

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
CAMP COURT ABBOTTABAD

Service Appeal No. 357/2013

Date of Institution... 11.02.2013

Date of decision... 22.08.2017

Muhammad Masoom Junior Clerk office of the District Food Controller, District, Haripur. ... (Appellant)

Versus

1. Government of Khyber Pakhtunkhwa through Secretary Food Department, Peshawar and 3 others. (Respondents)

Appellant. ... Pro Se

MR. MUHAMMAD BILAL
Deputy District Attorney ... For respondents.

MR. NIAZ MUHAMMAD KHAN, ... CHAIRMAN
MR. MUHAMMAD HAMID MUGHAL ... MEMBER

JUDGMENT

NIAZ MUHAMMAD KHAN, CHAIRMAN: - Arguments of the learned counsel for the parties heard and record perused.

FACTS

2. The appellant was reverted from the post of Senior Clerk to Junior Clerk vide order dated 11.09.2012 against which he filed departmental appeal on 26.09.2012 which was rejected on 15.01.2013 and thereafter the present appeal before this Tribunal has been filed on 11.02.2013. The grounds mentioned in the impugned order against the appellant are that the medical bills drawn by the appellant were bogus and that some medical bills were also prepared by the appellant for other officials of the department.

ARGUMENTS

3. The appellant *pro se* argued that no charge sheet or statement of allegations was served upon him nor any regular enquiry was conducted. That only fact finding

enquiry was conducted by enquiry officer in which only a questionnaire was given to the appellant.

4. The learned Deputy District Attorney argued that it was proved in the enquiry that the appellant was responsible for preparing bogus medical bills for himself as well as for others officials of the department.

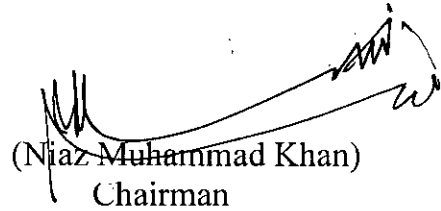
CONCLUSION

5. No charge sheet and statement of allegations have been served upon the appellant nor the regular enquiry has been dispensed with according to rules. The show cause notice is dated 01.08.2012, which is based on the fact finding enquiry. If we go through the fact finding enquiry report it would suggest that there were certain facts which needed enquiry and giving chance to appellant of defence was must. The fact finding enquiry can never be a substitute of regular enquiry because before a regular enquiry charge sheet and statement of allegations are supplied to the delinquent official then he is given chance to defend himself in the light of charge sheet. He is then also allowed to cross examine the witnesses, if any, then he is asked to produce defence, if any. But no procedural steps as mentioned above has been undertaken by the authority so much so that even the fact finding enquiry has not been supplied to the appellant alongwith the show cause notice.

6. As a sequel to the above discussion, the impugned order is set aside. Parties are left to bear their own costs. File be consigned to the record room.



(Muhammad Hamid Mughal)
Member


(Niaz Muhammad Khan)
Chairman
Camp Court, A/Abad

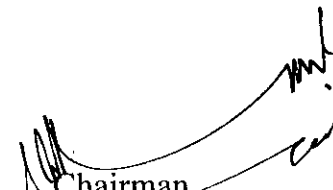
357/13

22.08.2017

Appellant *pro se* and Mr. Muhammad Bilal, Deputy District Attorney for the respondents present. Arguments heard and record perused.

This appeal is accepted as per detailed judgment of to-day. Parties are left to bear their own costs. File be consigned to the record room.


Member


Chairman
Camp Court, A/Abad.

ANNOUNCED

22.08.2017


23.11.2016

Appellant in person and Mst. Bushra Bibi, Government Pleader for respondents present. The Bench is incomplete therefore arguments could not be heard. To come up for final hearing on 14.03.2017 at camp court, Abbottabad.


Chairman
Camp Court, A/Abad


14.03.2017


Clerk of counsel for the appellant and Mr. Muhammad Siddique, Sr.GP for the respondents present. Due to non-availability of D.B arguments could not be heard. To come up for final hearing before the D.B on 22.08.2017 at camp court, Abbottabad.


Chairman
Camp Court, A/Abad

18.08.2015

Counsel for the appellant and Mr. Muhammad Tahir Aurangzeb, GP for respondents present. Learned counsel for the appellant requested for adjournment as he has not prepared the appeal. Adjourned to 17.12.2015 for final hearing before D.B. at camp court A/Abad.


Member


Chairman
Camp Court Abbottabad

17.12.2015


Appellant in person and Mr. Muhammad Siddique, Sr.GP for respondents present. Due to non-availability of D.B, appeal to come up for final hearing before D.B on 20.6.2016 at Camp Court A/Abad.


Chairman
Camp Court A/Abad

20.06.2016

Appellant present in person and Mr. Muhammad Siddique Sr.GP for the respondents present. Counsel for the appellant is stated busy before the august Peshawar High Court, Abbottabad Bench. Requested for adjournment. To come up for final hearing on 23.11.2016 before D.B at camp court, Abbottabad.


Member


Chairman
Camp Court, A/Abad.

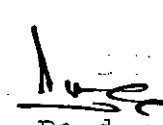
16.09.2014

Appellant in person and Mr. Arshad Farooq, Assistant for official respondents No. 1 to 3 with Mr. Muhammad Tahir Aurangzeb, G.P present. Arguments could not be heard due to non-availability of learned counsel for the appellant and incomplete Bench. To come for arguments at camp court A/Abad on 20.01.2015.


Chairman
Camp Court A/Abad


20.01.2015

Due to public holiday on account of 'Chehlum' of APS Shuhada, case adjourned to 24.4.2015 before D.B.


Reader

24.04.2015

Appellant with counsel and Mr. Muhammad Tahir Aurangzeb, GP for respondents present. Due to non-availability of D.B, arguments could not be heard. To come up for final hearing before D.B on 18.8.2015 at Camp Court Abbottabad.


Chairman
Camp Court Abbottabad

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18.11.2013

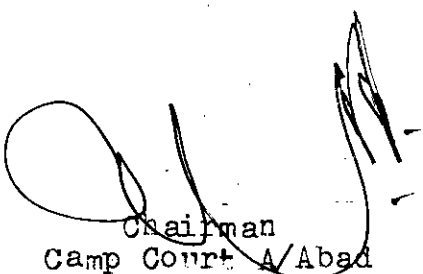
Appellant with counsel, Mr. Allah Dad, A.D Food (Respondent No.3) on his own behalf and on behalf of respondents No.1 & 2 with Mr. Muhammad Tahir Aurangzeb, G.P and private respondent No.4 in person present. Written reply on behalf of official respondents No.1 to 3 received, copy whereof is handed over to the learned counsel for the appellant for rejoinder. Written reply of private respondent No.4 has not been received, and request for further time made on his behalf. To come up for rejoinder and written reply on behalf of private respondent No.4 at camp court A/Abad on 17.2.2014.


Chairman
Camp Court A/Abad

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17.2.2014

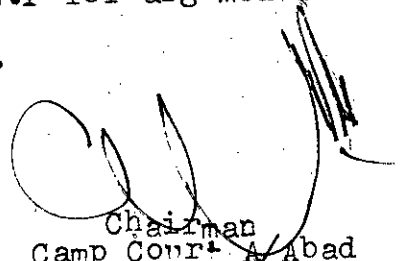
Appellant with counsel and Mr. Allah Dad, official A.D(F) on behalf of respondents with Mr. Muhammad Tahir Aurangzeb, G.P present. Private respondent No.4 is absent, hence proceeded against ex-parte. Rejoinder has not been received, and learned counsel for the appellant requested for further time. Another chance is given for rejoinder at camp court A/Abad on 19.5.2014.



Chairman
Camp Court A/Abad

6 -

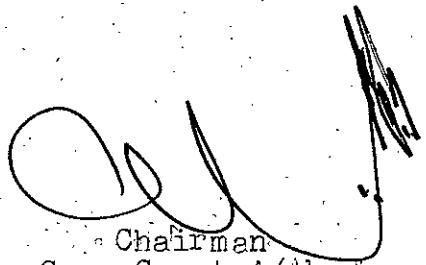
19.5.2014

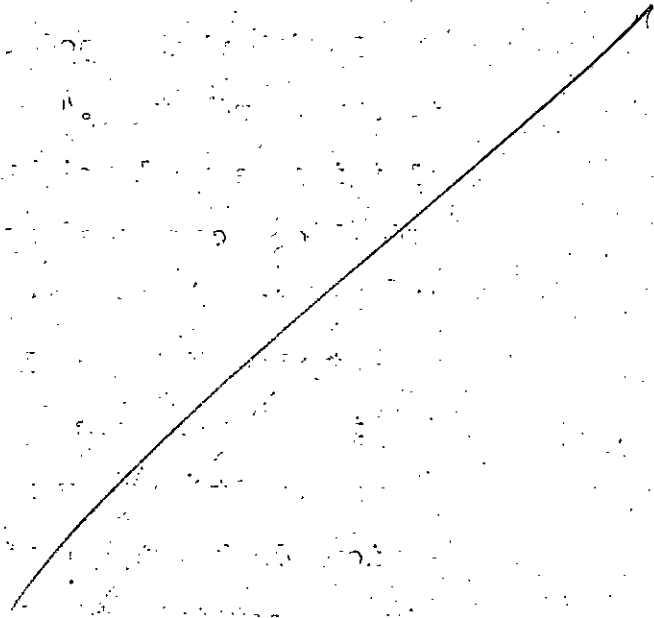
Appellant in person and Mr. Allah Dad, A.D on behalf of official respondents No.1 to 3 with Mr. Muhammad Tahir Aurangzeb, G.P present. Rejoinder received on behalf of the appellant, copy whereof is handed over to the learned G.P for arguments at camp court A/Abad on 16.9.2014.


Chairman
Camp Court A/Abad

Appellant deposited
Security & process
fee Rs 200/-
Bank receipt is
attached
with file


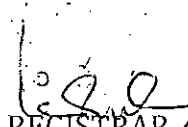

stoppage of five annual increments for five years without accumulative effect; but the appellate authority, vide his impugned order dated 10.01.2013, converted the penalty of Arsalan Shoukat to that of withholding of two increments for two years with cumulative effect, while confirming the penalty of the appellant. As such, the appellate authority dealt with the main accused in the case namely Arsalan Shoukat leniently while did not do so in the case of the appellant and disclose no reason whatsoever for treating both of them differently, while facing similar situation. The points raised at the Bar need consideration. The appeal is admitted to regular hearing. Process fee & security be deposited within 10 days. There-after, notices be issued to the respondents for written reply/comments at camp court A/Abad on 18.11.2013.


Chairman
Camp Court A/Abad



Form- A
FORM OF ORDER SHEET

Court of _____
Case No. 357/2013

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	11/02/2013	<p>The appeal of Mr. Muhammad Masoom presented today by Mr. Muhammad Arshad Khan Tanooli Advocate may be entered in the Institution Register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;"> REGISTRAR</p>
2	26.2.13	<p>This case is entrusted to Touring Bench A. Abad for preliminary hearing to be put up there on <u>15-7-13</u></p> <p style="text-align: right;"> CHAIRMAN</p>
3.	15.7.2013	<p>Appellant with counsel present and heard. The learned counsel for the appellant, inter-alia, contended that initially one Arsalan Shoukat, Food Grain Supervisor (FGS) i.e. respondent No. 4 was charged for claiming medical reimbursement on fake bills and also recommended for major penalty by the Inquiry Officer in the first inquiry report, but the appellant was later on also implicated in the case and awarded the major penalty of reversion to the post of Junior Clerk for a period of five years with effect from the date of issuance of office order vide impugned order dated 11.9.2012. In the same order, Mr. Arsalan-Shoukat was also awarded the penalty of</p>

BEFORE THE CHAIRMAN SERVICE TRIBUNAL KPK
PESHAWAR

Service Appeal No. 357 2013

Muhammad Masoom Junior Clerk office of District Food Controller District
Haripur.

..... APPELLANT

VERSUS

Govt of KPK through Secretary Food KPK Peshawar and others.

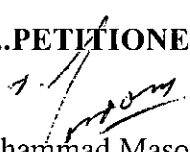
.....RESPONDENTS

SERVICE APPEAL

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5.	Copy of departmental appeal.	17-19	"D"
6.	Copy of impugned rejection letter of departmental appeal dated 10.01.2013.	20	"E"
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.....PETITIONERS


Muhammad Masoom

Through

Dated: 11-2-2013


YASIR ZAHOOR ABBASI ADV
(MUHAMMAD ARSHAD KHAN TANOLI)
Advocate High Court Abbottabad

①

BEFORE THE CHAIRMAN SERVICE TRIBUNAL

KPK PESHAWAR

Service Appeal No. 357 2013

G.W.F. Peshawar
Services Tribunal
No. 398
11-2-2013

Muhammad Masoom Junior Clerk office of District Food Controller District
Haripur.

..... APPELLANT

VERSUS

1. Govt of KPK through Secretary Food KPK Peshawar.
2. Director Food Directorate of KPK Peshawar.
3. Assistant Director Food Establishment Directorate of Food KPK Peshawar.
- ④ Mr. Arslan Shoukat Food Grain Supervisor Office of the District Food Controller Chitral.

.....RESPONDENTS

*Revised No. 4
Peshawar
17.2.14*

SERVICE APPEAL UNDER SECTION 4 SERVICE TRIBUNAL ACT 1974 TO THE EFFECT THAT THE REVERSION OF THE APPELLANT VIDE IMPUGNED ORDER NO.1 SOF(FOOD DEPTT) 1-6/10/23 DATED 10.01.2013 OF RESPONDENT NO.1 RECEIVED BY THE APPELLANT TO RESPONDENT NO.2 ON 15.01.2013 WHICH IS MALAFIDE, DISCRIMINATORY, ILLEGAL, AGAINST PRINCIPLE OF EQUALITY AND WITHOUT LAWFUL JUSTIFICATION AND LIABLE TO BE SET A SIDE.

[Signature]
11/2/2013

PRAYER:-


ON ACCEPTANCE OF THE INSTANT SERVICE APPEAL, IMPUGNED REVERSION ORDER NO. SOF(FOOD DEPTT)1-6/10/23 DATED 10.01.2013 MAY BE DECLARED ILLEGAL AGAINST LAW AND DISCRIMINATORY AND THE SAME MAY BE SET A SIDE AND THE RESPONDENT MAY BE DIRECTED TO RESTORE THE APPELLANT AS SENIOR CLERK W.E.F. THE DATE OF REVERSION AND ARREARS OF DIFFERENCE IN TERMS OF PAY MAY ALSO BE GRANTED.

Respectfully Sheweth:

That the **background** forming facts of the instant appeal are as under:-

1. **That the** appellant join Food Department 31.07.1993 and serve the department with complete devotion and dedication to the entire satisfaction of his superior.
2. **That the** appellant was on the posted strength of District Food Controller and was serving over their as Senior Clerk in the said office in the year 2010 to 2012. That during this period respondent No.2 issued impugned show cause notice to the appellant vide letter No.2776/PF dated 01.02.2012 wherein allegation of getting signature from District Food Controller on

bogus medical charges bill amounting to Rs.10000/- and the same was got drawn from the drawing and disbursing officer by the concerned official. Besides allegation of preparation of more bogus medical bill for other staff of office of Director Food Controller Battagram and Mansehra with consultation of one Arsalan Shoukat of FGS and Muhammad Rafique official of Health Department under covering letter of DFC concerned to Food Directorate for sanction of the authority.

3. That a competent authority imposed impugned major penalty of reversion post of Junior Clerk for the period of five years and shall served out of Hazara Division till his completion of remaining service / retirement w.e.f. 11.09.2012 impugned officer order No.3717/PF dated 11.09.2012 is attached as Annexure "A"
4. That the shows cause notice and reply of show cause notice is attached as Annexure "B and C".
5. That the appellant submitted departmental appeal against impugned office order  No.3717/P/F dated 11.09.2012 and No.3727/PF dated 11.09.2012. Copy of departmental appeal is attached as Annexure "D".
6. That following this, respondent No.1 i.e. appellate authority modified and confirm major penalty of reversion but ban on the posting in Hazara Division has been removed. Copy of impugned rejection letter No.SO(Food Department) 1-6/10/ 23 dated 10.01.2013 and received by appellant through respondent No.2 on 15.01.2013. Copy of impugned rejection letter of departmental appeal dated 10.01.2013 is attached as Annexure

“E”. The impugned rejection letter is against law, void, discriminatory and against the principle of equality. Hence, the instant appeal is filed inter alia on the following grounds.

GROUNDS:-

1. That the impugned rejection letter is void, against service law, discriminatory, against principle of equality and service rules which is liable to be set a side.
2. That the inquiry conducted by the inquiry office / committee is based on malafide intention, discriminatory and liable to be set a side.
3. That the inquiry conducted by the inquiry officer / committee is not based on accepted norms of justice that is impartial and judicious.
4. That the inquiry against the appellant is based on hypothesis, mere surmises and conjecture. There is no evidence on record which show that the appellant involved in preparation of bogus medical bill.
5. That the appellant was not given opportunity to cross examine Arslan Shoukat, who is blue eyed chap, by the inquiry officer. Cross examination of the person who alleges allegation against the appellant, is the vested right of the appellant to sift the grain from the chaff.
6. That the inquiry officer / committee discriminated the appellant from the other employees who were actually involved and have been granted minor penalty whereas the appellant has been awarded major penalty which is

discriminatory on the part of the inquiry officer as well as the respondents.

7. That the appellant has not been offered opportunity to place evidence on record during the inquiry. Hence, the inquiry is void on the rights of the appellant.
8. That the EDO Health Abbottabad conducted inquiry regarding their official of Health Department who was also involved allegedly in the bogus medical bills scam, and did not mention the name of the appellant in the initial inquiry report. Hence, the appellant is innocent and has been made scape goat for the act of others. Initial inquiry report is conducted by Mr. Nasir Khan Jadoon is attached as Annexure "F".
9. That thereafter another inquiry was conducted on the direction of MS DHQ Hospital Haripur which also speaks about the innocence of the appellant. Copy of Second inquiry report is attached as Annexure "G".
10. That it is worth mentioning that respondent No.3 who was inquiry officer into the matter from the beginning to the end, is my close relative and he wants to corner the appellant due to his personal family disputes and vendetta. Moreover respondent No.3 and Respondent No.4 have close family terms for the last two decades. Therefore, they both are bent upon to spoil service career of the appellant.
11. That other ins and outs in the matter shall be agitated during the arguments and trial.
12. That the appeal is filed within the period of limitation.

It is therefore most humbly prayed that on acceptance of the instant service appeal, impugned reversion order no.sof(food deptt)1-6/10/23 dated 10.01.2013 may be declared illegal against law and discriminatory and the same may be set a side and the respondent may be directed to restore the appellat as senior clerk w.e.f. the date of reversion and arrears of difference in terms of pay may also be granted..

.....PETITIONER

M. Masoom
Muhammad Masoom

Dated; 11-2- /2012

Yasir Zahoor
Through
YASIR ZAHOOR ABBASI ADV
(MUHAMMAD ARSHAD KHAN TANOLI)
Advocate High Court Abbottabad

M. Masoom
M. Masoom

BEFORE THE CHAIRMAN SERVICE TRIBUNAL KPK
PESHAWAR

Service Appeal No. _____ 2013

Muhammad Masoom Junior Clerk office of District Food Controller District Haripur.

..... APPELLANT

VERSUS

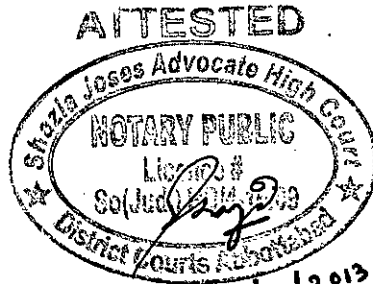
Govt of KPK through Secretary Food KPK Peshawar and others.

.....RESPONDENTS

SERVICE APPEAL

AFFIDAVIT

Muhammad Masoom Junior Clerk office of District Food Controller District Haripur do hereby solemnly affirm and declare on oath that the contents of the foregoing Amended Appeal, are correct to the best of my knowledge and belief and nothing has been concealed from the Honourable Court.



Dated: 11-2- 2013

11/2/2013

[Signature]
DEPONENT

8

BEFORE THE CHAIRMAN SERVICE TRIBUNAL KPK
PESHAWAR

Service Appeal No. _____ 2013

Muhammad Masoom Junior Clerk office of District Food Controller District
Haripur.

..... APPELLANT

VERSUS

Govt of KPK through Secretary Food KPK Peshawar and others.


.....RESPONDENTS

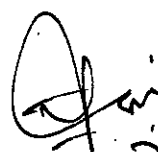
SERVICE APPEAL
CERTIFICATE

CERTIFICATE

Certificate that no such like Writ Petition has earlier been filed
before this Honourable Court.

..... APPELLANT


Muhammad Masoom


Through
YASIR ZAHOUR ABBASI ADV.
(MUHAMMAD ARSHAD KHAN TANOLI)
Advocate High Court Abbottabad

9

BEFORE THE CHAIRMAN SERVICE TRIBUNAL KPK
PESHAWAR

Service Appeal No. _____ 2013

Muhammad Masoom Junior Clerk office of District Food Controller District
Haripur.

..... APPELLANT

VERSUS

Govt of KPK through Secretary Food KPK Peshawar and others.

.....RESPONDENTS

SERVICE Appeal
PESHAWAR

Respectfully sheweth: -

Addresses of the parties are as under

PETITIONERS

Muhammad Masoom J/ Clerk D.F.C Office Haripur

RESPONDENTS

1. Govt of KPK through Secretary Food KPK Peshawar.
2. Director Food Directorate of KPK Peshawar.
3. Assistant Director Food Establishment Directorate of Food KPK Peshawar.
4. Mr. Arslan Shoukat Food Grain Supervisor Office of the District Food Controller Chitral.

..... APPELLANT

Muhammad Masoom

Yasir Zaidoo
Through *ABBASI ADV*
(MUHAMMAD ARSHAD KHAN TANOLI)
Advocate High Court Abbottabad



FOOD DIRECTORATE,
KHYBER PAKHTUNKHWA
PESHAWAR

No. 3717 / 1

Dated 11/09/2012

OFFICE ORDER

The District Food Controller Mansehra forwarded a letter vide No.899-901/ dated 16-04-2012 along with Medical re-imbusement charges for amounting to Rs.105,640/- on account of treatment of father of Mr. Arslan Shoukat FGS as indoor patient .On receipt of the said documents Food Directorate, Khyber Pakhtunkhwa sent the Medical re-imbusement charges to the Executive District Health Officer Abbottabad for verification vide Food Directorate, Khyber Pakhtunkhwa letter No. 743/PF-1122 dated 31-05-2012 On examination / verification of Medical re-imbusement charges bills amounting to Rs. 105, 640/- in respect of Mr. Arslan Shoukat Foodgrain Supervisor Office of District Food Controller Mansehra, the Executive District Officer Health Abbottabad reported that Medical re-imbusement charges bills for amounting to Rs.105, 640/ forwarded by DFC Mansehra in favour of Mr. Arslan Shoukat Food grain Supervisor incurred on the treatment of his father is found bogus.

2 Where-as in response to enquiry report of Executive District Health Officer Abbottabad, Food Directorate conducted enquiry vide Office Order No 1839/PF-1122, dated 27-06-2012. Later on 04 more Medical Re-imbusement charges bills of the officials of DFC Office Battagram were also found bogus. Detail is as under:-

S.No.	Name of Official	Amount	Present Status of Case
1	Mr. Muhammad Masoom Senior Clerk Office of DFC Battagram	10,000/-	After sanction the above amount drawn by the official from Government Treasury
2	Mst. Sania Pervaiz Junior Clerk Office of DFC Battagram	15,000/-	After sanction the above amount drawn by the official from Government Treasury
3	Raja Bikhari Ahmad AFC Office of DFC Battagram	51250/-	The Case is returned by Food Directorate, to submit after allotment of Fund
4	Arslan Shoukat FGS office of DFC Mansehra	51282/-	The Medical Charges Bill for amounting to Rs.51282/- is sent to D.G. Health Services Khyber Pakhtunkhwa for verification which is still lying in the Health Department
5	Arslan Shoukat FGS office of DFC Mansehra	105,640/-	After verification by the Executive District Health Officer it has been found that all documents is Bugs

3 Where as on enquiring by the Enquiry Officer, Food Directorate, Khyber Pakhtunkhwa, it has been proved that Muhammad Masoom Senior Clerk Office of DFC Battagram is involved in preparation of Bogus Medical Charges Bills in consultation of Mr. Arslan Shoukat FGS Office of DFC Mansehra and Mr. Muhammad Rafique official of Health Department. They have prepared the Bogus Medical Charges Bills of their own as well as other officials as per detail given in the table. Thus they have caused loss to the Government Treasury for an amount of Rs. 25,000/- which has been already drawn on account of bogus Medical charges Bills.

4 The Enquiry Officer recommended that the charges levelled against the officials are proved and a major penalties for drawl of amounts on account of bogus Medical Charges Bills as well as preparation of bogus Medical Charges bills may be imposed on them.

TESTED

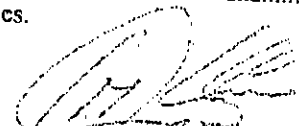
11-2-13

5 On finalization of the enquiry, proper Show Cause Notices were served upon them to explain as to why major penalties may not be imposed under Efficiency & Discipline Rules-1973 (Amended in 2011) against them.

6 On receipt of the replies to the Show Cause Notices and on personals hearing of the officials with the Competent Authority, the charge levelled against them were proved.

7 Now after full consideration of the case and keeping in view the record of the officials, I Muhammad Anwar, Director Food Khyber Pakhtunkhwa, the Authority hold the said officials guilty of loss to the Government Treasury on account of drawl / preparation of bogus Medical Charges Bills and award them the following penalties.

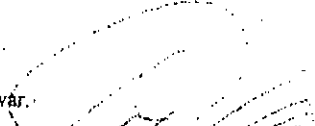
- 1) The Medical Charges Bills amounting to Rs.10, 000/- drawn by Mr. Muhammad Masoom Senior Clerk and amounting to Rs.15, 000/ drawn by Mst Sania Pervaiz Junior Clerk Office of DFC Battagram shall be recovered from them.
- 2) Muhammad Masoom Senior Clerk Office of DFC Battagram now DFC Office Kohat is reverted to the post of Junior Clerk for a period of 05 years with effect from the date of issuance of Office order and he will be posted out of Hazara Division till his completion of remaining service /till retirement.
- 3) 05 Annual Increments for 05 years with out accumulative effect in respect of Mr. Arslan Shoukat FGS be stopped and be posted out of Hazara Division till his completion of remaining service /till retirement
- 4) 01 Annual Increments for 01 year with out accumulative effect is hereby stopped in respect of Raja Ifikhar Ahmad AFC, and Mst. Sania Pervaiz Junior Clerk Office of DFC Battagram.
- 5) Mr. Intiaz Muhammad DFC Manselhra & Mr. Abdur Rashid DFC Battagram are awarded a minor punishment of Censure.
- 6) The Health Department Khyber Pakhtunkhwa / Executive District Health Officers Abbottabad and Haripur are requested to take disciplinary action against Mr. Muhammad Rafique Senior Clerk presently working at DHQ Haripur for preparation of bogus stamp and signature of Medical Officer /Medical Superintendent in consultation with Mr. Muhammad Masoom Senior Clerk and Mr. Arslan Shoukat FGS as per Rules.


DIRECTOR FOOD
KHYBER PAKHTUNKHWA,
PESHAWAR

Endstt: of even No & Date

Copy is forwarded to:-

- 1) PS to Minister Food for information of the Secretary Food Government of Khyber Pakhtunkhwa
- 2) The concerned District Accounts Officers in Khyber Pakhtunkhwa
- 3) The Executive District Officer Health Abbottabad for information with reference to his letter No.5196/Estab/D/Misc, dated 18-06-2012.
- 4) The Medical Superintendent BBS Teaching Hospital Abbottabad.
The Assistant Director (Circle Officer) Anticorruption Department Abbottabad.
- 5) The District Police Officers Abbottabad and Manselhra
- 6) The Assistant Directors Food Kohat & Hazara Division
- 7) The concerned District Food Controllers
- 8) Officials concerned
- 9) The ACRs Assistant Food Directorate, Khyber Pakhtunkhwa Peshawar.
- 10) Personal File


DIRECTOR FOOD
KHYBER PAKHTUNKHWA,
PESHAWAR

Office Order for punishment under EAD Rules dated 11/07/2012

200 J 80842

TESTED


11-2-13-

12/08 2012 12:42:00 001212024



(19)

Anx B

FOOD DIRECTORATE
KHYBER PAKHTUNKHWA,
PESHAWAR

No 2776 /PF
Dated Peshawar the 01/08/2012

TO

Mr. Muhammad Masoom
Senior Clerk office of
DFC Battagram

Subject:- SHOW CAUSE NOTICE

Memo

Reference this Directorate office order No. 1839/PF-1122 dated 27-06-2012, on the subject noted above.

2 I Muhammad Anwar Khan Director Food Khyber Pakhtunkhwa as competent authority, under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011, do hereby served Mr. Muhammad Masoom Senior Clerk office of DFC Battagram now DFC office Kohat as follows:

3. (i) That consequent upon the completion of inquiry conducted against you by the inquiry officer/inquiry committee for which you were given opportunity of hearing vide communication No.1974/PF-1122 dated 29-06-2012 and
- (ii) On going through the findings and recommendations of the inquiry officer, the material on record and other connected papers including your defence before the inquiry officer,-

4 I am satisfied that you have committed the following acts/omissions specified in Rule 3 of the said rules:

While you have posted as Senior Clerk office of District Food Controller Battagram, being responsible official, you have signed from DFC concerned your own Bogus Medical Charges Bills for amounting to Rs.10,000/- after sanction by the authority vide order No.SOF(Food Deptt)1-5/1822 dated 28-03-2011, the said amount drawn by you under signature by DDO concerned and also prepared more Bogus Medical Charges Bills for other staff office of DFC Battagram and Mansehra with consultation of Mr. Arslan Shoukat FGS and Mr. Muhammad Rafique official of Health Department

ATTESTED
11-2-13

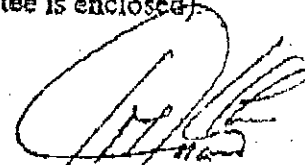
4 13

Khyber Pakhtunkhwa and forward with covering letter of DFC concerned to Food Directorate for sanction of the authority.

5. As a result thereof, I, as competent authority, have tentatively decided to impose upon you the penalty of one step reversion to a lower scale for a period of 05 years along with your posting out of Hazara Division till completion your remaining service

6. You are, thereof, required to show cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.

7. If no reply to this notice is received within seven days or not more than fifteen days of its delivery, it shall be presumed that you have no defence to put in and in that case an ex-parte action shall be taken against you. (A copy of the findings of the inquiry officer/inquiry committee is enclosed).



DIRECTOR FOOD
KHYBER PAKHTUNKHWA,
PESHAWAR

ATTESTED

11-2-13-

(14)

Ans C

FROM :

FAK NO. :

JUL 19 2012 01:05AM P4



**OFFICE OF THE,
DISTRICT FOOD CONTROLLER,
KOHAT.**

No. 760-61 /DFC/Kohat(PF)

Dated Kohat the 29 / 08/2012

To,

The Director Food,
Khyber Pakhtunkhwa,
Peshawar.

Subject: - **SHOW CAUSE NOTICE.**

Memo;

Please refer to Food Directorate, Khyber Pakhtunkhwa, Peshawar show cause notice No.3120/PF dated 16-08-2012 on the above noted subject.

Reply of the above show cause notice submitted by Mr. Muhammad Masoom, Senior Clerk, Office of the undersigned is sent herewith which is self explanatory please.

ATTESTED
[Signature]
11-2-13

[Signature]
District Food Controller,
Kohat.

Copy is forwarded to Mr. Muhammad Masoom, Senior Clerk Office of the undersigned with reference to his reply dated 27-08-2012.

[Signature]
District Food Controller,
Kohat.



To: - The Director Food,
Khyber Pakhtunkhwa,
Peshawar.

Through:- Proper Channel.

Subject: - SHOW CAUSE NOTICE.

R/Sir,

Please refer to your Office show cause notice

No. 3120/PF- dated 16-08-2012 on the above noted subject.

2- That the applicant was posted on promotion from District Food Controller, Office, Haripur to District Food Controller, Office, Battagram in March, 2010 and served the department with complete devotion and dedication and the entire satisfaction of my superiors.

3- That the applicant submitted genuine medical charges bill of Rs.10,000/= which were duly signed and countersigned by the concerned medical authorities, as well as by the Director Food, Khyber Pakhtunkhwa, Peshawar & Administrative Department, Khyber Pakhtunkhwa, Peshawar. Medical bills of the applicant are quite genuine which were placed before the above mentioned competent authorities as per law in vogue. The applicant did not commit fraud nor submitted fake/bogus medical charges bills to the authorities.

4- That the allegations of preparation of more bogus medical charges bills against the applicant are quite baseless and no material available on record which shows that the applicant was involved in preparation of bogus medical charges bills for other staff of Office of the District Food Controller, Battagram and Mansehra. Besides, there is no such like complaints available against the applicant in his entire service record and the service of the applicant is blotless. Nevertheless so called allegations of Mr. Arslan Shoukat, Foodgrain Supervisor, for preparation of medical charges bills regarding other staff of the above quarters is concerned, it is submitted that the applicant has wrongly been implicated in the case by Mr. Arslan Shoukat, FGS to this

ATTESTED
11-2-13

(16)

effect to save his own skin. The applicant has not been provided any opportunity to cross examine Mr. Arslan Shoukat, Foodgrain Supervisor to this effect. Hence the inquiry proceedings are one sided. The applicant requests to be heard in person.

5- That the applicant has solemnly state on oath that he never submitted his own bogus medical charges bills nor prepare fake medical charges bills of other staff of District Food Controller, Office, Battagram and Mansehra. It is further submitted that the applicant did not forward the medical charges bills of the other staff through covering letter of D.F.C concerned to Food Directorate Khyber Pakhtunkhwa for sanction. The applicant further requests that an impartial inquiry as per law may be conducted to fix responsibility on those who committed fraud and prepare bogus medical charges bills and thereafter, the concerned officials may be punished accordingly.

6- That the applicant is innocent and not involved the offences mentioned in the show cause notice, the punishment proposed to be awarded to applicant is discriminatory and based on malafide intentions as the real accused who are blue eyed chapes are being favoured.

It is therefore, prayed that the show cause notice against the applicant withdrawn and the posting of the applicant from Kohat to Haripur may pleased be ordered and the proposed punishment of one step reversions may also be withdrawn.

Submitted please.

(MUHAMMAD MASOOM)

S/Clerk, D.F.C Office, Kohat

(ATTESTED)

[Signature]
11-2-13

17

Ans "D"



OFFICE OF THE DISTRICT
FOOD CONTROLLER BANNU
NO. _____/DFC/ET-14
Dated Bannu, the ___/___/2012

To: The Director Food Khyber Pakhtunkhwa
Peshawar.

Subject: **APPEAL**

Memo:

An appeal submitted by Mr, Muhammad Masoom junior clerk office of the undersigned regarding punishment awarded to him vide your office order No 3717/PF dated 11/9/2012 is sent here with for consideration under Rules & Policy.

District Food Controller Bannu

No 2672 /DFC/ET-14

Dated Bannu the 26 /9/2012

A copy is forwarded to Mr, Masoom junior clerk for information .

ATTESTED
11-2-13-

District Food Controller Bannu

18

To, The Secretary Food
Government of Khyber Pakhtunkhwa,
Peshawar.

Through: - Proper Channel.

Subject: - DEPARTMENTAL APPEAL/REPRESENTATION.

R/Sir,

Reference Director Food, Khyber Pakhtunkhwa, Peshawar
impugned Office Orders bearing Nos.159/PF dated 21-05-2012,
No.3717/PF- dated 11-09-2012 and No.3727/PF- dated 11-09-2012.

2- The Director Food, Khyber Pakhtunkhwa, Peshawar
transferred the applicant from Battgram to Kohat without
any solid reasons which was illegal against the law as
neither any show cause notice served to the applicant nor
any complaint received against the applicant. The above
transfer was made only mere allegations and supposition.

3- The applicant has wrongly been implicated in a baseless
case regarding preparations of bogus medical charges bills
which is incorrect. As neither any kind of material on
record is available against the applicant nor is nothing
proved against the applicant during the inquiry proceedings
as per existing law in vogue throughout the Provincial
Government Departments in Khyber Pakhtunkhwa.

4- The applicant is innocent and not involved in preparation of
so called bogus medical charges bills. The punishment has
been awarded to the applicant on mere allegations and
supposition as the inquiry Officer and the competent
Authority did not prove the matter with judicious mind.

5- The applicant has not been offered opportunity to cross
examined the employee/Official who leveled baseless
allegations against him and the applicant has also not been
provided proper opportunity of personal hearing.

6- On the recommendations of the inquiry Officer, the
Director Food, Khyber Pakhtunkhwa, Peshawar has
reverted the applicant from the post of Senior Clerk (BS-
09) to Junior Clerk (BS-07) which is illegal, against law
and without lawful justification and is null and void on the
rights of the applicant.

7- The reversion of the applicant, posting out of Hazara
Division (Home Division) till retirement, placing of the
applicant at the bottom of seniority and transfer of the
applicant from Hazara Division to Kohat Division.

LATE
11-2-13

18

19

Page 2

order from Kohat Division to Bannu Division is also illegal, against the law and discriminatory.

8-

The original and real accused/culprits are being cited and they have been awarded lesser punishment, whereas the applicant is innocent and has been awarded illegal punishment more than the real accused which is discriminatory and illegal.

In view of the above foregoing facts, it is, therefore requested to kindly look into the whole matter at length and cancel/withdrawn the impugned Office Orders referred to above and exonerated the applicant from the charge leveled against him on humanitarian ground.

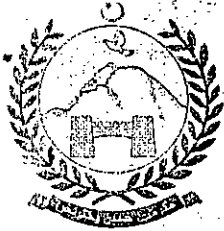
Submitted please.

WITNESSED
Gen
11-2-17.

Yours Sincerely,

1. 

(MUHAMMAD MASOOM)
S/J/Clerk, under transfer to Bannu.



20
GOVERNMENT OF
KHYBER PAKHTUNKHWA
FOOD DEPARTMENT.

317

Ann E

No.SO (Food Deptt) 1-6/10/23

Dated Pesh: the 10/01/2013

To

The Director Food,
Govt: of Khyber Pakhtunkhwa,
Food Department Peshawar.

Subject: APPEAL

I am directed to refer to your letters No. 8642/PF-840 dated 30-10-2012, 8724/PF-601-II dated 31-10-2012 & letter No. 8723/PF-1122 dated 31-10-2012 on the subject noted above and to state that the officials appeared before the competent authority i.e Secretary Food and the following orders are passed:-

S.No	Name	Order
1.	Mr. Muhammad Masoom Shah, Senior Clerk, C/O District Food Controller Office Bannu.	The penalty imposed upon him by the competent authority being adequate is confirmed. The ban on his posting in Hazara Division is removed being not covered by the rules.
2.	Mr. Raja Iftikhar Ahmed Assistant Food Controller, C/O District Food Controller, Office Battagram	The penalty imposed on him being adequate is confirmed.
3.	Mr. Arsalan Shoukat, Foodgrain Supervisor, C/O District Food Controller office Chitral.	The penalty imposed on him being excessive is modified/ converted to the withholding of two increments for two years with cumulative effect. The ban on his posting / Service in Hazara Division till retirement being outside the ambit of rules is removed.

You are requested to kindly take further necessary action accordingly.

Sd/-
Section Officer (Food)

Endst: No dated as above

Copy forwarded to PS to Secretary Food, Khyber Pakhtunkhwa, Peshawar for information.

Sd/-
Section Officer (Food)

TESTESTED
21-2-13

FOOD DIRECTORATE KHYBER PAKHTUN KHWA PESHAWAR

No.556-58/PF-1122

Dated 15/01/2013

Copy forwarded to:-

1. Mr. Raja Iftikhar Ahmed Assistant Food Controller in the office of DFC Battagram
2. Mr. Muhammad Masoom, Junior Clerk in the Office of DFC Bannu.
3. Mr. Arsalan Shoukat Foodgrain Supervisor in the office of DFC Chitral.

[Signature]
ASSISTANT/DIRECTOR FOOD (E)
KHYBER PAKHTUNKHWA,
PESHAWAR

To,

The EDO (Health) Abbottabad.

(21)

Ans 'F'

Subject: Inquiry Report.

Sir,

Please refer to your office Diary No.1730 dated 11-06-2012 referred to me for inquiring about the genuineness of medical bills of the individual Mr. Arsalan Shaukat, Food Grain Inspector. The letter being forwarded to your goodself from the Food Directorate Khyber Pakhtunkhwa with the signature of the Director, Food, Khyber Pakhtunkhwa for the verification of the medical re-imbusement bills amounting to Rs.105640/- on account of treatment of father of Mr. Arsalan Shaukat, as indoor patient in medical ward of the BBS Teaching Hospital, Abbottabad.

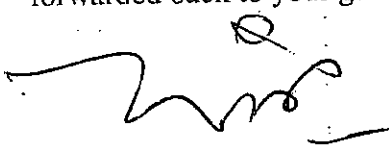
The matter was investigated at my own levels from the concerned medical stores, medical ward through its Incharge and the nursing staff responsible for admissions etc. The Medical Superintendent of the BBS Teaching Hospital, Abbottabad was also inquired for verification of the signs over the medical bills & discharge slip.

The cash memos from the respective medical stores obtained were not the original ones instead fake cash memos in the name of the respective store were printed from some press etc and during the inquiry, owners of the stores handed over their original cash memos which are attached with the inquiry as specimens of their cash memos.

The concerned units Incharge Dr. Waseem was also inquired and his statement is elaborate and is attached with the inquiry report mentioning that this individual never remained in the hospital as shown in the discharge slip on the mentioned dates, the admission No. is fake, the nursing record also does not indicate his ever admission in the medical ward, the stamp and the signature of the officer Incharge are also fake. The worthy Medical Superintendent was also contacted in the inquiry and he refused to recognize the signature over the discharge slip and on the non-availability certificates. He categorically put a note over the discharge slip and the NACs mentioning that the signature over these documents are NOT HIS SIGNATURES.

The inquiry report is elaborate. The individual Arsalan Shaukat has presented all the fake documents to the Govt and has fraudulently obtained the discharge card from the hospital and has managed to obtain fake stamps and has put the fake signatures of the Incharge Medical Ward & the Medical Superintendent. His higher ups may be contacted for removing him from the Govt job and Anti Corruption & police cases may be lodged against him for the forgery of obtaining the discharge cards and putting the fake stamps & signatures of the Govt officials.

Twenty five (25) pages record alongwith my recommendations are forwarded back to your goodself.


Dr. Nasir Khan Jadoon
(Inquiry Officer)
Senior Medical Officer,

ATTESTED
11-2-13

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Ans 9²³



**OFFICE OF THE
MEDICAL SUPERINTENDENT
DHQ HOSPITAL HARIPUR**
Ph#0995611850, Fax#0995-610069

No: 160 /Inquiry /Dated: 23 /01/2013

To

The District Officer (Health)
District Haripur

Subject:

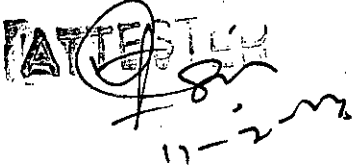
INQUIRY REPORT REGARDING BOGUS MRC BILLS

Memo:

With reference your letter NO. 135-36, dated 10/01/2013, on the subject cited above.

Enclosed please find herewith an Inquiry report in respect of Mr. Muhammad Rafique Senior Clerk DHQ Hospital Haripur is hereby submitted for further necessary action.


MEDICAL SUPERINTENDENT
DHQ HOSPITAL HARIPUR


11-2-2013

23

The Medical Superintendent

DHQ Hospital

Haripur

Subject: - INQUIRY REPORT.

This is in reference to letter No. 135-36/ dated 10.01.2013 Executive District Officer, Health, Haripur, marked to inquiry Committee by your esteemed office.

The inquiry committee has gone through record of previous inquiries done by Food Department and Dr.Nasir SMO EDO Office Abbottabad and recorded / cross examined Mr.Rafique senior Clerk DHQ Hospital Haripur and Mr.Masoom Food Department.

THE FINDINGS ARE PRODUCED HERE

1. The inquiry report conducted by worthy colleague Dr.Nasir Jadoon to ascertain the genuiness and authenticity of the medical bills did not mention Mr.Rafique in any way responsible for making these bills (which refer to page No.71 of record produced)
2. Mr.Arsalan in his statement mentioned that he had given all documents in original to Mr.Masoom only to be countersigned by MS .DHQ Abbottabad (refer page 146 / para 2) this means that all the bills were prepared already before any involvement of Mr.Masoom or Mr.Rafique. Moreover later Mr.Arsalan while being cross examined by Inquiry Officer did not mention name of Rafique.This also proves the contradiction in his(Arslan Shoukat) statements given on various occasions
3. Inquiry Officer of Food department was presented a sms, the contents of which fails to prove the purpose of sending money. Moreover no date/ time mentioned either on the sms imparting no information as how and when this sms was sent
4. All the record presented to examined by inquiry committee Food Department there is no proof of any money transfer to Mr.Rafique what so ever electronic / bank or in person.
5. The inquiry officer of food department did not inquire /named Mr. Rafique while taking statement/cross examining of Mr. Masoom (refer to page no 76) for suspected involvement in this case.

TESTED
11-2-23

24

6. The Inquiry Officer while during procedure of conducting inquiry never bothered to call Mr.Rafique through proper channel.for his statement,

7. Mr. Rafique is working in D.H.Q Hospital Haripur since 2009 and was never sent, deputed to D.H.Q Hospital Abbottabad in any official capacity during 2009- 2013, so it is impossible for him to keep stamp, official register, in his possession.

In the light of the above facts, the inquiry committee is of the opinion that no involvement of Mr.Rafique has in making the said medical bills and is absolved of the charge leveled against him.

Therefore, It is recommended that the suspension orders of Mr. Muhammad Rafique may please be withdrawn from the date of issuance accordingly.

(Dr.Ejaz Masod)

(Dr,Naeemullah)

Medical Specialist BPS-18

DHQ Hospital, Haripur

Senior Dental Surgeon BPS-19

DHQ Hospital, Haripur.

TESTESTED

- 11-2-12 -

BEFORE KHYBER PAKHTUNKHWA, SERVICES TRIBUNAL,
PESHAWAR APPEAL NO.357 OF 2013

Camp at Abbottabad.

Muhammad Masoom Junior Clerk Office of the District Food
Controller Haripur.

Appellant

Versus

- 1- Govt. of Khyber Pakhtunkhwa through Secretary Food KPK Peshawar. Respondents
- 2- Director Food Directorate of Khyber Pakhtunkhwa Peshawar.
- 3- Assistant Director Food Establishment Directorate of Food KPK Peshawar.
- 4- Mr. Arslan Shoukat Food Grain Supervisor Office of the Food Controller Chitral no working at Battagram.

WRITTEN REPLY ON BEHALF OF RESPONDENTS NO. 1 TO 03

PRELIMINARY OBJECTION

- 1- That the appeal is not maintainable as it is not in proper form.
- 2- That the appellant is estopped to file the present appeal due to his own conduct.
- 3- That the appellant has got no cause of action against the respondents.
- 4- That the appellant has not come to the court with clean hands. Material facts have been concealed from this Honourable Court. Thus, the appellant is estopped from seeking the relief.
- 5- That the appellant has got no locus standi to prefer the appeal against respondents.
- 6- That the appeal is time barred.

RESPECTFULLY SHEWETH.

1. Mr. Muhammad Masoom S/o Ali Hussain resident of H. No. VII Type V Magistrate Colony Abbottabad was initially appointed as Junior Clerk and posted in the office of DFC Haripur on 31.07.1993.

2. That the District Food Controller Mansehra forwarded medical reimbursement charges bill amounting to Rs.105,640/- (One hundred Five Thousand, Six Hundred & Forty only) on account of treatment of father of Mr. Arsalan Shoukat FGS posted at Battagram as indoor patient for sanction by the Director Food Khyber Pakhtunkhwa on 16.04.2012. As the amount of claim was high therefore this claim was sent to the Executive Health Officer Abbottabad for verification. In response the Executive District Officer Health Abbottabad reported that the claim is fake and bogus copy of report (*Annex-A*). After receipt of report from EDO (Health), a departmental inquiry was also conducted (*Annex-B*). During the course of inquiry it has been found that all reimbursement charges vouchers / documents submitted by Mr. Arsalan Shoukat are fake / bogus and this act was committed by Mr. Arsalan Shoukat FGS in connivance with the appellant Mr. Muhammad Masoom Junior Clerk of DFC Battagram and Mr. Muhammad Rafiq official of Health Department. The appellant while posted in the office of DFC Battagram had got signed bogus medical charges bill from DFC concerned of his own and other staff. Thereafter proper show cause notice was served to all the accused officials including appellant.


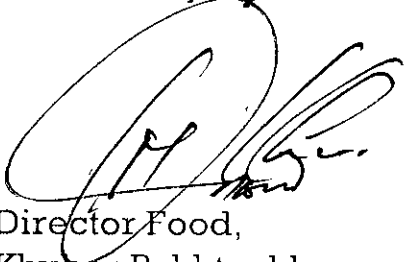

3. Correct.
4. Correct.
5. Correct.
6. Correct. to the extent of rejection of departmental appeal, the rest of para is incorrect. The appellant has been proceeded according to rules and law.

Grounds.

1. Incorrect. The appellant was treated according to Law, Rules and Policy.
2. Incorrect. The inquiry was conducted in proper manner according to law and all the codal formalities were fulfilled.
3. Incorrect. The inquiry was conducted impartially all the codal formalities were fulfilled.
4. Incorrect. It was clearly established that Mr. Muhammad Masoom (appellant) was involved in preparation of bogus medical charges bill in connivance of Mr. Arsalan Shoukat FGS.
5. Incorrect. The appellant was given full opportunity to defend himself by way of recording his statement during personal hearing and participated in the inquiry proceedings.
6. In correct. As the appellant committed double offence of preparing bogus medical charges bill of his own as well as other officials being posted on position such as Head Clerk, he was awarded the said punishment on the recommendation of inquiry officer. There is no discrimination of the respondent towards the appellant.
7. In correct. As per para 2.
8. In correct. The inquiry conducted by Dr. Nasir Khan Jadoon referred to by the appellant proves that the signatures and stamps of the Incharge Medical Ward were fake, whereas during the course of departmental inquiry it was established that the appellant was involved in preparation of bogus medical charges bill.
9. In correct. The inquiry report annexed by appellant relates to Health Department and conducted in case of their own employee, while inquiry of Food Department has established the offence against appellant and other Food Department officials.
10. No comments. Subject to proof.
11. No comments.
12. Incorrect.

In view of the above, it is therefore, respectfully prayed that the appeal being frivolous and misconceived may very graciously be dismissed with costs.

Respondents

1. 
Secretary Food
Govt. of Khyber Pakhtunkhwa
2. 
Director Food,
Khyber Pakhtunkhwa
3. 
Assistant Director Food (Establishment)
Food Directorate, Khyber Pakhtunkhwa

BEFORE KHYBER PAKHTUNKHWA, SERVICES TRIBUNAL,
PESHAWAR APPEAL NO.357 OF 2013

Camp at Abbottabad

Muhammad Masoom Junior Clerk Office of the District
Food Controller Haripur.

Appellant

Versus

- 1- Govt. of Khyber Pakhtunkhwa through Secretary Respondents
Food KPK Peshawar.
- 2- Director Food Directorate of Khyber Pakhtunkhwa
Peshawar.
- 3- Assistant Director Food Establishment Directorate
of Food KPK Peshawar.

AFFIDAVIT

I undersigned do herewith solemnly affirm and declare the content of the accompany para wise comments submitted by Respondents No.1 to 3 is true and correct to the best of our knowledge and belief and that nothing is concealed from the Honourable Service Tribunal.

Respondent.

Assistant Director Food (Establishment)
Food Directorate, Khyber Pakhtunkhwa

Annexure - "A"

L79

(1)



OFFICE OF THE EXECUTIVE DISTRICT OFFICER (HEALTH) ABBOTTABAD.

No. 5196
Dated Abbottabad the

/Estab/D/Misc.
18/6-2012.

To,
The Director Food,
Khyber Pakhtunkhwa, Peshawar.

Subject: Medical Re-Imbursement Charges Bills in Respect of
Father of Mr. Arsalan Shoukat Food Grain Inspector.

Memo:

Reference your letter No.743/PF-1122 dated 31-05-2012.

With reference to the above, an inquiry report dated 18-06-2012 furnished by Dr. Nasir Khan Jadoon (Inquiry Officer) SMO, CH Khairagali, Abbottabad alongwith its enclosures with regard to subject cited above is enclosed herewith with the remarks that the medical re-imbusement charges bills amounting to Rs.105640/- in respect of Mr. Arsalan Shoukat Food Grain Inspector have been proved fake & bogus.

It is, therefore, requested that disciplinary action may please be initiated against him.

[Signature]
18/6/12
Executive District Officer.
(Health) Abbottabad.

(Encls; as stated above)
No.

/Estab/D/Misc.
Copy forwarded to the:-

1. District Coordination Officer, Abbottabad for information please.
2. Medical Superintendent, BBS Teaching Hospital, Abbottabad with the remarks to initiate the case of the official concerned to Anti Corruption & Police Department for legal action as he has used stamp & signatures of the Incharge & M.S fraudulently.

Executive District Officer
(Health) Abbottabad.

Executive District Officer (Health) Link Road, Abbottabad.

Phone # 0992-9310192
Fax # 0992-9310196
eclojabd@yahoo.com

RK/EA-II
put up just now
A
20/6

Diary No.	11388
Date	25-6
DD	ESH
Serial	

Initial enquiry as per a/cles

To,

The EDO (Health) Abbottabad.

Subject: Inquiry Report.

Sir,

Please refer to your office Diary No.1730 dated 11-06-2012 referred to me for inquiring about the genuineness of medical bills of the individual Mr. Arsalan Shaukat, Food Grain Inspector. The letter being forwarded to your goodself from the Food Directorate Khyber Pakhtunkhwa with the signature of the Director, Food, Khyber Pakhtunkhwa for the verification of the medical re-imburement bills amounting to Rs.105640/- on account of treatment of father of Mr. Arsalan Shaukat, as indoor patient in medical ward of the BBS Teaching Hospital, Abbottabad.


The matter was investigated at my own levels from the concerned medical stores, medical ward through its Incharge and the nursing staff responsible for admissions etc. The Medical Superintendent of the BBS Teaching Hospital, Abbottabad was also inquired for verification of the signs over the medical bills & discharge slip.

The cash memos from the respective medical stores obtained were not the original ones instead fake cash memos in the name of the respective store were printed from some press etc and during the inquiry, owners of the stores handed over their original cash memos which are attached with the inquiry as specimens of their cash memos.


The concerned units Incharge Dr. Waseem was also inquired and his statement is elaborate and is attached with the inquiry report mentioning that this individual never remained in the hospital as shown in the discharge slip on the mentioned dates, the admission No. is fake, the nursing record also does not indicate his ever admission in the medical ward, the stamp and the signature of the officer Incharge are also fake. The worthy Medical Superintendent was also contacted in the inquiry and he refused to recognize the signature over the discharge slip and on the non-availability certificates. He categorically put a note over the discharge slip and the NACs mentioning that the signature over these documents are NOT HIS SIGNATURES.

The inquiry report is elaborate. The individual Arsalan Shaukat has presented all the fake documents to the Govt and has fraudulently obtained the discharge card from the hospital and has managed to obtain fake stamps and has put the fake signatures of the Incharge Medical Ward & the Medical Superintendent. His higher ups may be contacted for removing him from the Govt job and Anti Corruption & police cases may be lodged against him for the forgery of obtaining the discharge cards and putting the fake stamps & signatures of the Govt officials.

Twenty five (25) pages record alongwith my recommendations are forwarded back to your goodself.


Dr. Nasir Khan Jadoon
(Inquiry Officer)
Senior Medical Officer,
Civil Hospital, Khairagali, Abbottabad
Dated 18th June 2012

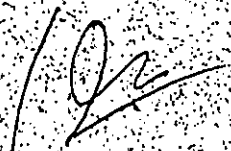
Rest covering letter.


18/6/12

200 19/37
①

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3

- Dr. Samadul
- Dr. Sugma one Pak
- Dr. Saleem (1)
- Dr. Hemmat (9)
- Dr. Cravit (6)
- Dr. Aftab (6)
- Dr. J. Aziz (3)



Medical Officer
S.B.S. Teaching Hospital
Abbottabad

ARHAD MEDICAL HALL

Chemist & Druggist Link Road Abbottabad

سرحد میڈیکل ہال لنک روڈ ایبٹ آباد

6763

Date: 20-2-2012

Name: Shokat

Particulars	Amount
Tas Paracetol	7
Tas Sugmadec nepal	1301
1kg Selenium 250g	111
9 kg Stenital	45
6 kg Corvit	5010
6 kg Cefopam 1g	3600
3 kg <i>[Signature]</i>	8406
Medical Officer F.B.S. Teaching Hospital Abbottabad	
TOTAL	18480

خریدار کو مال واپس یا ترمیم نہیں ہوگا۔

Signature: *[Signature]*

~~185~~
4

85, 48
183
6

NON AVAILABILITY CERTIFICATE

Signature of Government Servant [Signature]

This is to certify that the Medicine/Drugs, mentioned in the attached Cash memo (s) Bearing No. 6772 Dated: 22-02-2012 issued by M/S Saxhaad Medical Hall amounting to Rs:(In Figures) 17172/- (Rupees in words) Seventeen Thousand one Hundred and Seventy Two were essential for the recovery of Mr/ Mrs/ Mst:/ Miss/ Son/ Daughter/ Wife/ Mother/ Father Arbala Shokat Who was suffering from Hepatitis - c was treated in the DHO Hospital Atk vide OPD chit No. 321 Dated: 19/2/2012

Certified that either these drugs nor their effective substitute were available in the Hospital at the time.

[Signature]
Medical Superintendent
[Hospital Name]
Atk

[Signature]
Authorized Medical Officer
[Hospital Name]
Atk

58 / 46

~~188~~

7

London 10/10/58 (1)

Stanley (1)

Garrett (6)

John (3)

cupps (6)

Q

Medical Officer
B.B.S. Teaching Hospital
Abbottabad

Cash Memo

63/41

185

10007/RS

Ph: 330873

SHAD MEDICAL HALL


Chemist & Druggist Link Road, Abbottabad

سرحد میڈیکل ہال لنک روڈ

6772

Date: 22-02-2022

Shokat

Particulars	Amount
Qty. Selocumyl 200g	111
Qty. Sbartel	45
Qty. Grommet	5010
Qty. bases	8406
Qty. Cefazim	3600
	
Medical Officer G.B.S. Teaching Hospital Abbottabad	
TOTAL	17172

سرحد میڈیکل ہال لنک روڈ

Signature: 

NON AVAILABILITY CERTIFICATE

21/5/12

186
9

Signature of Government Servant _____

[Signature]

This is to certify that the Medicine/Drugs, mentioned in the attached Cash memo (s) Bearing No. 6781 Dated: 28-02-2012 issued by M/S Saxha Medical Hall amounting to Rs:(In Figures) 17122/- (Rupees in words)

Seventeen Thousand one Hundred and Twenty Two were essential for the recovery of Mr/ Mrs/ Mst./ Miss/ Son/ Daughter/ Wife/ Mother/ Father Asbalan Shoukat Who was suffering from Hepatitis - C was treated in the DHO Hospital Attd vide OPD chit No. 321 Dated: 19/2/2012

Certified that either these drugs nor their effective substitute were available in the Hospital at the time.

[Signature]
Medical Superintendent
B.B.S. Teaching Hospital
Abbottabad

Authorized Medical Officer

[Signature]
Medical Officer
S. Teaching Hospital
Abbottabad

~~187~~

10

1. as Jugaler mi Pile
 2. Guler mi Pile
 3. Kumbhal
 4. Chavt
 5. Chavt
 6. Chavt
 7. Chavt
 8. Chavt

Medical Officer
 B.B.S. Teaching Hospital
 Abbottabad

NON AVAILABILITY CERTIFICATE

Signature of Government Servant

This is to certify that the Medicine/Drugs, mentioned in the attached Cash memo (s)

Bearing No. 6775 Dated: 26-02-2012 issued by

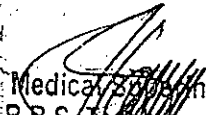
M/S Saxhad Medical Hall amounting to Rs:(In Figures) 17122/-
(Rupees in words)


Seventeen thousand one hundred and seventy two were essential for the recovery of Mr/ Mrs/ Mst:/ Miss/ Son/ Daughter/ Wife/ Mother/ Father

Aisalan Shonkat Who was suffering from Habitudo-c was treated in the DHO Hospital Attd vide OPD chit No. 321 Dated: 19/2/2012

Certified that either these drugs nor their effective substitute were available in the Hospital at the time.

Authorized Medical Officer


Medical Superintendent
B.S. Teaching Hospital
Abbottabad


Medical Officer
B.S. Teaching Hospital
Abbottabad

MS 12/1

193
16

NON AVAILABILITY CERTIFICATE

54/51

19/11
18

Signature of Government Servant [Signature]

This is to certify that the Medicine/Drugs, mentioned in the attached Cash memo (s)

Bearing No. 6289 Dated: 01-03-2012 issued by

M/S Razi Brothers Medical Store amounting to Rs:(In Figures) 18473/-
(Rupees in words)

Eighteen Thousand Four Hundred and Seventy Three were essential for the recovery of Mr/ Mrs/ Ms:// Miss/ Son/ Daughter/ Wife/ Mother/ Father

Arsalan Shaukat Who was suffering from Hepatitis - C

was treated in the D.H.G. Hospital Attd vide OPD chit

No. 321 Dated: 19/11/2012

Certified that either these drugs nor their effective substitute were available in the Hospital at the time.

Medical Superintendent
B.B.S. Teaching Hosp:
Abbottabad

Not my Signature
[Signature]

[Signature]
Medical Officer
Authorized Medical Officer
Abbottabad

PP

Cash Memo

Ph: 330873

00007/RS

RHAD MEDICAL HALL

Chemist & Druggist: Link Road, Abbottabad

سرحد میڈیکل ہال لنک روڈ

6773

Date: 26-02-2012

Shahid

Particulars	Amount
Hy Sedent 250g	111
Hy Stemulid	45
Hy Crovent	5010
Hy Losa	8406
Hy Cefopru	3600
TOTAL	17172

Medical Officer
C.G.S. Teaching Hospital
Abbottabad

Signature: 

خرید اہتمام مال و اجناس یا تجزیل نہیں ہوگا۔

19

195

ENQUIRY REPORT.

DDFC (AFC)
Issue Show
Account with
ground of
operation for
personal
travelling

ADFC
7/7/12
Annexure - B

The District Food Controller Mansehra has forwarded a letter vide No.899/901/ dated 16-04-2012 along with Medical re-imbusement charges for amounting to Rs.105,640/- on account of treatment of father of Mr. Arslan Shoukat FGS as indoor patient .On receipt of the said documents Food Directorate, Khyber Pakhtunkhwa has sent the Medical re-imbusement charges to the Executive District Health Office Abbottabad for verification vide Food Directorate, Khyber Pakhtunkhwa letter No 743/PF-1122 dated 31-05-2012 On examination verification of Medical re-imbusement charges bills amounting to Rs. 105, 640/- in respect of Mr. Arslan Shoukat Foodgrain Supervisor Office of District Food Controller Mansehra, the Executive District Office Health Abbottabad reported that Medical re-imbusement charges bills for amounting to Rs.105, 640/ forwarded by DFC Mansehra in favour of Mr. Arslan Shoukat Food grain Supervisor incurred on the treatment of his father is bugs.

2 In response of Food Directorate, Office Order No 1839/PF-1122, dated 27-06-2012, and in light of inquiry report and recommendation of the Inquiry Officer of Executive District Health Officer Abbottabad I go ahead and thoroughly checked all the Medical record of the District Food Controller Office Mansehra as well as DFC Office Battagram being attached Mr. Arslan Shoukat FGS for performance of duties were also examined It has been found that 04 more Medical Re-imbusement charges bills of the officials of DFC Office Battagram were trace out such like case for Medical Re-imbusement Charges bills in respect of Mr. Arslan Shoukat FGS which was already found all the medical re-imbusement charges vouchers / documents is fake fraudulently, which is clearly mis-conduct / fraud case by Health Department Abbottabad as per their enquiry report Detail of these 04 more cases for Medical Re-imbusement Charges Bills such like case of Mr. Arsalan Shoukat FGS are as under:-

S.No	Name of Official	Amount	Status of Case	Name of DDO/DFC
1	Mr. Muhammad Masoom Senior Clerk Office of DFC Battagram	10,000/-	The above amount sanctioned by Food Directorate Khyber Pakhtunkhwa Peshawar	Drawn by the official under signature of Mr. Abdur Rashid DDO/DFC
2	Mst:Sania Pervaiz Junior Clerk Office of DFC Battagram	15,000/-	The above amount sanctioned by Food Directorate Khyber Pakhtunkhwa Peshawar	Drawn by the official under signature of Mr. Abdur Rashid DDO/DFC
3	Raja Iftikhar Ahmad AFC Office of DFC Battagram	51250/-	The Case is returned by Food Directorate, to submit after allotment of Fund	The case submit to Food Directorate Khyber Pakhtunkhwa by Mr. Imtiaz Muhammad DFC and the

72/2

				case is returned by Food Directorate to DFC concerned reply of observation
4	Arslan Shokat FGS office of DFC Mahsehra	51282/-	The Medical Charges Bill for amounting to Rs.51282/- is sent to D.G.Health Services Khyber Pakhtunkhwa for verification which is still lying in the Health Department	The case submit to Food Directorate Khyber Pakhtunkhwa by Mr. Imtiaz Muhammad DFC and the case is under verification between Food Directorate / Health Département
5	Arslan Shokat FGS office of DFC Mansehra	105,640/-	After verification by the Executive District Health Officer it has been found that all documents is Bugs	The case submit to Food Directorate Khyber Pakhtunkhwa by Mr. Imtiaz Muhammad DFC and the case is under enquiry

3 To scrutinize/ enquire against the said Medical Charges Bills the above officials as tabulated , DDO/ DFC along with concerned Head Clerks all were called vide Food Directorate, Khyber Pakhtunkhwa letters No.1974/PF-11 dated 29-06-2012 No.2190/PF-1122 dated 09-07-2012 to provide the records of the above Medical Charges Bills. On submission of record proper questioners were provided to them /from their statement in the subject enquiry it has been found that all the medical re-imburement charges vouchers / documents fake / fraudulently, which is clearly mis-conduct / fraud case as detail given in the table above are made by Muhammad Masoom Senior Clerk in consultation with Mr. Arslan Shoukat FGS Office of DFC Mansehra and Mr. Muhammad Rafique official of Health Department


4 **Findings**

From the record / statements /replies of questioners of the accused it has been cleared that Muhammad Masoom Senior Clerk Office of DFC Battagram is involved for preparation of Bugs Medical Charges Bills in consultation of Mr. Arslan Shoukat FGS Office of DFC Mansehra and Mr. Muhammad Rafique official of Health Department. They have prepared the Bugs Medical Charges Bills of their own as well as other officials as per detail given in the table. Thus they are involved to loss the Government Treasury as amounting to Rs. 25,000/- has been drawn on account of bugs Medical charges Bills which is clearly mis-conduct / fraud case. Therefore the competent authority may take action under Efficiency & Discipline Rules-2011 against the defaulters.

5 **Recommendations**

Under Efficiency & Disciple Rules-2011 the following punishment is recommended against the defaulters noted below:-

- 13/3
- 1) The Medical Charges Bills for amounting to Rs.10, 000/- drawn by Mr. Muhammad Masoom Senior Clerk and amounting to Rs.15, 000/ drawn by Mst Sania Pervaiz Junior Clerk Office of DFC Battagram may be recovered from the then DDO/ DFC Battagram being responsible Officer for District Administration of Food Department and awarded a punishment of censure.
 - 2) Muhammad Masoom Senior Clerk Office of DFC Battagram now DFC Office Kohat may be reverted to the post of Junior Clerk for a period of 05 years with effect from the date of issuance of Office order and he may be posted out of Hazara Division till his completion of remaining service /till retirement.
 - 3) Stoppage of 05 Annual Increments for 05 years with out accumulative effect in respect of Mr. Arslan Shoukat FGS he may be posted out of Hazara Division till his completion of remaining service /till retirement
 - 4) 02 Annual Increments for 02 year with out accumulative effect may be stopped in respect of Raja Iftikhar Ahmad AFC, and Mst: Sania Pervaiz Junior Clerk Office of DFC Battagram.
 - 5) Mr. Imtiaz Muhammad DFC Mansehra may be awarded a punishment of Censure.
 - 6) The Health Department Khyber Pakhtunkhwa / Executive District Health Officers Abbottabad and Haripur may be requested to take disciplinary action against Mr.Muhammad Rafique Senior Clerk presently working at DHQ Haripur for preparation of bogus stamp and signature of Medical Officer /Medical Superintendent in consultation of Mr. Muhammad Masoom Senior Clerk and Mr. Arslan Shoukat FGS as per Rules.


Iftikhar Hussain Qureshi
Assistant Director Food (E)
Khyber Pakhtunkhwa,
Peshawar

Fax

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FOOD DIRECTORATE
KHYBER PAKHTUN KHWA
PESHAWAR

No. 1839 / PF-1122

Dated 27/06/2012

OFFICE ORDER

In order to investigate the matter regarding submission of Medical re-imbusement charges bills for amounting to Rs.105, 640/- by DFC Mansehra in favour of Mr. Arsalan Shoukat Food grain Supervisor incurred on the treatment of his father which was referred to the Executive District Officer, Health Abbottabad for verification vide Food Directorate Khyber Pakhtunkhwa Peshawar letter No.4014/PF-1122 dated 28-03-2012. On enquiring by the authorities of Executive District Health Officer Abbottabad that all the medical re-imbusement charges vouchers / documents is fake / fraudulently, which is clearly mis-conduct / fraud case (Copy of enquiry report along with other relevant documents of Office of EDO Health Abbottabad are enclosed for ready reference).

2. Mr. Iftikhar Hussain Qurishi Assistant Director Food (E), Food Directorate Khyber Pakhtunkhwa Peshawar is hereby appointed as Enquiry officer to conduct preliminary enquiry and submit their findings with fact & figures within Seven (07) days positively.

DIRECTOR FOOD
KHYBER PAKHTUN KHWA,
PESHAWAR.

Endorstt: Even No & Dates

Copy is forwarded to:-

- 1 PS to Minister Food for information of the Minister Food Government of Khyber Pakhtunkhwa, Peshawar.
- 2 PS to Secretary Food for information of the Secretary Food Government of Khyber Pakhtunkhwa, Peshawar
- 3 The District Coordination Officer Abbottabad and Mansehra.
- 4 The Executive District Officer Health Abbottabad for information with reference to his letter No.5196/Estab/D/Misc, dated 18-06-2012.
- 5 The Medical Superintendent BBS Teaching Hospital Abbottabad.
- 6 The Assistant Director (Circle Officer) Anticorruption Department Abbottabad.
- 7 The District Police Officers Abbottabad and Mansehra.
- 8 The Deputy Director Food (A&C) for information and necessary action with the direction to initiate further action against those Officer / Officials of District Mansehra who recommended and submit the fake case to Food Directorate without any scrutinizing / examination for sanction of the authority.
- 9 The Regional Audit Officer Food Directorate Khyber Pakhtunkhwa Peshawar for information and necessary action.
- 10 The Assistant Director Food Hazara Division at Abbottabad for information and necessary action with out fail.
- 11 The District Food Controllers, Abbottabad and Mansehra.
- 12 Mr. Arsalan Shoukat FGS Office of DFC Mansehra presently working with DFC Abbottabad with the direction to appear before the enquiry Officer as and when called by him.
- 13 Concerned File.

DIRECTOR FOOD
KHYBER PAKHTUN KHWA,
PESHAWAR

1) کیا یہ میڈیکل بل آپ کے (CLAIM) یا ہے = جی (YES) *

(2) آیا یہ بل درست ہے = نہیں مجھے پتہ نہیں

(3) کیا آپ کے والد صاحب (B.B.S.H) ایبٹ آباد میں زیر علاج رہے ہیں = نہیں

(4) اگر زیر علاج رہے ہیں تو کون سے وارڈ میں = نہیں

(5) وہ کب داخل ہوئے۔ اور کب ڈسچارج ہوئے = 21-12-2011 کو داخل ہوئے اور 2012-1-11 کو

(6) یہ میڈیکل بل آپ نے خود فراہم کیا ہے = نہیں

(7) یہ میڈیکل بل کس نے بنائے تھے = مصعب علی نے اپنے والد صاحب سے

(8) یہ بل آپ کے دفتر میں کس نے (chick) بنائے تھے = والد صاحب سے فراہم کیا ہے

(9) یہ CASE کس نے فراہم کیا تھا = ڈی ایف سی

(10) یہ بل کیسے سے بل آپ کو بنایا گیا تھا = جی

(11) کیا آپ کے والد صاحب الشفا ہسپتال میں بھی داخل رہے ہیں = نہیں

(12) کیا آپ کے والد صاحب الجیب ہسپتال میں بھی داخل رہے ہیں = جی داخل دیکھیں

(13) اگر سوال نمبر 11 اور 12 کا جواب مثبت میں ہو تو میں =

جے بل کدھر ہیں = اورش الجیب شاہل صبرے پاس ہے

(14) کیا آپ جی (ACTUAL) دوستوں سے = حاضری

(15) آپ نے ایک سال کے دوران کہاں کہاں ڈیوٹی کی ہے = بنگلہرام میں

(16) آپ نے اپنی (ACTUAL) دوستوں کے ساتھ اور ادھر ادھر کی

ڈیوٹی کی ہے = سٹاف کی لمبی وجہ سے بنگلہرام میں ڈیوٹی

(17) آیا آپ کی کوئی خاندانی دشمنی ہے = ہو سکتی ہے

(18) آیا آپ کے والد صاحب کی (DEATH) واپسی تاریخ کو ہوئی ہے = 01-03-2012

(19) آیا ان کی (DEATH) گھر میں ہوئی ہے یا ہسپتال میں = ہسپتال میں

(20) اگر ہسپتال میں ہوئی ہے تو کونسی ہسپتال میں = اورش جنرل ہسپتال میں

(21) آیا آپ کو یہ معلوم ہے کہ آپ کے (CLAIM) کی امداد کیا ہے = نہیں

(22) کیا آپ نے اس سے قبل بھی کوئی بل CLAIM کیا ہے = نہیں

(23) اگر کیا ہے تو وصول ہوا ہے یا نہیں = نہیں

(24) آیا وہ بل بھی اسی ہسپتال سے بنایا گیا ہے = نہیں

(25) کیا آپ کے تمام (CLAIM) DEF/H/C کے وقت کے تھے = جی

ارسالان سٹوائے لوز

28/6/2012

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Arslan is no. Pay 03449492065 ap
8000/=bhaig dain nic no. 13101-1000049-5
name Muhammad rafique. Bill ap k kal mill
jain gay.

Sender:03459631861

Dear Mother
 I received your letter of the 10th and was
 glad to hear from you. I am well and
 hope these few lines will find you the same.

I am sorry to hear that you are
 feeling unwell. I hope you will get
 better soon.

I have not heard from you for some
 time. I hope you are all well.

I am sure you will be glad to hear
 from me again.

With love to all,
 I remain your affectionate son,
 John Doe

John Doe

1903

1903



FOOD DIRECTORATE
KHYBER PAKHTUNKHWA
PESHAWAR

No. 1974 /PF-1122
Dated 29/06/2012

TO

- 1) Mr. Imtiaz Muhammad
DFC Mansehra
- 2) Mr, Muhammad Masoom
Senior Clerk DFC Office Kohat

Subject:- **DISCIPLINARY PROCEEDING AGAINST MR. ARSLAN SHOUKAT FGS IN CA
OF SUBMISSION OF FAKE/FRAUDULENTLY MEDICAL RE-IMBURSEME
CHARGES BILLS FOR SANCTION OF THE AUTHORITY**

Memo

Please refer to Food Directorate Office Order No.1839/PF-1122 dat
22-06-2012 on subject noted above (Copy enclosed).

2 You are directed to attend Food Directorate Khyber Pakhtunkhwa
Peshawar on 02-07-2012 and appear before the enquiry officer along with complete
record regarding Medical re-imburement charges Bills already sanctioned
pending of the officials of your Office with from 01-01-2011 till date for hearing
the subject reference case to proceed further action accordingly.

R. Ilyas Sh
ENQUIRY OFFICER
ASSISTANT DIRECTOR FOOD (E)
KHYBER PAKHTUNKHWA
PESHAWAR.

Endorsement No & date Even

Copy is forwarded to PA to Director Food Khyber Pakhtunkhwa.

R. Ilyas Sh
ENQUIRY OFFICER
ASSISTANT DIRECTOR FOOD (E)
KHYBER PAKHTUNKHWA
PESHAWAR.

66-207

OFFICE OF THE
DISTRICT FOOD CONTROLLER
ABBOTTABAD

NO. 2127 / (AD)
Dated 28/06/2012

To:-
The Director Food,
Khyber Pakhtun Khwa,
Peshawar.

Subject:- OFFICE ORDER/RECEIPT ACKNOWLEDGEMENT.

Memo:-
Please refer to your office Order No.1839/PF-1122 dated 27/6/2012 on
the subject noted above.

Receipt acknowledgement of your above office order obtained from
concerned offices in District Abbottabad is hereby sent for your information please..

Encl: (one)

(Signature)
(SYED NAZAKAT HUSSAIN SHAH)
DISTRICT FOOD CONTROLLER
ABBOTTABAD

11496
29-06
ESD

29.6.12

RK
(Signature)
27

14 270
69

RECEIPT ACKNOWLEDGEMENT OF THE DIRECTOR FOOD KHYBER
PAKHTUN KHAWA PESHAWAR OFFICE ORDER BEARING No.1839/PF-1122
DATED 27/6/2012 FROM THE FOLLOWING :- Through Mr. Arshid

Arshid H/c of this Office.

1. DCO ABBOTTABAD

Arshid
27-6-2012

2. M.S BBS TEACHING HOSPITAL
ABBOTTABAD.

S. M. Parwez
27/6-2012

3. ASSISTANT DIRECTOR
(CIRCLE OFFICER)
ANTI CURRUPTION DEPARTMENT
ABBOTTABAD.

Arshid
27-6-2012

4. DPO ABBOTTABAD.

Arshid
27/6/2012

5. EDO HEALTH ABBOTTABAD.

M. Saleem
27/6/12

6. ASSISTANT DIRECTOR FOOD
HAZARA DIVISION ABBOTTABAD.

Arshid
27/6/2012

27
6.7.12

S. M. Parwez



13 209
68

FOOD DIRECTORATE
KHYBER PAKHTUNKHWA
PESHAWAR

No. 2190 /PF-1122
Dated 9/7/2012

TO

- 1) Mr. Abdur Rashid DFC Battagram now DFC D.I.Khan
- 2) Syed Manzoor Hussain Shah Head Clerk DFC Office Battagram
- 3) Mr. Raja Iftikhar Ahmad AFC Office of DFC Battagram
- 4) Mst:Sania Pervaiz Junior Clerk Office of DFC Battagram

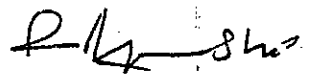
Subject:-

DISCIPLINARY PROCEEDING AGAINST MR. ARSLAN SHOUKAT FGS IN CASE OF SUBMISSION OF FAKE/FRAUDULENTLY MEDICAL RE-IMBURSEMENT CHARGES BILLS FOR SANCTION OF THE AUTHORITY

Memo

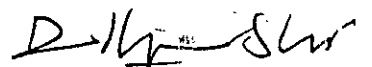
Please refer to Food Directorate Office Order No.1839/PF-1122 dated 22-06-2012 on subject noted above (Copy enclosed).

2 You are directed to attend Food Directorate Khyber Pakhtunkhwa Peshawar on 12-07-2012 and appear before the enquiry officer along with complete record regarding Medical re-imburement charges Bills already sanctioned or pending of the officials of Office of DFC Battagram with from 01-01-2009 till date for hearing in the subject reference case to proceed further action accordingly.


ENQUIRY OFFICER
ASSISTANT DIRECTOR FOOD (E)
KHYBER PAKHTUNKHWA
PESHAWAR.

Endorsement No & date Even

Copy is forwarded to PA to Director Food Khyber Pakhtunkhwa.


ENQUIRY OFFICER
ASSISTANT DIRECTOR FOOD (E)
KHYBER PAKHTUNKHWA
PESHAWAR.



OFFICE OF THE EXECUTIVE DISTRICT OFFICER (HEALTH) ABBOTTABAD.

No. 5196
Dated Abbottabad the

15
/Estab/D/Misc.
18/6/2012.

To,
The Director Food,
Khyber Pakhtunkhwa, Peshawar.

Subject: Medical Re-Imbursement Charges Bills in Respect of
Memo: Father of Mr. Arsalan Shoukat Food Grain Inspector;

Reference your letter No.743/PF-1122 dated 31-05-2012.

With reference to the above, an inquiry report dated 18-06-2012 furnished by Dr. Nasir Khan Jadoon (Inquiry Officer) SMO, CH Khairagali, Abbottabad alongwith its enclosures with regard to subject cited above is enclosed herewith with the remarks that the medical re-imbusement charges bills amounting to Rs.105640/- in respect of Mr. Arsalan Shoukat Food Grain Inspector have been proved fake & bogus.

It is, therefore, requested that disciplinary action may please be initiated against him.

[Signature]
18/6/12
Executive District Officer
(Health) Abbottabad.

(Encls: as stated above)

No.

/Estab/D/Misc.

Copy forwarded to the: -

1. District Coordination Officer, Abbottabad for information please.
2. Medical Superintendent, BBS Teaching Hospital, Abbottabad with the remarks to initiate the case of the official concerned to Anti Corruption & Police Department for legal action as he has used stamp & signatures of the Incharge & M.S fraudulently.

Executive District Officer
(Health) Abbottabad.

Executive District Officer (Health) Link Road, Abbottabad.

Phone # 0992-9310192

Fax # 0992-9310196

edc@abbtd@yahoo.com

RK/EA-II
put up just now

critical enquiry as per rules/law

A
26/6

Diary No.	11323
Date	25-6
DD	ESH
Serial	

To,

The EDO (Health) Abbottabad.

Subject: Inquiry Report.

Sir,

Please refer to your office Diary No.1730 dated 11-06-2012 referred to me for inquiring about the genuineness of medical bills of the individual Mr. Arsalan Shaukat, Food Grain Inspector. The letter being forwarded to your goodself from the Food Directorate Khyber Pakhtunkhwa with the signature of the Director, Food, Khyber Pakhtunkhwa for the verification of the medical re-imburement bills amounting to Rs.105640/- on account of treatment of father of Mr. Arsalan Shaukat, as indoor patient in medical ward of the BBS Teaching Hospital, Abbottabad.

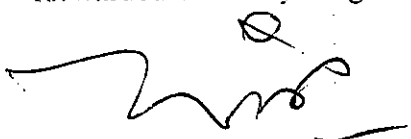
The matter was investigated at my own levels from the concerned medical stores, medical ward through its Incharge and the nursing staff responsible for admissions etc. The Medical Superintendent of the BBS Teaching Hospital, Abbottabad was also inquired for verification of the signs over the medical bills & discharge slip.

The cash memos from the respective medical stores obtained were not the original ones instead fake cash memos in the name of the respective store were printed from some press etc and during the inquiry, owners of the stores handed over their original cash memos which are attached with the inquiry as specimens of their cash memos.

The concerned units Incharge Dr. Waseem was also inquired and his statement is elaborate and is attached with the inquiry report mentioning that this individual never remained in the hospital as shown in the discharge slip on the mentioned dates, the admission No. is fake, the nursing record also does not indicate his ever admission in the medical ward, the stamp and the signature of the officer Incharge are also fake. The worthy Medical Superintendent was also contacted in the inquiry and he refused to recognize the signature over the discharge slip and on the non-availability certificates. He categorically put a note over the discharge slip and the NACs mentioning that the signature over these documents are NOT HIS SIGNATURES.

The inquiry report is elaborate. The individual Arsalan Shaukat has presented all the fake documents to the Govt and has fraudulently obtained the discharge card from the hospital and has managed to obtain fake stamps and has put the fake signatures of the Incharge Medical Ward & the Medical Superintendent. His higher ups may be contacted for removing him from the Govt job and Anti Corruption & police cases may be lodged against him for the forgery of obtaining the discharge cards and putting the fake stamps & signatures of the Govt officials.

Twenty five (25) pages record alongwith my recommendations are forwarded back to your goodself.


Dr. Nasir Khan Jadoon
(Inquiry Officer)
Senior Medical Officer,
Civil Hospital, Khairagali, Abbottabad
Dated 18th June 2012

Post
conveying letter.


18/6/12

BEFORE KHYBER PAKHTUNKHWA, SERVICES TRIBUNAL,
PESHAWAR.

Muhammad Masoom, junior Clerk Office of the District Food
Controller, Haripur.

Appellant.

Versus.

- 1- Govt: of Khyber Pakhtunkhwa through Secretary Food, KPK, Peshawar. Respondents.
- 2- Director Food, Khyber Pakhtunkhwa, Peshawar.
- 3- Assistant Director Food, (Establishment) Food Directorate, Khyber Pakhtunkhwa, Peshawar.
- 4- Mr. Arslan Shoukat, Food Grain Supervisor, Office of the District Food Controller, Battagram.

REJOINDER REPLY OF RESPONDANTS NO. 1 TO RESPONDANTS NO.3
IN APPEAL NO.357 OF 2013

PRELIMINARY OBJECTION.
RESPECTFULLY SHEWETH

- 1- Para No. 1 is incorrect as appeal of the appellant is very much in proper form and is maintainable. The case of the appellant relates to terms and condition of service.
- 2- Para No. 2 of preliminary objection is incorrect; the valuable rights of the appellant are involved.
- 3- Para No.3 is incorrect and the appellant got cause of action from the date of impugned order dated 10-01-2013.
- 4- Para No. 4 is incorrect and denied. The appellant did not conceal any fact from the honorable Tribunal.
- 5- Para No. 5 is denied.
- 6- Para No.6 is denied. The appeal is well within time limits.

ON FACTS.

- 1) Para No. 1 is correct.
- 2) Para No. 2 is incorrect to the extent of Mr. Arslan Shoukat, who is respondent No.4. Rest of the Para is incorrect to the extent of respondents' No. 1 to 3, that the appellant did not get signed bogus medical charges bills from D.F.C concerned as no evidence is available on record which connect the appellant with the fake and bogus medical charges bills and the case embezzlement
- 3) No Reply.
- 4) No Reply.
- 5) No Reply.
- 6) Para No. 6 is incorrect that the competent authority has illegally rejected appellant's departmental appeal.

Grounds.

- 1) Para no 1 is incorrect that the appellant was not treated according to law policy & Rules
- 2) Para no 2 is incorrect that the inquiry was not conduct according codal formalities
- 3) Para no 3 is incorrect
- 4) Para no 4 is incorrect & denied. The appellant is not involved in preparation of bogus medical charges bill.
- 5) Par no 5 is incorrect.

- 6) Para no 6 is incorrect & denied. That the appellant submitted legal bills of his own
- 7) Para no 7 is incorrect. reply is as para 2 in above
- 8) Para no 8 is incorrect and there is no proof against to appellant bogus medical changes bills
- 9) Para no 9 is incorrect & the inquiry report is also incorrect
- 10) No reply
- 11) No reply
- 12) In correct

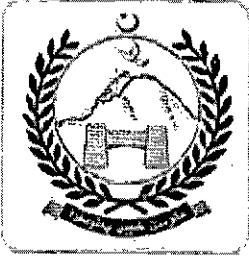
Its is prayed that impugned order dated 10/01/2013 may be declared illegal and respondents may be directed to restored appellant as senior clerk from date of reversion , along with pay e.t.c

.....APPEALANT


MUHAMMAD MASOOM

Dated: 19/05/2014


THROUGH
(MUHAMMAD ARSHAD KHAN TANOLI)
ADVOCATE HIGH COURT



KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

No. 1994 /ST Dated: 30 / 8 /2017

All communications should be addressed to the Registrar KPK Service Tribunal and not any official by name.

Ph:- 091-9212281
Fax:- 091-9213262


To,

The Secretary Food,
Government of Khyber Pakhtunkhwa,
Peshawar.

Subject: - **JUDGMENT IN APPEAL NO. 357/2013, MUHAMMAD MASOOM.**

I am directed to forward herewith a certified copy of judgment dated 22/08/2017 passed by this tribunal on the above subject for strict compliance.

Encl: as above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR