

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Service Appeal No. 4949/2021

BEFORE: MRS. ROZINA REHMAN ... MEMBER (J)
 MISS FAREEHA PAUL ... MEMBER (E)

Tariq Khan S/o Atlas Khan R/o P.O Faqir Kalay, Village Mandra Khel, Paggai Road, Peshawar. Ex EPI Technician Peshawar BHU Mandra Khel, Peshawar.

.... (*Appellant*)

Versus

District Health Officer (DHO) Hashtnagri, Peshawar and four others.

.... (*Respondents*)

Mr. Gohar Ali Khashgi
Advocate

...

For appellant

Mr. Muhammad Riaz Khan Paindakhel
Asstt. Advocate General

...

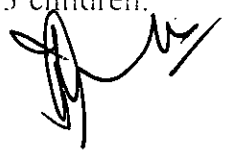
For respondents

Date of Institution.....29.04.2021
Date of Hearing.....22.06.2022
Date of Decision.....22.06.2022

JUDGEMENT

FAREEHA PAUL, MEMBER (E): The service appeal in hand has been instituted under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974, against the impugned order dated 16.04.2019 in pursuance of which services of the appellant were terminated and he has appealed that the order may be set aside and he may be reinstated into service with all back benefits.

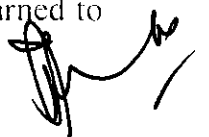
2. Brief facts of the case, as per available record, are that the appellant was appointed EPI Technician (BPS-6) under EPI/GAVI Project in Health Department vide order dated 30.04.2012. His services were terminated vide order dated 20.10.2014 in the light of a preliminary inquiry report in which he was found guilty in his official duty during measles campaign 2014 which caused death of 3 children.



On his departmental appeal dated 29.04.2019, another inquiry was conducted in which minor penalty was proposed, but no action was taken on that report as the project had closed on 30.06.2015. Later on all the employees of GAVI and JICA projects under EPI were regularized through an order of Director General Health Services Khyber Pakhtunkhwa Peshawar on 16.02.2017. The name of appellant was also mentioned on serial no 40 of that order. Through an order dated 16.04.2019 of District Health Officer Peshawar services of the appellant were terminated due to the reason "being regularized and appointed against rules/law/act." The appellant submitted an appeal on 29.04.2019 against that order to which the respondents did not reply. The appellant filed writ petition before hon'ble Peshawar High Court which was converted into service appeal and was referred to Service Tribunal through judgement dated 15.04.2021. Hence the service appeal.

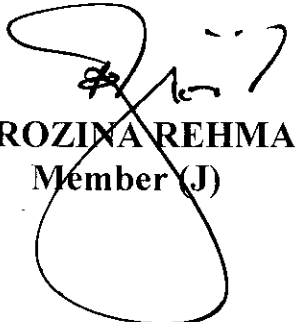
3. Respondents were put on notice who submitted written replies/comments on the appeal. We heard the learned counsel for the appellant as well as the Assistant Advocate General and perused the case file with connected documents minutely and thoroughly.

4. Record reveals that the appellant was appointed EPI Technician (BPS-6) on contract basis in the year 2012, and during 2014 based on death report during measles campaign a preliminary inquiry was conducted on the order of District Health Officer Peshawar. The Inquiry Committee submitted its report recommending strict action against the appellant (Mr. Tariq Khan). They further recommended a detailed inquiry into the matter. Instead of conducting a formal inquiry, competent authority terminated the services of the appellant without fulfilling the codal formalities as given in government rules. It was as aftermath of his departmental appeal that another inquiry was conducted in which it was recommended interalia that the accused (appellant) may be censured and warned to



be careful in future. The inquiry committee clearly mentioned that the incident was not intentional rather Mr. Tariq Khan left the duty point to facilitate the vaccine immunization team and to avoid any hurdle in the campaign. Handing over the vaccination point to an untrained person was the only negative point going against the appellant. The competent investigation agency AEFI Peshawar recommended in their report that strict disciplinary action may be taken against the SOPs violator (Mr. Tariq Khan) but they did not recommend for his termination from service. It was noted that report was submitted on 16.03.2015 as is evident from a stamp on the face of the report. The case file is silent from the date the report was submitted i.e 16.03.2015 to 16.04.2019, the date of the order through which services of the appellant were terminated by the District Health Officer, Peshawar on the direction of Director General Health Services, Peshawar. It was further worth consideration that the project closed on 30.06.2015 but in the light of the Regularization Act passed by Provincial Assembly in 2016 services of the employees of GAVI and JICA were regularized vide office order dated 16.02.2017 in which the name of the appellant was also mentioned at serial No. 40. If we accept the point raised by the respondents that he was regularized without recommendation of scrutiny committee and that he was not fit for regularization, the record is silent on any cancellation order or corrigendum of the order dated 16.02.2017. As the competent authority has itself regularized the services of the appellant, therefore, this appeal is allowed, impugned order dated 16.04.2019 is set aside and appellant is reinstated with all back benefits. Parties are left to bear their own costs. Consign.

5. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal this 22nd day of June, 2022.*


(ROZINA REHMAN)
Member (J)

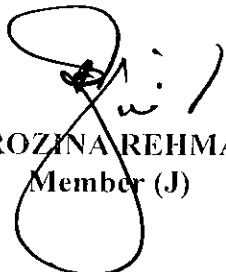



(FAREEHA PAUL)
Member (E)

Mr. Gohar Ali Kheshgi, Advocate for the appellant present. Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General for official respondents and Mr. Anwar Zeb, Advocate for private respondent present. Arguments heard and record perused.

2. Vide our detailed judgement of today containing 04 pages, we have arrived at the conclusion that instead of conducting a formal inquiry, competent authority terminated the services of the appellant without fulfilling the codal formalities. It was as aftermath of his departmental appeal that another inquiry was conducted in which it was recommended interalia that the accused (appellant) may be censured and warned to be careful in future. The competent investigation agency AEFI Peshawar recommended in their report that strict disciplinary action may be taken against the SOPs violator (Mr. Tariq Khan) but they did not recommend for his termination from service. The case file is silent from the date the report was submitted i.e 16.03.2015 to 16.04.2019, the date of the order through which services of the appellant were terminated by the District Health Officer Peshawar, on the direction of Director General Health Services, Peshawar. The project closed on 30.06.2015 but in the light of the Regularization Act passed by Provincial Assembly in 2016 services of the employees of GAVI and JICA were regularized vide office order dated 16.02.2017 in which the name of the appellant was also mentioned at serial No. 40. If we accept the point raised by the respondents that he was regularized without recommendation of scrutiny committee and that he was not fit for regularization, the record is silent on any cancellation order or corrigendum of the order dated 16.02.2017. As the competent authority has itself regularized the services of the appellant, therefore, this appeal is allowed, impugned order dated 16.04.2019 is set aside and appellant is reinstated with all back benefits. Parties are left to bear their own costs. Consign.

3. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal on this 22nd day of June 2022.*


(ROZINA REHMAN)
Member (J)


(FAREEHA PAUL)
Member (E)

16.06.2022

Appellant alongwith his counsel present. Mr. Mastan Ali Shah, Assistant alongwith Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.

Representative of the respondents submitted ^{Copy of} enquiry report, which is placed on file. Learned counsel for the appellant sought time for preparation of arguments. Adjourned. To come up for arguments on 22.06.2022 before the D.B.



(MIAN MUHAMMAD)
MEMBER (EXECUTIVE)

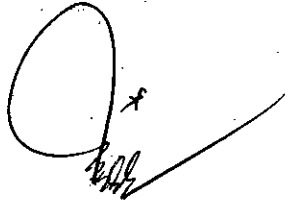


(SALAH-UD-DIN)
MEMBER (JUDICIAL)

15.04.2022

Counsel for the appellant present. Mr. Muhammad Adeel Butt, Addl: AG for respondents present.

Due to paucity of time, ^{remaining} arguments could not be heard. Adjourned. To come up for further arguments before the D.B on 21.04.2022.



(Mian Muhammad)
Member(E)



(Kalim Arshad Khan)
Chairman

21st April, 2022

Counsel for the appellant present. Mr. Muhammad Riaz Paindakhel, Asst. AG for the respondents present. Parawise comments submitted which are placed on file.

When contradiction pointed out with regard to Para- 3 of Service Appeal viz a viz of Para-4 of the Writ Petition before the Hon'ble Peshawar High Court, learned counsel for the appellant requested for adjournment to gain some time to properly respond to the observations and assist the Court. Additionally, learned AAG was directed to ascertain as to how the appellant was in receipt of monthly salary till April, 2019 when his services were terminated. He was further directed to collect enquiry report from the concerned quarter for perusal on next date. To come up for arguments on 06.05.2022 before the D.B.



(MIAN MUHAMMAD)
Member (E)



Chairman

6-5-22

Proper D.B not available in case
adjourned on 16-6-22

Read

15-03-2022

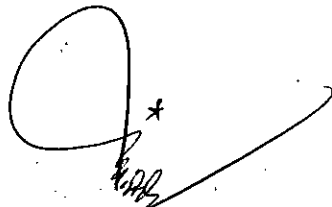
Due to retirement of the Honorable
Chairman the case is adjourned to come
up for the same as before on 1-4-2022

Ali
Reader


1st April, 2022

Mr. Gohar Ali, Advocate for appellant present. Mr.
Muhammad Adeel Butt, Addl. AG for the respondents
present.

Partial arguments heard. To come up for further
arguments before this D.B on 06.04.2022.



(MIAN MUHAMMAD)
Member (E)



(KALIM ARSHAD KHAN)
Chairman

06.04.2022

Appellant in person present. Mr. Kabirullah Khattak
Adl. AG present for respondents present.

Counsel are at strike. Therefore the case is
adjourned to 15.04.2022 before D.B.



Chairman

12.07.2021

Learned Addl, A.G be reminded about the omission and for submission of reply/comments within extended time of 10 days.


Chairman

Stipulated period passed reply not submitted.

25.10.2021

Appellant in person present. Mr. Muhammad Adeel Butt, Additional Advocate General for respondents present.

Written reply/comments has not submitted. Learned AAG seeks further time to submit the same on the next date. Granted but as a last chance. To come up for reply/arguments before the D.B on 18.11.2021.


(MIAN MUHAMMAD)
MEMBER (E)

18.11.2021

Appellant in person present. Mr. Mastan Ali Shah, Litigation Officer alongwith Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.

Reply/comments on behalf of respondents submitted, which is placed on file and copy of the same is handed over to the appellant. Adjourned. To come up for rejoinder, if any, as well as arguments on before the D.B 08.03.2022.


(Salah-Ud-Din)
Member (J)

8-3-22

*Due to Retirement of the Hon,ble chairman
the case is adjourned to 15-3-22*

Retiree

14.06.2021

Counsel for the appellant present. Preliminary arguments heard.

It is evident from the impugned order that it has been passed on ex-parte proceedings without issuance of show cause notice etc. to the appellant. Points raised need consideration. The appeal is admitted to regular hearing, subject to all just and legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments in office within 10 days after receipt of notices, positively. If the written reply/comments are not submitted within the stipulated time, the office shall submit the file with a report of non-compliance. File to come up for arguments on 25.10.2021 before the D.B.

Appellant Deposited
Security & Process Fee

17/6/21

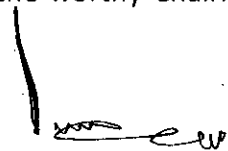
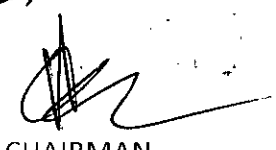

Chairman

Form-A

FORM OF ORDER SHEET

Court of _____

Case No. 4948 /2021

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	<p>21/04/2021</p> <p>27/05/21</p>	<p>The present appellant initially went in Writ Petition before the Hon'ble Peshawar High Court Peshawar and the Hon'ble High Court vide its order dated 15.04.2021 treated the Writ Petition into an appeal and sent the same to this Tribunal for decision in accordance with law. The same may be entered in the Institution Register and put up to the worthy Chairman for further order please.</p> <p style="text-align: right;">  REGISTRAR </p> <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on 14/06/21</p> <p style="text-align: right;">  CHAIRMAN </p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,

PESHAWAR.

4949

Service Appeal No. _____/2021

Tariq Khan(Appellant)

V E R S U S

District Health Officer (DHO) Near Molvi Gee Hospital,
Hashtnagri, Peshawar and others.....(Respondents)


I N D E X

S.No	Description of Documents	Annex	Pages
1.	Service Appeal		1-5
2.	Affidavit		6
3.	Addresses of the parties		7
4.	Appointment order	A	8
5.	Preliminary inquiry against appellant and application for inquiry & termination	B&C	9-17
6.	Another inquiry and implementation	D&E	18-23
7.	Statement of Respondents No. 2 and 3	F&G	24-25
8.	2rd Inquiry against appellant	H	26
9.	Scrutiny Committee report	I	27-31
10.	Order of regularization and application against termination	J&K	32-35
11.	Order impugned	L	36
12.	Appellant filed departmental appeal	M	37-38
13.	Copy of W.P and Order	N	39-48
14.	Wakalat Nama		49.


Appellant

Through

Dated: 29/04/2021


Gohar Ali Kheshti
Associate High Court
Peshawar
Gohar Ali Kheshti
Advocate High Court,
Peshawar.

Cell No. 0345-908294

-03369055345

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,

PESHAWAR.

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 5054

Dated 29-4-2021

Service Appeal No. 4949/2021

Tariq Khan S/o Atlas Khan R/o P.O Faqir Kallay, Village
Mandra Khel, Pajaggi Road, Peshawar, Ex-E.P.I, Technician
Peshawar BHU Mandra Khel, Peshawar.....(Appellant)

V E R S U S

1. District Health Officer (DHO) Near Molvi Gee Hospital,
Hashtnagri, Peshawar.
2. Director E.P.I, Khyber Pakhtunkhwa, Warsak Road, Old
FATA Secretariat Building, Peshawar.
3. Director General Health Services Directorate, Warsak Road,
Old FATA Secretariat Building, Peshawar.
4. Government of Khyber Pakhtunkhwa through Secretary
Health Civil Secretariat, Peshawar.
5. Government of Khyber Pakhtunkhwa through Secretary
Finance Civil Secretariat, Peshawar.....(Respondents)

APPEAL U/S 4 OF KHYBER

PAKHTUNKHWA SERVICE TRIBUNAL, rules

1974, AGAINST THE IMPUGNED ORDER

OF TERMINATION OF THE APPELLANT BY

THE RESPONDENTS DATED 16/04/2019

BEARING ENDORSEMENT NO. 3426-

33/DHO FOR REINSTATEMENT ALONG

WITH BACK BENEFITS.

Filed to-day
Registrar
29/4/2021

PRAYER:

On acceptance of this appeal the appellant may please be reinstated in service with all back benefits.

Respectfully Sheweth:

The appellant submits as under:

1. That the appellant was appointed in Gavi Project of E.P.I under health department, as EPI Technetium BPS-06 dated 30/04/2012 as annexure "A".
2. That due to some baseless and fabricated allegations leveled against the appellant, he was terminated from service dated 20/10/2014 as a result of illegal, unlawful inquiry, initiated against him as annexure "B" & "C" respectively.
3. That on appeal of the appellant another inquiry was conducted by the respondents which proposed suggested minor penalty on the appellant not termination which result innocent as annexure "D" & "E" respectively but due to abolition of the Gavi

Project he was not reinstated which is admitted by the respondents as annexure "F" & "G").

4. That appellant was treated discriminatedly by the respondents as some blue eyed persons were not disturbed and appellant was targeted as annexure "H").
5. That on assembly floor a Scrutiny Committee was framed who scrutinized the Gavi & Jicca Project employees who were jobless were 75 persons, out of which only 45 Person were found cleared/ declared fit and eligible including appellant as annexure "I".
6. That the order of regularization was passed by respondents, according to rules regulations, so the appellant was regularized after application and affidavit taken from the appellant as annexure "J".
7. That appellant was again terminated from service without fulfilling the codal formalities as annexure "L").

8. That appellant field departmental appeal, which is still pending, as annexure "M".
9. That appellant filed Writ Petition in Peshawar High Court, respondent replied but treated as appeal sent to proper forum as annexure "N").
10. That appellant is constrained to approach the Hon'ble Tribunal with the following grounds:

GROUND:

- A. That termination of the appellant is illegal, unlawful and against the cannon of justice.
- B. That no proper inquiry was conducted, no charge sheet, no show cause notice were served on the appellant before the termination and in final inquiry the appellant was suggested a minor penalty so exonerated from major penalty. So reinstated properly, but again termination double jeopardy and illegal.
- C. That according to loco ponitentia rule appellant has ~~same~~ got wasted right so after 7 years service

termination and after regularization is illegal and unlawful, needs to be set aside.

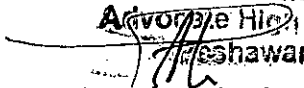
- D. That order impugned is given by incompetent authority.
- E. That appellant filed departmental appeal which is still pending as annexure "M".
- F. That termination is not a penalty and not included in the list of penalty, so illegal.
- G. That the appellant may please be allowed to rely on additional grounds at the time of arguments please.

It is, therefore, humbly prayed that on acceptance of this appeal the appellant may please be reinstated in service with all back benefits.


Appellant

Through

Dated: 29/04/2021


Gohar Ali Kheshgi
Advocate High Court,
Peshawar.

6

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Service Appeal No. _____/2021

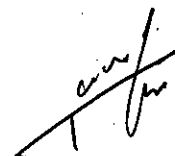
Tariq Khan(Appellant)

V E R S U S

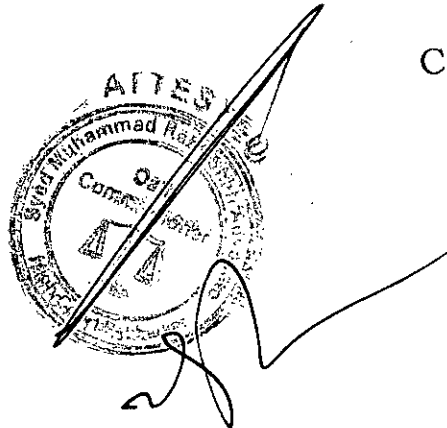
District Health Officer (DHO) Near Molvi Gee Hospital,
Hashtnagri, Peshawar and others.....(Respondents)

AFFIDAVIT

I, Tariq Khan S/o Atlas Khan R/o P.O Faqir Kallay,
Village Mandra Khel, Pajaggi Road, Peshawar, Ex-E.P.I,
Technician Peshawar BHU Mandra Khel, Peshawar, do
hereby solemnly affirm and declare that all the contents of
the accompanying **Service Appeal** are true and correct to
the best of my knowledge and belief and nothing has been
concealed from this Hon'ble Tribunal.



DEPONENT
CNIC: 17301-4264727-7



7

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Service Appeal No. _____/2021

Tariq Khan(Appellant)

V E R S U S

District Health Officer (DHO) Near Molvi Gee Hospital,
Hashtnagri, Peshawar and others.....(Respondents)

ADDRESSES OF THE PARTIES

APPELLANT:

Tariq Khan S/o Atlas Khan R/o P.O Faqir Kallay, Village
Mandra Khel, Pajaggi Road, Peshawar, Ex-E.P.I, Technician
Peshawar BHU Mandra Khel, Peshawar.

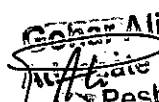
RESPONDENTS:

1. District Health Officer (DHO) Near Molvi Gee Hospital,
Hashtnagri, Peshawar.
2. Director E.P.I, Khyber Pakhtunkhwa, Warsak Road, Old
FATA Secretariat Building, Peshawar.
3. Director General Health Services Directorate, Warsak Road,
Old FATA Secretariat Building, Peshawar.
4. Government of Khyber Pakhtunkhwa through Secretary
Health Civil Secretariat, Peshawar.
5. Government of Khyber Pakhtunkhwa through Secretary
Finance Civil Secretariat, Peshawar.


Appellant

Through

Dated: 29/04/2021


Gohar Ali Khesghi
Advocate High Court,
Peshawar.



A
P-8
~~X~~



EXPANDED PROGRAMME ON IMMUNIZATION

DIRECTORATE GENERAL HEALTH SERVICES KHYBER ROAD, Khyber
Pakhtunkhwa

Tel: 091-9212418 Fax. No. 9213849 E-mail: epipeshawar@yahoo.com

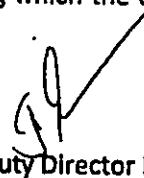
Ref. No. 2930/EP

Date. 30/04/2012

OFFICE ORDER

As recommended by the selection committee, Mr. Tariq Khan S/O Atlas Khan of district Peshawar is hereby appointed as EPI Technician in BPS-06 on contract basis under EPI/GAVI. His appointment is subject to the following terms and conditions.

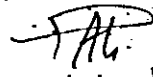
1. He is domiciled of Khyber Pakhtunkhwa.
2. He is declared medically fit for government service.
3. His appointment will be purely temporary/contract basis to the completion of the project life.
4. If he wishes to resign at any time, he will tender his resignation in written by giving prior notice of one month and shall continue the duty till the acceptance of his resignation by the competent authority. Failing this, one month pay has to be forfeited.
5. He will be governed by such rules issued by the Govt./Project Manager from time to time for the category of staff to which he belongs.
6. His services will be terminated in response to miss conduct/miss behave at any time.
7. No TA/DA will be allowed for arrival report.
8. If he accept the above terms and conditions, he should to report to the under signed within three days after the receipt of this order failing which the offer will be treated as cancelled.



Deputy Director EPI
Directorate General Health Services
Khyber Pakhtunkhwa.

CC.

1. Accountant general Khyber Pakhtunkhwa.
2. Mr. Tariq Khan S/O Atlas Khan.

Deputy Director EPI
Directorate General Health Services
Khyber Pakhtunkhwa.


Advocate High Court
Peshawar

A Hashmi


P-9 B (18)

BETTER COPY

EXPANDED PROGRAMME ON IMMUNIZATION
DIRECTORATE GENERAL HEALTH SERVICES KHYBER ROAD PESHAWR
Khyber Pakhtunkhwa

No. 7345-52/EPI

Dated: 20.10.2014

To

Mr. Tariq Khan EPI Technician
U.C Mandra Khel Peshawar
BHU Mandra Khel

Subject: TERMINATION FROM SERVICE AS EPI TECHNICIAN UNDER GAVI PROJECT

You Mr. Tariq Khan GAVI EPI Technician BHU Mandra Khel Peshawar is hereby terminated from service with immediate effect in the light of the inquiry committee report as found guilty in the official duty during measles campaign 2014, causing death of 3 children.

Sd/-

Deputy Director EPI
Khyber Pakhtunkhwa

CC.

1. Deputy Commissioner Peshawar.
2. PS to Minister Health Khyber Pakhtunkhwa Peshawar.
3. PS to Secretary Health Khyber Pakhtunkhwa Peshawar.
4. PA to DGHS Khyber Pakhtunkhwa Peshawar.
5. DHO Peshawar w/o to his letter No. 9551/DHO dated 10.9.2014
6. Provincial Polio Control Room Peshawar.
7. District Polio Control Room Peshawar.

FAH
Deputy Director EPI
Khyber Pakhtunkhwa
Peshawar

Deputy Director EPI
Khyber Pakhtunkhwa

Altu864
H

P-10
C

MINIARY REPORT OF DEATH CASES DURING MEASLES
MPAIGN.2014

Annexure - 1

As directed by the DHO Peshawar that Dr. Arshad Amir DDHO & Dr. Fazal Rahim Coordinator EPI Peshawar immediately to visit the LRH Hospital Paeds A & B Unit to find the fact finding regarding the sad demise of the children after measles vaccination.

Page - 1

Child No. 1

Name	Usman S/O Javed
Age	3 year & 6 months
Sex	Male
D O A	27/05/2014
OPD NO	1266020514
Address	Faqir Kally PO Terai Payan Peshawar.

CHIEF COMPLAINTS

- | | |
|-------------|---------|
| 1. Fever | One day |
| 2. Cyanosis | One Day |
| 3. Fits | One day |

According to the mother the child got the measles vaccination at BHU Mandra Khel fix site at 11.00 AM on 26/05/2014. His condition was deteriorated after 02 hours (1.00 PM) after the injection. He developed cyanosis and high grade fever at home, then he got fits in the evening. He was brought to LRH on 27/5/2014 at 7.00 AM. He was admitted in children B Ward. He was under the treatment of consultant in Paed "B" ward. During the team visit the child was unconscious, unstable and in critical condition. The injection site was swollen and bluish, and discolored. Suddenly we were informed that the other child named Abdul Samad was expired in paed "A" Unit.

The following information's were provided by Dr. Makdoom Safdar

CHILD NO 2

1. Name of child	Abdul Samad
2. Father Name	Zarshad Khan
3. Age	01 year
4. Sex	Male
5. DOA	27/5/2014 LRH Peshawar
6. OPD No	1264530514
7. Address	Faqir Kally PO Terai payan Peshawar

CHIEF COMPLAINTS

- | | |
|----------------------------|---------|
| 1. Fever | one day |
| 2. Fits | one day |
| 3. Difficulty in breathing | one day |

According to the mother the child got the measles injection at the fixed site of BHU Mandra Khel at 11.00AM on 26/5/2014. According to Dr. Makhdoom the child got the high grade fever and fits after the vaccination. The child was in respiratory distress and dehydrated. The condition of the child was serious. He

Gohar Ali Kheshgi
Advocate High Court
Peshawar

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was under the supervision of consultant in Pea "A" Unit. The child was already expired in Paed: "A" unit at 11.50 AM.

CHILD NO III

Tuba D/O Javed
Age 11 months
Address Faqir Kalley PO Terai Payan Peshawar.

CHIEF COMPLIANTS

Fever one day
Diarrhea one day

Tuba is the sister of Usman. She also got Measles vaccination at the fix site of Mandra Khel on 26/05/2014 at 11.00 AM. After about three hours she got fever, diarrhea and vomiting. There is a passage of blood in the stool. She is restless and irritated.

The committee comprising of Dr. Arshad Amir DDHO, Dr. Fazal Rahim and Dr. Riaz WHO called Zarif Khan Medical Technician (UCMO) and EPI Technician Mr. Tariq Khan to probe into the matter. They were instructed to bring the used vials, unused vial, diluents, cold chain equipment i.e. vaccine carrier, ice pack, foam, tally sheet etc. The tally sheet showed that 95 children were vaccinated at the fixed center of BHU Mandrakhel on 26/5/2014 including the expired children.

MEASELES VACCINE VIAL

Batch # 004N3111 A
Expiry dated June 2015

DILUENTS

Batch # 068513170 Z
Mfg Dated July 2013
Expiry date June 2018

Both the vaccine and diluents provided by serum institute of India

Mr. Tariq Khan (GAVI EPI Technician) is working as a skilled person at Fix centre BHU Mandra Khel. He was appointed as an EPI Technician on 30th March 2012. Since then he is working as an EPI Technician. He was asked to demonstrate the technique of injection, which he performed in front of the committee.

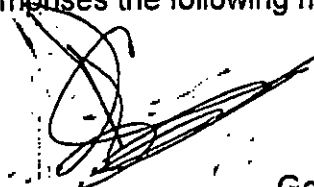
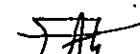
Some of the used vials showing little quantity of constituted vaccines. The technician claimed that he used to withdraw the remaining vaccine from the used vial and mix it with the new vaccine vials before injection to next child. The reason he told was to prevent the wastage.

The empty measles vaccine vials (4) diluents (4) and filled vaccine vials were sent to NIH laboratory for screening to see any contamination etc.

This shows that there was a chance of contamination, which was illegal, unethical and not justified.

On 28th May 2014, as directed the DGHS KPK and DC Peshawar and DHO Peshawar to probe further into matter. The committee visited the grieved families of deceased & offered Fateha for the children.

The team comprises the following members:



Gohar Ali Kheshgi
Advocate High Court
Peshawar

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He used to withdraw remaining vaccine from one vial and mixed it with the new vaccine vial before injection to next child.
3. During the visit to the BHU Mandra Khel there was found only one safety box containing 70 AD Syringe and only one 2 cc reconstitution syringe, this show that he has not observed the aseptic technique.
4. However anaphylaxis occurs immediately after the injection, but one can not predict the occurrence of any type of allergic reactions.

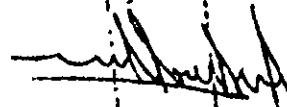
ACTION TAKEN

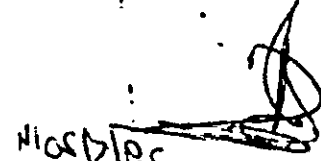
1. Campaign has been stopped in Mandra Khel & adjacent area for the time being.
2. It is recommended not to vaccinate ill/sick children.

RECOMMENDATION:-

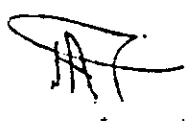
1. Strict disciplinary action may be taken against the SOP violators (Tand Khan GAVI Technician).
 2. Detail inquiry is needed by including experts/ specialist from all the related discipline to probe in detail and conduct clinical investigation regarding treatment protocols in hospitals etc.
 3. It has also been observed that the parents/teachers etc were not fully sensitized/aware regarding possibility of any such allergic/unwanted reactions with timely response by taking the children to health facilities. This reflects that proper media campaign has not been done at provincial level by including education, Audit, social welfare departments, print & electronic media as a policy & higher level activity.
- The same lacuna has been observed to some extent at operational level. Hence it is recommended that in future these confounding factors to be taken care of.

Copy of epidemiologist report is also attached.


Deputy District Health Officer
Peshawar


Coordinator EPI
Peshawar
27/2/2014


District Health Officer
Peshawar



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1. Dr. Arshad Amir
 2. Dr. Fazal Rahim
 3. Dr. Riaz WHO
 4. Mr. Muhammad Shoaib AAC
 5. Mr. Sohail AAC



The committee visited the BHU Mandra Khel where they found one safety Box containing 70 AD Syringes and one 5 CC reconstitution Syringe. This means that at this centre they might have used one reconstitution syringe for so many measles vials. This shows that they had not observed the aseptic technique during the reconstitution and administration phase.

The effected family elders also complained that their children were vaccinated by Majid instead of Tariq Khan. No one knows about the majid skill and technique as a skilled person. Whether he was trained as a skill person or not.

Page ③

Mr. Tariq stated that he himself was not present at the fix centre from 10.00 AM to 11.00AM on 26/05/2014. In his absence the children were vaccinated by the Majid.

A vial of reconstituted measles vaccine was also found in the fridge having no time and date on the vial. This indicates that the measles vaccine has been used without any precaution during the campaign. This resulted in this sad event in the present campaign resulting in the loss of the three precious lives and effected many more children in the campaign.

In this sad event three children died already five children are still admitted in the hospital, one in a serious and critical condition.

There was no arrangement for the waste disposal at this centre.

CHILDREN DIED.

1. Abdul Samad S/O Zarshad age 01 Year Expired in LRH
2. Hilal S/O Irfan Age 02 year Died at Home. (ajunt buda jom KTH)
3. Rida D/O Arshaf Ali 02 years Died at home.

CHILDREN ADMITTED IN LRH dated 27/5/2014.

1. Usman S/O Javed Age 03 years & 6 Months
2. Tuba D/O Javed Age 11 months.
3. Aman ullah 04 years
4. Rizwan ullah 03 years } S/O Noorullah.
5. Muhammad Amin 02 years }

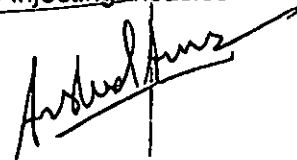
NOTE

Abdul Samad and Rida was vaccinated at the fixed centre while Hilal S/O Irfan vaccinated by Out Reach Team in the Hujra of Buneer. Abdul Samad was admitted in LRH Hospital while Rida was treated by local Practitioner and died at home. Hilal S/O Irfan was treated by Amin Practitioner and referred to KTH for treatment. At KTH the child was treated and sent back home. In home the condition of the child was deteriorated and died on the way to Hospital.

CONCLUION

1. Mr. Tariq Khan (GAVI EPI Technician was not present at the fixe centre at BHU Mandra Khel from 10.00 AM to 11.00AM on 26/5/2014 and Majid was injecting measles vaccine in his place.


 Shafiq Ali Khoshai


 Arshad Amir

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- 2. He used to withdraw remaining vaccine from one vial and mixed it with the new vaccine vial before injection to next child.
- 3. During the visit to the BHU Mandra Khel there was found only one safety box containing 70 AD syringe and only one 5 cc reconstitution syringe, this show that he has not observed the aseptic technique.
- 4. However anaphylaxis occurs immediately after the injection, but one can not predict the occurrence of any type of allergic reactions.

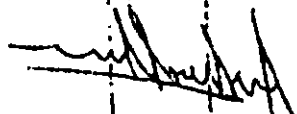
ACTION TAKEN

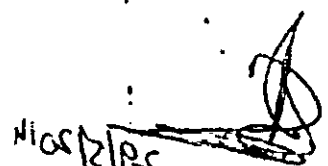
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RECOMMENDATION:-

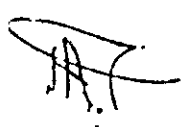
- 1. Strict disciplinary action may be taken against the SOPs violators (Tah Khan GAVI Technician).
 - 2. Detail inquiry is needed by including experts/specialist from all the related discipline to probe in detail and conduct clinical investigation regarding treatment protocols in hospitals etc.
 - 3. It has also been observed that the parent/teachers etc were not fully sensitized/aware regarding possibility of any such allergic/unwanted reactions with timely response by taking the children to health facilities. This reflects that proper media campaign has not been done at provincial level by including education, Awaraz, social welfare departments, print & electronic media as a policy & higher level activity.
- The same lacuna has been observed to some extent at operational level. Hence it is recommended that in future these confounding factors to be taken care of.

Copy of epidemiologist report is also attached.


Deputy District Health Officer
Peshawar


Coordinator EPI
Peshawar


District Health Officer
Peshawar



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REPORT FROM DISTRICT PESHAWAR EPIDEMIOLOGIST ABOUT LRH CASE ON 27-05-2014

Reported From:	Lady Reading Hospital
Reported Date:	27/05/2014
Patient Name:	Usman S/O Javed
Age:	3 Years
Sex:	Male
DOA:	27-5-14
Address:	Faqir Kalay p/o Terai Payan, Peshawar
Bed #	11 (Peads- B Ward)
OPD No:	1266020514

Page: (5)

CHIEF COMPLAINS:

- 1. Fever 1 Day
- 2. Cyanosis 1 Day
- 3. Fits 1 Day

HISTORY OF PRESENT ILLNESS:

According to the mother of patient. Patient was all right before measles vaccination on 26-5-14 at BHU Mandra Kheil at 1100 am. His condition was disturbed after 20 minutes of post measles vaccination. He developed Cyanosis at the moment and then stable after few minutes but with the passage of time he developed high grade fever at home along with fits stated at evening. Then he came here today for these chief complains. Patient is under supervision of Prof Dr. Habib. He has seen the patient today in the morning and has advised to add steroids with the treatment. Patient condition is not stable.

VACCINATION HISTORY:

Present

CONTACT NO:

Patient father works at abroad. His uncle Name and Contact No is as below
• Zarshad 0323-7073260

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Dr. Makhdoom Safdar
District Epidemiologist
Peshawar

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Gohar Ali Kheshgi
Advocate High Court
Peshawar

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REPORT FROM DISTRICT PESHAWAR EPIDEMIOLOGIST ABOUT LRH CASE ON 27-05-2014

Reported From: Lady Reading Hospital
Reported Date: 27/05/2014
Patient Name: Tuba d/O Javed
Age: 11 Months
Sex: Female
DOA: Not Admit but she is also present in the ward
Address: No Documents of Hospital has found
Faqr Kalay p/o Terai Payan, Peshawar

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CHIEF COMPLAINS:

1. Fever 1 Day
2. Dehydration 1 Day
3. Fits 1 Day

HISTORY OF PRESENT ILLNESS:

According to the mother of patient. Patient was all right before measles vaccination on 26-5-14 at BHU Mandra Kheil at 1100 am. She developed fever along with fits after post measles vaccination. Now her condition is stable.

PAST HISTORY:

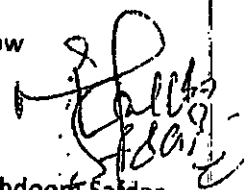
Measles history found one month ago and she was hospitalized in LRH.

VACCINATION HISTORY:

Present

CONTACT NO:

Patient father works at abroad. His uncle Name and Contact No is as below
• Zarshad 0323-7073260



Dr. Makhdoom Sardar
District Epidemiologist
Peshawar


Gohar Ali Kheshgi
Advocate High Court
Peshawar

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REPORT FROM DISTRICT PESHAWAR EPIDEMIOLOGIST ABOUT LRH CASE ON 27-05-2014

Reported From: Lady Reading Hospital
Reported Date: 27/05/2014
Patient Name: Abdul Samad S/O Zarshad
Age: 1 Year
Sex: Male
DOA: 27-5-14
Address: Faqir Kalay p/o Terai Payan, Peshawar
Ward: Peads A
OPD No: 1264530514

CHIEF COMPLAINS:

1. Fever 1 Day
2. Dehydration 1 Day
3. Fits 1 Day
4. Respiratory Distress

HISTORY OF PRESENT ILLNESS:

According to the mother of patient. Patient was all right before measles vaccination on 26-5-14 at BHU Mandra Kheil at 1100 am. He developed high grade fever with passage of time along with fits after post measles vaccination. He is in Respiratory Distress and also he is dehydrated at the moment due to which his condition is not stable. He is under supervision of Dr. Afzal Khattak in Peads A Ward.

VACCINATION HISTORY:

No Measles Vaccination found in Routine.

CONTACT NO:

His father Name and Contact No is as below

- Zarshad 0323-7073260

[Handwritten Signature]

Dr. Makhdoom Safdar
District Epidemiologist
Peshawar

[Handwritten Signature]
Gohar Ali Khashgi
Advocate High Court
Peshawar

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DISTRICT PESHAWAR

Annexure - (X) (Y)

RECOMMENDATION

1. As evident from the preliminary report of Death cases during the measles campaign 2014 that Muhammad Tariq EPI Technician found guilty by leaving the EPI Centre to an outsider to vaccinate the children for measles which resulted in the death of three innocent children.
1. Being an employee (Contract) of GAVI project the enquiry committee recommends the termination of Muhammad Tariq GAVI EPI Technician under the rules and regulation reflected in the TOR of the project.

Arshad Anwar
21.8.14
DISTRICT HEALTH OFFICER
PESHAWAR

GA
Gohar Ali Kheshti
Advocate High Court
Peshawar

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Annexure-10

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16/5/15
PESHAWAR

Subject: ENQUIRY REPORT REGARDING MR. TARIQ KHAN EPI TECHNICIAN

Reference is made District Health Officer, Peshawar letter No 928-32/DHO/G-Dated Peshawar the 4/02/2015.

1. PREAMBLE:

A committee of the under signed was constituted vide the above letter captioned to re-investigate the previous enquiry case of Mr. Tariq Khan EPI Technician Mandra khel who was responsible for vaccination at the centre where the incident occurred on dated 26 May 2014. Some question was raised on vaccination program, when four children died after they received the Measles vaccine in Mandra khel BHU Peshawar. All of the children were under the age of two years and it was stated that the death caused due to the lack of negligence of Mr. Tariq Khan who was not present in the centre during the time when those children were inoculated. All the 04 children were sent to Hospital (LRP), three of them died at children ward and one died at home after discharged from the Hospital.

2. ACTION/PROCEEDING:

Mr. Tariq Khan was called upon by the enquiry committee via telephone for personal hearing in his defense. He recorded his statement and submitted a written affidavit attached as Annexure "A". The accused refused the charges framed against him that the deceased children were vaccinated by Mr. Majeed an on trained volunteer (Assistant) who was not authorized to administer vaccine to the children. Before leaving vaccination point Mr. Tariq Khan closed the vaccination point and instructed Mr. Majeed not to vaccinate any child till he arrives back. Till that time Mr. Tariq had vaccinated 14 children which were recorded on tally sheet. He signed the tally sheet and went to the field for resolving the issue. On coming back he checked the tally sheet once again, where the same number of vaccinated children present on tally sheet record.

3. STATEMENTS:

The committee recorded written statements of the persons involved to substantiate the proceeding process and parents of the victim's children were also called to hear them personally to avoid any complication at later stages.

1. Written statement of Mr. Tariq Khan is reproduced as follow:

He was working in the Mandra khel BHU on 26 May 2014. His duty was to administer vaccines to the children in the fixed center Mandra Khel. During the campaign information came that some people were creating hurdles in the vaccination process and it was necessary to solve this issue at initial stage. Mr. Zareef Khan Medical technician BHU Faqir Kalleh (UCMO for measles campaign) another member of the vaccination was facing some problem in establishing camp for vaccination campaign in the field. To address these issues Mr. Zareef Khan took Mr. Tariq along with him from the fixed center. Being resident of the Area he has strong influence and has the ability to convince the residents for provision of place for the vaccination. Before leaving the duty point, he properly closed the vaccination point and instructed Mr. Majeed a volunteer not to vaccinate any child and insisted upon him to keep them sitting till his return. Since morning till that time he had administered

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Signature
Cohort / M. Chechgi
Attorney at Court

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(Better Copy)

Subject: **ENQUIRY REPORT REGARDING MR. TARIQ KHAN EPI TECHNICIAN**

Reference is made District Health Officer, Peshawar letter No 928-32/DHO/C-Dated Peshawar the 4/02/2015.

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Gohar Ali Khashgi
Advocate High Court
Peshawar

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... and rather tainted history. It is further added that a severe panic occurred due to the death ... immunization drives in 41 villages in India and also in developed country like UK as reported in Christina- vactruth.com, dated: 26.08.2010.

5. CONCLUSION:-

In the light of the above statements and cross examination of the accused person, the committee has come to the conclusion that the incident has been done totally unintentionally. Mr. Tariq Khan left the duty point in a good will to facilitate the Vaccine immunization team and to avoid any hurdles in the campaign. Why the accused Mr. Tariq API Tech handed over the vaccination point to an untrained and irresponsible person is the very dark Area contrary to the SOPs. The competent investigation agency AEPI Peshawar recommended in their report that strict disciplinary action may be taken against the SOPs violator (Tariq Khan GAVI Tech) but they did not recommend for his termination from service, the capital punishment.


6. RECOMMENDATION:-


The following disciplinary action is recommended after conducting the subject fact findings enquiry:-

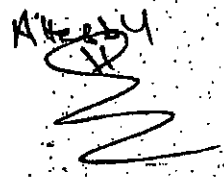
- i. The accused be censured and warn to be careful in future.
- ii. He may be transferred out from the present place of posting.
- iii. Measles vaccination may not be administered to the effected, ill / sick children.
- iv. Any other disciplinary punishment deem necessary by the competent authority.


Enclosure

- statement Mr. Tariq Jan Annexure-A
- Statement of Mr. Zareef Annexure- B
- Statement of the parents of deceased children's Annexure-C-
- Statement of Mr. Maleed Annexure-D


Dr. Mohammad Asif,
Coordinator Public Health,
DHQ Office Peshawar.


Dr. Mohammad Ishaq,
Principal Medical Officer,
CBD-3 Peshawar.




Gohar Ali Khesghi
Advocate High Court
Peshawar

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Enclosure

statement Mr. Tariq Jan Annexure-A


Statement of Mr. Zareef Annexure- B

Statement of the parents of deceased children's Annexure-C

Statement of Mr. Majeed Annexure-D

DR. Mohammad Asif,
Coordinator Public Health,
DHO Office Peshawar.

Dr. Mohammad Irshad,
Principal Medical Officer,
CBD-3 Peshawar.


Gohar Ali Khashgi
Advocate High Court
Peshawar

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vaccine to 14 children which was also recorded on the tally sheet and went to the outfield to resolve the issue. After resolving the issue he checked the tally sheet once again where the same number of vaccination i.e (14) were there. He also stated that he came to know at later stage that some children have been died after administration of Measles vaccination by Mr. Majeed. He further stated that he (Tariq Jan) was totally unaware of this mishap and the damage has been done is wholly due to the negligence and incompetency of Mr. Majeed which was affirmed by the parents of deceased children as well.

ii. STATEMENT OF ZAREEF KHAN:-

Mr. Zareef Khan was also called by the constituted committee and his written statement recorded to facilitate the proceeding and authenticate the statement of Mr. Tariq Khan and his non involvement in this unfortunate incident. Mr. Zareef Khan & Mr. Tariq Khan endorsed the same statements as they recorded in the previous enquires conducted by the Measles AEFI investigation Peshawar, Khyber Pakhtunkhwa Dated June 7, 2014 & Department Office of the District Health Officer, Peshawar, Office Order No. 8973-76/DHO/C-10-Dated Peshawar The-21/08/2014. Statement attached as Annexure "B".

iii. STATEMENTS OF THE PARENTS OF THE DECEASED CHILDRENS:-

The enquiry committee visited the houses of the deceased children and took the statements of their parents. The parents of the deceased children were found very cooperative and they negated any type of involvement of the alleged Mr. Tariq in this incident. They also did not even lodge an FIR against the team of measles campaign. All the parents of the deceased children were also not in favor of any departmental inquiry of Mr. Tariq Khan and accepted this incident just as an accident and declined any personal vendetta and grudges against the deceased family. They also have forgiven the staff and given assurance that they would not further place the case in future. Annexure C.

iv. STATEMENT OF MR. MAJEED :-

Mr. Majeed working as an assistant volunteer has also admitted that he was strictly instructed by Mr. Tariq not to vaccinate the children in his absence but he was compelled by the parents waiting for the vaccination. His statement has also recorded as a reference as Annexure D

v. KEY FINDINGS OF MEASLES AEFI INVESTIGATION, PESHAWAR, KHYBER PAKHTUNKHWA:-

After thoroughly studying the investigation report of Measles AEFI investigation, Peshawar KPK, it is cleared that some breaches have been done in the set and defined parameters of the provided SOPs of the vaccination campaign drive it require to be rectified. The Measles investigation team AEFI highlighted the weak loops in the campaign Para-wise in their report for future reference. The report made responsible Mr. Tariq Khan who left his duty point but also raised some crucial question marks on

- i. Vaccine Storage Practice
 - ii. Pre campaign preparation
 - iii. Monitoring & Supervision Quality by Local Supervisor / Monitors.
- Unfortunately serious deviations from guide line in these Areas were also observed. It is noteworthy to mention here, that the Measles Vaccines has no good track record and has had a

Attest
(Signature)

SAD
Gohar Ali Khoshgi
Advocate High Court
Peshawar

P-D
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Mr. Zareef khan was also called by the constituted committee and his written statement recorded to facilitate the proceeding and authenticate the statement of Mr. Tariq khan and his non involvement in this unfortunate incident. Mr. Zareef khan & Mr. Tariq khan endorsed the same statements as they recorded in the previous enquiries conducted by the Measles AEFI investigation ,Peshawar ,Khyber Pakhtunkhwa Dated June 7,2014 &Department Office of the District Health Officer, Peshawar Office Order No 8973-76-/DHO/C-10-Dated Peshawar The-21/08/2014.Statement attached as Annexure "B".

iii. **STATEMENTS OF THE PARENTS OF THE DECEASED CHILDRENS:-**

The enquiry committee visited the houses of the deceased children and took the statements of their parents. The parents of the deceased children were found very cooperative and they negated any type of involvement of the alleged Mr. Tariq in this incident. They also not even lodged an FIR against the team of measles campaign. All the parents of the deceased children were also not in favor of any departmental inquiry of Mr. Tariq khan and accepted this incident just as an accident and declined any personal vendetta and grudges against the deceased family. They also have forgiven the staff and given assurance that they would not further place the case in future.
ANEX _____ C.

iv. **STATEMENT OF MR.MAJEED :-**

Mr.majeed working as an assistant volunteer has also admitted that he was strictly instructed by Mr. Tariq not to vaccinate the children in his absence but he was compelled by the parents waiting for the vaccination . His statement has also recorded as a reference as Annexure_D

4. **KEY FINDINGS OF MEASLES AEFI INVESTIGATION,PESHAWAR,KHYBER PAKHTUNKHWA:-**

After thoroughly studying the investigation report of Measles AEFI investigation ,Peshawar KPK ,it is cleared that some breaches have been done in the set and defined parameters of the provided SOPs of the vaccination campaign drive it require to be rectified. The Measles investigation team AEFI highlighted the weak loops in the campaign Para wise in their report for future reference. The report made responsible Mr. Tariq khan who left his duty point but also raised some crucial question marks on

- i. Vaccine Storage Practice
- ii. Pre campaign preparation
- iii. Monitoring &Supervision Quality by Local Supervisor / Monitors.

Unfortunately serious deviations from guide line in these Areas were also observed. It is noteworthy to mention here, that the Measles Vaccines has no good track record and has had a


Gohar Ali Kheshgi
Advocate High Court
Peshawar



P-23 E
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DIRECTORATE GENERAL HEALTH SERVICES KPK PESHAWAR

No. 900-25 / Admi / EPI

date: 16/4/2019

To
The District Health Officer
Peshawar

Subject: IMPLEMENTATION OF RECOMMENDATIONS OF INQUIRY REGARDING INCEDENDCE OF SEVERE ADVERSE EVENTS FOLLOWING IMMUNIZATION DUE TO PROGRAMMATIC ERRORS.

In a meeting held today under chairmanship of undersigned, serious concerns were shown by concerned authorities on the non implementations of recommendation of inquiry held back in 2014. The Honorable Peshawar High Court in Writ Petitions No.2273-P/2014 has also ordered on 01-12-2015 that in the light of departmental inquiry FIR may be lodged against the delinquents.

In a fresh inquiry conducted under the directives of Health Department contained in its letter No, SOH (E-V)1-892/2014/director EPI dated 12-10-2018, the committee has declared that:

- 1) Mr.Tariq was not reinstated in project after termination vide order no. 1345-52/EPI dated 20-10-2014 and thus was not on payroll at the time of closer of the GAVI project i.e. 30-06-2015
- 2) He was regularized without the recommendations of scrutiny committee on 16-02-2017 after submission of an appeal by him on 15-2-2017.

In the light of above your are directed to take following actions before closing of the business today, under intimation to this office and the office of Secretary Health, as the case is fixed for hearing in PHC tomorrow (17-4-2019) and DGHS and Secretary Health have been called for personal appearance by the honorable High court :

- i) Mr.Tariq EPI Technician be terminated from Service with immediate effect being regularized and appointed against the rules/ Law/Act.
- ii) FIR at the appropriate forum be registered against Mr. Tariq in the light of inquiry report referred to above.

**DIRECTOR GENERAL HEALTH SERVICES,
KHYBER PAKHTUNKWA, PESHAWAR**

- Cc.
1. Registrar Peshawar High Court , Peshawar.
 2. Secretary to the Govt: of Health Department . Khyber Pakhtunkhwa ,Peshawar
 3. Director EPI DGHS, Peshawar
 4. PS to Minister Health ,Khyber Pakhtunkhwa, Peshawar
 5. Assistant Director (Litigation) DGHS. Peshawar.

Genl. Adm. Peshawar High Court

Attested by

F
P-24

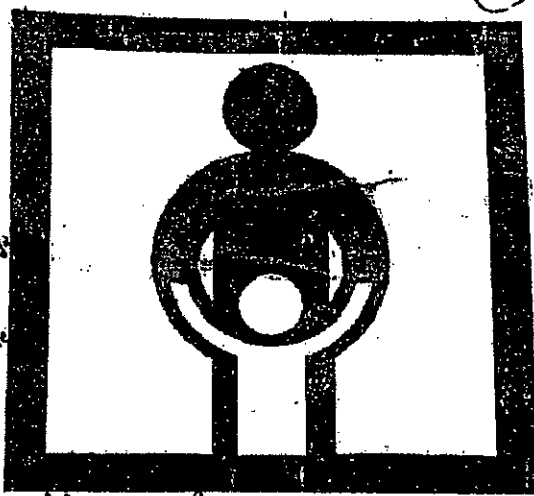
~~Amir D~~

P-13

PERSONAL FILE

File # _____

GOVERNMENT OF KHYBER PAKHTUNKHWA



He has been declared innocent by the Inquiry Committee. Report placed on file.

He has been terminated in March 2016 for violation of discipline of negligence in the discharge of his duties. He was terminated on administrative grounds.

DK
Copy placed to
DPC

EXPANDED PROGRAMME ON IMMUNIZATION (EPI)
KHYBER PAKHTUNKHWA

Subject: Tariq EPI (Galli)

Number: 0301-8816646 Peshawar

Gohar Ali Kheshti
Advocate High Court
Peshawar

Attorneys
Gohar

2nd Floor, Directorate General Health Services, Khyber Road,
Peshawar, Khyber Pakhtunkhwa Phone: 091-9212418, 9210568 Fax: 091-9213849
E-mail : epipeshawar@gmail.com, Web: www.epiko.gov.pk

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P-25

~~Asst~~

P-14

EXPANDED PROGRAMME ON IMMUNIZATION

DISTRICT GENERAL HEALTH SERVICES KHYBER ROAD, PESHAWAR
Khyber Pakhtunkhwa

Tel: 091-9212418 Fax. No. 9213849 E-mail: epipeshawar@gmail.com

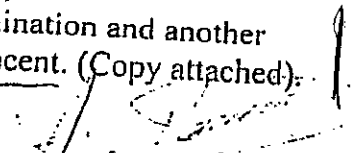
Ref No: 230 /EPI/DGHS

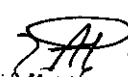
Dated: 07-05-2018


**STATEMENT ON BEHALF OF PROVINCIAL EPI OFFICE
REGARDING INQUIRY AGAINST TARIQ KHAN EPI TECHNICIAN
EX-GAVI PROJECT 2014.**

In line with direction from the Chairman Inquiry Committee on the above subject. Letter under the said inquiry had not been received in the Provincial EPI however, the following is submitted as under: -

1. That Mr. Tariq Khan S/O Atlas Khan R/O district Peshawar was appointed as EPI Technician B-6 under GAVI Project vide Office Order No.2930/EPI, dated 30.04.2012(Copy attached).
2. During the year 2014(19th to 31st May) Health Department launched a measles vaccination campaign in the Province of Khyber Pakhtunkhwa including district Peshawar. Three children sustained death in the area of posting i.e accused Mr. Tariq Khan, EPI Technician Peshawar.
3. Consequently, a fact finding inquiry was ordered in the said incident (Copy attached) and in compliance with recommendations the accused Mr. Tariq Khan was terminated from his services vide Termination letter No.7345-52/EPI, dated 20.10.2014(Copy attached).
4. Later on Mr. Tariq Khan appealed against the termination and another inquiry was conducted wherein he was found innocent. (Copy attached).


DIRECTOR EPI
KHYBER PAKHTUNKHWA


Gohar Ali Kheshgi
Advocate High Court
Peshawar


A. Hussain



GOVERNMENT OF KHYBER PAKHTUNKHWA

HEALTH DEPARTMENT

Diary No 88

Dated 23-1-2015

NO. SOH(E-V)1-892/2014/Director, EPI
Dated Peshawar the 22nd October, 2018

EPI, D.O.S, KPK Peshawar

To
The Director General,
Health Services Khyber Pakhtunkhwa,
Peshawar.

10305
03-12-18

Subject: INQUIRY IN INCIDENCE OF SEVERE ADVERSE EVENTS FOLLOWING IMMUNIZATION DUE TO PROGRAMMATIC ERROS.

I am directed to refer to the subject noted above and to enclose herewith The honorable Peshawar High Court Peshawar vide order sheet dated 1.12.2015 in a Writ Petition No.2273-P/2014 has recorded the following:-

Whereas learned AAG seeks time to file detail report not only regarding initiation of departmental proceedings against the delinquents but also registration of the case under relevant section of Pakistan Penal Code. On the basis of the said order Health has ordered an inquiry to find out the cause that results in delay of lodging FIR against the culprits who were reported declared responsible for the commission of offence in pursuance to an inquiry wherein 03- children sustained death as a result of adverse reaction due to programmatic error during the course of EPI campaign.

Health Department has nominated Mr.Nadir Khan Rana (PMS BS-19) Additional Secretary (Dev) as well as Mr.Muhammad Ibrahim Deputy Secretary (Drugs) Health Department to conduct a fact finding inquiry report in the subject matter vide Health Department letter dated 18.4.2018.

The inquiry officers/committee has conducted fact finding inquiry report in the subject matter and report submit to Health Department with the following recommendations:-

- i. In the current case the then Director Health has shown laxity in complying with the orders of Health Department of lodging FIR through quarter concern, thus primarily responsible for the same.
- ii. FIR shall be lodged even now by giving causes of delay to the Department.
- iii. The Director EPI alongwith dealing staff is also responsible for not taking steps for lodging FIR because prima facie he was in knowledge of the facts of the case and earlier inquiries.
- iv. The then Director General Health Services had also failed to nip the issue before cropping up and the same is still pending unattended until the Peshawar High Court, Peshawar has taken cognizance of the issue.

A high profile committee may be constituted comprising expert to trace and indicate all those cases of the employees including the one, Dr.Tahir Khan who were allegedly regularized contrary to the provisions of the Khyber Pakhtunkhwa Employees of Health Department (Regularization of Services) Act, 2017 and all the responsible may be proceeded in accordance with the law for being devoid of the force of law, merit and against the public interest at large.

Immediate
ADG (HR) / DD (HR)
23/1/18
Dir EPI / DD Peshawar

(MUHAMMAD IRFANUDDIN)
SECTION OFFICER(E-V)

Recd from Dir HR Today on 22-1-15

Endst. No & Date Even.

Copy to the:-

1. Section Officer (Litigation-I) Health Department alongwith a copy of inquiry report for further necessary action
2. PS to Secretary Health Department.

SECTION OFFICER (E-V)

Govt. High Court
Peshawar

Attested by
SH

P-I 27
~~PTB of Hyderabad~~
 Committee for GAVI and JICA
 2016 in the office of Director EPI Health
 13-12-2017 at 2:00 pm.

In line with Government of Khyber Pakhtunkhwa, Health Department Minutes of Scrutiny Committee Meetings held on 8th December, 2016 and 12th January, 2017, a meeting of Physical Verification Committee of Health Directorate was held on 13th and 14th February, 2017 to physically verified candidates as per approved list of both the projects. The following officers attended:-

- a) Dr. Hameed Afridi Director EPI
- b) Dr. Taimur Shah DD EPI
- c) Mr. Khalid Kamal Finance Officer EPI.
- d) Mr. Sheeraz AD Paramedics DGHS.

All of these honorable members told me for an application of regularization/ affidavit attached on pg # 3 & 4.

Director EPI, Dr. Hameed Afridi, informed that under Section 04 of Regularization Act GAVI and JICA project 2016, there shall be Scrutiny Committee consisting of Secretary Health as chairman and Establishment and Law Departments as members to scrutinize credentials of all GAVI and JICA ex-employees. So far 203 scrutinized project employees were physically verified and issued them with orders of Regularization on the newly created posts for them.

The Scrutiny Committee also examined the cases of those employees having serious nature issues and recorded their fitness, suitability or otherwise against each candidates on the approved list of 74 project employees. Copies of the approved list were provided to the forum for the purpose of Physical verification. Attendance of each employee was obtained. Detail of appeared candidates was as under:-

Overage	Cleared	Absent	Pending	Total
05	45	21	3	74

The list approved by the scrutiny Committee with remarks also put to Physical Verification Committee for appropriate action. Their remarks are recorded against each candidates unanimously. **Annexure A**

1. For overage candidates, summary for relaxation in upper age limit would be sent as per applications submitted to the Committee. **(Annexure-B)**
2. Credentials, Degrees and certificates shall be got verified from respective institutions. **(Annexure-A)**
3. Pending cases shall be issued regularization order as and when cleared. **(Annexure-C)**
4. Underage candidates are to be absorbed on regular side according to the recommendation of the Scrutiny Committee.

The meeting ended with a vote of thanks from the Chair.

Gohar Ali Kheshgi
 Advocate High Court
 Faisalabad

[Signature]
 Director General Health Services
 Khyber Pakhtunkhwa
[Signature]

(2) The expressions "contract appointment" shall have the same meaning as respectively assigned to them in the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973).

3. Appointment of GAVI employees. — Notwithstanding anything contained in any law or rule, all GAVI employees, who were holding project posts till 30th June, 2015, shall be appointed to posts on regular basis and shall be deemed to have been so validly appointed to such posts on the commencement of this Act, subject to verification of their qualification and other credentials by the Scrutiny Committee constituted under section 4 of this Act.

Provided that those GAVI employees, who fulfilled the criteria initially advertised for a project post against which they are recruited, but not the enhance qualification of the post duly upgraded by Government of the same service or cadre in the Department, shall be appointed on regular basis in the Basic Pay Scale of the post as initially advertised, till such time the GAVI employee enhance their qualification required for the upgraded post in the same service or cadre in the Department.

Provided further that those GAVI employees in Basic Pay Scale 6 and below, who are appointed on regular basis under this Act, for be their further posting would be on the strength of Directorate, General Health Services, Khyber Pakhtunkhwa.

3A. Appointment of JICA Employees. — Notwithstanding anything contained in the law or rules, all JICA employees who were holding project post till June 2015, shall be appointed to posts on regular basis and shall be deemed to have been so validly appointed to such posts on the commencement of this Act.

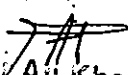
Provided that those JICA employees, who fulfill the criteria initially advertised for a project post against which they recruited, but not the enhance qualification of the post duly upgraded by the Government of the same service or cadre in the Department, shall be appointed on regular basis in the Basic pay scale of the post as initially advertised, till such time the JICA employees enhance their qualification required for the upgraded post in the same service or cadre in the department.

Provided further that those JICA employees in basic pay Scale 6 and below, who are appointed on regular basis under this Act, their further posting would be on the strength of Director General, Health Services, Khyber Pakhtunkhwa.

3B. Appointment of Medical Officers. — Notwithstanding anything contained in the law or rules, all Medical Officers/Woman Medical Officers who were holding Adhoc posts/contract posts on 1st May 2016, shall be appointed to posts on regular basis and shall be deemed to have been so validly appointed to such posts on the commencement of this Act.

3C. Appointment of Nurses. — Notwithstanding anything contained in the law or rules, Charge Nurses (Male/Female) who were holding Adhoc posts/contract on 1st May 2016, shall be appointed to posts on regular basis and shall be deemed to have been so validly appointed to such posts on the commencement of this Act.


A. K. Kheshti
Director General
Health Services
Khyber Pakhtunkhwa


Gon: A. K. Kheshti
Advocate High Court
Peshawar

P-I 30

35	Shahzadā Safi ullah	Shakir ullah	6	Cold Chain Technician	Shk
36	Said Rehman	Bahadur Khan	5	EPI Technician	Swat
37	Muhammad Ayub	Shakir ullah	6	EPI Technician	Dir Lo
38	Zarif Gul	Abdul Qadoos	6	Cold Chain Technician	Malaka
39	Fateh Muhammad	Faiz Muhammad	6	Cold Chain Technician	Swat
40	Muhammad Tariq	Atlas Khan	6	EPI Technician	Peshawar
41	Faisal Afridi	Jari Baz Afridi	6	Cold Chain Technician	DGHS
42	Anwar Saeed Khan	Muhammad Parvez	6	EP Technician	Battagram
43	Abu Saeed	Sakhi Khan	6	EPI Technician	Torghar
44	Muhammad Naveed	Khurshed Khan	6	EPI Technician	Torghar
45	Asad Ali	Munawar Khan	6	EPI Technician	Mardan

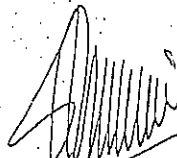
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 Director General Health Services
 Khyber Pakhtunkhwa.

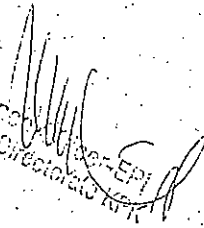
No. 157-258
 DGHS/EPI


Dated: 16/2/2017

Copy forwarded for information to the:

1. Secretary to the Govt of Khyber Pakhtunkhwa Health Department.
2. Accountant General, Khyber Pakhtunkhwa.
3. All District Accounts Officers in Khyber Pakhtunkhwa.
4. All District Health Officer in Khyber Pakhtunkhwa.
5. Director EPI Khyber Pakhtunkhwa.
6. Deputy Director (Admin) DGHS Khyber Pakhtunkhwa.
7. Assistant Director Accounts DGHS Khyber Pakhtunkhwa.
8. PA to Director (Admin) DGHS, Khyber Pakhtunkhwa Peshawar.
9. Officer/Official concerned.


 Director General Health Services
 Khyber Pakhtunkhwa.


 Director EPI
 Health Department KPK


 Director General Health Services
 Khyber Pakhtunkhwa

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List of GAVI/ JICA Employees Scrutinized by the Scrutiny Committee

S.No	PF No.	Name	Father Name	BPS	Designation	Project	District	Remarks
1	12	Abdul Manan	Sharaf Uddin	6	Cold Chain Tech	GAVI	DGHS	He is holding FATA domicile while advertisement for the project post was seeking applications from Khyber Pakhtukhwa domicile holders. For regular Provincial Cadres positions candidates from FATA are also eligible. He is not possessing diploma in coldchain/refrigeration. However, he is possessing G-II level certificate in refrigeration and A.C of 24 month duration from Directorate of Manpower and Training, KP Trade Testing Board. The certificate needs verification.
2	24	Ghazala Jehanzeb	Jehanzeb Khan	6	EPI Technician	GAVI	Peshawar	On the closing date of applications for project posts, as per initial advertisement, Her age was 44 years, 10 months, 24 days while the required age was 21 -- 40 Yrs.
3	27	Muhammad Faheem	Gul Rahman	6	EPI Technician	GAVI	Peshawar	On the closing date of applications for project posts, as per initial advertisement, His age was 16 years, 03 months and 05 days while the required age was 21 -- 40 Yrs. At the time of commencement of Regularization Act, he falls in the required age bracket.
4	28	Acmir Zaman	Khaliquz Zaman	6	EPI Technician	GAVI	Peshawar	On the closing date of applications for project posts, as per initial advertisement, His age was 18 years, 01 months and 2 days while the required age was 21 -- 40 Yrs. At the time of commencement of Regularization Act, he falls in the required age bracket.
5	31	Khalid Khan	Haji Mira Khan	6	EPI Technician	GAVI	Peshawar	Personal file complete, Credentials need verification.
6	39	Irfan ullah	Ehsan Ullah	6	EPI Technician	GAVI	Peshawar	Initially his file was deficient of CNIC, DMC and EPI certificate
7	46	Muhammad Tariq	Atias Khan	6	EPI Technician	GAVI	Peshawar	He was terminated from the project in response of high level inquiry in connection with the death of children during measles campaign, and hence had not received his salary. Later on another enquiry was conducted; report is annexed. Action on this report was not taken because the project closed on 30 June 2015.

(Khalid Khan)
10.10.15

[Signature]
10.10.15

[Signature]
31/10/15

[Signature]
31/10/15

Gohar Ali Kheshgi
Advocate High Court
Peshawar

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P. 28 32

Regularization order

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

All communication should be addressed to the Director General Health Services Peshawar and not to any official by name.
Exchange # 091-9210196, Tele # 92010196, Fax # 091-9210230

OFFICE ORDER:

In continuation of this Office order bearing No. 935-1164/EPI dated 02-11-2016, the following employees of Ex-GAVI and JICA project under EPI are hereby regularized against the newly created posts by Finance Department Khyber Pakhtunkhwa vide F.D letter No. BOVI/FD/4-1/2014-15/VOL-VII dated 30-08-2016 with immediate effect:

S.NO	Name of employee	Father's name	BPS	Designation	District
1	Abdul Manan	Sharaf Uddin	6	Cold Chain Tech	DGHS
2	Muhammad Faheem	Gul Rahman	6	EPI Technician	Peshawar
3	Aamir Zaman	Khalique Zaman	6	EPI Technician	Peshawar
4	Liaqat Ali	Abdul Munaf	4	Driver	DGHS
5	Tahir Khan	Zahir Khan	4	Driver	DGHS
6	Muhammad Naeem	Said Khan	4	Driver	DGHS
7	Zia uddin	Saad uddin	4	Driver	DGHS
8	Noor Rehman	Hasham Khan	4	Driver	Nowshera
9	Tariq Jan	Fazal Rahim	4	Driver	DGHS
10	Gul Muhammad Khan	Yar Muhammad Khan	4	Driver	Torghar
11	Sohail Anwar	Muhammad Anwar	2	Chowkidar	DGHS
12	Zeshan ullah	Fazal Ghafar	6	EPI Technician	Bannu
13	Mohammad Javed	Badshah Gul	6	EPI Technician	Batta gram
14	Hamad	Farhad Ali	6	EPI Technician	Charsadda
15	Niaz ul Islam	Ahmad Jan	6	EPI Technician	Dir Lower
16	Bakht Shad	Qadar Gul	6	EPI Technician	Dir Lower
17	Ubaid ulla	Abdul Haleem	6	EPI Technician	Dir Upper
18	Naveed Azam	Wazir Azam	6	EPI Technician	Hangu
19	Mehboob Anwar	Amir Nawaz	6	EPI Technician	Karak
20	Muhammad Raheel	Abdul Jalil	6	EPI Technician	Kohat
21	Atta ur Rehman	Ayaz Khan	6	EPI Technician	Lakki Marwat
22	Gul Andaz	Nawab Ali Khan	4	Driver	Lakki Marwat
23	Fazal Jamir	Aminul Momineen	6	EPI Technician	Malakand
24	Khalid Mansoor	Hazrat Gul	6	EPI Technician	Mardan
25	Khuram Zarin	Zarin Gul	16	DSO	Torghar
26	M. Faisal Saddiq	Sadiq Khan	6	EPI Technician	Torghar
27	Salah uddin	Safeem Khan	6	EPI Technician	Torghar
28	Salaar Alimjari	Mir Hasham Khan	6	EPI Technician	Nowshera
29	Noman Khan Afridi	Muhammad Ishaq	16	Program Analyst	DGHS
30	Sardar Ali	Mir Samand	2	Naib Qasid	Battagram
31	Changaz Khan	Asad Khan	12	Computer Operat	DGHS
32	Fawad Kha	Noor Ull Hassan	6	EPI Technician	Malakand
33	Nadeem Afzal	Amir Afzal	6	EPI Technician	Malakand
34	M. Sajid	Muhammad Gul	6	EPI Technician	Charsadda

30-8-2016

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S. An

Gohar Ali Khesghi
Advocate High Court

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P 29 33
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(2)

35	Shahzad Safjullah	Shakir ullah	6	Cold Chain Technician	Shangla
36	Said Rehman	Bahadur Khan	6	EPI Technician	Swat
37	Muham-nad Ayub	Shakir ullah	6	EPI Technician	Dir Lower
38	Zarf Gul	Abdul Qadoos	6	Cold Chain Technician	Malakand
39	Fateh Muhammad	Faiz Muhammad	6	Cold Chain Technician	Swat
40	Mohammad Tariq	Atlas Khan	6	EPI Technician	Peshawar
41	Faisal Afridi	Jari Baz Afridi	6	Cold Chain Technician	DGHS
42	Anwar Saeed Khan	Muhammad Parvez	6	EPI Technician	Battagram
43	Abu Saeed	Sakhi Khan	6	EPI Technician	Torghar
44	Muhammad Naveed	Khurshed Khan	6	EPI Technician	Torghar
45	Asad Ali	Munawar Khan	6	EPI Technician	Mardan

Sd/.....
Director General Health Services
Khyber Pakhtunkhwa

No. 151-58
DGHS/EPI

Dated: 16/2/2017

Copy forwarded for information to the:

1. Secretary to the Govt of Khyber Pakhtunkhwa Health Department.
2. Accountant General, Khyber Pakhtunkhwa.
3. All District Accounts Officers in Khyber Pakhtunkhwa.
4. All District Health Officer in Khyber Pakhtunkhwa.
5. Director EPI Khyber Pakhtunkhwa.
6. Deputy Director (Admin) DGHS Khyber Pakhtunkhwa.
7. Assistant Director Accounts DGHS Khyber Pakhtunkhwa.
8. PA to Director (Admin) DGHS, Khyber Pakhtunkhwa Peshawar.
9. Officer/Official concerned.

Director General Health Services
Khyber Pakhtunkhwa

Director General EPI
(Local) Directorate

Responsible
(2)

Attended
S.A.

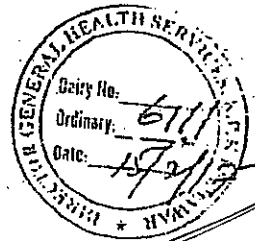
Gohar Ali Khashgi
Advocate High Court
Peshawar

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P-34

PFI Z

(Second appeal) Regularization Application 31

To: The Chairman/ADGHS
Physical Verification Committee



Subject: APPLICATION FOR REGULARIZATION

Resp: Sir,

Most respectfully I beg to submit as under:-

- a) That I was appointed EPI technician under the GAVI Project and posted at UC Pajagi under the DHO Peshawar.
- b) During my Project service one unfortunate incident happened during Mass Measles Campaign and an inquiry was ordered due to which I was terminated without my personal hearing. Copy attached "Annex A"
- c) I appealed to the competent authority about injustice done to me and second inquiry committee was constituted at the District level. During that they not only inquired me but also the parents of diseased families and as per conclusion of the second inquiry committee report I was declared not guilty. copy attached (Annex B)
- d) Meanwhile Provincial Assembly passed an Act regarding regularization of my all fellow project employees. It is therefore requested that may regularization on the analogy of my other GAVI Project colleges according to recommendation of the Scrutiny Committee under section 04 of GAVI regularization Act 2016. I am at serial No.07 Personal file No.46 of the approved list for regularization.
- e) An affidavit is attached for not to claim arrears of salary etc from GAVI Project in future.
- f) It is therefore requested that my case for regularization under the above package may please be considered on justice and humanitarian grounds so that I may not be kept deprived from regularization of my GAVI Project Post as EPI Technician (BPS 6) under DHO Peshawar at UC Pajagi.

Annex - (As above)

Dir EPI

[Signature]
15/2

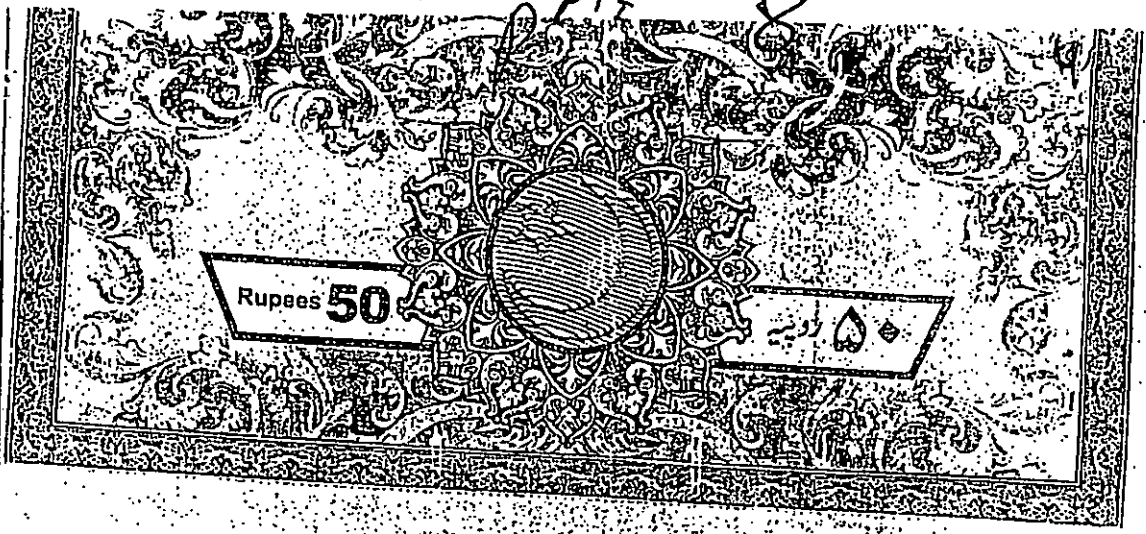
[Signature]

Your's obediently
Tariq Khan S/O Atlas Khan
EPI Technician GAVI
Distt Peshawar
NIC 17301-4264727-7

Attended:
[Signature]

[Signature]
Advocate High Court
Peshawar

P-35
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AFFIDAVIT

I, Tariq Khan, EPI Technician belongs to GAVI Project Under jurisdiction of D/O Peshawar do hereby solemnly declare that I shall not claim any pending dues from GAVI project in future.

Tariq Khan
Tariq Khan,
EPI Technician

[Signature]
ATTESTED 15/2/17
WAHID JAMIL
Commissioner
DISTRICT PESHAWAR

Attested!
Sari

[Signature]
Gonar Ali Kheshgi
Advocate High Court
Peshawar

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OFFICE OF THE DISTRICT HEALTH OFFICER PESHAWAR

OFFICE ORDER

Reference Director General Health Services, Khyber Pakhtunkhwa, Peshawar office letter No. 920-25/EPI/Admin dated 16/04/2019; you Mr. Tariq Khan, EPI Technician BPS-06 working at BHU Mandra Khel, is hereby terminated due to the following reasons.

1. Terminated from service with immediate effect being regularized and appointed against Rules/Law/Act.

Sd/-XXXXXXXXXXXXXXXXXXXX
District Health Officer
Peshawar

Dated Peshawar the: 16/04/2019

No. 3426-33 /DHO

A copy is forwarded for information to the: -

1. Registrar Peshawar High Court Peshawar.
2. Secretary to Govt. of Khyber Pakhtunkhwa Health Department, Peshawar.
3. Accountant General Khyber Pakhtunkhwa, Peshawar.
4. Director EPI, DGHS Office Peshawar.
5. PS to Minister for Health Khyber Pakhtunkhwa, Peshawar.
6. Assistant Director (Litigation) DGHS, Peshawar
7. Official Concerned.
8. Accounts Section for necessary action.

District Health Officer
Peshawar.

etc

Gohar Ali Kheshgi
A. Magistrate High Court
Peshawar

Attested
by

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P- 37

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To,

The Director General,
Health Department, KPK,
Peshawar.

SUBJECT: DEPARTMENTAL APPEAL AGAINST THE ORDER OF TERMINATION OF MR. TARIQ KHAN EPI TECHNICIAN VIDE NO.920/25 DATED 16/04/2019.

Respected sir,

I am Mr. Tariq Khan S/o Atlas Khan R/o Mandra Khail, Pajjagi Road, Peshawar. In 2014 the appellant (Mr. Tariq Khan) was appointed in GAVI Project on 30/04/2012 and removed vide order No.7345-52/EPI dated 20/10/2014 from project.

Dear sir, the appellant (Mr. Tariq Khan) filed an appeal against the removal from project. It was accepted and I was declared innocent by the inquiry committee on 16/03/2015. Although at that time, the project was finished and no remedy was given.

In may 2016, KP Provincial Assembly Sectariate issued a notification / Act of Regularization of GAVI project employees (Copy of notification/Act is attached) for this purpose I also approached to the concerned department for regularization. The Hon'ble DG Health directed me to write an application for regularization and also gave us an affidavit by not claiming any arrears of salaries etc from GAVI project in future. I provided the same (Copy of the regularization application and affidavit is attached). After this whole process, Directorate General Health Services issued an order of regularization of total Forty Five (45) employee of Ex-GAVI and JICA project. Among those forty five employees, I was one of them and placed on serial No.40 (Copy of regularization order is attached) one of them and placed on serial No.40 (Copy of regularization order is attached)

Dear sir, now on 16/04/2019, DG Health issued again a termination letter vide No.920/25 against me on the following grounds:

1. That Mr. Tariq Khan was not reinstated in project termination and was not on payroll at the time of closer of the GAVI project on 30/06/2015.

Gohar A. Qureshi
Advocate in Court
Peshawar

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P-38 (12)

2. That he was regularization without the recommendations of scrutiny committee on 16-02-2017 after submission of an appeal by him on 15-02-2017.
3. There are 45 employees in the same order who were similarly regularized but not removed / terminated.

Respected sir, I was not reinstated in project, because on 30-06-2015, the project was completed and therefore, there was no need of reinstatement in current project. Secondly there was no payroll of all the GAVI's project employees including me. Thirdly it is incorrect that I was regularized without the recommendations of scrutiny committee on 16-02-2017. Sir I was regularized with the recommendations of scrutiny committee on 01-07-2016 vide Health Department Notification No.SOH/HD/1-01-2016/GAVI which were held on 08th Dec-2016 and 12th-Jan-2017 in the office of Deputy Secretary Health Department where I placed on serial No.7 and personal file No.46. (Copy of minutes of the scrutiny committee is attached)

It is therefore, most humbly prayed that while considering the instant appeal, the appellent Mr. Tariq Khan may kindly be reinstated and be regularized in the light of GAVI Act 2016.

Yours sincerely

Appellant / Petitioner

Tariq Khan
UC Pajjagi

BHU Mandra Khail Peshawar.

Dated:29-04-2019

Copy to:

- i. Director General Health Services Peshawar.
- ii. District Health Officer Peshawar.

Gehar Ali Kheshgi
Advocate General Court

DG Health

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BEFORE THE HON'BLE PESHAWAR HIGH COURT PESHAWAR



Writ Petition No. _____ 2019

Tariq Khan S/o Atlas Khan R/o P.O. Faqir Kallay, Village
Mandra Khel, Pajagi Road, Peshawar.....(Petitioner)

V E R S U S

1. Government of Khyber Pakhtunkhwa through Secretary
Health, Civil Secretariat, Peshawar.
2. Director General Health Services, Health Directorate, Khyber
Road, Peshawar.
3. District Health Officer (DHO) Near Molvi Jee Hospital,
Hashtnagri, Peshawar.....(Respondents)

**WRIT PETITION UNDER ARTICLE
199 OF THE CONSTITUTION OF
ISLAMIC REPUBLIC OF PAKISTAN,
1973.**

Respectfully Sheweth:

1. That petitioner is law abiding citizen of Pakistan
and having fundamental rights guaranteed by the
Constitution of Islamic Republic of Pakistan, 1973.

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EXAMINER
Peshawar High Court

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2. That initially the petitioner was appointed at GAVI Project in parent department on 30/04/2012 and rendered more than 7 years services to the parent department. (Copy of appointment order is attached as annexure "A").
3. That due to some incidents the petitioner was terminated/ removed from the services through mare allegations and falsely implicated in the false and fabricated case, which is against the law.
4. That illegal inquiry has been initiated against the petitioner in which petitioner was terminated on 20/10/2014, but later on the petitioner was reinstated through departmental appeal on dated 16/03/2015. (Copies of all relevant documents are attached as annexure "B").
5. That another 2nd illegal inquiry has been initiated against the petitneior, in which the petitioner has been declared as innocent, but another termination order has been passed by the respondents against the petitioner without adopting legal proceedings, which is against the law.

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Peshawar High Court

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6. That the government of Khyber Pakhtunkhwa regularize the GAVI project in 2016 and all the employees of GAVI Project were regularized along with the petitioner and all legal codal formalities have been observed by the respondents department and petitioner has been regularized by the respondents department.
7. That respondents department terminate/ removed the petitioner on the basis of scrutiny of documents of the petitioner, stoppage of salary and irregular order passed by the respondents on dated 16/04/2019 which is against the law and also against the norms of justice.
8. That other colleagues/ batch mates of the petitioner are still working in the parent department and no action has been taken from other colleagues/ batch mates due to close relation and also relatives of the respondents, but only action has been taken against the petitioner, which is against the law and also against the norms of justice and comes under the domain definition of Article 25 of the Constitution of Islamic Republic of Pakistan, 1973.

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Peshawar High Court

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9. That petitioner still working in the parent department and mark his attendance, but the salary of the petitioner also stopped by the respondents department, which is against the law and also against the norms of justice.
10. That under the law there shall be proper inquiry i.e. show cause notice, reply, personal hearing, examination of PWs and recommendation also, but the respondents department suddenly passed an termination order dated 16/04/2019, which is against the law and also against the norms of justice.
11. That whenever the respondents department passed the major penalty against the petitioner there shall be proper inquiry against the petitioner and if there is no legal procedure of inquiry, his removal/ termination/ dismissal shall be illegal and also against the judgment of the august Supreme Court of Pakistan.
12. That the petitioner also submitted an application/ departmental representation before the authority for reinstatement on 07/05/2019, which is still pending before the respondents department.

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13. That now the petitioner having no other adequate remedy, but approached to this Hon'ble Court for redressal of his grievance, inter alia on the following grounds:

GROUND:

- A. That act of the respondents are patently illegal, without jurisdiction and also against the natural justice.
- B. That each and every citizen of Pakistan shall be treated under Article 25 of the Constitution of Islamic Republic of Pakistan, 1973, that there shall be no discrimination on the basis of creed and colour.
- C. That petitioner will take other grounds at the time of arguments with the kind permission of this Hon'ble Court.

It is, therefore, most humbly prayed that on acceptance of this Writ Petition, that all the impugned orders, actions of respondent department dated 16/04/2019 may kindly be null and void, be

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set aside and the petitioner may kindly be reinstated in service in the parent department and also regularized along with the salary, back benefits and wages etc.

Any other order may be deemed fit to pass in favour of petitioner.

INTERIM RELIEF:

By way of interim relief, the operation of the impugned orders, actions of respondent department dated 16/04/2019 may kindly be suspended and the salary of the petitioner may kindly be released, until and unless the final decision of the instant Writ Petition.

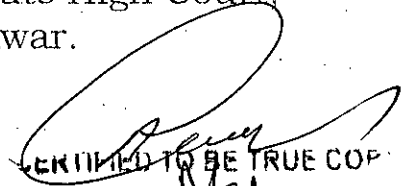
Petitioner

Through

Dated: 15/06/2019



Habib Ullah Mohmand
Advocate High Court,
Peshawar.



EXAMINED TO BE TRUE COPY
EXAMINER
Peshawar High Court, Peshawar
Authorised Under Article 8.7 of
The Governance (Shariat) Order, 1999

22 APR 2021

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CERTIFICATE:

It is certified by no such like Writ Petition has early been filed by the petitioner in this Hon'ble Court. Further stated that being Writ Petition on the score that since there is no adequate and alternate remedy is available or previously avail or approach lower forum, thus this case may fixed before the Worthy Division Bench (D.B) of this Hon'ble Court.


ADVOCATE

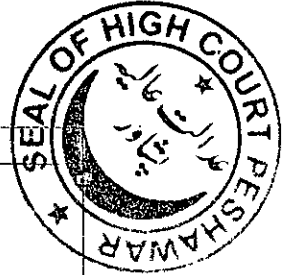
LIST OF BOOKS:

1. Constitution of Islamic Republic of Pakistan, 1973
2. Any other law books according to need.


ADVOCATE


ATTESTED
EXAMINER
Peshawar High Court

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PESHAWAR HIGH COURT, PESHAWAR.**FORM 'A'**
FORM OF ORDER SHEET

Date of order.	Order or other proceedings with the order of Judge
15.04.2021	<p data-bbox="553 508 878 550"><u>WP No. 3613-P/2019.</u></p> <p data-bbox="553 590 1289 675"><u>Present:-</u> Mr. Gohar Ali Kheshgi, Advocate, for the petitioner.</p> <p data-bbox="727 712 1289 794">Mr. Rab Nawaz Khan, Addl: AG for respondents.</p> <p data-bbox="899 837 987 862">*****</p> <p data-bbox="553 917 1289 1206"><u>ROOH-UL-AMIN KHAN, J.-</u> Through the instant writ petition under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973, petitioner has prayed for the following relief:</p> <p data-bbox="630 1246 1143 1697">"It is, therefore, most humbly prayed that on acceptance of this writ petition, that all the impugned orders, actions of respondent department dated 16.04.2019 may kindly be null and void, be set aside and the petitioner may kindly be reinstate in service in the parent department and also regularized alongwith the salary, back benefits and wages etc."</p> <p data-bbox="553 1739 1289 2190">2. In essence, petitioner was appointed on 30.04.2012 as EPI technician in BPS-05 at GAVI Project, who served the respondent-department for more than seven years, but, was terminated vide order dated 20.10.2014 from service on allegation of causing death of three children during mass</p>

Rooh-ul-Amin Khan

ATTESTED
EXAMINER
Peshawar High Court.

measles campaign, however, later on was reinstated on acceptance of departmental appeal on 16.03.2015. The petitioner averred in his petition that Govt. of Khyber Pakhtunkhwa regularized the GAVI Project in the year 2016 and all the employees of GAVI Project were regularized including petitioner, but was again terminated vide order dated 16.04.2019 on the ground of illegal appointment and regularization, that too without any notice. In this regard he has submitted an application for reinstatement before the respondent-department, which is still pending. The petitioner having no other adequate remedy for redressal of his grievance, invokes the constitutional jurisdiction of this Court by filing the instant writ petition.

3. Admittedly, the petitioner being regular employee of the respondent No.3 is a civil servant, who has been terminated from service. The matter of termination of petitioner pertains to terms and conditions of services, wherein jurisdiction of this Court is exclusively barred under Article 212 of the Constitution of Islamic Republic of Pakistan, 1973. Resultantly, this petition is not maintainable, however, in light of judgments of Hon'ble

Provisional

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Supreme Court of Pakistan reported in 2017 SCMR 56 "Muhammad Akram Vs DCO Rahim Yar Khan and others" and PLD 1994 Supreme Court 539 "Muhammad Anis and others Vs Abdul Haseeb and others", this writ petition is converted into service appeal and remitted to the Service Tribunal, Khyber Pakhtunkhwa for decision on merit. The original file shall be transmitted to the Service Tribunal as early as possible. A copy of this writ petition and instant judgment be retained and kept in the record room for purpose of information about past event.

Announced:
15.04.2021

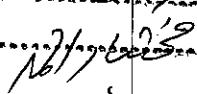

Senior Puisne Judge


JUDGE


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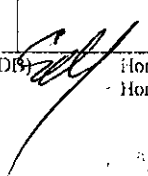
EXAMINER
Peshawar High Court, Peshawar
Authorised Under Article 87 of
the Qanun-e-Shahadat Order 1984

22 APR 2021

No. 34186
Date of Presentation of Application 22/4/21
No of Pages 10/17
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Total 40/-
Date of Preparation of Copy 22/4/21
Date of Delivery of Copy 22/4/21
Received By 


Ihsan

(D/S)


Hon'ble Mr. Justice Roon-ul-Amin Khan, Senior Puisne Judge,
Hon'ble Mr. Justice S.M Attique Shah, J

50 روپے	70560	  
ایڈویکٹ: گوپری علی غورنگی	بار کونسل ایسوسی ایشن نمبر: 10-7448	
رابطہ نمبر: 03369055345	پشاور بار ایسوسی ایشن، خیبر پختونخواہ	

بعدالت جناب: سرسٹریٹجیٹل لیٹاؤڈ صبر کھٹون خواہ

مخانب: اسپلڈرٹ	دعویٰ: سرسٹریٹجیٹل
 <p>بنام سٹریٹجیٹل لیٹاؤڈ صبر کھٹون خواہ</p>	علت نمبر: -
	مورخہ: -
	جرم: -
	تھانہ: -

باعت تحریر آنگہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ

آن مقام لہذا کیلئے گوپری علی غورنگی کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ بر حلیف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ پر داختم منظور و قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

المرقوم: لکھنؤ 29/4/2021 ON
PESHAWAR BAR ASSOCIATION
KHYBER PAKHTUNKHWA

مقام لہذا کے لیے منظور ہے۔

INQUIRY REPORT

INCIDENCE OF SEVERE ADVERSE EVENTS FOLLOWING IMMUNIZATION DUE TO PROGRAMMATIC ERRORS(W.P.NO.2273-P/2014)

1. AUTHORIZATION

The Health Department letter No.SO(E.V)/HD/1-1/2014, dated April 18,2018 issued by Additional Secretary (Establishment) Health Department (Annex-I).

2. INQUIRY COMMITTEE

1. Muhammad Nadir Khan, Rana, Additional Secretary (Dev:) Health Department, Khyber Pakhtunkhwa.
2. Muhammad Ibrahim, Deputy Secretary (Drug) Health Department, Khyber Pakhtunkhwa.

3. TORs of the INQUIRY COMMITTEE

To conduct a fact finding inquiry in the subject case as to why directions contained in the Department's letter No.SO(E.V)/HD/1-1/2014, dated 13th Jun 2014 (Annex-II) were not complied with by the officers of Director General Health Services, Khyber Pakhtunkhwa, Peshawar.

4. BACKGROUND OF THE CASE

The Honorable Peshawar High Court, Peshawar vide Order Sheet dated 15.12.2015 in a W.P.No. 2273-P/2014 has recorded the following:-

"Whereas, learned AAG seeks time to file detail report not only regarding initiation of departmental proceeding against the delinquents but also registration of the case under relevant section of Pakistan Penal Court".

On the basis of the said order Health Department has ordered an inquiry to find out the cause that results in delay of logging FIR against the culprits who were reportedly declared responsible for the commission of offence in pursuance to an inquiry wherein 03 children sustained death as a result of adverse reaction due to programmatic error during the course of EPI campaign (Annex-III). A high profile inquiry comprising of the following were constituted to look to the incident of death of 03 children:-

1. Mr. ZaheerUl Islam, Deputy Commissioner Peshawar.
2. Dr. Amin Jan, Prof. KTH Peshawar.
3. Dr. AfzalKhattak, Professor.
4. Dr. Muhammad Zafar, DHO Peshawar.
5. Dr. RiazNasrUllah, EPI Officer at WHO.
6. AmjadMehmood, Medical Officer
7. Dr. Sharif Ahmad Khan, MS LRH.

From inquiry it had revealed that the affected children were administered the contaminated vaccine by an unskilled person in the absence of the assigned vaccinator who had left the site at the time of vaccination. The children suffered from anaphylactic allergic reaction due to improper handling of vaccine and not adhering to the guidelines for safe injection practice.

The inquiry was concluded by fixation of responsibility upon the following:-

1. Mr. Tariq vaccinator, BHU MandaKhel.

2. Mr. Zarif MT Supervisor.

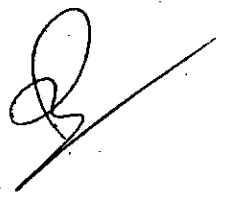
3. Mr. Majeed, Daily Wage.

Vide Health Department letter dated 13.06.2014 (**Annex-II**) the Director General Health Services was asked to lodge FIR under Section 302/PPC against the culprits declared responsible in aforementioned inquiry which is yet to be complied with.

5. PROCEEDING OF THE INQUIRY

In view of the foregoing inquiry committee proceeding is as follow:-

- a. Orientation meeting of the inquiry committee with Director EPI, Staff of EPI, Assistant Director (litigation) and relevant staff of the DGHS.
- b. Visit of Directorate to search and trace letter of Health Department dated 13.06.2014, carrying direction for lodging FIR.
- c. Discussion with individuals (relevant to the inquiry) for recording their statement.
- d. Following documentary evidence were obtained and examined by the inquiry committee.
 - i. Inquiry Report for fixation responsibility.
 - ii. Order of the Peshawar High Court Peshawar.
 - iii. Termination Order of the one Mr. Tariq.
 - iv. The Khyber Pakhtunkhwa appointment of GAVI, JICA, Adhoc and Contract employees Act, 2016.
 - v. Report of the Committee for preliminary scrutiny of the employees to be regularized.
 - vi. Report of the Scrutiny Committee constituted under Section 4 of the said Act.




- vii. Correspondence of litigation Section of Health Department in the matter with different quarters.
- viii. Record of Litigation Section at Director General Health Services.
- ix. Diary/dispatch section, old files and letters at Director General Health Services for its receipt and compliance of the letter asking for the lodging FIR.
- x. Statement of Director EPI.
- xi. Statement of Assistant Director Litigation DGHS.
- xii. Statement of NomanHadi, Junior Clerk/PA to Director Health at DGHS.

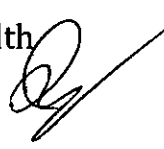
6. FINDINGS OF THE INQUIRY

Based on critical examination documents, papers, technical opinion of the expert, discussion and cross examination of the relevant differs the inquiry committee observed the following in relation to the case:-

- a. The instruction of the Health Department in pursuance to the inquiry report vide letter at (Annex II) has not been complied which is yet to be complied with.
- b. It was shared that the instant letter has not been marked to the concerned section in the office of DG Health Services for action. The inquiry committee traced the entire record of DGHS wherein it was found direct that the instant letter was marked to the Direct Health (Dr. Ali Ahmad) from where decide letter could not be confirmed for marking to the requisite section for desired activity.


- c. One day time was given to the PA to Director Health Services for obtaining a concrete action upon the letter. Whereby on the other day the PA to the then - Director Health has provided a file unattended/unmarked to any section bearing the instant letter carrying instruction of lodging FIR. To him, he had recovered the said file from the container wherein old files/record were dumped. It seemed the letter has been thrown away unattended.
- d. From of the litigation Cell at DGHS it was observed that the EPI and other relevant quarters were in knowledge of the findings of the inquiry therefore the outcome of inquiry (FIR) could have been lodged.
- e. The one Mr. Tariq (vaccinator) was terminated but later on regularized by giving benefit of the Khyber Pakhtunkhwa Employees of Health Department (Regularization of Service) Act, 2017 promulgated for regularization of EPI and GAVI contract employees.
- f. After the lapse of one and a half year of the issuance of letter for lodging FIR, the Assistant Director (lit) at DGHS has issued a letter addressed to DHO Peshawar for lodging FIR against the accused person, but the DHO instead of complying, had shown his inability of doing so by giving reasons of not being "respondent" in the case **(Annex-IV)**.
- g. EPI has also disassociated itself from the case by initiating any criminal proceeding against the accused persons.
- h. The inquiry committee upon examining the record reached to the conclusion that non of the quarter in the chain of command whether DGHS himself the Director EPI or DHO has taken it seriously rather
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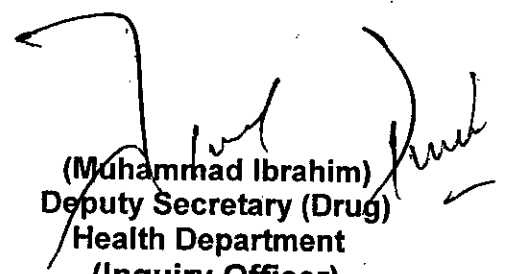
tried to throw the case over the other shoulder that caused delay in compliance not only the order of Health Department pursuing to the inquiry but to the orders of Peshawar High Court Peshawar.

- i. Another damaging situation faced was that the employees of the project/program were made regularized wherein everyone has made his hands in glove by regularizing even those employees who were seriously lacking the basic criteria of regularization as specified in section 3 of the Khyber Pakhtunkhwa Employees of Health Department (Regularization of Services) Act, 2017. 
- j. Contrary to the list prepared and endorsed by the preliminary committee and scrutiny committee (**Annex-V**) duly signed, number of employees including the one who was terminated earlier and was supposed to be proceeded under criminal proceeding was also regularized without any reasons best known to the authority concern/EPI. The selection committee/EPI has breached the spirit of law by regularizing a dozen of employees which was not supposed to be regularized on one or another ground.
- k. Some of the employees do not have even the requisite qualification for the corresponding posts against which they were regularized, thus, the criteria as admissible for selection to a post under requisite service rules was not fulfilled. Non fulfillment of criteria as admissible in the service rules will entail serious repercussions because a person regularized against a post does not have the requisite qualification as specified in the service rules notified for the said cadre.

7. RECOMMENDATIONS

1. In the current case the then Director Health has shown laxity in complying with the orders of Health Department of lodging FIR through quarter concern, thus primarily responsible for the same.
2. FIR shall be lodged even now by giving causes of delay to the Department.
3. The Director EPI along-with dealing staff is also responsible for not taking steps for lodging FIR, because prima facie he was in knowledge of the facts of the case and earlier inquiries.
4. The then Director General Health Services had also failed to nip the issue before cropping up and the same is still pending unattended until the Honourable Peshawar High Court Peshawar has taken cognizance of the issue.
5. A high profile committee may be constituted comprising expert to trace and indicate all those cases of the employees including the one, Tariq Khan, who were allegedly regularized contrary to the provisions of the Khyber Pakhtunkhwa Employees of Health Department (Regularization of Services) Act, 2017 and all the responsible may be proceeded in accordance with the law for being devoid of the force of law, merit and against the public interest at large.


(Nadir Khan Rana)
Additional Secretary (Dev)
Health Department
(Inquiry Officer)


(Muhammad Ibrahim)
Deputy Secretary (Drug)
Health Department
(Inquiry Officer)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR

Services Appeal No. 4949/2021

Tariq Khan

-----Petitioner

Versus

Govt of Khyber Pakhtunkhwa & Others

-----Respondents

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No. 4949/2021.

Tariq Khan S/O Atlas Khan

-----Appellant

Versus

- 1: District Health Officer, Peshawar.
- 2: Director E.P.I Khyber Pakhtunkhwa Warsak Road Old FATA Secretariat Peshawar.
- 3: Director General Health Services Peshawar Warsak Road Old FATA Secretariat Peshawar.
- 4: Through Secretary Health, Govt of Khyber Pakhtunkhwa Peshawar.
- 5: Through Secretary Finance, Govt of Khyber Pakhtunkhwa Peshawar.

-----Respondents

PARAWISE REPLY ON BEHALF OF RESPONDENTS No.01 to 05.

Preliminary Objections:-

1. The appellant has neither cause of action nor locus standi to file the instant appeal.
2. The appellant has not come to the court with clean hands.
3. The appeal is bad for mis joinder and non joinder of the necessary and proper parties.
4. That the instant appeal is barred by law and badly time barred.

Respectfully Shewith.

Reply on facts;

Para No.1 Pertains to record.

Para No.2 Incorrect. It is pertinent to mention here that the petitioner was not terminated /removed from the service on mere allegations & fabricated case .The fact is that the petitioner was removed due to his "Medical negligence" which resulted in death of three innocent children during measles campaign in 2014.After this mishap the Health department, Govt of Khyber Pakhtunkhwa constituted an inquiry committee to probe the matter which order is **attached as Annexure -A.**

The detail report of the inquiry committee against Mr. Tariq Khan EPI-Technician (GAVI Project) is **attached as Annexure-B.**

So, in the light of above mentioned committee recommendations Mr. Tariq Khan (petitioner) was removed from the service, copy of order is **attached as Annexure-C.**

Para No.3 Correct to the extent that on appeal of the appellant, another inquiry was conducted by the respondents, complete detail of second inquiry is **attached as Annexure -D.**

Needless to mention that the appellant was not declared as innocent by the second inquiry committee.

Para No.4 Incorrect. Already the facts have been described in para -2.

Para No. 5 Pertaining to record.

Para No. 6 Already the facts have been discussed in para 2 & para-3.

Furthermore it is important to mention here that the appellant was not on pay-roll at the time of his termination, i.e he was serving in the GAVI Project. At the time of regularization, the appellant use some unfair means to get his regularization order without the recommendation of scrutiny committee dated 16-02-2017. But soon during the scrutiny of documents the respondent came to know about Mr Tariq Khan regularization order, hence pass the order dated 16-04-2019, which is **attached as Annexure-E.**

Furthermore, it is important to mention here that writ petition No 2273-P/2019 dated 17-04-2019 about the same measles campaign conducted in 2014 in which the petitioner Tariq Khan has been discussed & all the facts have been described by the respondent department which was admitted by the Honourble Peshawar High Court. The order sheet of Peshawar High Court is **attached as Annexure-F.**

Para No. 7 Incorrect. As stated in above paras.

Para No. 8 Pertaining to record.

Para No. 9 Pertaining to record.

Para No. 10 The appellant have no locus standi & cause of action .

Reply on Grounds:-

A: - Incorrect. The scenario has already been discussed in details in above paras.

B: - Incorrect. As stated in facts.

C: - Incorrect. As stated in para 6 ibid.

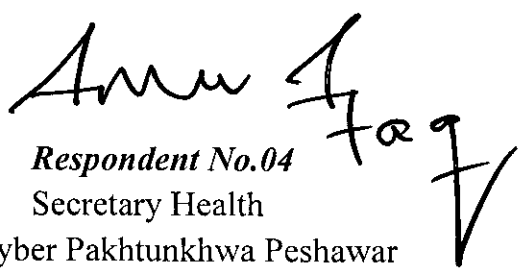
D: - Incorrect.

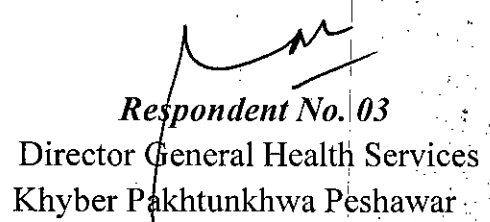
E: - Pertains to record.

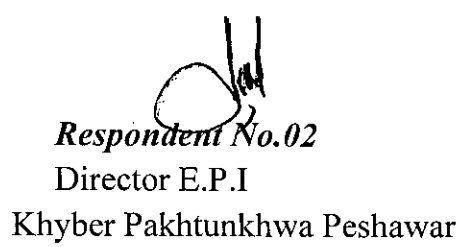
F: - As stated above.

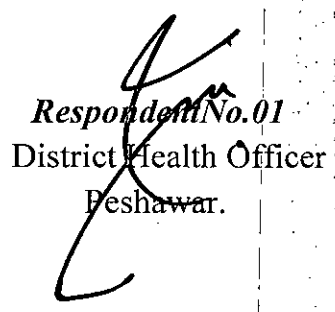
G: - The respondents be allowed to raise additional grounds during the arguments.

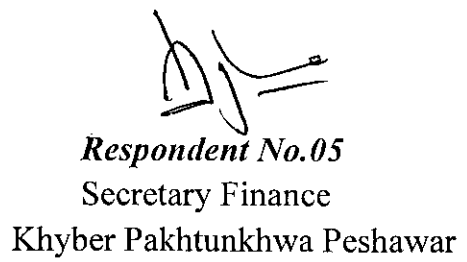
It is therefore, requested that the services appeal in hand, being devoid of merits, may graciously be dismissed with cost.


Respondent No.04
Secretary Health
Khyber Pakhtunkhwa Peshawar


Respondent No. 03
Director General Health Services
Khyber Pakhtunkhwa Peshawar


Respondent No.02
Director E.P.I
Khyber Pakhtunkhwa Peshawar


Respondent No.01
District Health Officer
Peshawar.


Respondent No.05
Secretary Finance
Khyber Pakhtunkhwa Peshawar

5

OFFICE OF THE DISTRICT HEALTH OFFICER, PESHAWAR
OFFICE ORDER.

Annexure - (A)

A committee of the following officers is hereby constituted to conduct inquiry regarding the charges labeled against Mr. Tariq Khan EPI, Technician (GAVI Program) in the charge sheet.

1. Dr. Syed Shaida Hussain Bukhari Coordinator, National Programme Peshawar.
2. Dr. Fazal Rahim Coordinator EPI, DHO Office Peshawar.

The inquiry committee is requested to submit fact - finding / recommendation within a week time positively.

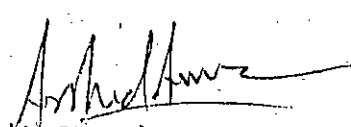
Sd/-
District Health Officer,
Peshawar

No. _____/DHO/C.10

Dated Peshawar The 8/9/2014

Copy forwarded to the:-

1. Inquiry Officers, concerned.
2. Account Section of this office
3. Mr. Tariq Khan EPI, Technician attached to Basic Health Unit, Mandara Khel Peshawar.


District Health Officer,
Peshawar

MINIARY REPORT OF DEATH CASES DURING MEASLES
CAMPAIGN.2014

Annexure - (B)

As directed by the DHO Peshawar that Dr. Arshad Amir DDHO & Dr. Fazal Rahim Coordinator EPI Peshawar immediately to visit the LRH Hospital Paeds A & B Unit to find the fact finding regarding the sad demise of the children after measles vaccination.

Page - 1

Child No. 1

Name	Usman S/O Javed
Age	3 year & 6 months
Sex	Male
D O A	27/05/2014
OPD NO	1266020514
Address	Faqir Kally PO Terai Payan Peshawar.

CHIEF COMPLAINTS

- 1. Fever One day
- 2. Cyanosis One Day
- 3. Fits One day

According to the mother the child got the measles vaccination at BHU Mandra Khel fix site at 11.00 AM on 26/05/2014. His condition was deteriorated after 02 hours (1.00 PM) after the Injection. He developed cyanosis and high grade fever at home, then he got fits in the evening. He was brought to LRH on 27/5/2014 at 7.00 AM. He was admitted in children B Ward. He was under the treatment of consultant in Paed "B" ward. During the team visit the child was unconscious, unstable and in critical condition. The injection site was swollen and bluish, and discolored. Suddenly we were informed that the other child named Abdul Samad was expired in paed "A" Unit.

The following information's were provided by Dr. Makdoom Safdar

CHILD NO 2

1. Name of child	Abdul Samad
2. Father Name	Zarshad Khan
3. Age	01 year
4. Sex	Male
5. DOA	27/5/2014 LRH Peshawar
6. OPD No	1264530514
7. Address	Faqir Kally PO Terai payan Peshawar

CHIEF COMPLAINTS

- 1. Fever one day
- 2. Fits one day
- 3. Difficulty in breathing one day

According to the mother the child got the measles injection at the fixed site of BHU Mandra Khel at 11.00AM on 26/5/2014. According to Dr. Makhdoom the child got the high grade fever and fits after the vaccination. The child was in respiratly distress and dehydrated. The condition of the child was serious. He

was under the supervision of consultant in Pea "A" Unit. The child was already expired in Paed: "A" unit at 11.50 AM.

CHILD NO III

Tuba D/O Javed
Age 11 months
Address Faqir Kalley PO Terai Payan Peshawar.

CHIEF COMPLIANTS

Fever one day
Diarrhea one day

Tuba is the sister of Usman. She also got Measles vaccination at the fix site of Mandra Khel on 26/05/2014 at 11.00 AM. After about three hours she got fever, diarrhea and vomiting. There is a passage of blood in the stool. She is restless and irritated.

The committee comprising of Dr. Arshad Amir DDHO, Dr, Fazal Rahim and Dr. Riaz WHO called Zarif Khan Medical Technician (UCMO) and EPI Technician Mr. Tariq Khan to probe into the matter. They were instructed to bring the used vials, unused vial, diluents, cold chain equipment i.e. vaccine carrier, Ice pack, foam, tally sheet etc. The tally sheet showed that 95 children were vaccinated at the fixed center of BHU Mandrakhel on 26/5/2014 including the expired children.

MEASELES VACCINE VIAL

Batch # 004N3111 A
Expiry dated June 2015

DILUENTS

Batch # 068513170 Z
Mfg Dated July 2013
Expiry date June 2018

Both the vaccine and diluents provided by serum institute of India

Mr. Tariq Khan (GAVI EPI Technician) is working as a skilled person at Fix centre BHU Mandra Khel. He was appointed as an EPI Technician on 30th March 2012. Since then he is working as an EPI Technician. He was asked to demonstrate the technique of injection, which he performed in front of the committee.

Some of the used vials showing little quantity of constituted vaccines. The technician claimed that he used to withdraw the remaining vaccine from the used vial and mix it with the new vaccine vials before injection to next child. The reason he told was to prevent the wastage.

The empty measles vaccine vials (4) diluents (4) and filled vaccine vials were sent to NIH laboratory for screening to see any contamination etc.

This shows that there was a chance of contamination, which was illegal, unethical and not justified.

On 28th May 2014, as directed the DGHS KPK and DC Peshawar and DHO Peshawar to probe further into matter. The committee visited the grieved families of deceased & offered Fateha for the children.

The team comprises the following members

- 1. Dr. Arshad Amir
- 2. Dr. Fazal Rahim
- 3. Dr. Riaz WHO
- 4. Mr. Muhammad Shoaib AAC
- 5. Mr. Sohail AAC

The committee visited the BHU Mandra Khel where they found one safety Box containing 70 AD Syringes and one 5 CC reconstitution Syringe. This means that at this centre they might have used one reconstitution syringe for so many measles vials. This shows that they had not observed the aseptic technique during the reconstitution and administration phase.

The effected family elders also complained that their children were vaccinated by Majid instead of Tariq Khan. No one knows about the majid skill and technique as a skilled person. Whether he was trained as a skill person or not.

Page 3

Mr. Tariq stated that he himself was not present at the fix centre from 10.00 AM to 11.00AM on 26/05/2014. In his absence the children were vaccinated by the Majid.

A vial of reconstituted measles vaccine was also found in the fregde having no time and date on the vial. This indicates that the measles vaccine has been used without any precaution during the campaign. This resulted in this sad event in the present campaign resulting in the loss of the three precious lives and effected many more children in the campaign.

In this sad event three children died already five children are still admitted in the hospital, one in a serious and critical condition. There was no arrangement for the waste disposal at this centre.

CHILDREN DIED.

- 1. Abdul Samad S/O Zarshad age 01 Year Expired in LRH
- 2. Hilal S/O Irfan Age 02 year Died at Home. (by your order from KTH)
- 3. Rida D/O Arshaf Ali 02 years Died at home.

CHILDREN ADMITTED IN LRH dated 27/5/2014.

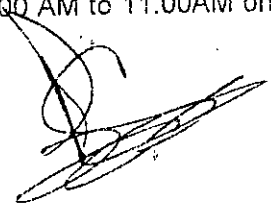
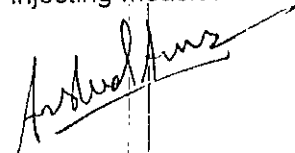
- 1. Usman S/O Javed Age 03 years & 6 Months
- 2. Tuba D/O Javed Age 11 months.
- 3. Aman ullah 04 years
- 4. Rizwan ullah 03 years } S/O Noorullah.
- 5. Muhammad Amin 02 years }

NOTE

Abdul Samad and Rida was vaccinated at the fixed centre while Hilal S/O Irfan vaccinated by Out Reach Team in the Hujra of Buneer. Abdul Samad was admitted in LRH Hospital while Rida was treated by local Practitioner and died at home. Hilal S/O Irfan was treated by Amin Practitioner and referred to KTH for treatment. At KTH the child was treated and sent back home. In home the condition of the child was deteriorated and died on the way to Hospital.

CONCLUION

- 1. Mr. Tariq Khan (GAVI EPI Technician was not present at the fixe centre at BHU Mandra Khel from 10.00 AM to 11.00AM on 26/5/2014 and Majid was injecting measles vaccine in his place.

- 2. He used to withdraw remaining vaccine from one vial and mixed it with the new vaccine vial before injection to next child.
- 3. During the visit to the BHU Mandra Khel there was found only one safety box containing 70 AD Syringe and only one 5 cc reconstitution syringe, this show that he has not observed the aseptic technique
- 4. However anaphylaxis occurs immediately after the injection, but one can not predict the occurrence of any type of allergic reactions.

ACTION TAKEN

- 1. Campaign has been stopped in Mandra Khel & adjacent area for the time being.
- 2. It is recommended not to vaccinate ill/sick children.


Page - 4

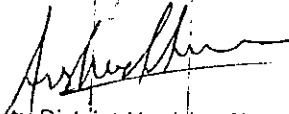
RECOMMENDATION:-


- 1. Strict disciplinary action may be taken against the SOPs violators (Tariq Khan GAVI Technician)
- 2. Detail inquiry is needed by including expert/specialist from all the related discipline to probe in detail and conduct clinical investigation regarding treatment protocols in hospitals etc.
- 3. It has also been observed that the parents/teachers etc were not fully sensitized/aware regarding possibility of any such allergic/unwanted reactions with timely response by taking the children to health facilities. This reflects that proper media campaign has not been done at provincial level by including education, Auqaf, social welfare departments, print & electronic media as a policy & higher level activity.

The same lacuna has been observed to some extant at operational level, Hence it is recommended that in future these confounding factors to be taken care of.

Copy of epidemiologist report is also attached.


 29/5/2014
 Coordinator EPI
 Peshawar


 Deputy District Health Officer
 Peshawar


 District Health Officer
 Peshawar

REPORT FROM DISTRICT PESHAWAR EPIDEMIOLOGIST ABOUT LRH CASE ON 27-05-2014

Reported From: Lady Reading Hospital -
 Reported Date: 27/05/2014
 Patient Name: Usman S/O Javed
 Age: 3 Years
 Sex: Male
 DOA: 27-5-14
 Address: Faqir Kalay p/o Terai Payan, Peshawar
 Bed #: 11 (Peads B Ward)
 OPD No: 1266020514

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CHIEF COMPLAINS:

- 1. Fever 1 Day
- 2. Cyanosis 1 Day
- 3. Fits 1 Day

HISTORY OF PRESENT ILLNESS:

According to the mother of patient. Patient was all right before measles vaccination on 26-5-14 at BHU Mandra Kheil at 1100 am. His condition was disturbed after 20 minutes of post measles-vaccination. He developed Cyanosis at the moment and then stable after few minutes but with the passage of time he developed high grade fever at home along with fits stated at evening. When he came here today for these chief complains. Patient is under supervision of Prof Dr. Habib. He has seen the patient today in the morning and has advised to add steroids with the treatment. Patient condition is not stable.

VACCINATION HISTORY:

Present

CONTACT NO:

Patient father works at abroad. His uncle Name and Contact No is as below

- Zarshad 0323-7073260



Dr. Makhdoom Safdar
 District Epidemiologist
 Peshawar

(11)

(2)

REPORT FROM DISTRICT PESHAWAR EPIDEMIOLOGIST ABOUT LRH CASE ON 27-05-2014

Reported From: Lady Reading Hospital
Reported Date: 27/05/2014
Patient Name: Tuba d/O Javed
Age: 11 Months
Sex: Female
DOA: Not Admit but she is also present in the ward
Address: No Documents of Hospital has found
Faqr Kalay p/o Terai Payan, Peshawar

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CHIEF COMPLAINS:

1. Fever 1 Day
2. Dehydration 1 Day
3. Fits 1 Day

HISTORY OF PRESENT ILLNESS:

According to the mother of patient. Patient was all right before measles vaccination on 26-5-14 at BHU Mandra Kheil at 11:00 am. She developed fever along with fits after post measles vaccination. Now her condition is stable.

PAST HISTORY:

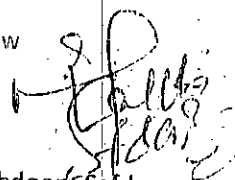
Measles history found one month ago and she was hospitalized in LRH.

VACCINATION HISTORY:

Present

CONTACT NO:

Patient father works at abroad. His uncle Name and Contact No is as below
• Zarshad 0323-7073260



Dr. Makhdoorh Sardar
District Epidemiologist
Peshawar



REPORT FROM DISTRICT PESHAWAR EPIDEMIOLOGIST ABOUT LRH CASE ON 27-05-2014

Reported From: Lady Reading Hospital
 Reported Date: 27/05/2014
 Patient Name: Abdul Samad S/O Zarshad
 Age: 1 Year
 Sex: Male
 DOA: 27-5-14
 Address: Faqir Kalay p/o Terai Payan, Peshawar
 Ward: Peads A
 OPD No: 1264530514

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CHIEF COMPLAINS:

1. Fever 1 Day
2. Dehydration 1 Day
3. Fits 1 Day
4. Respiratory Distress

HISTORY OF PRESENT ILLNESS:

According to the mother of patient. Patient was all right before measles vaccination on 26-5-14 at BHU Mandra Kheil at 1100 am. He developed high grade fever with passage of time along with fits after post measles vaccination. He is in Respiratory Distress and also he is dehydrated at the moment due to which his condition is not stable. He is under supervision of Dr. Afzal Khattak in Peads A Ward.

VACCINATION HISTORY:

No Measles Vaccination found in Routine.

CONTACT NO:

His father Name and Contact No is as below
 • Zarshad 0323-7073260

Dr. Makhdoom Safdar
 District Epidemiologist
 Peshawar

DISTRICT PESHAWAR



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RECOMMANDATION

- 1. As evident from the preliminary report of Death cases during the measles campaign 2014 that Muhammad Tariq EPI Technician found guilty by leaving the EPI Centre to an outsider to vaccinate the children for measles which resulted in the death of three innocent children.
- 1. Being an employee (Contract) of GAVI project the enquiry committee recommends the termination of Muhammad Tariq GAVI EPI Technician under the rules and regulation reflected in the TOR of the project.

Arshad Anwar
 21.8.14
 DISTRICT HEALTH OFFICER
 PESHAWAR

BETTER COPY

EXPANDED PROGRAMME ON IMMUNIZATION
DIRECTORATE GENERAL HEALTH SERVICES KHYBER ROAD PESHAWR
Khyber Pakhtunkhwa

Dated: 20.10.2014

No. 7345-52/EPI

To

Mr. Tariq Khan EPI Technician
U.C. Mandra Khel Peshawar
BHU Mandra Khel

Subject:

TERMINATION FROM SERVICE AS EPI TECHNICIAN UNDER GAVI PROJECT

You Mr. Tariq Khan GAVI EPI Technician BHU Mandra Khel Peshawar is hereby terminated from service with immediate effect in the light of the inquiry committee report as found guilty in the official duty during measles campaign 2014, causing death of 3 children.

Sd/-
Deputy Director EPI
Khyber Pakhtunkhwa

CC.

1. Deputy Commissioner Peshawar.
2. PS to Minister Health Khyber Pakhtunkhwa Peshawar.
3. PS to Secretary Health Khyber Pakhtunkhwa Peshawar.
4. PA to DGHS Khyber Pakhtunkhwa Peshawar.
5. DHO Peshawar w/o to his letter No. 9551/DHO dated 10.9.2014
6. Provincial Polio Control Room Peshawar.
7. District Polio Control Room Peshawar.

/
Deputy Director EPI
Khyber Pakhtunkhwa

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Annexure - (D)

CONFIDENTIAL

15

E.D.U
1062
07/3/15
PESHAWAR

Subject: ENQUIRY REPORT REGARDING MR. TARIQ KHAN EPI TECHNICIAN

Reference is made District Health Officer, Peshawar letter No 928-32/DHO/G-Dated Peshawar the 4/02/2015.

1. PREAMBLE:

A committee of the under signed was constituted vide the above letter captioned to re-investigate the previous enquiry case of Mr. Tariq Khan EPI Technician Mandra Khel who was responsible for vaccination at the centre where the incident occurred, on dated 26 May 2014. Some question was raised on vaccination program, when four children died after they received the Measles vaccine in Mandra Khel BHU Peshawar. All of the children were under the age of two years and it was stated that the death caused due to the lack of negligence of Mr. Tariq Khan who was not present in the centre during the time when those children were inoculated. All the 04 children were sent to Hospital (LRFI), three of them died at children ward and one died at home after discharged from the Hospital.

2. ACTION/PROCEEDING:

Mr. Tariq Khan was called upon by the enquiry committee via telephone for personal hearing in his defense. He recorded his statement and submitted a written affidavit attached as Annexure "A". The accused refused the charges framed against him that the deceased children were vaccinated by Mr. Majeed an untrained volunteer (Assistant) who was not authorized to administer vaccine to the children. Before leaving vaccination point Mr. Tariq Khan closed the vaccination point and instructed Mr. Majeed not to vaccinate any child till he arrives back. Till that time Mr. Tariq had vaccinated 14 children which were recorded on tally sheet. He signed the tally sheet and went to the field for resolving the issues. On coming back he checked the tally sheet once again, where the same number of vaccinated children present on tally sheet record.

3. STATEMENTS:

The committee recorded written statements of the persons involved to substantiate the proceeding process and parents of the victim's children were also called to hear them personally to avoid any complication at later stages.

1. Written statement of Mr. Tariq Khan is reproduced as follow:

He was working in the Mandra Khel BHU on 26 May 2014. His duty was to administer vaccines to the children in the fixed center Mandra Khel. During the campaign information came that some people were creating hurdles in the vaccination process and it was necessary to solve this issue at initials stage. Mr. Zareef Khan Medical technician BHU Faqir Kalley (UCMO for measles campaign) another member of the vaccination was facing some problem in establishing camp for vaccination campaign in the field. To address these issues Mr. Zareef Khan took Mr. Tariq along with him from the fixed center. Being resident of the Area he has strong influence and has the ability to convince the residents for provision of place for the vaccination. Before leaving the duty point, he properly closed the vaccination point and instructed Mr. Majeed a volunteer not to vaccinate any child and insisted upon him to keep them sitting till his return. Since morning till that time he had administered

A. K. 224
SH

CONFIDENTIAL

(Better Copy)

Subject: **ENQUIRY REPORT REGARDING MR. TARIQ KHAN EPI TECHNICIAN**

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fulous and rather tainted history. It is further added that a severe panic occurred due to the death of two children during immunization drives in 41 villages in India and also in developed country like UK as reported in Christina-vacl@h.com, dated: 26.08.2010.

S. CONCLUSION:

In the light of the above statements and cross examination of the accused person, the committee has come to the conclusion that the incident has been done totally unintentionally. Mr. Tariq Khan left the duty point in a good will to facilitate the Vaccine Immunization team and to avoid any hurdles in the campaign. Why the accused Mr. Tariq API Tech handed over the vaccination point to an untrained and irresponsible person is the very dark Area contrary to the SOPs. The competent investigation agency AEFI Peshawar recommended in their report that strict disciplinary action may be taken against the SOPs violator (Tariq Khan GAVI Tech), but they did not recommend for his termination from service, the capital punishment.

R. RECOMMENDATION:

The following disciplinary action is recommended after conducting the subject fact findings enquiry:

- i. The accused be censured and warn to be careful in future.
- ii. He may be transferred out from the present place of posting.
- iii. Measles vaccination may not be administered to the effected, ill / sick children.
- iv. Any other disciplinary punishment deem necessary by the competent authority.

Enclosure

- statement Mr. Tariq Jan Annexure-A
- Statement of Mr. Zameer Annexure- B
- Statement of the parents of deceased children's Annexure-C
- Statement of Mr. Maheed Annexure-D

Dr. Mohammad Asif,
Coordinator, Public Health,
DHO Office Peshawar.

Dr. Mohammad Irshad,
Principal Medical Officer,
CBD-3 Peshawar.

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dubious and rather tainted history. It is further added that a severe panic occurred due to the death spreads, immunization drives in 41 villages in India and also in developed country like UK as reported in Christina- vactruth.com, dated: 26,08,2010

5 .CONCLUSION:-

In the light of the above statements and cross examination of the accused person, the committee has come to the conclusion that the incident has been done totally unintentionally. Mr.Tariq khan left the duty point in a good will to facilitate the Vaccine immunization team and to avoid any hurdles in the campaign. Why the accused Mr. Tariq API Tech handed over the vaccination point to an untrained and irresponsible person is the very dark Area contrary to the SOPs .The competent investigation agency AEFI Peshawar recommended in their report that strict disciplinary action may be taken against the SOPs violator (Tariq khan GAVI Tech) ,but they did not recommend for his termination from service ,the capital punishment.

6. RECOMMENDATION:-

The following disciplinary action is recommended after conducting the subject fact findings enquiry:-

- i. The accused be censured and warn to be careful in future.
- ii. He may be transferred out from the present place of posting.
- iii. Measles vaccination may not be administered to the effected, ill / sick children.
- iv. Any other disciplinary punishment deem necessary by the competent authority.

Enclosure

statement Mr.Tariq Jan Annexure-A

Statement of Mr.Zareef Annexure- B

Statement of the parents of deceased children's Annexure-C

Statement of Mr.Majeed Annexure-D

**DR. Mohammad Asif,
Coordinator Public Health,
DHO Office Peshawar.**

**Dr. Mohammad Irshad,
Principal Medical Officer,
CBD-3 Peshawar.**

vaccine to 14 children which was also recorded on the tally sheet and went to the outfield to resolve the issue. After resolving the issue he checked the tally sheet once again where the same number of vaccination i.e (14) were there. He also stated that he came to know at later stage that some children have been died after administration of Measles vaccination by Mr. Majeed. He further stated that he (Tariq Jan) was totally unaware of this mishap and the damage has been done is wholly due to the negligence and incompetency of Mr. Majeed which was affirmed by the parents of deceased children as well.

ii. STATEMENT OF ZAREEF KHAN:

Mr. Zareef Khan was also called by the constituted committee and his written statement recorded to facilitate the proceeding and authenticate the statement of Mr. Tariq Khan and his non involvement in this unfortunate incident. Mr. Zareef Khan & Mr. Tariq Khan endorsed the same statements as they recorded in the previous enquiries conducted by the Measles AEFI Investigation Peshawar, Khyber Pakhtunkhwa Dated June 7, 2014 & Department Office of the District Health Officer, Peshawar Office Order No-8973-76/DHO/C-10-Dated Peshawar The-21/08/2014. Statement attached as Annexure "B".

iii. STATEMENTS OF THE PARENTS OF THE DECEASED CHILDRENS:

The enquiry committee visited the houses of the deceased children and took the statements of their parents. The parents of the deceased children were found very cooperative and they negated any type of involvement of the alleged Mr. Tariq in this incident. They also not even lodged an FIR against the team of measles campaign. All the parents of the deceased children were also not in favor of any departmental inquiry of Mr. Tariq Khan and accepted this incident just as an accident and declined any personal vendetta and grudges against the deceased family. They also have forgiven the staff and given assurance that they would not further place the case in future.

iv. STATEMENT OF MR. MAJEED:

Mr. Majeed working as an assistant volunteer has also admitted that he was strictly instructed by Mr. Tariq not to vaccinate the children in his absence but he was compelled by the parents waiting for the vaccination. His statement has also recorded as a reference, as Annexure "D".

v. KEY FINDINGS OF MEASLES AEFI INVESTIGATION, PESHAWAR, KHYBER PAKHTUNKHWA:

After thoroughly studying the investigation report of Measles AEFI Investigation, Peshawar KPK, it is cleared that some breaches have been done in the set and defined parameters of the provided SOPs of the vaccination campaign drive it require to be rectified. The Measles investigation team AEFI highlighted the weak loops in the campaign Para-wise in their report for future reference. The report made responsible Mr. Tariq Khan who left his duty point but also raised some crucial question marks on

- i. Vaccine Storage Practice
 - ii. Pre campaign preparation
 - iii. Monitoring & Supervision Quality by Local Supervisor/ Monitors.
- Unfortunately serious deviations from guide line in these Areas were also observed. It is noteworthy to mention here, that the Measles Vaccines has no good track record and has had a

Handwritten signature and initials.

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ANEX C.

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18

E

Annexure



DIRECTORATE GENERAL HEALTH SERVICES KPK PESHAWAR

No. 920-25/Admn /EPI

date: 16/4/2019

To

The District Health Officer
Peshawar

Subject: IMPLEMENTATION OF RECOMMENDATIONS OF INQUIRY REGARDING INCEDENDCE OF SEVERE ADVERSE EVENTS FOLLOWING IMMUNIZATION DUE TO PROGRAMMATIC ERRORS.

In a meeting held today under chairmanship of undersigned, serious concerns were shown by concerned authorities on the non implementations of recommendation of inquiry held back in 2014. The Honorable Peshawar High Court in Writ Petitions No.2273-P/2014 has also ordered on 01-12-2015 that in the light of departmental inquiry FIR may be lodged against the delinquents.

In a fresh inquiry conducted under the directives of Health Department contained in its letter No. SOH (E-V)1-892/2014/director EPI dated 12-10-2018, the committee has declared that:

- 1) Mr. Tariq was not reinstated in project after termination vide order no. 1345-52/EPI dated 20-10-2014 and thus was not on payroll at the time of closer of the GAVI project i.e. 30-06-2015
- 2) He was regularized without the recommendations of scrutiny committee on 16-02-2017 after submission of an appeal by him on 15-2-2017.

In the light of above you are directed to take following actions before closing of the business today, under intimation to this office and the office of Secretary Health, as the case is fixed for hearing in PHC tomorrow (17-4-2019) and DGHS and Secretary Health have been called for personal appearance by the honorable High court:

- i) Mr. Tariq EPI Technician be terminated from Service with immediate effect being regularized and appointed against the rules/ Law/Act.
- ii) FIR at the appropriate forum be registered against Mr. Tariq in the light of inquiry report referred to above.

**DIRECTOR GENERAL HEALTH SERVICES,
KHYBER PAKHTUNKWA, PESHAWAR**

Cc.

1. Registrar Peshawar High Court, Peshawar.
2. Secretary to the Govt. of Health Department, Khyber Pakhtunkhwa, Peshawar
3. Director EPI DGHS, Peshawar
4. PS to Minister Health, Khyber Pakhtunkhwa, Peshawar
5. Assistant Director (Litigation) DGHS, Peshawar.

Attested
BY

Annexure - (F)

PESHAWAR HIGH COURT, PESHAWAR
FORM OF ORDER SHEET

Date of Order of Proceedings	Order of other Proceedings with Signature of Judge.
1	2
17.04.2019	<p>WP No. 2273-P of 2014</p> <p>Present: <i>Nemo for the petitioner.</i></p> <p><i>Syed Sikandar Hayat Shah, AAG, along with Dr. Hasham Inamullah, Minister of Health, Dr. Farooq Jamil, Secretary Health, Government of KPK and Dr. Akram Shah, Director EPI.</i></p> <p><i>Mr. Muhammad Asghar Khan Kundi, Deputy Attorney General for the Federation.</i></p> <p>*****</p> <p>QAISER RASHID KHAN J:- Through the petition in hand, the petitioner has prayed as under;</p> <p>a. <i>Constitute a judicial commission to probe into the causes of death of the innocent 157/200 children and determine the responsibilities and degree of gross negligence of the officials.</i></p> <p>b. <i>Direct the Health authorities of KPK to provide the list of demises occurred due to substandard measles vaccination;</i></p> <p>c. <i>All the parents of the deceased children may be compensated with financial aid of at least Rs.30 lacs each like SHUHADA package within one month.</i></p> <p>d. <i>All Medical Superintendents of the Hospitals/EDHOs of district may be directed that in future all kind of vaccines be got rested in their govt labs, before launching campaign of</i></p>

"younas"

Justice Qaiser Rashid Khan
Justice Muhammad Ghazanfar Khan (DB)

and unskilled workers and thereafter proper action has been taken against the delinquent officials and one Tariq, EPI Assistant Technician was terminated from service as well. However, they add that since the province of Khyber Pakhtunkhwa is facing the risk of measles, therefore, a proper campaign in respect of the vaccination of the children is underway and that the health department is living up to its call of duty in this respect. They further state that the measles vaccines are procured by the Federal EPI and the same fulfills the World Health Organization criteria.

5. Such being the case, we understand that the present writ petition has served out its purpose and is disposed of accordingly.

Announced.
17.04.2019



SENIOR PUISNE JUDGE



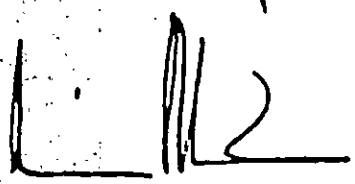
JUDGE

	<p><i>vaccination so as to secure the hazardous risk of the vaccine.</i></p> <p>2. As per the brief averments in the petition, the government of Khyber Pakhtunkhwa in 2014, in collaboration with the World Health Organization, procured vaccine for measles and that without testing in the Government laboratory to analyse and calculate its hazards, administered the same to the children causing death to 157 children.</p> <p>3. Keeping in view the averments in the petition, the respondents have accordingly filed their comments wherein they have refuted the stance of the petitioner as far as the number of fatalities with the measles vaccine is concerned.</p> <p>4. Today, the worthy Secretary Health and Director General, Health Services, Government of Khyber Pakhtunkhwa state that three fatalities took place in the year 2014 while administering the measles vaccines to the children as they were administered by untrained</p>
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