




S.No. of proceedings	Date of Order or proceedings	Order or other proceedings with signature of Judge or Magistrate and that of parties where necessary.
1	2	3
	06.03.2019	<p style="text-align: center;"><u>Present</u></p> <p>Dr. Adnan Khan, Advocate ... For appellant</p> <p>Mian Amir Qadar, District Attorney ... For respondents</p> <p>Vide our detailed judgment of today in Service Appeal No. 438/2018 (Mukhtiar Ahmad Vs. Government of Khyber Pakhtunkhwa through Secretary Health, Civil Secretariat Peshawar and others) we allow the appeal in hand. Resultantly, the impugned order of imposition of minor penalty against the appellant is set aside. The respondents shall, however, be at liberty to proceed against the appellant but only in accordance with law and rules. If they opt to do so, the de-novo proceedings shall be concluded within a period of thirty days from the receipt of copy of instant judgment.</p> <p>Parties are left to bear their respective costs. File be consigned to the record room.</p> <div style="display: flex; justify-content: space-around; align-items: flex-end;"> <div style="text-align: center;">  MEMBER </div> <div style="text-align: center;">  CHAIRMAN Camp court, Swat. </div> </div> <p style="text-align: center;"><u>ANNOUNCED</u> 06.03.2019</p>

04.12.2018

Irfan Muhammad Advocate present on behalf of appellant and Mr. Usman Ghani learned District Attorney alongwith M/S Toseef Ullah S.O litigation and Amjid Ali Assistant for the respondents present. Irfan Muhammad Advocate requested for adjournment on the ground that learned counsel for the appellant is not in attendance. Adjourn. To come up for arguments on 06.12.2018 before D.B at Camp Court Swat.


Member


Member
Camp Court, Swat

06.12.2018

Appellant in person and Mr. Usman Ghani learned District Attorney present. Appellant seeks adjournment as his counsel is not in attendance. Adjourn. To come up for arguments on 10.01.2019 before D.B at Camp Court Swat.



Member


Member
Camp Court, Swat

10.01.2019

Clerk of counsel for the appellant present. Mr. Fazal Amin, Litigation Assistant alongwith Mr. Mian Ameer Qadir, District Attorney for the respondents present. Clerk of counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant has gone to Peshawar. Adjourned. To come up for rejoinder and arguments on 06.03.2019 before D.B at Camp Court Swat.


(Ahmad Hassan)
Member


(M. Amin Khan Kundi)
Member
Camp Court Swat

06.08.2018

Appellant in person and Mr. Mugabe S.O for the respondents present. Due to summer vacations the case is adjourned. To come up for the same on 04.09.2018 at camp court Swat .



Reader

04.09.2018

Appellant ~~Zain ul Abdeen~~ in person present. M/S Fazal Amin, Assistant, Amjid Ali, Assistant and Jafar Ali, Assistant Mr. Usman Ghani, District Attorney for respondents present. Written reply not submitted. Representative of the respondents sought some time to submit written reply/comments. Granted. Case to come up for written reply/comments on 02.10.2018 before S.B at camp court Swat.



Chairman
Camp Court Swat

02.10.2018


Petitioner with counsel present. Mr. Amjad Ali, Assistant and Mr. Fazal Amin, Litigation Assistant alongwith Mr. Usman Ghani, District Attorney present. Written reply submitted on behalf of the appellant which is placed on file. Case to come up for rejoinder and arguments on 04.12.2018 before the D.B at camp court, Swat.



Member
Camp Court Swat

09.05.2018

Due to retirement of the Worthy Chairman, the Tribunal become non-functional. To come up for the same on 08.06.2018 before the S.B at camp court, Swat.


Reader

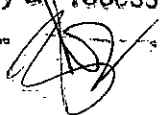
08.06.2018

Appellant Zainul Abidin in person alongwith Dr. Adnan Khan, Advocate present and heard.

Contends that without affording him opportunity of hearing, the appellant was imposed minor penalty of withholding of annual increments for three years with cumulative effect.


Points raised need consideration. The appeal is admitted to regular hearing subject to all legal objections if raised by the respondents. 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 4.07.2018 before S.B at camp court, Swat.

Appellant Deposited
Security & Process Fee



04.07.2018



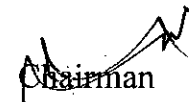
Appellant Zain Ul Abideen in person present. Mr. Iqbal DSV alongwith Mr. Usman Ghani learned District Attorney for respondents present. Written reply not submitted. Representative of the respondents seeks time to file written reply/comments. Granted. To come up for written reply/comments on 06.08.2018 before S.B at camp court Swat.


Chairman
Camp Court, Swat

Form-A
FORM OF ORDERSHEET

Court of _____

Case No. 424/2018


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	29/03/2018	<p>The appeal of Mr. Zain-ul-Abiddin resubmitted today by Dr. Adnan Khan 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 29/3/18</p>
2-	30-3-18	<p>This case is entrusted to Touring S. Bench at Swat for preliminary hearing to be put up there on <u>06-04-2018</u></p> <p style="text-align: right;"> CHAIRMAN</p>
06.04.2018		<p>Counsel for the appellant had requested on 4.4.2018 for short adjournment. Adjourned. To come up for preliminary hearing on 11.05.2018 before S.B at camp court, Swat.</p> <p style="text-align: right;"> Chairman Camp court, Swat</p>

The appeal of Mr. Zainul Abiddin Junior PHC Technician EPI BHU Islampur Distt. Swat received today by i.e. on 21.03.2018 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Copy of rejection order of departmental dated 6.3.2018 mentioned in para-12 of the appeal is not attached with the appeal.

No. 611 /S.T,

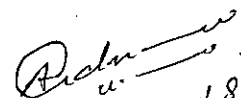
Dt. 21/03 /2018


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Dr. Adnan Khan Adv.
High Court Swat.

R/S Resubmitted after the completion.

- ① Departmental appeal has not responded to, para 12 is clear in this respect.


27-3-18

BEFORE THE HON'BLE SERVICE TRIBUNAL,
KHYBER PAKHTUNKHWA, PESHAWAR

Service Appeal No. 424 of 2018

Zainul Abiddin..... *Appellant*

VERSUS

Government of Khyber Pakhtunkhwa and others

.....*Respondents*

INDEX

S. No.	Description	Annexure	Pages No.
1.	Memo of Appeal with certificate		1-5
2.	Addresses of the parties		6
3.	Affidavit		7
4.	Copy of order dated 24-01-2015	A	8
5.	Copy of show cause	B	9-10
6.	Copy of departmental appeal alongwith letter	C	11
7.	Copy of letter dated 11-08-2017	D	12
8.	Copy of certificate	E	13
9.	Copy of letter dated 31-07-2017	F	14
10.	Copy of order <i>application</i> dated 06-03-2018	G	15
11.	Copy of complaint	H	16-17
12.	Wakalatnama		18

Appellant through Counsel *Adnan*

Adnan
Dr. Adnan Khan, Barrister-at-Law
Office: Adnan Law Associates,
Opp. Grassy ground Mingora Swat.
Cell: 0346-9415233

BEFORE THE HON'BLE SERVICE TRIBUNAL,
KHYBER PAKHTUNKHWA, PESHAWAR

Service Appeal No. 424 of 2018

Zainul Abiddin, Junior PHC Technician (MP), EPI Basic Health
Unit Islampur, District Swat.

..... Appellant

VERSUS

- 1) Government of Khyber Pakhtunkhwa through Secretary Health,
Civil Secretariat Peshawar.
- 2) Director General, Health Services Peshawar.
- 3) District Health Officer Swat at Gulkada Saidu Sharif.
- 4) District Coordinator, EPI District Swat at Saidu Sharif.

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 433

Date 21-3-2018

..... Respondents

APPEAL UNDER SECTION 4 OF THE
KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL ACT, 1974, AGAINST
IMPOSITION OF MINOR PENALTY OF
WITHHOLDING ANNUAL INCREMENTS
FOR THREE YEARS WITH NON-
ACCUMULATIVE EFFECT.

Respectfully Sheweth:

1) That appellant is an employee of Health Department, currently serving as Junior Technician PHC (EPI) multipurpose.

Filed to
Registrar
24/3/18

2) That appellant has long lasting experience of supervising EPI teams under the World Health Organization's programme for immunization.

Re-submitted to -day
and filed.

Registrar

29/3/18

- 2
- 3) That in December 2014, during Anti-Polio campaign of WHO, certain mistakes were noted to have been occurred by a polio team under the supervision of the appellant.
 - 4) That consequently, appellant alongwith two other individuals namely Mukhtiar Ahmad and Sami Ullah were proceeded disciplinary under the E & D Rules.
 - 5) That without fulfilling the requirements of due process and the law, respondent No.3 vide order dated 24-01-2015, issued the impugned office order, whereby the penalty of withholding annual increment for three years with non-accumulative effect was imposed upon appellant (Copy of order dated 24-01-2015 is attached as Annexure "A").
 - 6) That after issuance of the impugned order, Show Cause was issued vide order dated 12-03-2015 (Copy of show cause is attached as Annexure "B"). 24/3/2015
 - 7) That the impugned order was not communicated to appellant in time. Rather appellant came to know about it getting his salary from the corresponding month.
 - 8) That appellant being aggrieved with the impugned order, preferred Departmental Appeal on 8-04-2015, which was forwarded to respondent No.2 (Copy of departmental appeal alongwith letter is attached as Annexure "C").
 - 9) That the Departmental Appeal was remitted to respondent No.3 by respondent No. 2 for reconsideration of the matter. In this respect, respondent No.2 sought comments of

respondent No.3 (Copy of letter dated 11-08-2017 is attached as Annexure "D").

10) That during the intervening period respondents No.3 and 4 awarded best area Incharge certificate to appellant considering his extra ordinary performance in Polio campaign (Copy of certificate is attached as Annexure "E").

11) That respondent No.3, on the appellant's appeal remanded to him, reported to respondent No.2 that withdrawal of the impugned order is beyond his limit and that respondent No.2 may decide the case at his own level (Copy of letter dated 31-07-2017 is attached as Annexure "F").

12) That since then, appellant has been waiting for the outcome of appeal pending before respondent No.2. In this respect an application for acceleration of the matter and decision thereupon was made on 06-03-2018 (Copy of ^{application} dated 06-03-2018 is attached as Annexure "G").

13) That despite the above mentioned request, the departmental appeal has not been decided yet. Hence, this appeal, *inter alia*, on the following grounds:

GRUNDS:

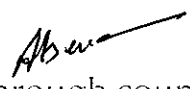
A) That the impugned order is illegal, unconstitutional, malafide and *coram-non-judice*, hence the same is liable to be set aside.


B) That the initial matter was reported by Dr. Iftikhar Uddin DPMT, who reported allegations against the present appellant, one Mr. Mukhtiar Ahmad and Haroon Rashid.

Ironically, when it came to imposition of penalty, Haroon Rashid being the blue eyed was replaced by Mr. Sami Ullah, another appellant before this Hon'ble Tribunal (Copy of complaint is attached as Annexure "H").

- C) That the mandatory requirement of proper show cause alongwith statement of allegations has not been fulfilled in the instant case. The same is apparent from the fact that the alleged show cause notice bears a date of 12-03-2015, while the impugned order was made on 24-01-2015.
- D) That likewise, no inquiry whatsoever has been conducted in the instant matter.
- E) That appellant has never been associated with any inquiry nor he has been provided the opportunity of personal hearing. This fact is manifest from Para No. 5 of the impugned order itself, where it has been held that appellant was heard on 20-03-2015. Needless to say that the impugned order was made prior to the said date i.e 24-01-2015.
- F) That on factual side as well, appellant is not responsible for the alleged mistake attributed to him during polio campaign. The mistake was neither so glaring nor was the appellant directly responsible for the same. Furthermore, because of the said mistake, neither any child has left un-immunized nor any polio case has been surfaced in the area.
- G) That further grounds with leave of this Hon'ble Tribunal will be raised at the time of oral submissions.

Therefore, it is humbly prayed that on acceptance of this appeal, the impugned order be declared as *void ab initio* and the same may be set aside. Consequently, the increments withheld by respondent No.3 be released to appellant from the date of its withholding. Any other remedy though may not specifically prayed for but which circumstances of the case would, in the interests of justice demand may also be granted.

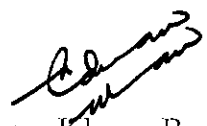

Appellant through counsel


Dr. Adnan Khan, Barrister-in-Law.

CERTIFICATE:

Certified that no such like appeal has earlier been filed before this Hon'ble Tribunal on the subject matter.

Appellant through counsel


Dr. Adnan Khan, Barrister-in-Law.

6

BEFORE THE HON'BLE SERVICE TRIBUNAL,
KHYBER PAKHTUNKHWA, PESHAWAR

Service Appeal No. _____ of 2018

Zainul Abiddin..... *Appellant*

VERSUS

Government of Khyber Pakhtunkhwa and others

.....*Respondents*

ADDRESSES OF THE PARTIES

APPELLANT:


Zainul Abiddin, Junior PHC Technician (MP), EPI Basic Health Unit
Islampur, District Swat.


NIC# 15602-5564552-1

Cell# 03475124424

RESPONDENTS:

- 1) Government of Khyber Pakhtunkhwa through Secretary Health, Civil Secretariat Peshawar.
- 2) Director General, Health Services Peshawar.
- 3) District Health Officer Swat at Gulkada Saidu Sharif.
- 4) District Coordinator, EPI District Swat at Saidu Sharif.


Appellant through counsel


Dr. Adnan Khan, Barrister-in-Law.

7

**BEFORE THE HON'BLE SERVICE TRIBUNAL,
KHYBER PAKHTUNKHWA, PESHAWAR**

Service Appeal No. _____ of 2018

Zainul Abiddin *Appellant*

VERSUS

Government of Khyber Pakhtunkhwa and others

..... *Respondents*

AFFIDAVIT

I, **Zainul Abiddin** (Appellant), do hereby solemnly affirm and declare that the contents of the above titled Appeal are true and correct to the best of my knowledge and belief. Furthermore, no such like appeal has earlier been filed before this Hon'ble Tribunal or elsewhere on this subject matter

DEPONENT

ATTESTED
Tariq Aziz Advocate
CAPT. COMMISSIONER
District Courts Swat.
Licence No-2455
No. 215 Date 19/03/2018

Abd
Zainul Abiddin

15602-5564552-1



Impugned order

(8)

**OFFICE OF THE DISTRICT HEALTH OFFICER
GULKADA DISTRICT SWAT**

Phone No: 0946-9240139, Fax No: 0946-9240215

Email: cdohswat@yahoo.com

Dated: 24/11/2015

No. /

OFFICE ORDER.

1. WHEREAS disciplinary proceeding under E&D rules 2011 Act, initiated against Mr. Mr. Zainul Abdin JPHCT (MP) EPI attached BHU: Islam Pur swat for (reasons irregular and un satisfactory performance in polio campaign in December, 2014)
2. AND WHEREAS show Cause Notice under section 3 of Khyber Pakhtunkhwa under E& D rules 2011, was served upon him.
3. AND WHEREAS an enquiry was conducted against him through inquiry committee as per provision of section -05, E&D rules 2011.
4. AND WHEREAS Show Cause Notice was served upon him to which he replied.
5. AND WHEREAS he was personally heard on 20/3/2015 by the competent authority but could not prove him- self as innocent.
6. Therefore I Dr. Said Ali Khan District Health Officer Swat being competent authority in exercise of powers conferred under Khyber Pakhtunkhwa Govt: E&D rules 2011, am pleased to imposed minor penalty of "with holding annual increment for three (3) years with non accumulative effect upon " Mr Zainul Abdin Jr. PHCT (MP) EPI attached to BHU: Isampur swat with immediate effect.

Sd/xxxxxxx

DISTRICT HEALTH OFFICER
DISTRICT SWAT AT GULKADA.

No. 3061 /CS-4

Copy forwarded to the:-

- 01- Deputy Commissioner Swat for information please.
- 02- District Account Officer swat for information please.
- 03- Account Section of this office for information and compliance .
- 04- The above named official concerned for information.
- 05- Medical officer I/C BHU: Isampur Swat for information.

DISTRICT HEALTH OFFICER
DISTRICT SWAT AT GULKADA.

Handwritten signature and initials

C.T-C
Am

Ann. "B"

Copy in Advance

(9)



**OFFICE OF THE DISTRICT HEALTH OFFICER
GULKADA DISTRICT SWAT**

Phone No: 0946-9240139, Fax No: 0946-9240215
Email: edohswat@yahoo.com

Dated: 12/13/2015

No. 1

Reminder -1

To,

Mr. Zainul Abiddin Jr. PHCT (MP) EPI

Subject:-
Memo

SHOW CAUSE NOTICE

Reference this office No. 52/CS-4/C-1 dated 2/1/2015, the reply is still awaited. Therefore you are directed to submit reply of show cause notice within two days after the receipt of this letter, otherwise strict action will be taken against you.

DISTRICT HEALTH OFFICER
DISTRICT SWAT AT GULKADA.

No. 2707/1054

Copy forwarded to the Medical officer I/C BHU: Islampur Swat for information and submit detailed report to this office immediately.

~~DISTRICT HEALTH OFFICER
DISTRICT SWAT AT GULKADA.~~

Attested

C.T.C

M

10



**OFFICE OF THE DISTRICT HEALTH OFFICER
GULKADA DISTRICT SWAT**

Phone No: 0946-9240139, Fax No: 0946-9240215

Email: edohswat@yahoo.com

Dated: /12/2014

SHOW CAUSE NOTICE

Dr.Said Ali Khan District Health Officer Swat is a competent authority, under the Khyber Pakhtunkhwa Govt: Servants (efficiency and Disciplinary) rules ,2011, do hereby serve you Mr.Zainulabiddin JPHC Tech (MP)EPI attached to BHU:Islampur swat as follows.

1. (i) The consequent upon the completion of inquiry conducted against you by the inquiry officer Dr.Ifitchar uddin DPMT, I am satisfied that you have committed the following acts/omissions specified in rule 3, of the said rules (a)

(a)- Irregularities by making fake /bogus entries in various clusters of UC Islampur in December polio Campaigns 2014.

As result thereof , I as competent authority have tentatively decided to impose upon you all or one of the following minor penalties under rules 4 of the said rules (I) (a)

- (i) Censure .
- (ii) Withholding for, a specific period, promotion or increments subject to a maximum of three years, otherwise than for unfitness for promotion or financial advancement in accordance with the rules or orders pertaining to the Service or post:
Provided that the penalty of withholding increments shall not be imposed on a Govt: Servant who has reached the maximum of his pay scale:
- (iii) Recovery of the whole or any part of any pecuniary loss caused to Govt: by negligence or breach of order:

You are thereof ,required to show Cause as to why the aforesaid penalty/penalties should not be imposed upon you and also intimate, whether you desired to be heard in person..

if no reply to this notice is received within fifteen days of its delivery, it shall be presumed

That you have no defence to put in, and in that case an ex-party action shall be taken against You.

a copy of the of the inquiry report is attached.

DISTRICT HEALTH OFFICER
DISTRICT SWAT AT GULKADA.

Handwritten signature
All-800

C.T-C
Handwritten initials

Handwritten scribbles and marks at the bottom left of the page.

Departmental Appeal

Ann 'C'

(11)

کھنڈر بنیاد ڈائریکٹر جنرل مہنگہ سرور سیریمینٹو کھانا مقام پشاور

جو سہاگت باب ڈائریکٹر جنرل مہنگہ سرور سیریمینٹو کھانا مقام پشاور

عنوان
ڈائریکٹر جنرل مہنگہ سرور سیریمینٹو کھانا مقام پشاور

بنیاد ڈائریکٹر جنرل مہنگہ سرور سیریمینٹو کھانا مقام پشاور نے اس وقت کے پمت

ممبر کمیٹی رپورٹ پر کارروائی کرتے ہوئے زیر احکامات جی۔ ایف۔ 306/CS مورخہ 24.3.2015

سائل سے تین عدد سالانہ آنکر کمیشن کرنے کا حکم صادر فرمایا ہے۔ چونکہ سائل اپنے خیریت اور اپنے فائدوں کا وافر کفیل اور ملازمت کے علاوہ اور کوئی ذریعہ معاش نہیں اور دو ماہ کا قیام سائل کے خاندان، بیٹوں اور سرکاری ملازمت پر معنی آئے ڈاکٹر تاداف لیٹھان کا باقاعدگی کا یار ہے سائل کے حالات NID میں نقص Director کے سر تک متاثر نہ ہو سکا تھا جبکہ انگریزی میں کوئی پیر لوہو نظر سے قیام پایا گیا ہے اور نہ کوئی کسین نکلا ہے۔ اور میں نے سائل کو معاف کر دیا کوئی ایسا قیام نہ تھا جس کا کیا ہے جس سے معاف کر دیا گیا ہے۔

میں نے سائل کو معاف کر دیا ہے۔ اس لئے یہ سائل کو معاف کر دیا گیا ہے۔

Handwritten signature
C.T.C
M

Respected Sir,
Application is based on facts and being the immediate boss, I am satisfied from his work, his efforts in NID has been excellent and rewarding and now he has further improved his work.
Therefore it is recommended to kindly forgive him and restore his emoluments please.

(Zain-ul-Abidin)

J.P.H.c.Tech (E.P.O)

جی۔ ایف۔ ایچ۔ ایو اسلام پور ملنگ سہاگت

مورخہ: 08-4-2015

MEDICAL OFFICER
S.M.U. Islamabad

Dr. Naveed Iqbal
in charge of the
Islamabad

DIRECTORATE GENERAL HEALTH SERVICES
KHYBER PAKHTUNKHWA, PESHAWAR.



Ann. D

12

Office Phn 091 - 9210259 Exchanged 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. 8955 / AE-VI.

the District Health Officer
4/9/10
12/8/2017

dated 11/18/2017

The District Health Officer,
Swat.

Subject: APPEAL RELEASE OF 03 ANNUAL INCREMENTS.

I am directed to refer to the subject noted above and to enclose a copy of an application in respect of Mr. Mukhtiar Ahmad, PHC Technician (MP/EPI) BS-12, working under your control which is self explanatory for furnishing your comments urgently so as to proceed further.

ASSISTANT DIRECTOR (PARAMEDICS)
DGHS, KHYBER PAKHTUNKHWA,
PESHAWAR

Co: EPI
Comments for
for [Signature]

[Signature]

C.T.C
[Signature]



Ann. "E" ⁷³

CERTIFICATE

Al-GP

Best Area Incharge

C.T.C
Z

awarded to

Mr. Zain-ut Abidin

on his extraordinary performance as Area Incharge

During Low Season SIAs of Polio Eradication Initiative (2015-16)

at UC Islamabad District Swat.

District Coordinator EPI
District Swat

District Health Officer
District Swat

Deputy Commissioner
District Swat



OFFICE OF THE DISTRICT HEALTH OFFICER
GULKADA DISTRICT SWAT

Phone No: 0946-9240139, Fax No: 0946-9240215

Email: edohswat@yahoo.com

Dated 31 / 7 / 2017

No. 10706/P/17

(14)

Ann. 10706/P/17

To:

The Director General Health
Services Khyber Pakhtunkhwa
Peshawar.

Subject:-
R/Madam

APPEAL FOR RECONSIDERATION AND SANCTION OF INCREMENTS.

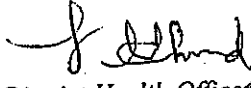
Reference your letter No. 7796/AE-VI and No. 7804/AE-VI dated
20/6/2017, on the subject cited above.

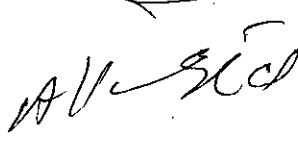

I have the honor to state that the cases of the following officials were initiated on
the report of the then DPMT (copy attached).

Explanations and show cause notice were issued under the rules (copy attached)
action were taken in the light of the referred procedures under E&D rules 2011.

Now as the cases withdrawal of the orders are beyond the limit of the
undersigned. Therefore you are requested to decide the cases on your own level
please.

- 01- Mr. Samiullah PHC Technician (MP) EPI BHU: Qalagai Swat.
- 02- Mr. Zainul Abiddin PHC Tech (MP) EPI CD: Amankot Swat.
- 03- Mr. Mukhtayar Ahmad PHC Tech (MP) EPI BHU: Meragai Swat.


District Health Officer
District Swat at Gulkada.


C.T.C


16

Ann, "H"

VJ

To
The District Health Officer
District Swat

Subject: Irregularities in the December polio Campaigns

Sir

The following irregularities were noted in December 2014 polio campaign in District Swat.

- UC Islampur
Area Incharge Zainulabdeen: EPI technician
Team No2. Team leader: Badshah Mulik

According to the micro plan team 2 have to cover the children of Amoo, Murghazar on day 3, with a total 17 houses and 78 children. It was found that the team had covered the area on day 1 rather than day 3, with one member and without security. The second member of the team a volunteer is the son of the Area In charge. Nine children were found no team in a cluster of seven houses. When the matter was further probed, it was found that there are only 23 children below 5 years in these 17 houses. When asked about the exaggerated number of children in the micro plan from the team leader, he put the blame on the area in charge and informed the DPMT, UPEC Chairman and MO "that I several times asked the area in charge not to put so much children in this area. But the area incharge never listened to me and put so many children".

On the direction of your good office I verified the clusters of the Area In charge in the presence of UPEC chairman Saeed and MO Dr Naveed and found the cluster of Amoo taken by the area incharge fake. When asked the area incharge to take us to his other cluster took by him in the adjacent area known as Dabba. The area incharge admitted in front of UPEC chairman and MO that the other cluster is also fake.

When asked the area incharge zainul abdeen to attend the evening meetings to discuss the micro plans in the evening. He failed to do so.

In tour plan the Area Incharge has shown that he has checked the area of team 2. But according to the tele sheets he has never visited this team.

- UC kokarai
Area Incharge: Mukhtair (EPI Technician)

On 25th December 2014 the cluster of Area Incharge Mukhtair of UC Kokarai was checked. I along the UPEC Chairman Dr Adnan and UC secretary checked the cluster of choo, tangay and found it fake. When asked the Area Incharge to take the team to his other two clusters taken on the same day that is 24th December, he admitted in presence of UPEC Chairman and UC secretary that his other two clusters are also fake.

All good

CTC
mu

O.S.
issue notice to
Tech: M. Khattar
Horizon
Rashid
EPI Tech.
EPI Tech.
EPI Tech.
21/12/14

UC Kokarai
Area In charge: Haroon Rasheed *EPJ Tech.*
Team No. 4
Team Leader: Umer zaib

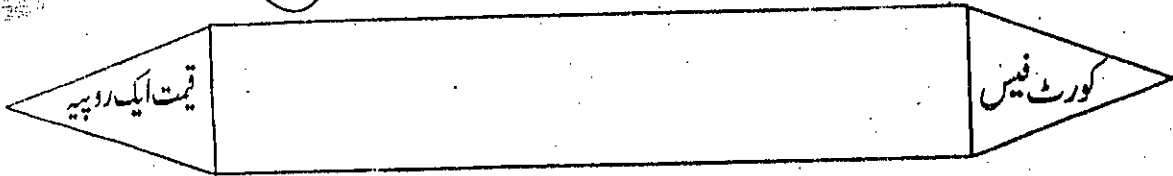
I along UC secretary and UPEC chairman visited the area of team 4, day 3 and found that one member of the team has visited the area without security and has covered day 3 area on day 2. When this was inquired from the area Incharge he called the team leader on phone and asked him, why he was alone on day 2 and without security. Ironically when the tele sheet of day 2 of the team was checked it was signed by the area Incharge at 2:05 noon. When asked from the area Incharge if you have signed and seen the team on day 2 at 12 noon how come you are asking the team on cell phone that if it was a one member or without security, when you have personally visited the team. He has no answer and all the evidence showed that he has not visited the team and has signed the tele sheet in the health facility or at home.

Dr Iftikhar Uddin
DPMT

Handwritten signature

C.T.C
Handwritten signature

بعدالت حیدر کھنڈو کھنڈو سرورس اپیل لیسٹا



مورخہ 20 مارچ 18ء منجانب
مقدمہ ذیل العابدین بنام حکومت و غیرہ

دعویٰ سرورس اپیل باعث تحریر آنکہ جرم

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ آن مقام لیسٹا اور اکیپ کورٹ سوات کیس سیر سٹہ ڈالہ ہمدان خان مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل احتیاط ہوگا۔ نیز وکیل صاحب کو راضی نامہ و تقرر ثالث و فیصلہ پر حلف دینے کے جواب دی اور اقبال دعویٰ اور درخواست ہر قسم کی تصدیق زر اور اس پر دستخط کرنے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا ڈگری ایک طرف یا اپیل کی برآمد ہوگی اور منسوخ مذکور کے نسل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنی ہمراہ یا اپنی بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقررہ شدہ کو بھی جملہ مذکورہ بالا اختیارات حاصل ہونگے اور اس کا ساختہ برواختہ منظور و قبول ہوگا۔ اور دوران مقدمہ میں جو خرچہ و ہرجانہ التوا ایسے مقدمہ کے سبب سے ہوگا اسکے مستحق وکیل صاحب ہونگے۔ نیز بقایا و خرچہ کی وصولی کرتے وقت کا بھی اختیار ہوگا اگر کوئی تاریخ پیشی مقام دورہ ہر ہو یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہونگے کی پیروی مقدمہ مذکور لہذا وکالت نامہ لکھ دیا کہ سند ہے

المرقوم 20 مارچ 18ء

السید گواہ شہد العابد

Attested & Accepted

کے لئے منظور ہے

بمقام مندرجہ سوات لیسٹا
Dr. Adnan Khan
Barrister
Advocate High Court

ذیل العابدین وکل کاروائی

BEFORE THE KP SERVICE TRIBUNAL PESHAWAR

SERVICE APPEAL NO. 424 OF 2018

Zain ul Abiddin.....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 appeal is bad for non-joinder and mis-joinder of unnecessary parties.
3. That the appeal is not maintainable under section 4 of Khyber Pakhtunkhwa Service Tribunal Act 1974.
4. That the appellant has not come to the Tribunal with clean hands.
5. That the appeal is badly time barred.

ON FACTS:

- 1) Para No. 1 is correct to the extent that appellant is employee of Health Department.
- 2) Pertain to record.
- 3) Para No.3 is correct according to words used therein.
- 4) Para No.4 is also correct as such the disciplinary acts were taken against them.
- 5) Para No.5 is correct. As the official was penalized after observing all codal formalities as the Official was reported with low performance in Polio as stated in evening meeting of District Polio committee and minutes of the meeting. Consequently, inquiry was ordered vide letter Nil. Dated 24/12/2014 (Annex-A). The inquiry committee recommended that disciplinary action may be initiated against official after issuing Final Show Cause Notice. As a result, minor penalty was imposed upon him in the form of withholding Increments. Then official submitted appeal to Director General Health Service Khyber Pakhtunkhwa Peshawar for withdrawing the penalty but which was rejected on the ground that Polio being issue of national emergency where no excuses are permitted (Annex-B).

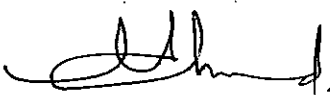
- 6) Para No.6 is correct to the extent of issuing of show cause notice.
- 7) Para No.7 is concerned the impugned order was communicated to the appellant well within time.
- 8) Para No.8 is correct to the extent of Departmental appeal was filed.
- 9) Para No.9 is correct. The said Departmental appeal was remitted
- 10) Para No. 10 is correct to the extent of good performance. Best Area Incharge certificate was awarded to the appellant.
- 11) That is in correct to the extent of by accepting the instant reply the appeal in hand may kindly be dismissed with heavy costs.
- 12) Para No.12 is in correct. Departmental appeal was rejected. Copy enclosed.


Grounds:

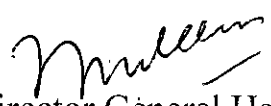
- A) Para (a) is in correct. The impugned order is in accordance with Law and Rules.
- B) Para (b) is in correct. The appellant had proceeded in accordance with law and rules and no discrimination has been made.
- C) Para (c) is in correct. All formalities fulfilled.
- D) Para (d) is in correct: - Proper inquiry was conducted.
- E) Para (e) is in correct: - All formalities fulfilled.
- F) Para (f) is in correct: - As the official was properly proceeded as per rules after conducting inquiry.
- G) Para (g) is correct upto the extent giving opportunity of hearing the appellant, if he has lawful arguments whereas the appellant has no prima facie case, the appeal may kindly be dismissed with costs.

Prayer:

Keeping in view of the above, it is prayed that the instant appeal may graciously be dismissed with cost.


District Health Officer Swat.
Respondent No. 01


Secretary, Health Department,
Khyber Pakhtunkhwa, Peshawar.
Respondent No. 02


Director General Health Services,
Khyber Pakhtunkhwa, Peshawar.
Respondent No. 03
AD (P-II) / DHO Swat

To

The District Health Officer
District Swat

Subject: Irregularities in the December polio Campaigns

Sir

The following irregularities were noted in December 2014 polio campaign in District Swat.

UC Islampur
Area Incharge Zainulabdeen: EPI technician
Team No2. Team leader: Badshahi Mulk

According to the micro plan team 2 have to cover the children of Amoo, Murghazar on day 3 with a total 17 houses and 78 children. It was found that the team had covered the area on day 1 rather than day 3, with one member and without security. The second member of the team a volunteer is the son of the Area in charge. Nine children were found no team in a cluster of seven houses. When the matter was further probed, it was found that there are only 23 children below 5 years in these 17 houses. When asked about the exaggerated number of children in the micro plan from the team leader, he put the blame on the area in charge and informed the DPMT, UPEC Chairman and MO "that I several times asked the area in charge not to put so much children in this area. But the area incharge never listened to me and put so many children".

On the direction of your good office I verified the clusters of the Area In charge in the presence of UPEC chairman Saeed and MO Dr Naveed and found the cluster of Amoo taken by the area Incharge fake. When asked the area Incharge to take us to his other cluster took by him in the adjacent area known as Dabba. The area Incharge admitted in front of UPEC chairman and MO that the other cluster is also fake.

When asked the area incharge zainul abdeen to attend the evening meetings to discuss the micro plans in the evening. He failed to do so.

In tour plan the Area Incharge has shown that he has checked the area of team 2. But according to the tele sheets he has never visited this team.

UC kokarai
Area Incharge: Mukhtair (EPI Technician)

On 25th December 2014 the cluster of Area Incharge Mukhtair of UC Kokarai was checked. I along the UPEC Chairman Dr Adnan and UC secretary checked the cluster of choo, tangay and found it fake. When asked the Area Incharge to take the team to his other two clusters taken on the same day that is 24th December, he admitted in presence of UPEC Chairman and UC secretary that his other two clusters are also fake.

*O.S. issue - Adnan Khan
Plz notice to Adnan Khan
Tech: Adnan Khan
Mukhtair EPI Tech
Adnan Khan EPI Tech*

committee recommended that disciplinary action may be initiated against official. As a result, minor penalty was imposed upon him

in the form of withholding increments. Then official submitted

After issuing fine O.S. show cause nats'ce

UC Kokarai

Area In charge: Haroon Rasheed *EPJ Tech.*

Team No. 4

Team Leader: Umer zaib

Along UC secretary and UPEC chairman visited the area of team 4, day 3 and found that one member of the team has visited the area without security and has covered day 3 area on day 2.

When this was inquired from the area Incharge he called the team leader on phone and asked him, why he was alone on day 2 and without security. Ironically when the tele sheet of day 2 of the team was checked it was signed by the area Incharge at 2:05 noon. When asked from the area Incharge if you have signed and seen the team on day 2 at 12 noon how come you are asking the team on cell phone that if it was a one member or without security, when you have personally visited the team. He has no answer and all the evidence showed that he has not visited the team and has signed the tele sheet in the health facility or at home.

Dr Iftikhar Uddin

DPM

committee recommended that disciplinary action may be initiated against official. As a result, minor penalty was imposed upon him

in the form of withholding increments. Then official submitted

After issuing fine & show cause memo

DIRECTORATE GENERAL HEALTH SERVICES
KHYBER PAKHTUNKHWA, PESHAWAR.

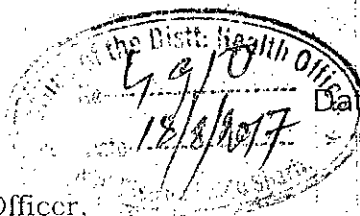


Office Ph# 091 - 9210259 Exchange# 091 - 9210187, 091 - 9210196.

Fax #091 - 9210230

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

No. 8955 / AE-VI



Dated 11/18 /2017

The District Health Officer,
Swat.

Subject: APPEAL RELEASE OF 03 ANNUAL INCREMENTS.

I am directed to refer to the subject noted above and to enclose a copy of an application in respect of Mr. Mukhtiar Ahmad, PHC Technician (MP/EPI) BS-12, working under your control which is self explanatory for furnishing your comments urgently so as to proceed further.

[Signature]
ASSISTANT DIRECTOR (PARAMEDICS)
DGHS, KHYBER PAKHTUNKHWA,
PESHAWAR

Co. Epi
Comments for DHO
[Signature]

DIRECTORATE GENERAL HEALTH SERVICES
KHYBER PAKHTUNKHWA, PESHAWAR.



Office Ph# 091 - 9210269
All communications should be addressed to the Director General Health Services Peshawar and not to any official by name.

Exchange# 091 - 9210187, 091 - 9210196,

Fax #091 - 9210230

960
9/12/17
Date: 9/12/17
Swat

No. 18339 /AE-VI

Dated 27 /11/2017

To

The District Health Officer,
Swat.

Subject: - **APPEAL RELEASE OF 03 ANNUAL INCREMENTS.**

I am directed to refer your letter No.14276/EPI, dated 5/10/2017, on the subject noted above and to state that Polio Eradication Initiative has been declared National Emergency by Prime Minister of Pakistan and accountability regarding poor performance in National Immunization Days is an integral part of NEAP(National Emergency Action Plan).

ASSISTANT DIRECTOR (PARAMEDICS)
DGHS KHYBER PAKHTUNKHWA,
PESHAWAR.

26/11

Print up by
of 90 the need full
a case accordingly
Subl
P 14/12
DHO

FILE
PLEASE

DHO

The Director General,
Health Services, Khyber Pakhtunkhwa
Peshawar.

24603

01-08-17

Subject: - Appeal release of 03 annual increment.
R/Sir,

I have the honour to state that I am working as Junior PHC Technician (EPI) BHU Meragai Swat on regular basis, during EPI campaign of the area in 2014 a person of WHO visited of this area and he noted some mistake made by the other team members (new) the home they marked the figure on a door i.e. 2+2 / 2 instead of 4/4 due to which we don't not the quantity of guest Childrens at that home.

The matter was reported to the District Health Officer, Swat and accordingly as stated by the DHO Swat due to my non satisfactory performance in polio campaign in December 2014 I was awarded penalty of withholding annual increments for 03 years with non accumulative effect.

It is stated that in this regard no enquiry has been conducted nor my statement has been taken as well as no charge sheet has been issued to me, except show cause notice.

Keeping in view the above it is requested that the above 03 increments stopped during December, 2014 may please be released to me on humanitarian ground.

Yours faithfully

Mukhtiar Ahmad

Mukhtiar Ahmad S/O Saif Ud Din
Junior PHC Technician (EPI)
BHU Meragai Swat

Dir EPI / DD EPI
Case to be put up
AS

my