

S.No. of proceed ings	Date of Order or proceedings.	Order or other proceedings with signature of Judge or Magistrate and that of parties where necessary.
1	2	3
	12.07.2016	<p style="text-align: center;"><u>BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, CAMP COURT SWAT</u></p> <p style="text-align: center;">Service Appeal No. 631/2015</p> <p>Jalal Hussain Versus District Health Officer, Buner and 3 others.</p> <p style="text-align: center;"><u>JUDGMENT</u></p> <p style="text-align: center;"><u>MUHAMMAD AZIM KHAN AFRIDI, CHAIRMAN:</u></p> <p>Counsel for the appellant and Mr. Muhammad Zubair, Senior Government Pleader for respondents present.</p> <p>2. Mr. Jalal Hussain, Junior Clinical Technician Pharmacy, District Headquarter Hospital Daggar, District Buner hereinafter referred to as the appellant has preferred the instant service appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the impugned order dated 14.11.2014 vide which an amount of Rs. 90,000/- was ordered to be recovered from the appellant at the rate of Rs. 5000/- per month and keeping him away from financial dealing where-against his departmental appeal was also rejected on 26.5.2015 however the monthly installment was reduced from Rs. 5000/- to Rs. 2000/-</p>

*Handwritten signature and date:*  
12.07.16

and hence the instant service appeal on 12.6.2015.

3. Brief facts of the case of the appellant are that the appellant was serving as Junior Clinical Technician Pharmacy in DHQ Hospital Daggar and was assigned the duty of charging Rs. 3/- for OPD slip but instead of Rs. 3/- he allegedly used to charge Rs. 10/- .

4. Learned counsel for the appellant has argued that no enquiry whatsoever was conducted. That the impugned order was based mere on report which cannot be made a base for such order. That the impugned order is therefore liable to be set aside.

5. Learned Senior Government Pleader has argued that though no enquiry was conducted but the amount recovered by the appellant from outdoor patients was ordered to be paid by him in Government Treasury at the rate of Rs. 2000/- per month.

6. We have heard arguments of learned counsel for the appellant and learned Senior Government Pleader for the respondents and perused the record.

7. Appellant has been directed to deposit an amount of Rs. 90,000/- at the rate of Rs. 2000/- per month but the said order is based on no valid and legal proceedings including formal and regular enquiry as neither any charge sheet nor statement of allegations were issued or appointment of enquiry officer was made or statements of witnesses were recorded. In view of the

12.07.16.

above we are therefore of the considered view that the impugned order is not sustainable in the eyes of law and liable to be set aside.

8. In view of the above we accept the instant appeal and by accepting the same set aside the impugned order dated 14.11.2014 and direct that a proper enquiry be conducted in the matter under the provisions of Government Servants (E&D) Rules, 2011 wherein appellant be proceeded against in the mode and manners prescribed by rules and that he shall be afforded full opportunity of hearing where-after the authority concerned may pass any order deemed appropriate. Recovery made from the appellant shall be subject to final outcome of the enquiry which shall be conducted and concluded within a period of 2 months from the date of communication of this judgment. Parties are left to bear their own costs. File be consigned to the record room.

  
(Ahmad Hassan)  
Member

  
(Muhammad Azim Khan Afridi)

Chairman

Camp court, Swat.


12.07.16.

ANNOUNCED

12.07.2016

02.11.2015

Appellant in person, M/S Yar Gul, Senior Clerk and Khan Bahadur, Assistant alongwith Mr. Muhammad Zubair, Sr.G.P for respondents present. Written reply/comments submitted. The appeal is assigned to D.B for rejoinder and final hearing for 7.3.2016 at Camp Court Swat. The restraint order shall continue.

  
Chairman  
Camp Court Swat

07.03.2016


Appellant in person and Dr. Muhammad Tahir, SMO alongwith Mr. Muhammad Zubair, Sr.G.P for respondents present. Rejoinder submitted. Arguments could not be heard due to non-availability of D.B. To come up for final hearing before D.B on 3.5.2016 at Camp Court Swat. The restraint order shall continue.

  
Chairman  
Camp Court Swat

03.05.2016

Appellant in person and Mr. Muhammad Zubair, Sr.GP for the respondents present. Counsel for the appellant is stated to be busy before the august Supreme Court of Pakistan. Requested for adjournment: To come up for final hearing on 12.07.2016 before D.B at camp court, Swat. The restraint order shall continue.

  
Member

  
Chairman  
Camp Court Swat

27.07.2015

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant was serving as Junior Clinical Technician when subjected to inquiry on the allegations of extra charges to patient visiting OPD and vide impugned order dated 14.11.2014 recovery of Rs. 90,000/- was ordered against the appellant regarding which he preferred departmental appeal on 4.12.2014 wherein order was modified to the extent of quantum of recovery which was reduced to Rs. 2000/- from Rs. 5000/- per month and hence the instant service appeal on 12.6.2015.

That no inquiry was conducted nor the charges were established.

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 7.9.2015 before S.B at Camp Court Swat as the matter pertains to the territorial limits of Malakand Division. Notice of stay application be also issued for the date fixed. Till further orders recovery shall not be made from the appellant.

Appellant Deposited  
Security & Process Fee



  
Chairman

07.09.2015




Appellant with counsel, M/S Dr. Muhammad Tahir, SMO and Dr. Abdul Wahid, Coordinator CDC alongwith Mr. Muhammad Zubair, Sr. GP for respondents present. Requested for adjournment. To come up for written reply/comments on 2.11.2015 before S.B at Camp Court Swat. The restraint order shall continue.

  
Chairman  
Camp Court Swat

Form- A  
FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No. 631/2015

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	12.06.2015	<p>The appeal of Mr. Jalal Hussain presented today by Mr. Fazal Shah Mohmand Advocate, may be entered in the Institution register and put up to the Worthy Chairman for proper order.</p> <p style="text-align: right;"> REGISTRAR</p>
2	22-6-15	<p>This case is entrusted to S. Bench for preliminary hearing to be put up thereon <u>23.6.15</u></p> <p style="text-align: right;"> CHAIRMAN</p>
3	23.06.2015	<p>Agent of counsel for the appellant present. Requested for adjournment. Adjourned to 27.7.2015 for preliminary hearing before S.B.</p> <p style="text-align: right;"> Chairman</p>

**BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR.**

Service Appeal No 631 /2015.

Jalal Hussain.....Appellant.

**V E R S U S**

DHO & Others.....Respondents

**INDEX**

S No	Description of Documents	Annexure	Pages
1.	Service appeal with affidavit		1-5
2.	Application for condo nation of delay & application for interim relief		6-9
3.	Copy of letter dated 24-10-2014, Office Order dated 25-10-2014 and Suspension Order dated 27-10-2014	A, B & C	10-12
4.	Copy inquiry findings & Office Order dated 14-11-2014	D & E	13-18
5.	Copy of departmental appeal, inquiry findings, Office Order date 26-05-2015 & office Order dated 17-02-2015	F, G, H & I	19-31
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Dated:-11-06-2015

*Jalal Hussain*  
Appellant

Through

*Fazal Shah Mohmand*  
Fazal Shah Mohmand  
Advocate, Peshawar

**OFFICE:-**Cantonment Plaza Flat 3/B Khyber Bazar Peshawar.

Cell # 03018804841

**BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR.**

Service Appeal No 631 /2015.

A.W.F. Province  
Service Tribunal  
Diary No. 677  
Dated 12-6-2015

Jalal Hussain, Junior Clinical Technician Pharmacy, District Head Quarter Hospital Daggar District Bunir. ....Appellant.

**V E R S U S**

- 1. District Health Officer Bunir.
  - 2. Director General Health Services Govt. of KPK Peshawar.
  - 3. Secretary, Health Govt. of KPK Peshawar.
  - 4. Medical Superintendent DHQ Hospital Daggar Bunir.
- .....Respondents.

*4/5 49 of the Service Tribunal Act*

**APPEAL AGAINST THE OFFICE ORDER DATED 14-11-2014 OF RESPONDENT NO 1 WHEREBY THE APPELLANT HAS BEEN AWARDED THE PENALTY OF RECOVERY OF RS 90,000/- AND KEEPING HIM AWAY FROM FINANCIAL DEALING AND OFFICE ORDER DATED 26-05-2015 WHEREBY THE MONTHLY DEDCUTION AMOUNTING RS. 5,000/- HAS BEEN REDUCED TO RS. 2,000/- PER MONTH.**

**PRAYER:-**

On acceptance of this appeal the impugned Office Orders dated 14-11-2015 of respondent No 1 and dated 26-05-2015 of respondent No 4 may kindly be set aside and the appellant may kindly be absolved of the recovery of Rs. 90,000/- and he may be ordered to be posted anywhere as per his post.

*Filed in-317*  
*[Signature]*  
**Registrar**  
*12/6/15*

**Respectfully Submitted:-**

- 1. That the appellant was appointed as Dispenser BPS-06 on 04-11-1989 and was posted to Basic Health Unit Topi District Bunir and was transferred to District Head Quarter Hospital Daggar Bunir in the year 1991.
- 2. That the appellant was promoted as Junior Clinical Technician BPS-09 in the year 2008/2009 and while posted as Junior Clinical Technician Pharmacy, the Deputy Commissioner Bunir vide letter dated 24-10-2014 addressed to respondent No 1, alleged that the



appellant was charging ten rupees per chit instead of Rs. 3, the appellant was removed immediately from OPD vide Office Order dated 25-10-2014 and upon the directions of the Deputy Commissioner was suspended vide Office Order dated 27-10-2014 and inquiry Committee was constituted. **(Copy of letter dated 24-10-2014, Office Order dated 25-10-2014 and Suspension Order dated 27-10-2014 are enclosed as Annexure A, B & C).**

3. That there after an illegal inquiry was conducted and the Committee submitted its findings on 12-11-2014, and thereafter the appellant was awarded the penalty of Recovery of Rs. 90,000/- and keeping him away from financial dealing by respondent No 1 vide Office Order dated 14-11-2014. **(Copy inquiry findings & Office Order dated 14-11-2014 are enclosed as Annexure D & E).**
4. That the appellant filed departmental appeal before respondent No 2 on 04-12-2014, and respondent No 2 was pleased to constitute an inquiry committee vide Office Order dated 02-03-2015 who again conducted an illegal inquiry and submitted its findings which were forwarded to respondent No 4 vide letter dated 14-05-2015, upon which respondent No 4 passed Office Order dated 26-05-2015, thereby reducing the monthly deduction from Rs. 5,000/- to Rs. 2000/-. It is pertinent to mention here that the appellant was reinstated in service vide Office Order dated 17-02-2015. **(Copy of departmental appeal, inquiry findings, Office Order date 26-05-2015 & office Order dated 17-02-2015 are enclosed as Annexure F, G, H & I).**
5. That the impugned Office Orders dated 14-11-2015 of respondent No 1 and dated 26-05-2015 of respondent No 4 are against the law, facts and principles of justice on grounds interalia as follows:-

**GROUNDS:-**

- A. That the impugned orders are illegal and void ab initio.
- B. That mandatory provisions of law have been violated by the respondents while taking action against the appellant.
- C. That exparte action has been taken against the appellant and he has been condemned unheard, thus the impugned order is void.

- D. That no charge sheet and show cause notice was communicated to the appellant.
- E. That no proper inquiry was conducted in the matter and the appellant was not provided the opportunity to cross examine the witnesses.
- F. That the allegations are totally false and baseless and no confidence inspiring evidence was collected during inquiry.
- G. That no patient was issued the mentioned chit number on the mentioned day, as such the action is not maintainable in the eyes of law.
- H. That there is nothing on record as to how and from where the appellant is burdened with such liability, and how Rs. 90,000/- was calculated.
- I. That there are material contradictions about the number of chits/patients in both the inquiries.
- J. That even the inquiry committee constituted by respondent No 2, have admitted that the DC did not provide any chit to them, hence the orders are not tenable and liable to be set aside on this score alone.
- K. That the impugned Orders are unlawful and without lawful authority.
- L. That the appellant did nothing that could amount to misconduct.
- M. That the impugned order is defective and as such not maintainable in the eyes of law.
- N. That the appellant was not afforded the opportunity of personal hearing.
- O. That the some amount has been deducted from the salary of the applicant illegally and respondents are going to deduct more amounts from his salary, and in case of success in appeal the appellant is entitled to the return of the same.
- P. That the appellant has about 24 years of service with unblemished service record.

(4)

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

Dated:-11-06-2015.

*Jalud Hussain*

**Appellant**

Through

*Fazal Shah Mohmand*

**Fazal Shah Mohmand**

**Advocate Peshawar.**

5

**BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR.**

Service Appeal No \_\_\_\_\_/2015.

Jalal Hussain .....Appellant.

**V E R S U S**

DHO & Others.....Respondents

**AFFIDAVIT**

I, Jalal Hussain Junior Clinical Technician Pharmacy District Head Quarter Hospital Daggar District Bunir do hereby solemnly affirm and declare on oath that the contents of this **Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Tribunal.

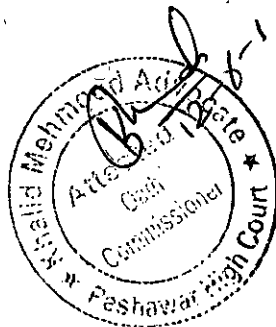
*Jalal Hussain*

**DEPONENT**

Identified by *[Signature]*

**Fazal Shah Mohmand**

**Advocate Peshawar**



6

**BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR.**

Service Appeal No \_\_\_\_\_/2015.

Jalal Hussain .....Appellant.

**V E R S U S**

DHO & Others.....Respondents

**Application for the condonation of delay if any.**

**Respectfully submitted:-**

1. That the accompanying appeal is being filed today in which no date of hearing has been fixed so far.
2. That the grounds of appeal may be considered as integral part of this application.
3. That the impugned order being void abinitio, illegal and time factor becomes irrelevant in such cases, further more the other impugned order was passed on 26-05-2015 and the appeal is as such within time.
4. That the law as well as the dictums of the superior Courts also favors decisions of cases on merit.

**It is therefore prayed that on acceptance of this application, the delay if any in filing of appeal may kindly be condoned.**

**Dated:-11-06-2015**

*Jalal Hussain*  
**Appellant**

**Through**

*Fazal Shah Mohmand*

**Fazal Shah Mohmand,  
Advocate, Peshawar**

7

**BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR.**

Service Appeal No \_\_\_\_\_/2015.

Jalal Hussain .....Appellant.

**V E R S U S**

DHO & Others.....Respondents

**AFFIDAVIT**

I, Jalal Hussain Junior Clinical Technician Pharmacy District Head Quarter Hospital Daggar District Bunir do hereby solemnly affirm and declare on oath that the contents of this **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Tribunal.

Identified by

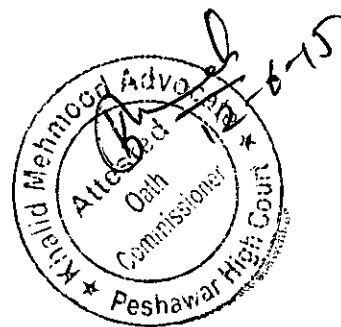
*Fazal Shah Mohmand*

Fazal Shah Mohmand

Advocate Peshawar

*Jalal Hussain*

DEPONENT



2

**BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR.**

Service Appeal No \_\_\_\_\_/2015.

Jalal Hussain .....Appellant.

**V E R S U S**

DHO & Others.....Respondents

**Application for restraining respondents from recovering the amount of Rs. 90,000/- from the applicant/appellant till the final disposal of instant appeal.**

**Respectfully submitted:-**

1. That the accompanying appeal is being filed today in which no date of hearing has been fixed so far.
2. That the some amount has been deducted from the salary of the applicant illegally and respondents are going to deduct more amount from his salary.
3. That the applicant has got a good prima facie case and is sanguine of its success.
4. That the balance of convenience lies in his favor and if the respondents are not restrained from recovering the impugned amount, the applicant would suffer an irreparable loss.

It is therefore prayed that on acceptance of this application, the respondents may kindly be restrained from recovering the amount of Rs. 90,000/- from the applicant till the final disposal of titled appeal.

Dated:-11-06-2015

*Jalal Hussain*  
Appellant

Through

*Fazal Shah Mohmand*

Fazal Shah Mohmand,  
Advocate, Peshawar

9

**BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR.**

Service Appeal No \_\_\_\_\_/2015.

Jalal Hussain .....Appellant.

**V E R S U S**

DHO & Others.....Respondents

**AFFIDAVIT**

I, Jalal Hussain Junior Clinical Technician Pharmacy District Head Quarter Hospital Daggar District Bunir do hereby solemnly affirm and declare on oath that the contents of this **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Tribunal.

*Jalal Hussain*

**DEPONENT**

Identified by

*Fazal Shah Mohmand*

**Fazal Shah Mohmand**

**Advocate Peshawar**





10

OFFICE OF THE  
DISTRICT MAGISTRATE/  
DEPUTY COMMISSIONER,  
BUNER.

No. 12933-38 /DC(B)/AG-III(H)

Dated 24-10 2014.

To:  
The District Health Officer  
Buner.

Sub: SUPRRISE VISIT.

Memo:

Today on 24-10-214, the undersigned made a surprise visit of District Headquarter Hospital, Daggar Buner. All the wards in the hospital were checked. In general OPD, one Mr. Jalal Hussain Dispenser of the Hospital was charging ten rupees instead of Rs. 3. The undersigned asked the witnesses regarding over charging. They told that the said Dispenser was demanding rupees ten and we have given the said amount to him. The receipt of Marwa bearing No.1104 resident of Daggar, Buner, was presented to the undersigned and they have paid Rs. 10. This Office recommends that the said Dispenser be immediately suspended and an impartial enquiry be initiated against the said Official and report be sent to this Office.

DEPUTY COMMISSIONER  
BUNER

Endst: No. date even.

Copy forwarded for information to

1. The Commissioner Malakand Division Swat
2. The PSO to Chief Secretary Govt: of Khyber Pakhtunkhwa Peshawar.
3. The Chief Ministers, redressal and Grievances Cell Civil Secretariat, Peshawar.
4. The Director General Health Services Govt: of Khyber Pakhtunkhwa.
5. The Medical Superintendent DHQ Hospital Daggar, Buner.

Attested

*[Handwritten signature]*

DEPUTY COMMISSIONER  
BUNER

(11) B

**OFFICE OF THE MEDICAL SUPERINTENDENT, DHQ; HOSPITAL DAGGAR.**

**OFFICE ORDER.**

During the surprise visit of Deputy Commissioner Buner to DHQ: Hospital Daggar Buner on 24-10-2014 at 10.30am, it was noticed that Mr. Jalal Hussain JCT Pharmacy BPS-09 DHQ: Hospital Daggar was receiving Extra amount in OPD (ticket) instead of Rs.3/- which is against the rules /regulation and a way of corruption in Govt. institution.

The Deputy Commissioner Buner directed the undersigned (during the visit) to suspend the official concerned and conduct inquiry the case to proceed further.

Therefore Mr. Jalal Hussain JCT Pharmacy BPS-09 DHQ: Hospital Daggar is hereby removed immediately from OPD till further order and Dr. Amir Zahir SMO DHQ: Hospital Daggar is nominated as enquiry Officer in the case. He is directed to submit the inquiry report with in 07 days positively.

*Sd/na*  
MEDICAL SUPERINTENDENT,  
DHQ; HOSPITAL DAGGAR,  
BUNER.

No 1873-76/  
Copy to

Dated 25-10-2014

1. The Deputy Commissioner Buner for information and necessary action please.
2. Mr. Jalal Hussain JCT Pharmacy BPS-09 DHQ: Hospital Daggar Buner for information and with directive to give reason for extra Charges on the OPD Ticket.
3. The District Health Officer Buner for information and with the request to take necessary action against the above named official under the rules.
4. The Account Section DHQ: Hospital Daggar Buner for information and necessary action

*Sd/na*  
MEDICAL SUPERINTENDENT,  
DHQ; HOSPITAL DAGGAR,  
BUNER.

12

OFFICE OF THE DISTRICT HEALTH  
OFFICER DISTRICT BUNER  
Phone & Fax # 0939-510138

OFFICE ORDER

Reference Medical Superintendent DHQ(H) Daggar Buner Endst; No.1873-76 dated 25-10-2014, ( copy attached ).

Mr. Jalal Hussain J/C/tehc; Pharmacy BPS-09 attached to DHQ(H) Dagar Buner, under the control of the undersigned. He is hereby suspended from the Govt; service, with immediate effect. It is further order that Dr. Abdul Wahid coordinator CDC of this office is hereby nominated as inquiry officer, to conduct inquiry against the above named official with in 07 days & submit detail report to the undersigned.

*[Signature]*  
District Health Officer  
District Buner

Dated the 27 / 10 / 2014

No. 4797-4803

Copy forwarded to:-

1. Deputy Commissioner Buner with reference to his no.12933-38/DC/(B)/AG-III(H)dated 24-10-2014.
2. MSDHQ(H)Daggar Buner,
3. The above named official
4. Coordinator CDC of this office
5. T/L Merlin Buner
6. Account/Establishment section of this office
7. P/file

District Health Officer  
District Buner

S. Anisvar

Attested

*[Signature]*

No. 1984  
From

Dated 13/11/2014

13

The Medical Superintendent,  
DHQ: Hospital Dagggar Buner.

To

The District Health Officer,  
Buner.


Subject:- Enquiry against Mr. Jalal Hussain JCT Pharmacy DHQ:  
Hospital Dagggar Buner.

Sir,

A detail inquiry submitted to the undersigned against Mr. Jalal Hussain JCT Pharmacy who was on duty in OPD (ticket) / registration room, is hereby forwarded for necessary action please.

Moreover he has been removed from OPD/ register duty and posted in ward for further duties.


Report submitted for information and necessary action please.

  
MEDICAL SUPERINTENDENT,  
DHQ; HOSPITAL DAGGAR,  
BUNER.

No. \_\_\_\_\_

CC

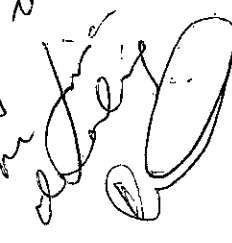
1. The Director General Health Services Khyber Pakhtunkhwa Peshawar for information please.
2. The Deputy Commissioner Buner for information and necessary action please
3. The Team leader Merlin District Buner for information please.

  
MEDICAL SUPERINTENDENT,  
DHQ; HOSPITAL DAGGAR,  
BUNER.

Attested

  
A.O.

U/O  
6-11-2014

Recd  
no. 1  
- leave  
- keeping to  
for file  


14

- 1- The DHO Buner,
- 2- Medical superintendent DHQ Hospital Daggar Buner.

Subject; Enquiry against Mr Jalal husain JCT Pharmacy DHQ Hospital Daggar Buner.

Ref; yours letters MS # 1906-9 Dated 29-10-2014 and DHO # 4797/803 Dated 27-10-2014.

R/Sir

The said above enquiry conducted jointly on 06-11-2014 as under.

Statement recorded from

- 1- Mr Jalal Husain JCT Pharmacy. \*
- 2- Rizwanullah JCT Pharmacy.
- 3 Imran ward orderly. ✓

**Conclusion**

In the light of the statements (verbal/written) and other observations Mr Jalal Husain was found **Guilty** on the following grounds,

- 1. Day to day public complaints.
- 2. Deputy Commissioner findings during his surprise visit to DHQ Hospital Dggar Buner.
- 3. ISI Complaints.
- 4. Twice removal of the said above official from the OPD registration point on the same reason.
- 5. As per statements of two co workers (Rizwan and Imran).

**Recommendation ;**

- 1. Recovery of the amount **ninety thousand (90000)** from Mr Jalal Husain.
- 2. Stopping of annual increments at least for two years.
- 3. Warning for future care.
- 4. Keeping him away from the financial dealings, to avoid such incidences..
- 5. Any other disciplinary action which the competent authority agreed upon.

Enquiry Report is submitted for onward necessary action please.

**Enquiry officers.**

1- Dr Fazl azeem  
Chief Medical Officer  
DHQ Hospital Daggar.

2- Dr Abdul wahid  
CDC Coordinator  
DHO Office Buner.

3- Dr Amir zahir  
Medical Officer  
DHQ Hospital Daggar.

Attachments ; Original statements of jalal Husain, Rizwanullah and Imran.

12-11-14

*2 pages case - 1 page*

*Attested*

*Cal S  
JW*

*UJ  
6-11-2014*

*Agreed with  
Recommendation  
no 1 & no 4  
- Recovery of Rs 90000/-  
- keeping him away  
from financial  
dealings*

*[Signature]*

انکوائری میں جلال حسین کاسینڈر کی گرفتاری

(15)

بیان بائٹ محمدان نائٹ صاحبہ وارڈ 1

1۔ آج کی تاریخ کو صبح سے OPD رجسٹریشن یونٹ پر فریض سے  
رہے ہیں ؟

2۔ میں تقریباً گزشتہ پانچ ماہ سے اسی جگہ کی لوٹی کر رہی ہوں

3۔ کیا آپ کو نائٹ OPD رجسٹریشن یونٹ پر جلال حسین کاسینڈر کی تصویر  
دیکھا ہے ؟

2۔ میں جب سے بیان کی لوٹی دے رہی ہوں جلال حسین کاسینڈر کی یونٹ پر  
دیکھا ہے نائٹ 14/10/14 کا لکھا ہوا ہے، مذکورہ تاریخ 2/10/14

3۔ یہ ایسٹیمٹ ہے کہ عدالت کی سینئر عوام سے 3 روپیہ کی رقم 15/10/14  
کی طور پر رجسٹریشن میں وصول کرتے تھے ؟

2۔ وہ عموماً ہتھیار میں لیتے تھے لیکن 3 روپیہ اور 15/10/14 کی اور  
مہنگے سے باقی بھی نہیں لیتے تھے خصوصاً صرف انفرادی سے نہیں لیتے تھے

3۔ آج کی موجودگی اس قسم کی واقعی ہو یا یہ جو ضمانت سے رہا ہیں کہ  
پانچ روپیہ لیتے تھے یا دس روپیہ ؟

2۔ میں مرتبہ آج کی والدہ کے پاس سے اعتراض کیا کہ آج کی  
بازار میں رقم کیوں لیتے ہو جلال حسین اور آج کی والدہ کے پاس  
مہنگے سے باقی بھی نہیں لیتے تھے، بات رقم کیوں لیتے تھے اور اس سے  
مہنگے سے باقی بھی نہیں لیتے تھے

3۔ کیا 14/10/14 کی لوٹی میں یونٹ پر جلال حسین کاسینڈر کی تصویر  
لگاؤں کیا دیکھا تفصیل سے بتائیں -

2۔ میں نے اس سے کہا کہ اندر داخل ہونے کا اس وقت تک نہیں  
آج کی تاریخ تک اس سے کہا کہ اندر داخل ہونے کا اس وقت تک نہیں  
رجسٹریشن یونٹ پر لیتے تھے یہ لوٹی میں لگاؤں کیا دیکھا  
تھے یہ

محمدان خان  
6-11-2014

Attested

Signature

۵۔ آپ پر عواذ الزام سے لے کر OPD رجسٹریشن پوائنٹ پر اضافی  
 رسائی کے بارے میں اگر مزید کوئی لینا چاہتے ہیں  
 ۲۔ ہم نے کسی سے بھی اراداً زیادہ پیسے لینے کی کوشش کی گئی۔  
 اللہ اگر کسی کے پاس کہے پیسے نہ ہو تو باقی رقم ہم جیت کے بھیج  
 دیتے ہیں اور جی ٹی ڈی کے مطالبہ کرنے آتے تو ہم دیتے تھے اور  
 اگر کوئی وصول کر لیتے نہ آتا تو ہم اس سے OPD کے لئے کاغذ اور  
 پین ہائیر خرید لیتے۔  
 جہاں تو موجودہ OPD جیٹ بنام سروا کا لعلق ہے تو OPD  
 رجسٹریشن کے لئے اسے 1104 پر سروا نام موجود ہیں ہے  
 اللہ OPD 1104 نہ پید سروا نام کی لڑائی ناگھوئی تھی ہے جو کہ  
 کاندھلہ کی ہے جیکہ ڈی سے صف کے مطالبہ وہ کاندھ  
 ڈاکر ذکر کی گئی ہے۔

حلال  
 6-11-014 6-11-014

Attested  
 [Signature]  
 Adu

انکو اسٹیٹریٹ جلال حسین کاسٹریٹنگ

بیان بات رضوان اللہ ڈسٹریٹ ہسپتال لوتیر

1- آج تک عرصہ سے OPD ہسپتال لوتیر میں پوائنٹنگ ڈیوٹی کر رہے ہیں۔  
2- مجھے تقریباً دو ماہ سے پوائنٹنگ ڈیوٹی دیا گیا ہے اور اس دوران میں وہ لوتیر ہسپتال پر

3- کیا جلال حسین آج کل لوتیر ہسپتال کے دوران آج کل ان بیماریوں پر پوائنٹنگ ڈیوٹی کر رہے ہیں  
تو اسکا وہ آج اور وہ کتنا عرصہ لیا گیا ہے یعنی OPD میں وہ لوگوں سے  
کتنا ملتے ہیں۔

2- 2008 میں سب سے پہلے تقریباً 45 دن تک صبح 9 بجے سے 12 بجے اور وہ  
صبح 12 بجے سے 3 بجے تک لوتیر ہسپتال پر پوائنٹنگ ڈیوٹی کرتے تھے۔

3- یہ اندیشہ ہے کہ وہ لوگوں سے 3 بجے کی بجائے 1 بجے لوتیر ہسپتال  
OPD میں ملتا ہے تو اس سے کتنی صداقت ہے  
4- یہ بالکل حقیقت ہے

5- کیا وہ لوتیر ہسپتال میں پوائنٹنگ ڈیوٹی کر رہے ہیں یا اس کے علاوہ کسی اور جگہ  
میں کوالے سے کئی واقعہ درپیش آیا ہے۔

2- یہ صحیح ہے جو صحیح واقعات اور انہیں پوری تفصیل سے لیا گیا ہے اور پھر  
میں لکریں لیکن جلال حسین صاحب نے میں بات میں کتنی کفر

3- کیا 14-10-20 کو ڈی سی میں اپنے کھانے کے دوران پوائنٹنگ ڈیوٹی کر رہے تھے  
فدایا تھا اور کیا تھا تو وہ نے کیا دیکھا تفصیل سے بیان کریں۔

4- اس دن صبح 9 بجے لوتیر ہسپتال میں موجود ہیں تھے

رضوان اللہ  
رضوان اللہ  
6-11-14

Attest  
[Signature]



OFFICE OF THE DISTRICT HEALTH OFFICER, DISTRICT BUNER

No. \_\_\_\_\_

Dated Buner, the /11/2014

18

0939-510-138 | dhobuner@gmail.com | Fax-0939-510-138

Office order

In the light of inquiry report, duly conducted by Dr. Fazli Azweem CMO DHQ(H) Dagggar Buner & Dr. Abdul Wahid CDC coordinator DHO office & Dr. Amir Zahir MO DHQ(H) dagggar Buner, submitted by M.S DHQ(H) dagggar Buner vide his No.1984 dated 13-11-2014 (copy attached) the undersigned is agreed with the recommendation S.No.1 and No.4 (against Mr. Jalal Hussain JCT Pharmacy DHQ(H) dagggar Buner).

1. Recovery of the amount ninety thousand (Rs.90000) is ordered from the defaulter for Govt; treasury on proper Bank challan.
2. Keeping him away from financial dealing to avoid such incidences in future.

District Health Officer

District Buner

No. 5111-16 / DHQ Dated

Copy to;

1. Deputy Commissioner Buner
2. M.S DHQ(H) Dagggar Buner
3. T/L Merlin Buner
4. Mr. Jalal Hussain DHQ(H)

14/11 /2014

OFFICE OF THE MEDICAL SUPERINTENDENT DHQ HOSPITAL DAGGAR BUNER

No. 2007  
To 6. P/file

LD:

n. Dt: 17/11/14

District Health Officer  
District Buner

1. Mr. Jalal Hussain JCT Pharmacy for information and compliance

MEDICAL SUPERINTENDENT,  
DHQ HOSPITAL DAGGAR BUNER.

"F"

19

To  
20.65  
DATE 04-12-2014  
I.O.O HEALTH OFFICE

The Distt Health Officer,  
Benar.

Sub: Request for remission of Rs 90,000/- withdrawn of the order

P/Sir,  
I beg to state that I have been penalized, apart from this, by Rs 90,000/-, without a charge sheet, a show cause notice, personal hearing, and without a departmental enquiry under E & D Rules, 2011. The DC, Benar has no objection if your good self may kindly remit this penalty of Rs 90,000/- and withdraw the order issued.

It is, therefore, requested that penalty of Rs 90,000/- at recommendation no-1 of the enquiry committee may kindly be remitted. I am ready to pay the second penalty of Rs 90,000/- at recommendation no-4 of the committee for keeping me away from financial dealings. Copy of the comments of the DC, Benar is hereby attached for ready reference.

I shall be thankful for that  
Yours obediently,

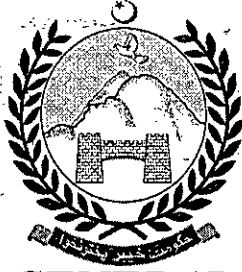
Jalal Hussain, JPT (under supervision)  
SAC Hospital, Daggan,  
Benar

Agreed  
u/12/14

Attested  
eal

Date 03/12/14

DIARY NO. 394  
DATE 10-3-2015  
D.G.O HEALTH BUNNER



G  
20  
res of

**DIRECTORATE GENERAL HEALTH SERVICES  
KHYBER PAKHTUN KHWA PESHAWAR.**

E-Mail Address: [nwfpdghs@yahoo.com](mailto:nwfpdghs@yahoo.com) Office Ph# 091-9210269 Exchange# 091-9210187, 9210196 Fax # 091-9210230

**OFFICE ORDER**

An enquiry committee comprising the following officers is hereby constituted to conduct enquiry in the appeal submitted by Mr. Jalal Hussain JCT Pharmacy attached to DHQ Hospital Daggar (Bunner): -

1. Dr. Muhammad Irshad, PMO CBD No.3 Peshawar.
2. Dr. Farman PMO CBD No.2 Peshawar.

The enquiry committee should submit their report alongwith recommendation within 15days of the issue of this letter positively.

Sd/xxxxxxx  
DIRECTOR GENERAL HEALTH  
SERVICES KHYBER PAKHTUNKHWA  
PESHAWAR


No. 1383-85 /E-V

Dated. 2 / 3 /2015

Copy forwarded to the:-

01. DHO, Bunner.
02. DHO, Peshawar.
03. MS DHQ Hospital Daggar (Bunner).
04. Dr. Muhammad Irshad, PMO CBD No.3 Peshawar, (copy of appeal is attached).
05. Dr. Farman PMO CBD No.2 Peshawar, (copy of appeal is attached).
06. Mr. Jalal Hussain JCT Pharmacy DHQ Hospital Daggar (Bunner) w/r to his appeal dated.29/01/2015.

For information and necessary action.

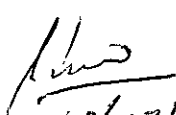
  
ASSISTANT DIRECTOR (P-III)  
DGHS, KHYBER PAKHTUNKHWA  
PESHAWAR


ASIF ALI SHAH

E. Su

e. ul. ul. ul.

16e m.s for information

  
10/03/2015

  
2/12/15

Attest



Office of the DHO Buner at Daggav

No 1346-48 / M<sup>S</sup>DHQ

DR 10-03-2015

Copy of the above is forwarded to:-

1- M.S DHQ (H) Daggav Buner.

2- Official concerned.

  
**D.H.O**  
**Distt: Buner**



21

**DIRECTORATE GENERAL HEALTH SERVICES  
KHYBER PAKHTUN KHWA PESHAWAR.**

E-Mail Address: [nwfpdghs@yahoo.com](mailto:nwfpdghs@yahoo.com) Office Ph# 091-9210269 Exchange# 091-9210187, 9210196 Fax # 091-9210230

NO. 5102-03 /AE-VI,

Dated. 14/5 /2015

To

The Medical Superintendent,  
DHQ Hospital Daggar Buner.

Subject: - ENQUIRY REPORT.  
Memo,

I am directed to forward a copy of the enquiry report conducted by Dr. Mohammad Farman PMO and Dr. Mohammad Irshad PMO District Peshawar against Mr. Jalal Hussain JCT (Pharmacy) for information and necessary action with the request to honor the recommendation of the enquiry committee.

  
ASSISTANT DIRECTOR (P-III)  
DGHS, KHYBER PAKHTUNKHWA  
PESHAWAR

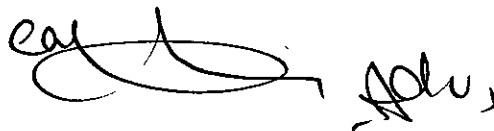
Cc.


DHO Buner for information and similar necessary action.  
(Copy of enquiry report attached)

Remind Enquiry Report.

ASIF ALI SHAH

Attested



  
16/5/2015

# ANNEXURE-(A)

CONFIDENTIAL

75 (22)

To: The Director General  
Health Services Khyber Pakhtunkhwa  
Peshawar

Subject; ENQUIRY REPORT AGAINST MR. JALAL HUSSAIN JCT  
PHARMACY DHQ, HOSPITAL DAGGAR BUNER

Reference is made DGHS Office Order #1383-88/E-V  
Dated: - 02-03-2015.

## 1. BACKGROUND

The undersigned have been appointed as enquiry officer. vide letter under reference to investigate the case of Mr. Jalal Hussain JCT Pharmacy to determine the factual position of the charges leveled against Mr. Jalal Hussain JCT Pharmacy DHQ Hospital Dagggar Buner.

- i. The accused Mr. Jalal Hussain JCT Pharmacy was attached with the DHQ Hospital Dagggar Buner and assigned duty in OPD (Ticket) registration room in addition of his actual duty as a JCT pharmacy. He was allegedly fallen in the malpractice by collecting extra charges @ RS 10 /- against the mandatory fix rate @ RS 3 /-.
- ii. Voices of the poor patients and frequent visitors on the over OPD charges compelled and alerted the local authorities and even the hospital management to intervene and stop this practice

## 2. ACTION / PROCEEDING

- i. The Doctors of the comprising committee physically visited the office of the MS DHQ Hospital Dagggar District Buner on dated: 19-03-2015 to hear the concerned personnel and take their statements and collect solid material against the alleged individual.
- ii. The enquiry team held meeting with Dr. Fazli Azeem in MS office and took statement of all the concern staff. Dr. Fazli Azeem stated that he has the same statement as already given in previous enquiry.
- iii. The enquiry team called the junior staff & Naib Qasad being working with of Mr. Jalal JCT pharmacy and thoroughly cross examined regarding the subject case to substantiate the truth.

- iv. The enquiry team was

Attested

Enquiry Officer  
Principal  
I/C CE

3.

**SURPRISE VISIT OF THE DC DAGGAR**

23

- i. DC Daggar Mr. Khaista Rehman made a surprise visit on 24-10-2014 to District Hospital Daggar Buner on the solid and credential report of some reliable agencies to check personally the situation.
- ii. DC told the enquiry team that during his surprise visit he personally caught the OPD chits of five patients with over charge of Rs/10 instead of hospital charges Rs/3 but he did not showed the chit to the enquiry team .All the allegation of the DC Daggar based on verbal statement and declined to provide the written proof due to some departmental barrier and compulsion .He repeatedly told the members of committee that being a district controlling officer he caught Mr Jalal Hussain red handed and insisted that punishment is an effective means of modifying the behavior
- iii. Being Administrative Officer Buner , any kind of action taken by him ,against the alleged person cannot be challenged.

4. **STATEMENTS OF THE DOCTORS**

- i. Statements of the Doctors who conducted the previous enquiry of Mr. Jalal Hussain JCT pharmacy is the same as glanced in the facts and findings report and submitted on dated 12-11-2014 against reference letter MS # 1906-9 Dated: 29-10-2014 & DHO # 4797/803 Dated: 27-10-2014. ( Attached as Annexure - "A")
- ii. The newly constituted enquiry team found no contrary statement and deviation in the statement of the Doctors team previously conducted the enquiry. It is noteworthy to mention here that the pervious enquiry committee was comprising of the following members :-

- |  |   |  |
|--|---|--|
| 1. Dr. Fazli Azeem<br>Chief Medical officer<br>DHQ Hospital Daggar<br>Daggar | 2. Dr. Abdul Wahid<br>CDC Coordinator<br>DHQ Office Buner | 3. Dr. Amir Zahir<br>Medical Officer<br>DHQ Hospital |
|--|---|--|

- iii. Having comprehensive discussion with the Doctors concerned regarding the case of Mr. Jalal hussain JCT pharmacy to acquire the factual data for the legitimization of the proceeding of the case for easily cognition that one thing is crystal cleared that the superior management of the hospital has no sympathetic & Positive opinion regarding the culprit.

Attested  
Ray  
Adh

Handwritten initials/signatures

# ANNEXURE-(A)

24

## 5. CREDIBILITY OF THE PREVIOUS ENQUIRY

The members of the previous enquiry committee were highly competent, ~~reliable~~ and reliable to be considering final with a reservation given below:

- i. **THERE IS NO DOCUMENTARY PROOF AVAILABLE REGARDING THE CASE OF JALAL HUSSAIN.**

## 6. STATEMENT OF THE MR JALAL HUSSAIN JCT PHARMACY

- i. Statement of Mr. Jalal Hussain JCT pharmacy has been taken as a reference and attached as Annexure - "B".
- ii. During proceeding and cross examining it was obviously observed that the statement of alleged person was meeting with considerable skepticism.
- iii. The accused was suspended on 27-10-2014 and removed from OPD registration duty & reinstated on 17-02-2015.
- iv. It is worthwhile to mention here that the penalty fixed on Mr. Jalal JCT pharmacy by Doctor Ateeq Ex-DHO DAGGAR Buner.

## 7. STATEMENT OF IMRAN NAIB QASID & RIZWAN ULLAH DISPENSAR DHO HOSPITAL DAGGAR BUNER

- i. Statement of Imran Niab Qasid & Rizwan Ullah Dispenser have also been taken being mandatory parts for the proceeding of the report for references and attached as Annexure-"C".
- ii. Written statement of the above mentioned personals duly signed were working with Mr. Jalal Hussain JCT pharmacy indicates that he was not on track and was indulged in malpractice to some extent. The statement given by imran is a bit different from the statement given to the pervious committee members.

Attested  
*[Signature]*

## 8. CONCLUSIONS

- i. In the light of the above proceeding and cross examining the concerned personals the undersigned enquiry committee members reached to the conclusion, that the appeal of Mr. Jalal Hussain JCT pharmacy received in the office of DGHS K.P.K Peshawar for review vide dairy # 3193 Dated: 29-01-2015 is having some weightage to be consider due to the controversial statement of Mr. Imran & absences of Mr. Riazwan ullah on dated 24/10/2014 (during DC visit) who used to perform duty with Mr. Jalal Hussain.

*[Signature]*

Page 3 of 4



9.

## RECOMMENDATIONS

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4/

The following points appended are recommended and forwarded in your good office for further necessary action please.

- i. Relaxation in total amount may be allowed by appellant authority after hearing Mr. Jalal Hussain in person.
- ii. The amount per installment may be reduced.
- iii. Keeping him away from financial dealing to avoid such incidents in future.

### 10: Enclosures:

- I: statement and report of members of previous enquiry Committee ANX -A (reports of doctors who were members Of pervious committee members)
- II: Statements of Mr. Jalal Hussain ANX-B
- III: Statement of Mr. Imran & Jalal Hussain (ANX -C)
- IV: Office Order of DHO Bunner & MS DHQ hospital Daggar ANX-B

1. Dr. Muhammad Irshad PMO  
CBD NO.3 Peshawar

2. Dr. Farman PMO  
CBD NO.2 Peshawar

Page 4 of 4.

Attested  
[Signature]

23  
[Signature]

ان سس

جنا عالی! بحوالہ جی ایس 85/83-1383  
ڈائریکٹر، بریلوہ ہوسپتال، کوٹا  
صدرت میں

کے بارے میں اطلاع ہوئی ہے کہ اس میں عمل میں لائی گئی ہے جس سے صحیح سزا مل سکتی ہے وہ بالکل بے بنیاد - خود ساختہ اور بے لگام ہے اور غلط ہے۔

ان میں سے کسی بھی سزا سے متعلقہ اور بے گناہ زیادہ رقم وصول نہیں

ہے اگر کسی سزا سے متعلقہ رقم کا نوٹ دی ہو اور ریٹارڈ ہو تو اسے سزا سے متعلقہ رقم باقی رہ چکی ہو تو وہی رقم میں سے لے لی جائے اور اسے بطور احانت رکھی جائے اور OPD کے ٹیسٹ پر اندازہ لگایا جائے اور متعلقہ سزا کے والیس کرنے پر اسکو جو ان کو

اگر متعلقہ سزا میں سزا کے والیس نہ آیا ہو یا رقم کی طلب نہ کی ہو تو اسے باقی ماندہ رقم کو میں نے غریبوں / یتیموں اور بے سارا لوگوں کی OPD میں Adjust کی ہے اور اس رقم کی

Attested by [Signature]

و ج) جی نہیں ہم نہیں 3 " پیسے زیادہ نہیں ہی ہے۔ اتر شاؤد تلور کھلے سے ہوتے تو ایسا ہوتا تھا۔ لیکن یہ کام پرانے سے چلا آرہا ہے۔

س D.C.O. صاحب جب یہ سائل تشریف لے اٹیں، تو اس کو کیا دیکھا۔

(2) چونکہ ڈی سی صاحب کو آپ سے ملنے کا اتفاق ہوا۔ تو وہ سیکڑے میں اُن کے استقبال کرتے ہوئے آئے۔ جب ڈی سی صاحب آگیا تو یہاں سلام کلام نہیں کیا مگر فوراً لے گئے۔ لیکن کچھ کہہ کر اسکو سسٹنڈنٹ ٹرور اور انٹرویوٹ مان میں لے گیا۔ اس کا ایک چٹ بھی تھا۔ جو آئیڈیڈی کا تھا D.C.O. صاحب نے مجھے لے کر دیا۔ اس چٹ کے دس " دینے لگے ہیں اور میں نہیں جواب کہہ نہیں سکتے۔ اور پھر ڈی سی صاحب فوراً واپس چلا گیا۔ میں نے کہا کہ وہ لڑکے اور لڑکی ہیں آئی۔ اور جب میں اس کا ٹکڑا لیا تو وہ بالکل غلط تھا۔

لیا گیا آئیڈیڈی آرڈر میں ملا تھا۔ وجہ پتا نہیں۔

جگ مان میں سیکڑے ہو چکا تھا لیکن راستی بنیاد وجہ سیاسی

جلال حسن فارسی ڈیڑھ ڈیڑھ سال  
N.I.C. No 15101-7/3245

Attested

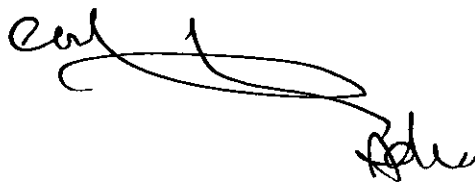
Signature

مذبانہ گروہی کی جاتی ہے کہ ہم میں الفیہ بیان دیتا ہوں کہ وہ  
 سے صبری ڈیوٹی لگی ہے۔ اس کا سال 2014 میں اپنا وچ  
 وبلال یا بوتھے۔ رجب ہلی رو ہے جو وہ نہیں تھے تو اس  
 باقی لگا رو ہے لکھا آجاؤ۔ تو نور آنے تھے۔ صبرے سافر اس  
 نے تیس روپے لئے تھے جب بوڑھے آنے تو وہ نکلو چھوڑ تھے۔ کہ  
 نور دی گرو۔ اکثر لگا پیسے نہیں پورے سواڑی میں۔ جدا  
 بھی ڈیوٹی گرو ہے۔ بہ روز آنے تھے اپنی ڈیوٹی کے انجام  
 تھے تو اس سے پہلے سے گائے میں pen وغیرہ لاتے تھے۔

محمد ان خان

فون نمبر 03329690474

Attested



نہایت زبانی اسرار

(29)

میں دعا ہے!

گذشتہ ۲۰۰۰ سے کہ میں (معاون الہی) فارسی کتب سے (میں) سے  
میں O.P.D. میں سے (میں) سے (میں) سے (میں) سے

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Mullah  
19.3.2015

Attested  
[Signature]  
Adh.

(30)

H 4

**OFFICE OF THE MEDICAL SUPERINTENDENT DHQ HOSPITAL DAGGAR BUNER.**

**Office Order.**

Reference to DGHS KPK Peshawar Office Letter No.5102-03/AE-VI Dated.14/5/2015 regarding deduction from monthly salary of Mr. Jalal Hussain JCT Pharmacy.

The Monthly Deduction Amounting Rs. 5000/- Per Month is hereby reduced Rs. 2000/- Per month from his monthly salary deduction because he is low paid servant and financially poor.

MEDICAL SUPERINTENDENT,  
DHQ HOSPITAL DAGGAR BUNER

No 1058-52 26/5/2015

Copy forwarded to

1. The Director General Health Services KPK Peshawar for information please.
2. The District Account Officer Buner for information and necessary action please.
3. Mr. Jalal Hussain for information.
4. Personal File.

MEDICAL SUPERINTENDENT,  
DHQ HOSPITAL DAGGAR BUNER

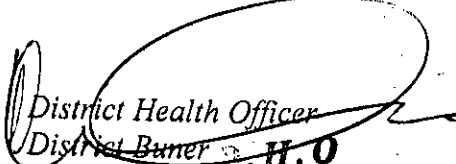
31

OFFICE OF THE DISTRICT HEALTH  
OFFICER DISTRICT BUNER  
Phone & Fax # 0939-510138

OFFICE ORDER

On the request of M.SDHQ(H) Daggar Buner, No.271 dated 07-2-2015. ( copy enclosed).

Mr.Jalal Hussian JCT Pharmacy BPS-09 attached to DHQ(H) Daggar Buner, under the control of the undersigned is hereby re-instated on Govt; Service the matter duly discussed with the Team Leader Merlin Buner, is also agreed, with immediate effect in the best interest of public.

  
District Health Officer  
District Buner **D.H.O**


Dated the 17/02/2015  
**Distt: Buner**

No. 881-85 /

Copy forwarded to:-

1. M.SDHQ(H) Daggar Buner
2. The above named officials
3. T/L Merlin Buner
4. Account/Establishment section of this office
5. P/file

S.Anwar

  
District Health Officer  
District Buner

**D.H.O**  
**Distt: Buner**



32

**POWER OF ATTORNEY**

In the Court of KPK Service Tribunal Peshawar.

Jalal Hussain

For  
Plaintiff  
Appellant ✓  
Petitioner  
Complainant

**VERSUS**

Govt of KPK & others.

Defendant  
Respondents ✓  
Accused

Appeal/Revision/Suit/Application/Petition/Case No-----of-----2015  
Fixed for-----

I/We the undersigned, do hereby nominate and appoint

**FAZAL SHAH MOHMAND, ADVOCATE, HIGH COURT, PESHAWAR**

My/our true and lawful attorney, for me/our in my/our name and on my/our behalf to appear at...Peshawar..... to appear, plead, act and answer in the above Court or any appellate Court or any Court to which the business is transferred in the above matter and is agreed to sign and file petitions, an appeal statements, accounts, exhibits, compromise or other documents whatsoever, in connection with the said matter or any matter arising there from and also to apply for and receive all documents or copies of documents, depositions etc and to apply for and issue summons and other writs or sub-poena and to apply for and get issued and arrest, attachment or other execution, warrants or order and to conduct any proceedings that may arise there out, and to apply for and receive payment of any or all sums or submit for the above matter to arbitration, and to employ any other legal practitioner authorizing him to exercise the powers and authorities here by conferred on the Advocate whenever he may think fit to do so, any other lawyer may be appointed by my said Counsel to conduct the case who shall have the same powers.

**AND** to do al acts legally necessary to manage and conduct the said case in all respects whether herein specified or not, as may be proper and expedient.

**AND** I/we here by agree to ratify and confirm all lawful acts done on my/our behalf under or by virtue of this power or of the usual practice in such matter.

**PROVIDED** always, that I/we under take at time of calling of the case by the Court my/our authorized agent shall inform the Advocate and make him appear in Court, if the case may be dismissed in default, if it be proceeded ex-parte, the said Counsel shall not be held responsible for the same. All costs awarded in favor shall be the right of the Counsel or his nominee, and if awarded against shall be payable by me/us.

**IN WITNESS**, where of I/We have signed at...Peshawar.....  
This...11th.....day of...June.....in the year...2015.....  
Executant/Executants...Jalal Hussain.....  
Accepted subject to the terms regarding fee.....

Attested and Accepted by:

Fazal Shah Mohmand  
**Fazal Shah Mohmand**  
**Advocate High Court**

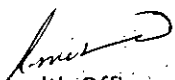
**OFFICE:-** Cantonment Plaza, Flat, 3/B Khyber Bazar Peshawar. Cell # 0301 8804841



**Office Of The District Health Officer District Buner At Daggar**

**Office Order /Attending Court.**

Dr. Abdul Wahid Coordinator CDC BPS -19 of this office is hereby authorized for attending of court <sup>the</sup>  
complemt ~~Swat~~ Swat On 7-09-2015 on behalf of the undersign.

  
District Health Officer  
District Buner.


**D.H.O**  
**Distt:Buner**

No: 5291-92

Dated : 4 / 09 / 2015

Copy To,

1. Court Authority officer
2. The above Mentioned coordinator for information please.

  
District Health Officer  
District Buner.

**D.H.O**  
**Distt:Buner**

**BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR.**

Service Appeal No 631/2015

Jalal Hussain.....Appellant.

**VERSUS**

DHO & Others.....Respondents

**REPLICATION ON BEHALF OF THE APPELLANT.**

**REPLY TO PRELIMINARY OBJECTIONS.**

All the preliminary objections raised by the respondents are incorrect and as such denied. The appellant has got a valid cause of action and locus standi and is not estopped by his conduct to file the instant appeal The instant appeal is as per law and rules, is maintainable in its present form and the appellant has come to this honorable Tribunal with clean hands.

**RELY TO FACTS/GROUNDS.**

Comments of the respondents are full of contradictions and are based on malafide. Respondents have failed to show that the appellant did anything that would amount to misconduct. The comments amount to admissions on part of the respondents, as they have failed to deny the plea of the appellant. Respondents have failed to prove that proper inquiry was ever conducted in the matter, as the appellant was not provided opportunity of cross examination. Respondents have not denied the plea of the appellant that no charge sheet and show cause notice were communicated to the appellant and the order is as such void and liable to be set aside on this score alone. (Copies of documents enclosed)

That in the circumstances the appellant has been punished without any omission or commission on his part and he has not committed any misconduct. Even respondents have admitted that two inquiries have been conducted in the matter in violation of law and rules on the subject. Respondents have admitted that the amount is presumptive as there is no source from which the same has been calculated. Respondents have also admitted that the appellant was also not provided opportunity of personal hearing. There are also material contradictions in both the inquiries about the number of chits/patients, besides respondents have failed to show that the mentioned chit number was issued on the mentioned


day, as such the entire action is based on surmises and conjectures and not tenable in the eyes of law. The appellant has been punished without any omission or commission on his part. The respondents have failed to substantiate their version and bring anything on record in support of their version; as such the impugned orders are not maintainable in the eyes of law.

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

Dated:-07-03-2016.

  
Appellant

Through

  
Fazal Shah Mohmand  
Advocate Peshawar

### AFFIDAVIT

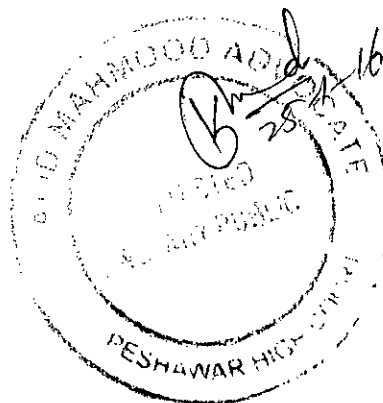
I, Jalal Hussain, Junior Clinical Technician Pharmacy, District Head Quarter Hospital Bunir, (The Appellant), do hereby solemnly affirm and declare on oath that the contents of this Replication are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Tribunal.

Identified by

  
Fazal Shah Mohmand

Advocate Peshawar.

  
DEPONENT



Office of the medical superintendent DHQ hospital dagger buner.

Office order

Duty rota private rooms.

- 1) Jalal hussain i/c 8:00 am - 2:00 pm daily
- 2) Sher Muhammad
- 3) Fazal wahid
- 4) Shakirullah
- 5) ~~XXXXXXXXXX~~ ~~XXXXXXXXXX~~ Umar Farooq

Ward boy

- 1) Habibullah

Sweeper

- 1) Habib khan

Medical superintendent

Dhq dagger buner

*Handwritten signature*  
14-10-15

*Handwritten signature*  
14/10/15

**ATTESTED**  
*Handwritten signature*  
to be true copy  
Advocate

ڈیپٹی کمشنر اچانک ڈگر ہسپتال پہنچ گئے، اضافی فیس لینے پر ڈسپینسر معطل

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ہسپتال انتظامیہ کے خلاف 6300 تک کا اضافی اخراج کی درخواست

ڈگر (نمائندہ شرقی) ڈسٹرکٹ ہیڈ کوارٹرز ہسپتال ڈگر سے متعلق عوامی شکایات پر ڈیپٹی کمشنر یونیورسٹی خان نے دوران خان نے ہسپتال کا اچانک معائنہ کیا اس دوران او پی ڈی میں موجود مریشیوں اور ان کے لواحقین نے شکایت کی کہ او پی ڈی انچارج ڈسپینسر جلال خان او پی ڈی جیت کے عوض سرکاری فیس تین روپے کی بجائے 10 روپے وصول کر رہے ہیں جس پر ڈی سی نے ڈسپینسر کی فوری معطلی کا حکم دیا اور اس کے خلاف انکو ایئر کی مقررہ رقم کے ایک ہفتے کے اندر اندر رپورٹ بھجوانے اور اس سے کاپی ریکوری کی ہدایت کی۔ جبکہ ہسپتال انتظامیہ نے متعلقہ فیس کے خلاف 600 سے 900 تک روزانہ او پی ڈی کے حساب سے 4200 سے 6300 تک کمانے کا الزام لگاتے ہوئے اپنا ایک سال قبل بھی انہیں اسی وجہ سے اپنی پوسٹ سے جتایا گیا تھا۔ ڈیپٹی کمشنر نے مختلف واردوں کا دورہ کر کے مریشیوں کی خیریت اور مشکلات دریافت کی جبکہ واردوں میں عدم صفائی پر تشویش کا اظہار کرتے ہوئے ان کے سر ادائیگی کے لیے ڈاکٹر فضل تنظیم کو ڈاکٹروں کی بروقت چھٹیوں کی بروقت واردوں کی صفائی دینی بنانے کی ہدایت کی۔

2 people like this

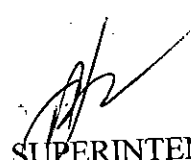
Tweet

ATTESTED  
to be true copy  
Advocate

**OFFICE OF THE MEDICAL SUPERINTENDENT, DHQ; HOSPITAL  
DAGGAR.**

**Authority letter.**

Dr. Mohammad Tahir SMO BPS-18 DHQ: Hospital Daggur Buner is hereby authorized to depend the case 631/15, Jalal Hussain V/S DHO and other in service tribunal as representative of M.S. DHQ: Hospital Daggur Buner .

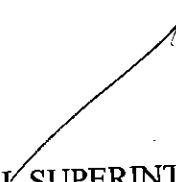
  
MEDICAL SUPERINTENDENT,  
DHQ; HOSPITAL DAGGAR,  
BUNER.

**Medical Superintendent  
DHQ Hospital Daggur**

NO 3017 / 1

DATED 3/9/2015

Copy to District Health Officer Buner for information please.

  
MEDICAL SUPERINTENDENT,  
DHQ; HOSPITAL DAGGAR,  
BUNER.

**Before Service tribunal Peshawar.**

**Appeal No. 631/2015.**

Mr. Jalal Hussain JCT; Pharmacy DHQ Hospital Daggar..... Appellant.

1. District Health Officer Buner.
2. Director General Health Services KPK Peshawar.
3. Secretary to Govt: of KPK Health Deptt: Peshawar.
4. Medical Superintendent DHQ (H) Daggar Buner

Respondents.

**Para Wise comments on behalf of respondents.**

**Respectfully Sheweth.**

**Preliminary Objections: -**

1. That the appellant has no cause of action.
2. That the appeal is not mentionable in its present form.
3. That the appellant has no locus standi and also stopped by his own conduct to file the appeal come to the court with clean hands.

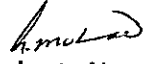
**On Facts.**

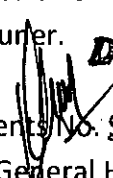
1. Correct:
2. Correct: he was removed from CRP (central registration point) immediately & was suspended by the competent authority.
3. In correct: the inquiry was legal & was conducted by the Two most senior Doctors of District Head Quarter Hospital Daggar Buner & one most senior Doctor of DHO Office Buner.
4. In Correct: an inquiry committee has been constituted by the Director General Health Services Khyber Pakhtunkhwa Peshawar as per request/appeal of the appellant on 02-3-2015, the inquiry committee has submitted his report with the following recommendations.
  - a. Relaxation in total amount may be allowed by appellant authority after hearing Mr. Jalal Hussain in person.
  - b. Keeping him away from financial dealing to avoid such incidents in future. After submission of the enquiry report by the enquiry committee, the District Health Officer Buner has been directed for taking action as per recommendation of the enquiry committee, vide letter No. 5102-3/AE/VI dated 14/05/2016.
5. In Correct: the orders were issued after two inquiries, if he had some reservation about the enquiry team why he not record his reservation before the inquiry team.


**GROUND:**

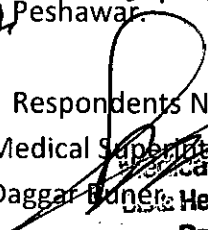
- A. **Incorrect:** The orders are legal & issued after the recommendation of the two inquiries.
- B. **Incorrect:** No law has been violated & the action has been taken against the appellant after fulfilling all codal formalities.
- C. **Incorrect:** The appellant has recorded his statement before both inquiries team & at time he has not raised any question regarding cross examination.
- D. **Incorrect:** As in Para C.
- E. **Incorrect:** the appellant has recorded his statement at the time of both inquiries & he has fully provided to defend himself.
- F. **Incorrect:** The DC Buner has visited the registration point by himself & brought in to the notice of the competent authority to take action against the appellant being involved in the illegal activities.
- G. **Incorrect:** The mentioned chit has been inter in the OPD register on that day.
- H. **Incorrect:** the amount was calculated from monthly OPD X total extra charges.
- I. **Incorrect:** if the appellant has any evidence about the OPD chits/ patients he should provide before the honorable Court.
- J. **Incorrect:** the DC Buner has visited the OPD by himself & instructs the competent authority to take action.
- K. **Incorrect:** the orders are legal as issued by the competent authorities after the recommendation of the two inquiries.
- L. **Incorrect:** as per reports of both the inquiry committees the appellant was found ~~and~~ taking more amount from the prescribed one and thus was guilty for the misconduct and corruption.
- M. **Incorrect:** The orders are not deective as stated by the appellant & are legal & have issued under the rules.
- N. **Incorrect:** The appellant has not requested for personal hearing at the time of both inquiries. However the director General Health Services KPK Directed the District Health Officer Buner for personal hearing of Mr. jalal Hussain after the recommendation of the second inquiry.
- O. **Incorrect:** The deduction of the amount from his salary started after the recommendation of the two inquiries.
- P. **No Comments:**

**PRAYER:** Keeping in view the above facts & grounds it is therefore prayed that the appeal be dismissed with cost.

  
 Respondents No. 1.  
 District health Officer  
 District Buner. **D.H.O**  
**Distt: Buner**

  
 Respondents No. 2.  
 Director General Health Services  
 KPK Peshawar. **22/10/15**

  
 Respondents No. 3.  
 Secretary to Govt: of KPK  
 Health Department  
 Peshawar.

  
 Respondents No. 4.  
 Medical Superintendent, DHO (H)  
 Daggar Buner. **Head Quarter Hospital**  
**Daggar Buner**



4 A

(10)

OFFICE OF THE  
DISTRICT MAGISTRATE/  
DEPUTY COMMISSIONER,  
BUNER.

No. 12933-28 /DC(B)/AG-III(H)  
Dated 24-10-2014.

To: The District Health Officer  
Buner.

Sub: SUPRRISE VISIT.

Memo:

Today on 24-10-2014, the undersigned made a surprise visit of District Headquarter Hospital, Daggar Buner. All the wards in the hospital were checked. In general OPD, one Mr. Jalal Hussain Dispenser of the Hospital was charging ten rupees instead of Rs. 3. The undersigned asked the witnesses regarding over charging. They told that the said Dispenser was demanding rupees ten and we have given the said amount to him. The receipt of Marwa bearing No. 1104 resident of Daggar, Buner, was presented to the undersigned and they have paid Rs. 10. This Office recommends that the said Dispenser be immediately suspended and an impartial enquiry be initiated against the said Official and report be sent to this Office.

DEPUTY COMMISSIONER  
BUNER

Endst: No. date even.

Copy forwarded for information to

1. The Commissioner Malakand Division Swat
2. The PSO to Chief Secretary Govt: of Khyber Pakhtunkhwa, Peshawar.
3. The Chief Ministers, redressal and Grievances Cell Civil Secretariat, Peshawar.
4. The Director General Health Services Govt: of Khyber Pakhtunkhwa.
5. The Medical Superintendent DHQ Hospital Daggar, Buner.

Attested

1/2/14

DEPUTY COMMISSIONER  
BUNER

1884 / 1

Dated 13/11/2014

13

From The Medical Superintendent,  
DHQ: Hospital Daggar Buner.

To The District Health Officer,  
Buner.

Subject:- Enquiry against Mr. Jalal Hussain JCT Pharmacy DHQ:  
Hospital Daggar Buner.

Sir,

A detail inquiry submitted to the undersigned against Mr. Jalal Hussain JCT Pharmacy who was on duty in OPD (ticket) / registration room, is hereby forwarded for necessary action please.

Moreover he has been removed from OPD/ register duty and posted in ward for further duties.

Report submitted for information and necessary action please.

MEDICAL SUPERINTENDENT,  
DHQ; HOSPITAL DAGGAR,  
BUNER.

No \_\_\_\_\_ /

CC

1. The Director General Health Services Khyber Pakhtunkhwa Peshawar for information-please.
2. The Deputy Commissioner Buner for information and necessary action please
3. The Team leader Merlin District Buner for information please.

MEDICAL SUPERINTENDENT,  
DHQ; HOSPITAL DAGGAR,  
BUNER.

Attested

*[Handwritten signature]*

ان بان  
6-11-2014

Be no. 1  
"Leave" to  
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factory

14

- 1- The DHO Buner,
- 2- Medical superintendent DHQ Hospital Dagggar Buner.

Subject: Enquiry against Mr Jalal husain JCT Pharmacy DHQ Hospital Dagggar Buner.

Ref: yours letters MS # 1906-9 Dated 29-10-2014 and DHO # 4797/803 Dated 27-10-2014.

R/Sir

The said above enquiry conducted jointly on 06-11-2014 as under.

Statement recorded from

- 1- Mr Jalal Husain JCT Pharmacy.
- 2- Rizwanullah JCT Pharmacy.
- 3- Imran ward orderly.

**Conclusion**

In the light of the statements (verbal/written) and other observations Mr Jalal Husain was found Guilty on the following grounds,

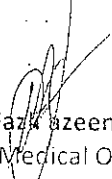
- 1. Day to day public complaints.
- 2. Deputy Commissioner findings during his surprise visit to DHQ Hospital Dagggar Buner.
- 3. ISI Complaints.
- 4. Twice removal of the said above official from the OPD registration point on the same reason.
- 5. As per statements of two co workers (Rizwan and Imran).


**Recommendation ;**

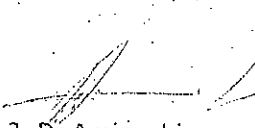
- 1. Recovery of the amount ninety thousand (90000) from Mr Jalal Husain.
- 2. Stopping of annual increments at least for two years.
- 3. Warning for future care.
- 4. Keeping him away from the financial dealings, to avoid such incidences.
- 5. Any other disciplinary action which the competent authority agreed upon.

Enquiry Report is submitted for onward necessary action please.

Enquiry officers.

  
 1- Dr Fazal azeem  
 Chief Medical Officer  
 DHQ Hospital Dagggar.

  
 2- Dr Abdul wahid  
 CDC Coordinator  
 DHO Office Buner.

  
 3- Dr Amir zahir  
 Medical Officer  
 DHQ Hospital Dagggar.

Attachments ; Original statements of jalal Husain, Rizwanullah and Imran.

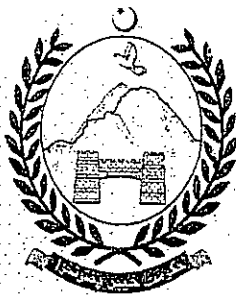
13-11-14

A Hested

2 Rajat Date - 1/11/14

Agreed with  
 increments  
 no. 1 & no 4  
 Recovery of Rs 90000/-  
 keeping him away  
 from financial  
 dealing

6-11-2014



21

**DIRECTORATE GENERAL HEALTH SERVICES  
KHYBER PAKHTUN KHWA PESHAWAR.**

E-Mail Address: [nwfpdghs@yahoo.com](mailto:nwfpdghs@yahoo.com) Office Ph# 091-9210269 Exchange# 091-9210187, 9210196 Fax # 091-9210230

NO. 5102-03 /AE-VI,


Dated. 14/5 /2015

To

The Medical Superintendent,  
DHQ Hospital Daggar Buner.

Subject: - ENQUIRY REPORT.  
Memo,

I am directed to forward a copy of the enquiry report conducted by Dr. Mohammad Farman PMO and Dr. Mohammad Irshad PMO District Peshawar against Mr. Jalal Hussain JCT (Pharmacy) for information and necessary action with the request to honor the recommendation of the enquiry committee.

  
ASSISTANT DIRECTOR (P-III)  
DGHS, KHYBER PAKHTUNKHWA  
PESHAWAR

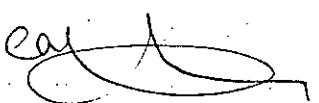
Cc.


DHO Buner for information and similar necessary action.  
(Copy of enquiry report attached)

Remind Inquiry Report.

ASIF ALI SHAH

Attested

  
Asif Ali Shah

  
16/5/2015

# ANNEXURE-(A)

CONFIDENTIAL

75 (22)

To: The Director General  
Health Services Khyber Pakhtunkhwa  
Peshawar

Subject; ENQUIRY REPORT AGAINST MR. JALAL HUSSAIN JCT  
PHARMACY DHQ, HOSPITAL DAGGAR BUNER

Reference is made DGHS Office Order #1383-88/E-V

Dated: - 02-03-2015.

## 1. BACKGROUND

The undersigned have been appointed as enquiry officer. vide letter under reference to investigate the case of Mr. Jalal Hussain JCT Pharmacy to determine the factual position of the charges leveled against Mr. Jalal Hussain JCT Pharmacy DHQ Hospital Daggar Buner.

- i. The accused Mr. Jalal Hussain JCT Pharmacy was attached with the DHQ Hospital Daggar Buner and assigned duty in OPD (Ticket) registration room in addition of his actual duty as a JCT pharmacy. He was allegedly fallen in the malpractice by collecting extra charges @ RS 10 /- against the mandatory fix rate @ RS 3 /-.
- ii. Voices of the poor patients and frequent visitors on the over OPD charges compelled and alerted the local authorities and even the hospital management to intervene and stop this practice

## 2. ACTION / PROCEEDING

- i. The Doctors of the comprising committee physically visited the office of the MS DHQ Hospital Daggar District Buner on dated: 19-03-2015 to hear the concerned person and take their statements and collect solid material against the alleged individual.
- ii. The enquiry team held meeting with Dr. Fazli Azeem in MS office and took statement of all the concern staff. Dr. Fazli Azeem stated that he has the same statement as already given in previous enquiry.
- iii. The enquiry team called the junior staff & Naib Qasad being working with of Mr. Jalal JCT pharmacy and thoroughly cross examined regarding the subject case to substantiate the truth.
- iv. The enquiry team was called.

Attested

*[Signature]*

Ad-

ENQUIRY  
Muha  
Principal  
I/C CE

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SURPRISE VISIT OF THE DC DAGGAR

DC Daggur Mr. Khaista Rehman made a surprise visit on 24-10-2014 to District Hospital Daggur Buner on the solid and credential report of some reliable agencies to check personally the situation.

DC told the enquiry team that during his surprise visit he personally caught the OPD chits of five patients with over charge of Rs/10 instead of hospital charges Rs/3 but he did not showed the chit to the enquiry team. All the allegation of the DC Daggur based on verbal statement and declined to provide the written proof due to some departmental barrier and compulsion. He repeatedly told the members of committee that being a district controlling officer he caught Mr Jalal Hussain red handed and insisted that punishment is an effective means of modifying the behavior

iii. Being Administrative Officer Bunner, any kind of action taken by him, against the alleged person cannot be challenged.

4. STATEMENTS OF THE DOCTORS

i. Statements of the Doctors who conducted the previous enquiry of Mr. Jalal Hussain JCT pharmacy is the same as glanced in the facts and findings report and submitted on dated 12-11-2014 against reference letter MS # 1906-9 Dated: 29-10-2014 & DHO # 4797/803 Dated: 27-10-2014. (Attached as Annexure - "A")

ii. The newly constituted enquiry team found no contrary statement and deviation in the statement of the Doctors team previously conducted the enquiry. It is noteworthy to mention here that the pervious enquiry committee was comprising of the following members :-

- |  |   |  |
|--|---|--|
| 1. Dr. Fazli Azeem<br>Chief Medical officer<br>DHQ Hospital Daggur | 2. Dr. Abdul Wahid<br>CDC Coordinator<br>DHQ Office Buner | 3. Dr. Amir Zahir<br>Medical Officer<br>DHQ Hospital |
|--|---|--|

iii. Having comprehensive discussion with the Doctors concerned regarding the case of Mr. Jalal hussain JCT pharmacy to acquire the factual data for the legitimization of the proceeding of the case for easily cognition that one thing is crystal cleared that the superior management of the hospital has no sympathetic & Positive opinion regarding the culprit.

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Page 2 of 4

# ANNEXURE-(A)

## REDIABILITY OF THE PREVIOUS ENQUIRY

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The members of the previous enquiry committee were highly competent, reliable and reliable to be considering final with a reservation given below:

- i. **THERE IS NO DOCUMENTARY PROOF AVAILABLE REGARDING THE CASE OF JALAL HUSSAIN.**

## 6. STATEMENT OF THE MR JALAL HUSSAIN JCT PHARMACY

- i. Statement of Mr. Jalal Hussain JCT pharmacy has been taken as a reference and attached as Annexure - "B".
- ii. During proceeding and cross examining it was obviously observed that the statement of alleged person was meeting with considerable skepticism.
- iii. The accused was suspended on 27-10-2014 and removed from OPD registration duty & reinstated on 17-02-2015.
- iv. It is worthwhile to mention here that the penalty fixed on Mr. Jalal JCT pharmacy by Doctor Ateeq Ex-DHO DAGGAR Buner.

## 7. STATEMENT OF IMRAN NAIB QASID & RIZWAN ULLAH DISPENSAR DHQ HOSPITAL DAGGAR BUNER

- i. Statement of Imran Niab Qasid & Rizwan Ullah Dispenser have also been taken being mandatory parts for the proceeding of the report for references and attached as Annexure-"C".
- ii. Written statement of the above mentioned personals duly signed were working with Mr. Jalal Hussain JCT pharmacy indicates that he was not on track and was indulged in malpractice to some extent. The statement given by imran is a bit different from the statement given to the pervious committee members.

Attested  
[Signature]

## 8. CONCLUSIONS

- i. In the light of the above proceeding and cross examining the concerned personals the undersigned enquiry committee members reached to the conclusion, that the appeal of Mr. Jalal Hussain JCT pharmacy received in the office of DGHS K.P.K Peshawar for review vide dairy # 3193 Dated: 29-01-2015 is having some weightage to be consider due to the controversial statement of Mr. Imran & absences of Mr. Riazwan ullah on dated 24/10/2014 (during DC visit) who used to perform duty with Mr. Jalal Hussain.

[Signatures]

Page 3 of 4

(25) 6/

## RECOMMENDATIONS

The following points appended are recommended and forwarded in your good office for further necessary action please.

- i. Relaxation in total amount may be allowed by appellant authority after hearing Mr. Jalal Hussain in person.
- ii. The amount per installment may be reduced.
- iii. Keeping him away from financial dealing to avoid such incidents in future.

### 10: Enclosures:

- I: statement and report of members of previous enquiry Committee ANX -A (reports of doctors who were members Of pervious committee members)
- II: Statements of Mr. Jalal Hussain ANX-B
- III: Statement of Mr. Imran & Jalal Hussain (ANX -C)
- IV: Office Order of DHO Bunner & MS DHQ hospital Daggar ANX-B

1. Dr. Muhammad Irshad PMO  
CBD NO.3 Peshawar

2. Dr. Farman PMO  
CBD NO.2 Peshawar

Page 4 of 4

Attended

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**BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR.**

Service Appeal No 631/2015

Jalal Hussain.....Appellant.

**VERSUS**

DHO & Others.....Respondents

**REPLICATION ON BEHALF OF THE APPELLANT.**

**REPLY TO PRELIMINARY OBJECTIONS.**

All the preliminary objections raised by the respondents are incorrect and as such denied. The appellant has got a valid cause of action and locus standi and is not estopped by his conduct to file the instant appeal. The instant appeal is as per law and rules, is maintainable in its present form and the appellant has come to this honorable Tribunal with clean hands.

**REPLY TO FACTS/GROUNDS.**

Comments of the respondents are full of contradictions and are based on malafide. Respondents have failed to show that the appellant did anything that would amount to misconduct. The comments amount to admissions on part of the respondents, as they have failed to deny the plea of the appellant. Respondents have failed to prove that proper inquiry was ever conducted in the matter, as the appellant was not provided opportunity of cross examination. Respondents have not denied the plea of the appellant that no charge sheet and show cause notice were communicated to the appellant and the order is as such void and liable to be set aside on this score alone. *(Copies of documents enclosed)*

That in the circumstances the appellant has been punished without any omission or commission on his part and he has not committed any misconduct. Even respondents have admitted that two inquiries have been conducted in the matter in violation of law and rules on the subject. Respondents have admitted that the amount is presumptive as there is no source from which the same has been calculated. Respondents have also admitted that the appellant was also not provided opportunity of personal hearing. There are also material contradictions in both the inquiries about the number of chits/patients, besides respondents have failed to show that the mentioned chit number was issued on the mentioned


day, as such the entire action is based on surmises and conjectures and not tenable in the eyes of law. The appellant has been punished without any omission or commission on his part. The respondents have failed to substantiate their version and bring anything on record in support of their version; as such the impugned orders are not maintainable in the eyes of law.

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

Dated:-07-03-2016.


  
Appellant

Through

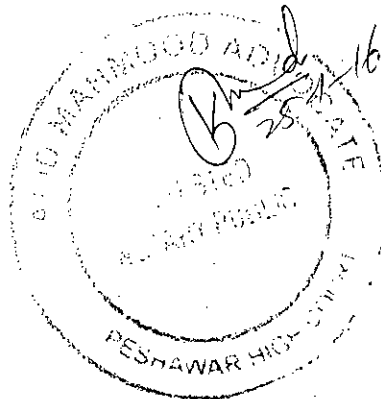
  
Fazal Shah Mohmand  
Advocate Peshawar

### AFFIDAVIT

I, Jalal Hussain, Junior Clinical Technician Pharmacy, District Head Quarter Hospital Bunir, (The Appellant), do hereby solemnly affirm and declare on oath that the contents of this Replication are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Tribunal.

Identified by   
Fazal Shah Mohmand  
Advocate Peshawar.

  
DEPONENT



Office of the medical superintendent DHQ hospital dagger buner.

Office order

Duty rota private rooms.

1) Jalal hussain i/c 8:00 am - 2:00 pm daily

2) Sher Muhammad

3) Fazal wahid

4) Shakirullah

5) ~~XXXXXXXXXX~~

Umar Farooq

Ward boy

1) Habibullah

Sweeper

1) Habib khan

Medical superintendent

Dhq dagger buner

Ah

14-10-2015

14/10/15

پست

# ڈی پی کمشنر اچانک ڈگر ہسپتال پہنچ گئے، اضافی فیس لینے پر ڈی پی کمشنر

ہسپتال انتظامیہ کے خلاف روپے 6300 تک کمانے کا الزام ڈی پی کمشنر پر لگاتار پندرہ رپورٹیں لگا کر ڈی پی کمشنر

ڈگر (نمائندہ مشرق) ڈسٹرکٹ ہیڈ کوارٹر ہسپتال ڈگر سے متعلق عوامی شکایات پر ڈی پی کمشنر بونیر خان نے رپورٹیں لگا کر ڈی پی کمشنر نے ہسپتال کا اچانک معائنہ کیا اس دوران او پی ڈی میں موجود مریضوں اور ان کے لواحقین نے شکایت کی کہ ڈی پی انچارج ڈی پی کمشنر جلال خان او پی ڈی جیت کے عوض سرکاری فیس تین روپے کی بجائے 10 روپے وصول کر رہے ہیں جس پر ڈی پی نے ڈی پی کی فوری معطلی کا حکم دیا اور اس کے خلاف انکو ایئرڈ مقرر کر کے ایک جھپٹے سے اندر رپورٹ بھجوانے اور اس سے کاپی ریکوری کی ہدایت کی۔ جبکہ ہسپتال انتظامیہ نے متعلقہ شخص کے خلاف 600 روپے تک روزانہ او پی ڈی کے حساب سے 4200 سے 6300 تک کمانے کا الزام لگاتے ہوئے لیا کہ اس سال قبل بھی انہیں اسی وجہ سے اپنی پوسٹ سے ہٹایا گیا تھا۔ ڈی پی کمشنر نے مختلف وارڈوں کا دورہ کر کے مریضوں کی خیریت اور مشکلات دریافت کی جبکہ وارڈوں میں عدم صفائی پر تشویش کا اظہار کرتے ہوئے ان کے ہمراہی مقام ایم ایس ڈاکٹر فضل عظیم کو ڈاکٹروں کی بروقت چھٹی سمیت وارڈوں کی صفائی یقینی بنانے کی ہدایت کی۔

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**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

No. 1194 /ST

Dated 27 / 7 / 2016

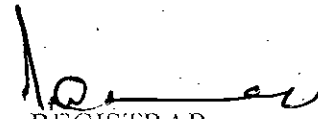
To

The DHO,  
Bunir.

Subject: - **JUDGMENT**

I am directed to forward herewith a certified copy of Judgement dated 12.7.2016 passed by this Tribunal on the above subject for strict compliance.

Encl: As above



REGISTRAR  
KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL  
PESHAWAR.