

Execution Petition 133/2020

26th Oct 2022

1. Petitioner in person present. Mr. Kabirullah Khattak, Addl: AG alongwith Mr. Farukh Jamil, Hospital Director, DHQ, D.I.Khan present.

2. Respondents submitted copy of office order No. 10316-18 dated 28.09.2022 and order No. 10888-91 dated 21.10.2022, whereby in compliance of the judgment of the Tribunal, the grievance of the petitioner has been redressed. Since the order of the Tribunal has been complied with, therefore, the instant execution petition is disposed off in the above terms. Consign.

3. *Pronounced in open court in D.I.Khan and given under my hand and seal of the Tribunal on this 26th day of Oct, 2022.*



(Kalim Arshad Khan)
Chairman
Camp Court D.I.Khan

27th Sept, 2022

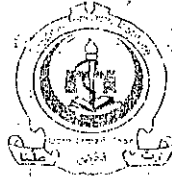
Learned counsel for the petitioner present. Mr. Muhammad Adeel Butt, Addl: AG for respondents present.

It is noted with concerned that no proper representation is made by the respondent department before the Tribunal in violation of the standing orders of the Establishment Department. Despite clear directions given on the previous date, respondents have not submitted implementation report. This Tribunal has no other alternative but to take action against respondents. The Accountant General Khyber Pakhtunkhwa and District Accounts Officer, D.I.Khan are directed to attach salaries of the respondents No. 1 to 3 till further orders by this Tribunal and compliance report be submitted to the Registrar of this Tribunal. Show cause notice be also issued to the respondents as to why they should not be proceeded under the Contempt of Court Ordinance 2003. Respondents are directed to appear in person alongwith the implementation report.

To come up on 27.10.2022 for further proceedings at camp court D.I.Khan.



(Kalim Arshad Khan)
Chairman
Camp Court D.I.Khan



OFFICE OF THE HOSPITAL DIRECTOR

MEDICAL TEACHING INSTITUTE DHQTH, DIKHAN

medti@dtdik@gmail.com / 0966-9280201/9280446(Fax)

No. _____ /

DATED: 28 / 09 / 2022

OFFICE ORDER

In the light of findings and recommendations of Inquiry Committee, constituted by this office vide letter No. 7020-23, dated 07.07.2022 and in view of directions issued by Honorable Service Tribunal, Khurram Masih, Sweeper is hereby declared entitled for back benefits.

It is further directed that the Account Section of this office should calculate the amount and pay to the Khurram Masih as early as possible.

HOSPITAL DIRECTOR

MTI DHQTH DIKhan

10316 — 18
No. _____ /

CC:

1. Establishment Section MTI DHQTH DIKhan.
2. Accounts Section MTI DHQTH DIKhan.
3. Khurram Masih, Sweeper.

HOSPITAL DIRECTOR

MTI DHQTH DIKhan



OFFICE OF THE HOSPITAL DIRECTOR

MEDICAL TEACHING INSTITUTION, DHQ TEACHING HOSPITAL,

D. I. KHAN


Phone: 0966-920201/Fax: 0966-920446

NO.HD/DHQTH/MTI/DIK _____ /

DATED 27 / 10 / 2022

OFFICE ORDER

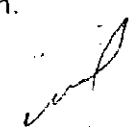
In light of judgment of Khyber Pakhtunkhwa Service Tribunal Peshawar at Camp Court DIKhan Judgment 27.08.2019, Mr.Khuram Masih Sweeper attached to DHQ Teaching Hospital DIKhan is hereby re-instated on his original post of Sweeper from the date of his termination order. He is also entitled for back benefits.


HOSPITAL DIRECTOR
MTI DHQ TEACHING HOSPITAL
DIKHAN 2

10888-91
No. _____ /

Copy forwarded to the:-

1. Medical Director DHQ Teaching Hospital MTI DIKhan.
2. Registrar Khyber Pakhtunkhwa Service Tribunal Peshawar.
3. Secretary BOG MTI DIKhan.
4. Director Finance MTI DIKhan.
5. Incharge Accounts/Establishment Section of this office.
6. Mr.Khuram Masih Sweeper DHQ Teaching Hospital DIKhan.


HOSPITAL DIRECTOR
MTI DHQ TEACHING HOSPITAL
DIKHAN 2

29th June 2022

Petitioner in person present. Muhammad Adeel Butt, Adll: AG alongwith Mr. Muhammad Jamshaid, Chief Clinical Technician and Mr. Saddam Hussain Zakori, Legal Advisor for respondent No.3 present.

Legal Advisor for respondent No.3 produced office order dated 21.07.2020 and submitted that enquiry committee was constituted. He assured the Tribunal that the de-novo enquiry would be concluded within a period of thirty days by the enquiry committee. Let the committee conclude the proceedings and submit report, copy of which be placed on this file as earlier as possible but not later than 26.07.2022 which is fixed as the next date in the case before S.B at camp court D.I.Khan.



(Kalim Arshad Khan)
Chairman
Camp Court D.I.Khan



25.01.2022

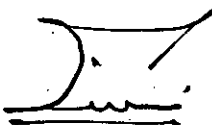
Tour is cancelled, therefore, case is adjourned to 25.05.2022 for the same as before.


Reader.

25.05.2022

Petitioner alongwith her counsel present. Mr. Farhaj Sikandar, District Attorney for respondents No. 1 & 2 present. Mr. Saddam Hussain Zakoori, Legal Advisor for respondent No. 3 present.

Learned counsel for the petitioner stated at the bar that he has not gone through order sheet dated 25.11.2021, therefore, an adjournment may be granted. Adjourned. To come up for arguments on the point raised in order sheet dated 25.11.2021 before the S.B at Camp Court D.I.Khan on 28.06.2022.


(Salah-Ud-Din)
Member (J)
Camp Court D.I.Khan

28th June 2022

None for the petitioner present. Muhammad Adeel Butt, Adll: AG alongwith Mr. Muhammad Jamshaid, Chief Clinical technician for respondents present.

Learned AAG assured that the judgment of the Tribunal will be implemented today and will submit compliance report tomorrow. To come up for implementation report on 29.06.2022 before S.B at camp court D.I.Khan.


(Kalim Arshad Khan)
Chairman
Camp Court D.I.Khan

25.11.2021

None present on behalf of the petitioner. Mr. Saddam Hussain Zakori, Advocate has filed Wakalatnama on behalf of respondent No. 3 and placed on file.

Learned counsel for respondent No. 3 has invited the attention to the fact that the status of District Headquarter Hospital has become that of a Medical Teaching Institution which is governed by law namely Khyber Pakhtunkhwa MTI Reforms Act, 2015. If this is the case, a question is apt to arise whether the forum for execution of this judgment remains this Tribunal or the matter for execution will go to the Appellate Tribunal established under Section 16-A of the aforementioned MTI Reforms Act, 2015. It is deemed appropriate to highlight for future convenience during the course of hearing of the question that the petitioner admittedly is working in DHQ Hospital, D.I.Khan now having got the status of MTI. Even he has not opted for absorption, he for all purposes shall be deemed as deputationist by operation of law and in turn to fall in definition of employee under MTI Reforms Act, 2015. As the petitioner is not in attendance, notice be given to the petitioner and his counsel for the next date. Case to come up on 25.01.2022 before S.B at Camp Court, D.I.Khan.

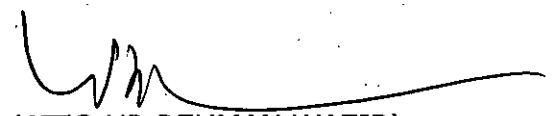


Chairman
Camp Court, D.I.Khan

27.10.2021

Petitioner in person present. Mr. Muhammad Rasheed Deputy District Attorney for respondents No. 1 & 2 present. Mr. Khalid Mehmood appeared on behalf of respondent No.3 present.

Vide judgment of this Tribunal dated 27.08.2019, by setting aside the impugned order, the respondents were directed to reinstate the appellant in service and conduct the de-novo inquiry within a period of 90 days. But the respondents failed to conduct the same within stipulated time, wherein his back benefits were conditional with the outcome of the De-novo inquiry. It seems that no such De-novo inquiry was conducted within the stipulated timeframe, hence back benefits of the petitioner be calculated and paid to the petitioner. Respondents are strictly directed to submit proper implementation report on the next date positively. Adjourned. To come up for proper implementation report on 25.11.2021 before S.B at Camp Court, D.I.Khan.


(ATIQ UR REHMAN WAZIR)
MEMBER (E)
CAMP COURT, D.I.KHAN

E.P No. 133/2020

29.09.2021

Learned counsel for the petitioner present. Mr. Usman Ghani, District Attorney for respondents No. 1 & 2 present. Mr. Khalid Mehmood appeared on behalf of respondent No. 3 and requested that time may be granted to consult the respondents regarding the matter in question. Adjourned. Last chance given. To come up for implementation report before the S.B on 27.10.2021 at Camp Court D.I.Khan.

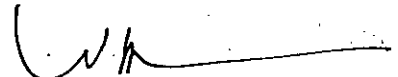


(SALAH-UD-DIN)
MEMBER (JUDICIAL)
CAMP COURT D.I.KHAN

24.11.2020

Nemo for petitioner present.

Notice be issued to the respondents for submission for implementation report on 26.01.2021 before S.B at Camp Court, D.I. Khan.



(Atiq-Ur-Rehman Wazir)
Member (E)
Camp Court, D.I. Khan

26-01-2021.

Due to Covid-19, case is
adjourned to 24.02.2021
for the same as before.



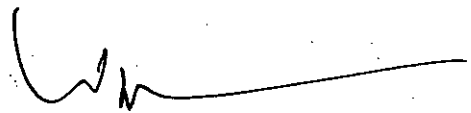
Reddar.

24.02.2021

Petitioner present through counsel.

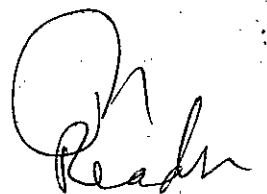
Muhammad Riaz Khan Paindakhel learned Assistant Advocate General present.

Respondents be put on notice for 26.05.2021 for submission of implementation report, before S.B at Camp Court, D.I.Khan.



(Atiq ur Rehman Wazir)
Member (E)
Camp Court, D.I.Khan

Due to covid, 19 therefore to
come up for the same on 29/9/21

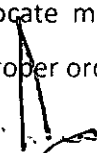



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FORM OF ORDER SHEET

Court of _____

Execution Petition No. 133 / 2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	14.09.2020	<p>The Execution Petition submitted by Mr. Khuram Masih through Mr. Muhammad Abdullah Baloch Advocate may be entered in the relevant Register and put up to the Court for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	11-11-20	<p>This Execution Petition be put up before Touring S. Bench D.I. Khan on <u>24-11-2020</u></p> <p style="text-align: right;"> CHAIRMAN</p>

BEFORE THE HONOURABLE PESH AWAR HIGH COURT**DERA ISMAIL KHAN BENCH**Execution Petition No. 133 /2020

Khurram Masih

VERSUS

Govt: of KPK and others

EXECUTION PETITION**INDEX**

S. No.	Particulars of documents	Annexure	Page
1.	Execution petition along with affidavits	---	1-4
2.	Attested Copy of Judgment dated 27/08/2019		5-7
3.	Copies of account statement		8-9
4.	Copy of office order No. 9697-99 dated 21/07/2020		10
5.	Copy of Inquiry report along with statements		11-16
6.	Copies of application		17-18
7.	Vakalatnama	---	19

Dated: 11/09/2020**Humble Petitioner**

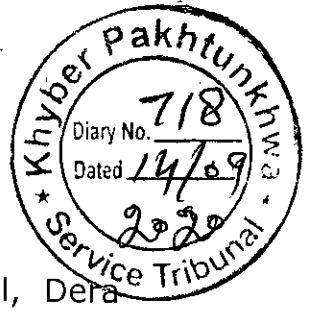

Khurram Masih
 Through Counsel



Muhammad Abdullah Baloch
 Advocate High Court

①

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**



EXECUTION PETITION NO. 133 OF 2020

Khurram Masih s/o Ex-Sweeper, DHQ Teaching Hospital, Dera Ismail Khan.

(Appellant/Petitioner)

Versus

- 1. Government of Khyber Pakhtunkhwa through Secretary Health, Civil Secretariat Peshawar.**
- 2. Director General Health services, KPK Peshawar.**
- 3. Medical Superintendent, DHQ Teaching Hospital District Dera Ismail Khan.**

(Respondent)

APPELANT

**EXECUTION PETITION OF THE JUDGMENT DATED 27/08/2019
REGARDING BACK BENEFITS/ARREARS OF THE
PETITIONER/APPELLANT**

Respectfully Sir;

Brief Facts of the execution petition are as under;

1. That the appellant was permanent employee of DHQ teaching hospital Dera Ismail Khan and was working in Hospital with full/entire satisfaction of his supervisors.
2. That the respondent authorities enrolled the appellant in criminal case FIR No. 972 dated 29/09/2015 malafidely in the PS Cantt DIKhan under section 379/34 for stealing of medicine (Not for Sale). Wherein the appellant have been bailed out.

2

3. That thereafter the respondent authorities issued show cause notice/charge sheet which was replied by the appellant accordingly.
4. That the respondent authorities then terminated the appellant from service vide office order bearing No. 5428-31 dated 19/10/2015.
5. That the appellant being dissatisfied in exercise of his rights, having no other option filed a service appeal No. 145/2016 before the KPK Service Tribunal Peshawar.
6. **The Honorable KP Service Tribunal, Peshawar decided the service appeal in favor of the appellant on date 27/08/2019 at camp court, Dera Ismail Khan and accepted the appeal by setting aside the impugned order and reinstate the appellant into service with the direction to the respondents department to conduct de-novo inquiry within period of 90 days and the issue of back benefits will be subject to the outcome of de-novo inquiry. Attested copy of the judgment dated 27/08/2019 is annexed.**
7. That later on petitioner/appellant was reinstated by respondent authorities in December 2019 and current salary of the appellant/petitioner was released. Account statement of the appellant is annexed herein. Similarly MTI DHQTH DIKhan constituted inquiry committee for the purpose of conducting de-novo inquiry against the petitioner/appellant. The said committee conducted de-novo inquiry against the petitioner/appellant and the committee has investigated the matter thoroughly, written statement were obtained from the witnesses about the incident and the inquiry committee held that;

"it stands clear that the person caught red-handed at hospital's main gate on the of night of 25/09/2015 was not Khurran Masih

Handwritten signature/initials

(petitioner) and that Mr. Khurram Masih was present on his duty in his concerned unit"

Hence, the de-novo inquiry was decided in the favor of appellant and submitted the same to the respondent authorities (MTI DHQ Teaching Hospital DIKhan). Copy of the inquiry report is annexed herein.

8. That the fate of back benefits/arrears was subject to the outcome of the de-novo inquiry and the inquiry is decided in favor of the petitioner/appellant. Hence, the respondent authorities are bound to release the back benefits of the petitioner. Since then the petitioner/appellant has submitted many applications regarding the same and was also visiting respondent authorities for releasing/granting his back benefits but the judgment and directions of the Worthy Service Tribunal are not being honored and implemented till date.
9. That after the lapse of considerable time the respondent department is not releasing/granting the back benefits/arrears of the petitioner and is hesitating to release the back benefits of the petitioner. The respondent department vide judgment dated 27/08/2019 of this worthy tribunal is legally bound to release the back benefits of the petitioner after conducting and deciding de-novo inquiry in favor of the petitioner but they are reluctant to show any interest the same. Which is directly effecting the valuable rights of the petitioner/appellant.
10. That this learned tribunal has got vast power to entertain the instant petition.
11. That the counsel for petitioner may kindly be allowed to raise additional grounds during course of arguments.

It is therefore, humbly prayed that on acceptance of the instant execution petitioner, in light of judgment of KP Service Tribunal Peshawar, KPK and in light of Inquiry

(4)


report, back benefits of the petitioner/appellant may kindly be released/granted.

Any other appropriate relief this Honorable Tribunal may deem fit in the best interest of justice may also be granted to the petitioner.

Dated: 11 /09/2020

Your humble Petitioner

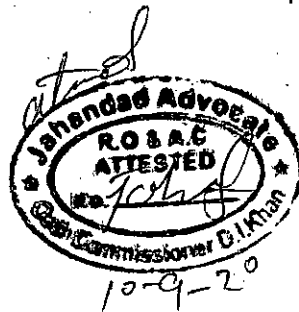

Khurram Masih
Through Council


Muhammad Abdullah Baloch
Advocate High Court

Affidavit:

I, **Khurram Masih** s/o Ex-Sweeper, DHQ Teaching Hospital, Dera Ismail Khan the petitioner, do hereby solemnly affirm and declared on Oath that all the contents of the petition are true and correct to the best of my knowledge and belief and no other petition on the same subject matter was filed earlier.

Dated: 11 /09/2020




Deponent

(5)

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR
AT CAMP COURT D.I.KHAN**

E.P. 133/20

SERVICE APPEAL NO. 145/2016

Date of institution ... 27.01.2016

Date of judgment ... 27.08.2019



Khuram Masih,
Sweeper, D.H.Q Teaching Hospital, D.I.Khan.

... (Appellant)

VERSUS

1. Government of Khyber Pakhtunkhwa through Secretary Health, Civil Secretariat Peshawar.
 2. Director General Health & Services Department Khyber Pakhtunkhwa Peshawar.
 3. Medical Superintendent, D.H.Q Teaching Hospital D.I.Khan.
- ... (Respondents)

**SERVICE APPEAL UNDER SECTION-4 OF KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974.**

Mr. Muhaminad Abdullah Baloch, Advocate.

.. For appellant.

Mr. Farhaj Sikandar, District Attorney

.. For respondents.

Mr. MUHAMMAD AMIN KHAN KUNDI
MR. HUSSAIN SHAH

.. MEMBER (JUDICIAL)
.. MEMBER (EXECUTIVE)

ATTESTED

JUDGMENT

MUHAMMAD AMIN KHAN KUNDI, MEMBER: -

Appellant

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

alongwith his counsel Mr. Muhammad Abdullah Baloch present and submitted Vakalatnama, which is placed on file. Mr. Farhaj Sikandar, District Attorney alongwith Mr. Jamshaid, Chief Clinical Technician for the respondents present. Arguments heard and record perused.

2. Brief facts of the case as per present appeal are that the appellant was serving as Sweeper in Health Department. He was imposed major penalty of dismissal from service vide order dated 19.10.2015 (wrongly mentioned as 19.04.2015) on the allegation of registration of FIR No. 972 dated 29.09.2015 under section 379/34 PPC Police Station Cantt due to stealing of medicines

M. Amin
27.8.2019


from hospital. The appellant filed departmental appeal on 31.10.2015 which was not decided within statutory period hence, the present service appeal.

3. Respondents were summoned who contested the appeal by filing of written reply/comments.

4. Learned counsel for the appellant contended that the appellant was appointed as Sweeper in Health Department in the year 2007. It was further contended that he was performing his duty regularly. It was further contended that the appellant was imposed major penalty of dismissal from service due to registration of FIR No. 972 dated 29.09.2015 under section 379/34 PPC Police Station Cantt. It was further contended that the allegation in the FIR against the appellant and others was of stealing of medicines from hospital. It was further contended that the appellant faced the trial of the aforesaid criminal case in the competent court but the Trial Court has stopped the proceeding in the aforesaid criminal case against the appellant due to none appearance of witnesses in the court against the appellant. It was further contended that neither charge sheet, statement of allegation was served upon the appellant nor a proper inquiry was conducted therefore, the appellant was condemned unheard which has rendered the whole proceeding illegal and liable to be set-aside and prayed for acceptance of appeal.

5. On the other hand, learned District Attorney for the respondents opposed the contention of learned counsel for the appellant and contended that the appellant was caught red handed on the spot while stealing medicines from the hospital. It was further contended that the appellant was issued show-cause notice and after providing full opportunity of personal hearing, the competent authority has rightly imposed major penalty of dismissal from service upon the appellant. It was further contended that all the codal formalities were fulfilled therefore, the appeal has no force and prayed for dismissal of appeal.

ATTESTED


EXAMINER
 Khyber Pakhtunkhwa
 Service Tribunal,
 Peshawar

M. Asim
 27.8.2019

6. Perusal of the record reveals that the appellant was serving in Health Department as Sweeper. He was imposed major penalty of dismissal from service on the allegation of registration of criminal case vide FIR No. 972 dated 29.09.2015 under section 379/34 PPC Police Station Cantt. The record further reveals that there is nothing on the record to show that the appellant was convicted by the competent court in the said criminal case rather it was claimed by learned counsel for the appellant that the proceeding in the said criminal case has been stopped by the competent court due to none appearance of witnesses against the appellant. The record further reveals that the appellant was imposed major penalty of dismissal from service but neither charge sheet, statement of allegation was served upon the appellant nor proper inquiry was conducted nor the appellant was associated in any inquiry proceeding therefore, the appellant was condemned unheard which has rendered the whole proceeding illegal and liable to be set-aside. As such, we partially accept the appeal, set-aside the impugned order and reinstate the appellant into service with the direction to respondent-department to conduct de-novo inquiry in the mode and manner prescribed under Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 within a period of 90 days from the date of receipt of copy of this judgment. The issue of back benefits will be subject to the outcome of de-novo inquiry. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
27.08.2019

[Signature]

(HUSSAIN SHAH)
MEMBER
CAMP COURT D.I.KHAN

[Signature]

(MUHAMMAD AMIN KHAN KUNDI)
MEMBER
CAMP COURT D.I.KHAN

Certified to be true copy
[Signature]
MEMBER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Date of Presentation of Application 20-08-2020
Number of Words 1200
Copying Fee 14.00
Urgent 4.00
Total 18.00
Name of Copy [Signature]
Date of Completion of Copy 20-08-2020
Date of Delivery of Copy 20-08-2020

(8)

National Bank of Pakistan

Account Statement

Account Title(s) KHURAM S/O JHOSNON

Address: MUHALLAH JOGIAN WALA DIK

DIK

DIK

Town:

District:

City: D I KHAN

Province/State: KH.PAKHTOON

Country: PAKISTAN

Product Name: PKR Current Account

Currency: PKR

CIF No: 1385873

Account No: 4016311767

IBAN: PK17NBPA1433004016311767

Your CNIC has expired. Kindly provide a copy of your new CNIC to the bank at the earliest

Postal Code:

Branch Code/Name: 1433 Circular Road Branch D.I. Khan

Region Name: Dera Ismail Khan

Statement Printing Date: 24-Jul-2020

User: 00017388

Branch: 1433

Terminal: NBP-PC

B/F Balance: 0.00

From: 01-Jun-2019


To: 01-Jul-2020

S. No.	Date	Particulars	Instno	Memo	Debit	Credit	Balance
1	02-Dec-2019	SALARY		02	0.00	25,495.00	25,495.00
2	03-Dec-2019	TRANSFER	DV		25,495.00	0.00	0.00
3	20-Dec-2019	SALARY			0.00	26,002.00	26,002.00
4	20-Dec-2019	TRANSFER	DV	ADV SAL	26,002.00	0.00	0.00
5	30-Jan-2020	SALARY		30	0.00	26,004.00	26,004.00
6	31-Jan-2020	CASH WITHDRAWAL	NBP00188193		15,000.00	0.00	11,004.00
7	31-Jan-2020	WITHDRL		31	11,004.00	0.00	0.00
8	02-Mar-2020	CASH DEPOSIT			0.00	650.00	650.00
9	02-Mar-2020	FEE		02	350.00	0.00	300.00
10	02-Mar-2020	TRANSFER	DV		290.00	0.00	10.00
11	02-Mar-2020	WITHDRL		02	10.00	0.00	0.00
12	03-Mar-2020	SALARY		03	0.00	22,734.00	22,734.00
13	03-Mar-2020	CASH WITHDRAWAL	79718027		11,000.00	0.00	11,734.00
14	03-Mar-2020	WITHDRL		03	5,507.00	0.00	6,227.00
15	04-Mar-2020	SALARY		45169	0.00	1,671.00	7,898.00
16	04-Mar-2020	SALARY		49887	0.00	560.00	8,458.00
17	04-Mar-2020	WITHDRL		04	2,231.00	0.00	6,227.00
18	05-Mar-2020	SALARY		03/03/2020	0.00	1,037.00	7,264.00
19	05-Mar-2020	WITHDRL		05	1,037.00	0.00	6,227.00
20	30-Mar-2020	SALARY		30	0.00	26,002.00	32,229.00
21	30-Mar-2020	WITHDRL		30	26,002.00	0.00	6,227.00
22	31-Mar-2020	CASH WITHDRAWAL	79718028		6,000.00	0.00	227.00
23	31-Mar-2020	WITHDRL		31	227.00	0.00	0.00
24	04-May-2020	SALARY		04	0.00	26,002.00	26,002.00
25	04-May-2020	WITHDRL		04	19,775.00	0.00	6,227.00

This is a computer generated statement and does not require any signature

Page 1 of 2

Attested to be true copy.



National Bank of Pakistan (9)

Account Statement

Account Title(s) KHURAM S/O JHOSNON

Address: MUHALLAH JOGIAN WALA DIK
DIK
DIK

Postal Code:

Town:
District:
City:
Province/State:
Country:
Product Name: PKR Current Account

Currency:
CIF No: 1385873

Account No: 4016311767

IBAN:

Your CNIC has expired. Kindly provide a copy of your new CNIC to the bank at the earliest

Branch Code/Name: 1433 Circular Road Branch D.I. Khan

Region Name: Dera Ismail Khan

Statement Printing Date: 24-Jul-2020

User: 00017388 Branch: 1433 Terminal: NBP-PC

B/F Balance: 0.00

From: 01-Jun-2019

To: 01-Jul-2020


S. No.	Date	Particulars	Instno	Memo	Debit	Credit	Balance
26	05-May-2020	CASH WITHDRAWAL	79718029		6,200.00	0.00	27.00
27	05-May-2020	WITHDRL		05	27.00	0.00	0.00
28	19-May-2020	SALARY		19	0.00	26,002.00	26,002.00
29	19-May-2020	WITHDRL		19	19,775.00	0.00	6,227.00
30	21-May-2020	CASH WITHDRAWAL	79718031		6,227.00	0.00	0.00

Total 11 Credit transactions of amount: 182,159.00

Total 19 Debit transactions of amount: 182,159.00

This is a computer generated statement and does not require any signature

Page 2 of 2

Attested to be true
CPD.




10

OFFICE OF THE HOSPITAL DIRECTOR

MEDICAL TEACHING INSTITUTE DHQTH, DIKHAN

msdhothdik@gmail.com /0966-9280201/9280446(Fax)

No. _____/

DATED: 21/07/2020

OFFICE ORDER

Inquiry Committee comprising of the following members is hereby constituted to probe the allegation of theft against Khurram Masih Sweeper attached to MTI DHQ Teaching Hospital DIKhan.

1. Dr. Kiramatullah, Chief Medical Officer (BS-20)
2. Dr. Dastgeer Waheed, Associate Professor Surgery (BS-19)
3. Dr. Khalid Mahmood, Assistant Professor Neurosurgery (BS-18)
4. Dr. Ahmad Jan, District Pathologist (BS-18)
5. Mr. Salim Awan, Director Paramedics.

The Inquiry Committee is mandated to thoroughly probe the matter and give suitable chance of defense to the accused and submit its report with recommendation to the effect that whether he was actually involved in the theft of medicines from Hospital or otherwise within one week time.

It is further directed that Office Assistant will provide the relevant record and will depute a well versed representative to assist the Inquiry Committee in its proceeding when and where required.


Khurram Masih, Sweeper is hereby directed to appear before the Committee when and where he is required by the Committee.



HOSPITAL DIRECTOR
MTI DHQTH DIKhan

9697-99
No. _____/

CC:

1. All the Inquiry Committee Members
2. Mr. Ejaz Hussain Qureshi, Office Assistant, HD Office MTI DHQTH DIKhan.
3. Khurram Masih, Sweeper, MTI DHQTH DIKhan.

Attested to be
true



HOSPITAL DIRECTOR
MTI DHQTH DIKhan

To,

The Hospital Director,
MTI DHQ Teaching Hospital DIKhan.

Subject: **INQUIRY REPORT**

Memo:

Reference your office letter No.9679-82 dated 23.09.2019.

The Enquiry Committee has investigated the matter thoroughly.

The concerned person Khuram Masih was working as sweeper at night duty in emergency department on the night of incident i.e 25.09.2015.

Written statements were obtained from the witnesses about the incident. They were labeled as under:

1. Mr. Said Rasool, Mr. Sharaf Hussain & M. Ramzan, (CT Pharmacists) were labeled as witness 1,2 & 3 respectively. (Annexure-A-B-C respectively)
2. M. Shakeel, (Ward Orderly) on duty in Casualty Department was labeled as witness-4. (Annexure-D)
3. Mr. Naeem Abbas, Night Chowkidar at Main Gate of Hospital labeled as witness -5. (Annexure-E)

According to the witnesses 1,2 & 3 who always remain alert and awake during their duty in the night of emergency department, Mr. Khuram Masih was present on his duty during the whole night (especially when a criminal was caught red-handed at the Main Gate. Similar was the statement of witness-4 Mr.Shakeel-Ward Orderly who is supposed to be present on the entrance of casualty department. According to him, Khuram Masih was present with him in the Casualty Department on the night of 25.09.2015 when a suspect was arrested on the Hospital's Main Gate.

The most crucial statement was that of witness-5 (M. Naeem Abbas, Gate Keeper at Hospital's Main Gate who identified and verified that the person, who was arrested with a bag of medicines on that particular night, was someone else and not Mr. Khuram Masih.

In the light of all the witness it stands clear that the person caught red-handed at hospital's main gate on the night of 25.09.2015 was not Khuram Masih and that Mr. Khuram Masih was present on his duty in his concerned unit.

Investigation has been conducted by Dr. Kiramatullah & Dr. Khalid Mahmood.

Inquiry conducted only by Dr. Ahmad Jan.

Dr. Kiramatullah
PMO (Member)

Mr. Ahmad Jan
DMS (Member)

[Signature]
Dr. Khalid Mahmood
A.P Neurosurgery (Chairman)

Attested to be true copy.

(Annexure - A) (12)

سید اسحاق علی شاہ صاحب سٹیٹ بینک آف پاکستان 29/9/2015ء

ذیل کی سہ ماہی میں موجود تمام سہ ماہی کے بارے میں سٹیٹ بینک آف پاکستان

سے موجود تمام سہ ماہی کے بارے میں سٹیٹ بینک آف پاکستان

سے اس وقت سہ ماہی کے بارے میں سٹیٹ بینک آف پاکستان

لکھا گیا۔

سید اسحاق علی شاہ

سید اسحاق علی شاہ سٹیٹ بینک آف پاکستان

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12103-6342212-3
5/2/2020

Attested to be true
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(Anexure - B) (13)

سرفاضین ولد غلام قاسم سی ٹی فارمیسی

رات کو ڈلوٹی ہیرا پور چستی میں موجود
29-09-2015

بقا اور سوپر فرم مع ڈلوٹی ہیرا پور کے ساتھ
موجود تھا جس نام رات کو گارڈ ہیرا پور
چور کو بلوا گیا اس وقت فرم مع سوپر فرم کے
ساتھ اپنی ڈلوٹی س نام کو لے گیا تھا

لنٹرا رپورٹ عرض قدرت ہے

سرفاضین سی ٹی فارمیسی ٹائٹ شیٹ ہیرا پور چستی ڈارو

Mob no 03489333255

I.D.No = 12103-1496360-1



05-02-2020

② Attention to be call
copy.



(Aneame - C) (14)

محمد رمضان ولد محمد سرور سے بی بی فارسی 29/9/15

رات کو ڈیوٹی اگلی میں موجود تھا کہ

سویپر فریم سچ ڈیوٹی پر تھا کہ تو موجود تھا

واقعہ کے متعلقہ سوانہ انہی ڈیوٹی میں تھا

دے رہا تھا اور اس کے متعلق

محمد رمضان سے بی بی - بی بی فارسی سوانہ

mobile 8464344207 3/2/2020

CNIC no 42201-0331018-9

Attention to be
true copy.



(Anexure - D) (15)

مجلس ولہ لکھنؤ وارڈ ارڈر لکھنؤ 29/9/2010 رات کو

ڈیوٹیڈ ایگسٹریٹس میں موجود تھا۔ اور سوئیٹر فرم مسج

ڈیوٹیڈ پر مسج کے ساتھ موجود تھا۔ واقعہ جب گنٹ پر

ہوا۔ سوئیٹر فرم مسج ایسی ڈیوٹیڈ سرانجام دے رہا تھا۔

ریورڈ میں غرضت ہے

محمد شکیل ولہ لکھنؤ وارڈ ارڈر لکھنؤ

0346-7305798
12101-4762038-1

شکیل احمد

04-02-2010

Attested to be true copy.



(16) (Anexure - E)

محمد نعیم عباس قریشی والد عبدالحمید قریشی نائٹ پولیڈار
میں لیٹ سہول ہسپتال ڈیرہ اسمبیل خان

جناب عالی -
گذارش ہے کہ 999 کو کھیل میں لیسن جو ریلڈا
گیا تو وہ خرم مسیح میں کھائی اور بائیر ما آدھی تھا
لہذا رپورٹ عرض خدمت ہے

العارفین

محمد نعیم عباس قریشی نائٹ شفٹ پولیڈار
میں لیٹ سہول ہسپتال ڈیرہ

0347 9808877 05-02-2020

1-D No 12101-0989802-1

Attended to be
true copy



خدمت جناب ڈائریکٹر صائب ڈی ایچ کیو MTI ہسپتال ڈیڑھ اسماعیل خان

جناب عالی!

(1) یہ کہ من سائل ڈی ایچ کیو ہسپتال ڈیڑھ اسماعیل خان نے

مستقل بنیادوں پر سو پیر تعینات تھا۔ سال 2015 میں

من سائل کے خلاف مقدمہ نمبر 972 مورف 2015-9-29

درج رجسٹر ہوا جس کی پاداش میں من سائل کی ملازمت

کو بروئے آفس آرڈر نمبر 31-8-5428 مورف 2015-10-19 کو

Terminate کیا گیا۔

(2) یہ کہ من سائل نے سروس اپیل Kpk Service Tribunal

داہر کی جو کہ بروئے حکم و فیصلہ مورف 2019-8-27

منظور ہوئی اور من سائل کو ملازمت پر بحال کرنے

کا حکم صادر فرمایا گیا۔

(3) یہ کہ من سائل نے مصدقہ نغولات حکم سروس ٹریبونل

اور درخواست آپ جناب کے دفتر میں مورف 2019-9-19 کو

گزاری، جس میں استدعا کی گئی کہ حکم و فیصلہ

مورف 2019-8-27 مصدقہ سروس ٹریبونل کی مپ ڈیڑھ اسماعیل خان

کی Implementation کی جائے۔

مستند
تعمیر
مورف

(4) یہ کہ من سائل بے گناہ ہے اور من سائل نے کوئی
 فرم نہیں کیا تھا اور نہ ہی من سائل کی دورِ ملازمت
 میں کوئی شطابیت من سائل کے خلاف کی گئی۔ میرے
 خلاف تمام الزامات بے بنیاد ہیں اور فوجداری
 مقدمہ بھی من سائل کے خلاف فتم ہو چکا ہے۔

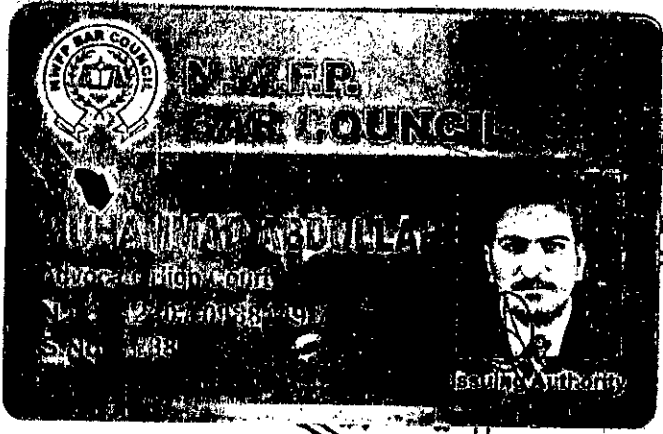
لہذا استدعا ہے کہ من سائل کے خلاف
 کارروائیوں کو فتم کرتے ہوئے من سائل کے
 حق میں فیصلہ دیتے ہوئے من سائل کے
 Back Benefits کے بارے میں حکم
 صادر فرمایا جائے۔

4-1-2020

فرم صحیح

سوپیر DHQ ٹیکنک ہسپتال ڈیڑھ اسماعیل خان





(19)

وکالت نامہ

کورٹ
فیس

Before The KPK Service Tribunal Petitioner

Petitioner/Appellant

Khurram Masih Govt of KPK etc

دعویٰ یا جرم

Execution Petition

تفصیل دعویٰ یا جرم

باعث تحریر آنکہ

Dikhar

مقدمہ مندرجہ بالا مضمون میں اپنی طرف دانت بیرونی و جواب دہی برائے پیشی یا تصفیہ مقدمہ نام

M. Abdullah Barlokh AHC Dikhar

کو حسب ذیل شرائط پر وکیل مقرر کیا ہے کہ میں پیشی پر خود یا بڑا بذریعہ رو برد عدالت حاضر ہوتا رہوں گا اور ہر وقت پکارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دے کر حاضر عدالت کروں گا اگر پیشی پر منظر حاضر نہ ہو اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے نیز وکیل صاحب موصوف صدر مقام پکھری کے علاوہ یا پکھری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل بیرونی کرنے کے ذمہ دار نہ ہوں گے اور مقدمہ صدر پکھری کے علاوہ اور جگہ سماعت ہونے یا بروز تعطیل یا پکھری کے اوقات کے آگے یا پیچھے پیش ہونے پر منظر کوئی نقصان پہنچے تو اس کے ذمہ دار یا اسکے واسطے کسی معاوضہ کے ادا کرنے یا عنت نہ واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے مجھ کو کل ساختہ پر داخستہ صاحب موصوف مثل کردہ ذات خود منظور قبول ہو گا اور صاحب موصوف کو عرض دعویٰ یا جواب دعویٰ یا درخواست اجراء اسمائے ذگری نظر ثانی اپیل گمرانی و ہر قسم درخواست ہر قسم کے بیان دینے اور پر تالی یا راضی نامہ و فیصلہ بر حلف کرنے اقبال دعویٰ کا بھی اختیار ہو گا اور بصورت مقرر ہونے تاریخ پیشی مقدمہ مزکور بیرون از پکھری صدر بیرونی مقدمہ مزکور نظر ثانی اپیل و گمرانی و برآمدگی مقدمہ یا منسوخی ذگری یک طرفہ یا درخواست حکم انتہائی یا قرتی یا گرفتاری قبل از فیصلہ اجراء ذگری بھی صاحب موصوف کو بشرط ادا جنگی علیحدہ جتن بیرونی کا اختیار ہو گا اور تمام ساختہ پر داخستہ صاحب موصوف مثل کردہ از خود منظور و قبول ہو گا اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہو کہ مقدمہ مزکورہ یا اس کے کسی جزو کی کاروائی یا بصورت درخواست نظر ثانی اپیل گمرانی یا دیگر معاملہ و قدمہ مذکورہ کسی دوسرے وکیل یا بیر مشرک اپنے بجائے یا اپنے ہمراہ مقرر کریں اور ایسے مشیر قانون کو بھی ہر امر میں وہی اور دیے اختیارات حاصل ہوں گے جیسے صاحب موصوف کو حاصل ہیں اور دوران مقدمہ میں جو کچھ ہر جانہ التواء پڑے گا وہ صاحب موصوف کا حق ہو گا مگر صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہو گا کہ مقدمہ کی پروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا

لہذا وکالت نامہ لکھ دیا ہے تاکہ سزا ہے

20th September

باد 11 مورخہ

مضمون وکالت نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے

Accept True
[Signature]

Khurram Masih — Petitioner

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[Signature]