MS Dr. Faziq Maula of DHO Hospital Mangu (presently working in Sirva Chayur Hospital i.e. JD Children Hospital, Jamp Peshawar) may be issued warning.

  
Dr. Tahir Basheeruddin Khilji  
ADGHS (BPS-20) Office

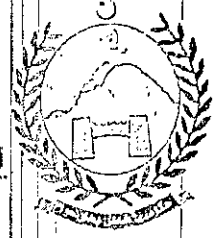
  
Mr. Faridullah  
DD Nursing (BPS) Office

# HEALTH DEPARTMENT

OFFICE OF MEDICAL SUPERINTENDENT  
SHAHEED FARID KHAN DISTRICT HEAD QUARTER HOSPITAL HANGU

PH # +92-925-621508 Fax# +92-925-621508 E-mail: dhqhangu@gmail.com,

No: / / Dated Hangu the



## OFFICE ORDER.

As recommended by the Enquiry Committee to recover Rs.37000/- as well as entry of one increment (non accumulative) in his service book from Mr.Usman CT,Radiology vide the Director General Health Services,KPK Peshawar Office letter No.432/VAE-VI, dated 29.1.5.2018.

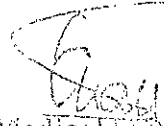
Therefore, he is directed to bring the above mentioned amount to the office of the undersigned to hand over to Dr.Hayat, otherwise the amount will be recovered from his monthly salary.

Medical Superintendent  
Shaheed Farid Khan DHQ  
Hospital Hangu.

No: # 2/12 -/3 7 / Dated Hangu the 21-6-2018

Copy forwarded to:

1. The Director General Health Services KPK,Peshawar.
2. The District Accounts Officer,Hangu.
3. Mr.Usman CT Radiology for information and strict compliance.
4. Local Account Section for necessary entry in his service book.

  
Medical Superintendent  
Shaheed Farid Khan DHQ  
Hospital Hangu

Annex-B

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DIRECTORATE GENERAL HEALTH SERVICES  
KHYBER PAKHTUNKHWA, PESHAWAR.



Office Ph# 091 - 9210269

Exchange# 091 - 9210187, 091 - 9210196,

Fax #091 - 9210230

All communications should be addressed to the Director General Health Services Peshawar and not to any official by name.

No. 4394 /AE-VI,

Dated 29 /5/2018

To

The Medical Superintendent,  
Shaheed Farid Khan Memorial Hospital,  
Hangu.

Subject: ENQUIRY REPORT.

I am directed to refer to the subject noted above and to enclose herewith copies of Enquiry Reports which are self explanatory with the request to implement the recommendations of all the Enquiry Committees i.e. recovery of Rs.37000/- from Mr.Usman, CT Radiology as well as entry of one increment (non accumulative effect) may be made in his Service Book prepared and furnish report to this Directorate alongwith the receipt of Rs.37000/- of the involved staff. After recovery of amount he will be transferred out of District Hangu.

ADDITIONAL DIRECTOR GENERAL (H.R.M)  
DIRECTORATE GENERAL HEALTH  
SERVICES KPK, PESHAWAR

9/5

KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 1219 /ST

Dated 18 / 7 / 2019

To

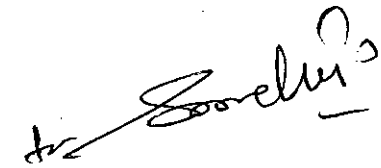
The Medical Superintendent Shaheed Farid Khan,  
District Headquarter Hospital,  
Government of Khyber Pakhtunkhwa,  
Hangu.

Subject: -

JUDGMENT IN APPEAL NO. 1038/2018, MR. USMAN.

I am directed to forward herewith a certified copy of Judgement dated 10.07.2019 passed by this Tribunal on the above subject for strict compliance.

Encl: As above



REGISTRAR  
KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL  
PESHAWAR.