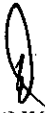



01st Dec. 2022

Counsel for the appellant present. Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General for the respondents present.

SCANNED
KPST
Peshawar

Learned counsel for the appellant sought adjournment in order to further prepare the brief. Granted. To come up for arguments 06.01.2023 before the D.B.


(Farceha Paul)
Member (E)

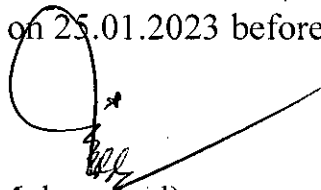

(Rozina Rehman)
Member(J)


06.01.2023

Appellant alongwith his counsel present. Mr. Naseer-ud-Din Shah, Assistant Advocate General for the respondents present.

Learned counsel for the appellant requested that as he has not made preparation on certain points, therefore, an adjournment may be granted. Adjourned. Last opportunity given. To come up for arguments on 25.01.2023 before the D.B.

SCANNED
KPST
Peshawar


(Mian Muhammad)
Member (E)


(Salah-Ud-Din)
Member (J)

25-1-23


Proper DB is not available the case is adjourned to 4-5-23



Render

1st Nov, 2022

Counsel for the appellant present. Mr. Muhammad Riaz Khan Paindakhel, Asst: AG for respondents present.

Learned counsel for the appellant seeks adjournment on the ground that he has not prepared the case. Last chance is given to argue the case failing which the case will be decided on the available record without the arguments. To come up for arguments on 10.11.2022 before D.B.


(Fareeha Paul)
Member(Executive)



(Kalim Arshad Khan)
Chairman


10.11.2022

Appellant alongwith counsel present.

Naseer Ud Din Shah learned Assistant Advocate General for the respondents present.

At the very outset learned counsel for appellant submitted an application seeking adjournment on the grounds that necessary documents in shape of acquittal, restoration of service, without payment of arrears and subsequent inquiries are important documents to be placed on file before final adjudication, therefore, the case may kindly be adjourned. As already last chance had been given to the counsel on last date, therefore, he ^{is} strictly directed to make sure the availability of all documents before date fixed and to argue the case positively on the next date failing which case will be decided on the strength of available record. To come up for production of documents and arguments on 01.12.2022 before D.B.


(Fareeha Paul)
Member (E)


(Rozina, Rehman)
Member (J)

SCANNED
KPST
Peshawar

25th July 2022

Mr. Shahid Raza, Advocate present on behalf of the appellant and submitted that although there were last opportunities granted to the appellant more than once, he assured that he would argue the appeal on the next date. Final and last opportunity is thus granted in the interest of justice and the case is adjourned to 19.09.2022. In case of failure of the appellant to procure his counsel for arguments of the appeal, the case will be decided on the basis of available record without the arguments.



(Salah-Ud-Din)
Member (J)

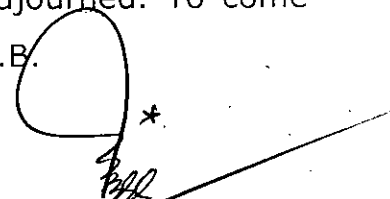


(Kalim Arshad Khan)
Chairman

19.09.2022

Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

Learned Member (Judicial) Mr. Salah-ud-Din is on leave, therefore, arguments could not be heard. Adjourned. To come up for arguments on 01.11.2022 before the D.B.



(Mian Muhammad)
Member (Executive)

10.05.2022

Junior to counsel for the appellant present. Mr. Naseer-ud-Din Shah, Assistant Advocate General for the respondents present.

Junior to counsel for the appellant requested for adjournment as senior counsel for the appellant is not available today. Last opportunity is granted. To come up for arguments before the D.B on 01.06.2022.



(Fareeha Paul)
Member (E)

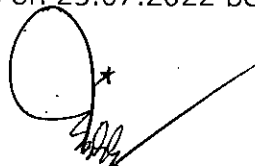


Chairman

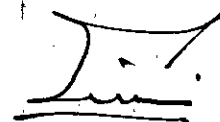
01.06.2022

Miss Sehrish Taj, Advocate junior of learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General alongwith Mr. Safiullah Focal Person for respondents present.

Junior of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant could not make preparation for arguments as brief of the appeal in hand was misplaced. Adjourned. Last opportunity granted. The appeal is pending adjudication since year 2013, therefore, learned counsel for the appellant shall make sure to address his arguments on the next date. Adjourned. To come up for arguments on 25.07.2022 before D.B.



(Mian Muhammad)
Member (E)

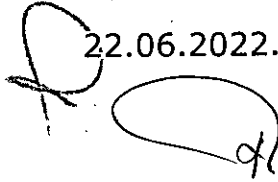


(Salah-ud-Din)
Member (J)

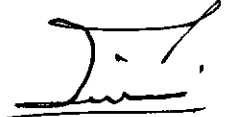
24.03.2022

Learned counsel for the appellant present. Arguments on restoration application heard and record perused.

Vide our order of today passed in restoration application bearing No. 123/2021 titled "Dr. Ali Raza Versus Health Department", the appeal in hand stands restored on its original number. To come up for arguments before the D.B on 22.06.2022.



(Rozina Rehman)
Member (J)



(Salah-ud-Din)
Member (J)

15.04.2022

As per directions of the worthy Chairman the instant case be refixed on 10.05.2022 instead of 22.06.2022. Notices of prosecution of appeal be issued to the parties for the date fixed.

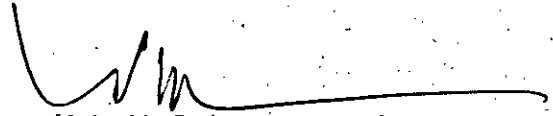


Reade

25.03.2021

Junior to counsel for the appellant present. Mr. Riaz Khan Paidakhel learned Asst. AG for respondents present.

The Worthy Chairman is on leave, therefore, the case is adjourned to 24.06.2021 for arguments before D.B.



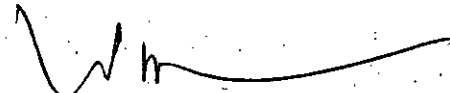
(Atiq-Ur-Rehman Wazir)
Member (E)

ORDER
24.06.2021


None present for the appellant. Mr. Jaffar Ali, Assistant alongwith Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.

The appeal in hand was called on for hearing after various interval, however neither the appellant nor anyone else appeared on his behalf till closing time of the ^{Tribunal} court, therefore, the appeal in hand stands dismissed in default. Parties to bear their own costs. File be consigned to the record room.

ANNOUNCED
24.06.2021



(ATIQ-UR-REHMAN WAZIR)
MEMBER (EXECUTIVE)



(SALAH-UD-DIN)
MEMBER (JUDICIAL)

26.08.2020

Due to summer vacation case to come up for the same on 02.11.2020 before D.B.


Reader

02.11.2020

Appellant in person and Addl. AG for the respondents present.

The Bar is observing general strike, therefore, the matter is adjourned to 11.01.2021 for hearing before the D.B.



(Mian Muhammad)
Member


Chairman

11.01.2021

Counsel for the appellant and Mr. Muhammad Rashid, DDA for the respondents present.

Former requests for adjournment in order to further prepare the brief. Adjourned to 25.03.2021 for hearing before the D.B.



(Atiq-ur-Rehman Wazir)
Member(E)


Chairman

26.02.2020


Appellant absent. Learned counsel for the appellant absent. Mr. Kabir Ullah Khattak learned Additional Advocate General present. Adjourn. To come up for arguments on 27.03.2020 before D.B. Appellant be put to notice for the date fixed.


Member


Member

27.03.2020


Due to public holidays on account of Covid-19, the case is adjourned. To come up for the same on 16.06.2020 before D.B.


Reader

16.06.2020

None present on behalf of appellant. Mr. Riaz Khan Paindakheil learned Assistant Advocate General for official respondents present. Respondents are directed to direct the representative to attend the court. Adjourned. To come up for arguments on 26.08.2020 before D.B. Appellant and his counsel be put to notice for the date fixed.


(Rozina Rehman)
Member


(M.Amin Khan Kundi)
Member

16.10.2019

Appellant absent. Learned counsel for the appellant absent. Mr. Riaz Khan Paindakhel learned Assistant Advocate General for the respondents present. Being an old case of the year 2013 last opportunity is granted. Adjourn. To come up for further proceedings on 13.12.2019 before D.B. Appellant be put to notice for the date fixed.


Member


Member

13.12.2019

Lawyers are on strike as per the decision of All Pakistan Joint Lawyers Action Committee. Adjourn. To come up for further proceedings/arguments on 29.01.2020 before D.B.


Member


Member

29.01.2020

Junior to counsel for the appellant and Mr. Ziaullah, DDA alongwith Saleem Javed, Litigation Officer for the respondents present.

Former requests for adjournment due to general strike of the Bar. Adjourned to 26.02.2020 for arguments before the D.B.


Member


Member

08.08.2019

Clerk to counsel for the appellant present. Mr. Muhammad Jan, DDA for respondents present. Clerk to counsel for the appellant seeks adjournment due to general strike on the call of Pakistan Bar council. Adjourn. To come up for arguments on 13.09.2019 before D.B.


Member


Member

13.09.2019

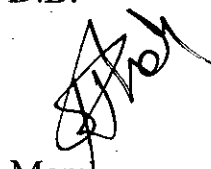
Junior to counsel for the appellant present. Mr. Kabir Ullah Khattak learned Additional Advocate General present. Junior to counsel for the appellant seeks adjournment. Being an old case of the year 2013, last opportunity is granted. Adjourn. To come up for arguments on 03.10.2019 before D.B.


Member


Member

03.10.2019

Junior to counsel for the appellant and Mr. Zia Ullah learned Deputy District Attorney present. Junior to counsel for the appellant seeks adjournment as senior counsel for the appellant is not in attendance. Adjourn. To come up for arguments on 14.10.2019 before D.B.


Member


Member

25.01.2019

Appellant absent. Clerk to counsel for the appellant present. Mr. Zia Ullah learned Deputy District Attorney present. Clerk to counsel for the appellant seeks adjournment as learned counsel for the appellant is not in attendance. Adjourn. To come up for arguments on 09.04.2019 before D.B.


Member


Member

09.04.2019

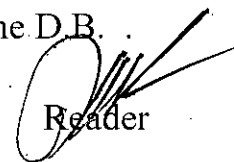
Learned counsel for the appellant and Mr. Riaz Paindakhel learned Assistant Advocate General for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 26.06.2019 before D.B


Member


Member


26.06.2019


Counsel for the appellant and Mr. Muhammad Riaz Khan Paindakhel, AAG for the respondents present. Due to incomplete Bench case is adjourned to 08.08.2019 for arguments before the D.B.


Reader

06.09.2018


Learned counsel for the appellant and Mr. Muhammad Jan learned Deputy District Attorney present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 29.10.2018 before D.B.


(Muhammad Amin Kundi)
Member


(Muhammad Hamid Mughal)
Member

29.10.2018

Due to retirement of Hon'ble Chairman, the Tribunal is defunct. Therefore, the case is adjourned. To come up on 12.12.2018.


Reader

12.12.2018

Clerk to counsel for the appellant and Mr. Muhammad Jan learned Deputy District Attorney present. Clerk to counsel for the appellant seeks adjournment as counsel for appellant is not in attendance. Adjourn by way of last chance. To come up for arguments on 25.01.2019 before D.B.



Member



Member

Service Appeal No. 850/2013

21.03.2018


Appellant absent. Learned counsel for the appellant and Mr. Muhammad Jan, Deputy District Attorney for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 18.05.2018 before D.B.


(Muhammad Amin Khan Kundi)
Member


(Muhammad Hamid Mughal)
Member

18.05.2018

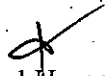
Clerk to counsel for the appellant and Mr. Muhammad Jan, Learned Deputy District Attorney alongwith Hazrat Shah superintendent for the respondents present. Clerk to counsel for the appellant seeks adjournment as learned counsel for the appellant is not available. Adjourn. To come up for arguments on 16.07.2018 before D.B.

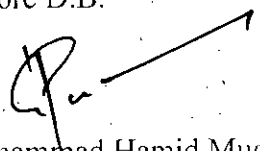

(Muhammad Amin Kundi)
Member


(Muhammad Hamid Mughal)
Member

16.07.2018


Clerk to counsel for the appellant present. Mr. Sardar Shoukat Hayat, Addl: AG for respondents present. Arguments could not be heard due to general strike of the Bar. Adjourned. To come up for arguments on 06.09.2018 before D.B.


(Ahamd Hassan)
Member



(Muhammad Hamid Mughal)
Member


20. 10.07.2017 Counsel for the appellant and Mr. Muhammad Jan, Deputy District Attorney for the respondents present. Counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 02.11.2017 before D.B.


(Ahmad Hassan)
Member


(Muhammad Hamid Mughal)
Member

02.11.2017 Mr. Jawad Ahmad, junior counsel for the appellant present. Mr. Muhammad Jan, Deputy District Attorney alongwith Mr. Noor Ali, Deputy Director for the respondents also present. Junior counsel for the appellant requested for adjournment on the ground that learned senior counsel for the appellant is not in attendance today. Adjourned. To come up for arguments on 30.11.2017 before D.B.


(Ahmad Hassan)
Member


(Muhammad Amin Khan Kundi)
Member

30.11.2017 Counsel for the appellant and Addl: AG alongwith Mr. Muhammad Akram, Supdt for respondents present. Counsel for the appellant seeks adjournment Adjourned. To come up for arguments on 26.01.2018 before D.B.


Member


Chairman

26.01.2018 Counsel for the appellant present. Mr. Muhammad Jan, DDA for the respondents present. Counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 21.03.2018 before D.B.


Member


Chairman

850/2013

01.02.2017


Counsel for appellant and Mr. Usman Ghani, Sr.GP for respondents present. Learned counsel for appellant requested for adjournment. Adjourned. To come up for argument son 28.02.2017 before D.B.


(AHMAD HASSAN)
MEMBER


(ASHFAQUE TAJ)
MEMBER

28.02.2017


Counsel for the appellant and Mr. Usman Ghani, Sr. GP for respondents present. Learned Sr.GP requested for adjournment. Request accepted. To come up for arguments on 30.03.2017 before D.B.



(AHMAD HASSAN)
MEMBER


(MUHAMMAD AMIR NAZIR)
MEMER

30.03.2017

Clerk of the counsel for appellant and Mr. Ziaullah, Government Pleader for respondents present. Clerk of the counsel for appellant requested for adjournment. Adjourned. To come up for arguments on 10.07.2017 before D.B.


(Ahmad Hassan)
Member


(Muhammad Amin Khan)
Member

04.04.2016

Clerk to counsel for the appellant and Addl: AG for respondents present. The learned Member (Executive) is on leave as well as non-availability of learned counsel for the appellant therefore, case is adjourned to 1-6-16 for arguments before D.B.


Member

01.06.2016

Junior to counsel for the appellant and Mr. Amjad Ali, Assistant alongwith Mr. Usman Ghani, Sr.Gp for respondents present. Junior to counsel for the appellant requested for adjournment. To come up for arguments on 18.10.2016.


Member


Member

18.10.2016

Clerk top counsel for the appellant and Mr. Usman Ghani, Sr.GP for respondents present. Clerk to counsel for the appellant requested for adjournment. Adjournment granted. To come up for arguments on 01.02.2017.


(ABDUL LATIF)
MEMBER


(PIR BAKHSI SHAH)
MEMBER

27.11.2014

Appellant in person and Mr. Muhammad Adeel Butt, AAG for the respondents present. The Tribunal is incomplete. To come up for arguments on 23.02.2015.


Reader

23.2.2015

Counsel for the appellant and Mr. Muhammad Jan, GP for the respondents present. The learned Judicial Member is on official tour to D.I.Khan, therefore, case is adjourned to 12.08.2015 for arguments.


MEMBER


12.08.2015

Counsel for the appellant and Mr. Ziaullah, GP for the respondents present. Arguments could not be heard due to Learned Member (Judicial) is on leave. To come up for arguments on 1-12-2015


Member

01.12.2015

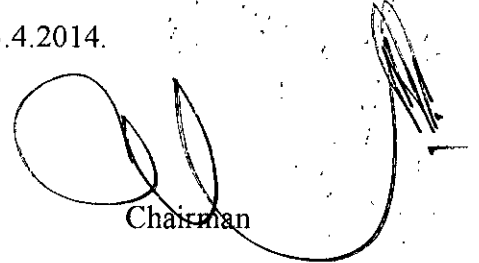
Appellant in person and Mr. Ziaullah, GP for respondents present. Counsel for the appellant was stated to have gone to august Supreme Court of Pakistan, Islamabad and request made on his behalf for adjournment. To come up for arguments on

4/4/16

Member


Member

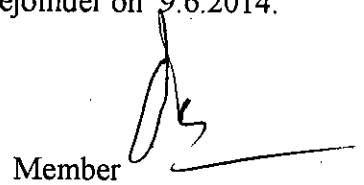
31.01.2014

Appellant in person and Mr. Sheharyar Khan, Assistant for respondents with Mr. Usman Ghani, Sr. GP present. Written reply has not been received, and representative of the respondents stated that written reply has been prepared but requires vetting and signatures of the concerned authorities, and that the process will be completed within a week. The respondents may file written reply in the meantime, with copies for the appellant/counsel for the appellant for rejoinder/written reply, if not filed in the meantime, on 23.4.2014.


Chairman

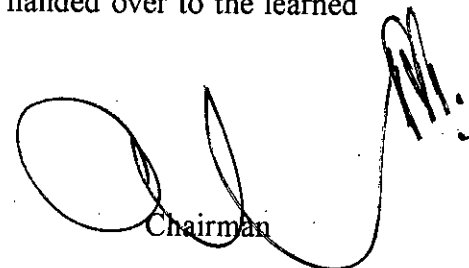
23.4.2014

Appellant in person and Mr. Sheharyar, Assistant for respondents with Mr. Ziaullah, G.P present. Written reply/para-wise comments received on behalf of the respondents, copy whereof is handed over to the appellant for rejoinder on 9.6.2014.


Member

9.6.2014

Appellant in person and Mr. Sheharyar, Assistant on behalf of respondents with AAG present. Rejoinder/replication received on behalf of the appellant, copy whereof is handed over to the learned AAG for arguments on 27.11.2014.


Chairman

Appeal No. 850/2013.
Dr. Ali Raza.

Appellant with counsel present and heard on preliminary.

05.08.2013

Contended that the appellant has not been treated in accordance with the law/rules. Appellant has not been issued any Show cause notice nor any proper Departmental enquiry conducted. He further contended that no opportunity of personal hearing was given to the appellant, thus the notification of termination is violative of the principles of natural justice. Points raised need consideration. The appeal is admitted to regular hearing subject to all legal objections. The appellant is directed to deposit the security amount and process fee within 10 days. Thereafter, notice be issued to the respondents. Case adjourned to 21.11.2013 for submission of written reply.

Member.

Appellant deposited security & process fee Rs 100/- Bank receipt is attached with file

Uhad

SCANNED BY KPST Peshawar

05.8.2013

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

Chairman

21-11-13.

Appellant in person and Shehryar, Assistant, for respondent present. The worthy chair-man is on tour. To come up for written reply/comment on 31-1-14.

has
Raza

3.

28-6-2013.

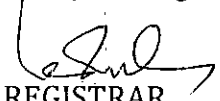

Munshi to counsel for the appellant present. In pursuance of the Khyber Pakhtunkhwa Service Tribunals (Amendment) Ordinance 2013, (Khyber Pakhtunkhwa ord. II of 2013), the case is adjourned on note Reader for proceedings as before on 05.08.2013.

Reader
Reader

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 850/2013

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	06/05/2013	<p>The appeal of Dr. Ali Raza presented today by Mr. Ijaz Anwar Advocate may be entered in the Institution Register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;"> REGISTRAR</p>
2	13-5-2013	<p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>28-6-2013.</u></p> <p style="text-align: right;"> CHAIRMAN</p>

7

Annex: A

GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT.

Dated 25th October, 2011

Notification:

No.SO(E)H-II/3-18/2011: The Competent Authority on the recommendations of Departmental Selection Committee is pleased to appoint the following doctors as Medical Officers (BS-17) on adhoc basis for a period of one year or till the arrival of regular selectees of Khyber Pakhtunkhwa Public Service Commission whichever is earlier with immediate effect and post them in the health facilities as mentioned against each:

S.No.	Name of Candidate with Father's Name	Date of Birth.	Domicile	Place of posting
1	Hamzullah Khan s/o Zardullah Khan	16/01/1984	Nowshera	ESH Pabbi Nowshera
2	Mehran Ali s/o Taj Wali Khan	20/05/1985	Nowshera	BHU Jalozai Nowshera
3	M. Gibran Khan s/o M.-Qasim	1/10/1982	Nowshera	ESH Pabbi Nowshera
4	Sabahat Naz D/O Sher Ahmad	28/2/1983	Nowshera	DHQH: Nowshera
5	Sahibzada Fawad Khan s/o Abdul Sattar	15/04/1982	Nowshera	RHC Pirpai Nowshera
6	Muhammad Qasim s/o M. Yousaf	3/3/1978	Nowshera	RHC Manki Sharif Nowshera
7	Yaser Wahab s/o Siraj Muhammad	5/3/1984	Nowshera	ESH Pabbi Nowshera
8	Mian Muhammad Naveed s/o Main Said Karim	15/4/1982	Nowshera	DHQH: Nowshera
9	Sara Ghani D/O Mushtaq Ahmad	12/6/1984	Nowshera	DHQH: Nowshera
10	Danish Khattak s/o Muzarrab Shah	9/3/1979	Nowshera	RHC Khairabad Nowshera
11	Khalid Habib s/o Habib Shah	19/7/1979	Nowshera	RHC Khweshki Nowshera
12	Tahira Naz D/O Saif-ul-Haq	5/4/1982	Nowshera	ESH Pabbi Nowshera
13	Muhammad Sohail s/o Muhammad Raqem	27/09/1984	Nowshera	RHC Khairabad Nowshera
14	Nayyar Jamal s/o Yousaf Jamal	20/03/1983	Nowshera	RHC Akbar Pura Nowshera
15	Muhammad Ilyas s/o Fazal Mabood (MD Ukrain)	10/4/1978	Nowshera	BHU Behram Kati Nowshera
16	Salman Hakim s/o Hakim Ullah Jan (MD Georgia)	8/2/1981	Nowshera	BHU Manai Nowshera
17	Nazir Ahmad s/o Rajab Ali Khan (MD Russia)	2/4/1978	Nowshera	BHU Pahari Kati Khel Nowshera
18	Muhammad Idress Khan s/o Gul Ahmad (MD Ukrain)	15/9/1976	Nowshera	RHC Nizampur Nowshera
19	Bushra Aftoon D/O Salah-ud-Din	11/11/1987	Nowshera	RHC Dak Ismail Khel Nowshera

[Handwritten signature]

8

20	Ali Raza s/o Ashgar Ali Khan Syed Muhammad Ubaid s/o	27/12/1983	Peshawar	DHQH: Nowshera
21	Syed M. Tarig Shah Ali Asghar s/o Syed	28/8/1983	Peshawar	BHU Mandoori Nowshera DHQH: Nowshera
22	Mubashir Shams Saifullah Khan Khalif s/o Azad	13/9/1976	Peshawar	
23	Khan Khalil Muhammad Shahid Khan s/o	20/2/1979	Peshawar	Category-C Hospital Pabbi Nowshera DHQH: Nowshera
24	Muqarrab Khan	29/12/1981	Peshawar	

Their appointment is subject to the following terms and conditions:

1. The employee will be entitled to receive salary equal to the minimum of BS-17 in addition to other allowances as admissible to Civil Servants of the same scale.
2. The appointment shall be health facility specific and non-transferable.
3. Appointment will be purely on adhoc basis for a period of one year or till the arrival of regular selectee of Khyber Pakhtunkhwa, Public Service Commission whichever is earlier.
4. On the expiry of one year or on arrival of the recommendee of the Commission, which ever is earlier, the services of the employee shall stand automatically terminated.
5. No extension will be granted on the expiry of adhoc appointment.
6. The employee shall be entitled to medical treatment as admissible under the Khyber Pakhtunkhwa Government Servants Medical Attendant Rules, 1959 for BS-17 officers.
7. Leave: a) The employee shall be entitled to two days casual leave on full pay for every calendar month on duty rendered.
b) No long leave shall be admissible to the employee.
8. The employee shall not be entitled to undergo any kind of training inside the country or abroad.
9. The absene from duty, of the employee, even for a single day, will be considered as misconduct and violation of the agreement. In that case the Health Department is competent to terminate the agreement without any notice.
10. The employee shall not be required to contribute to CP/GP Fund.
11. The adhoc appointment is non-pensionable and without gratuity.
12. He/she shall not indulge in any trade, business and any other activity whatsoever which has been declared prohibited for the Government Servants in Civil Servant Act, 1973.

Appointment shall be subject to medical fitness. The appointment shall be declared null and void if the employee is found to be medically unfit.

7/11/11

(9)

14. In case the employee is found undergoing training in any institution sponsored by any Health Project of the government either provincial or federal and in that regard signed any agreement with the project, his/her appointment shall stand terminated. Further if he/she intends to join the adhoc appointment all expenses incurred on such training will be refunded to the concerned project by the employee.

15. In case of breach of any of the above terms and conditions, the Health Department shall be competent to terminate the agreement without assigning any notice or compensation.

If the above terms and conditions are acceptable to the adhoc appointee, he/she is required to report for duty to the concerned EDO(H)/Medical Superintendent till 25th November, 2011 and sign the agreement deed with concerned EDO(H)/ Medical Superintendent. After 25th November, 2011, no arrival shall be accepted and the appointment order shall stand automatically withdrawn.

SECRETARY HEALTH

Endst. No. & Date even.

Copy forwarded to the:

1. Commissioner Peshawar Division Peshawar
2. Director General Health Services, Khyber Pakhtunkhwa Peshawar
3. District Coordination Officer, Nowshera
4. Provincial Programme Manager PPHI Khyber Pakhtunkhwa Peshawar
5. Executive District Officer (Health) Nowshera
6. MS DHQH: Nowshera
7. District Accounts Officer, Nowshera
8. MS Police/Services Hospital Peshawar for arranging medical board
9. PS to Chief Secretary Khyber Pakhtunkhwa Peshawar
10. PS to Minister for Health Government of Khyber Pakhtunkhwa Peshawar
11. PS to Secretary Health
12. PA to Additional Secretary Health
13. Doctors concerned


Section Officer-II

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR

Appeal No. 850 /2013

Dr. Ali Raza S/O Asghar Ali Khan R/O House No. 3, Eid Gah
Colony Charsadda Road, Peshawar City.

(Appellant)

VERSUS

Govt of Khyber Pakhtunkhwa, through its Chief Secretary, Khyber
Pakhtunkhwa, Peshawar and others.

(Respondents)

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Appellant

Through



IJAZ ANWAR
Advocate Peshawar

**BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR**

Appeal No. _____/2013

Dr. Ali Raza S/O Asghar Ali Khan R/O House No. 3, Bid Gah Colony Charsadda Road, Peshawar City.

(Appellant)

VERSUS

1. Govt of Khyber Pakhtunkhwa, through its Chief Secretary, Khyber Pakhtunkhwa, Civil Secretariat Peshawar.
2. Secretary to Govt of Health Department Khyber Pakhtunkhwa Civil Secretariat Peshawar.
3. Director General Health Services Khyber Pakhtunkhwa, Khyber road Peshawar.

(Respondents)

Appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the Notification No SO (E) H-II / 3-18 / 2011 dated 11/12/2012, whereby the appellant has been terminated from service, with immediate effect against which the Departmental Appeal dated 09.01.2013 has not been replied despite the lapse of 90 days.

Prayer in Appeal:

On acceptance of this appeal the impugned Order dated 11.12.2012, may graciously be set-aside being illegal and void ab-initio and the appellant may kindly be re-instated into service with consequential and all benefits.

Respectfully Submitted:

1. That the appellant was appointed as Medical Officer BPS-17 on adhoc basis for a period of one year or till the arrival of regular selectees of Public Service Commission vide notification dated 25.10.2011 and was posted at DHQ Hospital Nowshera, the appellant assumed the charge of his post on 01.11.2011 & performed his functions / duties honestly and satisfactorily. (Copies of the notification of appointment dated 25.10.2011 & Office Order dated 4.11.2011 are attached as Annexure A & B).

*26.01.2015
Reinstated in Service
- adhoc Service extended
for further one year*

2. That on Friday 27.04.2012 a Cardic Patient Mr. Gul Hassan was brought to casualty, the appellant attended the patient and examined him carefully and provided him necessary Medical Treatment / 1st Aid Treatment etc after Consultation of his Senior Mr. Riwayat Shah (DMS), but the condition of the patient continued to deteriorate. The patient was subjected to ECG wherein abnormal changes were observed indicating (Myocardial Infarction). Thus the patient was administered with Angicid (S/L) Tab: After due consultation with his Senior Dr. Riwayat Shah (DMS), it was decided to refer the patient to L.R.H Peshawar for symptomatic treatment as no treatment facility for such like patients was available at DHQ Hospital Nowshera. It is imperative to point out that as a matter of routine because of lack of proper treatment facilities at DHQ Hospital such like patients after being provided with 1st Aid are referred to LRH Peshawar, while the patient in question was also provided with free ambulance facility.
3. That later on it was heard that the patient Gul Hassan was died (on way to LRH Peshawar / CMH Nowshera). Where after the brother of the patient / deceased (Mr Iqbal Hussain) lodged a fake FIR in collaboration with local Police against appellant and other staff, namely Khalid Jan (Dispenser), Sajjad Ahmad (Dispenser), Shahrukh (Casualty Nurse) Kausar Naz (Casualty Nurse), Noor Dil (Ward Orderly) with exaggerated and false allegations. It is pertinent to mention here that the deceased was also serving as Police Constable, which is also a fact itself to establish malafide on the part of local Police. (Copies of the FIR & Complaint are attached as Annexure C & D)
4. That in view of the above narrated facts the appellant was granted bail by the Honourable Additional Session Judge Nowshera. Where after the appellant took over charge of his post and started performing his duties, unfortunately the complainant who is an influential person having close relation with Ruling Political Party started to threaten the appellant which compelled him to request to Administration for providing him Security, but in vain as a consequence of which the appellant tendered his resignation, which was not accepted & the appellant was compelled to perform his duties in a Hostile environment at the same station. (Copy of the resignation is attached as Annexure E)
5. That malafide on the part of the complainant (Iqbal Hussain) is further revealed from the fact that Dr. Riwayat Shah (DMS) DHO Hospital Nowshera was neither named in FIR nor has named him in the complaint addressed to Director General Health Khyber Pakhtunkhwa, Peshawar, but has been promptly named in complaint to P.M.D.C Islamabad by the complainant, which is pending. It is surprising to note that D.G Health

because of some unknown reason did not take any action against Dr. Riwayat Shah (DMS) or any staff, but on the other hand terminated the services of the appellant without forwarding any plausible explanation as to why illegal action has been taken only against the appellant.

6. That the complainant (Iqbal Hussain) filled an application before the D.G Health K.P.K to constitute an Inquiry Committee to conduct inquiry against the accused Officials, when an impartial committee was constituted but the complainant (Iqbal Hussain), through Political pressure, succeeded to change the inquiry committee and reconstitute it according to his desire, for his malafide intention, ulterior motives and consideration.
7. That the appellant made verbally objection to the abrupt and uncalled for change in committee, but no action was taken, therefore, the appellant also raised the point of no confidence in the said committee. (Copy of the enquiry Report is attached as Annexure F)
8. That under the Rules, dual proceedings cannot be initiated against an accused Govt. servant. On one side, on the basis of Police FIR my trial is going on in the Criminal Court and on the other hand, during the pendency of litigation in competent court of law, the Health Department resorted to departmental proceedings and without valid and reasonable cause, terminated the services of the appellant which is clear violation of the fundamental rights as ensured to the constitution. (Copy of the Notification of termination dated 11.12.2012 is attached as Annexure G)
9. That it is a well recognized principle of justice that until and unless a accused person has been convicted by the Court of law he is deemed to be innocent, but Health Department KPK seemed to be in hurry because of some unknown ulterior motives turning blind eyes towards Rules and Regulations of Services procedure as well as law in force.
10. That the appellant submitted his departmental appeal dated 9.01.2012, however it was not replied despite the lapse of 90 days. (Copy of the departmental appeal is attached as Annexure H)
11. That the appellant request for his reinstatement in service inter alia on the following grounds: -

Grounds of Appeal:


- A. That under the Constitution / Law of Country the appellant has due right of access to Inquiry report and related material, but no such record / basis / recommendations have been shown or given to me, so for and hence the entire proceedings are liable to cancelled / set aside.
- B. That it is pertinent to add that on Writ Petitions filled by the Adhoc Doctors of KPK, the Honourable High Court has issued judgment and Order allowing the Doctors to carry out their job, till the arrival of the nominee of the Public Service Commission.
- C. That in the wake of the above circumstances it is highly objection and discriminatory action on the part of the Health Department to only hint at the appellant by terminating his services without any valid reason violating the judgment of the Honourable High Court in this context.
- D. That the appellant had always performed his duty honestly, diligently and devotedly and recommendations of the committee are one sided and not based on justice.
- E. That the appellant is a young Doctor and completed his studies / House Job on Self Finance and belongs to a respectable family & due to this impugned Order he and his entire family members are facing mental torture and financial difficulties due to this bogus, fake and false case of complainant and looking towards your good self for justice.
- F. That while terminating the appellant from service, no right of hearing was given to him. Neither any show cause notice issued, nor any inquiry conducted, thus the notification of termination is violative of the principles of natural justice.
- G. That the appellant has not been treated in accordance with law, and his right secured and guaranteed under the law have been violated.
- H. That the charges leveled against the appellant were never proved in the fact finding enquiry albeit the enquiry officer illegally and unlawfully proved the appellant guilty.
- I. That the enquiry proceedings were never conducted in accordance with law, the statement of witness were never taken in the presence of the appellant nor he was allowed to cross examine them, in fact the appellant was never associated with the enquiry proceedings.

- J. That the whole proceedings conducted against the appellant were biased and malafide, there was no evidence against the appellant, but quite illegally the charges were alleged to have been proved.
- K. That the appellant seeks the permission of this Honourable Tribunal to rely on additional grounds at the hearing of this appeal.

It is therefore prayed that On acceptance of this appeal the impugned Order dated 11.12.2012, may graciously be set-aside being illegal and void ab-initio and the appellant may kindly be re-instated into service with consequential and all benefits.

Appellant

Through



IJAZ ANWAR
Advocate Peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Appeal No. _____/2013

Dr. Ali Raza S/O Asghar Ali Khan R/O House No. 3, Eid Gah Colony Charsadda Road, Peshawar City.

(Appellant)

VERSUS

Govt of Khyber Pakhtunkhwa, through its Chief Secretary, Khyber Pakhtunkhwa, Peshawar and others.

(Respondents)

AFFIDAVIT

I, *Dr. Ali Raza S/O Asghar Ali Khan R/O House No. 3, Eid Gah Colony Charsadda Road, Peshawar City*, do hereby solemnly affirm and declare that the contents of the above Service appeal are true and correct to the best of my knowledge and belief and that nothing has been kept back or concealed from this Honourable Tribunal.

Deponent

Identified by:



IJAZ ANWAR,
Advocate, Peshawar.

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Annex: A

GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT.

Notification:

Dated 25th October, 2011

No.SO(E)H-II/3-18/2011: The Competent Authority on the recommendations of Departmental Selection Committee is pleased to appoint the following doctors as Medical Officers (BS-17) on adhoc basis for a period of one year or till the arrival of regular selectees of Khyber Pakhtunkhwa Public Service Commission whichever is earlier with immediate effect and post them in the health facilities as mentioned against each:

S.No.	Name of Candidate with Father's Name	Date of Birth.	Domicile	Place of posting
1	Hamzullah Khan s/o Zardullah Khan	16/01/1984	Nowshera	ESH Pabbi Nowshera
2	Mehran Ali s/o Taj Wali Khan	20/05/1985	Nowshera	BHU Jalozai Nowshera
3	M. Gibran Khan s/o M.-Qasim	1/10/1982	Nowshera	ESH Pabbi Nowshera
4	Sabahat Naz D/O Sher Ahmad	28/2/1983	Nowshera	DHQH: Nowshera
5	Sahibzada Fawad Khan s/o Abdul Sattar	15/04/1982	Nowshera	RHC Pirpai Nowshera
6	Muhammad Qasim s/o M. Yousaf	3/3/1978	Nowshera	RHC Manki Sharif Nowshera
7	Yaser Wahab s/o Siraj Muhammad	5/3/1984	Nowshera	ESH Pabbi Nowshera
8	Mian Muhammad Naveed s/o Main Said Karim	15/4/1982	Nowshera	DHQH: Nowshera
9	Sara Ghani D/O Mushtaq Ahmad	12/6/1984	Nowshera	DHQH: Nowshera
10	Danish Khattak s/o Muzarrab Shah	9/3/1979	Nowshera	RHC Khairabad Nowshera
11	Khalid Habib s/o Habib Shah	19/7/1979	Nowshera	RHC Khweshki Nowshera
12	Tahira Naz D/O Saif-ul-Haq	5/4/1982	Nowshera	ESH Pabbi Nowshera
13	Muhammad Sohail s/o Muhammad Raqem	27/09/1984	Nowshera	RHC Khairabad Nowshera
14	Nayyar Jamal s/o Yousaf Jamal	20/03/1983	Nowshera	RHC Akbar Pura Nowshera
15	Muhammad Ilyas s/o Fazal Mabood (MD Ukrain)	10/4/1978	Nowshera	BHU Behram Killa Nowshera
16	Salman Hakim s/o Hakim Ullah Jan (MD Georgia)	8/2/1981	Nowshera	BHU Manai Nowshera
17	Nazir Ahmad s/o Rajab Ali Khan (MD Russia)	2/4/1978	Nowshera	BHU Pahari Katta Khel Nowshera
18	Muhammad Idress Khan s/o Gul Ahmad (MD Ukrain)	15/9/1976	Nowshera	RHC Nizampur Nowshera
9	Hushra Aftoon D/O Salah-ud-Din	11/11/1987	Nowshera	RHC Dak Ismail Khel Nowshera

(8)

20	Ali Raza s/o Ashgar Ali Khan Syed Muhammad Ubaid s/o Syed M. Tariq	27/12/1983	Peshawar	DHQH: Nowshera
21	Shah Ali Asghar s/o Syed Mubashir Shams	28/8/1983	Peshawar	BHU Mandoori Nowshera DHQH: Nowshera
22	Saifullah Khan Khalil s/o Azad Khan Khalil	13/9/1976	Peshawar	Category-C Hospital Pabli Nowshera DHQH: Nowshera
23	Muhammad Shahid Khan s/o Muqarrab Khan	20/2/1979	Peshawar	
24		29/12/1981	Peshawar	

Their appointment is subject to the following terms and conditions:

1. The employee will be entitled to receive salary equal to the minimum of BS-17 in addition to other allowances as admissible to Civil Servants of the same scale.
 2. The appointment shall be health facility specific and non-transferable.
 3. Appointment will be purely on adhoc basis for a period of one year or till the arrival of regular selectee of Khyber Pakhtunkhwa, Public Service Commission whichever is earlier.
 4. On the expiry of one year or on arrival of the recommendee of the Commission, which ever is earlier, the services of the employee shall stand automatically terminated.
 5. No extension will be granted on the expiry of adhoc appointment.
 6. The employee shall be entitled to medical treatment as admissible under the Khyber Pakhtunkhwa Government Servants Medical Attendance Rules, 1959 for BS-17 officers.
 7. Leave: a) The employee shall be entitled to two days casual leave on full pay for every calendar month on duty rendered.
b) No long leave shall be admissible to the employee.
 8. The employee shall not be entitled to undergo any kind of training inside the country or abroad.
 9. The absene from duty, of the employee, even for a single day, will be considered as misconduct and violation of the agreement. In that case the Health Department is competent to terminate the agreement without any notice.
 10. The employee shall not be required to contribute to CP/GP Fund.
 11. The adhoc appointment is non-pensionable and without gratuity.
 12. He/she shall not indulge in any trade, business and any other activity whatsoever which has been declared prohibited for the Government Servants in Civil Servant Act, 1973.
- ment shall be subject to medical fitness. The appointment shall be declared null

2/11/11

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14. In case the employee is found undergoing training in any institution sponsored by any Health Project of the government either provincial or federal and in that regard signed any agreement with the project, his/her appointment shall stand terminated. Further if he/she intends to join the adhoc appointment all expenses incurred on such training will be refunded to the concerned project by the employee.

15. In case of breach of any of the above terms and conditions, the Health Department shall be competent to terminate the agreement without assigning any notice or compensation.

If the above terms and conditions are acceptable to the adhoc appointee, he/she is required to report for duty to the concerned EDO(H)/Medical Superintendent till 25th November, 2011 and sign the agreement deed with concerned EDO(H)/ Medical Superintendent. After 25th November, 2011, no arrival shall be accepted and the appointment order shall stand automatically withdrawn.

SECRETARY HEALTH

Endst. No. & Date even.

Copy forwarded to the:

1. Commissioner Peshawar Division Peshawar
2. Director General Health Services, Khyber Pakhtunkhwa Peshawar
3. District Coordination Officer, Nowshera
4. Provincial Programme Manager PPHI Khyber Pakhtunkhwa Peshawar
5. Executive District Officer (Health) Nowshera
6. MS DHQH: Nowshera
7. District Accounts Officer, Nowshera
8. MS Police/Services Hospital Peshawar for arranging medical board
9. PS to Chief Secretary Khyber Pakhtunkhwa Peshawar
10. PS to Minister for Health Government of Khyber Pakhtunkhwa Peshawar
11. PS to Secretary Health
12. PA to Additional Secretary Health
13. Doctors concerned


Section Officer-II

10

ANNEX: B

OFFICE OF THE EXECUTIVE DISTRICT OFFICER (HEALTH)
NOWSHERA

OFFICE ORDER

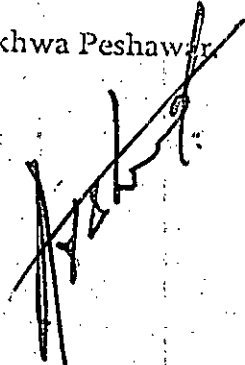
Reference Notification No. SO(E)H-II/3-18/2011, dated 25-10-2011 with subsequent arrival to this office on 01-11-2011, Dr. Ali Raza is hereby adjusted / posted at DHQ Hospital Nowshera with immediate effect in the interest of public.

Sd. _____
Executive District Officer
(Health) Nowshera.

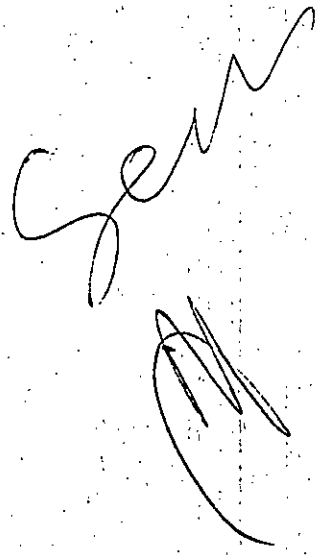
No. 9457-58 EDO (H) NSR, Dated: 04/11 /2011."

Copy forwarded to:

1. Secretary to Government of Khyber Pakhtunkhwa Health Department Peshawar for information with reference notification No. cited above.
2. Director General Health Services Khyber Pakhtunkhwa Peshawar.
3. District Accounts Officer Nowshera.
4. Medical Superintendent DHQ Hospital Nowshera.
5. Dr. Concerned.



Executive District Officer
(Health) Nowshera.



10-442
11-11

- To -

The Director General (Health)
Khyber Pakhtunkhwa
Peshawar.

Subject:

COMPLAIN AGAINST DR. ALI RAZA AND DHO HOSPITAL
ADMINISTRATION (DMS) FIRST SHIFT OF EMERGENCY
STAFF.

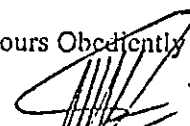
Sir,

With due respect it is submitted that on 27-04-2012 at 12:45 PM, I took my brother suffering from sever chest pain with immediately for emergency treatment but unfortunately nobody was there in casualty department and it was almost absent. Further stated that I also visit the office of administration but it was also locked. I try my best to take any health worker in the hospital. But all in vain. Then I and my elder brother reached in the local Masjid Hospital and cryined that if any staff member of the hospital is available in the mosque please come to casualty to attend the emergency in casualty. Then I also contacted MS of the hospital who told me that I am busy in Jumma Prays in out of the hospital. Then at 1:35 PM a doctor named Dr. Ali Raza should come and told to my elder brother don't speak loudly, my brother told to the doctor that my brother is serious please examined it that Dr. Ali Raza clear cut refused of treatment of my brother. The doctor through has stethoscope on the ground emergency and he told let him to die. If he going to die what I do. But Unfortunately he was no more a live but it same time a Doctor name Raiwat Shah I seen that he was in the car in car park of doctor going from the hospital. I also request to Dr. Raiwat Shah please come in check to my brother but he don't say any word it the same time I was connected on mobile with MS Akbar Khaksar and I told to MS that Dr. Raiwat Shah also here please call to him to exam my brother after a some mints Dr. Raiwat Shah come in see my brother and go back but that time it the end of my brother life. But most probably for own satisfaction we individual ECG. Then I took my brother who was appropriately dead to CMH Nowshera who diagnose him has dead body. In the lite of above I went to police station Kalan for FIR against the emergency staff being a criminal case. Further indeed to have a press conference appeal to chief justice of Pakistan / President of Pakistan / Prime minister of Pakistan and chief minister of K.P.K for so mutative action if the department did not do justice the life of lying against the defaulter further it is intimated that the administration(DMS) setup first shift of emergency staff is also deranged has all most of the staff live the hospital before the early hours of closing there duty time & no body is there in remaining hours of the day for emergency. I request that conduct highly level inquiry with the recommendation of major planate on all the concerned staff and dismiss from the service.

Dated: 30/04/2012

Pl contribute panel.

Yours Obediently


IQBAL HUSSAIN
Cell: 0312-5851231

R/o Khattak Colony Ashoor Abad P.O
Feroz Sons Amangarh District & Tehsil
Nowshera

C.C

1. Minister of Exccic and Taxation K.P.K Peshawar.
2. Health Minister Khyber Pakhtunkhwa Peshawar
3. Copy to Chief Secretary Health
4. District Coordination Officer Nowshera
5. Executive District Officer Health Nowshera.
6. Copy to Chief Justice Islamic Republic of Pakistan Islamabad

13 Annex: E 27

The Secretary,
Health Department,
Khyber Pakhtunkhwa.

Subject: Resignation from Service.

Respected Sir,

Kindly refer to your notification no .SO (E) H-II/3, dated 25.10.2011. I was appointed as Medical officer (BS-17) on Ad HOC basis for a period of one year or till the arrival of regular selectees of Public service Commission whichever is earlier and posted at DHQ Hospital Nowshera. I assumed the charge of my duties at Nowshera on 1st November, 2011. Since then I am performing my duties regularly and honestly.

1. On Friday 27-04-2012 a cardiac patient Mr. Gul Hassan was brought to casualty, I attended the patient and examined him carefully and immediately provided him 1st Aid treatment etc. in Consultation of my Senior Dr. Riwayat Shah (DMS), but the condition of the patient was not improved. So After E.C.G got done and we observed that there were abnormal changes on E.C.G strip and suspected case of (Myocardial Infarction). So Tab. Angicid (S/L) was advised and given. With opinion of my senior Dr. Riwayat Shah (DMS), it was decided to refer the patient to Govt. Lady Reading Hospital Peshawar for Symptomatic treatment, because no facility for such cardiac patients is available in DHQ Hospital Nowshera. Such cardiac patients require care in (CCU), and every M.I patient is referred to territory Hospitals after 1st Aid treatment. For transportation of the patient to Govt. Lady Reading Hospital Peshawar free ambulance was provided.
2. Later on we heard that the patient Gul Hassan was died (on way to LRH Peshawar/ CMH Nowshera). Thus the brother of the patient/deceased (Mr. Iqbal Hussain) lodged a Fake F.I.R against me and other staff with exaggerated and false allegations. The undersigned was bailed out by the Honorable Additional Session Judge Nowshera.

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3. Now after my bail, I am again performing my duties in the Nowshera hospital, the relatives of deceased often visit the premises of DHQ Hospital Nowshera at day time and nights too, which is a sign of threat to my life.
4. Since no security has been provided to me in the hospital, at Nowshera for which I have asked my administration repeatedly, moreover my appointment is not transfer able, and I cannot take risk of my life, I therefore hereby submit my resignation from service which may kindly be accepted and oblige.

Dated: 10-07-2012.

Yours obedient servant,
Ali Raza
 Dr. Ali Raza,
 Medical Officer,
 DHQ Hospital Nowshera.

Copy of the above Resignation is Submitted to the;

1. The Special secretary Health Department K.P.K Peshawar.
2. The Director General Health Department K.P.K Peshawar.
3. E.D.O Health Nowshera.
- ✓ 4. Medical Superintendent DHQ Hospital Nowshera.

Dated: 10-07-2012.

Yours obediently
Ali Raza
 Dr. Ali Raza,
 Medical Officer,
 DHQ Hospital Nowshera.

(15) Annex: F

INQUIRY AGAINST DR. ALI RAZA/OTHER STAFF OF
DHQ NOWSHERA FOR NOT ATTENDING THE
BROTHER OF IQBAL HUSSAIN KHATTAK WHO DIED
LATERON: DIED.

1. Introduction and background of the case: The two member inquiry team were assigned the inquiry by the Director General Health Services Khyber Pakhtunkhwa vide office order no 6384 dated 19/6/2012 (Copy attached as Annexure 1). The background of the case is that one Mr. Iqbal Hussain Khatak took his brother Gul Hussain to the District HeadQuarter Hospital Nowshera at 12:45 PM on 27/4/2012 with chest pain. He has alleged that no body was in the Casualty Department of the DHQ Nowshera and it was almost locked, He went to the administration department and it was locked, Mr. Iqbal Hussain tried to locate health worker in the hospital, but all in vain. His elder brother went to the local masjid. And announced if any doctor is inside the masquo, he should please come to the casualty to attend the emergency.
- Mr. Iqbal Hussain also contacted Medical Superintendent of the DHQ hospital Nowshera who told him that he is also busy in Juma prayers outside the hospital. According to Mr. Iqbal Hussain Khatak, a doctor named Ali Raza came to the casualty at 1.35 PM. Dr. Ali Raza told Iqbal Hussain's older brother that he should not speak loudly. His brother told Dr. Ali Raza that his brother is serious and requested for the examination of the patient. Dr. Ali Raza refused and threw his stethoscope to the ground in the casualty and told his brother that let the patient die. If the patient was going to die what can he (Dr. Ali Raza) do? Mr. Iqbal Hussain Khatak saw Dr. Riwayath Shah standing in the car park going home from hospital. Mr. Iqbal Hussain Khatak requested Dr. Riwayath Shah to check his brother but he did not say any words (remained indifferent). Mr. Iqbal Hussain Khatak contacted MS Dr. Akbar Khaksar with the request to tell Dr. Riwayath Shah to examine his brother.
- After some time, Dr. Riwayath Shah came and examined his brother but it was too late at that time because his brother had died. For their own satisfaction, they did BCG of the patient.
- Mr. Iqbal Hussain Khatak then took his brother to CMI Nowshera who pronounced him dead.

2. PROCEEDING: The two member inquiry team proceeded to DHQ Nowshera on 25/6/2012.

1. Inspection of the Casualty Ward of DHQ Nowshera:

The casualty ward was in pathetic state. There only one oxygen cylinder in the corner of the unit. There were no bed sheets on all the beds. The foams lying on the beds were bare. The inquiry team inspected the place where Mr. Gul Hussain breathed his last. Resuscitation equipment like ambo bag, cardiac defibrillator, end tracheal intubations, respirator machine, sucker machine and

essential drugs were non-existent which are prerequisite for a casualty. It is the foremost duty of the MS to provide essential drugs to patient round-the-clock.

One member of the inquiry team told the CMO on duty that he has severe chest pain and need immediate injection for pain relief. Which injection you are going to deliver me? The CMO replied that injection diclofenac sodium. He was informed that Non-narcotic pain relieving agents are of no use in relieving chest pain and that the essential drugs in such conditions are morphine, pethidine and the like i.e., narcotic pain relieving drugs. Such is the level of care in the casualty of DHQ Hospital Nowshera! (The biggest district of Khyber Pakhtunkhwa)

3. Statement of Mr. Iqbal Hussain Khatak (brother of the deceased). (copy attached as Annexure 2 consisting of two pages)

Mr. Iqbal Hussain Khatak submitted oral and written statement to the inquiry committee that he took his brother with severe chest pain to the emergency dept of DHQ Nowshera at 12.45 PM on 27/4/2012. Nobody was there in the casualty ward and it was almost absent. He further stated that the administration office was locked. No health worker was available in the hospital. His elder brother reached the local mosque and cried that if any staff member of the hospital is available, he should please come to the casualty to attend the emergency. Then he contacted MS of the hospital who told Mr. Iqbal Hussain Khatak that he is also busy in jumma prayers out of the hospital.

At 1.35 PM, a doctor named Ali Raza came and told his elder brother not to speak loud. His elder brother told the doctor that his brother is serious, please examine him. Dr. Ali Raza clear-cut refused for treatment of his brother. The doctor threw his stethoscope on the ground and said let him die, if he is going to die what I do. But unfortunately he was no more alive. At the same time Riwayuth Shah was seen in the car in the car park going out of the hospital. He also requested Dr. Riwayuth Shah to check his brother. Mr. Iqbal Hussain Khatak was in contact with MS and told him that Dr. Riwayuth Shah is also here. Please call him to examine my brother. After some time Dr Riwayuth Shah came to him to examine his brother. he requested why not to call cardiologist at the same time and Riwayuth shah ran away from the hospital with Dr. Ali Raza and that time it was the end of my brother life and he was no more. He died due to the negligence of the doctors.

Then he took my brother who was appropriately dead to CMH Nowshera who diagnosed him as dead body (i.e., brought dead). He has requested for the cancellation of degree of Dr. Ali Raza and Dr. Riwayuth Shah and dismissal from service.

Signed by Mr. Iqbal Hussain Khatak
(Copy attached as Annexure 2)

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4. Statement of Gul Jamil brother of Late Gul Hussain: (Copy attached as Annexure 3)

I state on the oath that we took our brother Gul Hussain to DHQ Nowshera at 12.45 PM on 27/4/2012. The emergency ward was closed at that time and no doctor or staff was present. Then I went to the mosque and loudly announced that if any doctor of the hospital is present in the mosque, he should come and treat my brother. After some time doctor and staff arrived. I told Dr. Ali Raza for God sake, you left emergency unit and there is no one on duty. Friday prayers are held in different mosque at different time. At this, Dr. Ali Raza got angry and adopted rude attitude. He totally refused to treat my brother Gul Hussain and threw his BP set and stethoscope on the ground. He said what I will do if your brother is going to die, let him die. He refused to treat and replied that I am something. Whatever you want to do, do it. At that time my brother breath his last. He died in the emergency ward at 1.45 PM. My brother has died due to the negligence of Dr. Ali Raza. I request the inquiry committee to take strict action against Dr. Ali Raza, staff/nursing staff so that it is not repeated again.

Signed Gul Jamil s/o Latifullah.

5. STATEMENT OF FAYAZ AHMED S/O KACHKOL KHAN: (Copy attached as Annexure 4)

I state on oath that I was offering Friday prayers on 27/4/2012 (that after farz prayers (Obligatory), some declared in loud voice. For God sake if any doctor is in the mosque should come to check my brother who is in severe distress. When the doctor sahib got out of the mosque, the brothers of Gul Hussain and doctor sahib started arguments. During this, the doctor refused to examine the patient. The doctor threw away BP set and refused to treat the patient. We and the peoples present requested the doctor to treat the patient but he refused. In the meanwhile, the patient conditions deteriorated. The patient has died due to the negligence of the doctor.

Signed Fayaz Ahmed s/o Kachkol Khan

6. STATEMENT OF SAID MUHAMMAD S/O GUL MUHAMMAD: (Copy attached as Annexure 5)

I solemnly affirm that I came to the hospital along with Gul Jamil and Iqbal Hussain at the time of the incidence. At this time, the emergency ward was completely closed and no doctor or other staff was present. After sometime when Dr. Ali Raza came, he started behaving rudely with Iqbal Hussain. And Dr. Ali

Raza clearly refused to treat Gul Hussain. He throw his BP set and stethoscope on the ground. And said that if your patient is serious and is going to die, let him die. During this, Gul Hussain died in the emergency ward of DHQ Nowshera. Gul Hussain has died due to the negligence of Dr. Ali Raza.

Signed Said Muhammad s/o Gul Muhammad,

7. STATEMENT OF FALAK SER S/O HAJI MUHAMMAD RAFI:(Copy attached as Annexure 6)

I state under oath that I was offering Friday prayers on 27/4/2012. I have Husan medicos' drug store outside DHQ Nowshera. After obligatory Friday prayers, someone i.e. Gul Jamil declared loudly that if a doctor is present in the mosque, please come to check my brother who is in severe distress. Dr. Ali Raza started arguing with the brothers of the patient after coming out of the mosque and refused to see their patient. He said do not shout. The brothers of the patient said that their brother is serious that is why they are crying. Dr Ali Raza said that if your brother is dying, let him die. He refused and threw his BP set and stethoscope on the ground. Me and the peoples present requested the doctor to treat the patient but he did not obliged. In the meanwhile, the patient condition deteriorated and the patient died in the emergency ward. The patient died due to the negligence of the doctor.

Signed by Falak Ser s/o Haji Muhammad Rafi

8. STATEMENT OF ZORE MUHAMMAD S/O RAHMATULLAH (ATTACHED AS ANNEUXURE 8)

I Zore Muhammad s/o Rahmatullah solemnly affirm that I came to the hospital with Gul Jamil and Iqbal Hussain on the day of incident. At that time, the emergency ward was totally closed and there was no staff or doctor. After sometime, when Dr. Ali Raza came, he started behaving rudely with Iqbal Hussain and others. And Dr. Ali Raza refused to treat Late Gul Hussain. He threw his stethoscope and BP set on the ground. He said that if your patient is serious and going to die, let him die. What can I do? At the same time, late Gul Hussain died in the DHQ Nowshera. Late Gul Hussain died due to the negligence of Dr. Ali Raza.

Signed Zore Muhammad s/o Rahmatullah

9. STATEMENT OF TAUSEEF KHAN S/O SHER ASLAM:(Attached as Annexure 9)

I Tauseef Khan s/o Sher Aslam solemnly affirm that I was present inside the hospital at the time of the incidence when the patient of Iqbal Hussain, Gul Hussain

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was brought to emergency ward. No one was present in the Emergency ward. Emergency ward was closed at that time and no staff or doctor was present. After some time when Dr. Ali Raza came, he started rudely with Iqbal Hussain. And Dr. Ali Raza refused to see the patient. He threw his BP set to the ground. He said that if your patient is serious and is dying, let him die. What can I do? In the meanwhile, Gul Hussain died in the DHQ Nowshera emergency ward. Gul Hussain has died due to negligence of Dr. Ali Raza.

Signed Tauseef Khan s/o Sher Aslam.

10. STATEMENT OF SHAHJI S/O MIAN GUL: (ATTACHED AS ANNEXURE 10)

I Mr. Shahji Gul s/o Mian Gul solemnly affirm that I was present inside the hospital at the time of the incident when Iqbal Hussain and others brought their brother Gul Hussain for treatment to the hospital. The emergency ward was closed at that time. No doctor or other staff was present in the emergency ward. After some time when Dr. Ali Raza came, he started behaving rudely with Iqbal Hussain. And Dr. Ali Raza refused to treat Gul Hussain. He threw his BP set and stethoscope to the ground. And said that if your patient is serious and going to die, let him die. What can I do? In the meanwhile Gul Hussain died in the emergency ward of DHQ Nowshera. Gul Hussain died due to negligence of Dr. Ali Raza.

Signed Shahji s/o Mian Gul

11. STATEMENT OF RAMDAD S/O MIR HASAN: (Copy attached as Annexure No 11)

I Mr. Ramdad s/o Mir Hasan solemnly affirm that I came with Gul Jamil and Iqbal Hussain to the hospital at the time of the incident. They brought their brother for treatment. Emergency ward was closed at that time and no doctor or staff was present in the emergency ward. After sometime when Dr. Ali Raza came, he started behaving rudely with Iqbal Hussain and others. Dr. Ali Raza flatly refused to treat Gul Hussain. He threw his BP set and stethoscope to the ground. And said that if your patient is serious and going to die, let him die. What can I do? In the meanwhile, Gul Hussain died in the emergency ward of DHQ Nowshera. Gul Hussain died due to the negligence of Dr. Ali Raza.

Signed Ramdad s/o Mir Hasan

12. STATEMENT OF MUHAMMAD IQBAL S/O ZARA WAR KHAN
(COPY ATTACHED AS ANNEXURE NO-12)

I Muhammad Iqbal s/o Zarawar Khan solemnly affirm that I was present inside the hospital at the time of incident when Iqbal Hussain and others brought Gul Hussain to the hospital for treatment. The emergency ward was closed at that time and there was no staff or doctor. After sometime when Dr. Ali Raza came, he started behaving rudely with Iqbal Hussain. Dr. Ali Raza refused to treat Gul Hussain. He threw his BP set and stethoscope to the ground. And said that if your patient is serious and going to die, let him die. In the meanwhile, Gul Hussain died in the emergency ward of the DHQ Nowshera.

Signed Muhammad Iqbal s/o Zarawar Khan

13. STATEMENT OF MR. KHALID JAN DISPENSER
EMERGENCY WARD DHQ NOWSHERA (copy attached as Annexure 13):

I was present on duty that a patient arrived at 1:15 PM. He said that I have pain in the abdomen. At the same time the doctor examined him and told me and my colleague technician to give the patient risek infusion, unafortan and a drip. Later on Dr. Riwayath Shah said that do ECG of the patient. From ECG, it came out that the patient has MI and was referred to Peshawar.

Signed Khalid Jan Dispenser emergency ward DHQ Nowshera
(In oral statement before the two member inquiry committee, he has confessed that Doctor was not at the time of arrival of the patient. According to him Dr. Ali Raza came to the emergency ward at 1.22 PM. He has also confessed that the patient was alive and was in severe distress. He was crying due to pain.)

14. STATEMENT OF STAFF NURSE SHAH RUKH
EMERGENCY WARD DHQ NOWSHERA (copy attached as Annexure 14):

Patient Gul Hussain was brought to the emergency ward at 1.15 PM. He was shifted from the nursing office to the emergency ward on wheelchair and entry was made in the register. Approximately after 3-4 minutes, Dr. Ali Raza came (who had gone to prayers). He examined the patient. Sajjad and Khalid Jan dispenser administered the prescribed drugs to the patient. Dr. Riwayath Shah also saw the patient. Ecg was done. After emergency treatment, the patient was referred to Peshawar. (In verbal statement, she has confirmed that the attendants of the patient were angry as the doctor had gone to prayers)

15. STATEMENT OF SAJJAD AHMED AFRIDI PHARMACY TECHNICIAN
EW DHQ NOWSHERA (copy attached as Annexure 15)

A patient came on 27/4/2012 at 1:15 PM. He had pain in the chest and Dr. Ali Raza had gone to the mosque to offer only and only to rakat of obligatory

Q&Answer Session with Dr. Riwayath Shuh:

- i. Dr. Riwayath Shuh confessed that he was standing in the car park at that time when Mr. Iqbal Hussain came to him complaining of staff but never requested him to see the patient.
- ii. After few minutes, he realized that they have quarreled with CMO and he on his own went to see the patient.
- iii. The relatives of the patient were busy in hot words and arguments.
- iv. To a question as to why he became indifferent while Mr. Iqbal Hussain was requesting you to see his patient and continued talking on cell phone. Dr. riwayath Shah said that he heard him attentively and patiently but he (Mr. Iqbal Hussain Khutak) was complaining of casualty staff. After few minutes, he realized that the real problem is to see the patient, not administrative problem.
- v. He confessed that the MS called him when everything was over.
- vi. Dr. Riwayath Shuh confessed that he went to the mosque at 1:10 PM and returned at 1:30 PM.
- vii. To a question as to why he did not go with Mr. Iqbal Hussain to cool down the situation. He ignored the original question and said that he went to the patient and advised about the management.
- viii. To a question as to who is responsible for the death of Gul hussain, he replied that atypical pain, right at the time of juma prayers (1.15 PM) and dying within one hour. He thought that it was bad luck of the part of the patient and as well as hospital staff.

18. STATEMENT OF DR. AKBAR KHAKSAR MEDICAL SUPERINTENDENT OF THE DHQ NOWSHERA (copy attached as Annexure 18. four fings):

I, Dr. Akbar Khaksar, state that at the time and day of occurrence on Friday I was present in the fateha of one of my relative. When Mr. M. Iqbal called me at 1PM that his brother was suffering from chest pain and there is no body in the casualty. I advised him to look here and there and they may be busy in juma prayers. He again called me and told me that nobody is present. I again called him about 30 minutes later but he told that his brother has passed away. I advised him that I will take strict action against the concerned absent staff and will inquiry and will suffer.

Q&Answer session with Dr. Akbar Khaksar MS DHQ Hospital Nowshera:

- i. That Dr. Ali Raza was on duty in the casualty ward.

- ii. That Mr. Khalid Jun dispenser, Mr. Sajjad Ahmed, Miss. Kosar C/N, Miss Shah Rukh and ward orderly Noordil Khan was on duty on 27/4/2012.
- iii. That the cardiologist on call was Dr. Ali Akbar.
- iv. In question to the duty hours of MS, he replied that the MS duty is round the clock and that he must be present within the station. His supervision should be 24 hours.
- v. To a question as to what action he took when he was informed by phone about the serious nature of his patient by Mr. Iqbal Hussain, he evaded to answer the question and talked about explanation and inquiry.
- vi. When asked as to who bears the responsibility of the death of the patient, his reply were no comments. (actually he evaded to answer the question)
- vii. Dr. Akbar Khaksar admitted that the patient was not attended when he entered the casualty.
- viii. To a question as to why you did not come to the hospital to handle the crisis, he replied that he was 10 kilometer away.

19. STATEMENT OF DR. ALI RAZA CASUALTY MEDICAL OFFICER
DHQ NOWSHERA: (copy attached as Annexure 19. four flags)

Dr. Ali Raza submitted a written statement to the inquiry team. The salient points of which are given below:

- i. He claimed that he along with paramedical staff was present on 27/4/2012 and no body was absent.
- ii. In fact, none of the staff present on duty had refused treatment to the patient Gul Hussain.
- iii. He has claimed that he has attended the patient and carefully examined the patient. He has monitored his vital signs.
- iv. The patient was advised ECG by the undersigned. Meanwhile Dr Riwayath Shah also came and examined the patient. Dr. Riwayath Shah advised intravenous drugs to the patient.
- v. Mr. Sajjad Ahmed took the ECG strip to him and Dr. Riwayath Shah which showed changes suggestive of myocardial infarction. So tab. angised was also given.
- vi. With the opinion of the seniors, it was decided to refer the patient to LTI Peshawar.
- vii. It is a fact that whatever possible treatment was available in the hospital, was provided to the patient.
- viii. The content of the allegations are false, baseless, fabricated, vexatious and against ground realities and hence denied.
- ix. Dr. Ali Raza has claimed that all complaints lodged against him are false and baseless.



Q&A SESSIONS WITH DR. ALI RAZA CMO DHQ NOWSHERA:

- i. Dr. Ali Raza has admitted that he was just off from casualty between 1.0 PM to 1.20 PM to offer Juma prayers.
- ii. When asked as whether he has argued with the attendants of the patient, he confessed that he has asked the attendants to go out.
- iii. Dr. Ali Raza has denied refusing treatment to the Patient Gul Hussain.

(In the verbal statement he has said that he has gone to the mosque for juma prayers at 1.15 minutes. He has alleged that the relatives of the patients have hurled verbal abuses at him. He also told the inquiry team that the brothers of the patient said to him if you do not want to see the patient, do not see him. About the pulse and BP, Dr. Ali Raza said that it was 140/100 and 100 per minute. He said that the patient was cyanosed and sweating. He has given injection Risek, Injection anaforum to the patient. According to him, there are no drugs for cardiac patient in the casualty. Only injection diclofenac is available.)

20. VISIT TO THE CARDIOLOGY UNIT OF DHQ NOWSHERA:

The inquiry team paid a visit to the cardiology Unit of DHQ Nowshera. There was nothing worthwhile pertaining to the cardiac care in the unit. How is a ward running without basic equipments? Except ECG facility, there is nothing for the cardiac patient. It is despite the fact that a cardiologist is available in DHQ Nowshera. Eighteen century technology is being applied to the patients in 21st Century!

FINDINGS:

The statement of Mr. Iqbal Hussain that he brought his brother to the hospital at 12.45 PM on 27/4/2012 hold ground as is evident from statements submitted by witnesses (from Annexure 3 to 12). All the witnesses have testified under oath that the casualty was closed at that time. Mr. Iqbal Hussain has stated in his statement that it was almost closed i.e. Some staff members were present. Dr. Akbar Khaksar has confessed that Mr. Iqbal Hussain Khatak call him at 1 PM via cell phone. It means that when Mr. Iqbal Hussain became desperate, he phoned Dr. Akbar Khaksar. So his statement about the time of the arrival of the patient at casualty ward of DHQ Hospital appears to be true and the two member inquiry committee is fully convinced on this issue.

The inquiry committee found the treatment delivered to late Gul Hussain as inadequate and too late. His pain was not relieved till his last breath and he died crying in agony (as stated by Mr. Sajjad Ahmed pharmacy technician Annexure 15). In such cases treatment given on the spot and in time is most rewarding. Mere referral is disastrous as the patient is sure to die on way to a bigger hospital. It is a sad fact that the biggest district of the Khyber Pakhtunkhwa lack adequate facilities for the acute myocardial patient and that the staff attitude is callous and indifferent.

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As regards referral to the LRH, cardiac patient need to be transported with fully equipped ambulance fitted with state of the art resuscitation facility on way to the tertiary care hospitals. So called referral without medical cover on way to another bigger hospital is not acceptable as the patient with severe disease may not reach their destination alive.

The inquiry team will also discuss the role played by various health care workers in this incident:

20. Dr. Akbar Khaksar Medical Superintendent of DHQ Hospital Nowshera:

According to Mr. Iqbal Hussain, when nobody was available in the hospital, he called MS of the hospital via cell phone. The MS told him that he was busy in Jumma Prayers. (Annexure 2).

As per statement given to the inquiry committee under oath that he was present in the fatcha of one of his relative when Mr. Iqbal Hussain called him at 1.00 PM informing him about the non-availability of casualty staff of DHQ Nowshera. He (MS) told him to look here and there as they may be busy in jumma prayers. He has confessed that Mr. Iqbal Hussain again called him and told him that no body is present. Then He (Dr. Akbar Khaksar) called Mr. Iqbal Hussain 30 minutes later and received the information that Gul Hussain has passed away. He has given statement that Dr. Ali Akbar Sahib was the cardiologist on call on 27/4/2012. Dr. Akbar Khaksar stated that the duty of the MS is fulltime and he must be present within the premises of the station. On his own admission, the MS has stated that he took disciplinary actions against the staff. He has also confessed that the patient was not attended in the casualty as there was nobody in the casualty. (Annexure 18 Four Flags)

Dr. Akbar Khaksar being the MS of the DHQ Nowshera Hospital has shown criminal negligence in his duty when he was informed about a serious patient in the casualty with absent health care givers? He should have ensured round the clock presence of the staff as it is the sole responsibility and job of the MS. Dr. Akbar Khaksar has not taken follow up actions when he was first informed. He acted almost 30 minutes late when all was over. He could have mobilized all the staff through cell phone and landlines. He could have rushed to the hospital to show empathy with the patient when he was informed that there was no staff available in the casualty. He should have ensured the availability of "Essential Drugs list and stock" in the casualty dept of DHQ Nowshera which is a norm everywhere. In the casualty, there are critical patients who need urgent care which is not possible without the presence of essential drugs. Dr. Akbar Khaksar cannot absolve himself of his responsibility in this tragic incident. He has mismanaged a genuine patient with severe disease that could have been saved. DHQ Nowshera is secondary care hospital and its health care delivery system should have matched its status. The two member inquiry team is convinced that Dr. Akbar Khaksar has committed an act of misconduct under the Efficiency & Disciplinary Rules 2011 of Khyber Pakhtukhwa Province.

22. DR. RIWAYATH SHAH DEPUTY MEDICAL SUPERINTENDENT DHQ NOWSHERA HOSPITAL:

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As per statement of Mr. Iqbal Hussain; when Dr. Ali Raza clear cut refused for the treatment, at the same time Dr. Riwayath Shah was seen in the car in the car park of the DHQ Nowshera (which is a few steps away from the casualty ward). He requested Dr. Akbar Khaksar to tell Dr. Riwayath Shah to see his brother. Mr. Iqbal Hussain asked him (Dr. Riwayath Shah) to call cardiologist. According to him Dr. Riwayath Shah ran away along with Dr. Ali Raza. (Annexure No 2).

Dr. Riwayath Shah has stated under oath that after jumma prayers he saw Mr. Iqbal Hussain calling some one on cell phone complaining of CMO (Dr. Ali Raza). After a few minutes when the picture became clear to him, he went inside the casualty and saw the patient. He advised ECG which was performed in few minutes. He waited to see the ECG which had changes suggestive of Myocardial infarction.

Dr. Riwayath Shah has admitted that he was standing in the car park when Mr. Iqbal Hussain Khatak came to him complaining of the staff. And that he never requested him to see the patient.

After a few minutes he realized that they have quarreled with CMO. Dr. Riwayath Shah felt responsibility to see the patient. Dr. Riwayath has divulged that the MS has called him when every thing was over. He has confessed that the patient was referred alive and died in ambulance. He also said that he went to the hospital at 1.10 PM and returned at 1.30 PM. (in the same hospital in which announcement was made about the presence of serious patient in the casualty and the request of the brothers for a doctor to see their brother). About the responsibility of the death of the patient, he has put the blame on the bad luck of the patient and hospital. Dr. Riwayath Shah has accepted the fact that he has treated the patient. In his treatment, injection Nalbin has been mentioned though it has not been administered to the patient due to closure of drug stores in the vicinity of the hospital. (Annexure 17 four flags)

Dr. Riwayath Shah has admitted that he came back at 1.30 PM from mosque. He has accepted that initially he was considering it an administrative issue and did not bothered to act when Mr. Iqbal Hussain Khatak complained to him about the problem with CMO. When he realized that a serious patient is present in the casualty, he went to the casualty to see the patient. The inquiry team informed Dr. Riwayath Shah that in the absence of Dr. Akbar Khaksar, he was automatically acting MS. Similarly being an administrative officer, it was his duty to rush to the casualty to fix the issue. (Inside the mosque he did not even hear the pleas of desperate attendants of the patients in search of a doctor)

The two member inquiry team is of the unanimous that Dr. Riwayath Shah DMS DHQ Hospital Nowshera has shown gross professional negligence as well as misconduct during the discharge of official duty on 27/4/2012 resulting in the death of a patient Gul Hussain.

23. DR. ALI RAZA CASUALTY MEDICAL OFFICER DHQ HOSPITAL NOWSHERA:

Mr. Iqbal Hussain Khatak has mentined that he took his brother to the casualty unit of DHQ Nowshera at 12.45 PM. MS DHQ Dr. Akbar Khaksar has stated that he received a

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call from Mr. Iqbal Hussain Khatak at 1 PM. The arrival time mentioned by Mr. Iqbal Hussain and testified by witnesses (Annexure 3-12) seems to be genuine. The MS has also stated that when he called Mr. Iqbal Hussain at 1.30, he was told that the patient has died.

Mr. Iqbal Hussain Khatak has under oath stated that Dr. Ali Raza has clear cut refused for treatment of his brother. The doctor threw his stethoscope and BP set to the ground and told him that let his brother die if he is going to die. What can he do? Witnesses from annexure No 3-12 have also stated under oath that Dr. Ali Raza has refused treatment to Mr. Gul Hussain. Dr. Riwayath Shah has also mentioned administrative problem in the casualty. (Annexure 17). Mr. Noordil Ward orderly has said the day after the incident he has heard rumours in the hospital that Dr. Ali Raza has refused to see the patient. Mr. Noordil Khan has confirmed that Dr. Riwayath Shah has given treatment to the patient. (Annexure 16)

Dr. Ali Raza has given contradictory statement to the inquiry committee. On one side he claimed to have present throughout the day and on other side he confessed that he was absent between 1.13 PM to 1.20 PM. certainly he was trying to hide something under oath. He has denied arguing with the attendants of Gul Hussain. As regards refusal to treat the patient by Dr. Ali Raza and quarrel with the patient's brothers, Dr. Ali Raza denied on oath that he has not refused treatment to the patient Mr. Gul Hussain. He has confessed that no drug is available in the casualty except diclofenac.

Duty in the casualty is a full time duty and CMO is not allowed to leave his place without handing over charge to another doctor come what may. Dr. Ali Raza has confessed that he has left the casualty unit at the time of the arrival of patient Gul Hussain. The Medical Superintendent has also confirmed the call of Mr. Iqbal Hussain at 1 PM. Moreover, there are sufficient witnesses against him. The statement of Dr. Riwayath Shah and ward orderly Noordil Khan also proves that Dr. Riwayath Shah has administered treatment to Gul Hussain.

The inquiry team is left with no doubt that Dr. Ali Raza is guilty of misconduct under Efficiency & Disciplinary Rules 2011 of the Khyber Pakhtunkhwa Province and that he has not followed medical ethics which are pre-requisite for becoming a practicing doctor.

24. Mr. Sajjad Ahmed pharmacy technician, Mr. Noordil were also absent from duty on that day along with Dr. Ali Raza. Mr. Sajjad Ahmed has tried to hide truth from the inquiry committee under oath.

25. Absence from duty charges has not been proved against Staff nurse Shah Rukh and Khalid Jan dispenser.

26. Attached attested copy of casualty admission register as Annexure 20.

27. Attached attested copy of attendance register of DHIQ Hospital Noshera as Annexure 21.

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28. Attached copy of CMH Hospital Nowshera Casualty slip wherein the patient has been shown as brought dead. Copy attached as Annexure 22.

29. Missing ECG:

The ECG of the patient was important evidence which has not been provided to the inquiry team. The hospital management says that it is in the possession of Mr, Iqbal Hussain Khatak. Mr. Iqbal Hussain Khatak denies it on oath.

30. CONCLUSION:

Mr. Gul Hussain s/o Latifullah died due to criminal negligence and incompetence of the doctors of district Hospital Nowshera. He was given too little, too late and inadequate treatment. Even his pain was not relieved till his last gasp. The management of the DHQ Hospital Nowshera failed to arrange in time essential treatment. The health care providing doctors became active when the patient was already on the verge of death. The Medical Superintendent and Deputy Medical Superintendent were neither active nor proactive in helping the patient which was his due right. The CMO was not present when the patient arrived at the casualty. The necessary treatment was not provided to the patient when it was needed the most. There was a delay of more than 30 minutes. The refusal to treat the patient by a public sector doctor is simply not acceptable.

31. RECOMMENDATIONS:

- i. A minor punishment of censure and stoppage of one time increment for two years may be given to Dr. Akbar Khaksar Medical Superintendent District Headquarter Hospital Nowshera under Efficiency & Disciplinary Rules 2011 of the Khyber Pakhtunkhwa province. He may not be given managerial assignment in future in the best interest of the public.
- ii. A minor punishment of censure and stoppage of one time increment for two years may be provided to Dr. Riwayath Shah Deputy Medical Superintendent of the District Headquarter Hospital Nowshera under Efficiency & Disciplinary Rules 2011 of the Khyber Pakhtunkhwa Province. He may not be given managerial assignment in future in the best interest of the public.
- iii. A major punishment of removal from service may be given to Dr. Ali Raza Casualty Medical Officer District Headquarter Hospital Nowshera under Efficiency & Disciplinary Rules 2011 of the Khyber Pakhtunkhwa Province.
- iv. A major Punishment of removal from service may be given to pharmacy technician Sajjad Ahmed Casualty Ward District Headquarter Hospital Nowshera under Efficiency & Disciplinary Rules 2011 of the Khyber Pakhtunkhwa Province.

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v. A major Punishment of removal from service may be given to Noor Dil Khan ward orderly Casualty Ward District Headquarter Hospital Nowshera under Efficiency & Disciplinary Rules 2011 of the Khyber Pakhtunkhwa Province.

Vi. A well equipped ambulance may be provided to DIHQ Nowshera for transportation of referred patient to major hospital.

Vii. Induction courses may be arranged for the freshly recruited MBBS graduates of the Khyber Pakhtunkhwa Province in PHSA so that they develop bedside manners and communication skills necessary for better service delivery.



Dr. Tahir Shah
PMO (HPS-19)
CHD NO 2 Peshawar



DR. MUHAMMAD ZAMAN
AFRIDI
CMO(B-20)KTH
PESHAWAR.

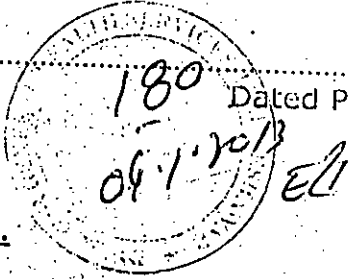


TO BE SUBSTITUTED BEARING THE SAME NUMBER & DATE.

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Annex: G

**GOVERNMENT OF
KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT**



Dated Peshawar, the 11th December, 2012.

NOTIFICATION.

No. SO(E)H-II/3-18/2011: In superannuation of this department's notification of even number & date, the services of Dr. Ali Raza S/O, Asghar Ali, Medical Officer (BS-17) on adhoc basis at DHQ Hospital Nowshera are hereby terminated with immediate effect.

**SECRETARY HEALTH
KHYBER PAKHTUNKHWA**

Endst. No. & date even.

Copy to the:-

1. Accountant General Khyber Pakhtunkhwa.
2. Director General, Health Services, Khyber Pakhtunkhwa Peshawar.
3. MS, DHQ Hospital Nowshera.
4. DAO, Nowshera.
5. Doctor concerned.

R 08/1/13

Muhammad Jamil
(Muhammad Jamil)
Section Officer-II

OFFICE OF THE DGO HEALTH SERVICES, KHYBER PAKHTUNKHWA PESHAWAR.

No. 3611-17 /E.I, Dated Pesh: the 11/02/2013.

- Copy to the :-
01. AG, Khyber Pakhtunkhwa Peshawar.
 02. MS DHQ Hospital Nowshera.
 03. DAO, Nowshera.
 04. Dr. Ali Raza S/O Asghar Ali Street No.1, House No.15, Bid Cah: 0010 Colony Charsadda Road Peshawar.
 05. AE-I;
 06. AE-II, DGHS Office Peshawar.
 07. AE-IV,

For information and n/action.

Asghar Ali
**ASSISTANT DIRECTOR (P.I.)
DGHS KHYBER PAKHTUNKHWA PESHAWAR.**

11/2

(30)

ANNEX: H

To
The Honorable
Chief Secretary,
Khyber Pakhtunkhwa Peshawar.

Info :

To
The Honorable
Chief Minister,
Khyber Pakhtunkhwa Peshawar.

Subject:
Departmental appeal against the Notification No. So (E) H-II/3-18/2011 dated 11-12-12. Where by the appellatant has been terminated from service with immediate effect.

Prayer:

On acceptance of departmental appeal of the appellatant the impugned Notification dated 11-12-12. May graciously be set-aside being illegal & void abinitio and the appellatant may kindly be re-instated into service with consequential and all benefit.

Respected sir,

Appellatant humbly submits as under.

- 1- That the appellatant was appointed as medical officer B.P.S 17 on Ad-hoc basis for a period of one year or till the arrival of regular selectees of public service commission and was posted at D.H.Q Hospital Nowshera, the appellatant assumed the charge of his post on 1.11.2011 & performed his functions/duties honestly and satisfactorily.
- 2- That on Friday 27-04-2012 a cardiac patient Mr. Gul Hassan was brought to casualty, I attended the patient and examined him carefully and provided him necessary Medical Treatment / 1st Aid treatment etc. after Consultation of my Senior Dr. Riwayat Shah (DMS), but the condition of the patient continued to deteriorate. The patient was subjected to ECG wherein abnormal changes were observed indicating (Myocardial Infarction). Thus the patient was administered with Angicid (S/L) Tab: After due consultation with my senior Dr Riwayat Shah (DMS),it was decided to refer the patient to L.R.H Peshawar for symptomatic treatment as no treatment facility for such like patients was available at D.H.Q Hospital Nowshera. It is imperative to point out that as a matter of routine because of lack of proper treatment facilities at D.H.Q Hospital such like patients after being provided with 1st aid are referred to L.R.H Peshawar, while the patient in question was also provided with free ambulance facility.
- 3- Later on we heard that the patient Gul Hassan was died (on way to LRH Peshawar/ CMH Nowshera). Where after brother of the patient/deceased (Mr.Iqbal Hussain) lodged a Fake F.I.R in collaboration with local police

against appellant and other staff, Namely: Khalid Jan(dispenser),Sajjad Ahmed(dispenser),Shahrukh(Casualty Nurse),Kausar Naz (Casualty Nurse),Noor Dil (Ward Orderly) with exaggerated and false allegations. It is pertinent to mention here that the deceased was also serving as Police Constable, which is also and fact itself establish malafide on the part of local Police.

- 4- That in view of the above narrated facts the appellant was granted bail by the Honorable Additional Session Judge Nowshera. (Copy of the judgment is attached).where after the appellant took over charge of his post and started performing his duties, unfortunately the complainant who is an influential person having close relation with Ruling Political party started to threaten the appellant which compelled him to request to administration for providing him security , but in vain As a consequence of which the appellant tendered his resignation, which was not accepted & the appellant was compelled to perform his duties in a hostile environment at the same station.
- 5- Malafide on the part of the complainant(Iqbal Hussain) is further revealed from the fact that Dr Riwayat Shah (DMS) DHQ Hospital Nowshera was neither named in FIR nor has named in the complaint addressed to Director General Health KPK , Peshawar , but has been promptly named in complaint to P.M.D.C Islamabad by the complainant ,which is pending. . It is surprising to note that D. G Health because of some unknown reason did not take any action against Dr Riwayat Shah (DMS) or any staff, but on the other hand terminated my service without forwarding any plausible explanation as to why illegal action has been taken only against the appellant.
- 6- That the complainant (Iqbal Hussain) filled an application before the D.G Health KPK to constitute enquiry committee to conduct enquiry against the accused officials, when an impartial committee was constituted but the complainant (Iqbal Hussain), through political pressure, succeeded to change the enquiry committee and reconstitute it according to his desire, for his Malafide intentions, ulterior motives and considerations.
- 7- That I made verbally objection to the abrupt and uncalled for change in committee, but no action was taken, Therefore, I raised the point of no confidence in the said committee.
- 8- That under the rules, dual proceedings cannot be initiated against an accused Govt. servant. On one side, on the basis of police F.I.R, my trial is going on in the criminal court and on the other hand, during the pendency of litigation in competent court of law, the Health Department resorted to departmental proceedings and without valid and reasonable cause, terminated my service which is clear violation of the fundamental rights as ensured to the constitution.
- 9- That it is a well recognized principle of justice that until and unless a accused person has been convicted by the Court of law he is deemed to be innocent, but Health Department KPK seemed to be in hurry because of some unknown ulterior motives turning blind eyes towards rules and regulations of Service procedure as well as law in force.
- 10- Under the constitution/law of country the appellant has due right of access to enquiry report and related material, but no such record/basis/recommendations

have been shown or given to me, so for and hence the entire proceedings are liable to cancelled/setaside.

- 11- It is pertinent to add that on writ petitions filled by the AdHoc Doctors of KPK, the High court has issued interview order allowing the doctors to carry out their job till the final decision of the writ petition.
- 12- In the wake of the above circumstances it is highly objectional and discriminatory action on the part of the Health Department to only hint me by terminating my services without any valid reason violating the judgment of the High Court in this context.
- 13- That I have always performed my duty honestly, diligently and devotedly and recommendations of the committee are one sided and not based on justice.
- 14- That the appellant is a young Doctor and completed my studies/House Job on Self Finance and belongs to a respectable family & due to this impugned order ,he and his entire family members are facing mental torture and financial difficulties due to this bogus, fake & false case of complainant and looking towards your good self for justice.
- 15- That while terminating me from service, no right of hearing was given to the appellant. Neither any show cause notice issued, nor any enquiry conducted, thus the notification of termination is violative of the principles of natural Justice.
- 16- That other grounds and relevant record will be added at the time of arguments, if required.
- 17- I wish to be heard in person.

Prayer:

In view of the afore mentioned circumstances it is most humbly requested that the impugned order dated 11-12-12. May graciously be set aside and I may be reinstated in service with full back wages and benefits of service.

Yours obediently

Dated: 9/1/2013.

DR ALI RAZA s/o Asghar Ali Khan
H/No. 3, Eid Gah Colony Charsadda Road
Peshawar City.

Copy of the above along with enclosure forwarded to:

1. The secretary Health Government of KPK civil secretariat Peshawar.

Yours obediently

DR ALI RAZA s/o Asghar Ali Khan
H/No. 3, Eid Gah Colony Charsadda Road
Peshawar City

POWER OF ATTORNEY

In the Court of KPK Services Tribunal Peshawar

Dr. Ali Raza } For
} Plaintiff
} Appellant
} Petitioner
} Complainant

VERSUS

Court of KPK and others } Defendant
} Respondent
} Accused
}

Appeal/Revision/Suit/Application/Petition/Case No. _____ of _____
Fixed for _____

I/W, the undersigned, do hereby nominate and appoint

IJAZ ANWAR ADVOCATE, SUPREME COURT OF PAKISTAN

Sajid Amin Jonaid Zaman my true and lawful attorney, for me in my same and on my behalf to appear at _____ to appear, plead, act and answer in the above 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. Companies 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 subpoena and to apply for and get issued and arrest, attachment or other executions, warrants or order and to conduct any proceeding 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 power and authorizes hereby conferred on the Advocate wherever 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 all 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 hereby 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 undertake at time of calling of the case by the Court/my 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 favour shall be the right of the counsel or his nominee, and if awarded against shall be payable by me/us

IN WITNESS whereof I/we have hereto signed at _____
the _____ day to _____ the year _____
Executant/Executants [Signature]
Accepted subject to the terms regarding fee _____

Accepted
[Signature]

[Signature]

41
2
Ijaz Anwar
Advocate High Courts & Supreme Court of Pakistan

ADVOCATES, LEGAL ADVISORS, SERVICE & LABOUR LAW CONSULTANT
FR-3, Fourth Floor, Bilour Plaza, Saddar Road, Peshawar Cantt
Ph.091-5272154 Mobile-0333-9107225

BEFORE SERVICE TRIBUNAL PESHAWAR.

Appeal No. 850/2013.

Dr. Ali Raza.....Appellant.

Versus.

1. Secretary to Government of Khyber Pakhtunkhwa, Health Department, Peshawar.
2. Director General Health Services, Khyber Pakhtunkhwa, Peshawar.

Respondents.

Parawise comments on behalf of respondent No.1,2, and 3

Preliminary Objections:-

1. That the appeal is incompetent and not maintainable in its present form.
2. That the appellant has neither cause of action nor locus standi.
3. That the present appeal is barred by law.
4. That the present appeal is bad for misjoinder and non joinder of parties.
5. That the appellant has not come to the Court with clean hands.
6. That the appeal is time barred.

ON FACTS.

1. The appellant was appointed on Adhoc basis for a period of one year by the Govt: vide Govt: Notification dated 25.10.2011 and was posted at DHQ Hospital Nowshera.
2. Incorrect. It is baseless that no such facilities is available in DHQ Nowshera. On the other hand DHQ: Hospital Nowshera is a largest Hospital in KPK where proper treatment facilities are available. However the appellant according to the enquiry report of the enquiry committee at serial No.iii a major punishment of removal from service has been recommended. Accordingly being on adhoc basis, he was terminated from service on 11.12.2012.
3. The patient died on the way to LRH Peshawar where after the brother of the patient/ deceased lodged FIR.
4. Incorrect, If enquiry proceedings are under process against any officer his resignation cannot be considered till the date of enquiry is decided by the respective authority.
5. Incorrect. The respondent No.3 acted as per Law and Rules.
6. Incorrect. The complaint was lodged by Mr. Iqbal Hussain (the brother of deceased) so an enquiry committee was constituted consisting Dr. M. Nasir Raza PMO (B-19) and Dr. Tahir Shah PMO (B-19) however Mr. Iqbal Hussain objected on the name of Dr. M. Nasir Raza, so he was replaced by Dr. M. Zaman Afridi. The enquiry committee has recommended his termination as he was already serving on adhoc basis and was also on probation of one year.
7. Incorrect. As per record. No such objection has been received in the DGHS office from the appellant regarding no confidence on the enquiry committee.

8. Incorrect. Departmental proceedings and criminal proceedings are two different things. The DG Health resorted to department proceedings according to law and with valid and reasonable cause. This negligence in performance of duty was proved by the committee, so his Adhoc services were terminated by the Govt: according to law.
9. Incorrect. The applicant was an Adhoc employee for period of on year during which he committed professional negligence so Department terminated his services.
10. No comments.
11. No comments.

GROUND:-

- a. Incorrect. The proceeding are conducted according to law on the subject. The appellant has not applied to DGHS for provision of enquiry report.
- b. No comments.
- c. Incorrect. The appellant services were terminated due to his negligence.
- d. Incorrect. The enquiry committee recommendations are not one sided but is based on justice.
- e. Incorrect. The recommendation of enquiry committee was based on facts.
- f. Incorrect. The proceeding were conducted according to law and appellant was rightly terminated.
- g. Incorrect. The appellant has been treated according to law.
- h. Not correct. The enquiry officer recommended his removal from service after thorough scrutinization.
- i. Already explained in above Paras.
- j. Not correct. He failed to provide timely treatment to a cardiac patient. He misbehaved with attendants of the deceased and used harsh language with him.
- k. No comments.

It is requested that the instant appeal may be dismissed with cost.

Asad Ali
30.1
Director General Health Services,
Khyber Pakhtunkhwa, Peshawar.
(Respondent No.03)

30/1/14

Farman
Secretary to
Government of Khyber Pakhtunkhwa
Health Department, Peshawar.
(Respondent No.01) 2)

S. copy

**BEFORE THE HONOURABLE SERVICE TRIBUNAL KPK,
PESHAWAR.**

Dr. Ali raza -----VERSUS-----Government of KPK through its Chief
Secretary, KPK & others

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APPELLANT

THROUGH

(IJAZ ANWAR)

Advocate Supreme Court of Pakistan

**BEFORE THE HONOURABLE SERVICE TRIBUNAL KPK,
PESHAWAR.**

Dr. Ali raza S/o Asghar Ali Khan,
03-Eidgah Colony, Charsadda Road, Peshawar.....Appellant

VERSUS

Government of KPK through its Chief Secretary, Khyber
Pakhtunkhwa, Peshawar and others.Respondents

**REPLICATION/ REJOINDER ON BEHALF
OF THE APPELLANT.**

Sheweth,

Para wise Reply of comments are as under:-

Preliminary objections

1. Contents of comments are incorrect and misleading; the appeal is well in time, as well as in accordance with the prevalent laws, rules and procedure, hence maintainable in its present form and circumstances.
2. Contents in facts are incorrect and false; the appellant has illegally been terminated. He has thus got the necessary cause of action and locus standi.
3. Contents are incorrect, misconceived and misleading; the respondents with malafide intention for their ulterior motives and consideration concealed the material facts from this honourable tribunal i.e. Findings/ observations of 2nd and 3rd Departmental Enquiries as well as one year extension order No. SO (E)H-II/3-18/2013 dated 30-08-2013 on the basis of the order/ Judgment vide dated 23-10-2012 in writ petition No.2988 -P/12 and orders /judgments dated 29-10-2013 in writ petition No.38-P/2013 and writ petition # 42-p/13 of august Peshawar High Court Peshawar.

4. Contents are incorrect and false, the appellant has a valid cause of action against the respondents, because besides the findings/ observations of the 2nd and 3rd departmental enquiries, the appellant has also been acquitted from the criminal charges (in FIR No.391 dated 04-05-2012 U/s 322/148/149, PS Nowshera Kalan) by the learned Additional Session Judge-II, Nowshera vide judgment dated 20-05-2014.
5. Contents are incorrect and false, all the facts necessary for the disposal of instant appeal are brought before this Honourable tribunal and nothing has been concealed.
6. Contents are incorrect and false; all parties necessary for the disposal of the instant appeal are arrayed as parties in the instant appeal.
7. Contents and all preliminary objections in para-wise comments are incorrect, baseless, vicious and misleading.

On facts

- 1) Contents need no reply; however contents of para-01 of the appeal are correct.
- 2) Contents of para-02 of the comments are incorrect, baseless, false, frivolous, vexatious, misleading and bases on self concocted story of the respondents, wherein they with malafide intention for their ulterior motives and considerations suppressed the real facts of findings/ observations of 2nd and 3rd departmental enquiries from this Honourable Tribunal. Relevant extracts are reproduced as under:

Para No.1 of the findings of 2nd enquiry report.

In the light previous enquiry, statements of the staff recorded by the previous committee, replies of the officials to the charge sheet, site inspection and statements of eye witnesses by the 2nd enquiry committee, it has been observed that the health department has not properly examined the preliminary report of the committee, headed by Dr. Muhammad Zaman Afridi. The department has state away initiated action on the recommendations of the previous report, which is in contravent on of KPK, Government services (E&D) rules, 2011. Besides the enquiry committee has based its recommendations on the statements of the relatives of the deceased Gul Hassan. The services of Ali Raza, CMO has been terminated without giving him opportunity of explaining his position. The enquiry committee has not discussed in depth lack of facilities in DHQ level emergency units. The responsibility for taking necessary steps in improving the emergency

facilities, in particular, has not been attributed to the dealing hands. The Medical Supdt, a blue eyed of an MPA and ex-minister, never bothered to undertake initiative for improving the health care facilities in the hospital. The causality staff though, made all the efforts in resuscitation of the patient having MI, without availability of requisite life saving drugs was unable to manage him locally. They had no option except to refer the patient to the tertiary care facility where all such required arrangement are available.

Para No.3 of the findings of 2nd enquiry report

As regards, the inefficiency of the causality staff, nothing to that effect could be established against the following as the required facilities for managing a patient with heart failure were not available in the causality:-

Para No.5 of the findings of 2nd enquiry report

Since the CMO has been awarded major penalty without affording him the chance of calling for his explanation, even, the health department may review the rehiring of Dr. Ali Raza, if otherwise, permissible.

(copy of second enquiry is attached as annexure-A)

That on the directions of respondent No.5 & 6 third Enquiry Committee was formed and the committee in its findings observed as under:-

Relevant para of the findings of 3rd Enquiry report

According to the statement of complainant, Dr. Ali Raza had exchanged harsh words and quarreled with him and therefore he did not attend the patient, but on the contrary, all other staff of the casualty including DMS Dr.Riwayat Shah have confirmed that the patient was provided all the possible treatment, available in the casualty at that time and after diagnosis of the patient to have MI : was referred to the tertiary care Hospital at Peshawar in the Hospital Ambulance.

Relevant para # 04 of the recommendations of 3rd Enquiry report

Dr. Riwayat Shah DMS tried his level best for giving emergency treatment to the patient and subsequent referral to the tertiary care Hospital; although it was off time; which reveals that he was present even at odd hours. In view of the foregoing, he may also be exonerated.

(copy of 3rd enquiry is attached as annexure-B)

Further-more, the action of the respondents with respect to termination of appellant from service dated 11-12-2012 was contemptuous because the Honourable High Court Peshawar had already extended the tenure of the service of adhoc Doctors for a further period of one year, commencing 25-10-2012 and so on, as extension was granted for onward till to-date, which was/is legitimate right of the appellant. However the respondents issued a notification No.SO(E)H-II/3-18/2013 dated 30-08-2013 for extension of appellant as per order/ directions of the august Peshawar High Court Peshawar, but later on withdrew the said Notification dated 23-10-2013 (Copies of orders/judgments of the august Peshawar High Court are attached as annexure-C , D,E & F).

- 3) Contents of para-03 of the comments are self explanatory, wherein respondents themselves admitted the demise of the patient on way to LRH Peshawar. Moreover the appellant has been acquitted from the criminal charges (in FIR No.391 dated 04-05-2012 U/s 322/148/149, PS Nowshera Kalan) by the trial court/ Additional Session Judge-II, Nowshera vide order/judgment dated 20-05-2014. (certified copy of acquittal order /judgment dated 20-05-2014 is attached as annexe-G).
- 4) Contents of para-04 of the appeal are correct and reply submitted to the instant para is incorrect, false and baseless.
- 5) Contents of para-05 of the comments are hypothetical, without cogent reasons, footingless and a desperate attempt to suppress the material facts; however contents of para-05 of the appeal are correct and based on real facts.
- 6) Contents of para-06 of the comments are incorrect and baseless; however said para of appeal is correct, wherein the contention of appellant is also well and aptly supported in the findings of the 2nd and 3rd departmental enquiries.
- 7) Contents of para-07 of the appeal are correct. The reply submitted to the said para is incorrect and false.
- 8) Contents of para-08 of the comments are incorrect, baseless and bases on presumptions and nothing else, however the criminal court of law/ trial court/ Session Judge-II, Nowshera has acquitted the appellant, wherein it is established and proved that no negligence in the performance of duty on the part of the appellant occurred. Further more this fact is also supported, proved and admitted in the 2nd and 3rd departmental enquiry

reports. More-over august Peshawar High Court has already further extended the tenure of the contract period of all Adhoc Doctors.

- 9) Contents of para-09 of the comments are incorrect, inaccurate, unfounded and against the consonance of law and standing rules. However, the matter has been well elaborated in the above paragraphs.
- 10) Contents of para-10 need no reply. However said para of the appeal is correct.
- 11) Contents of para-11 need no reply. However said para of the appeal is correct.

GROUND S

- a. That reply of the grounds of departmental comments from para a to k are incorrect, baseless, misrepresented and misleading, hence not admitted. More-over reply is drafted by respondents without cogent reasons, proof and based on malafide intention and impudent objectives.

While on the other hand all the grounds taken in the memo of appeal are correct, based on real facts/realities and also supported by the decision/order/judgment dated 20-05-2014 of the Criminal court of law/trial court/ Additional Session Judge-II, Nowshera as well as findings/ observations of the 2nd and 3rd departmental enquiries. Further more all grounds of appeal are factual and legal, will be substantiated and corroborated at the time of hearing of the case/appeal.

That the instant replication/rejoinder may kindly be considered as an integral part of main appeal, and the appellant will also add additional grounds at the time of arguments, if required.

It is therefore humbly prayed that on acceptance of this replication/rejoinder the service appeal of the appellant may kindly be accepted as prayed for as well as directions/order of august Peshawar High Court, Peshawar.

APPELLANT

THROUGH

(IJAZ ANWAR)

Advocate Supreme Court of Pakistan

AFFIDAVIT

I Dr. Ali Raza s/o Asghar Ali Khan, resident of Eidgah Colony, Charsadda Road, Peshawar City hereby solemnly affirm on oath that the contents of replication/rejoinder as well as appeal are true and correct to the best of my knowledge and belief and nothing has been kept back or concealed from this Honourable Tribunal.

DEPONENT

ENQUIRY REPORT.

Subject: DISCIPLINARY PROCEEDINGS AGAINST DR. AKBAR KHAKSAR, MS & OTHER STAFF MEMBERS OF DHQ HOSPITAL, NOWSHERA.

INTRODUCTION:

The Govt. of Khyber Pakhtunkhwa Health Department, Peshawar constituted an Enquiry Committee comprising of the following officers to conduct a facts finding enquiry to investigate into the criminal negligence and incompetence of the doctors and staff of DHQ Hospital, Nowshera, which resulted into the death of a patient, Mr. Gul Hussain S/O Latifullah of District Nowshera (Annex-I).

- | | | |
|------|-----------------------|----------|
| i). | Muhammad Younis Javed | Chairman |
| ii). | Dr. Roohullah Jan | Member |

BACKGROUND:

One Mr. Iqbal Hussain r/o Khattak Colony Ashoorabad, Nowshera submitted an application to the Chief Justice of Pakistan with a copy endorsed to Health Secretary Government of Khyber Pakhtunkhwa (Annex-II) alleging that:

- i) On 27.4.12 at 12.45 p.m he took his brother suffering from severe chest pain for emergency treatment to Emergency Unit of DHQ Hospital, Nowshera.
- ii) No staff member was there and the Emergency Unit was locked. No health worker was available in the Hospital. His brother went to the local masjid inside the Hospital and cried for staff member of the Hospital requesting for attending his patient in the Casualty. MS was also contacted who informed that he was in Juma prayers outside the hospital.
- iii) Dr. Ali Raza, CMO came at 1.35 p.m and asked his elder brother not to speak loudly. The doctor then refused to

check up his brother & throw away the stethoscope. His brother died there. Subsequently, Dr. Riwayat Shah DMS was seen in the car park, who was requested for examination of his brother. Though, Dr. Riwayat Shah came and checked his brother but went out and his brother died.

- iv) Dr. Riwayat Shah carried out ECG for his own satisfaction and they took their brother to CMH Nowshera who declared him as dead.

2. On the direction of Health Secretary, Director General, Health constituted an enquiry committee comprising of the following senior Doctors of the Department for investigating the matter, making a detailed probe and submission of report;;

- i). Dr. Muhammad Zaman Afridi, CMO(B-20), KTH Peshawar.
- ii). Dr. Tahir Shah, PMO (B-19) CBD No.2, Peshawar.

3. The enquiry committee conducted the subject enquiry and submitted report to Director General Health Services, Khyber Pakhtunkhwa (Annex-III).

PROCEEDINGS:

Based on the recommendations of the Inquiry Committee, the Health Department initiated formal departmental proceedings against the following medical staff of the Hospital and Emergency Unit of DHQ Hospital, Nowshera besides terminating the services of Dr. Ali Raza, CMO (contract employee):-

1.	Dr. Muhammad Akbar	M.S DHQ Hospital, Nowshera
2.	Dr. Riwayat Shah	D.M.S DHQ Hospital, Nowshera
3.	Mr. Sajjad Ahmad	Pharmacy Technician Casualty Ward DHQ Hospital, Nowshera
4.	Mr. Noor Dil Khan	Ward Orderly Casualty Ward DHQ Hospital, Nowshera

All the above mentioned staff has now been served with the following charge by the Competent Authority as per charge sheet/statement of allegations (Annex-IV):-

8

"A patient Mr. Gul Hussain S/O Latifullah of District Nowshera was brought to the DHO Hospital, Nowshera at 12:45 pm on 27/04/2012 with chest pain. You failed to arrange in time essential treatment which resulted into death of the above mentioned patient."

3. All the accused were asked to submit replies to the charge contained in the charge sheet/statement of allegations (Annex-V), as reproduced in Para-2 above on 11.03.2013. The Director General Health Services was also asked to depute an officer conversant with the case to assist the enquiry committee on the same date. However, no officer from Health Directorate assisted the Committee despite written and verbal request(s). All the accused staff appeared before the committee and submitted written replies as under:-

DR. Muhammad Akbar Khaksar , MS DHQH, Nowshera

(Annex-VI)

He was not available in the Hospital because he had to perform Juma prayer outside the Hospital premises and Dr. Riwayat Shah, DMS and Casualty staff was available as per routine. However, Casualty staff too had gone to the near Mosque for performing only "Farz" Two Rakaat of juma prayers except the Charge Nurses. According to him some hard words were exchanged between attendants of the patient and the CMO/emergency staffs on duty as the attendants were insisting that their patient shall be examined by some senior doctor. However, the DMS attended the patient and after having ECG, referred him to Peshawar, as no case with Cardiac patient can be managed at DHQ level. He was

provided Ambulance facility and the available medication. It was known that the patient died on the way.

9

Dr. Riwayat Shah DMS, DHQ, Hospital, Nowshera
(Annex-VII)

He left the Office at 1.10 PM to go to the Hospital Masjid for Jumma Prayers. No patient was noticed while passing through Emergency. After prayers at 1.20 PM, some people were shouting and complaining against the casualty staff that they had gone for prayers and no one was present to examine their patient having abdominal pain. The attendants have exchanged hard words with the casualty staff for leaving the Casualty and going to masjid for Juma prayers. He personally examined the patient and observed that he was complaining of pain in epigastrium and chest, for which ECG was advised. The ECG was abnormal and it was felt that the patient had myocardial infarction (MI) and as such was advisable to be referred to Peshawar because the cardiologist too could not be located by the ward boy and no facilities for managing such patients were/are available. Mr. Sajjad Ahmad (Pharmacy Technician) and Mr. Noordil Khan (Ward Orderly) were directed to arrange ambulance for provision of medical care at LRH, Peshawar. Proper medical care was extended to the patient as per available stock and facilities but since the Hospital did not have CCU and ICU facilities, they had to refer the patient.

Mr. Sajjad Ahmad (Pharmacy Technician) (Annex-VIII):

On 27-04-2012, they were present in the casualty and some people went for attending Juma prayer in the nearest Masjid of the hospital at 1.15 PM. Mr. Khalid Jan, technician, two Nurses, Miss Shahrukh and Miss Kauser remained available in the casualty. A female patient was lying on the bed in the

(10)

casualty but was properly examined by Dr. Ali Raza, CMO. No other patient was present there in the casualty. Since the mosque is located near the casualty and takes a minute to reach there, they went to masjid at 1.13 PM and only offered two Rakat Faraz. The prayers finished at 1.18 PM. Dr. Ali Raza, CMO and I immediately rushed to the casualty, when someone said that a patient had been brought to the casualty department in serious condition. Dr. Ali Raza examined the patient and prescribed some medicines which were accordingly provided, though most of the Medical stores were closed being Friday (Juma). However, condition of the patient did not improve. During this time, Dr. Riwayat Shah DMS, entered the Emergency unit and examined the patient properly. He advised ECG and other required medicine. After examining ECG, Dr. Riwayat Shah DMS asked for immediate arrangement of ambulance and observed that it seems to be myocardial infarction (MI). The attendants were advised for taking the patient to LRH, Peshawar. The patient was shifted to the ambulance on the advice of Dr. Riwayat Shah, DMS. However, the attendants reportedly took the patient to CMH, Nowshera, where he could not survive.

R.S.

Mr. Noordil Khan, Ward Orderly (Annex-DX):-

He was performing his normal duty on 27-04-2012 in casualty department. This was Friday and he went to the mosque situated inside the Hospital, as no patient was there in the casualty department. He left the casualty at 1.13 PM and remained in the masjid till completion of his faraz sala at 1.18 PM. When returned to the emergency, a patient was brought during the prayers time, who was provided medical care by Mr. Sajjad Ahmad, Technician and on the advice of Dr. Riwayat Shah, ECG was carried out. Subsequently, the doctor asked him to inform the Cardiologist and arrange ambulance

for shifting the patient. The ambulance was immediately arranged and the patient shifted there, drip facilities were also provided to the patient within the ambulance.

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3. As regards, health department representative for assisting the enquiry committee, it is regretted that no one represented the Health Directorate. In order to investigate the matter, the committee commenced another meeting wherein DG, Health was requested to depute Dr. Zaman Afridi, Director (Admin), who is dealing the case and had previously conducted the preliminary enquiry also (Annexure-III). The DG, Health was requested on phone, as well. Even Dr. Zaman Afridi was also informed through a formal letter and on telephone. On 18-03-2013, Dr. Abdur-Rehman AD, who did not know facts of the case/record, stated that he, has been asked by Dr. Zaman to represent the department. When contacted on phone, Dr. Zaman turned a deaf ear and stated that being a highly pre-occupied officer; he cannot come on such short notice. He stated that the enquiry committee may send another request which will be considered according to his schedule.

R. J.

5. In order to further ascertain the facts, the enquiry committee visited DHQ Hospital, Nowshera on 19th March, 2013 at 3.0 pm. The emergency of the hospital was inspected and people present on the date of incident were interviewed and their statement recorded as under:-

i. Mr. Nisar, OT Technician, Surgical Ward (Annex-X)

He states on oath that on 27.4.2012 (Friday) at 1.15 p.m, he left his official residence located closed to the emergency inside the hospital for offering Juma prayer. During this, he listened hue & cry from the Emergency and went there on humanitarian grounds. He shifted the patient (Mr. Gul Hussain) to the wheel chair for taking him inside the ward. He asked for calling of the CMO on emergent basis, however, the relatives of the patient pushed back the CMO on arrival and asked him not to check their patient but even then the

CMO checked the patient and owing to high blood pressure immediately called the senior doctor. The senior doctor checked the patient, carried out his ECG and due to changes in the ECG asked for referring the patient. The ambulance was arranged and all of them collectively shifted the patient to the ambulance. However, while leaving the hospital relatives of the patient kept on abusing and threatening entire staff of the Emergency. The patient was taken out of the hospital in the presence of doctors and the staff. He maintained that he is recording the statement only for the sake of pleasure of Almighty Allah.

ii. Mr. Gohar Ali: Owner of the Canteen (Annex-XI).

He also stated on oath that he is running a canteen in DHQ Hospital Nowshera. While leaving for Juma prayer on 27.4.2012, he observed hue & cry in the Emergency & went there. He saw that a patient has been brought in the Emergency and was shifted inside on the wheel chair. The patient was accompanied by Mr. Sajjad Ahmed Dispenser, Mr. Noor Dil Ward Orderly and attendance of the patient. An OT Technician reached to the site. Dr. Ali Raza CMO was examining the patient. Attendance of the patient were crying and abusing the entire staff. They were asking for bringing a senior doctor. The junior doctor should not check their patient & kept on pushing the CMO out of the ward. But the CMO examined the patient, checked his BP etc. He was provided with all available medical care. A senior doctor was also called to see the patient. ECG was carried out. The DMS stated that the patient was having a heart attack and asked to immediately shift him to Peshawar. Necessary medical care was provided & the patient was jointly shifted to the ambulance. The attendants were continuously abusing the staff and the Govt. for non provision of facilities for a cardiac

patient. They took out even arms and threatened the staff and the nurses.

ii. Mr. Nawab Ali, President of Class-IV, Union (Annex-XII)

On 27.4.2012, he had gone for Juma prayers and when he reached to the site, noted that attendants of the patient were misbehaving with Dr. Ali Raza CMO but the CMO kept on examining the patient and advised medicines. Dr. Riwayat Shah, also came during this period and advised ECG. After the ECG, he stated that it is a heart attack and directed the staff to immediately arrange ambulance. He alongwith the paramedical staff shifted the patient to the ambulance and patient was referred to LRH, Peshawar. He gave the statement on oath.

v. Mr. Rasheed, X-Ray Technician (Annex-XIII)

He stated that he is an X-Ray technician and conducts ECGs in the 2nd shift. On 27.4.2012, ECG of patient (Gul Hussain) was carried out. It is fact that Dr. Riwayat Shah referred the patient on the basis of ECG stating that it was heart attack. The entire emergency staff was present.

v. Mr. Muhammad Israr, Driver of the Ambulance (Annex-XIV)

On 27.4.12 (Friday), he was on duty. After offering Juma prayer he came at 1.40 p.m to Casualty & observed that Dr. Riwayat Shah, DMS and Dr. Ali Raza CMO alongwith casualty staff were busy in providing medical care to a patient, Mr. Gul Hussain. The patient was referred to LRH Peshawar at 1.45 p.m. Dr Ali Raza asked to arrange ambulance at once. He alongwith other staff members shifted the patient to the ambulance jointly and they left for Peshawar. The patient was alive till that time. However, Mr. Iqbal Khan told him that since the patient was having severe pain, they want to take him to CMH. When they reached the CMH Nowshera, the relatives of the patient took the patient inside the Emergency

Ward of CMH. After a short time, the patient was taken out as dead and the dead body shifted to the same ambulance. The body was taken in his ambulance to their village.

Findings:

In light of the previous enquiry, statements of the staff recorded by the previous committee, replies of the officials to the Charge Sheet, site inspection and statements of eye witnesses by the 2nd Committee, it has been observed that the Health Department has not properly examined the preliminary report of Committee headed by Dr. Muhammad Zaman Afridi. The Department has straightaway initiated action on recommendations of the previous report, which is in contravention of Khyber Pakhtunkhwa, Govt. Services (Efficiency & Disciplinary) Rules, 2011. Besides, the Enquiry Committee has based its recommendations on the statements of relatives of deceased (Gul Hussain). The services of Dr. Ali Raza, CMO have been terminated without giving him an opportunity of explaining his position. The Enquiry Committee has not discussed in-depth lack of facilities in DHQ level Emergency Units. The responsibility for taking necessary steps in improving the emergency facilities in particular has not been attributed to the dealing hands. The Medical Superintendent, a blue eyed of an MPA and Ex-Minister, never bothered to undertake initiative for improving the health care facilities in the hospital. The casualty staff though, made all efforts in resuscitation of a patient having MI without availability of requisite life saving drugs was unable to manage him locally. They had no option except to refer the patient to a tertiary care facility where such arrangements are available.

2. The charge of in-efficiency leveled against the Medical Superintendent as per charge sheet can be established to the above extent, however, in the instant case, charges leveled against him do not seem to be based on facts.

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As regards, the in-efficiency of the casualty staff, nothing to that effect could be established against the following as the required facilities for managing a patient with heart failure were not available in the casualty:-

- (i) Dr. Rewayat Shah DMS
- (ii) Mr. Sajjad Ahmed Dispenser
- (iii) Mr. Noor Ali ward orderly.

Though, the casualty staff remained out of the casualty for a very short time i.e. 1.13 to 1.18 p.m. the same may not be taken as such a serious offence to dispense with their services.

Since the CMO has been awarded major penalty without affording him the chance of calling for his explanation even, the health department may review the re-hiring of Dr. Ali Raza, if otherwise, permissible.

Recommendations:-

1. The Health Department may prepare a consolidated PC-I for improvement of emergency services in all DHQ Hospitals.
2. Only senior doctors from Management Cadre should be appointed against the post of Medical Superintendent and District Health Officer with good integrity and no political affiliations.
3. The Health Department shall properly examine preliminary/facts finding inquiries instead of jumping to the recommendations as a short cut.
4. Proper trainings should be provided to the Emergency staff across the board.
5. TO should also be arranged at all levels including RHC facilities for handling emergency cases.

Rule-12 of Khyber Pakhtunkhwa(Efficiency & Disciplinary) Rules, 2011 vests the Inquiry Committee with the powers of a Civil Court and can summon any person in disposal of an Inquiry assigned to an Inquiry Committee or an Officer while Rule-13 provides duties of departmental representatives to the effect that the departmental representative shall render full assistance to the Inquiry Committee during the proceedings and shall be personally present and fully prepared with all the relevant record relating to the case on each date of hearing. Dr. Muhammad Zaman Afridi Director (Admn), DG Health Office, failed to observe the above mentioned Rules despite repeated written and verbal requests (Annex-XV). The officer may be proceeded against in light of the above mentioned rules and non-assistance to the Inquiry Committee.

ammad Younis Javed)
man, Inquiry Committee

(Dr. Roohullah Jan)
Member, Inquiry Committee

Annex-B

17

BS



GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

NO. SOH(E-V)1-29/2007/Dr Riwayat Shah
Dated Peshawar the 11th April, 2014

To

The Director General
Health Services Khyber Pakhtunkhwa
Peshawar.

3889
12/04/14

Subject: DR.RIWAYAT SHAH PMO (BS-19) DHQ HOSPITAL NOWSHERA

I am directed to refer to your letter No.6628/E-I dated 20/3/2014 on the subject noted above and to enclose herewith the requisite inquiry report for further necessary action,

(HINA HAFEEZ)
SECTION OFFICER-V

Endst No & Date Even.

Copy to the PS to Secretary Health Department.

SECTION OFFICER-V

OFFICE OF THE DG HEALTH SERVICES, KHYBER PAKHTUNKHWA PESHAWAR.
No. 8971-79 /E.I, Dated Pesh: the 28/4/2014.

Copy of the above alongwith enquiry report is forwarded to MS DHQ Hospital Nowshera for information with the request to hand over the same to Dr. Riwayat Shah PMO (BS-19) DHQ Hospital Nowshera for his information as desired please.

ASSISTANT DIRECTOR (P-I)
DGHS KPK, PESHAWAR. 24/4/14

C.C

Secretary Health Khyber Pakhtunkhwa Peshawar for information.

For Nowshera
25/05/14

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51
4-11-13

GOVERNMENT LADY READING HOSPITAL PESHAWAR

No. 38047 /LRH

Dated Peshawar the 31/10/2013

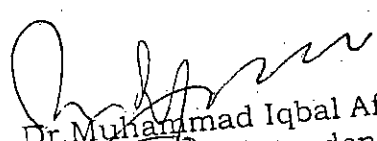
To,
The Secretary to Govt. of Khyber Pakhtunkhwa,
Health Department, Peshawar

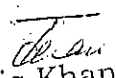
Subject:- **DISCIPLINARY PROCEEDINGS AGAINST DR. AKBAR
KHAKSAR MS AND OTHERS OF DHQ HOSPITAL
NOWSHERA.**

Dear Sir,

With reference to your letter No.SOH(E-V)1-14/2012/Dr Akbar Khaksar dated 29th August, 2013 on the subject noted above, we the following Enquiry Committee have the honour to submit the requisite inquiry report alongwith relevant documents, for favour of further necessary action at your end.

Enquiry Committee


Dr. Muhammad Iqbal Afridi
Medical Superintendent,
Govt. Lady Reading Hospital,
Peshawar


Dr. Tariq Khan
Medical Superintendent,
Govt. Naseerullah Khan Babar
Memorial Hospital Kohat Road
Peshawar

SSA

ASD

SOA

05-11-2013

P. U. P12
Asst

1. Mr. Noor Dil Khan Ward Orderly DHQ Hospital Nowshera
2. Dr. Riwayat Shah DMS DHQ Hospital Nowshera
3. Mr. Sajjad Ahmad Junior Clinical Technician Pharmacy DHQ Hospital Nowshera

(20)

7. Mst. Shah Rukh Charge Nurse DHQH: Nowshera

Statements of the individuals are briefly discussed as under:

1. Statement of Dr. Muhammad Akbar Khaksar SMO(BPS-18) the then Medical Superintendent DHQ Hospital Nowshera (Annexure-I):

On Friday the 27th April 2013 after 01.10 PM, a patient namely Mr. Gul Hussain s/o Latifuallah was brought to the Casualty of the hospital, but due to Friday (Juma), the staff was busy in Juma Prayers in the nearby mosque. After a few minutes the CMO along with other staff came out of mosque, but due to some misunderstanding between the CMO and attendants of the patient, the CMO allegedly refused to attend the patient. However Dr. Riwayat Shah DMS present in the hospital attended, examined and advised the patient ECG etc. and gave emergency treatment. The patient was referred to Peshawar in hospital ambulance as the DHQ Hospital Nowshera has no CCU or ICU facilities.

After sometime it was known that the patient expired on the way and he as MS of the hospital took serious action and conducted inquiry through senior doctors and sent the report to the competent authorities.

To certain cross questions (Annexure-II) by the Enquiry Committee, he replied as under:

- He was not present at the time of the occurrence in the hospital but after being informed by the DMS Dr. Riwayat Shah and complainant, he reached the hospital at about 02.00 PM, but at that time the patient was referred to LRH Peshawar in hospital ambulance.
- He used to prepare duty rota for all the units including Casualty Department on monthly basis.
- He stated that he immediately conducted an inquiry through senior doctors and submitted its report to the EDO(H) Nowshera.

2. Statement of Dr. Riwayat Shah DMS DHQ Hospital Nowshera (Annexure-III)

On the day of the occurrence i.e. 27th April, 2013, he left the office at 1.10 PM and went to the hospital mosque for offering Jumma Prayers. At that time there was no un-attended patient in the Casualty. After prayers at about 01.20 PM when he came out of the mosque, he saw some people complaining about non-availability of the casualty staff to examine their patient having

abdominal pain. When he realized that they have quarreled with CMO who allegedly refused to examine their patient, he as a senior doctor advised first aid and asked ward orderly to call ambulance driver to come to casualty and also inform the cardiologist. Then he referred the patient to LRH through hospital ambulance. To cross questions by the Enquiry Committee (Annexure-IV), he replied as under:

- He was present in the MS office and no body came to complain about the non-availability of casualty staff and he left the office at 1.10 PM for offering Jumma Prayers.
- After reading ECG, it was found that the patient had M.I. after which he was given relevant essential treatment in time.
- The Cardiologist could not come to the casualty as he was not available at his residence situated in the hospital premises, at that time.
- Mr. Sajjad Ahmad JCT Pharmacy and Mr. Noor Dil Khan Ward Orderly were present in the casualty.

3. **Statement Mr. Sajjad Ahmad Junior Clinical Technician Pharmacy DHQ Hospital Nowshera (Annexure-V):**

The day of occurrence was Friday and as no patient was admitted in Casualty before they left for Jumma prayers. Mr. Khalid Jan JCT Pharmacy and two nurses were available in the Casualty. He alongwith other staff went for Jumma prayers at 01.13PM and only prayed 02 rakat Farz at 01.18 PM and left for hospital. When he reached Casualty, a patient was lying there. He and the doctor on duty examined him and advised first aid treatment. The patient was complaining initially of abdominal pain and subsequently chest pain. He administered i.v. solution on the advise of the doctor on duty. Meanwhile Dr. Riwayat Shah DMS also came and saw the ECG and diagnosed the patient as having M.I. Dr. Riwayat Shah directed Mr. Noor Dil Khan Ward Orderly to shift the patient to hospital ambulance which he did and remaining drip was administered to the patient in the ambulance. As there were no CCU or ICU facilities in DHQH: Nowshera. The patient was referred to LRH Peshawar. The patient was alive till shifting to the ambulance.

To cross questions (Annexure-VI), by the Enquiry Committee, he replied as under:

- Mr. Khalid Jan JCT Pharmacy and two Nurses namely Miss Shah Rukh and Kausar were present in Casualty at the time of occurrence, who informed the complainant that Dr. Ali Raza was offering Jumma prayers in the hospital mosque.
- Dr. Ali Raza CMO advised certain medicine to the patient viz Inf: Pladex+ Inj: Nalben etc, which were arranged by the attendants of the patient from local market situated outside the hospital. The same medicines were administered to the patient in presence of Dr. Ali Raza the then CMO by him.

4. Statement of Mr. Noor Dil Khan Ward Orderly DHQ Hospital Nowshera (Annexure-VII).

On 27th April 2012, he was on duty and it was Friday. He has prayed sunnah in Casualty and when the Khutba started, he alongwith Mr. Sajjad Ahmad JCT Pharmacy and doctor on duty left Casualty and went to the nearby mosque. At the time no patient was there in Casualty. Two Nurses and Mr. Khalid Jan JCT Pharmacy were on duty. After Jumma prayers when he reached Casualty, a patient was lying there and the doctor on duty examined the patient and asked him to call the ECG Technician. Mr. Rashid ECG Technician done the ECG. He and Mr. Sajjad Ahmad JCT Pharmacy shown the ECG to Dr. Riwayat Shah who diagnosed the patient to have heart attack and after giving first aid treatment, the patient was referred to Peshawar in the hospital ambulance. The patient was alive during shifting to the ambulance.

To cross question (Annexure-VIII) by the Enquiry Committee, he replied as under:

- He was present in the hospital which can be confirmed from the attendance register.
- The patient was examined by Dr. Ali Raza in his presence.
- He went to the residence of Cardiologist; but according to his servant, the Cardiologist had gone for Jumma prayers and was not available at home.

5. Statement of Mr. Khalid Jan JCT Pharmacy DHQ: Nowshera (Annexure-IX).

...has gone for Jumma prayers

On 27th April, 2012, he was present on in Casualty. Dr. Ali Raza CMO, Mr. Sajjad Ahmad JCT Pharmacy and Mr. Noor Dil Ward Boy went to the hospital mosque for Jumma prayers. He alongwith two nurses namely Mst. Kausar Naz and Mst. Shah Rukh Charge Nurses were on duty. After some time a patient was brought to the Casualty. Emergency chit was prepared and detailed a person to the mosque to call the doctor. The patient had abdominal pain. Dr. Ali Raza CMO came, examined the patient and advised emergency treatment. After some time Dr. Riwayat Shah also came and Dr. Ali Raza requested him to examine the patient. Dr. Riwayat Shah examined the patient and advised ECG. After ECG, Dr. Riwayat Shah said the patient had Myocardial Infarction (M.I) and advised emergency treatment. Dr. Riwayat Shah asked the Ward Boy to call Dr. Ali Akbar Cardiologist and also show him the ECG. He further asked the ward boy to call the ambulance driver to come to Casualty. The patient was referred to LRH Peshawar for proper management.

To cross question (Annexure-X) by the Enquiry Committee, he replied as under:

- The Casualty was opened and he alongwith Mst. Shah Rukh and Mst. Kausar Charge Nurses were present in the Casualty.
- He stated that the patient was brought to the Casualty at 1.15PM exact by the time fixed for Jumma prayers in the mosque situated inside the hospital.
- Dr. Ali Raza CMO had properly treated the patient. ECG was done and at the time of referral, the patient was alive.

6. Statement of Mst. Kausar Naz Charge Nurse DHQH: Nowshera (Annexure-XI):

On the day of occurrence, Dr. Ali Raza CMO, Mr. Sajjad Ahmad JCT Pharmacy, Mr. Khalid Jan JCT Pharmacy, they two staff nurses and one Ward Boy were present in the Casualty. When Dr. Ali Raza CMO and Mr. Sajjad Ahmad JCT Pharmacy and Mr. Noor Dil Ward Boy left the Casualty at 01.13 PM for Jumma prayers and they two nurses and one JCT Pharmacy Mr. Khalid Jan were present and no patient was available in the Casualty till 1:13 PM. At 01.15PM the patient was brought to the Casualty. Attendants of the patient were told that the doctor had gone for Jumma prayers

to the hospital mosque. Meanwhile Dr. Ali Raza CMO came and examined the patient. The doctor advised drip to the patient and Mr. Sajjad Ahmad JCT Pharmacy administered it. During this time Dr. Riwayat Shah DMS also came and advised ECG to the patient. Mr. Rasheed done the ECG and Dr. Riwayat Shah after reading it, declared the patient to have M.I. and asked Mr. Noor Dil Ward Orderly to call the Cardiologist Dr. Ali and also inform the ambulance driver. After some time the patient was referred to LRH Peshawar.

To cross questions (Annexure-XII), by the Enquiry Committee, she replied as under:

- On the day of occurrence, she alongwith Mst. Shah Rukh Charge Nurse and Mr. Khalid Jan JCT Pharmacy were present in the Casualty.
- Jumma prayers are held at 1.15 PM.
- The doctor on duty left Casualty at 01.13PM for Jumma prayers and there was no patient left un-attended, till that time.
- The patient was advised ECG which was seen by Dr. Riwayat Shah.

7. Statement of Mst. Shah Rukh Charge Nurse DHQH: Nowshera (Annexure-XIII)

On 27th April, 2012 Friday, she alongwith Dr. Ali Raza, Mst. Kausar Naz Charge Nurse, two technicians namely Mr. Sajjad Ahmad and Mr. Khalid Jan JCT Pharmacy and one ward boy Mr. Noor Dil were present in the Casualty. When Dr. Ali Raza, Mr. Sajjad and Noor Dil went for Jumma prayers, they three i.e. she, Mst. Kausar Naz Charge Nurse and Mr. Khalid Jan JCT Pharmacy were present in the Casualty.

In the meanwhile the patient was brought and they asked about the doctor and they told them that the doctor was performing Jumma prayers in the hospital mosque. An attendant of the patient went to the mosque to call the doctor and they shifted the patient to male casualty ward. Dr. Ali Raza, Mr. Sajjad Ahmad JCT Pharmacy and Mr. Noor Dil Ward Orderly came. The doctor examined the patient and Mr. Sajjad and Khalid Jan administered the drip to the patient. The doctor also advised the patient for ECG.

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Dr. Riwayat Shah also came to the Casualty and examined the patient. When he saw the ECG, he said the patient had M.I. He asked the ward boy to inform the ambulance driver and referred the patient to LRH Peshawar.

To cross questions (Annexure-XIV), by the Enquiry Committee, she replied as under:

- The Casualty was opened and she alongwith Mst. Kausar Naz Charge Nurse and Mr. Khalid Jan Dispenser were present.
- She herself prepared the casualty registration chit for the patient which can be confirmed from the register.
- After registration of the patient, they told the attendants of the patient that the doctor was praying Jumma in the hospital mosque.

8. **Statement of Mr. Iqbal Hussain Khattak complainant (Annexure-XV):**

No body was present on duty on 27/04/2012. Mr. Khalid Jan Dispenser had left the duty between 11.00 am to 11.30 am as when he was going out, he met with him as he stated that he had some urgent work at home while Mst. Kausar Naz Charge Nurse was absent since morning. Only one nurse Mst. Shah Rukh was present, but also left her duty on 12.45PM. When they brought their brother at late time Mst. Shah Rukh Charge Nurse also came to Casualty and he asked her where she was, she replied that she had also gone for Jumma prayers at hostel. Mr. Iqbal Hussain Khattak stated that they reached to Casualty at 12.45 PM and the staff on duty were absent from their duty and the Casualty Department was closed at that time. They asked from canteen staff namely Mr. Gohar who told them that the staff had gone for Jumma prayers. After that they visited the office of the Medical Superintendent which was also closed.

He and his elder brother Gul Jameel reached the hospital mosque and waited there and when people came out from the Jumma prayers, they spoke loudly that if there was any staff member in the mosque, please come and attend the emergency in the casualty. Then he called the Medical Superintendent Dr. Akbar Khaksar and told him about the closure of the casualty. He also replied that he was busy in Jumma prayers out of the hospital. In the meanwhile Dr. Ali Raza Ex-MO came and quarreled with his brother Gul Jameel and said do not speak loudly. His brother requested him to examine his brother whose

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condition was very serious. But the doctor on duty refused to examine his brother and thrown the stethoscope on the ground and during this time their brother died.

During his whole situation Dr. Riwayat Shah DMS was sitting in his car in car parking was requested to please examine his brother and he told the DMS that the doctor on duty Dr. Ali Raza had clear cut refused treatment of his brother; but he remained silent for some time and could not come to attend the patient. In the meanwhile when Dr. Akbar Khaksar called him then he examined his brother at 01.45PM when he was dead. After the death of his brother Dr. Riwayat Shah DMS, Dr. Ali Raza CMO, Mr. Sajjad Ahmad Dispenser and Mst. Shah Rukh Charge Nurse ran away from the Casualty. Mr. Noor Dil Ward Orderly put the dead body of his brother in the ambulance. During this whole time they had not called the Cardiologist. Neither the casualty staff advised any ECG, nor any Angised were given to his brother. No senior doctor was called and no referral to any teaching hospital was made. Dr. Riwayat Shah DMS was responsible for death of his brother and due to the negligence of the above staff his brother died.

To certain cross questions (Annexure-XVI), by the Enquiry Committee, he replied as under:

- When he reached home. His brother was alright. He went for Fatiha to a nearby home. In the meanwhile he received a message from his home that his brother (Late) Gul Hussain had some problem and he without offering Fatiha, came back to home. Late Gul Hussain came himself and sat in the car.
- They reached the hospital at 12.45PM and the Casualty was closed at that time.
- No chit was given to him as the Casualty was closed and no staff member was available there. They put the patient on the charpai at the Casualty.
- They reached Casualty at 12.45PM and till 1.45PM no one was present; hence no treatment was given to his deceased brother.

- The dead body of his brother was put in the ambulance by Mr. Noor Dil Ward Orderly and they took the dead body to CMH Nowshera for death certificate.

To verify the above statements, the Enquiry Committee visited the hospital and checked the following record:

1. **Attendance Register:**

The Attendance Register was checked. From perusal of the attendance register, it revealed that the following staff working in Casualty morning shift was present on the day of occurrence i.e 27th April, 2013 (Annexure-XVII):

1. Mst. Shah Rukh Charge Nurse DHQH: Nowshera
2. Mst. Kausar Naz Charge Nurse DHQH: Nowshera
3. Mr. Khalid Jan JCT Pharmacy DHQH: Nowshera
4. Mr. Sajjad Ahmad JCT Pharmacy DHQH: Nowshera
5. Mr. Noor Dil Ward Orderly DHQH: Nowshera

2. **Patients Entry Register of the Casualty Department:**

The patient entry register was checked which revealed that patient namely Late Gul Hussain was properly entered in the register (Annexure-XVIII).

3. **Medicines:**

A perusal of the list of medicine available in the hospital (Annexure XIX) revealed that no medicines are/were available for catering M.I. patients in the emergency department.

4. **Death Certificate:**

The Death Certificate issued from Combined Military Hospital (CMH) Nowshera shows that the dead body was received there at 02.00 PM (Annexure-XX).

Findings:

From the written statements of the individuals discussed above and perusal of the relevant record, the Enquiry Committee has come to the conclusion as under:

- The Casualty of the hospital was opened and staff available. The patient was attended to, ECG advised and emergency treatment started. On ECG the patient was diagnosed having his Myocardial Infarction (M.I) or Heart Attack as called in common language.


- There was no other alternative/option for such kind of serious patient, but to refer him for specialized treatment in a tertiary care hospital. Therefore, the patient was referred and shifted to LRH Peshawar in hospital's ambulance.
- In this DHQ: Hospital as in all other hospitals, drugs available for such like patients. The list is attached at Annexure-XIX ibid
- The patient was attended in the Casualty of DHQ: Hospital Nowshera, albeit a bit late owing to offering Jumma prayers by the doctor on duty.
- A perusal of the statements of the complainant reveals that he is well acquainted with all the staff members of the hospital.
- The timing of bringing the patient to the Casualty according to the complainant is 12.45 PM while according to the statements on oath of the above staff, the patient was brought to the Casualty after 1.13PM and all of the Casualty staff was present in the Casualty unit till 1.13PM on the day of occurrence.
- The complainant himself admitted to have gone to the hospital mosque at the time of Jumma prayers which was 1.15PM and therefore, his claim to have brought the patient in the Casualty at 12.45PM seems to be unjustified.
- The patient was duly registered at S.No. 18651 of the Casualty register at Annexure-XVIII ibid.
- According to the statement of the complainant, Dr. Ali Raza had exchanged harsh words and quarreled with him and therefore he did not attend the patient, but on the contrary, all other staff of the Casualty including DMS Dr. Riwayat Shah have confirmed that the patient was provided all the possible treatment available in the Casualty at that time and after diagnosis of the patient to have M.I.; was referred to the tertiary care hospital at Peshawar in the hospital ambulance.
- As per statement of the complainant, they took the patient to the CMH Nowshera at his own, just for obtaining death certificate over there, which might also have been issued by the DHQ: Hospital Nowshera or Lady Reading Hospital Peshawar where he might have died.
- The complainant could not explain the reasons of exchanging harsh words and quarrel with Dr. Ali Raza the then CMO DHQ: Hospital Nowshera!

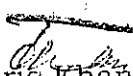
- As regards arranging for in time essential treatment, the same was provided to the patient in the Casualty; albeit certain medicines were arranged from the local market by the attendants of the patient. In actual fact, such essential life saving drugs might have been available in the Casualty which the Medical Superintendent failed to do so.
- A perusal of the attendance register at Annexure-XVII ibid, reveals that Mr. Sajjad Ahmad JCT Pharmacy and Mr. Noor Dil Ward Orderly of DHQ: Hospital Nowshera were marked present on 27/04/2012 the day of occurrence. Moreover, none of their supervisors have reported their absence.

Recommendations:

1. There is a dire need of strengthening Casualty/Emergency services in all aspects of the DHQ: Hospitals in the province
2. Since both Mr. Sajjad Ahmad JCT Pharmacy and Mr. Noor Dil Ward Orderly were present alongwith other Casualty staff on 27/04/2102, both of them may please be exonerated from the charge leveled against them.
3. A minor penalty of Censure may be imposed upon Dr. Akbar Khaksar the then Medical Superintendent of DHQ: Hospital Nowshera for inability to proactively giving due attention to the Casualty to perform its role effectively.
4. Dr. Riwayat Shah DMS tried his level best for giving emergency treatment to the patient and subsequent referral to the tertiary care hospital; although it was off time; which reveals that he was present even at odd hours. In view of the fore-going, he may also be exonerated.

ENQUIRY COMMITTEE


 Dr. Muhammad Iqbal Afridi
 Medical Superintendent,
 Lady Reading Hospital,
 Peshawar


 Dr. Tariq Khan
 Medical Superintendent
 Govt. Naseerullah Khan Babar
 Memorial Hospital Kohat Road
 Peshawar

SHOW CAUSE NOTICE

I, Pervez Khattak Chief Minister, Khyber Pakhtunkhwa as competent authority, under the Khyber Pakhtunkhwa (Efficiency and Discipline) Rules, 2011, do hereby serve you, Dr. Akbar Khaksar, (BS-19), MS DHQ Hospital Nowshera as follows:-

- i) Consequent upon completion of the enquiry conducted against you by the enquiry committee for which you were given opportunity of hearing.
- ii) On going through the findings and recommendations of the enquiry committee, material on record and other connected papers including your defence before the committee.

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2014

2. I am satisfied that you have committed the act of " inefficient or has ceased to be efficient for any reasons" as specified in terms of Section-3 of the said rules.

AND

3. As a result thereof, I, as competent authority, have tentatively decided to impose upon you the following penalty under Rule4 (1)(a) (i) of the Khyber Pakhtunkhwa (Efficiency and Discipline) Rules, 2011:-

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"CENSURE"

4. You are, therefore, required to show cause as to why the aforesaid penalty/penalties should not be imposed upon you.

5. If no reply to this notice is received within seven (07) days of its delivery, in the normal course of circumstances, it shall be presumed that you have no defence to put in and in that case an ex-parte action shall be taken against you.

6. Copy of the findings of the enquiry committee is enclosed.

(Pervez Khattak)
Chief Minister, Khyber Pakhtunkhwa
29.02.2014

Dr. Akbar Khaksar,
(BS-19),
MS DHQ Hospital, Nowshera



GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

NO. SOH(E-V)1-14/2012/Dr Akbar Khaksar
Dated Peshawar the August 29, 2013


To

- 1. Dr. Tariq Khan
MS Govt Naseerullah Khan Babar Hospital
Kohat Road Peshawar.
- 2. Dr. Iqbal Afridi
MS Lady Reading Hospital Peshawar

Subject: DISCIPLINARY PROCEEDING AGAINST DR. AKBAR KHAKSAR MS AND OTHERS OF DHQ HOSPITAL NOWSHERA.

I am directed to refer to the subject noted above and to state that the competent authority has nominated you to conduct inquiry regarding criminal negligence and incompetence of the doctors of District Nowshera which resulted the death of a patient Mr. Gul Hussain s/o Latifullah of District Nowshera

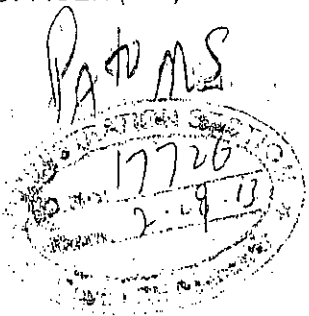
You are requested to submit report to this Department within a stipulated period for further necessary action. The requisite Charge Sheet and statement of allegations is enclosed.


(HINA HAFEEZ)
SECTION OFFICER (E-V)

Endst No & Date Even,

Copy to the PS to Secretary Health Department


SECTION OFFICER (E-V)



Committee)



GOVERNMENT LADY READING HOSPITAL PESHAWAR

No. 32248 /LRH

Dated Peshawar the 30/09/2013

To,

The Secretary to Govt. of Khyber Pakhtunkhwa,
Health Department, Peshawar

Attention: Mst. Hina Hafeez Section Officer-E-V

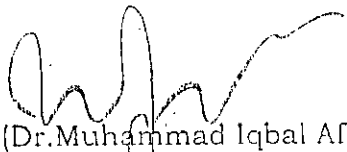
**SUBJECT: DISCIPLINARY ACTION AGAINST DR. AKBAR KHAKSAR
MS AND OTHERS OF DHQ HOSPITAL NOWSHERA.**

Dear Sir,

With reference to your letter No.SOH(E-V)1-14/2012/ Dr Akbar Khaksar dated 29/08/2013 on the subject noted above, wherein the undersigned and Dr. Tariq Khan MS Govt. Naseerullah Babar Memorial Hospital Kohat Road Peshawar have been appointed as Inquiry Committee.

I have the honour to state that under Efficiency and Discipline Rules, 2011, nomination of departmental representative is required to assist the inquiry committee during the course of inquiry.

It is therefore; requested to please nominate a departmental representative to represent the department during the course of inquiry. The committee has fixed its meeting in the office of the undersigned on 4th ^{O.C. Iqbal} September, 2013 at 10.00 AM.


(Dr. Muhammad Iqbal Afridi)
Medical Superintendent,
Lady Reading Hospital Peshawar
(Inquiry Officer)

C.C.

/ - Dr. Tariq Khan MS Govt. Naseerullah Khan Babar Memorial Hospital
Kohat Road Peshawar (Member Inquiry Committee)

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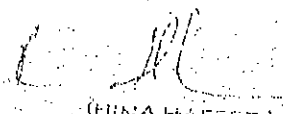
GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

NO. SOH(E-V)1-14/2013/ Nowshera
Dated Peshawar the 2nd October, 2013

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

Subject: DISCIPLINARY ACTION AGAINST DR. AKBAR KHAKSAR MS AND OTHERS OF DHQ HOSPITAL NOWSHERA.

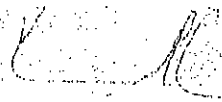
I am directed to refer to the subject noted above and to enclose herewith a copy of MS Lady Reading Hospital Peshawar letter No.33248/LRH dated 30/09/2013 on the subject noted above and to state that a departmental representative may be nominated to attend the subject meeting on 4th October, 2013 at 10.00 AM.


(HINA HAFEEZ)
SECTION OFFICER(E-V)

Encl: No & Date Even

Copy to the:

1. MS Lady Reading Hosital Peshawar w/r to his letter referred to above.
2. PS to Secretary Health Department.


SECTION OFFICER(E-V)

(34)

ANNEXURE - (C)

FW



GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

Dated Peshawar the 30.08.2013

NOTIFICATION.

No.SO(E)H-II/3-18/2013: In pursuance of the Judgment of Peshawar High Court Peshawar dated 23.10.2012 in Writ Petition No.2988-P/2012, the Competent Authority is pleased to award one year contract appointment from the date of expiry of one year adhoc appointment in respect of the following doctors. No further extension will be granted after expiry of the said period, their services will automatically stand terminated.

S.No	Name & F/Name	Place of posting	Period of Performance
1.	Dr. Nazir Ahmad	MO,BHU Pahari Kali Khail, Nowshera.	25.10.2012 till 31.10.2013.
2.	Dr. Muhammad Ilyas	MO,BHU Behram Kally, Nowshera.	25.10.2012 till 31.10.2013.
3.	Dr. Salman Hakim	MO,BHU Manai, Nowshera.	25.10.2012 till 31.10.2013.
4.	Dr. Muhammad Shahid	MO,DHQ Hospital Nowshera	25.10.2012 till 31.10.2013.
5.	Dr. Mian Muhammad Naveed	MO,DHQ Hospital Nowshera	25.10.2012 till 31.10.2013.
6.	Dr. Ali Raza	MO,DHQ Hospital Nowshera	25.10.2012 till 31.10.2013.
7.	Dr. Sara Ghani	MO,DHQ Hospital Nowshera	25.10.2012 till 31.10.2013.
8.	Dr. Shah Ali Asghar	MO,DHQ Hospital Nowshera	25.10.2012 till 31.10.2013.
9.	Dr. Tahira Naz	MO,DHQ Hospital Nowshera	25.10.2012 till 31.10.2013.
10.	Dr. Khalid Habib	MO,RHC Kheweshki, Nowshera	25.10.2012 till 31.10.2013.
11.	Dr. Muhammad Idrees Khan	MO,RHC Dak Ismail Khail, Nowshera.	25.10.2012 till 31.10.2013.
12.	Dr. Bushra Afreen	MO,DHQ Hospital Nowshera	25.10.2012 till 31.10.2013.
13.	Dr. Yasir Wahab	MO,MRHSM Hospital Pabbi, Nowshera.	25.10.2012 till 31.10.2013.
14.	Dr. Saif Ullah Khan	MO,MRHSM Hospital Pabbi, Nowshera.	25.10.2012 till 31.10.2013.
15.	Dr. Nayyar Jamal	MO,RHC Akbar Pura, Nowshera.	25.10.2012 till 31.10.2013.
16.	Dr. Muhammad Suhail	MO, MRHSM Hospital Pabbi, Nowshera.	25.10.2012 till 31.10.2013.

SECRETARY HEALTH
KHYBER PAKHTUNKHWA

35

7/2

Endst. No. & date even.

Copy to the:

1. Accountant General, Khyber Pakhtunkhwa.
2. Director General Health Services, Khyber Pakhtunkhwa Peshawar.
3. MS, DHQ Hospital, Nowshera.
4. MS, Mian Rashed Hussain Shaheed Memorial Hospital, Pabbi.
5. District Health Officer, Nowshera.
6. District Accounts Officer, Nowshera.
7. Deputy Secretary (Lit) Health Department.
8. Deputy Director (IT), Health Department, Peshawar.
9. PS to Secretary Health.
10. PA to Special Secretary Health.
11. Officers concerned.

Misbah Riaz
(Misbah Riaz)
Section Officer-II

23/09/2023

ANNEXURE - (D) (36)



GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

Dated Peshawar the 23rd October, 2013.

NOTIFICATION.

No.SO(E)/H-II/3-18/2013: The Competent Authority is pleased to withdraw this Department's Notification of even number dated 30.08.2013 to the extent of Dr. Ali Raza, Ex-MO (BS-17), DHQ Hospital Nowshera, at Serial No. 06, with immediate effect.

SECRETARY HEALTH
KHYBER PAKHTUNKHWA

Endst. No. & date even.

Copy to the:

1. Accountant General, Khyber Pakhtunkhwa.
2. Director General Health Services, Khyber Pakhtunkhwa, Peshawar.
3. MS, DHQ Hospital Nowshera.
4. District Accounts Officer, Nowshera.
5. Deputy Director (IT), Health Department, Peshawar.
6. PS to Secretary Health.
7. PA to Special Secretary Health.
8. Officer concerned.


(Misbah Riaz)
Section Officer-II

Copy also available on the website www.healthnwfp.gov.pk

HRD Building, Health Department Govt. of Khyber Pakhtunkhwa, Khyber Road
Peshawar Phone # 091-9210570, Fax # 091-9210419

ATTESTED
 EXAMINER
 15 JAN 2012

FILED TODAY
 15 JAN 2012

Batkhela

18. Dr. Yamin Shahzad S/o Amir Abdullah Khan, DHQ
17. Dr. Abid manan S/o Dr. Hazrat Manan, DHQ Batkhela
16. Dr. Zainab D/o Aurangzeb Khan, DHQ Batkhela
15. Dr. Khalida D/o Abdul Haleem, DHQ Batkhela
14. Dr. Sarfaraz Khan S/o Gul Rehman, DHQ Batkhela
13. Dr. Azmat Shah S/o Mohammad Shah, DHQ Batkhela
12. Dr. Karim ur Rehman S/o Amin Ullah, DHQ Batkhela
11. Dr. Ikram Ullah S/o Sherien Zada, DHQ Batkhela
10. Dr. Habib un Nabi S/o Mustafa Kamal, DHQ Batkhela
9. Dr. Mohammad Shah Faisal S/o Habib ur Rehman, DHQ Batkhela
8. Dr. Farman Ali S/o Sardar Khan, DHQ Batkhela
7. Dr. Naved Alam S/o Muhammad Ilyas, DHQ Batkhela
6. Dr. Saghir ul Mami S/o Ghous ur Rehman, CH Agra
5. Dr. Shahid Waseem S/o Fazli Rabbi, DHQ Batkhela
4. Dr. Fazal ur Rehman S/o Yousaf Khan, DHQ Batkhela
3. Dr. Anwar Ali S/o Parwanat Khan, DHQ Batkhela

2988/2012

Batkhela.



2. Dr. Arshad Hussain S/o Taj Mohammad, DHQ Batkhela
1. Dr. Irfan Uddin S/o Habib ul Mukhtar, DHQ Batkhela

W.P. No. 2988-1/2012

IN THE PESHAWAR HIGH COURT, PESHAWAR

Annex-E

37

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19. Dr. Gauhar S/o Khalil ur Rehman, DHQ Batkhela
20. Dr. Saood S/o Fazal Sattar, RHC Batkhela
21. Dr. Nek Muhammad S/o Raidullah khan, BHU Wazir Abad.
22. Dr. Ihsan Ullah S/o Habib Ullah, TQH Chakdara
23. Dr. Asad Ullah S/o Mohammad Sher Khan, TQH Chakdara.
24. Dr. Niaz Muhammad S/o Muhammad Amin, RHC Asbanr
25. Dr. Sikandar Hayat S/o Aurangzeb, BHU Shikaulay Tormang Dara
26. Dr. Irshad Ali S/o Muhammad Razzaq, BHU Nasafa Talash Dir(L)
27. Dr. Zia Ur Rehman S/o Saeed Ur Rehman, DHQ Hospital Timergara
28. Dr. Saeed ur Rehman S/o Abdur Raziq, DHQ Hospital Timergara
29. Dr. Latif Saeed S/o Hussain Bakhsh, RHC Gulabad
30. Dr. Mahboob Alam S/o Sher Alam Khan, Category D hospital Pacha Killi Buner.
31. Dr. Shafiq Muhammad S/o Nazir Muhammad, BHU Bagh Buner
32. Dr. Ahmad Ghani S/o Haji, BHU Battara Buner

FILED TODAY

26. 11. 2019

ATTESTED

EXAMINER
Peshawar Court.

15. 11. 2019

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to

33. Dr. Aman Ullah S/o Muhammad Akbar, RHC Sarqallah
Buner
34. Dr. Zahir Said S/o Jehan Said BHU Gokand Buner
35. Dr. Sher Alam S/o Said Ali Khan, CH Totalai Buner
36. Dr. Aurangzeb S/o Asar Khan, BHU Nawai kili, Buner
37. Dr. Gul Shad S/o Abdul Namir Khan, BHU korea, Buner
38. Dr. Ghufran ullah S/o Syed Hazrat Ali,
BHUDokada, Buner
39. Dr. Syed Sajid Ali S/o Syed Abdul Baqi, RHC
Sarqalla, Buner
40. Dr. Ibrar Khan S/o Bakht Shah, RHC Jowar
41. Dr. Sohail waheed S/o Waheed Zada, Cat D Hospital
Agra
42. Dr. Hamayat ullah S/o Ata ul Haq Jan, BHU Loisum
Bajaur Agency.
43. Dr. Rafi Ullah S/o Abdul Hameed, CH Agra, C/o
Mardan Medical Complex Hospital and DHQ Hospital,
Mardan.
44. Dr. Azmat Ullah S/o Abdullah
45. Dr. Muner Khan S/o Toor Khan
46. Dr. Fazal e Qayuum S/o Abdur Rehman
47. Dr. Shabana D/o Muner ul Haq all care of Mardan
Medical Complex Hospital and DHQ Hospital, Mardan.

RECEIVED
15 APR 2014

ATTESTED
EXAMINER:
Peshawar High Court.
15 APR 2014

15 APR 2014

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48. Dr. Ijaz Rahim S/o Bilal Ghulam Rahim, CH Agra, C/o Mardan Medical Complex Hospital and DHQ Hospital, Mardan.
49. Dr. Saeed Ullah Khan S/o Ashbar Khan, District Swabi.
50. Dr. Pervez Khan S/o Shad Mohammad Khan, District Swabi.
51. Dr. Qadir S/o Amir Rehman, District Swabi.
52. Dr. Yasir Hayat S/o Dr. Bazal Hayat Taj, District Swabi.
53. Dr. Faqeeha Anis Khan D/o Anis Khan, District Swabi.
54. Dr. Muhammad Adil S/o Khalil-ur-Rehman, District Swabi.
55. Dr. Sohnab Ali S/o Aziz Ullah Khan, District Swabi.
56. Dr. Anbar Ali Khan S/o Sher Zada Khan, District Swabi.
57. Dr. Hayrat Ali Shah S/o Syed Mufarth Shah, District Swabi.
58. Dr. Mudassir Iqbal S/o Rudel Khan, District Swabi.
59. Dr. Fazal Hadi Jamal S/o Abdul Waris, District Swabi.
60. Dr. Muhammad Kashif Shahid Khan S/o Jamandas, District Swabi.
61. Dr. Khair ul Waris S/o Abdul Waris, District Swabi.
62. Dr. Jamal Nabi Khan S/o Munday Hussain, District Swabi.
63. Dr. Rafiq Khan S/o Mehran Baiha, District Swabi.

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19 OCT 2012

ACCEPTED
EXAMINER
Sindh High Court
15 APR 2014

APPROVED
EXAMINER
1 APR 2014

ED TODAY
6 OCT 2012

- 64. Dr. Hamid Ali S/o Ligat Ali Khan, District Swabi.
- 65. Dr. Shamiul Haq S/o Umar Muhammad, Mardan
Medical Complex Hospital and DHQ Hospital, Mardan.
- 66. Dr. Muhammad Irfan S/o Syed Nazif Shah, Mardan
Medical Complex Hospital and DHQ Hospital, Mardan.
- 67. Dr. Imran Khalil S/o Muhammad Khalil, Mardan
Medical Complex Hospital and DHQ Hospital, Mardan.
- 68. Dr. S. Asad us Samad S/o S. Noor us Samad, Mardan
Medical Complex Hospital and DHQ Hospital, Mardan.
- 69. Dr. Mehrreen Ligber D/o Dr. Ligber Khan, Mardan
Medical Complex Hospital and DHQ Hospital, Mardan.
- 70. Dr. Shah Rukh Said D/o Kian Said, Mardan Medical
Complex Hospital and DHQ Hospital, Mardan.
- 71. Dr. Fahad Malik S/o Fashullah, Mardan Medical
Complex Hospital and DHQ Hospital, Mardan.
- 72. Dr. Shahnaz Bakhtiar D/o Bakhtiar Khan, Mardan
Medical Complex Hospital and DHQ Hospital, Mardan.
- 73. Dr. Mian Rohil Hayat S/o Mian Urman ud Din, Mardan
Medical Complex Hospital and DHQ Hospital, Mardan.
- 74. Dr. Muhammad Asif S/o Istafanosn, Mardan Medical
Complex Hospital and DHQ Hospital, Mardan.
- 75. Dr. Muhammad Shafiq S/o Muhammad Ayar, Mardan
Medical Complex Hospital and DHQ Hospital, Mardan.

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EXAMINER
MARDAN MEDICAL COMPLEX
14 APR 2012

FILED TODAY
16 OCT 2012
DENTISTRY REGISTER

- 76. Dr. Adnan Khan S/o Mir Akber Khan, Mardan Medical Complex Hospital and DHQ Hospital, Mardan.
- 77. Dr. Muhammad Ali Shah S/o Syed Abdu Seed Shah, Mardan Medical Complex Hospital and DHQ Hospital, Mardan.
- 78. Dr. Haroon Saleem S/o Saleem Khan, Mardan Medical Complex Hospital and DHQ Hospital, Mardan.
- 79. Dr. Naveed Muhammad S/o Hazrat Yousaf, Mardan Medical Complex Hospital and DHQ Hospital, Mardan.
- 80. Dr. Syed Kashif Ali Shah S/o Imtiaz Ali Shah, Mardan Medical Complex Hospital and DHQ Hospital, Mardan.
- 81. Dr. Waqar Ahmad S/o Dawa Khan, Mardan Medical Complex Hospital and DHQ Hospital, Mardan.
- 82. Dr. Ali Asghar S/o Mohammad Faqir Khan, Mardan Medical Complex Hospital and DHQ Hospital, Mardan.
- 83. Dr. Wahid Zia S/o Mohammad Javed Zia, Mardan Medical Complex Hospital and DHQ Hospital, Mardan.
- 84. Dr. Azam Manan S/o Abdul Manan, Mardan Medical Complex Hospital and DHQ Hospital, Mardan.
- 85. Dr. Abubakar S/o Fazal e Akbar, Mardan Medical Complex Hospital and DHQ Hospital, Mardan.
- 86. Dr. Aslam Gul S/o Zeenat Gul, Mardan Medical Complex Hospital and DHQ Hospital, Mardan.

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87. Dr. Zafar Ullah S/o Ghufran Ullah, Mardan Medical Complex Hospital and DHQ Hospital, Mardan.
88. Dr. Lubna Naushad D/o Naushad Ali, Mardan Medical Complex Hospital and DHQ Hospital, Mardan.
89. Dr. Zakia Younas D/o M. Younas, Mardan Medical Complex Hospital and DHQ Hospital, Mardan.
90. Dr. Azam Manan S/o Abdul Manan, Mardan Medical Complex Hospital and DHQ Hospital, Mardan.
91. Dr. Asad Ali S/o Haji Dilawar Shah, Mardan Medical Complex Hospital and DHQ Hospital, Mardan.
92. Dr. Afshan Asghar D/o Hakeem Khan, Mardan Medical Complex Hospital and DHQ Hospital, Mardan.
93. Dr. Kamran S/o Rashid ud Din, Mardan Medical Complex Hospital and DHQ Hospital, Mardan.
94. Dr. Asif Ali S/o Karim Khan, Mardan Medical Complex Hospital and DHQ Hospital, Mardan.
95. Dr. Umar Said Khan S/o Jehan Zeb, Mardan Medical Complex Hospital and DHQ Hospital, Mardan.
96. Dr. Muhammad Rizwan S/o Muhammad Hanif, C/o Mardan Medical Complex Hospital and DHQ Hospital, Mardan.
97. Dr. Rizwana Kalsoom D/o Muhammad Hanif, C/o Mardan Medical Complex Hospital and DHQ Hospital, Mardan.

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Deputy Registrar

15 OCT 2012

ATTESTED

EXAMINER
Peshawar High Court,

15 APR 2014

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98. Dr. Muhammad Irfan Aziz S/o Abdul Aziz, C/o Mardan Medical Complex Hospital and DHQ Hospital, Mardan.
99. Dr. Muhammad Naeem S/o Muhammad Aslam, C/o Mardan Medical Complex Hospital and DHQ Hospital, Mardan.
100. Dr. Afsheen Bashir D/o Muhammad Bashir, C/o Mardan Medical Complex Hospital and DHQ Hospital, Mardan.
101. Dr. Muhammad Haris Ramzan S/o Muhammad Ramzan, C/o Mardan Medical Complex Hospital and DHQ Hospital, Mardan.
102. Dr. Muhammad Asad S/o Muhammad Hanif, C/o Mardan Medical Complex Hospital and DHQ Hospital, Mardan.
103. Dr. Basharat Ullah S/o Hashmat Ullah Marwat, C/o Mardan Medical Complex Hospital and DHQ Hospital, Mardan.
104. Dr. Shamsul Alam S/o Saad Malook C/o Mardan Medical Complex Hospital and DHQ Hospital, Mardan.
105. Dr. Adil Nawaz S/o Ahmad Farooq C/o Mardan Medical Complex Hospital and DHQ Hospital, Mardan.
106. Dr. Hikmatullah S/o Akhter Khan, C/o Mardan Medical Complex Hospital and DHQ Hospital, Mardan.

FILED TODAY
Deputy Registrar
16 OCT 2012

ATTESTED
EXAMINER
Peshawar High Court,
15 APR 2014

(2)

(24) (45)

107. Dr. Syed Faisal S/o Syed Badshah, C/o Mardan Medical Complex Hospital and DHQ Hospital, Mardan.
108. Dr. Samiullah S/o Rehmatullah, C/o Mardan Medical Complex Hospital and DHQ Hospital, Mardan.
109. Dr. Abdul Shakoor S/o Muhammad Salim, C/o Mardan Medical Complex Hospital and DHQ Hospital, Mardan.
110. Dr. Tahira Naz D/o Saiful Haq, C/o Mardan Medical Complex Hospital and DHQ Hospital, Mardan.
111. Dr. Yasir Wahab S/o Suraj Muhammad, C/o Mardan Medical Complex Hospital and DHQ Hospital, Mardan.
112. Dr. Muhammad Shuaib S/o Sultan Ameer, C/o Mardan Medical Complex Hospital and DHQ Hospital, Mardan.
113. Dr. Shaheen Shah S/o Ahmad Fawad, C/o Mardan Medical Complex Hospital and DHQ Hospital, Mardan.
114. Dr. Saifullah S/o Azad Khan, C/o Mardan Medical Complex Hospital and DHQ Hospital, Mardan.
115. Dr. Muhammad Suhail S/o Muhammad Raqeem, C/o Mardan Medical Complex Hospital and DHQ Hospital, Mardan.
116. Dr. Waqar Jan S/o Nasir Gul, C/o Mardan Medical Complex Hospital and DHQ Hospital, Mardan.
117. Dr. Muhammad Kashif S/o M. Tahir, C/o Mardan Medical Complex Hospital and DHQ Hospital, Mardan.
118. Dr. Muhammad Aqeel S/o Ismail Khan.

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Peshawar High Court,
15 APR 2014

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119. Dr. Muhammad Uzair S/o Shamshad Khan, C/o Mardan Medical Complex Hospital and DHQ Hospital, Mardan.
120. Dr. Muhammad Yaseen S/o Muhammad Ameen, C/o Mardan Medical Complex Hospital and DHQ Hospital, Mardan.
121. Dr. Sajid Ali S/o Faqir Khan, C/o Mardan Medical Complex Hospital and DHQ Hospital, Mardan.
122. Dr. Irshad S/o Fazal Rafiq, C/o Mardan Medical Complex Hospital and DHQ Hospital, Mardan.
123. Dr. Fazal Qayuum S/o Abdul Rehman, C/o Mardan Medical Complex Hospital and DHQ Hospital, Mardan.
124. Dr. Asif Iqbal S/o Zarbakht Khan, C/o Mardan Medical Complex Hospital and DHQ Hospital, Mardan.
125. Dr. M. Tahir S/o Gulam Sarwar, C/o Mardan Medical Complex Hospital and DHQ Hospital, Mardan.
126. Dr. Fayaz Ali Shah S/o M. Sardar, C/o Mardan Medical Complex Hospital and DHQ Hospital, Mardan.
127. Dr. Benish Malik D/o Bari Malik, C/o Mardan Medical Complex Hospital and DHQ Hospital, Mardan.
128. Dr. Shaista Sultan D/o Sultan Gul, C/o Mardan Medical Complex Hospital and DHQ Hospital, Mardan.
129. Dr. Nasreen D/o Gulab Khan, C/o Mardan Medical Complex Hospital and DHQ Hospital, Mardan.

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District Registrar
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Feshwar High Court
15 APR 2014

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130. Dr. Mehreen Aziz D/o Abdul Aziz, C/o Mardan Medical Complex Hospital and DHQ Hospital, Mardan.
131. Dr. Nasir Ayaz S/o Muhammad Ayaz, C/o Mardan Medical Complex Hospital and DHQ Hospital, Mardan.
132. Dr. Uzair Akhtar S/o Muhammad Shoukat Javed, C/o Mardan Medical Complex Hospital and DHQ Hospital, Mardan.
133. Dr. Imtiaz Ahmad S/o Shahzad Khan, C/o Mardan Medical Complex Hospital and DHQ Hospital, Mardan.
134. Dr. Aalia Hassan D/o Hassan Qader, C/o Mardan Medical Complex Hospital and DHQ Hospital, Mardan.
135. Dr. Shumaila Malik D/o Malik Farid Khan, C/o Mardan Medical Complex Hospital and DHQ Hospital, Mardan.
136. Dr. Abe Kausar Farah D/o Muhammad Khan, C/o Mardan Medical Complex Hospital and DHQ Hospital, Mardan.
137. Dr. Sadaf Mir D/o M. Manzoor Ahmad, C/o Mardan Medical Complex Hospital and DHQ Hospital, Mardan.
138. Dr. Muhammad Ishraq S/o Mushtaq Ahmad, C/o Mardan Medical Complex Hospital and DHQ Hospital, Mardan.
139. Dr. Noshaba Lal Khan D/o Lal Khan Muhammad, C/o Mardan Medical Complex Hospital and DHQ Hospital, Mardan.

DEPUTY REGISTRAR
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- 140. Dr. Muhammad Shahid Khan S/o Muqarab Khan, District Nowshera.
 - 141. Dr. Fawad Khan S/o Sahibzada, District Nowshera.
 - 142. Dr. Saeed ul Haq S/o Fazle Haq, District Peshawar.
 - 143. Dr. Noor Rahman S/o Faqir Muhammad, C/o Mardan Medical Complex Hospital and DHQ Hospital, Mardan.
 - 144. Dr. Sultan S/o Saifur Rehman, C/o Mardan Medical Complex Hospital and DHQ Hospital, Mardan.
 - 145. Dr. Bilal Khan S/o Mustamir Khan, C/o Mardan Medical Complex Hospital and DHQ Hospital, Mardan.
 - 146. Dr. Arif Jamal S/o Dr. Muhammad, BHU Zara Gandhi, District Karak.
- All Ad-hoc Doctors!.....(Petitioners)

VERSUS

- 1. Government of K.P.K through Chief Secretary, Civil Secretariat, Peshawar.
- 2. Secretary to Government of K.P.K, Health Department, Peshawar.
- 3. Secretary Establishment Government of K.P.K, Civil Secretariat, Peshawar.
- 4. Director General Health Services, HRD Unit, Khyber Road, Peshawar.....(Respondents)

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

Respectfully Sheweth:

- 1. That the petitioners are doctors by profession and all of them are M.B.B.S and duly registered with P.M.D.C.

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PESHAWAR HIGH COURT
06 OCT 2012

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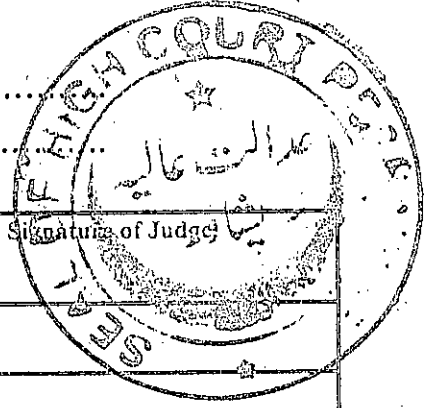
PESHAWAR HIGH COURT, PESHAWAR

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FORM OF ORDER SHEET

Court of.....

Case No.....of.....



Serial No. of Order of Proceedings	Date of Order of Proceedings	Order or other Proceedings with Signature of Judge
1	2	3
	<p>ORDER 23.10.2012</p>	<p><u>Writ Petition No.2988-P/2012</u></p> <p>Present: M/s Mian Muhibullah Kakakhel and Syed Muhammad Attique Shah, Advts., for Dr. Irfan-ud-Din etc., petitioners.</p> <p>*****</p> <p><u>MIFTAH-UD-DIN KHAN, ACJ.-</u> Dr. Irfan-ud-Din etc., petitioners herein, through the instant constitutional petition, have asked for the issuance of an appropriate writ directing the respondents to regularize their services in accordance with law. They have also asked for the issuance of an appropriate writ declaring that they have been appointed by the competent authority in prescribed manner and are not liable to be removed / substituted by other Ad-hoc employees or doctors recruited through Public Service Commission.</p> <p>2. We have gone through the available record carefully and considered the submissions made by the</p>

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as in light of the Notifications, mentioned above. This writ petition is disposed of in the above terms.

Announced.

23.10.2012

SA Mir Tahid Din Khan - A - C - J
SA Waseem Ahmad Sethi - J

CERTIFIED TO BE TRUE COPY

Examiner
Peshawar High Court, Peshawar
Authorised Under Article 87 of
The Qanun-e-Shahadat Order 1988

15 APR 2014

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of Presentation of Application 11-4-14

Pages 15P

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Registration Fee 30.00

Date of Preparation of 15-4-14

Date Given For Delivery 15-4-14

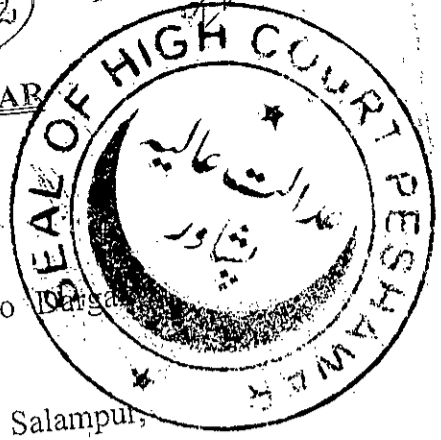
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Annex - (E)
82

BEFORE THE PESHAWAR HIGH COURT, PESHAWAR



W.P.No. 38-P/2013

1. Dr. Mehwish Ibrahim D/o Muhammad Ibrahim R/o Darga District Charsadda
2. Dr. Samina Perwaish D/o Muhammad Terwaish PHU Salampul, Swat
3. Gauhar Amin S/o Gul Amin AHQ Bajaur
4. Dr. Majid Jalil Qureshi S/o Muhammad Jalil Tila-Band BHU Peshawar.
5. Dr. Muhammad Idrees Khan S/o Gul Ahmad EDO Disposal BHU Nowshera
6. Dr. Asfandayar S/o Shehzad Gul BHU Yara Ghund Mohmand Agency.
7. Dr. Younas S/o Baz Gul BUH Orakzai Agency.
8. Dr. Mouazam Ali S/o Irshad Ali Khan RHC Allah Dhand Malakand
9. Dr. Imran Shams S/o Shams-uz-Zaman BHU Ghanichatra.
10. Dr. Naveed S/o Mudasir Shah BHQ Charsadda
11. Dr. Dayar Khan S/o Shair Ahmad BHU Barbai Tor Ghar.
12. Dr. Mohammad Sohail Farooqi S/o Dr. Muhammad Aqil Farooqi BHU Swabi
13. Dr. Nawab Ali Khan S/o Abdul Hameed Khan BHU Danda Shangla Torghar
14. Dr. Farihad S/o Ghulam Rahman BHU Palosa Torghar
15. Dr. Salman Gauhar S/o Gauhar Ali Khan BHU SODBA Torghar
16. Dr. Fazli Wadood So Mohsin BHU Daur Mera Torghar
17. Dr. Khalid S/o Amir Bahadar Mera Madakhail BHU Torghar
18. Dr. Ahmad Ali S/o Abdul Rahman Khan BHU Jalbai
19. Dr. Salman Hakeem S/o Hakeem Ullah Jan BHU Manabi District Nowshera.
20. Dr. Nazir Ahmad S/o Pajab Ali BHU Pahari Kati Khel Nowshera.
21. Dr. Mohammad Ilyas S/o Fazal Mehboub, BHU Behram Kali

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Deputy Registrar
11 DEC 2013

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EXAMINER
Peshawar High Court,
07 JUN 2014

BEFORE THE PESHAWAR HIGH COURT, PESHAWAR

W.P.No. 38-P/2013

Dr. Mehwish Ibrahim & others..... Petitioners

Versus

Government of KPK through Chief Secretary,
Civil Secretariat, Peshawar & others..... Respondents

AFFIDAVIT

I, Dr. Shahid Waseem S/o Fazli Rabi R/o Matkani Tehsil Batkhela District Malakand (Special Attorney for Petitioners), do hereby affirm and declare on oath that the contents of the accompanying Writ Petition are true and correct to the best of my knowledge and belief and nothing has been concealed from this hon'ble court.

[Signature]
Deponent

Identified by:

[Signature]
Zia-ur-Rehman Utman Khel
Advocate, Peshawar High Court.

15402-1457659-5

5784

I, the undersigned, being duly sworn, do hereby verify on solemnly affirmation before me in office, this 10th day of Dec 2013 by Dr. Shahid Waseem s/o Fazli Rabi r/o Matkani Tehsil Batkhela District Malakand who was identified by Zia-ur-Rehman Utman Khel Advocate who is personally known to me.

[Signature]
Oath Commissioner
Peshawar High Court, Peshawar.

10/12/13

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EXAMINER
Peshawar High Court

07 JUN 2014

[Signature]
10 DEC 2013

PESHAWAR HIGH COURT, PESHAWAR

FORM OF ORDER SHEET

Court of.....

Case No.....of.....

Date of Order of Proceedings	Order of other Proceedings with Signature of Judge.
1	2
29.10.2013	<p><u>W.P.No. 38-P/2013 with C.O.C.No. 68-P/2013.</u></p> <p>Present: Mr. Zartaj Anwar, Advocate, for the petitioner. Mr. Abdul Latif Yousafzai, AG, for the Provincial Government.</p> <p>***</p> <p><u>DOST MUHAMMAD KHAN, C.J.-</u> The learned Advocate General, at the very outset, stated at the bar and also produced copy of the statement of respondents and explained that the petitioners of this and of the connected petitions bearing No. 3310-P/2012, 42-P/2013, 2988-P/2013, 2164-P/2013 & 2219-P/2013, would be given extension in service till the time substantive vacancies become available and when the same becomes available then, their Adhoc / contract appointments would be regularized because the present government is more concerned with the health care.</p> <p>In view of the above statement, this and the connected petitions, mentioned above, stand disposed of.</p> <p>Needless to remark that the arrears of salaries of those, who were not yet paid, must be arranged by the respondents because of the above statements.</p> <p><i>Sd/- Dost Muhammad Khan - CJ</i> <i>Sd/- Justice Rashid Khan</i> CHIEF JUSTICE</p> <p>CERTIFIED TO BE TRUE COPY JUDGE</p> <p>Examined Peshawar High Court, Peshawar Authorised Under Article 87 of The Qanun-e-Shahadat Order 1984</p> <p>07 JULY 2014</p>

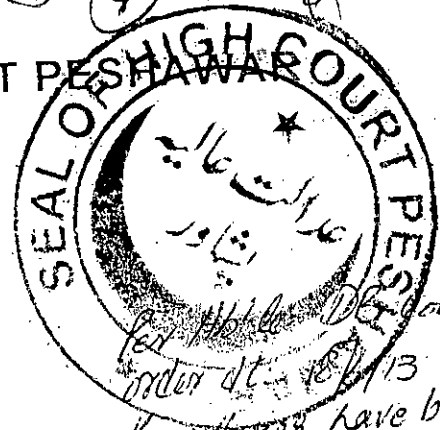
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Annex - (9)

BEFORE THE PESHAWAR HIGH COURT PESHAWAR



Writ Petition No. 42-P/2013

Per Honble J. J. Khan
order dt. 18/1/13
the following have been
impleaded in the
panel of Petitioners.

1. Dr. Imran Khalil S/O Mohammad Khalil R/O Mardan Medical Complex Hospital.
2. Dr. Samiul Haq S/O Umer Mohammad R/O Mardan Medical Complex Hospital.
3. Dr. Mohammad Irfan S/O Syed Nazeef Shah R/O Mardan Medical Complex Hospital.
4. Dr. S. Asad us Samad S/O S.Noor us Samad R/O Mardan Medical Complex Hospital.
5. Dr. Mehreen Lajbar D/O Dacor Lajbar Khan R/O Mardan Medical Complex Hospital.
6. Dr. Shah Rukh Said D/O Khan Said R/O Mardan Medical Complex Hospital.
7. Dr. Fahad Malik S/O Faseh Ullah R/O Mardan Medical Complex Hospital.
8. Dr. Mian Rohil Hayat S/O Mian Urman ud Din R/O Mardan Medical Complex Hospital.
9. Dr. Mohammad Asif S/O Istafanosn R/O Mardan Medical Complex Hospital.
10. Dr. Mohammad Shafiq S/O Mahammad Ayar R/O Mardan Medical Complex Hospital.
11. Dr. Adnan Khan S/O Mir Akbar Khan R/O Mardan Medical Complex Hospital.
12. Dr. Mohammad Ali Shah S/O Syed Abdus Syed Shah R/O Mardan Medical Complex Hospital.
13. Dr. Naveed Mohammad S/O Hazrat Yousaf R/O Mardan Medical Complex Hospital.
14. Dr. Syed Kashif Ali Shah S/O Imtiaz Ali Shah R/O Mardan Medical Complex Hospital.
15. Dr. Waqar Ahmad S/O Dawa Khan R/O Mardan Medical Complex Hospital.
16. Dr. Ali Asghar S/O Mahammad Faqir Said R/O Mardan Medical Complex Hospital.
17. Dr. Wahid Zia S/O Mohammad Javeed Zia R/O Mardan Medical Complex Hospital.
18. Dr. Azam Manan S/O Abdul Manan R/O Mardan Medical Complex Hospital.
19. Dr. Abu Bakar S/O Fazle Akbar R/O Mardan Medical Complex Hospital.
20. Dr. Aslam Gul S/O Zenat Gul R/O Mardan Medical Complex Hospital.
21. Dr. Zakya Younas S/O Mohammad Younas R/O Mardan Medical Complex Hospital.
22. Dr. Asad Ali S/O Haji Dilawar Shah R/O Mardan Medical Complex Hospital.

59. Dr. Kamran - ud -
Din S/O Rashid
Uddin R/O Mardan
Medical Complex Mardan

60. Dr. Faizal Malik
S/O Faizal Malik Sarim
R/O Mardan Medical
Complex Mardan.

61. Dr. Umar Said
R/O Mardan Medical
Complex Mardan.

62. Dr. Asif Ali
S/O Karim Khan

63. Dr. Hikmatullah
Khan S/O Akhtas Jan
R/O BHU Bexar Khal
Bannu.

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Peshawar High Court
7 JUN 2014

PESHAWAR HIGH COURT, PESHAWAR

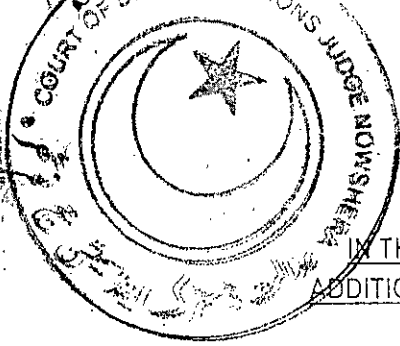
FORM OF ORDER SHEET

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Court of.....

Case No.....of.....

Date of Order of Proceedings	Order of other Proceedings with Signature of Judge.
1	2
29.10.2013	<p><u>W.P.No. 42-P/2013.</u></p> <p>Present: Mr. Muhammad Taif Khan, Advocate, for the petitioners.</p> <p>Mr. Abdul Latif Yousafzai, AG, for the Provincial Government.</p> <p>***</p> <p><u>DOST MUHAMMAD KHAN, C.J.</u>- For reasons / observations recorded in our detailed order of even date in the connected W.P.No.38-P/2013, this petition stands disposed of.</p> <p><i>sd/- Dost Muhammad Khan - J</i> <i>sd/- Justice Rashid Khan - J</i></p> <p>CHIEF JUSTICE JUDGE</p> <p>CERTIFIED TO BE TRUE COPY</p> <p>Examiner Peshawar High Court, Peshawar Authorised Under Article 87 of The Constitution of Pakistan Order 1984 07 JUN 2014</p> <p>20499</p> <p>Date of Presentation of Application: 06-6-14</p> <p>No of Pages: 2P</p> <p>Copying fee: /</p> <p>Urgent Fee: /</p> <p>Total: 4.00</p> <p>Date of Preparation: 07-6-14</p> <p>Date of Delivery of Copy: 07-6-14</p> <p>Received By: <i>[Signature]</i></p>



فقہ از کلمات منہ سندہ ہالومہ - آ آر ڈی

Annex-H

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IN THE COURT OF MRS. RASHIDA BANO,
ADDITIONAL SESSIONS JUDGE-II, NOWSHERA.

Case No...SC-140 of 2013.

Date of original institution12.09.2012.

Date of institution in this court.....29.11.2013.

Date of Decision.....20.05.2014.

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14

State

Iqbal Hussain s/o Lateef Ullah r/o Ashoor Abad, District Nowshera.

..... (Complainants)

Versus

1. Dr. Ali s/o Akhtar Ali r/o Eid Gah Road Peshawar.
 2. Sajjad s/o Alam Gul r/o Afrido Kalay.
 3. Khalid s/o Khan Sahab r/o Umer Zai, District Charsadda
 4. Noor Dil s/o Niamat Khan r/o village Kheshgi Payan, District Nowshera.
 5. Miss Shah Rukh LHV d/o Abdul Hameed r/o village Hoti District Mardan.
 6. Miss Kousar Naz LHV d/o Fazal Amin r/o Akora District Nowshera.
-(Accused facing trial)

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CASE FIR NO.391 DATED 04.05.2012 REGISTERED
UNDER SECTION 322/148/149 PPC POLICE STATION
NOWSHERA KALAN, DISTRICT NOWSHERA.

JUDGMENT.

20.05.2014

1. My this judgment is aimed at disposal of the instant case registered against above named accused vide FIR No.391 dated 04.05.2012 under section 322/148//149 PPC Police Station Nowshera Kalan.

2. Succinctly stated facts of the case are that on 27.04.2012, complainant namely, Iqbal Hussain submitted an application to the SHO PS Nowshera Kala, stating therein that his brother namely Gul Hussain constable No. 1364, at 1245 hours became ill at his house, who was brought to the DHQ hospital, Nowshera Kalan for treatment, however there was no doctor available in the Emergency ward. That his brother namely Gui Jameel went to the mosque of hospital and made an announcement in its loud speaker that his younger brother is sick and if there is any doctor available in the hospital, provide him

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treatment, so he may be saved. That after 45 minutes, Dr. Ali Raza came there and became frustrated and straight forwardly refused treatment of his brother by throwing away the telescope and BP checker on-ground, that in the meantime his ailed brother passed away, however, for the sake of satisfaction, they brought him to the CMH hospital, Nowshera, wherein the doctor confirmed his death and issued them death certificate. The complainant charged Dr. Ali Raza for the commission of offence. The report of complainant was reduced into Mad No. 20 dated 27.04.2012 and after doing legal opinion the learned DPP, Nowshera, the instant FIR was registered against the accused facing trial.

3. After completion of investigation the complete challan was submitted against accused facing trial. Accused made their attendance on 28.09.2012 and provisions u/s 265-Cr.PC was complied with and accused facing trial were charge sheeted on 10.10.2012 to which they pleaded not guilty and claimed trial. Therefore, prosecution witnesses were summoned. Prosecution produced the following witnesses the resume of their statements is given as follows.

4. PW-01 Iqbal Hussain s/o Latif ur Rehman r/o Khattak Colony Ashorabad, District Nowshera. He supported the contents of his report.

5. PW-02 Gul Jameel s/o Latifullah r/o Khattak Colony. He is brother of complainant and supported the report of complainant.

6. PW-03 Said Ahmad Khan SI/SWC District Courts Nowshera. He stated that after registration of the case, investigation was entrusted to him. He approached through a special letter addressed to Health Department for the arrest of the accused facing trial vide his application Ex.PW3/1. Similarly, he prepared list of legal heirs of deceased Gul Hussain which is Ex.PW3/2. After submitting BBA petition he formally accused Sajjad Khan the card of arrest is Ex.PW3/3. Similarly, he has also prepared and issued card of arrest of accused i.e Dr. Ali Raza and others which is Ex.PW3/4. He recorded statements of PWs u/s 151 Cr.PC. He recorded the statement of those accused whose BBA was confirmed by the Court and arrested accused Dr. Ali Raza in the instant case whose BBA

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was recalled. He produced the accused Ali Raza for obtaining his custody and one day custody was granted by the Court vide his application Ex.PW3/5. He again applied to the Court of Judicial Magistrate for sending the accused to judicial lockup vide his application Ex.PW3/6. After completion of entire investigation he submitted the entire file to the SHO for further proceedings.

7. PW-04 Ismail Shahi, SI Traffic District Nowshera. He stated that on completion of investigation in the instant case, he has submitted complete challan against the accused on 23.05.2012.

8. PW-5 Faqir Muhammad SI, PS Pabbi. He stated that after registration of the report of the complainant in the shape of Naqal Mad NO. 20 dated 27.04.2012, investigation in the shape of proceeding u/s 156(3) Cr.PC was handed over to him. He visited to the spot of occurrence, prepared site plan Ex.PB at the instant of complainant in presence of marginal witnesses. He took into possession the death certificate and taking over certificate, death certificate Ex.PW5/1 and taking over certificate Ex.PW5/2 vide recovery memo Ex.PW5/3. He got proper permission for proper inquiry u/s 156(3) Cr.PC vide application Ex.PW5/4. In the inquiry proceedings he obtained duty slips consisting upon 3 sheets from the concerned register dated 27.04.2012 which is Ex.PW5/5. He placed on file copy of reply of explanation dated 30.04.2012 by accused Dr. Ali Raza. He took into possession Ex.PW5/5 vide recovery memo is Ex.PW5/6. After completion of inquiry he applied to DPP Nowshera for his opinion vide his application Ex.PW5/7 and upon the opinion of DPP Nowshera, instant FIR was lodged against accused facing trial. He recorded statement of PWs u/s 161 Cr.PC.

9. PW-06 Sana Ullah FC No. 116 PS Risalpur. He stated that in his presence the IO took into his possession, the death certificate Ex.PW5/2 and handing taking over certificate Ex.PW5/1 into his possession from CMH Hospital Nowshera vide recovery memo Ex.PW5/3. He is also marginal witness to the recovery memo Ex.PW5/6 vide which the IO took into his possession in his presence as well as in the presence of other marginal

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witness Rovaid duty slip and central registration point register of DHQ hospital Nowshera Ex.PW5/5 consisting upon 3 sheet.

10. On 24.04.2014 learned APP for the state and counsel for the complainant abandoned the remaining PWs and closed the prosecution evidence. Statements of the accused facing trial recorded u/s 342 Cr.PC wherein they professed their innocence, however, did not opt to be examined on oath nor to produce evidence in their defense.

11. Arguments advanced by the learned APP for the state assisted by learned counsel for complainant and learned counsel for accused facing trial heard and record perused.

12. Learned counsel for complainant argued that prosecution has established the guilt of accused facing trial by producing the direct eye witnesses i.e PW-1 and PW-2. He further argued that accused facing trial were suspended from the services in their departmental inquiry which is also proved their guilt. Learned counsel for the complainant requested for maximum punishment to the accused facing trial due to whose negligence a person has lost his precious life despite the fact that duty of accused facing trial to save the human life.

13. Learned defense counsel argued that prosecution has miserably failed to establish the guilt of accused facing trial as alleged by them because emergency treatment was provided to the brother of complainant and due to non availability of desired and required facilities for emergency treatment of cardiac problems that's why brother of complainant after emergency first aid referred to LRH for further treatment. He further argued that accused facing trial are charged by the complainant with malafide and with ulterior motive because complainant is dealing is un-authorized business of medicine upon which the accused facing trial Dr. Ali Raza was objected. Otherwise no negligence has been committed by accused facing trial and they had performance their duties with the best of their ability. He further argued that prosecution evidence is full of doubts, contradictions, ambiguities and improvements, therefore same cannot be relied upon. He requested for acquittal of accused facing trial.

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14. Perusal of record reveals that complainant PW-1 reported the matter in shape of application to the DPO Nowshera Ex.PW1/1 by mentioning therein that on 27.04.2012 at 1245 hours his brother namely Gul Hussain developed some chest pain in the house at Amangarh, upon which he alongwith his other brother Gul Jameel took his ailing brother Gul Hussain immediately to DHQ hospital Nowshera for emergency treatment. When they reached to the hospital at emergency they found that no doctor was available in the emergency for looking after as well as given him first aid treatment to the patient brought by them in the emergency. They searched for doctors and other staff in the hospital. His brother Gul Jameel went to the mosque in the hospital and loudly calls the doctors to come and attend their patient. After 45 minutes Dr. Ali Raza accused facing trial came and became angry threw his setisscope and BP operator and bluntly refused to examine and give first aid treatment to their brother, due to which is brother Gul Hussain died. After that they for their own satisfaction transfer the patient to CMH Nowshera where at 2.00 pm doctor on duty confirmed the factum of death of their brother Gul Hussain. The occurrence was witnessed by besides complainant, Gul Jameel, Shahjee Gul, Muhammad Iqbal, Fayaz Khan, Zar Muhammad and Taufeeq etc. Complainant was handed over the dead body of Gul Hussain by CMH's doctors. After registration of FIR, site plan was also prepared by the IO upon pointation of complainant. Pw-2 also supports the version of complainant in respect of entire episode mentioned by him during his examination in chief.

15. Initially, matter was reported in shape of Naqal Mad No. 20 dated 27.4.2014 at 18.10 hours by complainant vide his written application Ex.PW1/1. Main contention of the complainant is that accused facing trial intentionally did not provide first aid emergency treatment to their ailing brother on 27.04.2012 due to which their brother expired but contention of the defense on the other hand is that they had provided proper first aid emergency treatment to the brother of complainant within the available resources and facilities. In this respect IO PW-5 statement who investigated the case before registration of FIR is most relevant and important who had investigated the case in hand who during

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cross examination stated that "According to duty slip register and my investigation there was duty of Dr. Ali Raza, Dr. Phag Chand and Dr. Shamsher Ali in the hospital there. At the relevant time of occurrence, according to Ex.PW5/5 at page NO. 2 the deceased has been properly treated buy DMS Dr. Riwayat Shah and doctor present on duty and ECG was conducted, the report of ECG has also been placed on file by me which is Ex.PW5/D-1. I have recorded the statement of Nisar Ahmad OT Technicians DHQ hospital Nowshera regarding the occurrence. According to my investigation, the said OT technician was present in the hospital at the time of occurrence. According to the statement of Nisar Ahmad the deceased was provided proper medical facilities at the relevant time of occurrence by doctors present on duty". PW-3 is IO who investigated the case after registration of FIR who too during the cross examination stated that "I have recorded the statement of Dr. Riwayat Shah u/s 161 Cr.PC according to the statement of Dr. Riwayat Shah. DMS DHQ hospital Nowshera Dr. Riwayat Shah was present at casualty of DHQ hospital Nowshera at the day of occurrence. According to the said statement of Dr. Riwayat Shah the deceased was properly provided medical treatment in DHQ hospital Nowshera and then for further management the deceased was referred to LRH Peshawar because CCU and Cardiac care unit are not available at DHQ hospital Nowshera. According to the said statement of Dr. Riwayat Shah all possible medical facilities /treatment was provided to the deceased in DHQ hospital Nowshera by Dr. Riwayat Shah and accused facing trial Dr. Ali Raza". From this statement of both the IOs, it is crystal clear that besides accused facing trial Dr. Ali Raza i.e Dr. Phag Chand, Dr. Riwayat Shah and Dr. Shamsher Ali were also present on duty on the relevant day and time and proper medical treatment within the parameters of available facilities at DHQ hospital Nowshera was provided to the ailing brother of complainant and his proper ECG has been conducted by Dr. Riwayat Shah DMS and doctors on duty. Availability of Ex.PW5/D-1 is the proof of the fact that in fact proper first aid treatment was provided to the brother of complainant which negates his version that Dr. Ali Raza when came from the mosque became angry and altercationd with

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him and bluntly refused to give treatment to his brother. If Dr. Ali Raza refused to check and give first aid treatment bluntly and no one is available to treat the brother of complainant then there arises no question of availability and existence of Ex.PW5/D-1. Moreover perusal of Central Registration Point Register which is part and parcel of Ex.PW5/5 reveals that brother of complainant was treated by Dr. Riwayat Shah and his CMO in whose opinion patient has chest pain whose ECG conducted and patient was referred to LRH Peshawar at 1.45 pm after giving emergency treatment. Entry was mentioned at S.NO. 18651. Ex.PW5/5 and Ex.PW5/D-1 was got exhibited without any objection even by the complainant even Ex.PW5/5 was got exhibited by the prosecution himself, therefore, now prosecution cannot deny from genuineness of their own exhibited document. So production of Ex.PW5/5 and Ex.PW5/D-1 reveals that patient was properly treated by the doctors available on duty. Otherwise too no doctor in the world can even think of to refuse to give medical emergency treatment to his patient because at the time of his appointment and granting degree he had taken oath that he will serve the humanity with the best of his ability and each eventuality because his profession is a secret trust which saves the human lives.

16. In the instant case, no plausible reason is given for refusing medical emergency treatment to the brother of complainant by accused facing trial. If a person is going to commit a sin and crime which result into the lost of human life then there must be some motive and reason behind it but entire case file is silent in respect of any motive or reason of commission of offence which fact is also stated by PW-5 during his cross examination in these words "No reason has been mentioned by the complainant nor the same has been found out by me during investigation that why the accused facing trial became angry at the time of occurrence". When no reason or plausible explanation is given for becoming of accused facing trial angry then it is acceptable to a prudent mind that educated and civilized person like doctor whose job is to save the humanities without any reason became angry and refused to performs his duty, if he is not out of his senses. So story

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narrated by the complainant that accused facing trial became angry with him without any reason and refused to give first aid treatment to his brother is not appealable to a prudent mind which creates doubts into the genuiness and truthfulness of story narrated by complainant.

17. Pw-2 brother of complainant and deceased stated during his cross examination that "My brother Iqbal Hussain deals in medicines nowadays and his medical rep too". But complainant PW-1 during his cross examination concealed the same fact of dealing with medicines business nowadays during his cross examination when he stated that "I am social worker and I owned landed property at my village. I had business of medicines however I have abandoned the same profession". If complainant is truthful and reliable then he must did not the conceal the factum of dealing of business of medicines and medical rep. keeping in view this statement of complainant in juxta position with the contention of defense that due to un authorized dealing with the medicines of the complainant, Dr. Ali Raza accused facing trial objected upon him and complainant just to take revenge from him malafidely charged him, charging of accused facing trial by complainant with malafidely cannot be ruled out.

18. So far as statement of PW-1 and PW-2 eye witness is concerned, same is full of improvements while taking injuxta position of Ex.PW1/1. Otherwise too, in the application only Dr. Ali Raza was charged for refusing from giving first aid treatment but later on complainant charged all the paramedic staff of the hospital including nurses, male and female and dispenser.

19. The other most important factor in the instant case is that cause of death of the deceased along with its time is not available on record because on record no postmortem report of the deceased is available from which cause of death and time of death can be established which either supports the contention of the complainant or otherwise. So in absence of cause of death and time of death whether same caused before reaching to the hospital or there in the hospital, contention of the complainant cannot be proved.

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Complainant himself had done away with the postmortem that's why same is not available on record, which creates doubts in the mode and manner of the death of brother of complainant.

20. As sequel to my above discussion, I hereby acquit the accused facing trial by giving the benefit of doubts from the charges leveled against them. They are on bail. Their sureties are discharged from the liabilities of bail bonds.

21. File be consigned to record room after necessary completion and compilation.

Announced.

Dated. 20.05.2014.

Rashida Bano
Addl. Sessions Judge-II,
Nowshera.

Rashida Bano
20/5/14

Certificate.

Certified that my this judgment is consisted of 09 pages, each page is read over, corrected where necessary and signed by me.

Dated. 20.05.2014.

Rashida Bano
Addl. Sessions Judge-II,
Nowshera.

Rashida Bano
20/5/14

[Large handwritten signature]

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[Signature] 31/05/14
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CHARGE SHEET

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I, Miss Nusrat Yasmin, Additional Sessions Judge-I, Nowshera do hereby charge you accused namely:

1. Dr. Ali Raza aged about 29 years s/o Asghar Ali r/o Eid Gah road, Peshawar.
2. Sajjad aged about 27 years s/o Alam Gul r/o Afrido Kiley, Nowshera.
3. Khalid aged about 39 s/o Khan Sahab r/o village Umarzai, Distt Charsadda.
4. Noor Dil aged about 32 years s/o Niamat Khan r/o village Khoshgi Payan Distt Nowshera.
5. Miss Shahrukh LHV aged about 29 d/o Abdul Hameed r/o village Hoti, Distt Mardan.
6. Miss Kousar Naz LHV aged about 26 years d/o Fazal Amin r/o Akora Khattak, Distt Nowshera as follows: -

That you accused named above on 27.04.2011 at 13:15 hrs time at DHQ Hospital, Nowshera situated within the criminal jurisdiction of P.S Nowshera Kalan, jointly refused and / or neglected to provide treatment / first aid to patient namely Gul Hussain, which refusal / negligence caused his death, and you all thereby committed Qatl-bis-sabab of the deceased Gul Hussain and thus you have committed offence punishable u/ss 322/148/149 PPC and within the cognizance of this court.

And I hereby direct that you be tried by me on the aforesaid charge.

RO & AC
10.10.2012

(Miss: Nusrat Yasmin),
Addl: Sessions Judge-I,
Nowshera.

The charge has been read over and explained to the accused.

- Q. Do you plead guilty or claim trial?
A. No We do not plead guilty and claim trial.

RO & AC
10.10.12

ACCUSED

1. [Signature] 2. [Signature] 3. [Signature]
4. [Signature] 5. [Signature] 6. [Signature]

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Certified u/s 364 Cr.PC

(Miss: Nusrat Yasmin),
Addl: Sessions Judge-I,
Nowshera