

11.04.2018

Appellant absent. Learned counsel for the appellant absent. Mr. Muhammad Jan, Learned Deputy District Attorney for the respondents present. adjourn. To come up for arguments on 25.06.2018 before D.B



(Ahmad Hassan)
Member



(Muhammad Hamid Mughal)
Member

25.06.2018

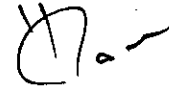
Neither the appellant nor his counsel present. Mr. Muhammad Jan, Deputy District Attorney for the respondents present. Case called for several times but no one appeared on behalf of the appellant. On the previous date too no one appeared on behalf of appellant. Consequently the present service appeal is dismissed in default. File be consigned to the record room.

ANNOUNCED

25.06.2018



(Muhammad Amin Kundi)
Member



(Muhammad Hamid Mughal)
Member

29.11.2017


Counsel for the appellant and Addl: AG for respondents present. Counsel for the appellant seeks adjournment. Adjourned. To come up for further arguments on 09.02.2018 before D.B.



Member


Chairman

11.01.2018

Counsel for the appellant and Asst: AG for respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on ~~09~~ 02.2018 before D.B.


(Ahmad Hassan)
Member(E)


(M. Hamid Mughal)
Member (J)

09.02.2018

Clerk of counsel for the appellant and Mr. Muhammad Jan, Deputy District Attorney for the respondents present. Counsel for the appellant is not in attendance. Seeks adjournment. To come up for arguments on 11.04.2018 before the D.B.

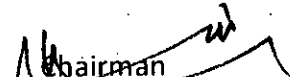

Member


Chairman

9/10/2017

Counsel for the appellant and Mr. Kabirullah Khattak, AAG alongwith Mr. Hameed-ur-Rehman, AD for the respondents present. Learned AAG seeks adjournment. Adjourned. To come up for record as per order sheet dated 4/8/2017 and arguments on 30/10/2017 before DB.


Member


Chairman

30.10.2017

Counsel for the appellant and Mr. Kabeerullah Khattak, Addl. AG alongwith Hameedur Rahman, AD for the respondents present. Representative of the respondents produced a list for perusal of the appellant. Both the parties seek adjournment. To come up for further proceedings/arguments after consulting the list before the D.B on 16.11.2017.


Member


Chairman

16.11.2017


Counsel for the appellant and Addl. AG alongwith Sajjed Ahmad, ASDEO for the respondents present. Learned Addl. AG seeks adjournment. Granted. To come up for arguments on 29.11.2017 before the D.B.



Member


Chairman

16. 24.07.2017

No one present on behalf of appellant. Mr. Muhammad Adeel Butt, Additional AG for the respondent present. Notice be issued to the appellant and his counsel for attendance. To come up for argument on ~~16.11.2017~~ before D.B.


(Ahmad Hassan)
Member


(Muhammad Hamid Mughal)
Member

29.07.2016

Clerk to counsel for the appellant and Mr. Ziaullah, GP for respondents present. Clerk to counsel for the appellant requested for adjournment. To come up for rejoinder and arguments on 01.12.2016..

01.12.2016

None present for the appellant. Assistant ~~AG~~ ^{Member} for respondents present. Notices be issued to the appellant and his counsel. To come up for arguments on 21.03.2017 before D.B.

01.12.2016

None present for the appellant. Assistant AG for respondents present. Notices be issued to the appellant and his counsel. To come up for arguments on 21.03.2017 before D.B.

Member

Chairman

21.03.2017

None for the appellant present. Addl:AG for respondents present. Fresh notices be issued to the appellant and his counsel. Last opportunity granted. To come up for arguments on 24.07.2017 before D.B.

(AHMAD HASSAN)
MEMBER

29.05.2015

None present for appellant. Assistant A.G for respondents present. Written reply not submitted. Last opportunity granted. To come up for written reply/comments on 13.8.2015 before S.B.


Chairman

13.08.2015

None present for appellant. M/S Qibaz Khan, SO and Yar Gul, Senior Clerk alongwith Assistant A.G for respondents present. Written reply not submitted despite last opportunity. Requested for further adjournment. Last opportunity extended subject to payment of Rs. 1000/- which shall be borne by the respondents from their own pockets. To come up for written reply/comments and cost on 10.11.2015 before S.B.


Chairman

10.11.2015

None present for appellant. Mr. Yar Gul, Senior Clerk alongwith Addl. A.G for respondents present. Para-wise comments on behalf of respondents No. 1 and 2 submitted. Cost paid and receipt thereof be obtained from the learned counsel for the appellant. The appeal is assigned to D.B for rejoinder and final hearing for 25.4.2016.


Chairman

25.04.2016

Counsel for the appellant M/S Muhammad Arshad, SO and Yar Gul, Senior Clerk alongwith Mr. Adeel But, GP for official respondents present The learned Judicial Members is on official tour to D.I. Khan; therefore, case is adjourned to 29.7.2016 before D.B.


Chairman

19.8.2014

The Hon'ble Bench is on tour to Abbottabad, therefore, case
adjourned to 24.12.14

24.12.2014

No one is present on behalf of the appellant. Reader, Mr. Muhammad Adeel Butt, AAG for the respondents present. The Tribunal is incomplete. To come up for written reply/comments on 13.04.2015.

Reader.

13.04.2015

None present for appellant. Addl. A.G for respondents present. Requested for adjournment. To come up for written reply/comments on 29.5.2015 before S.B.

Chairman

~~Course for the appellant, Mr. Muhammad Adeel Butt, AAG for respondents present. Mr. Muhammad Adeel Butt, AAG for respondents present. The Tribunal is incomplete. To come up for written reply/comments on 13.04.2015. Requested for adjournment. To come up for written reply/comments on 29.5.2015 before S.B.~~

Chairman

Appeal No. 204/2014.
Mr. Sughra Akhtar


10.04.2014

Counsel for the appellant present. Preliminary arguments

partly heard. Pre-admission notice be issued to the learned GP to

assist the Tribunal. To come up for preliminary hearing on

22.05.2014.



Member

22.05.2014

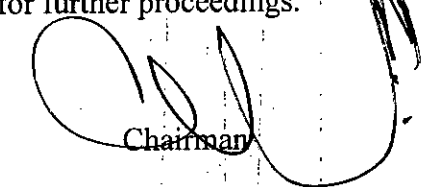
Counsel for the appellant and Mr. Ziaullah, GP for the respondents present. Preliminary arguments heard and case file perused. Counsel for the appellant contended that the appellant has not been treated in accordance with law/rules. Against the impugned order dated 05.08.2010, he filed departmental appeal which has been rejected on 27.12.2013, hence the present appeal on 12.02.2014. Points raised at the Bar need consideration. The appeal is admitted to regular hearing subject to all legal objections. The appellant is directed to deposit the security amount and process fee within 10 days. Thereafter, Notices be issued to the respondents. Counsel for the appellant also filed an application for condonation of delay. Notice of application should also be issued to the respondents for reply/arguments. To come up for written reply/comments on main appeal on 19.08.2014 as well as reply/arguments on application on 16.06.2014.



Member

22.05.2014

This case be put before the Final Bench 1 for further proceedings.



Chairman

16-6-14

The Hon'ble bench is on 16.6.14
Presenters case is approved B

18-8-14


Ready

Form- A

FORM OF ORDER SHEET

Court of _____

Case No. 204 / 2014


S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	17/02/2014	<p>The appeal of Mr. Sagheer Akhtar resubmitted today by Mr. Malik Najab Gul Khalil Advocate may be entered in the Institution register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;"><i>L. Q. Q.</i> REGISTRAR</p>
2	19-2-2014	<p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>10-4-2014</u></p> <p style="text-align: right;"><i>[Signature]</i> CHAIRMAN</p>

The appeal of Mr. Sagheer Akhtar Ex-Muslim Sweeper received today i.e. on 12.02.2014 is incomplete on the following scores which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Copy of departmental appeal against the Impugned order is not attached with the appeal which may be placed on it.
- 2- Annexure-F of the appeal is illegible which may be replaced by legible/better one.

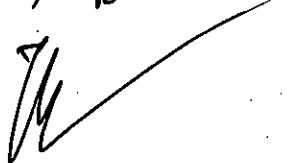
No. 226 /S.T,

Dt. 12/2 /2014.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Malik Najab Gul Khalil Adv. Pesh.

R/S

Departmental Appeal & Reply
27/2013 is allowed


BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA,
PESHAWAR.

Service Appeal No. 204 /2014

Sagheer Akhtar Ex-Muslim Sweeper.....(Appellant)

VERSUS

Government of Khyber Pakhtunkhwa, through Secretary
Health, Peshawar and others.....(Respondents)

I N D E X

S.No	Description of Documents	Annex	Pages
1.	Service Appeal		1-5
2.	Affidavit		6
3.	Addresses of the parties		7
4.	Copy of appointment order dated 21/12/1999	A	8
5.	Copy of charge sheet and reply	B & C	9-12
6.	Copy of the inquiry findings, show cause notice and reply	D, E & F	13-18
7.	Copy of order dated 05/08/2010	F	19
8.	Copy of appeal and order	H & I	20-21
9.	Wakalat Nama		22

Appellant

Through

Dated: 12/02/2014

Malik Najab Gul Khalil
Advocate High Court,
Peshawar.
Cell No. 0300-5977324

①

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA,
PESHAWAR.

Service Appeal No. 204 /2014

W.F. PESHAWAR
175
12-2-14

Sagheer Akhtar Ex-Muslim Sweeper
Government City Hospital Kohat Road,
Peshawar.....(Appellant)

VERSUS

1. Government of Khyber Pakhtunkhwa, through Secretary Health, Peshawar.
2. Director General Health Services, Government of Khyber Pakhtunkhwa Peshawar. ✓
3. Medical Superintendent, Government City Hospital Kohat Road, Peshawar.....(Respondents)

APPEAL U/S 4 OF THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL ACT, 1974, AGAINST THE
ORDER DATED 27/12/2013 PASSED BY
RESPONDENT NO. 1 WHEREBY THE
DEPARTMENTAL APPEAL OF THE APPELLANT
HAS BEEN REJECTED WHICH HAD FIELD
AGAINST THE ORDER DATED 05/08/2010 OF
RESPONDENT NO. 2 WHEREBY THE APPELLANT
WAS REMOVED FROM SERVICE WITH
IMMEDIATE EFFECT.

12/2/14
12/2/14

(2)

PRAYER IN APPEAL:

On acceptance of this appeal, the impugned order dated 27/12/2013 of respondent No. 1 and order dated 05/08/2010 of respondent No. 2 may kindly be set aside and the appellant may kindly be ordered to be reinstated in service with all back benefits.

Respectfully Sheweth:

1. That the appellant joined the respondent Department as Muslims Sweeper in the year 1999 and since then performed his duties with honesty and full deviation and to the entire satisfaction of his superior officers. (Copy of appointment order dated 21/12/1999 is attached as annexure "A").
2. That the appellant remained posted to various hospitals and while lastly posted to Government City Hospital, Peshawar, was issued charge sheet with statement of allegation, on 11/05/2010, which was replied in detail, explaining the true position. (Copy of charge sheet and reply is attached as annexure "B" & "C" respectively).
3. That thereafter an illegal inquiry was conducted upon which show cause notice was issued to the appellant

which too was replied. (Copy of the inquiry findings, show cause notice and reply therein are attached as annexure "D", "E", & "F" respectively).

4. That finally the appellant was awarded the punishment of removal from service with immediate effect by respondent No. 2 vide order dated 05/08/2010. (Copy of order dated 05/08/2010 is attached as annexure "G").
5. That the appellant filed departmental appeal before respondent No. 1 on 19/08/2010, which was responded on 27/12/2013 stating therein that the departmental proceedings stand exhausted however, the appellant can approach Court of law for legal remedy. (Copy of appeal and order is attached as annexure "H" & "I" respectively).
6. That the impugned order dated 27/12/2013 of respondent No. 1 and order dated 05/08/2010 of respondent No. 2 are against the law, acts and principles of justice on grounds inter-alia as follows:

GROUND:

- A. That the impugned orders are illegal and void ab-initio.

- B. That the appellant has not been treated in accordance with law and rules on the subject.

- C. That no proper inquiry was conducted, no one was examined in presence of the appellant nor was he provided with opportunity to cross examine the witnesses.

- D. That the appellant never took any bribes, in fact the appellant was made scape goat and the officers which the appellant had mentioned in his reply were spared, thus the appellant has been discriminated and his version has not been considered.

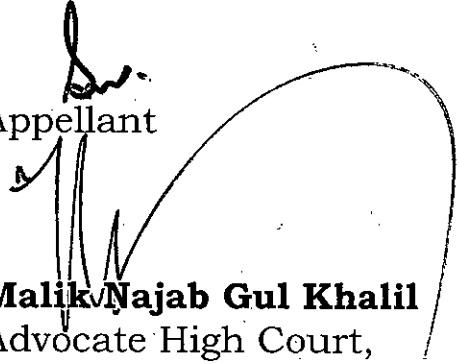
- E. That the appellant was Class-IV employees and had no power to appoint some one, nor to offer any post to some one, it was a plan hatched against the appellant by the Medical Superintendent of the time, who had taken the bribes.

- F. That even the signature on the orders of two persons were declared fake by the inquiry officer without verifying the same from FSL, which speaks of malafide.

G. That even otherwise, the appellant had paid the amount to the two persons and thus no loss was caused to anyone.

H. That the appellant has more than twelve yours of service with unblemished service record and is jobless since his illegal removal from service.

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


Appellant

Through

Dated: 12/02/2014

Malik Najab Gul Khalil
Advocate High Court,
Peshawar.

6

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA,
PESHAWAR.

Service Appeal No. _____/2014

Sagheer Akhtar Ex-Muslim Sweeper.....(Appellant)

VERSUS

Government of Khyber Pakhtunkhwa, through Secretary
Health, Peshawar and others.....(Respondents)

AFFIDAVIT

I, Sagheer Akhtar Ex-Muslim Sweeper Government City
Hospital Kohat Road, Peshawar, do hereby solemnly affirm
and declare that all the contents of the accompanying **Service
Appeal** are true and correct to the best of my knowledge and
belief and nothing has been concealed from this Hon'ble
Court.


DEPONENT

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA,
PESHAWAR.

Service Appeal No. _____/2014

Sagheer Akhtar Ex-Muslim Sweeper.....(Appellant)

VERSUS

Government of Khyber Pakhtunkhwa, through Secretary Health, Peshawar and others.....(Respondents)

ADDRESSES OF THE PARTIES

APPELLANT:

Sagheer Akhtar Ex-Muslim Sweeper
Government City Hospital Kohat Road, Peshawar.

RESPONDENTS:

1. Government of Khyber Pakhtunkhwa, through Secretary Health, Peshawar.
2. Director General Health Services, Government of Khyber Pakhtunkhwa Peshawar.
3. Medical Superintendent, Government City Hospital Kohat Road, Peshawar.

Appellant

Through

Malik Najab Gul Khalil
Advocate High Court,
Peshawar.

Dated: 12/02/2014

MARDAN MEDICAL COMPLEX MARDAN.

No. 3590 /MMC.

Dated 21/12 /1999.

To:

Mr. Sagheer Akhter
810 Wahed Gul No
Gujan Ghari Mardan.

SUBJECT:- APPOINTMENT ON FIXED PAY.

Memo:

On the recommendations of the Selection Committee, you are hereby appointed as Sweeper on fixed pay of Rs.1800/- p.m. on the following terms & conditions:

1. You will be paid fixed pay of Rs.1800/- per month.
2. Your appointment is purely temporary and liable to termination at any time without assigning reasons or notice.
3. Initially your appointment will automatically expire on 30.6.2000 which will be extendable for further period subject to the approval of the government.
4. You will not be entitled to any kind of leave, allowances, pension, TA/DA or medical claim during your service.
5. In case of resignation, you will have to submit one months prior notice or forfeit one month's pay in lieu thereof to the government.
6. If you failed to resume your duties within 10 days, your appointment shall stand cancelled.
7. You will have to produce the following documents at the time of your arrival for duty:
 1. Health & Age Certificate.
 2. Domicile Certificate.
 3. National Identity Card.
 4. Character certificate.

[Signature]

Administrator
Mardan Medical Complex,
Mardan.

No. 1 /MMC

Copy forwarded to:

1. Disst: Accounts Officer, Mardan.
2. Accountant MMC: Mardan.

for information & necessary action.

[Handwritten signature]

[Signature]

Administrator,
Mardan Medical Complex,
Mardan.

(9)

B

CHARGE SHEET.

1. I, Dr. Fazal Mahmood, Director General Health Services, Khyber Pukhtunkhwa as competent authority, hereby charge you (Mr. Sagheer Akhtar Muslim Sweeper) attached to Govt: City Hospital Peshawar as follows:-

a. As per Enquiry preliminary report submitted by M.S City Hospital Peshawar you had taken an amount of Rs. 80,000/- from Mr. Naeem Khan S/o Masal Khan and Mr Abdullah S/o Jangrez Khan of District Charsadda as bribe and given them bogus appointment orders.

b. Misconduct

2. By reasons of the above, you appear to be guilty of mis-conduct under rules 3 of the Khyber Pukhtunkhwa, Removal from Service (Special Powers) amended Ordinance, 2000 and have rendered yourself liable to all or any of the penalties specified in Section-3 of the Ordinance ibid.

3. You are therefore, required to submit your written defence within seven days of the receipt of this Charge Sheet to the Enquiry Officer.

4. Your written defence, if any, should reach to the Enquiry Officer within the specified period, failing which it shall be presumed that you have no defence to put in and in that case exparte action shall follow against you.

5. A Statement of allegations is enclosed.

DIRECTOR GENERAL HEALTH
SERVICES, K.P.K PESHAWAR.

U.O NO. 2417 /Personnel
Date: 11 /05/2010

✓ To: Mr. Sagheer Akhtar Muslim Sweeper attached to Govt: City Hospital
Kohat Road Peshawar.

For information and necessary action.

Sagheer
of

MA
DIRECTOR GENERAL HEALTH
SERVICES, K.P.K PESHAWAR.

STATEMENT OF ALLEGATIONS:

1. As per preliminary enquiry report submitted by M.S City Hospital Peshawar you had taken an amount of Rs. 80,000/- from Mr. Naeem Khan S/o Masal Khan and Mr Abdullah S/o Jangrez Khan of District Charsadda as bribe and given them bogus appointment orders.
2. Misconduct

Statement of

To,

The Director General Health
Services Khyber Pukthunkhwa
Peshawarr

SUBJECT:- CHARGE SHEET.

R/Sir,

Reference Director General Health Services Khyber Pukthunkhwa Peshawar your office order No.2417/Personnel dated 11.05.2010 on the subject noted above.

I have the honour to submit my written statement/defence as given below:-

As perverbally ordered by Medical Superintendent Govt: City Hospital Kohat Road Peshawar I had taken Rs 80,000/- from Mr. Naeem Khan and Mr. Abdullah the Medical Superintendent hand over two appointment orders to me on the above named.

When the said two persons came for arrival, to hospital i was informed by some sources that Medical Superintendent has already been filled the some vacant post from another persons. Mr. Naeem Khan and Mr. Abdullah was returned by the Medical Superintendent with the remarks that these order are bogused. Although Medical Superintendent has taken Rs. 80,000/- from me against these appointment orders. I was ashamen in front of the said two persons. They demand for thier money, in that time I have no too much money but on the insist of the two persons i contact Medical Superintendent so many times to returned me Rs. 80,000/- of the said persons, but Medical Superintendent refused from. I collect Rs. 80,000/- as lean from some one and give back to Mr. Naeem and Abdullah on my repeat insist The Medical Superintendent didat agree to paid me the said mony. The Medical Superintendent lehvelid the said allegations against me out of notice so that KK the Medical Superintendent should not make a demand for money.

I am a peer man, having 05 childrens and only one family member. I cannot afford the said amount.

Therefore, Medical Superintendent harsas me as I saspent and now trying to Bismies me from Services.

You are requested to consider my statement/defences sympathetically and do mercy on my children.

Due to the above mentioned facts I was labled for misconduct although its unjustice and unlaw ful with my services.

Submitted for information with the request to keep the above facts
if frent for judgement with my service and life.

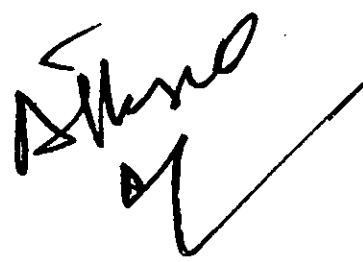
Thank you sir,

Your's Obediently.



Mr. Sagheer Akhtar
Muslim Sweeper
Govt: City Hospital
Kohat Road Peshawar.

Dated 25/05/2010.



(13)

D

SHOW CAUSE NOTICE:

1. I, Dr. Fazal Mahmood, Director General Health Services, NWFP, Peshawar, as competent authority, under the NWFP Removal from Service (Special Powers) amended Ordinance, 2000, do hereby serve you, Mr. Sagheer Akhtar, Muslim Sweeper attached to Govt City Hospital, Peshawar as follows:-

- a. That consequent upon the completion of the enquiry conducted against you by the Enquiry Officer for which you were given opportunity of hearing before the Enquiry Officer.
- b. On going through the findings and recommendations of the Enquiry Officer, the material on record and other connected papers including your defence before the said Enquiry Officer.

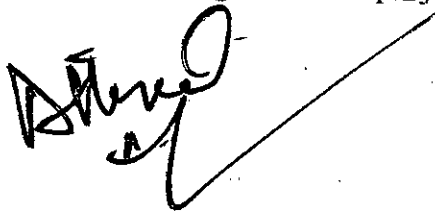
I am satisfied that you have committed the following acts/omissions specified in Section 3 of the said Ordinance:-

- i. As per report from the Medical Superintendent, Govt City Hospital, Peshawar you have taken an amount of Rs. 80,000/- from Mr. Naccm Khan S/O Asal Khan and Mr. Abdullah S/O Jangrez Khan of District Charsadda as bribe and given them the bogus appointment orders.
- ii. Misconduct.


2. In term of Section-3 of the Removal from Service (Special Powers)amended Ordinance, 2000, in the capacity of competent authority, I have tentatively decided to impose upon you the major penalty of **REMOVAL FROM SERVICE**. Also intimate whether you desire to be heard in person.

4. You are therefore directed to show cause as to why the above penalty should not be imposed upon you. If no reply to this notice is received within fifteen days of its issuance, it shall be presumed that you have no defense to put in and in that case an exparte action shall be taken against you.

5. Copy of the findings of the Enquiry Report is enclosed



Mr. Sagheer Akhtar, Muslim, Sweeper,
C/O Medical Superintendent, Govt City Hospital,
Peshawar.



(DR. FAZAL MAHMOOD)
DIRECTOR GENERAL HEALTH SERVICES,
KHYBER PAKHTUNKHWA, PESHAWAR.

(14) 97

ENQUIRY REPORT IN CASE OF MR. SAGHEER AKHTAR MUSLIM SWEEPER
GOVT CITY HOSPITAL KOHAT ROAD PESHAWAR

The undersigned was entrusted the above mentioned enquiry vide DGHS Khyber Pakhtunkhwa order No. 2418-20/Personnel dated 11/05/2010.

Proceedings

1. The accused Mr. Sagheer Akhtar was directed vide No. 3799/GCH/Enq file dated 20/05/2010 to appear before the undersigned along with documents etc in his defence on 25/05/2010 at 10:00 am (Annex - 1).
2. He appeared on 26/05/2010 instead of 25/05/2010 and recorded his statement (Annex-2) however, he requested to be given a period of 2 - 3 days so that he can bring some witness in his defence.
3. Statement of Mr. Muhammad Jameel Supervisor of class-iv staff was also recorded as it was relevant to the case. (Annex - 3)
4. The accused had promised to bring his witness in 2-3 days but he did not appear till the specified date so the undersigned tried to contact him on his two cell numbers but the calls were not responded. Another letter was sent to him vide # 3915/GCH/Enq file-10 dated 31/05/2010 directing him to appear for enquiry proceedings (Annex-5).
5. The accused presented himself on 31/05/2010 in afternoon but again requested for another period of two days (Annex - 4)

6. On 02/06/2010, the accused finally appeared before the undersigned and brought one Mr. Iftikhar Khan S/o Umar Bakhsh NIC # 17201-1661747-1 as his witness. Statement of Mr. Iftikhar was recorded (Annex-6). In the light of the statement of Mr. Iftikhar, an additional statement of the accused was recorded (Annex-7).

7. Statement of Dr. Saleem Khan and Dr. Riaz Ahmad Srgh of City Hospital were also recorded (Annex-8).
8. The personal file of accused was also thoroughly checked and his confessional statement (Annex-9) and the statement of the initial complainants Mr. Naeem Khan and Mr. Abdulla (Annex-10) were checked. The bogus appointment orders with the forged signature of the Medical Superintendent (Annex-11 & 12) were also retrieved.
9. Statement of Dr. Muhammad Zaman Khattak Medical Superintendent Govt City Hospital was also obtained (Anex-13)

Facts:

1. Two persons namely Mr. Naeem Khan and Mr. Abdulla appeared to the administration of the hospital for duty along with appointment letters (Annex-11&12). On verification it was found that these orders were not issued by the hospital and are fake with forged signature of the Medical Superintendent.

- (15) 99
2. These two persons in their verbal statements and later in written statement (Annex-10) blamed Mr. Sagheer Akhtar Muslim Sweeper of the City Hospital for taking Rs. 80,000/- (Rs. 40,000/- per each of the two) and bringing them the appointment letters.
3. The accused Mr. Sagheer Akhtar stated in writing (Annex-9) that he had taken the amount of Rs. 80,000/- and signed the orders himself.
4. Later in his written statement (Annex-2) before the undersigned, the accused Mr. Sagheer Akhtar changed his stance, he accepted the charge that he has been taking money from various people and offering Govt Jobs, but he had given this amount to the Medical Superintendent of City Hospital. However, he failed to produce any witness / documents in support of his allegations against the Medical Superintendent. On a query that why he had accepted both verbally as well as in writing, the responsibility for fake appointment letters and forged signature of the Medical Superintendent, his reply was not satisfactory, that he did it under pressure and duress.
5. Mr. Iftikhar S/o Umar Bakhsh, (who was presented by the accused as a witness in his support) in his statement (Annex-6) stated that the accused is his neighbor, and had taken a sum of Rs. 210,000/- from him for providing job in city hospital to him i.e. Mr. Iftikhar and three other people namely Mr. Hidayat, Mr. Aziz and Mr. Zahid, the amount was taken by him about 7-8 months back, but the accused was then making excuses and finally on persistent demands, he give me in writing, (initially on a plain paper and later on a stamped paper) that he will returned the amount latest by 15/06/2010. As he (Mr. Iftikhar) had become a guarantor for the other three persons and took the money from the three and gave it to the accused, now the three, through a local Nazim confiscated his taxi car till the return of the amount.
6. Mr. Muhammad Jameel supervisor class-iv staff of City Hospital in his statement (Annex-3) stated that the two persons came to him along with appointment letters for assigning of duties to them, that I informed these two persons that appointments on all vacant posts has been completed, on this the two informed me that Mr. Sagheer Akhtar has given them these orders. On verification from the Establishment office of the hospital, it was found that the orders were fake with fake dispatch numbers and forged signature of the Medical Superintendent. These two people informed that they have paid Rs. 80,000/- i.e. Rs. 40,000/- each to MR. Sagheer Akhtar.
7. Dr. Saleem Khan and Dr. Riaz Ahmad Shah in their combined statement (Annex-8) stated the following:
- i. Mr. Naeem Khan and Mr. Abdullah residents of Sardar Khel, Katozai Shabqadar confirmed to them that Sagheer Akhtar had taken a sum of Rs. 40,000/- from each of them on a pledge to arrange jobs for them in city hospital.
 - ii. That Sagheer Akhtar accordingly, handed appointment letters to both of them duly signed by the Medical Superintendent and bearing dispatch numbers, but on arrival in the hospital, it was founded that these appointment orders were fake with forged signature of the Medical Superintendent.

- (16) 10/
- iii. That Sagheer Akhtar accepted his guilt and returned the money back to both of them.
 - iv. Mr. Sagheer Akhtar in his written statement confessed his crime i.e. taking bribe from the two persons and issuing them these appointment letters.
 8. Dr. Zaman Khattak Medical Superintendent City Hospital in his written statement (Annex-13) stated that the signature on fake appointments are not affixed by him and that the diary numbers are also fake.

Conclusions:

1. Sagheer Akhtar has taken a sum of Rs. 80,000/- from Mr. Naeem Khan and Mr. Abdullah and issued them bogus appointment letters with fake signatures of the Medical Superintendent, and when caught for the crime, returned the money back, hence committed these crimes i.e. taking bribe, preparing and issuing bogus appointment letters and committing forgery by affixing signature of the Medical Superintendent.
2. He also took Rs. 210,000/- from another four persons namely Mr. Iftikhar, Mr. Hidayat, Mr. Zahid and Mr. Aziz with a pledge of providing jobs to them in City Hospital, the amount still being not paid back.
3. He, in the end blamed the Medical Superintendent for taking the money from him, but he could not produced any witness or documentary proof in his support, and the circumstantial evidence, all the statements of various persons indicate that he is the actual culprit.

Recommendation:

Mr. Sagheer Akhtar has committed gross misconduct by taking bribes from various people on the false pledges to giving them Govt jobs, issuing fake appointment letters and affixing forged signature of the Medical Superintendent hence has made himself liable to be awarded major penalty of removal from service.

Shaukat

Enquiry Officer

Shaukat Jamal Amiradah
Dr. Shaukat Jamal Amiradah
Dermatologist BPS-20
City Hospital Peshawar

① MS City Hospital
Kohat Road Pesh.

...2...

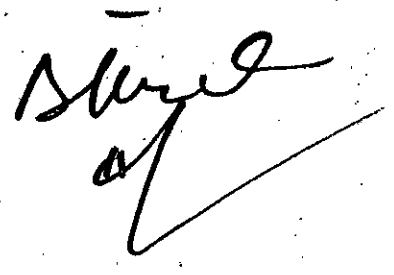
3-

Regarding merits of the case No case has been made out against me through the evidence adduced by the prosecution and I will therefore be against the established principal of justice to impose any penalty on me. If it is done so, grave miscarriage as justice with the occasioned. The report of inquiry officer is based misconsent of law and facts.

I would also like to be heard in personally before any penalty is imposed upon me.

Yours Obediently

Muhammad Sagheer Akhtar
Muslim Sweeper.
GCH Pakistan



OFFICE ORDER

1. WHEREAS Mr. Sagheer Akhtar, Sweeper attached to Govt City Hospital, Peshawar was proceeded against under the Khyber Pakhtunkhwa Removal from Service (Special Powers) amended Ordinance, 2000 for the charges mentioned in the Charge Sheet.
2. AND WHEREAS, after completion of the enquiry conducted against him by the Enquiry Officer, the charges leveled against him were proved.
3. AND WHEREAS, Show Cause Notice was served upon him wherein major penalty of Removal from Service was proposed to be imposed upon him.
4. AND WHEREAS upon receipt of reply to the Show Cause Notice, an opportunity of personal hearing was provided to him, but his reply was not found satisfactory.
5. NOW, therefore, after completion of all legal formalities and on ascertaining the facts that the charges leveled against him have been proved, I, Dr. Sajid Shahn, Director General Health Services, Khyber Pakhtunkhwa, being competent authority in exercise of the powers under Rule-3 of the Khyber Pakhtunkhwa Removal from Service (Special Powers) amended Ordinance, 2000 am pleased to impose the major penalty of Removal from Service upon him (Mr. Sagheer Akhtar, Sweeper) attached to Govt City Hospital, Peshawar with immediate effect.

XXXX XX XX XX
 DIRECTOR GENERAL HEALTH SERVICES,
 KHYBER PAKHTUNKHWA, PESHAWAR

No. 4202-05 Personnel

Date: 5/8/2010

- Copy forwarded to the :-
1. Secretary to Govt of NWFP, Health Department, Peshawar.
 2. Medical Superintendent, Govt City Hospital, Peshawar w/r to his letter No. 3076/PE/GCIP dated 14.4.2010
 3. Accountant General, Khyber Pakhtunkhwa, Peshawar.
 4. Mr. Sagheer Akhtar, Sweeper, Govt City Hospital, Peshawar.

For information and necessary action.

Shiraz

(DR. SAJID SHAH) *5/8/10*
 DIRECTOR GENERAL HEALTH SERVICES,
 KHYBER PAKHTUNKHWA, PESHAWAR

*DAHS
 Cancel the
 above order*

Aliy
 17/1
 SYED ZAHIR ALI SHAH
 Minister for Health
 NWFP

*Cl/o
 Abdul Akbar
 Khan*

(Better Copy)

OFFICE ORDER

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3. And whereas, Show Cause Notice served upon him wherein major penalty of Removal from Service was proposed to be imposed upon him.
4. And whereas, upon receipt of reply to the Show Cause Notice, an opportunity of personal hearing was provided to him, but his reply was not found satisfactory.
1
5. Now, therefore, after completion of all codal formalities and on ascertaining the facts that the charge leveled against him have been proved, I. Dr. Sajjad Shaheen, Director General Health Services, Khyber Pakhtunkhwa, being competent authority in of the powers under Rule-3 of the Khyber Pakhtunkhwa Removal From Service (Special Powers) amended Ordinance, 2000 and pleased to impose the major penalty of Removal from Service upon him (Mr. Sagheer Akhtar, Sweeper) attached to Govt City Hospital, Peshawar with immediate effect.

SD xx xx xx xx

Director General Health Services
Khyber Pakhtunkhwa, Peshawar.

No. 4202-05/Personal

Dated: 5/08/2010

Copy forwarded to the:

1. Security to Government of NWFP, Health Department, Peshawar.
2. Medical Superintendent, Govt City Hospital, Peshawar w/r to his letter No. 3076-PF/GCHP dated 14.4.2010
3. Account General Khyber Pakhtunkhwa, Peshawar.
4. Mr. Sagheer Akhtar, Sweeper, Govt City Hospital, Peshawar.
For information and necessary action.



(Dr. Sajid Shaheen)
Director General Health Services
Khyber Pakhtunkhwa, Peshawar.

جنسور جناب سکریٹری ہیلتھ گورنمنٹ آف خیبر پختون خواہ، پشاور

عنوان:- درخواست برائے بحالی سائل برکلاس فور ایمپلائئی

Letter Reference No. 4202-5/Personnel Dated 05/08/2010 (DGHS)

جناب عالی:

مودبانہ گزارش ہے کہ سائل ٹی ہسپتال میں کلاس فور کا ملازم ہے۔ اور سائل ڈاکٹر بہالہ مراد ہیں۔ اور DG صاحب نے ایک انکوائری میں مجھے سیشنل پاؤر آرڈینینس 2000 استعمال کر کے بروئے آرڈر نمبر 1 No. 4202-5/Personnel Dated 05/08/2010 (DGHS) مجھے فارغ کر دیا۔ جبکہ ان کے پاس یہ اختیارات ختم ہو چکے ہیں۔

جناب عالی:

جو Appointment ایسٹوہونے ہیں اس پر ڈاکٹر زمان خشک MS سٹی ہسپتال کو باب 10 میں اور پینل دستخط ہیں۔ متعلقہ کیس میں ایک ڈاکٹر کو انکوائری آفیسر بنایا گیا تھا۔ جو کہ MS سٹی ہسپتال کے ماتحت تھا اور اس طرح اس سے شفاف انکوائری رپورٹ کی توقع نہیں کی جاسکتی۔

میں ایک غریب بندہ ہوں اور میرے پانچ چھوٹے چھوٹے بچے ہیں قصور میرا ہے میرے بچوں کو نہیں۔ سائل آپ صاحبان سے عرض گزار ہے کہ سائل کو اس کی ڈیوٹی پر دوبارہ بحال کریں تاکہ سائل اپنے بچوں کو روزانہ حال کما کر دے سکے۔ سائل آپ کی اس مہربانی کے لیے زندگی بھر مشکور رہے گا۔

العاض
25/3
ASE
PR. get report
from Dr. Balas
put up.

سائل:- صغیر اختر ولد واحد گل سکنہ گجر گڑھی مردان۔ سابقہ کلاس فور سٹی ہسپتال کوہاٹ روڈ پشاور

D. No. 6893

Dated: 19-08-2010

Handwritten signature/initials



21

1

GOVT. OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

No. SOH-III/8-89/2010(Sagheer Akhtar)
Dated the Peshawar 27th December, 2013

To

The Sagheer Akhtar S/O Wahid Gul
Resident of Mollaha Bari Chan Gogar Ghari,
Tehsil Takht Bahi District, Mardan.

SUBJECT: APPLICATION FOR RE-INSTATEMENT OF CLASS-IV EMPLOYEE.

I am directed to refer to the subject noted above and to state that departmental proceedings stand exhausted. The applicant however, can approach court of law for legal remedy.

(Wajid Ali Khan)
Section Officer-III

Endst: of even no & date.

Copy forwarded to:-

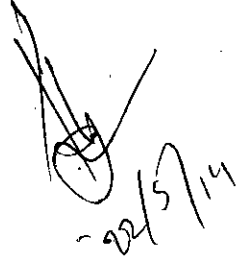
1. PS to Minsiter Health, Khyber Pakhtunkhwa.
2. PS to Secretary Health, Khyber Pakhtunkhwa.
3. PA to Special Secretary Health, Khyber Pakhtunkhwa.
4. PA to Additional Secretary (E) Health, Khyber Pakhtunkhwa.

Section Officer-III

Shahid

BEFORE THE SERVICES TRIBUNAL, KHYBER
PAKHTUNKHWA, PESHAWAR.

Service appeal No. 204 /2014.


- 02/5/14

Sagheer Akhtar Ex-Muslim Sweeper.....Appellant/petitioner.

Versus

Government of Khyber Pakhtunkhwa through Secretary
Health, Peshawar and others.....Respondents.

Application for condonation of delay in
lodging the appeal.

.....

Respectfully Sheweth,

It is submitted as under: -

1. That the appellant/petitioner has filed an appeal for re-instatement with all back benefits on 12/2/14.
2. That the appeal was lodged on 12/2/14 against the order dated 27/12/13 and there is some delay in lodging the appeal.

3. That the said delay is neither intentional nor deliberate one.
4. That valuable rights of the appellant /petitioner are involved in the instant case and it will be in the great interest of justice, if the delay is condoned.
5. That there is no bar in condonation of delay in lodging the appeal.

It is, therefore, requested that the delay in lodging the appeal may kindly be condoned to meet the ends of justice.

Dated: - 22/5/14.

Petitioner

Through: -

(Malik Najab Gul Khan Khalil)

Advocate High Court,
Peshawar.

Sm
The content of the
application is true in
my belief.
[Signature]

22/5/2014

ATTESTED
ABDUR RASHID ABUSCATE
Oath
Commissioner
Peshawar

22/5/2014

BEFORE THE SERVICES TRIBUNAL, KHYBER
PAKHTUNKHWA, PESHAWAR.

Service appeal No. 204 /2014.

Sagneer Akhtar Ex-Muslim Sweeper.....Appellant/petitioner.

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Through: -

(Malik Najab Gul Khan Khalil)
Advocate High Court,
Peshawar.

8/1
The contents of the application is true in my belief
[Signature]

22/5/2014

ATTESTED



22/5/2014

BEFORE THE SERVICES TRIBUNAL, KHYBER

PAKHTUNKHWA, PESHAWAR.

Service appeal No. 204 /2014.

Sagheer Akhtar Ex-Muslim Sweeper.....Appellant/petitioner.

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Through: -

(Malik Najab Gul Khan Khalil)
Advocate High Court,
Peshawar.

San
The content of the
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my belief.
TK

ATTESTED



BEFORE THE SERVICES TRIBUNAL, KHYBER
PAKHTUNKHWA, PESHAWAR.

Service appeal No. 204 /2014.

Sagheer Akhtar Ex-Muslim Sweeper.....Appellant/petitioner.

Versus

Government of Khyber Pakhtunkhwa through Secretary
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Dated: - 22/5/14.

Petitioner

Through: -

(Malik Najab Gul Khan Khalil)
Advocate High Court,
Peshawar.

21
The contents of the
application is true in
my belief
[Signature]

ATTESTED



22/5/2014

BEFORE SERVICE TRIBUNAL PESHAWAR.

Appeal No. 204/2014

Sagheer Akhtar Ex: Muslim Sweeper.....Appellant.

Versus.

Government of Khyber Pakhtunkhwa & Others.....Respondents.

Parawise comments on behalf of respondent No.1 & 2.

Preliminary Objections:-

1. That the appellant has no cause of action.
2. That the appeal is not maintainable and also time barred.
3. That the appeal is bad for mis joinder and non joinder of necessary parties.
4. That the appellant has no locus standi and also estopped by his own conduct to file the appeal.
5. That the appellant has not come to the Tribunal with the clean hands.

FACTS.

1. Incorrect. The Ex: official had not performed his duty with honesty devotion as is evident from the Enquiry report submitted by Enquiry Officer Dr. Shaukat Jamal Amir Zada Dermatologist BPS-20 City Hospital Peshawar (at Annexure-I). He was also transferred from MMC Mardan on Admn: grounds.
2. The official while posted in City Hospital Peshawar, issued with Charge sheet and Statement of allegations and he could not proved him self as innocent (copy of the enquiry report at Annexure-II).
3. The enquiry was conducted against the official under the rules and relevant law and after falling all the codal formalities proper show cause Notice was issued according to law.
4. The punishment was awarded to official concerned after fulfillment of all codal formalities as required under the rules at that time.
5. No comments.
6. Not correct.

GROUNDS:

- A. Incorrect, proper disciplinary action as per provision of the RSO 2000 was initiated against the appellant by appointing the enquiry officer Dr. Shaukat Jamal Amirzada Dermatologist BPS-20 City Hospital Peshawar at Annexure-I).
- B. As in para-A above.
- C. Incorrect. The Appellant was involved in appointing four Class-IV on fake/bogus appointment orders under the fake signature of then M.S City Hospital Peshawar as was reported by the then M.S. City Hospital Peshawar on the basis of

- preliminary enquiry report (at Annexure-III). Further all codal formalities were fulfilled.
- D. Incorrect. As Appellant has been proved guilty in the enquiry report conducted by Dr. Shaukat Jamal Amirzada according to law (at Annexure-IV).
- E. The appellant was proved to be involved in the bogus appointment order as per enquiry report submitted by Dr. Shaukat Jamal Amirzada (at Annexure-I).
- F. All the aspects were properly examined by the enquiry officer and the bogus appointment order were proved to be issued by the Appellant.
- G. The Appellant himself admitted to have returned the bribes by him for the fake order which is an ample proof of his involvement.
- H. Not correct of the extent of unblemished service as narrated above.

It is therefore, requested that the Appeal may kindly be dismissed with cost.

Director General Health Services,
Khyber Pakhtunkhwa, Peshawar.
(Respondent No. 2)

29/4/15

Secretary to
Government of Khyber Pakhtunkhwa
Health Department, Peshawar.
(Respondent No.1).

Annex - I

9

ENQUIRY REPORT IN CASE OF MR. SAGHEER AKHTAR MUSLIM SWEEPER
GOVT CITY HOSPITAL KOHAT ROAD PESHAWAR

The undersigned was entrusted the above mentioned enquiry vide DGHS Khyber Pakhtunkhwa order No. 2418-20/Personnel dated 11/05/2010.

Proceedings

1. The accused Mr. Sagheer Akhtar was directed vide No. 3799/GCH/Enq file dated 20/05/2010 to appear before the undersigned along with documents etc in his defence on 25/05/2010 at 10:00 am (Annex - 1).
2. He appeared on 26/05/2010 instead of 25/05/2010 and recorded his statement (Annex-2) however, he requested to be given a period of 2 - 3 days so that he can bring some witness in his defence.
3. Statement of Mr. Muhammad Jameel Supervisor of class-iv staff was also recorded as it was relevant to the case. (Annex - 3)
4. The accused had promised to bring his witness in 2-3 days but he did not appear till the specified date so the undersigned tried to contact him on his two cell numbers but the calls were not responded. Another letter was sent to him vide # 3915/GCH/Enq file-10 dated 31/05/2010 directing him to appear for enquiry proceedings (Annex-5).
5. The accused presented himself on 31/05/2010 in afternoon but again requested for another period of two days (Annex - 4)
6. On 02/06/2010, the accused finally appeared before the undersigned and brought one Mr. Iftikhar Khan S/o Umar Bakhsh NIC # 17201-1661747-1 as his witness. Statement of Mr. Iftikhar was recorded (Annex-6). In the light of the statement of Mr. Iftikhar, an additional statement of the accused was recorded (Annex-7).
7. Statement of Dr. Saleem Khan and Dr. Riaz Ahmad Shah of City Hospital were also recorded (Annex-8)
8. The personal file of accused was also thoroughly checked and his confessional statement (Annex-9) and the statement of the initial complainants Mr. Naeem Khan and Mr. Abdullah (Annex-10) were checked. The bogus appointment orders with the forged signature of the Medical Superintendent (Annex-11 & 12) were also retrieved.
9. Statement of Dr. Muhammad Zaman Khattak Medical Superintendent Govt City Hospital was also obtained (Anex-13)

Facts:

1. Two persons namely Mr. Naeem Khan and Mr. Abdullah appeared to the administration of the hospital for duty along with appointment letters (Annex-11&12). On verification it was found that these orders were not issued by the hospital and are fake with forged signature of the Medical Superintendent.

2. These two persons in their verbal statements and later in written statement (Annex-10) blamed Mr. Sagheer Akhtar Muslim Sweeper of the City Hospital for taking Rs. 80,000/- (Rs. 40,000/- per each of the two) and bringing them the appointment letters.
3. The accused Mr. Sagheer Akhtar stated in writing (Annex-9) that he had taken the amount of Rs. 80,000/- and signed the orders himself.
4. Later in his written statement (Annex-2) before the undersigned, the accused Mr. Sagheer Akhtar changed his stance, he accepted the charge that he has been taking money from various people and offering Govt Jobs, but he had given this amount to the Medical Superintendent of City Hospital. However, he failed to produce any witness / documents in support of his allegations against the Medical Superintendent. On a query that why he had accepted both verbally as well as in writing, the responsibility for fake appointment letters and forged signature of the Medical Superintendent, his reply was not satisfactory, that he did it under pressure and duress.
5. Mr. Iftikhar S/o Umar Bakhsh, (who was presented by the accused as a witness in his support) in his statement (Annex-6) stated that the accused is his neighbor, and had taken a sum of Rs. 210,000/- from him for providing job in city hospital to him i.e. Mr. Iftikhar and three other people namely Mr. Hidayat, Mr. Aziz and Mr. Zahid, the amount was taken by him about 7-8 months back, but the accused was then making excuses and finally on persistent demands, he give me in writing, (initially on a plain paper and later on a stamped paper) that he will returned the amount latest by 15/06/2010. As he (Mr. Iftikhar) had become a guarantor for the other three persons and took the money from the three and gave it to the accused, now the three, through a local Nazim confiscated his taxi car till the return of the amount.
6. Mr. Muhammad Jameel supervisor class-iv staff of City Hospital in his statement (Annex-3) stated that the two persons came to him along with appointment letters for assigning of duties to them, that I informed these two persons that appointments on all vacant posts has been completed, on this the two informed me that Mr. Sagheer Akhtar has given them these orders. On verification from the Establishment office of the hospital, it was found that the orders were fake with fake dispatch numbers and forged signature of the Medical Superintendent. These two people informed that they have paid Rs. 80,000/- i.e. Rs. 40,000/- each to MR. Sagheer Akhtar.
7. Dr. Saleem Khan and Dr. Riaz Ahmad Shah in their combined statement (Annex-8) stated the following:
 - i. Mr. Naeem Khan and Mr. Abdullah residents of Sardar Khel, Katozai Shabqadar confirmed to them that Sagheer Akhtar had taken a sum of Rs. 40,000/- from each of them on a pledge to arrange jobs for them in city hospital.
 - ii. That Sagheer Akhtar accordingly, handed appointment letters to both of them duly signed by the Medical Superintendent and bearing dispatch numbers, but on arrival in the hospital, it was founded that these appointment orders were fake with forged signature of the Medical Superintendent.

- iii. That Sagheer Akhtar accepted his guilt and returned the money both of them.
- iv. Mr. Sagheer Akhtar in his written statement confessed his crime taking bribe from the two persons and issuing them these appointment letters.

8. Dr. Zaman Khattak Medical Superintendent City Hospital in his written statement (Annex-13) stated that the signature on fake appointments are not affixed by him and that the diary numbers are also fake.

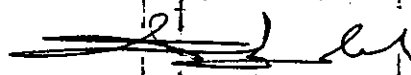
Conclusions:

1. Sagheer Akhtar has taken a sum of Rs. 80,000/- from Mr. Nagem Khan and Mr. Abdullah and issued them bogus appointment letters with fake signatures of the Medical Superintendent; and when caught for the crime, returned the money back, hence committed these crimes i.e. taking bribe, preparing and issuing bogus appointment letters and committing forgery by affixing signature of the Medical Superintendent.
2. He also took Rs. 210,000/- from another four persons namely Mr. Iftikhar, Mr. Hidayat, Mr. Zahid and Mr. Aziz with a pledge of providing jobs to them in City Hospital, the amount still being not paid back.
3. He, in the end blamed the Medical Superintendent for taking the money from him, but he could not produced any witness or documentary proof in his support, and the circumstantial evidence, all the statements of various persons indicate that he is the actual culprit.

Recommendation:

Mr. Sagheer Akhtar has committed gross misconduct by taking bribes from various people on the false pledges to giving them Govt jobs, issuing fake appointment letters and affixing forged signature of the Medical Superintendent hence has made himself liable to be awarded major penalty of removal from service.

Enquiry Officer



Dr. Shaukat Jamal Amirzadah
Dermatologist BPS-20
City Hospital Peshawar

OFFICE OF THE MEDICAL SUPERINTENDENT
GOVT: CITY HOSPITAL KOHAT ROAD PESH:

No. 3076 /PF/GCHP.

DT: 14 /04/2010.

To,

The Director General Health,
Services, NWFP, Peshawar.

SUB:- DETAIL ENQUIRY REGARDING FAKE APPOINTMENTS OF CLASS IV
IN GOVERNMENT CITY HOSPITAL PESHAWAR.

Sir,

I have the honour to forward the enquiry report in original regarding fake appointments of class-IV in Government City Hospital Kohat Road Peshawar for information and further necessary action please.

M. Aman
MEDICAL SUPERINTENDENT
GOVERNMENT CITY HOSPITAL
KOHAT ROAD PESHAWAR.

Enclosed:

1. Detail Enquiry Report.
2. Statement of Naeem Jan, & Mr. Abdullah (alongwith photocopy of CNIC).
3. Statement of Mr. Sagheer Akhtar Muslim Sweeper.
4. Appointments Orders.

6/1

The undersigned were entrusted the above mentioned enquiry vide the Medical Superintendent Govt. City Hospital Office No. 2985-86/GCH/Enq dated 09/04/2010.

To probe into the factual position, the statements of concerned official and affectee were taken.

PROCEEDING:-

According to the statement of Mr. Naeem Khan S/o Masal Khan resident of Shaheen Muslim Town Mohallah Afridi Abad Peshawar and Mr Abdullah S/o Jangrez Khan resident Mohallah Sardar Khel Kathozai Shubqadar that they met Mr. Sagheer Akhtar S/o Waheed Gul resident of Gujar Ghari District Mardan who is working as Muslim Sweeper in Govt City Hospital Kohat Road Peshawar, as we are jobless and looking for Government Job, we discussed this problem with Mr. Sagheer Akhtar and he offered a job for both of us in Govt. City Hospital Kohat Road Peshawar, demanding Rs. 40000/- each and we both paid him Rs. 80000/- and a few days later, we received appointment letter from Mr. Sagheer Akhtar. After that Mr. Sahgeer Akhtar accompanied us to the Police Hospital for Medical fitness certificate. Later on we showed these letters to my cousin Mr. Salman S/o Ahmadullah who is working as Laboratory Assistant in TB Hospital, and he after verification told us that the letters are fake.

Moreover we informed Mr. Sagheer Akhtar about the whole situation and he returned the whole amount (Rs. 80000/-).

After receiving the said amount, we have no personal grievances with Mr. Sagheer Akhtar and we have heartily forgiven him.

When Mr. Sagheer was inquired about this whole story then he said whatever Mr. Naeem and Mr. Abdullah had documented against me is true. I had taken Rs. 80000/- from them and given them fake appointment letters. When the facts revealed against me, I returned the whole amount (Rs. 80000/-) to Mr Naeem, and Mr Abdullah.

CONCLUSION:-

Keeping in view all the facts we reached to the conclusion that Mr. Sagheer Akhtar working as Muslim Sweeper in Govt City Hospital Kohat Road Peshawar has committed this crime and is guilty for all his doings. The case is forwarded to high ups for further proceeding.

Enquiry Officer

Dr Riaz Ahmad Shah
Medical Officer
City Hospital Peshawar

Enquiry Officer

Dr Saleem Khan
I/C Casualty Department
City Hospital Peshawar

CSF
M. D. G. H.
NL

Annex 51

57



DIRECTORATE GENERAL HEALTH
SERVICES, GOVT: OF KHYBER
Pukhtunkhwa, PESHAWAR.

NO 2416 /Personnel
DATED 11 /05/2010.

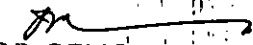

To,

The Medical Superintendent
Govt: City Hospital Kohat Road Peshawar.

Subject: **CHARGE SHEET/ STATEMENT OF ALLEGATIONS AGAINST
MR. SAGHEER AKHTAR MUSLIM SWEEPER.**

Memo:

Please find enclosed charge sheet/ statement of allegations against
Mr. Sagheer Akhtar Muslim Sweeper in duplicate 2nd copy of the charge sheet
may be signed from him in token of receipt and submit to this Directorate
urgently.

of
ce 
DIRECTOR GENERAL HEALTH
SERVICES, K.P.K PESHAWAR 

S.M Ali Shah

CHARGE SHEET.

1. I, Dr. Fazal Mahmood, Director General Health Services, Khyber Pukhtunkhwa as competent authority, hereby charge you (Mr. Sagheer Akhtar Muslim Sweeper) attached to Govt: City Hospital Peshawar as follows:-

- a. As per Enquiry preliminary report submitted by M.S City Hospital Peshawar you had taken an amount of Rs. 80,000/- from Mr. Naem Khan S/o Masal Khan and Mr Abdullah S/o Jangrez Khan of District Charsadda as bribe and given them bogus appointment orders.
- b. Misconduct

2. By reasons of the above, you appear to be guilty of mis-conduct under rules 3 of the Khyber Pukhtunkhwa, Removal, from Service (Special Powers) amended Ordinance, 2000 and have rendered yourself liable to all or any of the penalties specified in Section-3 of the Ordinance ibid.

3. You are therefore, required to submit your written defence within seven days of the receipt of this Charge Sheet to the Enquiry Officer.

4. Your written defence, if any, should reach to the Enquiry Officer within the specified period, failing which it shall be presumed that you have no defence to put in and in that case exparte action shall follow against you.

5. A Statement of allegations is enclosed.

1.
DIRECTOR GENERAL HEALTH SERVICES, K.P.K PESHAWAR.

U.O NO. 2417 /Personnel
Date: 11 /05/2010

To: Mr. Sagheer Akhtar Muslim Sweeper attached to Govt: City Hospital Kohat Road Peshawar.

For information and necessary action.

1.
DIRECTOR GENERAL HEALTH SERVICES, K.P.K PESHAWAR.

CHARGE SHEET.

1. I, Dr. Fazal Mahmood, Director General Health Services, Khyber Pukhtunkhwa as competent authority, hereby charge you (Mr. Sagheer Akhtar Muslim Sweeper) attached to Govt. City Hospital Peshawar as follows:-

- a. As per Enquiry preliminary report submitted by M.S City Hospital Peshawar you had taken an amount of Rs. 80,000/- from Mr. Naeem Khan S/o Masal Khan and Mr. Abdullah S/o Jangrez Khan of District Charsadda as bribe and given them bogus appointment orders.
- b. Misconduct

2. By reasons of the above, you appear to be guilty of mis-conduct under rules 3 of the Khyber Pukhtunkhwa. Removal from Service (Special Powers) amended Ordinance, 2000 and have rendered yourself liable to all or any of the penalties specified in Section-3 of the Ordinance ibid.

3. You are therefore, required to submit your written defence within seven days of the receipt of this Charge Sheet to the Enquiry Officer.

4. Your written defence, if any, should reach to the Enquiry Officer within the specified period, failing which it shall be presumed that you have no defence to put in and in that case exparte action shall follow against you.

5. A Statement of allegations is enclosed.

fm
DIRECTOR GENERAL HEALTH SERVICES. K.P.K PESHAWAR

af
U.O NO. 2417 /Personnel
Date: 11 /05/2010

To: Mr. Sagheer Akhtar Muslim Sweeper attached to Govt. City Hospital Kohat Road Peshawar.

For information and necessary action.

DIRECTOR GENERAL HEALTH SERVICES. K.P.K PESHAWAR.
Se

STATEMENT OF ALLEGATIONS:

1. As per preliminary enquiry report submitted by M.S City Hospital Peshawar you had taken an amount of Rs. 80,000/- from Mr. Naeem Khan S/o Masal Khan and Mr Abdullah S/o Jangrez Khan of District Charsadda as bribe and given them bogus appointment orders.

2. Misconduct

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STATEMENT OF ALLEGATIONS:

1. As per preliminary enquiry report submitted by M.S City Hospital Peshawar you had taken an amount of Rs. 80,000/- from Mr. Naeem Khan S/o Masal Khan and Mr Abdullah S/o Jangrez Khan of District Charsadda as bribe and given them bogus appointment orders..

2. Misconduct

DISCIPLINARY ACTION.

1. Dr. Fazal Mahmood, Director General Health Services, Khyber Pukhtunkhwa as competent authority am of the opinion that Mr. Sagheer Akhtar Muslim Sweeper attached to Govt: City Hospital Peshawar, has rendered himself liable to be proceeded against as he committed the following acts/omissions within the meaning of Section-3 of the Khyber Pukhtunkhwa Peshawar Removal from Service (Special Powers) amended Ordinance, 2000:-

STATEMENT OF ALLEGATIONS:

- a. As per preliminary Enquiry report submitted by M.S City Hospital Peshawar he had taken an amount of Rs. 80,000/- from Mr. Naeem Khan S/o Masal Khan and Mr Abdullah S/o Jangrez Khan of District Charsadda as bribe and given them bogus appointment orders.
 - b. Misconduct.
2. For the purpose of scrutinizing the conduct of the said accused with reference to the above allegations, Dr: Shaikat Jamal Amirzada Skin Specialist Govt: City Hospital Peshawar is appointed as E.O. under Section-5 of the said Ordinance:-
3. The Enquiry Officer shall, in accordance with the provisions of the Ordinance, provide reasonable opportunity of hearing to the accused, record its findings and make, within twenty five days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused.
4. The accused and a well conversant representative of the Deptt shall join the proceedings on the date, time and place fixed by the Enquiry officer.

Sd/xx xx xx
DIRECTOR GENERAL HEALTH SERVICES, K.P.K, PESHAWAR.
Date: 11 /05/2010

No. 2418-20 /Personnel
Copy forwarded to the :-

- 1. Dr. Shaikat Jamal Amirzada Skin Specialist Govt: City Hospital Kohat Road Peshawar for initiating proceedings against the accused under the provisions of the K.P.K Removal from Service (Special Powers) amended Ordinance, 2000.
- 2. M.S Govt: City Hospital Kohat Road Peshawar, with the remarks to direct a well conversant officer/official to produce the relevant record/document before the enquiry officer on the date, time and place to be fixed by for the purpose. Mr. Sagheer Akhtar Muslim Sweeper attached to his hospital may also be directed to appear before the Enquiry officer on the date, time and place to be fixed by him.
- 3. Mr. Sagheer Akhtar Muslim Sweeper attached to Govt: City Hospital Peshawar, with the directions to appear before the Enquiry officer on the date, time and place to be fixed for the purpose of Enquiry proceedings.

(DR. FAZAL MEHMOOD)
DIRECTOR GENERAL HEALTH SERVICES, K.P.K PESHAWAR

DIRECTORATE GENERAL HEALTH SERVICES,
KHYBER PAKHTUNKHWA, PESHAWAR.
NO. 4179
Date: 03 /8/2010 /Personnel

To:
The Medical Superintendent,
Govt City Hospital, Peshawar.

Subject:
Sir,

DISCIPLINARY ACTION AGAINST MR. SAGHEER AKHTAR, SWEEPER

I am directed to refer to this Directorate letter No. 3523/Personnel dated 30/6/2010 and letter No. 3872/Personnel dated 19.7.2010 on the subject noted above and request to direct Mr. Sagheer Akhtar, Sweeper attached to your hospital once again to appear before the DGHS on any working day during office hours of the first week of August i.e upto 07.8.2010, failing which ex parte action will be taken against him.

ASSISTANT DIRECTOR (P-ID)
DGHS, KHYBER PAKHTUNKHWA,
PESHAWAR.

سید ذفر سنل فخرینیب کی ہے
دہلی ڈی ایچ



5/8/2010

صبر احمد

OFFICE ORDER:

1. WHEREAS Mr. Sagheer Akhtar, Sweeper attached to Govt City Hospital, Peshawar was proceeded against under the Khyber Pakhtunkhwa Removal from Service (Special Powers) amended Ordinance, 2000 for the charges mentioned in the Charge Sheet.
2. AND WHEREAS, after completion of the enquiry conducted against him by the Enquiry Officer, the charges leveled against him were proved.
3. AND WHEREAS, Show Cause Notice was served upon him wherein major penalty of Removal from Service was proposed to be imposed upon him.
4. AND WHEREAS upon receipt of reply to the Show Cause Notice, an opportunity of personal hearing was provided to him, but his reply was not found satisfactory.
5. NOW, therefore, after completion of all codal formalities and on ascertaining the facts that the charges leveled against him have been proved, I, Dr. Sajid Shaheen, Director General Health Services, Khyber Pakhtunkhwa, being competent authority in exercise of the powers under Rule-3 of the Khyber Pakhtunkhwa Removal from Service (Special Powers) amended Ordinance, 2000 am pleased to impose the major penalty of Removal from Service upon him (Mr. Sagheer Akhtar, Sweeper) attached to Govt City Hospital, Peshawar with immediate effect.

Sd/xx xx xx xx
DIRECTOR GENERAL HEALTH SERVICES,
KHYBER PAKHTUNKHWA, PESHAWAR.

Date: 5/8/2010

No. 4202-05 /Personnel

1. Copy forwarded to the :-
Secretary to Govt of NWFP, Health Department, Peshawar.
 2. Medical Superintendent, Govt City Hospital, Peshawar w/r to his letter No. 3076/PF/GCIIP dated 14.4.2010
 3. Accountant General, Khyber Pakhtunkhwa, Peshawar.
 4. Mr. Sagheer Akhtar, Sweeper, Govt City Hospital, Peshawar.
- For information and necessary action.

(DR. SAJID SHAHEEN)
DIRECTOR GENERAL HEALTH SERVICES,
KHYBER PAKHTUNKHWA, PESHAWAR.

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BEFORE SERVICES TRIBUNAL, PESHAWAR.

Appeal No. 204/2014.

Sagheer Akhtar.....Versus.....KP & others.

Rejoinder on behalf of appellant.

- 1. In reply to Paras No. 1 to 5 it is submitted that preliminary objections mentioned in the said Paras are totally wrong and the same are denied.**
- 2. Paras No. 1 to 6 of the facts are also totally incorrect because the appellant never took any bribe but on the other hand the appellant was made a spoke goat by his superiors for their own benefit while no proper enquiry was conducted and no one was examined in the presence of appellant and nor he was provided with the opportunity to cross examine the witnesses. Moreover the written statement of the appellant never has been verified from hand writing expert which speaks of malafide.**
- 3. That appellant had more than 13 years spotless service and he performed his duty efficiently and punctually.**

It is, therefore, requested that the appeal of the appellant may kindly be accepted.

Dated: -25/4/16.

Appellant

Through: -



**Malak Najab Gul Khalil,
Advocate, High Court,
Peshawar.**

بجرت

سروس ٹریبونل فیڈریشن
کے لئے

7/45 Linn
- Ex-Sweep

2014ء پنجاب
بنام

موزنہ 12/2/2014

مقدمہ

دعویٰ

جرم

باعث تحریر یا نکتہ

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

المرقوم 12 ماہ 2 2014

کے لئے منظور ہے Acceptance & Approval

[Signature]

بمقام
[Signature]

12-2-2014

69-665625-84925999-69
16102-84925999-69
صرف ارضی و وصولی کے بارے میں
کے لئے منظور ہے

