



13th June, 2023

Learned counsel for the appellant present. Mr. Fazal shah Mohmand, Additional Advocate General alongwith Mr. Farooq Khan, Litigation Officer for the respondents present and requested that the question formulated by the Tribunal on the previous date, may be heard alongwith the remaining arguments on the main appeal, therefore, to come up on 13.09.2023 for remaining arguments before the D.B. P.P given to the parties.

SCANNED
KPST
Peshawar


(Fareeha Paul)
Member (E)


(Kalim Arshad Khan)
Chairman

**Mutazem Shah **

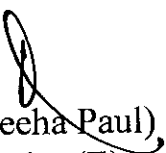
16th May, 2023

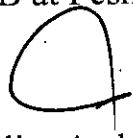
01. Counsel for the appellant present. Mr. Fazal Shah Mohmand, Addl. Advocate General for the respondents present.

02. The appeal was heard at some length. During the course of arguments, learned counsel for the appellant has produced a copy of judgment of this Tribunal dated 18.01.2022 in Service Appeal No. 5690/2020 titled "Pir Jan Alam Vs. Secretary Health Khyber P:akhtunkhwa Peshawar and others", whereby the then learned Bench had made observations regarding conduct of enquiry on the basis of which the impugned order was passed and converted the punishment of the appellant (of the said appeal) from removal from service to stoppage of two annual increments for two years.

03. We have heard learned counsel for the appellant at certain length and would like to request the learned counsel for the appellant and learned AAG to assist the Tribunal whether in case of a different view or at least if the Tribunal reaches a conclusion in this appeal that inquiry report should be set aside and a denovo enquiry should be conducted, then would there be a need to constitute a larger bench or not? Learned counsel for the appellant and learned AAG should assist the court with some additional points in their mind. To come up for further arguments on 13.06.2023 before the D.B at Peshawar.

SCANNED
KPST
Peshawar


(Fareeha Paul),
Member(E)
Camp Court, D.I.Khan)

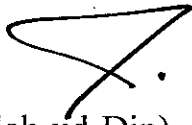

(Kalim Arshad Khan)
Chairman
(Camp Court, D.I.Khan)

22nd March, 2023

Appellant alongwith his counsel present. Mr. Muhammad Jan, District Attorney alongwith Mr. Faiz Muhammad, Librarian for the respondents present.

Learned counsel for the appellant seeks adjournment on the ground that he has not made preparation for arguments. Adjourned. To come up for arguments on 16.05.2023 before the D.B at Camp Court D.I.Khan. Parcha Peshi given to the parties.

SCANNED
KPST
Peshawar



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



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

22.11.2022

Tour to camp court has been cancelled therefore, the case is adjourned for the same on 17.01.2023.

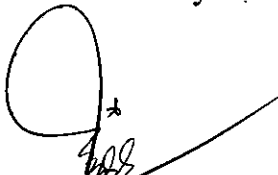

READER


17th Jan, 2023

Appellant in person present Mr. Muhammad Riaz Khan Painsdakhel, Assistant Advocate General alongwith Mr. Faiz Muhammad, Librarian for the respondents present.

Counsel are on strike, therefore, the case is adjourned for arguments on 15.02.2023 before D.B at camp court D.I.Khan. Office is directed to notify the next date on notice board as well as on the Website of Khyber Pakhtunkhwa Service Tribunal.

SCANNED
KPST
Peshawar


(Mian Muhammad)
Member (E)



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


15th Feb, 2023

Malak Hidayyat Ullah, Advocate present and submitted Wakalatnama on behalf of the appellant. Mr. Muhammad Jan, District Attorney for the respondents present.

Being freshly engaged, learned counsel for the appellant requested for adjournment. Adjourned. To come up for arguments on 22.03.2023 before D.B at camp court D.I.Khan.

SCANNED
KPST
Peshawar

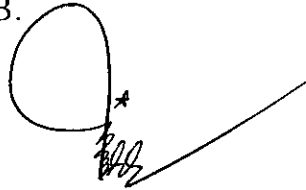

(Muhammad Akbar Khan)
Member (E)


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

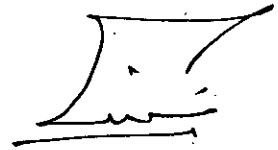
01.11.2022

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

During the course of arguments, representative of the respondents requested that as complete inquiry record has not been annexed with the comments, therefore, an opportunity may be granted for production of the same. Adjourned. To come up for production of complete inquiry record as well as arguments on 08.12.2022 before the D.B.



(Mian Muhammad)
Member (E)



(Salah-Ud-Din)
Member (J)

07th Dec. 2022

Appellant in person present. Mr. Muhammad Riaz Khan Paindakhel, Asst: AG alongwith Mr. Faiz Muhammad, Librarian for respondents present.

Representative of the respondents submitted an application for placing on file complete inquiry record alongwith complete inquiry record which is placed on file. This case pertains to camp court D.I.Khan, therefore, let it be fixed at camp court D.I.Khan for arguments on 17.01.2023 before the D.B. P.P is given to the parties.

SCANNED
K T
Res. Swar



(Fareeha Paul)
Member(Executive)





(Kalim Arshad Khan)
Chairman

28.09.2022

Appellant alongwith counsel present. Naseer Ud Din Shah, learned Assistant Advocate General alongwith Safi Ullah, Focal Person for respondents present.

Former requested for adjournment on the ground that he has not prepared the brief. Adjourned. To come up for arguments on 13.12.2022 before D.B


(Fareeha Paul)
Member (I)



(Rozina Rehman)
Member (J)


13.10.2022

Appellant in person present. Mr. Muhammad Jan, District Attorney for the respondents present.

Appellant requested for adjournment on the ground that his counsel is busy in the august Supreme Court of Pakistan. Adjourned. To come up for arguments before the D.B on


01.11.2022.


(Mian Muhammad)
Member (E)


(Salah-ud-Din)
Member (J)


01.02.2022 Appellant in person present. Mr. Muhammad Adeel But,
Addl. AG for respondents present.

Reply/comments on behalf of respondents are still awaited. Learned Additional Advocate General sought time for submission of reply/comments. Last opportunity is granted to respondents to furnish reply/comments on or before next date, failing which their right to submit reply/comments shall be deemed as struck off. To come up for arguments before the D.B on 03.03.2022.


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


02.03.2022 Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 07.06.2022 for the same as before.

7.6.22


Reader
Perhaps D.B is on tour, therefore the case is adjourned to 24-8-22 for balance

24.08.2022 Learned counsel for the appellant present. Mr. Faiz Muhammad Litigation Officer alongwith Naseer Ud Din Shah, Assistant Advocate General for the respondents present.

Representative of the respondents submitted reply/comments which are placed on file and copy of the same was handed over to learned counsel for the appellant who requested for adjournment in order to go through the said reply/comments. Adjourned. To come up for arguments on 28.09.2022 before the D.B.


(Rozina Rehman)
Member(J)


(Salah-Ud-Din)
Member(J)

12.07.2021

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

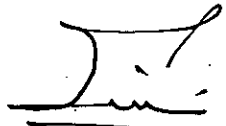

Chairman

Stipulated period passed reply no. 2 submitted.

10.10.2021

Appellant in person present. Mr. Kabirullah Khattak, Additional Advocate General for the respondents present and sought time for submission of reply/comments. Adjourned. To come up for submission of reply/comments as well as arguments on 11.01.2022 before the D.B.

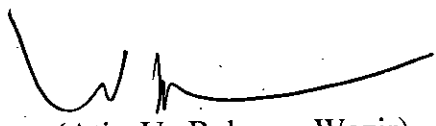

(MIAN MUHAMMAD)
MEMBER (E)


(SALAH-UD-DIN)
MEMBER (J)

11.01.2022

Appellant in person present. Mr. Kabirullah Khattak, Addl. AG alongwith Mr. Faiz Muhammad Litigation Officer on behalf of respondent No. 2 present.

Reply/comments on behalf of respondents are still awaited. Notice be issued to respondents No. 1 & 3 alongwith copies of appeal. To come up for reply/comments before the S.B on 01.02.2022.


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

7728/2020

10.06.2021

Counsel for the appellant present. Preliminary arguments heard.

Points raised need consideration. The appeal is admitted to regular hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments in office within 10 days after receipt of notices, positively. If the written reply/comments are not submitted within the stipulated time, the office shall submit the file with a report of non-compliance. File to come up for arguments on 26.10.2021 before the D.B.

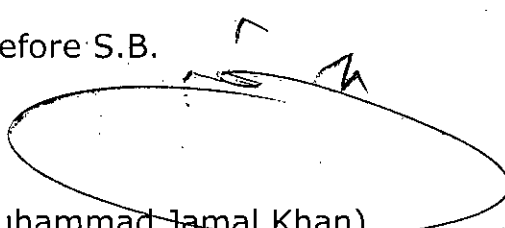
Appellant Deposited
Security & Process Fee

70/6/21


Chairman

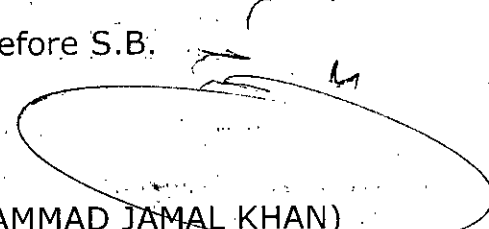
21.10.2020

Since the Members of the High Court as well as of the District Bar Association Peshawar are observing strike today therefore, the case is adjourned to 26.11.2020 on which date to come up for preliminary hearing before S.B.


(Muhammad Jamal Khan)
Member (Judicial)

26.11.2020

Junior counsel for appellant is present. He requests for adjournment that his senior counsel is engaged before the Hon'ble Peshawar High Court, Peshawar and cannot attend the Tribunal today. Adjournment granted. File to come up for preliminary hearing on 24.02.2021 before S.B.


(MUHAMMAD JAMAL KHAN)
MEMBER (JUDICIAL)

24.02.2021

The learned Member Judicial Mr. Muhammad Jamal Khan is under transfer, therefore, the case is adjourned. To come up for the same before S.B on 10.06.2021.


Reader




Form- A

FORM OF ORDER SHEET

Court of _____

7728

Case No.- _____ /2020

1S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	13/07/2020	<p>The appeal of Mr. Fayyaz Gul resubmitted today by Mr. Muhammad Asif Yousafzai Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-		<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>09/09/2020</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
	09.09.2020	<p>Shahkar Khan Yousafzai, Advocate on behalf of counsel for the appellant.</p> <p>Former requests for adjournment as learned counsel is engaged before the Peshawar High Court, Peshawar in various cases.</p> <p>Adjourned to 21.10.2020 before S.B.</p> <p style="text-align: right;"> Chairman</p>


RECEIVED
PESHAWAR

The appeal of Mr. Fayyaz Gul Junior Clerk Public Health School D.I.Khan received today i.e. on 09.07.2020 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Copy of upgradation order mentioned in para-3 of the memo of appeal (Annexure-C) is not attached with the appeal which may be placed on it.
- 2- Annexure-A and page no. 7 of the appeal are illegible which may be replaced by legible/better one.

No. 1640 /S.T,

Dt. 10-07/2020.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. M.Asif Yousafzai Adv. Pesh.

objection removed & Resubmitted
13/7/20

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

APPEAL NO. _____/2020

Mr. Fayaz Gul

VS

The DGHS & etc.

INDEX

S.NO.	DOCUMENTS	ANNEXURE	PAGE
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2.	Copy of Office order dt: 28.5.2004	A	05
3.	Copy of Regularization order dt: 30.07.2008	B	06-07
4.	Copy of upgradation order dt: 27.09.2018	C	08
5.	Copy of office order dt:27.09.18	D	09
6.	Copy of arrival report	E	10
7.	Copy of inquiry regarding fake office order	F	11-15
8.	Copy of Charge Sheet	G	16-17
9.	Copy of reply to Charge sheet	H	18-20
10.	Copy of inquiry report dt: 7.1.2020	I	21-32
11.	Copy of Show Cause Notice	J	33
12.	Copy of reply to Show Cause Notice	K	34-36
13.	Copy of impugned order dt: 18.02.2020	L	37-38
14.	Copy of Departmental Appeal	M	39-41
15.	Vakalat nama	-----	42

APPELLANT

Fayaz Gul

THROUGH:

(M. ASIF YOUSAFZAI)
ADVOCATE SUPREME COURT
OF PAKISTAN.

& (SYED NOMAN ALI BUKHARI)
ADVOCATE HIGH COURT

Room No. Fr-8, 4th Floor,
Bilour Plaza, Peshawar Cantt:
Contact No. 03339103240

①

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

APPEAL NO. 7728 /2020

Fayyaz Gul S/O Gul Hayat, Junior Clerk,
Public Health School D.I.Khan.

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 6542

Dated 9/7/2020

(APPELLANT)

VERSUS

1. The Secretary Health Deptt: Khyber Pakhtunkhwa, Peshawar.
2. The D.G Provincial Health Services Academy Khyber Pakhtunkhwa, Peshawar.
3. The Principal Public Health School D.I. Khan.

(RESPONDENTS)

THIS APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL ACT 1974 THAT THE IMPUGNED ORDER VIDE DATED 18-2-2020 . WHEREIN THE APPELLANT HAS BEEN REMOVED FROM SERVICE AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL WITHIN STATUTORY PERIOD OF 90 DAYS.

Filed to-day

EW.
Registrar

9/7/20

PRAYER:

THAT AN ACCEPTANCE OF THIS APPEAL THE IMPUGNED ORDER VIDE DATED 18-2-2020 MAY SET ASIDE AND THE APPELLANT MAY BE REINSTATED TO SERVICES WITH ALL BACK AND CONVENTION BENEFITS ANY OTHER REMEDY WHICH THIS COURT DEEM FIT AND APPROPRIATE MAY ALSO PROVIDED IN FAVOUR OF APPELLANT.

Re-submitted to -day
and filed.

EW.
Registrar

13/7/2021

RESPECTFULLY SHEWETH:

FACTS:

1. That the appellant was appointed vide order dated 28-5-2004 as a Muslim Sweeper for period of six months on the fixed pay. He performing his duty with the entire satisfaction of his superiors. **Copy of order dated 28.05.2004 is attached as Annexure-A.**
2. That service of the appellant has been regularized in BPS-01 in the budget of 2007- 2008 on dated 30-7-2008 under the act of civil servant Act 1973 the appellant got the status of civil servant. **Copy of Regularization Order is attached as Annexure-B.**
3. That the appellant was upgraded from BS-1 to BS-4 on a notification passed by the government of NWFP on vide dated 4-4-2009. **Copy of upgradation order is attached as Annexure-C.**
4. That the appellant filed the petition before the Honorable Peshawar High Court Peshawar regarding their promotion against the 33% quota reserved for class (IV). The Honorable Peshawar High Court is kind enough to accept the writ petition vide judgment dated 08.02.2011. In compliance of the Judgment of the Peshawar High Court, Peshawar the PHS Peshawar including appellant issued order dated 08.02.2011 of promotion the Class (IV) employees.
5. That the appellant on dated 15-11-2011 was adjusted on the post of Computer Lab Assistance (BPS-07) by initial recruitment instead of promotion as there was no vacant post of junior clerk at that time. So the appellant was working as Computer Lab Assistant (BPS-07). In meanwhile the Junior Clerk Post become vacant and the appellant was adjusted against the vacant post of junior clerk (BPS-11) and was transfer to D.I.KHAN vide order dated 27.09.2018. The appellant submitted his arrival report on dated 23-10-2018. **Copy of order & Arrival Report are attached as Annexure-D & E.**
6. That thereafter on dated 17-9-2-2019 enquiry regarding fake office order was held in which the appellant also held responsible in the case of that fake appointment order. **Copy of inquiry regarding fake office order is attached as Annexure-F.**
7. That the charge sheet was served upon the appellant by the Competent Authority of corruption and misconduct. On the bases of which the

appellant was suspended for the ninety days on dated 14-11-20-19.
Copy of Charge Sheet is attached as Annexure-G.

- 8. That the appellant give reply to charge sheet on dated 26-11-2019. In which he clearly said that he is unaware of the fake office order. **Copy of reply to charge sheet is attached as Annexure-H.**
- 10. That an inquiry was conducted without providing chance of cross examination to the appellant and inquiry officer gave his finding against the appellant an inquiry report was come on dated 7-1-2020. **Copy of inquiry report is attached as Annexure-I.**
- 11. That show cause notice dated 8-1-2020 was served on appellant which was properly replied by the appellant wherein appellant specifically denied the entire allegation. **Copy of Show Cause Notice & Reply to Show Cause Notice is attached as Annexure-J & K.**
- 12. That the impugned order dated 18.02.2020 is passed against the appellant whereby the appellant was removed from service. The appellant being feeling aggrieved which was not responded within the statutory period of 90-days. **Copy of impugned order dated 18.02.2020 & Departmental appeal is attached as Annexure-L & M.**

GROUND

- A. That the impugned order dated 18-2-2020 and against not responding departmental appeal with statutory period of 90 days is illegal and against the norms of justices.
- B. That inquiry was not conduct according to law and no chance of cross examination is not provided to the appellant which is violation of superior courts judgments and E&D Rules, 2011.
- C. That the charge sheet and statement of allegation have been served upon the appellant. wherein charge was not specific which is violation of E&D Rules, 2011.
- D. That in similar nature case the tribunal already grant relief to the civil servant in shape of reinstate with all back benefits ,wherein, also

charge was not specific so the tribunal declared that not specified of charge sheet is illegal and unlawful against the norms of justice.

- E. That the appellant is not treated accordingly to law and rules despite that appellant is civil servant , so the impugned order is liable to be set aside.
- F. That the allegation level is against the appellant of fake appointment was based and without the conjoins prove, but only with malafide intensions of the authority, due to some personal grievance.
- G. That inquiry office give his conclusive on the bases of summaries and conjectures, which is again the superior court judgment and appellant made these came to court to save the skin of high officials.
- H. That the court accused the jan -e-alam admitted that he received the amount from the HASHIM KHAN, but the appellant was not made scraped god to save the skin of high officials.
- I. That no chance of personal hearing was provided to the appellant, which is illegal, unlawful, and against superior court judgments.
- J. That the appellant seeks permission to advance others grounds and proofs at the time of hearing.

It is, therefore most humbly prayed that the appeal of the appellant may be accepted as prayed for.

APPELLANT

Fazal Gul

THROUGH:

M. Asif Yousafzai

**(M. ASIF YOUSAFZAI)
ADVOCATE SUPREME COURT
OF PAKISTAN.**

& *Syed Noman Ali Bukhari*

**(SYED NOMAN ALI BUKHARI)
ADVOCATE HIGH COURT**

Better copy 5

PROVINCIAL HEALTH SERVICES ACADEMY

DEPT: OF HEALTH GOVT OF N.W.F.P,

BUDHNI ROAD DURAN PUR PESHAWAR,

PH#(092) -0912650861,262329, FAX #091-261249

E-MAIL : PHSA@BRAIN.NET.PK

OFFICE ORDER

Mr. fayyaz gul S/o Gul Hayat resident of Manzoor Abad Budhni, Road post of sweeper for the period of 6 month i.e. 28/052004 to 31/12/2004 with the following terms & conditions.

- His appointment will be on fixed pay basis.
- He will be governed by the NWFP Govt Servants (E&A) Rules 1973 and issued by the Govt. from time to time in this regard.
- His services shall be liable to termination at any time without assigning any reason of giving notice during the incumbency of contract period.
- If he wished to quite the services he will have to submit a notice at least two weeks in advance failing which the pay for the aforesaid period will be forfeited.

DIRECTOR

Provincial Health Service

Academy NWFP, Peshawar.

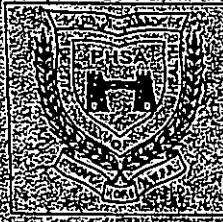
NO 3635-3/38/M-6/EsH2HSA

Dated 28/05/2004

1. Secretary to Govt of NWFP, Health Department.
2. Accountant General NWFT, Peshawar.
3. Account Officer Peshwar, PHSA.
4. Mr. Fayyaz Gul S/o Gul Hayat Manzoorabad Budhni Road, Duranpur.

DIRECTOR

(2A)
Pg(5)



Provincial Health Services Academy
Dept. of Health Govt. of N.W.F.P.,
Budhni Road, Duranpur, Peshawar,
Ph# (092) 091-2650861, 262329; Fax # 091-261249
E-mail: phsa@brain.net.pk

OFFICE ORDER

Mr. Fayyaz Gul S/O Gul Hayat resident of Manzoorabad Budhni Road Duranpur is appointed on fixed pay @ Rs. 2800/- per month against the vacant post of sweeper for the period of 6 month i.e. 28/05/2004 to 31/12/2004 with the following terms & conditions:

- His appointment will be on fixed pay basis.
- He will be governed by the NWFP Govt. servants (E&A) Rules 1973 and Govt. servants conduct Rule, 1987 or any instructions, which may be issued by the Govt. from time to time in this regard.
- His services shall be liable to termination at any time without assigning any reason of giving notice during the incumbency of contract period.
- If he wishes to quit the services he will have to submit a notice at least two weeks in advance failing which the pay for the aforesaid period will be forfeited.

-sd-
DIRECTOR
Provincial Health Services Academy
NWFP, Peshawar.

No. ~~3835-38/M-6/ECU/PHSA~~ Dated: 28/05/2004

- Cc.
1. Secretary to Govt. of NWFP, Health Department.
 2. Accountant General NWFP, Peshawar.
 3. Account Officer, Peshawar, PHSA.
 4. Mr. Fayyaz Gul S/O Gul Hayat Manzoorabad Budhni Road, Duranpur Peshawar.

[Signature]
DIRECTOR

R/file

9/c

[Signature]

GOVERNMENT OF NWFP
FINANCE DEPARTMENT

No BO1/FD/1-22/2008-09/
Dated Peshawar, the 30/7/2008

(B)

Dg (6-7)

To

The Accountant General,
NWFP, Peshawar.

Subject:- BUDGET SPEECH 2007-08 CONVERSION OF FIXED PAY CLASS-IV
INTO REGULAR BPS-1 CP.FUND SCHEME.

Dear Sir,

I am directed to refer to your letter No.H.24(85)/Kohistan/Vol-II/851 dated 18/6/2008 on the subject noted above and to clarify that all the Class-IV Fixed Pay Employees have been regularized in BPS-1 giving them the status of Civil Servant, with effect from 1st July, 2008 (but not from the date of their appointments) as per provision of Section 19 of the Civil Servant Act, 1973 (read with Civil Servants(Amendment) Act, 2005). Under the Act ibid, these employees are entitled for Contributory Provident Fund (C.P. Fund) instead of Pension/Gratuity and G.P. Fund. Since length of service of the employees was at variance, therefore, in order to meet the demand of natural justice, fixation of pay has been allowed to them with effect from the dates of appointment bringing their salaries at par with the respective length of service. However, they shall not be entitled for arrears of pay and allowances as clarified in the instructions. So, it is confirmed that they are entitled for CP Fund instead of Pension/Gratuity and GP Fund, unless otherwise provided in the relevant Rules/Regulations.

Yours faithfully,

(Fida Muhammad)
Budget Officer-I

Endst No. & Date even:

Copy is forwarded w/r to Finance Dept's circular letter No.BO1/1-22/2007-08/FD dated 29/1/2008, for information & necessary action to:-

- 1) All Administrative Secretaries to Government of NWFP
- 2) Secretary to Governor, NWFP, Peshawar
- 3) Principal Secretary to Chief Minister, NWFP, Peshawar
- 4) All District Coordination Officers in NWFP
- 5) All Heads of Attached Departments in NWFP
- 6) The Registrar, Peshawar High Court, Peshawar
- 7) The Registrar, NWFP Service Tribunal, Peshawar
- 8) The Secretary Provincial Assembly, NWFP, Peshawar
- 9) The Secretary, Board of Revenue, NWFP, Peshawar
- 10) All District Accounts Officers in NWFP
- 11) All Budget/Section Officers in Finance Department, Peshawar

BUDGET OFFICER-I

8-14

16687
5/8/08

سنگھال سے آرڈر
درخواست
کے تحت
16687
5/8/08

مراسلہ نمبر پی-او-1/1-22-08/2007- ایف-ڈی

مورخہ 29 جنوری: 2008

بخدمت:-

- 1- تمام انتظامی معتمدین حکومت صوبہ سرحد۔
- 2- معتمد برائے گورنر صوبہ سرحد پشاور۔
- 3- پرنسپل سٹاف آفیسر برائے وزیر اعلیٰ صوبہ سرحد۔
- 4- تمام سربراہان ماتحت محکمہ جات صوبہ سرحد۔
- 5- تمام ضلع رابطہ افسران سرحد۔
- 6- رجسٹرار پشاور ہائی کورٹ پشاور۔
- 7- رجسٹرار سروس ٹریبیونل صوبہ سرحد پشاور۔
- 8- سیکرٹری صوبائی پبلک سروس کمیشن صوبہ سرحد پشاور۔
- 9- سیکرٹری بورڈ آف صوبہ سرحد۔

عنوان:- بجٹ تقریر 2007-08 میں چہارم کے مقررہ تنخواہ پانے والے FIXED PAY ملازمین کے لئے پی فنڈ

کا اجراء

جناب عالی!

مجھے ہدایت کی گئی ہے کہ عنوان بالا کا حالہ دیتے ہوئے عرض کروں کہ صوبائی حکومت نے تمام درجہ چہارم (مقررہ تنخواہ FIXED PAY) پانے والے ملازمین کو یکم جولائی 2008 سے این ڈبلیو ایف پی سول ملازمین ایکٹ 1973 کے تحت سال ملازمین کا درجہ بنیادی سکیل (BPS-1) دینے کی منظوری دی ہے۔

2- مذکورہ ملازمین کی تنخواہوں کا تعین (FIXATION OF PAY) ان کی بھرتی کے تاریخ

(Date of Appointment) سے کیا جائے تاکہ ملازمین تنخواہوں اور اولاد نسز وغیرہ کی مد میں کسی قسم کی بقایا جات (arrears) کے حقدار نہیں ہوں گے۔

3- اس سلسلے میں پہلے میں پہلے سے جاری شدہ تمام پالیسی ہدایت یکم جولائی 2008 سے منسوخ تصور ہوں گے۔

حکومت سندھ
محکمہ سرائے

مراسلہ نمبر پی۔ او۔ ا۔ ا۔ ۲۲۰۸/۲۰۰۷-۲۰۰۷ ایف۔ ڈی
سورجھہ، ۲۹ جنوری، ۲۰۰۸ء

خدمت

- ۱- تمام انتظامی معتمدین حکومت سندھ سرحد۔
- ۲- معتمد برائے ڈیرہ سوہانہ سرحد۔
- ۳- پرنسپل سٹاف انجینئر برائے ڈیرہ سوہانہ سرحد۔
- ۴- تمام سربراہان ماتحت جات سوہانہ سرحد۔
- ۵- تمام ضلعی رابطہ افسران سوہانہ سرحد۔
- ۶- رجسٹرار ڈپٹی اور ڈپٹی ڈائریکٹر، ڈیرہ سوہانہ سرحد۔
- ۷- رجسٹرار ڈپٹی، ڈیرہ سوہانہ سرحد۔
- ۸- سیکرٹری، سوہانہ سیکٹس ڈپٹی ڈائریکٹر، ڈیرہ سوہانہ سرحد۔
- ۹- سیکرٹری، ڈپٹی ڈائریکٹر، ڈیرہ سوہانہ سرحد۔

عنوان :-
پچھلے تقریر ۲۰۰۷-۲۰۰۷ میں درجہ چہارم (مقررہ تنخواہ ہانے والے (Fixed pay) ملازمین کے لئے درجہ تیس کا انتظام۔

جناب عالی!

مجھے ہدایت کی گئی ہے کہ عنوان بالا کا حوالہ دے ہوئے عرض کروں کہ صوبائی حکومت نے تمام درجہ چہارم (مقررہ تنخواہ Fixed pay) ہانے والے ملازمین کو درجہ تیس میں (۱۹۷۳ء کے تحت سونے ملازمین کا درجہ) میں تیس (BPS-1) دے کے کی منظوری دی ملازمین ایکٹ ۱۹۷۳ء کے تحت سونے ملازمین کا درجہ تیس میں تیس (BPS-1) دے کے کی منظوری دی

۱- مذکورہ ملازمین کی تنخواہوں کا (Fixation of pay) ان کی بھرتی کے تاریخ (Date of Appointment) سے کیا جائے گا۔ تاہم یہ ملازمین جو ان کے ملازم اور الاؤنس وغیرہ کی بد میں کسی قسم کی بھاریا جات (arrears) کے حقدار نہیں ہوں گے۔

۲- اس سلسلے میں پہلے سے جاری شدہ تقریر نمبر پی۔ او۔ ا۔ ا۔ ۲۲۰۸/۲۰۰۷ سے منسوخ تصور

آکا گل

۵-۶

ہو گئے۔
16137
۵4-2-08

سر (شرافت خان ربانی)
نام معتمد (میزانیہ-۳)

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GOVERNMENT OF N.W.F.P
FINANCE DEPARTMENT
(REGULATION WING)

Dated Peshawar the: April 04, 2009

(C)
Pg(8)

Notification

NO.FD(SR-1)2-4/2008. The competent authority has been pleased to sanction one special advance increment to the Assistants, Auditors, Senior Clerks and Junior Clerks as well as employees from BPS-01 to BPS-04 in their up-graded / moved up pay scales, allowed vide Govt. of NWFP Finance Department Notification No. FD/SO (FR)7-2/2007, dated 29th July, 2007.

1. These orders will take effect from 01-09-2007 to be payable in next financial year, 2009-10

SECRETARY TO GOVT. OF NWFP
FINANCE DEPARTMENT

upgraded

Ends: of even No & date.

Copy of the above for information & necessary action is forwarded to the:

1. All Administrative Secretaries to Government of NWFP.
2. Senior Member, Board of Revenue, NWFP, Peshawar.
3. Accountant General, NWFP, Peshawar.
4. Secretary to Governor, NWFP, Peshawar.
5. Principal Secretary to Chief Minister, NWFP.
6. Secretary Provincial assembly, NWFP.
7. All Heads of Attached Departments in NWFP.
8. Registrar, Peshawar High Court, Peshawar.
9. All Zilla Nazims / District Coordination Officers / Political Agents / District & Sessions Judges / Executive District Officers in NWFP.
10. Registrar, NWFP, Public Service Commission, Peshawar.
11. Registrar, Service Tribunal NWFP.
12. All Autonomous and Semi Autonomous Bodies in NWFP.
13. Secretaries to Government of Punjab, Sindh and Balochistan, Finance Department.
14. The District Controller of Accounts, Peshawar, Mardan, Kohat, Bannu, Abbottabad, Swat and D.I. Khan.
15. The Senior District Accounts Officers, Nowshera, Swabi, Charsadda, Haripur, Manshera and Dir (Lower).
16. The Treasury Officer, Peshawar.
17. All District / Agency Accounts Officers in NWFP / F.A.L.A.
18. Director Local Fund Audit, NWFP, Peshawar.
19. Director, FMU, Finance Department for placing the same on Website of Finance Department.
20. All Section Officers / Budget Officers in Finance Department.
21. PS to Chief Secretary, NWFP.
22. PS to Additional Chief Secretary, NWFP.
23. PS to Minister Finance, NWFP.
24. PS to Finance Secretary & Special Secretary in Finance Department.
25. PAs to All Addl. Secretaries / Deputy Secretaries in Finance Department.

(ABDUL JABBAR)
Section Officer (SR-1)

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PROVINCIAL HEALTH SERVICES ACADEMY
 Government of Khyber Pakhtunkhwa
 Department of Health



OFFICE ORDER.

WHEREAS The petitions (Class-IV Employees) working in PHSA networks files a petition in Honorable Peshawar High Court Peshawar, regarding their promotion against the 33% quota reserved for Class-IV employees to Junior Clerks.

AND WHEREAS Honorable Peshawar High Court Peshawar, issued directives to respondents vis-à-vis the petitioners to resolve their grievances vide its judgment on dated: 08-02-2011, in W.P No. 3751/2010.

AND WHEREAS In compliance of the judgment of Honorable Peshawar High Court Peshawar cited above on dated: 08-02-2011. The then Director PHSA Peshawar issued orders for promotion vide office order No. 2217-23/PHSA/F-03 dated: 13/05/2011 and office order No.2217/PHSA/F-03 dated: 14/05/2011 against available vacant seats of Telephone Operator (BPS-07), Store Keeper (BPS-07), Computer Lab Assistant (BPS-07) same scale in the Junior Clerk (BPS-07) as per court directives as the vacant positions of Junior Clerks were Not available.

AND WHEREAS Later on the above-mentioned promotion orders were cancelled by the Health Department vide order No. SOH-III/8-89/2011 (PHSA) dated: 28/05/2011.

AND WHEREAS The petitioners again resorted to judicial course while the court maintain status quo vide Writ Petition No. 1713/2011, dated: 15/11/2011.

AND WHEREAS In view of the interim relief order vide Writ Petition No. 1713/2011 dated: 15/ 11/ 2011 Mr. Fayaz Gul, was adjusted to the post of Computer Lab Assistant (BPS-07) by initial recruitment instead of promotion as there was no vacant post of Junior Clerk at that time while rules does not permit promotion of Class-IV to the post of Computer Lab Assistant (BPS-07).

AND WHEREAS Now the positions of Junior Clerks (BPS-11) have become vacant in Provincial Health Services Academy (PHSA) and its networks.

NOW THEREFORE Mr. Fayaz Gul, working as Computer Lab Assistant (BPS-07) is hereby adjusted/ promoted against the vacant post of Junior Clerk (BPS-11) with immediate effect subject to the condition that the seniority of the official concerned will remain intact with effect from 09-05-2013 i.e. from the date of promotion of other co-petitioners promoted vide office order No. F-28/PHSA/Admn/Promotion/2012-13/ 3010-28 dated: 09/05/2013 under the same court orders and on the same terms and conditions as existed immediately before his promotion.

No. 28/Admn/PHSA/Promotion Class-III/2018/ 9262-67

Copy forwarded for information to:

1. Accountant General Khyber Pakhtunkhwa.
2. Registrar Peshawar High Court Peshawar.
3. Account Office PHSA, Peshawar.
4. PS to Secretary Health Government of Khyber Pakhtunkhwa Peshawar.
5. Muhammad Fayaz Gul S/O Gul Hayat, Village Manzoor Abad P/O Pakha Ghulam nearby OPF Colony Duranpur Road, Peshawar.

-Sd-
 DIRECTOR GENERAL
 Dated: 27/08/2018

[Handwritten Signature]
 DIRECTOR GENERAL

[Handwritten Signature]
 AT 11/11/2018

To

The Principal,
Public Health School,
D.I.Khan.

Subject: ARRIVAL REPORT.

Sir,

With reference to Principal Public Health School Dera Ismail Khan, office order bearing No.03/PHSA/Admn/P&T Class-III/2018/9584-88 dated 22-10-2018, I have the honor to submit my arrival report for duty on 23-10-2018.

Therefore, it is requested that my arrival report for duty as Junior Clerk may kindly be accepted and obliged.

Thanks.

Dated 23-10-2018

Yours obediently

Fayaz Gul
Junior Clerk (BPS-11)
Public Health School
Dera Ismail Khan.

*Arrival report received
on 23.10.2018 and
forwarded to DG PHSA
for n/a*

23/10/18

ATTESTED

FUG
23/10/18

To,

The Director General (Health),
PHSA, Peshawar.

(E)
Pg (11)



Subject: ENQUIRY REGARDING FAKE OFFICE ORDER

Reference your office order No. 42/PHSA/Admn/Inquiry/2019-20/10729-33 dated: 17-09-2019 on the above cited subject where in the undersigned were nominated as enquiry officer to conduct enquiry against a fake appointment order.

BACKGROUND:

Mr. Muhammad Muzamil S/O Muhammad Hashim Khan, resident of D.I.Khan was appointed as Chowkidar (BPS-03), vide fake appointment order No. F-05/Admn/App-IV/8068-73 dated: 09/08/2019 (Copy attached as Annexure-A). In this regard the Principal Public Health School D.I.Khan vide letter No. 1086/PHS-DIK/Admn/ dated: 14/09/2019 (Copy attached as Annexure-B) requested for verification of above mentioned appointment order.

PROCEEDING:

1. Mr. Muhammad Hashim Khan father of Mr. Muhammad Muzamil was called who submitted a written statement (Attached as Annexure-C).
2. Junior Clerk Mr. Fayaz also submitted a written statement (Attached as Annexure-D).
3. A questionnaire was prepared and served upon Mr. Fayaz, Junior Clerk, PHS D.I.Khan, Mrs. Sajida, Principal PHS D.I.Khan and Mr. Jan Alam, Senior Clerk PIMT D.I.Khan (Copy attached as Annexure-E1 & E2).
4. Mr. Jan Alam submitted an application requesting for exemption from enquiry (Copy attached as Annexure-F).
5. A reminder (copy attached as Annexure-G) was served upon Mr. Jan Alam, Senior Clerk, PIMT D.I.Khan to appear before the inquiry committee, who appeared and submitted a written statement (Copy attached as Annexure-H1, H2 & H3) on 01/10/2019.
6. Mr. Jan Alam Senior Clerk, PIMT D.I.Khan presented a stamp paper dully attested by the oath commissioner (Photocopy attached as Annexure-I).

FINDINGS/CONCLUSION:

Mr. Muhammad Hashim Khan in his written statement disclosed that he got the order after giving Rs. 3,35,000/- (Three Lakh & Thirty Five Thousand rupees

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ATTACHED

To,

The Director General (Health),
PHSA, Peshawar.

Subject: ENQUIRY REGARDING FAKE OFFICE ORDER

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ATTESTED

only) to Mr. Jan Alam Senior Clerk PIMT D.I.Khan. Mr. Muhammad Hashim Khan was appointed as Chowkidar on 02/10/1984. He submitted an application for retirement on 27/02/2019. Resultantly he was declared retired from government service on 14/04/2019 (AN) on attaining the age of 60 years vide DG PHSA office order No. F-81/Admn./Retirement File/869-73 dated: 22/04/2019.

Pg (13)

Mr. Jan Alam, Senior Clerk, PIMT D.I.Khan in his written statement accepted financial dealing in issuing the fake appointment order. However, in his written statement he accepted that he played a role of middle man between Mr. Fayaz Gul, Junior Clerk, PHS D.I.Khan and Mr. Muhammad Hashim Khan. The amount i.e. Rs. 3,00,000/- (Three Hundred Thousands only) was collected from Muhammad Hashim Khan and was handed over to Mr. Fayaz Gul, Junior Clerk, PHS D.I.Khan in lump sum.

Mr. Jan Alam was appointed as Naib Qasid in the office of Commissioner Peshawar vide order No. 9244/F dated: 01/10/19987. As per his service book record he worked as Naib Qasid, Mali and Chowkidar during his service in the commissioner Peshawar office. He entered in the PHSA Network as Chowkidar on 16/11/2001 vide order No. DCO o/o No. 4395-03/DCO (P) EA. Dated: 15/11/2001, he was posted in Post Graduate College of Nursing Hayatabad Peshawar from there he was transferred to School of Nursing Hayatabad HMC Peshawar vide Director PHSA office order No. 6426-30/M-3/Estt; PHSA. dated: 22/11/2004. He was transferred to School of Nursing Kohat vide Director PHSA office order No. 05/PHSA/Admn/P&T-IV/2004-05/5508-10 dated: 21/11/2005. He was promoted to the post of Junior Clerk (BPS-07) vide Director PHSA order No. 113-18/PHSA/F-03 dated: 31/01/2011 and was transferred to Public Health School D.I.Khan vide Director PHSA order No. 05/PHSA/2010-11/P&T/2396-2404 dated: 02/06/2011. Interestingly he was promoted to the post of Senior Clerk (BPS-09) on acting charge basis vide Director PHSA order No. F-28/PHSA/Admn/Promotion/2012-13/2971-95 dated: 09/05/2013 and was promoted on regular basis as Senior Clerk vide Director PHSA order No. 28/PHSA/Admn/Promotion Class-III/2015-16/3170-78 dated: 14/07/2016 and posted in School of Nursing D.I.Khan. He was transferred to PIMT D.I.Khan vide Director PHSA order No. F-03/PHSA/Admn/P&T-Class-III/2016-17/5124-29 dated: 30/10/2016.

Mr. Fayaz Gul, Junior Clerk, PHS D.I.Khan in his written statement denied any financial dealing in issuance of the fake appointment order. On-going through the personnel file of Mr. Fayaz Gul, Junior Clerk, PHS D.I.Khan the undersigned noted that he was appointed as Muslim Sweeper and was promoted to Junior Clerk. Mr. Fayaz Gul, Junior Clerk, PHS D.I.Khan. He prepared the salary proforma source - 1 of Mr. Muhammad Muzamil S/O Muhammad Hashim Khan.

Mr. Fayaz Gul was appointed as Muslim Sweeper on fixed pay for the 06 months duration at PHSA vide order No. 3635-38/M-6/Estt;PHSA dated: 28/05/2004

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ATTESTED

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pg 19

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ATTESTED

(Copy attached as Annexure-J). As per record he was promoted to the post of Computer Lab: Assistant (BPS-07) vide Director PHSA order No. 2244-47/PHSA/F-3. Dated: 14/05/2011 and posted at PHSA Peshawar. He was promoted to the post of Junior Clerk (BPS-11) vide Director General order No. 28/Admn/PHSA/Promotion Class-III/2018/9262-67 dated: 27/09/2018 and posted at Public Health School D.I.Khan. Then a letter No. 28/Admin/Promotion File/2194-95 dated: 14/05/2019 (Copy attached as Annexure-K) was sent to Secretary Health, Govt. of Khyber Pakhtunkhwa for opinion of law department on promotion as a Junior Clerk, the reply of mentioned above letter is not available.

pg(15)

After going through the statements Mr. Fayaz Gul, Junior Clerk, PHS D.I.Khan, Mr. Muhammad Hashim Khan, and Mr. Jan Alam, Senior Clerk, PIMT D.I.Khan the undersigned reached at the conclusion that;


- A fake appointment order was handed over to Mr. Muhammad Hashim Khan and that financial dealing / bribe in the form of Rs. 3,00,000/- (Three Hundred Thousands only) was used in the dealing.
- Mr. Jan Alam, Senior Clerk, PIMT D.I.Khan played a vital role in dealing.
- Mr. Fayaz Gul, Junior Clerk, PHS D.I.Khan although denied any financial dealing, however he was involved in the preparing of salary proforma source - 1.
- Last but not the least Mr. Muhammad Hashim Khan accepted that he used money for fake appointment order.


RECOMMENDATIONS:

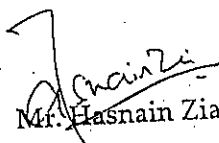
The committee would like to recommend the following penalties however final decision is left to the discretionary power of the competent authority;

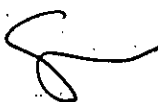
- Compulsory retirement of Mr. Jan Alam, Senior Clerk, PIMT D.I.Khan.
- Reversion of Mr. Fayaz Gul, Junior Clerk, PHS D.I.Khan to his original post i.e. Muslim Sweeper.
- Mr. Muhammad Muzamil S/O Muhammad Hashim Khan may be appointed on retired son quota as per rules.
- Confiscation of one year pensionary benefits of Mr. Muhammad Hashim Khan, Ex-Chowkidar, PHS D.I.Khan.

Submitted for perusal please.


Dr. Sher Ali
Chairman
Inquiry Committee
02/10/19


Dr. Shaida Hussain
Member
Inquiry Committee


Mr. Hasnain Zia
Member
Inquiry Committee



ALLIED



(14) Pg (16)

PROVINCIAL HEALTH SERVICES ACADEMY
Government of Khyber Pakhtunkhwa
Health Department



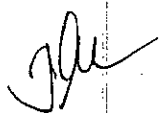
No. 44/PHSA/Admnl Enquiry 12019-20/11826

Dated: 14/11/2019

CHARGE SHEET

1. **WHEREAS**, it was reported that a fake office order for appointment in respect of Mr. Muhammad Muzamil S/O Muhammad Hasham was issued, at Public Health School DI Khan;
2. **AND WHEREAS** the Principal Public Health School DI Khan also sent the same office order to this office for verification and guidance, vide No. 108/PHS-DIK dated. 14/09/2019;
3. **AND WHEREAS** a preliminary enquiry was conducted to probe into the matter;
4. **AND WHEREAS** the enquiry committee found you to be involved in this practice. Hence the competent authority is of the opinion that sufficient grounds exist to initiate disciplinary proceedings against you under the Government Servant Efficiency and Discipline Rules 2011.
5. **NOW THEREFORE** I, Dr. Janbaz Afridi, Director General, Provincial Health Services Academy Peshawar being the Competent Authority, hereby charge you Mr. Fayaz Gul, Junior Clerk (BS-11) at Public Health School (PHS) DI Khan, as follows:
 1. Guilty of corruption and
 2. Misconduct.
6. By reasons of the above you appear to be guilty under Rule-3 of the Khyber Pakhtunkhwa Government Servants Efficiency & Discipline Rules 2011 and have rendered yourself liable to all or any of the penalties specified in Rules-4 of the Rules ibid.
7. For the purpose of enquiry against you with reference to the above allegations, an enquiry committee, consisting of the officers, as prescribed in the attached disciplinary action proforma, constituted under Rules-10(1)(a) of the (ibid) Rules.
8. You are therefore required to submit your written defense within 14 days of the receipt of this charge sheet to the enquiry officers appointed for the purpose of your case.
9. Your written defense, if any, should reach the enquiry committee within the specified period, failing which, it will be presumed that you have no defense to put in and in that case ex-parte action will be taken against you.
10. A statement of allegation is enclosed.


ATTESTED


(Dr. Janbaz Afridi)
Director General (Health)
PHSA, Peshawar, Khyber Pakhtunkhwa

Mr. Fayaz Gul, Junior Clerk (BS-11), PHS DI Khan,

Resident of District and Tehsil Peshawar Ring Road Dauranpur Peshawar.



PROVINCIAL HEALTH SERVICES ACADEMY
Government of Khyber Pakhtunkhwa
Health Department



Pg (17)

DISCIPLINARY ACTION.

1. I, Dr. Janbaz Afridi, Director General, Provincial Health Services Academy Peshawar, as Competent Authority, am of the opinion that Mr. Fayaz Gul, Junior Clerk Public Health School (PHS) DI Khan, has rendered himself liable to be proceeded against him as he committed the following act/omissions within the meeting of Rules-3 of the Khyber Pakhtunkhwa.

STATEMENT OF ALLEGATIONS

1. Guilty of corruption and
2. Guilty of Misconduct.

2. For the purpose of enquiry against the said accused with reference to the above allegations, an Enquiry Committee, consisting of the following is constituted under Rule-10(1)(a) of the (ibid) rules:

- i. Dr. Muhammad Daud, Director (HRD) (BS-20), PHSA Peshawar.
- ii. Dr. Qazi Afsar Anwar, Director (BS-19), PHSA Peshawar, .
- iii. Mr. Faiz Muhammad, Librarian (BS-17), PHSA Peshawar.
- iv. Mr. Tofeeq Ullah, Admin & Finance Officer (BS-17), PHSA Peshawar.

3. The Enquiry Committee will in accordance with the provisions of the rules, provide reasonable opportunity of hearing to the accused, record its findings and make, within 30 days of the receipt of this order, recommendation as to punishment or other appropriate action against the accused.

4. The accused and a well versant representative of Public Health School DI Khan will join the proceeding on the date, time and place fixed by the Enquiry Committee.

(Dr. Janbaz Afridi)
Director General (Health)
PHSA, Khyber Pakhtunkhwa

No. 44 /PHSA/Admn/ Enquiry /2019-20/ / 827-29 Dated: 14 / 11 /2019

- i. Accused, Mr. Fayaz Gul, Junior Clerk PHS DI Khan, with the directions to appear before the enquiry officer on the date time and place to be fixed by the enquiry officer.
- ii. The enquiry officers. The enquiry may please be conducted and your findings and grounds thereof be submitted to the undersigned within 30 days.
- iii. The Principal, PHS DI Khan with the directives to assist the enquiry Officers during the enquiry proceedings. Moreover a well conversant representative of the case may please be nominated as well.

ATTACHED

(Dr. Janbaz Afridi)
Director General (Health)

26/11/19

Page - (1)

محمد فیاض گل جوڈیئر ملٹری بیلک ہیلتھ سکول ڈیرہ اسماعیل خان

عنوان :- انکوائری بابت تعیناتی حکمنامہ عسیمی محمد منزل ولد محمد باقر قسم سوائفہ جوڈیئر ڈیپارٹمنٹ PHS-DIK

جناب عالی! ① میں عسیمی محمد فیاض گل جوڈیئر ملٹری بیلک ہیلتھ سکول خان اللہ تعالیٰ کو حاضر ناظر خان حلقہ بیان کرتا ہوں کہ میں جو بھی حقائق اور کاغذات انکوائری کیٹی کے سامنے پیش کروں گا وہ میری دالست میں بالکل صحیح اور درست ہیں۔

جناب عالی! ② یہ کہ سائل نے پہلی انکوائری کیٹی فورم 24/09/19 کو بمقام PHSA دورانیہ کے دفتر میں جو حلقہ بیان کریداً ریکارڈ کر پایا ہے میں اب بھی ایسے رسی بیان میرا قائم ہوں۔ کیونکہ مذکورہ آرڈر کی بابت مجھے کوئی علم نہیں ہے۔ (انکوائری کیٹی اور تعیناتی آرڈر لفظ ہے)

جناب عالی! ③ یہ کہ مجھ پر عسیمی جان عالم ریٹائرمنٹ PNT ڈیرہ اسماعیل خان نے پہلی انکوائری کے سلسلے میں مجھ پر جو بھی جھوٹا ~~دعا~~ اپتان اور الزام لگایا ہے۔ وہ سراسر غلط جھوٹا اور حقائق کے بالکل برعکس ہے۔ کیونکہ جب جان عالم کو بیتہ کہ 44 ہراولیشن ہیلتھ سیکورٹیز ایڈمنسٹریٹو اس جلی آرڈر کے بارے میں معلوم ہو چکا ہے۔ اور دوسرا وہ پہلی انکوائری کیٹی منصفہ فورم 24/9/2019 کو پیش ہونے سے پہلے حاضر نہ رہا۔ اور تمام صورت حال کے مدنظر ایسے آپ کو بچانے کیلئے فیرا ناکا اپنے تمام ثبوت کر کے مجھے بھنسانے کی کوششیں کر رہا ہے اور حقائق و مسائل حقائق کو چھپانے میں مصروف ہے۔

جناب عالی! ④ یہ کہ میرا محمد منزل کی تعیناتی حکمنامہ سے کوئی تعلق نہیں ہے۔ اور نہ ہی کسی بھی قسم کا رقم وغیرہ کے لین دین سے کوئی واسطہ ہے۔

جناب عالی! ⑤ یہ کہ محمد منزل ولد محمد باقر قسم جوڈیئر ایڈمنسٹریٹو سوائفہ فارورڈنگ لیٹر فورم 06/09/19 کو DIK کے ڈیپارٹمنٹ آف ایڈمنسٹریٹو سوائفہ میں جمع کرا دی گئی۔ (لیٹر نمبر اور 080 آفس کی ڈائری لفظ ہے)

جناب عالی! ⑥ یہ کہ جب محمد منزل ولد محمد باقر قسم فورم کے بغیر جوڈیئر تعیناتی حکمنامہ نبوا جو کہ عسیمی محمد باقر قسم اور عسیمی جان عالم بیلک ہیلتھ سکول ڈیرہ کے لئے لکھے اور کہا کہ یہ محمد منزل کا تعیناتی حکمنامہ ہے اور اس پر تنخواہ بنانے کیلئے جو کارروائی کرانی وہ آپ کریں۔

ACCEPTED

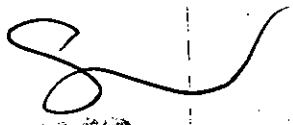
جناب عالی!

⑦ یہ کہ فرقہ 12/9/19 کو PHSA 12 مہینوں میں ریگ فینٹنگ تھی جو کہ حملہ فاققت اداروں کی اسلئے ادا کار کو برصانی اور اس کا جائزہ لینے کیلئے تھی جس میں سکرٹری ہیڈ کوارٹر صاحب کی اصرار سے متوقع تھی۔ اس فینٹنگ میں نمائندگی کیلئے ڈیر لیسٹیل صاحب نے مجھے بھیجا اور سکول کی طرف سے آپ نمائندگی کریں۔ اور میں لپٹا اور آگیا مگر بات دیر کو ڈیر لیسٹیل صاحب نے مجھے فون کر کے بتایا کہ میں بھی کل صبح اس فینٹنگ میں شامل ہونے کیلئے آ رہی ہوں اور اس فینٹنگ کے حوالے سے جو کئی حاجتوں پر ضروری ہیں اس کی خاطر کیا کرنا چاہئے۔

صبح فرقہ 12/9/19 کو جب ڈیر لیسٹیل صاحب آئی تو میں نے فینٹنگ کی خاطر جو میں نے بنا کر دی تھی وہ میں نے رکھیں دے دی۔ جب فینٹنگ ختم ہوئی تو ڈیر لیسٹیل صاحب نے D صاحب کو کہا کہ مجھے آپ سے اس ذاتی کام ہے۔ آپ مجھے کچھ وقت دیں۔ اس پر D صاحب نے کہا کہ آپ میرے آفس آجائیں وہاں بات کرتے ہیں۔ اس بعد ڈیر لیسٹیل صاحب نے D صاحب کے آفس چلی گئی۔ مجھے اس وقت تک کوئی علم نہیں تھا کہ ڈیر لیسٹیل صاحب سے کیا بات کرنا چاہتی ہے۔ ڈیر لیسٹیل صاحب نے D صاحب کو ملاقات میں کہا کہ انہیں ڈاکٹر صاحب گل صاحب نے فون کیا ہے کہ آپ ڈی آئی خان میں کوچی فیسٹر یا MNA وغیرہ ہیں کہ آپ سب لوگوں کی فروت سے تعینات کر رہی ہیں۔ ڈیر لیسٹیل صاحب نے ڈاکٹر صاحب گل صاحب کے ساتھ فون پر جو بھی بات چیت وغیرہ ہوئی وہ D صاحب کو بیان کی اور کہا کہ آپ بیمارے بڑے ہیں میں لپٹے آپ کے پاس آئی ہوں آپ ہمیں بتائیں کہ کیا کروں۔ D صاحب نے ڈیر لیسٹیل صاحب کو کہا کہ اب جو کوچی بھی فون کرے وہ آپ سے پوچھے کہ فلاں کام آ رہے ہوں کیا ہے تو انکو کہیں کہ D صاحب سے پوچھیں۔

جناب عالی!

⑧ یہ کہ بات چیت کے بعد D صاحب نے ڈیر لیسٹیل صاحب کو کہا کہ آپ کے ہاں ہم نے تین چار لوگوں کے تعیناتی کے آرڈر کیے ہیں انکی کیا پوزیشن ہے۔ اس پر ڈیر لیسٹیل صاحب نے D صاحب کو کہا کہ ہمارے پاس تو دو لوگ توں کی تعیناتی ہوئی ہے۔ تو D صاحب نے کہا کہ وہ کون کون ہیں۔ اس پر ڈیر لیسٹیل صاحب نے فریڈل میں ولسن آپ میں نکال کر D صاحب کو بتایا۔ جس کے بعد D صاحب نے عسی و سعید اور عسی حسین جنیاء کو بلائے اور کہا کہ اسکو ریگارد کیا تو چیک کریں۔ اس کے بعد انہوں نے اپنے دیگر آرڈر میں چیک کیا اور کہا کہ میں اس آرڈر میں محمد رضا پیر کا صحیح ہے اور دوسرا آرڈر میں محمد فضل جو کلاہار کا جعلی اور غلط ہے اور اسکا ریگارد بیمارے پاس لینے ہے۔



ATTENDED

ہی کہ اس کے بعد جو بھی ضروری کارروائی کیلئے کر لیں اور مشورہ ہو رہے ہیں،
وہ سب اس کنٹریکٹ لیا جائے۔

صاحب عالی،
(9) یہ کہ پہلے انٹرویو کے سامنے جو سٹاف پیپر دیئے ہیں۔ وہ جعلی ہیں۔
مکلفہ مسیہ ہاشم مرحوم نے ہینٹل صاحبہ کو ایک سٹاف پیپر دکھایا جس میں
اس نے حلفیہ بیان دیا ہے کہ مسیہ جان عالم نے اس لئے ایک سٹاف پیپر
دیہ خالی لیا ہے جو وہ کسی کس کے خلاف استعمال کر سکتا ہے۔
(کاپی لیا جائے۔)

صاحب عالی،
(10) یہ کہ مسیہ جان عالم کے خلاف نیوز پیپر میں بھی رپورٹ آچکی ہے۔
(کاپی لیا جائے۔)

صاحب عالی،
(11) یہ کہ مسیہ جان عالم نے مجھے کئی دفعہ دھمکی بھی دی جس کی رپورٹ میں نے ہینٹل صاحبہ
کو دی ہے۔ چونکہ انہوں نے وہ صاحبہ کو بھیجوائی ہوگی۔
(کاپی لیا جائے۔)

ATTESTED

Serial No. 34
Date: 7/10/2020
Govt. Health Services Academy
Department of Health
Govt. of KPK Peshawar

INQUIRY REPORT

**IN FAKE APPOINTMENT ORDER OF MR. MUHAMMAD MUZAMMIL S/O MR
MUHAMMAD HASHIM EX-CHOWKIDAR AT PUBLIC HEALTH SCHOOL D.I.KHAN**



(F)

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A. BACKGROUND

An appointment was made against the post of Chowkidar BS-03, at Public Health School (PHS) D.I. Khan, vide a fake appointment order No.F-05/Admn/App-IV/8068-73 dated: 09/08/2019 which was allegedly issued by the PHSA Peshawar. It was having a dispatch number and date which was not coincident with the official dispatch register of the PHSA. It was allegedly signed by the DG, PHSA, who himself was not aware about it. The game was played between Mr. Muhammad Hashim ex-Chowkidar of PHS D.I.Khan, who was interested in the appointment of his son Mr. Muhammad Muzammil against retired son quota; Mr. Fayaz Gul Junior clerk of the PHS; Mr. Jan-e-Alam Senior clerk of Paramedical Institute of Medical Technologies (PIMT) D.I.Khan; some official/s of District Accounts Office (DAO) D.I.Khan and possibly one or more persons from PHSA Peshawar. A deal was done between Mr. Muhammad Hashim on one hand and Mr. Fayaz Gul on the other for a sum of PKR 300000/-. Mr. Jan-e-Alam played the role of middle man. The name(s) of the persons from PHSA Peshawar and that/those from DAO D.I.Khan are not exposed.

The fake appointment order was prepared and delivered at PHS D.I.Khan. Mr. Muzammil submitted his arrival and started working. Newly appointed DDO of PHS, Ms. Bibi Sajida forwarded the said appointment order to PHSA for verification. While the same was submitted to the DG PHSA, he got suspicious. On verification it was found that the appointment order was having fake dispatch number and the signatures of the DG PHSA were appended after scanning from other documents.

The DG PHSA constituted an inquiry committee for preliminary investigations of the case. The inquiry committee declared that the order was fake. Mr. Fayaz Gul and Mr. Jan-e-Alam were found involved in the case. The committee recommended initiation of proper disciplinary proceedings against both of them.

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Relying upon the recommendations of the committee, the DG PHSA suspended both the officials, issued charge sheets and constituted a fact-finding inquiry to proceed further.

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B- INQUIRY COMMITTEE AND ITS AUTHORIZATION

The inquiry committee comprised of the following:

Dr. Muhammad Daud, Additional Director General (BS-20) Chairman

Dr. Qazi Muhammad Afsar, Director (BS-19) Member

Mr. Taufiqullah, Administrative and Finance Officer (BS-17) Member

Mr. Faiz Muhammad, Librarian and Litigation Officer (BS-17) Member

Ms. Bibi Sajida, Principal was deputed as well conversant person during the proceedings.

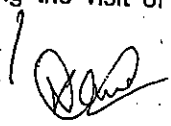
The committee was entrusted vide orders No. 42/PHSA/Admn/Enquiry/2019-20/11815-18 Dated 14/11/2019 and No. 44/PHSA/Admn/Enquiry/2019-20/11827-29 Dated 14/11/2019 of the office of the DG PHSA.

C- PROCEEDINGS

Questionnaires were prepared for the following persons, for recording their statements and cross examinations:

- 1- Mr. Jan-e-Alam, Senior Clerk PIMT D.I.Khan, the accused.
- 2- Mr. Fayaz Gul, Junior Clerk PHS, D.I.Khan, the accused.
- 3- Mr. Muhammad Hashim, Ex-Chowkidar and father of Mr. Muhammad Muzammil.
- 4- Mr. Muhammad Muzammil, Alleged Chowkidar appointed vide fake appointment order.
- 5- Ms. Bibi Sajida, Principal of PHS D.I.Khan.
- 6- Mr. Muhammad Usman, nephew / representative of Mr. Muhammad Hashim.

Mr. Muzammil did not appear before the inquiry committee when summoned at the PHSA but he appeared during the visit of the inquiry committee to




REGISTERED

D.I.Khan. His father, Mr. Muhammad Hashim passed away before the proceedings. One Mr. Muhammad Usman, nephew of Mr. Muhammad Hashim presented himself along with Mr. Muzammil as representative of Muhammad Hashim. His statement was also recorded.

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D- FINDINGS

(a) EXAMINATION OF RECORD

The following record was examined:

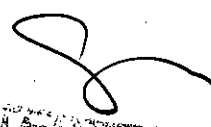
- 1- Appointment order of Mr. Muzammil.
- 2- Forwarding letter of the Principal PHS D.I.Khan to DG PHSA in which she requested verification of the appointment order.
- 3- Forwarding letter of the Principal PHS D.I.Khan along with arrival report of Muzammil, his service book and source-I, to DAO D.I.Khan for activation of his salary.
- 4- Letter of the DAO office about return of the documents stated above to Mr. Jan-e-Alam.
- 5- Dispatch register of the PHSA Peshawar.
- 6- Written statement of Jan-e-Alam, along with annexures.
- 7- Written statement of Fayaz Gul along with annexures.
- 8- Written statement of Bibi Sajida along with annexures.
- 9- Written statement of Muhammad Usman, representative of Mr. Muhammad Hashim along with annexures.

(b) EXAMINATION OF THE ACCUSED AND OTHER RELAVANT PERSONS

1. GLIMPSES OF THE STATEMENT OF MR. JAN-E-ALAM

- a. Mr. Jan-e-Alam stated that he played the role of middle man in the deed between Mr. Muhammad Hashim and Mr. Fayaz Gul regarding appointment of Mr. Muhammad Muzammil for a sum of rupees 300000/- against the post of Chowkidar which was vacated by his father on his retirement on superannuation. For his role in the deed, he received nothing as his share or commission.




ATTESTED

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- b. He knew that it was an unfair game. He confessed that he was at fault.
- c. He told that Mr. Fayaz Gul promised with Mr. Muhammad Hashim that he would bring appointment order of Muzammil from PHSA on the strength of which, Muzammil would be posted as Chowkidar. However, he would receive Rs. 300000/- There was no written record of the deed. He told that Fayaz Gul brought a fake appointment order from PHSA Peshawar on the strength of which Muzammil submitted his arrival report and started performing his duties. At that time there was no DDO of PHS. Later when Ms. Bibi Sajida was given the charge of DDO, Mr. Fayaz Gul prepared source-1 for starting his salary and submitted it to the office of the district accounts officer D.I.Khan.
- d. The DDO sent a letter to the office of the DG, PHSA for information and verification of the alleged appointment letter. In the office of the DG PHSA, the letter was proved to be fake and the DDO was advised to immediately stop the salary of Mr. Muzammil.
- e. When Mr. Hashim came to know that the unfair efforts did not remain fruitful, he demanded back the money paid to Mr. Fayaz Gul who straight away denied. As Mr. Jan-e-Alam was the guarantor, he paid Rs.210000/- to Mr. Muhammad Hashim from his own pocket. Later when Mr. Hashim died, he gave a further sum of Rs. 10000/- to family members of Hashim. So, he paid back a total of Rs.220000/- and the remaining sum of Rs. 80000/- were yet to be paid in the form of installments.
- f. He denied that he himself brought the appointment order from PHSA Peshawar and delivered it to the DDO of PHS D.I.Khan.
- g. He never carried the salary papers of Muzammil from PHS to DAO D.I.Khan, nor he received these back nor was he involved in misplacement of these papers.
- h. The DAO office submitted in writing that Mr. Jan-e-Alam carried away the salary papers of Mr. Muzammil which were submitted by Mr. Fayaz Gul for approval and release of his salary.

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ALIBATED


- Pg (25)
- i. Mr. Jan-e-Alam disclosed that Mr. Fayaz Gul remained involved in demanding/receiving Rs. 25000/- from Dr. Amjad Ghias for facilitating his posting as DHO D.I.Khan; Rs. 25000/- from Mr. Salahuddin Gandapur, husband of Ms. Zubaida ex- Principal School of Nursing D.I.Khan for clearance of her withheld leave encashment at the time of her retirement and Rs. 10000/- from Mr. Riaz cook for his posting within D.I.Khan at the time of his promotion as junior clerk.

2. SERVICE TRACK RECORD OF MR JAN-E-ALAM, SENIOR CLERK

- a. On 01/10/1987, he was appointed as Naib Qasid in the office of the commissioner Peshawar vide order No.9244/F dated 01/10/1987 of the office of the commissioner Peshawar. He worked as Naib Qasid, Mali and Chowkidar during his stay at that office.
- b. His services were handed over to the PHSA Peshawar vide order No. 4395-03/DCO (P) EA dated 15/11/2001. Up to 31/01/2011 he served as class-IV at Postgraduate College of Nursing (PGCN) Peshawar, School of Nursing (SON) HMC Peshawar and SON Kohat.
- c. He was promoted to the post of Junior Clerk (BPS-07) by order No. 113-18/PHSA/F-03 dated 31/01/2011 of the office of the Director PHSA. He was transferred to PHS D I Khan vide order No.05/PHSA/2010-11/P&T/2396-2404 dated 02/06/2011.
- d. He was further promoted to the post of Senior Clerk (BPS-09) on acting charge basis vide order No. F-28/PHSA/Admn/Promotion/2012-13/2971-95 dated 09/05/2013 of the office of the Director PHSA. Later he was promoted to the post of senior clerk on regular basis vide order No. 28/PHSA /Admn/Promotion Class III/2015-16 dated 14/07/2016 of the office of Director PHSA Peshawar and was posted at SON D.I.Khan.
- e. He was transferred to PIMT D.I.Khan vide order No.F-03/PHSA/Admn/P&T-Class-III/2016-17/5124-29 dated 30/10/2016 where he is serving till date.



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ATTESTED

Pg (26)

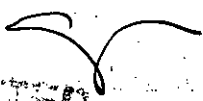
f. His reputation amongst his colleagues and within the department was not good. During the inquiry proceedings at PHS D.I.Khan it was felt that most of the class IV employees of PHSA network working in D.I.Khan were afraid of him and nobody was ready to disclose anything adverse against him. Even his present boss Dr. Ehsan Waheed, Principal PIMT D.I.Khan was not satisfied with his performance as he (Jan- Alam) was not reliable and trustworthy. Surprisingly in the presence of a senior clerk (Jan-e-Alam) most of the responsibilities of the office had been assigned to one class IV, Mr. Mulazam Hussain.

3. GLIMPSES OF THE STATEMENT OF MR. FAYAZ GUL, JUNIOR CLERK

- a. He told that consequent upon his promotion as Junior Clerk, he was posted at PHS D.I. Khan. By any means he was not involved in this case nor did he receive any money in this regard. He never signed any written deed, contract, judicial stamp paper or otherwise.
- b. He did not know that the ibid appointment order was fake.
- c. All the judicial stamp papers submitted by Jan-e-Alam were unauthentic and not effective against him, at any forum.
- d. All the allegations, whatsoever, leveled against him by Jan-e-Alam were up to the effect of accusations and he (Jan-e-Alam) had no authentic prove in favor of his claims.
- e. He never received any money regarding appointment of Muzammil nor became part of any deal whatsoever.
- f. The fake appointment order in respect of Mr. Muzammil was brought to PHS by Mr. Jan-e-Alam and Mr. Muhammad Hashim and was handed over to him (Mr. Fayaz Gul) for further processing.
- g. He prepared the salary papers (arrival report, source-I and entry in service book etc.) of Muzammil, got these signed by the DDO and submitted the same in DAO office D.I. Khan on 06/09/2019 for approval and release of his salary.
- h. Mr. Jan-e-Alam threatened him of murder vide a telephonic call from the land line phone of PIMT D.I.Khan about which he had informed the Principal under intimation to the DG PHSA Peshawar.



ATTESTED



- Pg (27)
- (5/13)
- i. He did not know how Mr. Jan-e-Alam and Mr. Muhammad Hashim succeeded in getting the appointment order in favor of Mr. Muzammil nor did he know who prepared the fake order.
 - j. He admitted that he received arrival report of Mr. Muzammil, prepared his service book, and source-I of his salary and submitted these in the office of the DAO D.I.Khan on 6th of September 2019 for release of the salary.
 - k. These papers were unauthorizedly received back from DAO office D.I.Khan on 14th September 2019 by Mr. Jan-e-Alam who later on deliberately misplaced these.
 - l. He agreed that at least one person each from PHSA, PHS D.I.Khan and DAO office D.I.Khan was definitely involved in this game of fake appointment. It was impossible to commit such a big act of forgery without such collusion. However, he did not disclose any name. Self-stated that Mr. Jan-e-Alam and Mr. Muhammad Hashim were well aware of such persons because during this game Mr. Muhammad Hashim telephonically contacted multiple people. Such conversations were recorded and saved in mobile phone of Mr. Muhammad Hashim which, after his death, was in the custody of his son Mr. Muzammil. Muzammil played such-recorded conversations before the preliminary inquiry committee as well.
 - m. He denied that he was ever involved in any deal with Mr. Salahuddin Gandapur, Dr. Amjad Ghias or Mr. Riaz and never received any money from them whatsoever.

4. SERVICE TRACK RECORD OF MR FAYAZ GUL

- a. He was appointed as Muslim Sweeper on fixed pay for six months duration at PHSA Peshawar vide order No. 3635-38/M-6/Estt; PHSA dated 28/05/2004 of the Director PHSA Peshawar. When and how his services were regularized was not known.
- b. He was promoted to the post of Computer Lab. Assistant (BPS-07) vide order No.2244-047/PHSA/F-3 dated 14/05/2011 of the Director PHSA and was posted at PHSA Peshawar. Having appointed against that post, he had been performing duties of dairy & dispatch clerk.

- Pg (28)
- c. He was further promoted to the post of junior clerk (BPS-11) vide order No.28/Admn/PHSA/Promotion/Class-III/2018/9262-67 dated 27/09/2019 of the DG PHSA Peshawar and was posted at PHS D.I.Khan. His promotion was on the basis of 33% quota seats from class IV employees, whereas he was not a class IV meaning there by he was not having any right of promotion under 33% quota of class IV. The PHSA seeked the opinion of law Department through secretary health regarding promotion of Mr. Fayaz Gul vide letter No.28/Admn/Promotion File/2194-95 dated 14/05/2019. In this matter the record of the PHSA stands silent and needs investigation.
- d. He remained a party of court cases multiple times for gaining right or wrong benefits of his promotion and otherwise. All such cases need thorough investigation.
- e. He served at PHSA Peshawar for quite a long duration, had deep roots in the PHSA and was well aware of the persons and systems of PHSA.
- f. He seemed to be quite a clever person and had left no documentary proves of his alleged unfair activities.

5. STATEMENT OF MR USMAN SHAHEEN (RELATIVE OF LATE MR MUHAMMAD HASHIM)

- a. He stated that Mr. Muhammad Hashim himself told him many things regarding appointment of Mr. Muzammil and many a times he accompanied Muhammad Hashim during different events.
- b. Mr. Muhammad wished that his son, Mr. Muzammil might be appointed against son quota. For that purpose, he paid Rs. 300000/- to Mr. Jan-e-Alam who gave this money to Mr. Fayaz Gul for distribution amongst the persons involved in the process.
- c. On the day when Mr. Muhammad Hashim came to know that the appointment order was fake, he contacted Jan-e-Alam who called him to a shop near Bloch Hotel. Usman Shaheen accompanied Mr. Muhammad Hashim. Ali driver of PHS was also present there with Jan-e-Alam. There Mr. Jan-e-Alam paid Rs.130000/- to Mr. Muhammad Hashim and promised to pay the remaining money in installments.

- Pg (29)
- d. Mr. Muhammad Hashim further told him that he (Mr. Muhammad Hashim) withdrew Rs. 300000/- from his account in National Bank vide cheque No.5955191 on 02/07/2019 for payment to Jan-e-Alam. He attached photocopy of bank statement showing debit of the same money from the said account on the said date.
- e. After a few days, Mr. Jan-e-Alam called him to PIMT D.I.Khan and handed him over the appointment order in favor of Mr. Muzammil.
- f. He told that Mr. Muzammil has lodged a civil suit in the lower court at D.I.Khan for his right and has also submitted an application in anti-corruption establishment office at D.I.Khan against this fraudulent case.

6. STATEMENT OF Ms. BIBI SAJIDA, PRINCIPAL PHS D.I.KHAN

- a. She stated that she was appointed as DDO of PHS D.I.Khan on 03/09/2019 vide order No. 79/PHSA/Acct/P&T/2018-19/10478 dated 03/09/2019 of the DG PHSA. She took charge of the seat on 04/09/2019.
- b. On 06/09/2019, Mr. Fayaz Gul brought papers of Mr. Muzammil to her office for forwarding these to the DAO office and requested her to expedite this task so that the salary of the poor might start earlier.
- c. On 12/09/2019, she was called for a meeting at PHSA. There she came to know that appointment order of Mr. Muzammil was fake. The DG PHSA directed her not to start his salary and to withdraw the papers from DAO office if she had already done so. She telephonically contacted Mr. Atallah, the DAO D.I.Khan and requested him to stop the salary of Mr. Muzammil. In response the DAO demanded written request for this purpose. On 13/09/2019/ she reached D.I.Khan and sent written request to the DAO.
- d. The same day she sent the allegedly fake order of Mr. Muzammil to PHSA for verification.
- e. She demanded back source-I and service book of Mr. Muzammil from the DAO. Mr. Naeem, diary and dispatch clerk of DAO office D.I.Khan told her that Mr. Jan-e-Alam had already carried those papers. Later,

on 18/09/2019; the DAO office D.I.Khan gave a written statement as well to that effect.

- f. She had already presented herself before the inquiry committee for preliminary investigations along with Fayaz Gul, Jan-e-Alam and Muhammad Hashim on 24/09/2019 at PHSA, Peshawar.

7- SUPPORTIVE FINDINGS

- a. During the pendency of the present inquiry, another fake appointment case in respect of Mr. Ali Haider appointed as Bearer at the same Public Health School D.I. Khan since 15.10.2018, also surfaced for which a preliminary inquiry was ordered vide Director General, Provincial Health Services Academy Peshawar letter no. 42/PHSA/Admn/Inquiry/2019-20/11808-13 dated 14.11.2019. It is pertinent to mention here that both Mr. Jan-e-Alam Senior Clerk and Mr. Fayaz Gul Junior Clerk were accused by Mr. Ali Haider for the same charges as per findings of the preliminary inquiry proceedings till date.
- b. The above identical case shows that both the employees i.e. Jan-e-Alam and Mr. Fayaz Gul, have been part of collusion and their conduct remained unbecoming of a gentleman.

E- CONCLUSIONS

- 1- The appointment letter of Mr. Muzammil as Chowkidar PHS D.I. Khan proved to be fake beyond any reasonable doubt, and was a result of collusion amongst Mr. Muhammad Hashim ex- Chowkidar of PHS D.I.Khan, Mr. Jan-e-Alam Senior Clerk PIMT D.I.Khan, Mr. Fayaz Gul Junior Clerk PHS D.I.Khan, possibly one or more persons from DG office PHSA Peshawar, possibly one or more persons from D.A.O office D.I.Khan and possibly anyone else.
- 2- Mr. Muhammad Hashim definitely paid Pak. Rs. 300000/- (Three Lacs only) as received by Mr. Jan-e-Alam for appointment of his son at PHS D.I. Khan. This money was distributed among Mr. Jan-e-Alam, Mr. Fayaz Gul and other possible persons.

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Pg (31)

- 3- When the fakeness of the appointment order was disclosed, Mr. Muhammad Hashim demanded back his money, major portion of which had been paid back by Mr. Jan-e-Alam. Still some amount was lying outstanding against the accused persons. However, this department has nothing to do with such payments, the matter being concern of the parties.
- 4- Mr. Jan-e-Alam, Senior Clerk confessed to receive the amount on behalf of Mr. Fayaz Gul and hence proved beyond any reasonable doubt to be guilty of corruption and misconduct under sub-rule (1), clause (g) and (l) of rule 2 of Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 and rule 4A of the Government of Khyber Pakhtunkhwa Government Servants (Conduct) Rules, 1987 and is liable to be awarded major penalty under the rules ibid.
- 5- Based on sufficient oral evidence, series of events, manipulation of record and his service track record, the enquiry committee is satisfied of the collusion and to declare Mr. Fayaz Gul, Junior Clerk guilty of corruption and misconduct under sub-rule (1), clause (g) and (l) of rule 2 of Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 and rule 4A of the Government of Khyber Pakhtunkhwa Government Servants (Conduct) Rules, 1987 and is liable to be awarded major penalty under the rules ibid.
- 6- Recently, another identical case of fake appointment from 2018 in respect of Mr. Ali Haider, surfaced in the same institute also points to the same two employees with the same charges.
- 7- There are certain employees posted in office of the DG PHSA at Peshawar who are habitually involved in the act of forgery and manipulation of the record.

F- RECOMMENDATIONS

- 1- Mr. Muzammil has got a right to be appointed against any appropriate post against retired son quota on his turn as per rules.
- 2- Mr. Jan-e-Alam, Senior Clerk (BPS-14) may be awarded major penalty of removal from service under sub-rule (1), clause (b), sub-clause (iii) of rule 4 of Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011.

[Signature]

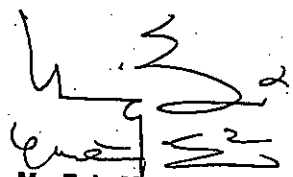
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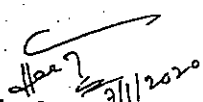
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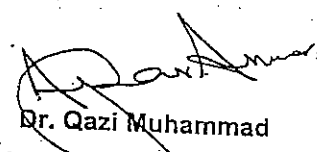
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Pg (32)

- 3- Mr. Fayaz Gul, Junior Clerk (BPS-11) may be awarded major penalty of removal from service under sub-rule (1), clause (b), sub-clause (iii) of rule 4 of Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011.
- 4- Mr. Muhammad Hashim has already passed away, hence nothing is recommended against him or in his favor.
- 5- Investigation may be conducted to find out the culprits within the office of the DG PHSA Peshawar who are habitually involved in the act of forgery to prevent such untoward future events.
- 6- Investigations may be conducted to find out cases of similar nature of fake appointments in all the institutes of PHSA network.


 Mr. Faiz Muhammad
 Librarian (BPS-17),
 PHSA


 Mr. Tafteequllah
 Administrative Officer
 (BPS-17), PHSA


 Dr. Qazi Muhammad
 Afsar Director (BPS-19),
 PHSA


 Dr. Muhammad Daud
 Additional Director
 General (BPS-20),
 PHSA



ATTESTED



PROVINCIAL HEALTH SERVICES ACADEMY
Government of Khyber Pakhtunkhwa
Health Department



(J)

(Pg 33)

SHOW CAUSE NOTICE

I, Dr. Janbaz Afridi, DG PHSA Peshawar as Competent authority under Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules 2011, do hereby serve upon you, Mr. Fayaz gul, Junior Clerk BPS-11, posted at Public Health School, Dera Ismail Khan, as follows:-

- (i) That consequent upon the completion of inquiry conducted by the inquiry committee so constituted under Rule 10 of E&D Rules 2011 against you, for which you were given opportunity of hearing.
- (ii) On going through the findings and recommendations of the inquiry committee, the material on record and other connected papers including your defense before the inquiry committee, I am satisfied that you have committed the following acts/ omissions specified in rule 3 of the rules ibid.:

- a. **Guilty of Corruption; and**
- b. **Guilty of Misconduct.**

2. As a result, thereof, I, as competent authority, have tentatively decided to impose upon you the following penalty under sub-rule (1), clause (b), sub-clause (iii) of Rule-4 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011: -

Removal from Service.

3. You are therefore, required to show cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.
4. If no reply to this notice is received within seven days of its delivery, it will be presumed that you have no defense to put in, and in that case an ex-parte action will be taken against you.

JAW
Director General
PHSA, Peshawar Khyber Pakhtunkhwa

No. 42/PHSA/Admn/*Inquiry* /2019-20/ 89-94

Dated: 8-7-2020

Copy forwarded to the: -

- 1- Members Inquiry Committee.
- 2- Principal PHS, D.I. Khan
- 3- District Accounts Officer, Dera Ismail Khan
- 4- Mr. Fayyaz Gul, Junior Clerk BPS-11, Public Health School, Dera Ismail Khan
- 5- Personal file.
- 6- Record.

JAW
Director General
PHSA, Peshawar Khyber Pakhtunkhwa

8
ATTACHED

جناب ڈائریکٹر جنرل صاحب پرائشل ہیلتھ سروسز اکیڈمی محکمہ صحت خیبر پختونخوا، پشاور۔

عنوان :- جواب طلبی برائے شوکاز نوٹس۔

جناب عالی!

جیسا کہ آپ صاحبان کے علم میں ہے کہ سائل جو کہ ناکردہ گناہ کی پاداشت میں مختلف انکوائریز اور بے بنیاد الزامات کا سامنا کر رہا ہے۔ میں مسی فیاض گل جو نیر کلرک پبلک ہیلتھ سکول ڈیرہ اسماعیل خان، اللہ تعالیٰ کی ذات کو حاضر ناظر جان کر یہ حلفیہ اقرار کرتا ہوں کہ میں دستاویزی مواد اور حقائق کو سامنے رکھ کر جو بھی وضاحتی بیان پیش کرونگا وہ میری دانست اور معلومات کے مطابق بالکل درست اور حقائق پر مبنی ہیں۔

جناب عالی!

یہ کہ سائل نے پہلے انکوائری کمیٹی منعقدہ مورخہ: 24/09/2019 (Annex-A) اور دوسری انکوائری کمیٹی منعقدہ مورخہ: 26/11/2019 (Annex-B) کو بیانات ریکارڈ کرائے ہیں وہ بالکل صحیح اور حقائق پر مبنی ہیں۔ جس پر سائل اب بھی قائم ہیں۔ کیونکہ سائل متعلقہ آرڈرز کے کرانے اور رقم کی وصولی میں کسی بھی طرح ملوث نہیں ہے۔ چونکہ سائل کسی بھی ڈیل، لین دین یا معاہدہ میں زبانی یا تحریراً شامل نہیں ہے۔ اس لئے سائل کی ڈی آئی خان میں تعیناتی کا ناجائز فائدہ اٹھایا گیا ہے تاکہ سارا ملہ میرے اوپر ڈالا جاسکے۔ اور راز افشاں ہونے پر سائل پر سراسر جھوٹا بے بنیاد الزام اور بہتان لگا کر اپنے ساتھ ملوث کر کے غلط طریقے سے پھسانے کی کوشش کی جا رہی ہے۔ جس سے سائل کا کسی بھی طور پر نل واسطہ یا بلا واسطہ تعلق نہیں ہے۔

جناب عالی!

یہ کہ اب آپ صاحبان کی جانب سے شوکاز نوٹس حوالہ نمبر No. 42/PHSA/Admn/Inquiry/2019-20/89-94 جو کہ مورخہ: 08/01/2020 کو جاری کیا گیا ہے۔ اس لئے آپ صاحبان کی خدمت میں موجودہ جواب طلبی جس کا تفصیلی جواب پیش خدمت ہے۔

پارٹ-1

یہ کہ محمد منڈل کے تعیناتی آرڈر ہوا (Annex-C) کا پی لف ہے۔ اس آرڈر کی بابت مجھے کوئی علم نہیں ہے جس سے سائل کا کوئی تعلق نہیں ہے اور نہ ہی اس کے عمل دخل میں کوئی کردار ہے۔ اور نہ ہی سائل کے خلاف کوئی ثبوت ہے۔ جبکہ میں موصوف مخالف نے زبانی یا تحریراً ڈیل/معاہدہ یا رقم کے لین دین کا اعتراف کر چکا ہے جبکہ سائل کو اس میں بدینتی سے راز فاش ہونے کی صورت میں جھوٹا بہتان/الزام لگا کر پھسانے کی کوشش کی گئی ہے جو سراسر ظلم و ناانصافی اور حقیقت کے بالکل برعکس ہے۔ اور ادارے اور افسران بالا کو حقیقت سے نظریں چھپانے اور گمراہ کرنے کی کوشش کی گئی ہے۔ چونکہ تمام دستاویزی ثبوت دوسرے افراد کے خلاف ہیں جس کی تفصیل بالترتیب (Annex-D, E, F, G) کا پی لف ہے۔

یہ کہ پہلی انکوائری کمیٹی منعقدہ 24/09/2019 کے روبرو مسی محمد ہاشم مرحوم سابقہ چوکیدار پبلک ہیلتھ سکول ڈیرہ اسماعیل خان نے جو حلفیہ بیان تحریر آریکارڈ کرایا تھا اس میں واضح طور پر یہ تحریر ہے کہ مسی محمد منڈل کے حکمانے کے عوض ان سے مبلغ-/335000 روپے مسی جان عالم سینئر کلرک PIMT ڈیرہ اسماعیل خان نے لئے ہیں۔ اور راز افشاں ہونے پر گواہوں کی موجودگی میں مبلغ-/130000 روپے واپس بھی کر دیئے اور باقی رقم بقایا ہے۔ یہ بیان انھوں نے تین گواہوں کی موجودگی میں ریکارڈ کرایا۔ (Annex-H) کا پی لف ہے۔ مطلوبہ رقم کی وصولی کا اعتراف مسی جان عالم سینئر کلرک PIMT ڈیرہ اسماعیل خان تحریراً اور زبانی طور پر PHSA میں دو گواہان کے سامنے کر چکا ہے (Annex-I) کا پی لف ہے۔ اس کے علاوہ مسی محمد ہاشم اور مسی جان عالم کے درمیان ایک تحریری معاہدہ بھی ہو چکا ہے جس میں مسی جان عالم نے مسی محمد ہاشم کو مبلغ-/180000 روپے گواہان کے روبرو واپس کر دیئے اور بقایا رقم-/30000 ماہانہ ادا کرنے کی یقین دہانی کرائی گئی ہے (Annex-J) کا پی لف ہے۔ یہ انکوائری کے روبرو پیش کردہ سوالنامے میں بھی موصوف مطلوبہ رقم کی لین دین اور وصولی کا اعتراف کر چکا ہے (Annex-K) کا پی لف ہے۔ یہ کہ مورخہ 27/11/2019 کو (Cross Examination) بیان میں بھی موصوف مطلوبہ رقم کی لین دین اور وصولی کا اعتراف کر چکا ہے (Annex-L) کا پی لف ہے۔ اور اس کے علاوہ مورخہ 27/11/2019 کو محمد ہاشم مرحوم کی وفات کے بعد اس کی جگہ ان کا قریبی رشتہ دار محمد عثمان کے حلفیہ بیان اور (Cross Examination) میں بھی موصوف کا مسی محمد ہاشم مرحوم سے رقم کے عوض محمد منڈل کے تعیناتی کا حکمانے کی ڈیل کرنا اور پھر راز افشاں ہونے کی صورت میں رقم کی واپسی تحریراً درج ہے (Annex-M) کا پی لف ہے۔ محمد ہاشم کی بینک اسٹیٹمنٹ بھی (Annex-N) کا پی لف ہے۔ جملہ مطلوبہ بالا دستاویز سے یہ ثابت ہوتا ہے کہ اس سے سائل کا کسی بھی قسم کا کوئی تعلق نہیں ہے اور نہ ہی کسی ڈیل

ATTESTED

یارقم کی لین دین میں ملوث ہے۔ سائل بالکل بے گناہ ہے۔

پارٹ-II

یہ کہ سائل نے FA پشاور بورڈ سے 2007ء میں پاس کیا ہوا ہے جس کی کاپی لف ہے (Annex-Q) اور پشاور بورڈ سے میٹرک 1993ء کو پاس کیا ہے جس کی کاپی لف ہے (Annex-P) اور اس کے علاوہ 1988ء میں تجوید القرآن کا سرٹیفکیٹ بھی حاصل کر چکا ہے (Annex-Q) کاپی لف ہے۔

پارٹ-III

یہ کہ سائل مورخہ: 28 مئی 2004ء کو فیکس پے پر بھرتی ہوا۔ (Annex-R) لف ہے۔ اور بعد ازاں مورخہ: 29 جنوری 2008ء کے نوٹیفکیشن کے مطابق بھرتی کی تاریخ سے ریگولر ہوا (Annex-S) کاپی لف ہے۔

پارٹ-IV

مالی سال 2010-11ء کیلئے مورخہ: 12 مئی 2010ء کو سیکریٹری ہیلتھ کو فریش SNE بھیجی گئی (Annex-T) کاپی لف ہے۔ اور بعد ازاں مورخہ: 30 جون 2010ء کو فنانس ڈیپارٹمنٹ نے منظور کر لی (Annex-U) کاپی لف ہے۔

پارٹ-V

یہ کہ سائل نے دوسرے ساتھیوں کے ہمراہ پشاور ہائی کورٹ میں کیس دائر کی ہوا تھا جو کہ جاری تھا۔ جس کے مطابق سابقہ ڈائریکٹر صاحب نے سائل کو دوسرے ایپلٹائز کے ساتھ مورخہ: 13 مئی 2011ء کو نئی منظور شدہ خالی آسامیوں پر پروموشن کر کے اپنی اپنی جگہ تعیناتی کی گئی۔ اور سائل کا جو نیئر کلرک کی آسامی میسر نہ ہونے کی صورت میں کیپیوٹریب اسٹنٹ کی آسامی پر پروموشن دی گئی۔ (Annex-V) کاپی لف ہے۔ جبکہ دوسرے ساتھیوں کو ٹیلیفون اپریٹر، سٹور کیپر اور جو نیئر کلرک پر پروموشن دی گئی ہے۔ (Annex-W, X, Y) کاپی لف ہے۔

پارٹ-VI

یہ کہ سائل اور دوسرے ایپلٹائز کے پروموشن آرڈرز کو مورخہ: 28 مئی 2011ء کو بحوالہ نمبر: (PHSA) No. SOH-III/8-89/2011 کو حکمہ ہیلتھ کی جانب سے کینسل کیا گیا۔ (Annex-Z) کاپی لف ہے۔ جس کے خلاف پشاور ہائی کورٹ میں کیس دائر کیا گیا اور پشاور ہائی کورٹ کی طرف سے (Staesque) آرڈر دیا گیا (Annex-AA) کاپی لف ہے۔ اس کے بعد سائل کو اور دوسرے ساتھیوں کو اپنی اپنی ڈیوٹی سرانجام دینے کی ہدایات جاری کی گئی جس کے بعد سارے اپنی اپنی ڈیوٹیز پر حاضر ہو گئے۔ (Annex-AB) کاپی لف ہے۔ اس دوران پشاور ہائی کورٹ میں (Staesque) جاری رہا۔

پارٹ-VII

یہ کہ پشاور ہائی کورٹ میں سائل اور دوسرے ساتھیوں کے پروموشن کے (Cases) زیر التوا تھے اور پشاور ہائی کورٹ کی طرف سے (Staesque) جاری رہا (Annex-AD) کاپی لف ہے اور معزز عدالت کی طرف سے تاکید کی گئی کہ (Petitioners) کی شکایات کا زالہ کیا جائے۔ جس پر سابقہ ڈائریکٹر صاحب نے 9 مئی 2013ء کو DPC بلائی (Annex-AE) کاپی لف ہے۔ اور سائل کو کیپیوٹریب کی آسامی پر اسی تاریخ سے (Initial) طور پر پروموشن دی گئی (Annex-AF) کاپی لف ہے۔ اور میرے دوسرے ساتھیوں کو بالترتیب ٹیلیفون اپریٹر، سٹور کیپر سے واپس کر کے جو نیئر کلرک کی آسامیوں پر پروموشن دی گئی۔ (Annex-AG) کاپی لف ہے۔ اور ایک ساتھی جو نیئر کلرک کو اسی آسامی پر پروموشن دیکر تعیناتی کی تاریخ سے پروموشن دی گئی۔ (Annex-AH) کاپی لف ہے۔ جبکہ سائل کے ساتھ نا انصافی کی گئی اور سٹل پوسٹ پر تعیناتی کی گئی۔

پارٹ-VIII

یہ کہ سائل کی پروموشن ایک (سٹل) آسامی پر ہوئی تھی اور سائل نے سابقہ ڈائریکٹر صاحبان کو بار بار درخواستیں بھی دے رکھی ہیں (Annex-AI, AJ, AK, AL) کاپی لف ہے۔ جس پر کوئی شنوائی نہیں ہوئی تھی۔ اس لیے سائل نے سابقہ ڈائریکٹر صاحب کو آخری اور ختمی درخواست جمع کرائی (Annex-AM) کاپی لف ہے۔ جس کے بعد انھوں نے میری درخواست کو قبول کرتے ہوئے اس پر عمل درآمد کرانے کے لئے ضروری کارروائی کی گئی اور سائل کے اعتراض کو سامنے رکھتے ہوئے سائل کو بطور جو نیئر کلرک (BPS-11) تعینات کر دیا گیا (Annex-AN) کاپی لف ہے۔ اور سائل کا تبادلہ پبلک ہیلتھ سکول ڈیرہ اسماعیل خان کر دیا گیا۔ (Annex-AO) کاپی لف ہے۔ سائل

نے پرنسپل پبلک ہیلتھ سکول ڈیرہ اسماعیل خان کو اپنا (Arrival Report) جمع کرا دی (Annex-A@) کا پی لف ہے۔ جس کے بعد پرنسپل صاحب نے میری (Arrival Report) ڈائریکٹر جنرل پراونشل ہیلتھ سروسز اکیڈمی پشاور کو بھیجوا دی (Annex-A@) کا پی لف ہے۔

پارٹ-IX

یہ کہ سائل پراونشل ہیلتھ سروسز اکیڈمی خیبر پختونخوا پشاور میں مختلف سیکشنز میں مختلف نوعیت کی اپنی ڈیوٹی خدمات سرانجام دے چکا ہے (جس میں سٹور کیپر، ٹیلیفون اپریٹر، کمپیوٹر لیب اسٹنٹ، لائبریری اسٹنٹ، PA، ٹو ڈائریکٹر PHS، Litigation Assistant، ریکارڈ کیپر، ریکارڈ سپروائزر شامل ہیں، اور احکام بالا کے حکم پر دوسرے اداروں / محکماجات / مختلف NGOs، اور سیشنل ٹاسک بھی شامل ہیں جس پر سائل نے بڑے احسن طریقے سے اپنی ڈیوٹی سرانجام دے چکا ہے)۔ اور اس کے علاوہ سائل کو ہیلتھ سیکرٹریٹ میں سیکشن آفیسر بجٹ-II کے ساتھ بطور سیکشن اسٹنٹ انچارج اپنی ڈیوٹی سرانجام دے چکا ہے۔ جملہ آرڈرز کی کا پی لف ہے (Annex-AR)۔ یہ کہ سائل کی قابلیت اور کام کی انجام دہی کو مد نظر رکھتے ہوئے سائل کی خدمات حاصل کرنے کے لئے افسران بالانے وقتاً فوقتاً لیٹر وغیرہ بھی کئے ہیں جو کہ لف ہیں۔

پارٹ-X

یہ کہ سائل نے اب تک مختلف نوعیت کی ورکشاپ / ٹریننگ کر کے سرٹیفیکیٹ حاصل کی ہوئی ہیں۔ جس میں پریکٹیکل نیٹ ورکنگ، سول ڈیفنس، ہوشل سکور، TOT سول ڈیفنس، کمپیوٹر ٹریننگ (پاور پوائنٹ)، Office Procedure & Management شامل ہیں اور Workshop on Dengue اور Workshop on Data Analysis for Nutritional Surveillance اور Prevention and Control کا سرٹیفیکیٹ حاصل کر چکا ہے۔ جملہ ٹریننگز اور ورکشاپ کے سرٹیفیکیٹ کی کا پی لف ہے۔

پارٹ-XI

یہ کہ سائل سے پہلے پبلک ہیلتھ سکول ڈیرہ اسماعیل خان میں مسمی جان عالم بطور سینئر کلرک تعینات تھا (Annex-AS) کا پی لف ہے اور اسی سکول میں کوآرڈینر 1 میں رہائش پزیر ہے اور پھر مسمی علی حیدر بیرر کی تعیناتی آرڈر ہوا (Annex-AT) کا پی لف ہے اور اس نے اپنی Arrival Report مورخہ 12 اکتوبر 2018 جمع کی تو سائل وہاں موجود نہیں تھا بلکہ مسمی جان عالم بطور سینئر کلرک تعینات تھا جس نے مسمی علی حیدر کی تنخواہ مجھ سے پہلے شروع کروائی۔ جبکہ سائل کا تبادلہ 22 اکتوبر 2018ء کو پبلک ہیلتھ سکول ڈیرہ اسماعیل خان میں بطور جونیئر کلرک ہوا۔ (Annex-AU) کا پی لف ہے۔ جس سے سائل کا کوئی تعلق نہیں ہے نہ ہی اس میں کوئی کردار ہے اور نہ ہی سائل کا کسی بھی قسم کی زبانی یا تحریری ذیل / معاہدہ یا رقم کالین دین میں بالواسطہ یا بلاواسطہ ملوث نہیں ہے۔ بلکہ چند شریکیند عناصر کی طرف سے میری پروموشن کا بہانہ بنا کر اور کامیابی اور قابلیت سے خائف اور بدنیت ہو کر یہ سارا ڈرامہ رچایا اور سائل کی عزت، آبرو اور ساکھ کو نقصان پہنچانے کی کوشش کی گئی۔

امید واثق ہے کہ آپ صاحبان مطلوبہ بالا تفصیلاً تسلی بخش وضاحت کو قبول کرتے ہوئے سائل کی بے گناہی کا یقین ہو جائے گا۔ اور سائل کے ساتھ انصاف کیا جائے گا۔ سائل آپ صاحبان کی خدمت میں شوکا زنوش کی جواب طلبی پیش کرتا ہے۔ نیز یہ کہ سائل (Personnel Hearing) کے لئے تیار ہے اور اگر مطلوبہ بالا وضاحت کے بعد بھی آپ صاحبان کو ضرورت محسوس ہو تو (Personnel Hearing) کے لئے بمعہ ریکارڈ کے تمام متعلقہ فریقین کو حاضر کیا جا کر بھی کی جاسکتی ہے۔ اور اس کے علاوہ سائل حصول انصاف کے لئے اپنا قانونی حق محفوظ رکھتا ہے۔

عین نوازش ہوگی۔

مورخہ: 21/01/2020



العارض

آپ کا خیر خواہ محمد فیاض گل جونیئر کلرک پبلک ہیلتھ سکول ڈیرہ اسماعیل خان۔

ATTACHED



PROVINCIAL HEALTH SERVICES ACADEMY
Government of Khyber Pakhtunkhwa
Department of Health



F. No. 42/ PHSA/Admin/Enquiry/2019-20/1084-89

Dated: 18.02.2020

Mr. Fayyaz Gul
Junior Clerk (BPS-11)
Public Health School (PHS)
Dera Ismail Khan

SUBJECT: OFFICE ORDER REGARDING REMOVAL FROM SERVICE

WHEREAS Principal, Public Health School (PHS) D.I.Khan forwarded and enclosed an appointment order bearing No. F-05/Admn/App-IV/8068-73 dated 09/08/2019 of PHSA and respective arrival report of Mr. Muzamil S/o Mr. Muhammad Hashim ex-Chowkidar vide their letter No. 1086/PHS-DIK/Admn: dated 14.09.2019 for verification and guidance;

AND WHEREAS the undersigned after thoroughly checking its record, found that no such order is issued from this office. Therefore, the office of undersigned informed Principal, Public Health School (PHS) D.I.Khan accordingly vide letter No. 42/PHSA/Admin/Inquiry/2019-20/10937-38 dated 27.09.2019;

AND WHEREAS the office of undersigned ordered a preliminary inquiry on 17.09.2019 to find facts into the reference appointment order;

AND WHEREAS the preliminary committee submitted its report on 02.10.2019;

AND WHEREAS in light of findings of the preliminary Inquiry report, the reference appointment order is found to be fake evident from the written statement of the then competent authority;

AND WHEREAS disciplinary proceedings were initiated on 14.11.2019 on account of your alleged involvement in corruption and misconduct;

AND WHEREAS subsequently, a disciplinary inquiry was ordered on 14.11.2019;

AND WHEREAS the disciplinary inquiry committee submitted its final report with recommendations on 07.01.2020;

AND WHEREAS in light of the disciplinary committee's findings, the charges leveled against you were proved and you were found guilty of corruption and misconduct under sub-rule (1), clause (g) and (l) of rule 2 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 framed under section-16 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 read with mis-conduct in terms of rule 4A of conduct rules 1987 made under the

Address: Near Northren Bypass, Dauranpur, Peshawar, Ph:091-2614223-5, Fax:091-26143609

Website: www.phsa.edu.pk

Email: info@phsa.edu.pk

APPROVED

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PROVINCIAL HEALTH SERVICES ACADEMY
Government of Khyber Pakhtunkhwa
Department of Health



provision of section 15 of the Khyber Pakhtunkhwa Civil Servants Act, 1973. Therefore the undersigned issued respective show cause notice as duly communicated to you, tentatively imposing the major penalty i.e. Removal from Service on 08.01.2020;

AND WHEREAS you submitted your reply to the show cause notice on 22.01.2020;

AND WHEREAS your reply was found unsatisfactory and it was decided to hear you in person, in order to provide you fair opportunity of personal hearing;

AND WHEREAS your personal hearing with the undersigned was held on 07.02.2020;

AND WHEREAS you failed to provide any other evidence new to what you had presented to the inquiry committee;

AND NOW THEREFORE I, Dr. Muhammad Ayub Rose, Director General (BPS-20) PHSA, Peshawar, after having considered charges and evidence on record thereby in exercise of the power conferred under sections 16 of *The Khyber Pakhtunkhwa Civil Servant Act, 1973 read with section 15 accordingly* as the rules made thereunder i.e. Khyber Pakhtunkhwa Government Servants (E&D) Rules 2011 under clause (ii), sub rule (5) of Rule 14, being the competent Authority has been pleased to impose upon you the major penalty as specified in sub-rule(1), clause(b), Sub-Clause(iii) of rule-4 i.e. to remove you, Mr. Fayaz Gul BS-11, Junior Clerk PHS D.I.Khan, from service with immediate effect.


DIRECTOR GENERAL (Health)
PHSA, Peshawar

Endorsement of Even No. & Date:

1. Principal Paramedical Institute of Medical Technologies (PIMT), D.I.Khan.
2. District Accounts Officer, Dera Ismail Khan.
3. IT In-charge PHSA.
4. PS to Secretary Health, Khyber Pakhtunkhwa.
5. Principal Public Health School DI Khan


DIRECTOR GENERAL (Health)
PHSA, Peshawar

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(M)

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**GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT**

No. SOH-III/8-89/2020 (Muhammad Fayaz Gul)
Dated the Peshawar 16th June, 2020

To

The Director General,
Provincial Health Services Academy,
Khyber Pakhtunkhwa.

SUBJECT:- **DEPARTMENTAL APPEAL AGAINST THE ORDER DATED 18-02-2020,
WHEREBY THE MAJOR PENALTY OF "REMOVAL FROM SERVICE"
WAS IMPOSED UPON THE UNDERSIGNED.**

I am directed to refer to the subject noted above and to enclose herewith a copy of self-explanatory appeal in respect of Muhammad Fayaz Gul, Ex- Junior Clerk, Public Health School, Dera Ismail, Khan for views/comments, please.

Encl: As above.


Endst: even no & date.

Copy forwarded to the:-

PS to Secretary Health, Khyber Pakhtunkhwa.

16/06/2020
Section Officer-III

16/06/2020
Section Officer-III


ATTENDED

To

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

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3968
16/3/20

THROUGH PROPER CHANNEL:

SUBJECT: DEPARTMENTAL APPEAL AGAINST THE ORDER DATED 18.02.2020, WHEREBY THE MAJOR PENALTY OF "REMOVAL FROM SERVICE" WAS IMPOSED UPON THE UNDERSIGNED.

Prayer in appeal:

ON ACCEPTANCE OF THE DEPARTMENTAL APPEAL THE ORDER DATED 18.02.2020, MAY PLEASE BE SET ASIDE AND THE UNDERSIGNED MAY BE REINSTATED INTO SERVICE WITH ALL BACK AND CONSEQUENTIAL BENEFITS.

RESPECTFULLY SUBMITTED:

The few lines are submitted for your kind and sympathetic consideration as under:

1. That the undersigned was serving as JUNIOR CLERK and Ever since his appointment, He had performed his duties assigned to him with zeal and devotion and there was no complaint, what so ever regarding his performance.
2. That the appellant was served with the charge sheet containing the allegations of Fake order of appointment issued in respect of Muhammad Muzamil S/O Muhammad Hasham. The appellant properly replied to the charge sheet and denied all the allegation and clear the situation. **Copy attached.**
3. That the inquiry was conducted against the appellant without proving proper chance of defense in which allegation against the appellant has not proved only made victim of vim and wishes and make scape goat to save the skin of high officials. **Copy attached.**
4. That the copy of show cause notice was served upon the appellant. The appellant submitted his detailed reply and denied the allegation once again. **Copy attached.**
5. That thereafter the impugned order dated 18.02.2020. was issued to undersigned whereby the major penalty OF "removal from service" was imposed upon the undersigned. **copy of the impugned order is attached.**
6. Hence the under signed constrained to file the instant departmental appeal on the following grounds.



16/3/20

GROUND:

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- A. That the impugned order dated 18.02.2020 whereby penalty imposed upon the undersigned is illegal, unlawful and against law and facts and liable to be set aside.
- B. That no proper procedure has been followed before awarding major penalty to undersigned, no inquiry has been conducted, statements of witnesses if any were never taken in the undersigned presence nor the undersigned has been allowed opportunity of cross examination, thus the proceedings so conducted are defective in the eye of law. So the impugned order is illegal and nullity in the eye of law.
- C. That the allegation leveled against the undersigned of fake appointment was baseless and without any cogent proofs but only with the malafide intention of authority due to personal grudges.
- D. That the inquiry officer gave his conclusion on the basis of summarizes and conjectures which is against the superior court judgments. The appellant made the scape goat to save the skin of high officials.
- E. That the co-accused Jan-e-Alam admitted that he received the amounts of 3,00000/- from the Hashim Khan. But the appellant was unlawfully drag into whole episode.
- F. That no chance of personal hearing was provided to the undersigned which is violation of the judgment of Supreme Court, law and rules.

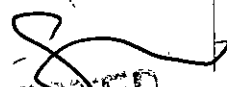
It is, therefore, humbly requested that on acceptance of the departmental appeal the order dated 18.02.2020, may please be set aside and the undersigned may be reinstated into service with all back and consequential benefits.

Yours obediently,



MUHAMMAD FAYAZ GUL
Ex. Junior Clerk PHSA Networks
Public Health Schoo, Dera Ismail Khan.
Cell NO: 0312-9116484

Date: 16 /03/2020.



ATTESTED

VAKALAT NAMA

NO. _____/20

IN THE COURT OF KP Service Tribunal, Pesh

Fayaz Aul

(Appellant)
(Petitioner)
(Plaintiff)

VERSUS

Aout of K

(Respondent)
(Defendant)

I/We, Fayaz Aul

Do hereby appoint and constitute **M. Asif Yousafzai, Advocate Supreme Court Peshawar**, to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate/Counsel on my/our costs.

I/We authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter. The Advocate/Counsel is also at liberty to leave my/our case at any stage of the proceedings, if his any fee left unpaid or is outstanding against me/us.

Dated _____/20

[Signature]
(CLIENT)

ACCEPTED

[Signature]
M. ASIF YOUSAFZAI
Advocate Supreme Court
Peshawar.
B.C NO# 10-7327
CNIC # 17301-5106574-3

OFFICE:

Room # FR-8, 4th Floor,
Bilour Plaza, Peshawar,
Cantt: Peshawar
Cell: (0333-9103240)

[Signature]
Syed Naveed Ali Bolkani
Advocate High Court

BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. 7728/2020

Fayaz Gul, Ex-Junior Clerk

Public Health School (PHS), Dera Ismail Khan

..... Appellant

Versus

1. The Secretary Health Department, Government of Khyber Pakhtunkhwa
2. The Director-General, Provincial Health Services Academy, Budhni road
Doranpur Peshawar
3. The Principal, Public Health School (PHS), Dera Ismail Khan

..... Respondents

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BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. 7728/2020

Fayaz Gul, Ex-Junior Clerk
Public Health School (PHS), Dera Ismail Khan

..... Appellant

Versus

1. The Secretary Health Department, Government of Khyber Pakhtunkhwa
2. The Director-General, Provincial Health Services Academy, Budhni road, Duranpur Peshawar
3. The Principal, Public Health School (PHS), Dera Ismail Khan

..... Respondents

PARA-WISE COMMENTS SUBMITTED BY RESPONDENT NO.1, 2 & 03:

Respectfully Sheweth:

PRELIMINARY OBJECTIONS:

- i. That the appellant has got neither cause of action nor locus standi to file the instant appeal.
- ii. That the instant appeal is against the prevailing law and rules.
- iii. That the Appeal is not maintainable in its present form.
- iv. That the appellant has not come to the tribunal with a clean hand and was hit by laches.
- v. That the appellant is bad due to non-joinder and misjoinder of necessary parties.
- vi. That the appellant has filed the instant appeal with mala-fide intention hence liable to be dismissed.
- vii. That the applicant has been stopped by his own conduct to file the instant appeal.

FACTS:

1. Pertains to record.
2. Pertains to record.
3. Pertains to record.
4. Incorrect. It was not disposed of; however, directions were issued to address the grievances of the petitioners.
5. Pertains to record.
6. The disciplinary proceedings were initiated on 14.11.2019. The inquiry committee found the appellants with his colleague involvement in the dealing of fake appointment orders /recruitment of Mr. Muzamil. Furthermore, the committee found the appellant guilty of misconduct as being the only dealing hand at the institute.

7. Correct.
8. Correct to the extent of the reply to the charge sheet however the appellant was aware of the entire scenario.
9. After the charge sheet proper inquiry was conducted and the appellant was provided all opportunities to defend. The inquiry committee proved the allegation against the appellant (copy of the inquiry report is attached "A"). Incorrect as per findings of the inquiry report.
10. All the charges were proved against the appellant and all the codal formalities were completed by the department.
11. incorrect After fulfilling all the legal and codal formalities. The order dated 18.02.2020 has been issued whereby the appellant was removed from his service.

GROUND:

- A. Incorrect. The impugned order dated 18.02.2020 as well as all acts of the replying respondents are in accordance with law and rules.
- B. Incorrect. Proper proceedings were conducted as per rules and laws. A proper record of the personal hearing and cross-examination is available and enclosed at Annexure-A.
- C. Incorrect. Specific charges of corruption and misconduct were leveled against the appellant.
- D. Incorrect. Every case has its own facts and circumstances. The charges proved against the appellant.
- E. The appellant was treated according to law and rules.
- F. Incorrect. There was no malafide on the part of replying respondents.
- G. As explained in paragraph B above.
- H. Incorrect. The appellant is penalized according to his guilt i.e. corruption, and misconduct.
- I. Incorrect. The opportunity of the personal hearing was provided on 07-02-2020.
- J. The respondents will present further pieces of evidence as and when required by the Honorable Tribunal accordingly.

PRAYER:

Given the above, it is, therefore, requested that the instant appeal being devoid of merit may graciously be dismissed.

Rajid

PRINCIPAL
Public Health School
Dara Janjail Khan

Public Health School, D.I.Khan

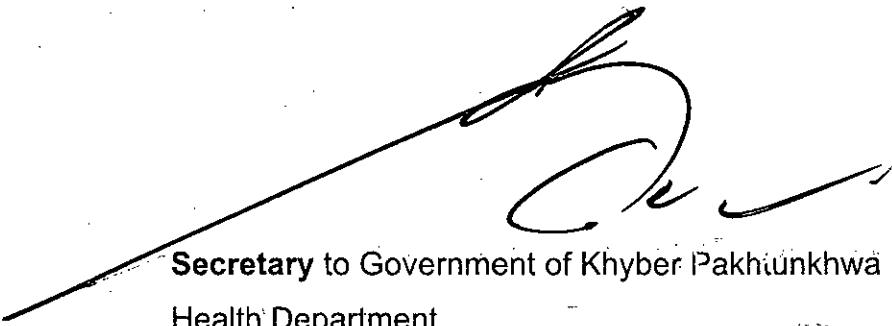
(Respondent No. 3)

w/ Faris
1/03/22

Director-General

Provincial Health Services Academy (PHSA), Health Department Khyber Pakhtunkhwa,
Peshawar

(Respondent No. 2)



Secretary to Government of Khyber Pakhtunkhwa
Health Department

(Respondent No. 1)

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR**

Service Appeal No. 7728/2020

Fayaz Gul, Ex-Junior Clerk
Public Health School (PHS), Dera Ismail Khan

..... Appellant

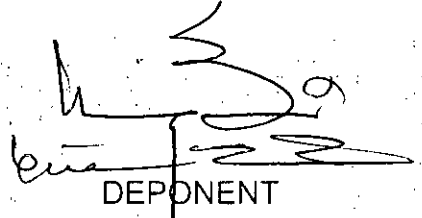
Versus

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..... Respondents

AFFIDAVIT

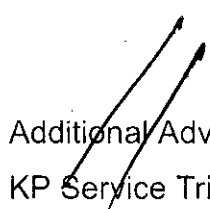
I, Mr. Faiz Muhammad Litigation Officer PHSA, do hereby solemnly affirm and declare that the contents of paragraph-wise reply on behalf of respondents No.1, 2 & 3 to the instant service appeal are true and correct to the best of my knowledge and belief.

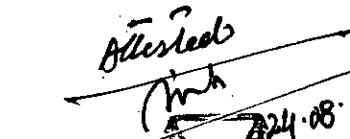


DEPONENT

CNIC No: 17301-1376838-1

Identified By:


Additional Advocate General
KP Service Tribunal, Peshawar


24.08.2020
SHAH SIDGHAT ULLAH SHAN
Sr. Advocate
Oath Commissioner / Notary Public
High Court Peshawar

Serial No. 34
Date: 7/10/2020
Prov: Health Services Academy
Department of Health
Govt: of KPK Peshawar

Annexure - A

(5)

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INQUIRY REPORT

IN FAKE APPOINTMENT ORDER OF MR. MUHAMMAD MUZAMMIL S/O MR MUHAMAMD HASHIM EX-CHOWKIDAR AT PUBLIC HEALTH SCHOOL D.I.KHAN

A- BACKGROUND

An appointment was made against the post of Chowkidar BS-03, at Public Health School (PHS) D.I. Khan, vide a fake appointment order No.F-05/Admn/App-IV/8068-73 dated: 09/08/2019 which was allegedly issued by the PHSA Peshawar. It was having a dispatch number and date which was not coincident with the official dispatch register of the PHSA. It was allegedly signed by the DG, PHSA, who himself was not aware about it. The game was played between Mr. Muhammad Hashim ex-Chowkidar of PHS D.I.Khan, who was interested in the appointment of his son Mr. Muhammad Muzammil against retired son quota; Mr. Fayaz Gul Junior clerk of the PHS; Mr. Jan-e-Alam Senior clerk of Paramedical Institute of Medical Technologies (PIMT) D.I.Khan; some official/s of District Accounts Office (DAO) D.I.Khan and possibly one or more persons from PHSA Peshawar. A deal was done between Mr. Muhammad Hashim on one hand and Mr. Fayaz Gul on the other for a sum of PKR 300000/-. Mr. Jan-e-Alam played the role of middle man. The name(s) of the persons from PHSA Peshawar and that/those from DAO D.I.Khan are not exposed.

The fake appointment order was prepared and delivered at PHS D.I.Khan. Mr. Muzammil submitted his arrival and started working. Newly appointed DDO of PHS, Ms. Bibi Sajida forwarded the said appointment order to PHSA for verification. While the same was submitted to the DG PHSA, he got suspicious. On verification it was found that the appointment order was having fake dispatch number and the signatures of the DG PHSA were appended after scanning from other documents.

The DG PHSA constituted an inquiry committee for preliminary investigations of the case. The inquiry committee declared that the order was fake. Mr. Fayaz Gul and Mr. Jan-e-Alam were found involved in the case. The committee recommended initiation of proper disciplinary proceedings against both of them.

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Relying upon the recommendations of the committee, the DG PHSA suspended both the officials, issued charge sheets and constituted a fact-finding inquiry to proceed further.

B- INQUIRY COMMITTEE AND ITS AUTHORIZATION

The inquiry committee comprised of the following:

Dr. Muhammad Daud, Additional Director General (BS-20)	Chairman
Dr. Qazi Muhammad Afsar, Director (BS-19)	Member
Mr. Taufiqullah, Administrative and Finance Officer (BS-17)	Member
Mr. Faiz Muhammad, Librarian and Litigation Officer (BS-17)	Member

Ms. Bibi Sajida, Principal was deputed as well conversant person during the proceedings.

The committee was entrusted vide orders No. 42/PHSA/Admn/Enquiry/2019-20/11815-18 Dated 14/11/2019 and No. 44/PHSA/Admn/Enquiry/2019-20/11827-29 Dated 14/11/2019 of the office of the DG PHSA.

C- PROCEEDINGS

Questionnaires were prepared for the following persons, for recording their statements and cross examinations:

- 1- Mr. Jan-e-Alam, Senior Clerk PIMT D.I.Khan, the accused.
- 2- Mr. Fayaz Gul, Junior Clerk PHS, D.I.Khan, the accused.
- 3- Mr. Muhammad Hashim, Ex-Chowkidar and father of Mr. Muhammad Muzammil.
- 4- Mr. Muhammad Muzammil, Alleged Chowkidar appointed vide fake appointment order.
- 5- Ms. Bibi Sajida, Principal of PHS D.I.Khan.
- 6- Mr. Muhammad Usman, nephew / representative of Mr. Muhammad Hashim.

Mr. Muzammil did not appear before the inquiry committee when summoned at the PHSA but he appeared during the visit of the inquiry committee to

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D.I.Khan. His father, Mr. Muhammad Hashim passed away before the proceedings. One Mr. Muhammad Usman, nephew of Mr. Muhammad Hashim presented himself along with Mr. Muzammil as representative of Muhammad Hashim. His statement was also recorded.

D- FINDINGS

(a) EXAMINATION OF RECORD

The following record was examined:

- 1- Appointment order of Mr. Muzammil.
- 2- Forwarding letter of the Principal PHS D.I.Khan to DG PHSA in which she requested verification of the appointment order.
- 3- Forwarding letter of the Principal PHS D.I.Khan along with arrival report of Muzammil, his service book and source-I, to DAO D.I.Khan for activation of his salary.
- 4- Letter of the DAO office about return of the documents stated above to Mr. Jan-e-Alam.
- 5- Dispatch register of the PHSA Peshawar.
- 6- Written statement of Jan-e-Alam, along with annexures.
- 7- Written statement of Fayaz Gul along with annexures.
- 8- Written statement of Bibi Sajida along with annexures.
- 9- Written statement of Muhammad Usman, representative of Mr. Muhammad Hashim along with annexures.

(b) EXAMINATION OF THE ACCUSED AND OTHER RELAVANT PERSONS

1. GLIMPSES OF THE STATEMENT OF MR. JAN-E-ALAM

- a. Mr. Jan-e-Alam stated that he played the role of middle man in the deed between Mr. Muhammad Hashim and Mr. Fayaz Gul regarding appointment of Mr. Muhammad Muzammil for a sum of rupees 300000/- against the post of Chowkidar which was vacated by his father on his retirement on superannuation. For his role in the deed, he received nothing as his share or commission.

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- b. He knew that it was an unfair game. He confessed that he was at fault.
- c. He told that Mr. Fayaz Gul promised with Mr. Muhammad Hashim that he would bring appointment order of Muzammil from PHSA on the strength of which, Muzammil would be posted as Chowkidar. However, he would receive Rs. 300000/- There was no written record of the deed. He told that Fayaz Gul brought a fake appointment order from PHSA Peshawar on the strength of which Muzammil submitted his arrival report and started performing his duties. At that time there was no DDO of PHS. Later when Ms. Bibi Sajida was given the charge of DDO, Mr. Fayaz Gul prepared source-1 for starting his salary and submitted it to the office of the district accounts officer D.I.Khan.
- d. The DDO sent a letter to the office of the DG, PHSA for information and verification of the alleged appointment letter. In the office of the DG PHSA, the letter was proved to be fake and the DDO was advised to immediately stop the salary of Mr. Muzammil.
- e. When Mr. Hashim came to know that the unfair efforts did not remain fruitful, he demanded back the money paid to Mr. Fayaz Gul who straight away denied. As Mr. Jan-e-Alam was the guarantor, he paid Rs.210000/- to Mr. Muhammad Hashim from his own pocket. Later when Mr. Hashim died, he gave a further sum of Rs. 10000/- to family members of Hashim. So, he paid back a total of Rs.220000/- and the remaining sum of Rs. 80000/- were yet to be paid in the form of installments.
- f. He denied that he himself brought the appointment order from PHSA Peshawar and delivered it to the DDO of PHS D.I.Khan.
- g. He never carried the salary papers of Muzammil from PHS to DAO D.I.Khan, nor he received these back nor was he involved in misplacement of these papers.
- h. The DAO office submitted in writing that Mr. Jan-e-Alam carried away the salary papers of Mr. Muzammil which were submitted by Mr. Fayaz Gul for approval and release of his salary.

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- i. Mr. Jan-e-Alam disclosed that Mr. Fayaz Gul remained involved in demanding/receiving Rs. 25000/- from Dr. Amjad Ghias for facilitating his posting as DHO D.I.Khan; Rs. 25000/- from Mr. Salahuddin Gandapur, husband of Ms. Zubaida ex- Principal School of Nursing D.I.Khan for clearance of her withheld leave encashment at the time of her retirement and Rs. 10000/- from Mr. Riaz cook for his posting within D.I.Khan at the time of his promotion as junior clerk.

2. SERVICE TRACK RECORD OF MR JAN-E-ALAM, SENIOR CLERK

- a. On 01/10/1987, he was appointed as Naib Qasid in the office of the commissioner Peshawar vide order No.9244/F dated 01/10/1987 of the office of the commissioner Peshawar. He worked as Naib Qasid, Mali and Chowkidar during his stay at that office.
- b. His services were handed over to the PHSA Peshawar vide order No. 4395-03/DCO (P) EA dated 15/11/2001. Up to 31/01/2011 he served as class-IV at Postgraduate College of Nursing (PGCN) Peshawar, School of Nursing (SON) HMC Peshawar and SON Kohat.
- c. He was promoted to the post of Junior Clerk (BPS-07) by order No. 113-18/PHSA/F-03 dated 31/01/2011 of the office of the Director PHSA. He was transferred to PHS D I Khan vide order No.05/PHSA/2010-11/P&T/2396-2404 dated 02/06/2011.
- d. He was further promoted to the post of Senior Clerk (BPS- 09) on acting charge basis vide order No. F-28/PHSA/Admn/Promotion/2012-13/2971-95 dated 09/05/2013 of the office of the Director PHSA. Later he was promoted to the post of senior clerk on regular basis vide order No. 28/PHSA /Admn/Promotion Class III/2015-16 dated 14/07/2016 of the office of Director PHSA Peshawar and was posted at SON D.I.Khan.
- e. He was transferred to PIMT D.I.Khan vide order No.F-03/PHSA/Admn/P&T-Class-III/2016-17/5124-29 dated 30/10/2016 where he is serving till date.



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f. His reputation amongst his colleagues and within the department was not good. During the inquiry proceedings at PHS D.I.Khan it was felt that most of the class IV employees of PHSA network working in D.I.Khan were afraid of him and nobody was ready to disclose anything adverse against him. Even his present boss Dr. Ehsan Waheed, Principal PIMT D.I.Khan was not satisfied with his performance as he (Jan- Alam) was not reliable and trustworthy. Surprisingly in the presence of a senior clerk (Jan-e-Alam) most of the responsibilities of the office had been assigned to one class IV, Mr. Mulazam Hussain.

3. GLIMPSES OF THE STATEMENT OF MR. FAYAZ GUL, JUNIOR CLERK

- a. He told that consequent upon his promotion as Junior Clerk, he was posted at PHS D.I. Khan. By any means he was not involved in this case nor did he receive any money in this regard. He never signed any written deed, contract, judicial stamp paper or otherwise.
- b. He did not know that the ibid appointment order was fake.
- c. All the judicial stamp papers submitted by Jan-e-Alam were unauthentic and not effective against him, at any forum.
- d. All the allegations, whatsoever, leveled against him by Jan-e-Alam were up to the effect of accusations and he (Jan-e-Alam) had no authentic prove in favor of his claims.
- e. He never received any money regarding appointment of Muzammil nor became part of any deal whatsoever.
- f. The fake appointment order in respect of Mr. Muzammil was brought to PHS by Mr. Jan-e-Alam and Mr. Muhammad Hashim and was handed over to him (Mr. Fayaz Gul) for further processing.
- g. He prepared the salary papers (arrival report, source-I and entry in service book etc.) of Muzammil, got these signed by the DDO and submitted the same in DAO office D.I. Khan on 06/09/2019 for approval and release of his salary.
- h. Mr. Jan-e-Alam threatened him of murder vide a telephonic call from the land line phone of PIMT D.I.Khan about which he had informed the Principal under intimation to the DG PHSA Peshawar.



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- i. He did not know how Mr. Jan-e-Alam and Mr. Muhammad Hashim succeeded in getting the appointment order in favor of Mr. Muzammil nor did he know who prepared the fake order.
- j. He admitted that he received arrival report of Mr. Muzammil, prepared his service book, and source-I of his salary and submitted these in the office of the DAO D.I.Khan on 6th of September 2019 for release of the salary.
- k. These papers were unauthorizedly received back from DAO office D.I.Khan on 14th September 2019 by Mr. Jan-e-Alam who later on deliberately misplaced these.
- l. He agreed that at least one person each from PHSA, PHS D.I.Khan and DAO office D.I.Khan was definitely involved in this game of fake appointment. It was impossible to commit such a big act of forgery without such collusion. However, he did not disclose any name. Self-stated that Mr. Jan-e-Alam and Mr. Muhammad Hashim were well aware of such persons because during this game Mr. Muhammad Hashim telephonically contacted multiple people. Such conversations were recorded and saved in mobile phone of Mr. Muhammad Hashim which, after his death, was in the custody of his son Mr. Muzammil. Muzammil played such recorded conversations before the preliminary inquiry committee as well.
- m. He denied that he was ever involved in any deal with Mr. Salahuddin Gandapur, Dr. Amjad Ghias or Mr. Riaz and never received any money from them whatsoever.

4. SERVICE TRACK RECORD OF MR FAYAZ GUL

- a. He was appointed as Muslim Sweeper on fixed pay for six months duration at PHSA Peshawar vide order No. 3635-38/M-6/Estt; PHSA dated 28/05/2004 of the Director PHSA Peshawar. When and how his services were regularized was not known.
- b. He was promoted to the post of Computer Lab. Assistant (BPS-07) vide order No.2244-o47/PHSA/F-3 dated 14/05/2011 of the Director PHSA and was posted at PHSA Peshawar. Having appointed against that post, he had been performing duties of dairy & dispatch clerk.

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- c. He was further promoted to the post of junior clerk (BPS-11) vide order No.28/Admn/PHSA/Promotion/Class-III/2018/9262-67 dated 27/09/2019 of the DG PHSA Peshawar and was posted at PHS D.I.Khan. His promotion was on the basis of 33% quota seats from class IV employees, whereas he was not a class IV meaning there by he was not having any right of promotion under 33% quota of class IV. The PHSA seeked the opinion of law Department through secretary health regarding promotion of Mr. Fayaz Gul vide letter No.28/Admn/Promotion File/2194-95 dated 14/05/2019. In this matter the record of the PHSA stands silent and needs investigation.
- d. He remained a party of court cases multiple times for gaining right or wrong benefits of his promotion and otherwise. All such cases need thorough investigation.
- e. He served at PHSA Peshawar for quite a long duration, had deep roots in the PHSA and was well aware of the persons and systems of PHSA.
- f. He seemed to be quite a clever person and had left no documentary proves of his alleged unfair activities.

5. STATEMENT OF MR USMAN SHAHEEN (RELATIVE OF LATE MR MUHAMMAD HASHIM)

- a. He stated that Mr. Muhammad Hashim himself told him many things regarding appointment of Mr. Muzammil and many a times he accompanied Muhammad Hashim during different events.
- b. Mr. Muhammad wished that his son, Mr. Muzammil might be appointed against son quota. For that purpose, he paid Rs. 300000/- to Mr. Jan-e-Alam who gave this money to Mr. Fayaz Gul for distribution amongst the persons involved in the process.
- c. On the day when Mr. Muhammad Hashim came to know that the appointment order was fake, he contacted Jan-e-Alam who called him to a shop near Bloch Hotel. Usman Shaheen accompanied Mr. Muhammad Hashim. Ali driver of PHS was also present there with Jan-e-Alam. There Mr. Jan-e-Alam paid Rs.130000/- to Mr. Muhammad Hashim and promised to pay the remaining money in installments.



- d. Mr. Muhammad Hashim further told him that he (Mr. Muhammad Hashim) withdrew Rs. 300000/- from his account in National Bank vide cheque No.5955191 on 02/07/2019 for payment to Jan-e-Alam. He attached photocopy of bank statement showing debit of the same money from the said account on the said date.
- e. After a few days, Mr. Jan-e-Alam called him to PIMT D.I.Khan and handed him over the appointment order in favor of Mr. Muzammil.
- f. He told that Mr. Muzammil has lodged a civil suit in the lower court at D.I.Khan for his right and has also submitted an application in anti-corruption establishment office at D.I.Khan against this fraudulent case.

6. STATEMENT OF Ms. BIBI SAJIDA, PRINCIPAL PHS D.I.KHAN

- a. She stated that she was appointed as DDO of PHS D.I.Khan on 03/09/2019 vide order No. 79/PHSA/Acct/P&T/2018-19/10478 dated 03/09/2019 of the DG PHS. She took charge of the seat on 04/09/2019.
- b. On 06/09/2019, Mr. Fayaz Gul brought papers of Mr. Muzammil to her office for forwarding these to the DAO office and requested her to expedite this task so that the salary of the poor might start earlier.
- c. On 12/09/2019, she was called for a meeting at PHS. There she came to know that appointment order of Mr. Muzammil was fake. The DG PHS directed her not to start his salary and to withdraw the papers from DAO office if she had already done so. She telephonically contacted Mr. Atullah, the DAO D.I.Khan and requested him to stop the salary of Mr. Muzammil. In response the DAO demanded written request for this purpose. On 13/09/2019/ she reached D.I.Khan and sent written request to the DAO.
- d. The same day she sent the allegedly fake order of Mr. Muzammil to PHS for verification.
- e. She demanded back source-I and service book of Mr. Muzammil from the DAO. Mr. Naeem, diary and dispatch clerk of DAO office D.I.Khan told her that Mr. Jan-e-Alam had already carried those papers. Later,



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on 18/09/2019, the DAO office D.I.Khan gave a written statement as well to that effect.

- f. She had already presented herself before the inquiry committee for preliminary investigations along with Fayaz Gul, Jan-e-Alam and Muhammad Hashim on 24/09/2019 at PHSA, Peshawar.

7- SUPPORTIVE FINDINGS

- a. During the pendency of the present inquiry, another fake appointment case in respect of Mr. Ali Haider appointed as Bearer at the same Public Health School D.I. Khan since 15.10.2018, also surfaced for which a preliminary inquiry was ordered vide Director General, Provincial Health Services Academy Peshawar letter no. 42/PHSA/Admn/inquiry/2019-20/11808-13 dated 14.11.2019. It is pertinent to mention here that both Mr. Jan-e-Alam Senior Clerk and Mr. Fayaz Gul Junior Clerk were accused by Mr. Ali Haider for the same charges as per findings of the preliminary inquiry proceedings till date.
- b. The above identical case shows that both the employees i.e. Jan-e-Alam and Mr. Fayaz Gul, have been part of collusion and their conduct remained unbecoming of a gentleman.

E- CONCLUSIONS

- 1- The appointment letter of Mr. Muzammil as Chowkidar PHS D.I. Khan proved to be fake beyond any reasonable doubt, and was a result of collusion amongst Mr. Muhammad Hashim ex- Chowkidar of PHS D.I.Khan, Mr. Jan-e-Alam Senior Clerk PIMT D.I.Khan, Mr. Fayaz Gul Junior Clerk PHS D.I.Khan, possibly one or more persons from DG office PHSA Peshawar, possibly one or more persons from D.A.O office D.I.Khan and possibly anyone else.
- 2- Mr. Muhammad Hashim definitely paid Pak. Rs. 300000/- (Three Lacs only) as received by Mr. Jan-e-Alam for appointment of his son at PHS D.I. Khan. This money was distributed among Mr. Jan-e-Alam, Mr. Fayaz Gul and other possible persons.

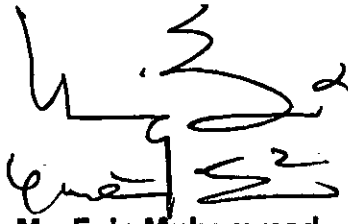


- 3- When the fakeness of the appointment order was disclosed, Mr. Muhammad Hashim demanded back his money, major portion of which had been paid back by Mr. Jan-e-Alam. Still some amount was lying outstanding against the accused persons. However, this department has nothing to do with such payments, the matter being concern of the parties.
- 4- Mr. Jan-e-Alam, Senior Clerk confessed to receive the amount on behalf of Mr. Fayaz Gul and hence proved beyond any reasonable doubt to be guilty of corruption and misconduct under sub-rule (1), clause (g) and (l) of rule 2 of Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 and rule 4A of the Government of Khyber Pakhtunkhwa Government Servants (Conduct) Rules, 1987 and is liable to be awarded major penalty under the rules *ibid*.
- 5- Based on sufficient oral evidence, series of events, manipulation of record and his service track record, the enquiry committee is satisfied of the collusion and to declare Mr. Fayaz Gul, Junior Clerk guilty of corruption and misconduct under sub-rule (1), clause (g) and (l) of rule 2 of Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 and rule 4A of the Government of Khyber Pakhtunkhwa Government Servants (Conduct) Rules, 1987 and is liable to be awarded major penalty under the rules *ibid*.
- 6- Recently, another identical case of fake appointment from 2018 in respect of Mr. Ali Haider, surfaced in the same institute also points to the same two employees with the same charges.
- 7- There are certain employees posted in office of the DG PHSA at Peshawar who are habitually involved in the act of forgery and manipulation of the record.

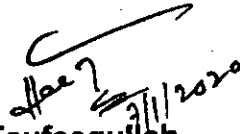
F- RECOMMENDATIONS

- 1- Mr. Muzammil has got a right to be appointed against any appropriate post against retired son quota on his turn as per rules.
- 2- Mr. Jan-e-Alam, Senior Clerk (BPS-14) may be awarded major penalty of removal from service under sub-rule (1), clause (b), sub-clause (iii) of rule 4 of Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011.

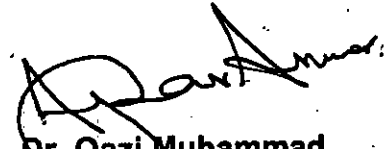
- 3- Mr. Fayaz Gul, Junior Clerk (BPS-11) may be awarded major penalty of removal from service under sub-rule (1), clause (b), sub-clause (iii) of rule 4 of Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011.
- 4- Mr. Muhammad Hashim has already passed away, hence nothing is recommended against him or in his favor.
- 5- Investigation may be conducted to find out the culprits within the office of the DG PHSA Peshawar who are habitually involved in the act of forgery to prevent such untoward future events.
- 6- Investigations may be conducted to find out cases of similar nature of fake appointments in all the institutes of PHSA network.



Mr. Faiz Muhammad
Librarian (BPS-17),
PHSA


27/1/2020

Mr. Taufeequillah
Administrative Officer
(BPS-17), PHSA



Dr. Qazi Muhammad
Afsar Director (BPS-19),
PHSA



Dr. Muhammad Daud
Additional Director
General (BPS-20),
PHSA



PROVINCIAL HEALTH SERVICES ACADEMY
Government of Khyber Pakhtunkhwa
Health Department



17

ENQUIRY OFFICER:


1. In pursuance of Rule 10(1)(a) of the Khyber Pakhtunkhwa Government Servant Efficiency and Discipline Rules-2011 read with Rule-5 of the Rules ibid, the Competent Authority is pleased to appoint the following enquiry committee to conduct enquiry proceedings against Mr. Jan E Alam Senior Clerk (BS-14) PIMT DI Khan:

- i. Dr. Muhammad Daud, Director (HRD), (BS-20) PHSA Peshawar..
- ii. Dr. Qazi Afsar Anwar, Director, (BS-19). PHSA Peshawar.
- iii. Mr. Faiz Muhammad, Librarian, (BS-17). PHSA Peshawar.
- iv. Mr. Tofeeq Ullah, Admin & Finance Officer, (BS-17) PHSA Peshawar.

2. The enquiry shall be conducted in accordance with the provisions of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules-2011 on day to day basis without interruption and the report shall be submitted to the undersigned within 10 days of conclusion of the enquiry proceedings.

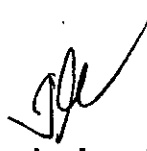
3. Copies of the charge sheet and statement of allegations served upon the accused official are enclosed herewith.

ENCL: As above.


(Dr. Janbaz Afridi)
Director General (Health)
PHSA, Khyber Pakhtunkhwa.

No. 44 /PHSA/Admn/Enquiry /2019-20/ 11819-25 Dated: 14/11/2019

- I. Dr. Muhammad Daud (BS-20), Dr. Qazi Afsar Anwar (BS-19), Mr. Faiz Muhammad (BS-17) and Mr. Tofeeq Ullah (BS-17) enquiry officers.
- II. Dr. Ihsan Waheed Principal PIMT DI Khan with the directives to appoint an officer well conversant with the case to assist the enquiry officer during the enquiry proceedings.
- III. The Principal PHS DI Khan with the directives to appoint an officer well conversant with the case to assist the enquiry officer during the enquiry proceedings.
- IV. Accused, Mr. Jan E Alam Senior Clerk PIMT DI Khan with the directions to appear before the enquiry officer on the date time and place to be fixed by the enquiry officer.


(Dr. Janbaz Afridi)
Director General (Health)
PHSA, Khyber Pakhtunkhwa





PROVINCIAL HEALTH SERVICES ACADEMY
Government of Khyber Pakhtunkhwa,
Health Department



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35/2

ENQUIRY OFFICER:

In exercise of powers conferred under section-6 of Khyber Pakhtunkhwa Government Servant Efficiency & Discipline Rules-2011 read with section-3 of the rules ibid, the competent authority has been pleased to place the following officials under suspension for a period of 90 days or till further orders:

S/NO	Name of official	Place of posting
1	Mr. Jan E Alam Senior Clerk (BS-14)	Paramedical Institute of Medical Technology DI Khan
2	Mr. Fayaz Gul Junior Clerk (BS-11)	Public Health School DI Khan.

(Dr. Janbaz Afridi)
Director General (Health)
PHSA, Khyber Pakhtunkhwa

No. 44 /PHSA/Admnl. Enquiry/2019-20/ 11836 & 39 Dated: 14/11/2019

- I. Principal PIMT DI Khan.
- II. Principal PHS DI Khan.
- III. Mr. Jan E Alam Senior Clerk (BS-14).
- IV. Mr. Fayaz Gul Junior Clerk (BS-11)

(Dr. Janbaz Afridi)
Director General (Health)
PHSA, Khyber Pakhtunkhwa



PROVINCIAL HEALTH SERVICES ACADEMY
Government of Khyber Pakhtunkhwa
Health Department



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No. 44/PHSA/Admn/Enquiry/2019-20/11826

Dated: 14/11/2019

CHARGE SHEET

1. **WHEREAS**, it was reported that a fake office order for appointment in respect of Mr. Muhammad Muzamil S/O Muhammad Hasham was issued, at Public Health School DI Khan;
2. **AND WHEREAS** the Principal Public Health School DI Khan also sent the same office order to this office for verification and guidance, vide No. 108/PHS-DIK dated. 14/09/2019;
3. **AND WHEREAS** a preliminary enquiry was conducted to probe into the matter;
4. **AND WHEREAS** the enquiry committee found you to be involved in this practice. Hence the competent authority is of the opinion that sufficient grounds exist to initiate disciplinary proceedings against you under the Government Servant Efficiency and Discipline Rules 2011.
5. **NOW THEREFORE** I, Dr. Janbaz Afridi, Director General, Provincial Health Services Academy Peshawar being the Competent Authority, hereby charge you Mr. Fayaz Gul, Junior Clerk (BS-11) at Public Health School (PHS) DI Khan, as follows:
 1. Guilty of corruption and
 2. Misconduct.
6. By reasons of the above you appear to be guilty under Rule-3 of the Khyber Pakhtunkhwa Government Servants Efficiency & Discipline Rules 2011 and have rendered yourself liable to all or any of the penalties specified in Rules-4 of the Rules ibid.
7. For the purpose of enquiry against you with reference to the above allegations, an enquiry committee, consisting of the officers, as prescribed in the attached disciplinary action proforma, constituted under Rules-10(1)(a) of the (ibid) Rules.
8. You are therefore required to submit your written defense within 14 days of the receipt of this charge sheet to the enquiry officers appointed for the purpose of your case.
9. Your written defense, if any, should reach the enquiry committee within the specified period, failing which, it will be presumed that you have no defense to put in and in that case ex-parte action will be taken against you.
10. A statement of allegation is enclosed.

(Dr. Janbaz Afridi)
Director General (Health)
PHSA, Peshawar, Khyber Pakhtunkhwa

Mr. Fayaz Gul, Junior Clerk (BS-11), PHS DI Khan,

Resident of District and Tehsil Peshawar Ring Road Dauranpur Peshawar.



PROVINCIAL HEALTH SERVICES ACADEMY
Government of Khyber Pakhtunkhwa
Health Department



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29/11

DISCIPLINARY ACTION.

1. I, Dr. Janbaz Afridi, Director General, Provincial Health Services Academy Peshawar, as Competent Authority, am of the opinion that Mr. Fayaz Gul, Junior Clerk Public Health School (PHS) DI Khan, has rendered himself liable to be proceeded against him as he committed the following act/omissions within the meeting of Rules-3 of the Khyber Pakhtunkhwa.

STATEMENT OF ALLEGATIONS

1. Guilty of corruption and
2. Guilty of Misconduct.

2. For the purpose of enquiry against the said accused with reference to the above allegations, an Enquiry Committee, consisting of the following is constituted under Rule-10(1)(a) of the (ibid) rules:

- i. Dr. Muhammad Daud, Director (HRD) (BS-20), PHSA Peshawar.
- ii. Dr. Qazi Afsar Anwar, Director (BS-19), PHSA Peshawar, .
- iii. Mr. Faiz Muhammad, Librarian (BS-17), PHSA Peshawar.
- iv. Mr. Tofeeq Ullah, Admin & Finance Officer (BS-17), PHSA Peshawar.

3. The Enquiry Committee will in accordance with the provisions of the rules, provide reasonable opportunity of hearing to the accused, record its findings and make, within 30 days of the receipt of this order, recommendation as to punishment or other appropriate action against the accused.

4. The accused and a well versant representative of Public Health School DI Khan will join the proceeding on the date, time and place fixed by the Enquiry Committee.

(Dr. Janbaz Afridi)
Director General (Health)
PHSA, Khyber Pakhtunkhwa

No. 44 /PHSA/Admnl Enquiry /2019-20/ /11 827-29 Dated: 14/11/2019

- i. Accused, Mr. Fayaz Gul, Junior Clerk PHS DI Khan, with the directions to appear before the enquiry officer on the date time and place to be fixed by the enquiry officer.
- ii. The enquiry officers. The enquiry may please be conducted and your findings and grounds thereof be submitted to the undersigned within 30 days.
- iii. The Principal, PHS DI Khan with the directives to assist the enquiry Officers during the enquiry proceedings. Moreover a well conversant representative of the case may please be nominated as well.

(Dr. Janbaz Afridi)
Director General (Health)



PROVINCIAL HEALTH SERVICES ACADEMY
Government of Khyber Pakhtunkhwa
Health Department



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ENQUIRY COMMITTEE:


1. In pursuance of Rule 10(1)(a) of the Khyber Pakhtunkhwa Government Servant (Efficiency and Discipline) Rules-2011 read with Rule-5 of the Rules ibid, the Competent Authority is pleased to appoint the following enquiry committee to conduct enquiry proceedings against Mr. Fayaz Gul Junior Clerk (BS-14) PHS DI Khan:

- i. Dr. Muhammad Daud Director (HRD) (BS-20).
- ii. Dr. Qazi Afsar Director (BS-19).
- iii. Mr. Faiz Muhammad Librarian (BS-17).
- iv. Mr. Tofeeq Ullah Admn & Finance Officer (BS-17).

2. The enquiry will be conducted in accordance with the provisions of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules-2011 on day to day basis without interruption and the report will be submitted to the undersigned within 10 days of conclusion of the enquiry proceedings.

3. Copies of the charge sheet and statement of allegations served upon the accused official are enclosed herewith.


ENCL: As above.


(Dr. Janbaz Afridi)
Director General (Health)
PHSA, Khyber Pakhtunkhwa

No. 44/PHSA/Admn/ Enquiry 2019-20/ 11830-35 Dated: 14/11/2019

- i. Dr. Muhammad Daud (BS-20), Dr. Qazi Afsar (BS-19), Mr. Faiz Muhammad (BS-17) and Mr. Tofeeq Ullah (BS-17) enquiry officers.
- ii. MS. Principal, PHS DI Khan with the directives to appoint an officer well conversant with the case to assist the enquiry officer during the enquiry proceedings.
- iii. Accused, Mr. Fayaz Gul, Junior Clerk PHS DI Khan with the directions to appear before the enquiry officer on the date time and place to be fixed by the enquiry officer.




(Dr. Janbaz Afridi)
Director General (Health)
PHSA, Khyber Pakhtunkhwa



PROVINCIAL HEALTH SERVICES ACADEMY
Government of Khyber Pakhtunkhwa
Health Department



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3/7

SHOW CAUSE NOTICE

I, Dr. Janbaz Afridi, DG PHSA Peshawar as Competent authority under Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules 2011, do hereby serve upon you, Mr. Fayaz gul, Junior Clerk BPS-11, posted at Public Health School, Dera Ismail Khan, as follows:-

- (i) That consequent upon the completion of inquiry conducted by the inquiry committee so constituted under Rule 10 of E&D Rules 2011 against you, for which you were given opportunity of hearing.
- (ii) On going through the findings and recommendations of the inquiry committee, the material on record and other connected papers including your defense before the inquiry committee, I am satisfied that you have committed the following acts/ omissions specified in rule 3 of the rules ibid.:

- a. **Guilty of Corruption; and**
- b. **Guilty of Misconduct.**

2. As a result, thereof, I, as competent authority, have tentatively decided to impose upon you the following penalty under sub-rule (1), clause (b), sub-clause (iii) of Rule-4 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011: -

Removal from Service.

3. You are therefore, required to show cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.
4. If no reply to this notice is received within seven days of its delivery, it will be presumed that you have no defense to put in, and in that case an ex-parte action will be taken against you.

JAW
Director General
PHSA, Peshawar Khyber Pakhtunkhwa

No. 42 /PHSA/Admn/*Inquiry* /2019-20/ 89-94

Dated: 8-07-2020

Copy forwarded to the: -

- 1- Members Inquiry Committee.
- 2- Principal PHS, D.I. Khan
- 3- District Accounts Officer, Dera Ismail Khan
- 4- Mr. Fayyaz Gul, Junior Clerk BPS-11, Public Health School, Dera Ismail Khan
- 5- Personal file.
- 6- Record.

JAW
Director General
PHSA, Peshawar Khyber Pakhtunkhwa



Annexure - B

PROVINCIAL HEALTH SERVICES ACADEMY
Government of Khyber Pakhtunkhwa
Health Department



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No. 42/PHSA/Admn/Inquiry /2019-20/ 651-63 Dated: 29/01/2020

To

1. Mr. Pir Jan e Alam Senior Clerk, PIMT D.I.KHAN.
2. Mr. Fayyaz Gul Junior Clerk, PHS D.I.KHAN.

Subject: PERSONAL HEARING

Memo,

Reference to the show cause notice served upon you on charges of misconduct & corruption and, on submission of your reply to the same, the Undersigned desires to hear you in person on Thursday, 10:00am, 6th February, 2020.

In this connection you are hereby directed to make yourself available before the undersigned on above mentioned date and time **POSITIVELY**.

S/d*****
Director General (Health)
PHSA, Khyber Pakhtunkhwa

No. 42/PHSA/Admn/Inquiry /2019-20/ 651-63 Dated: 29/01/2020
Copy for information;

- 1) Director HRD, PHSA, Peshawar.
- 2) Director Administration, PHSA, Peshawar.
- 3) Director Paramedics, PHSA, Peshawar.
- 4) Principal PIMT, D.I.Khan, with the request to relieve the official for personal hearing.
- 5) Deputy Director (Admin), PHSA, Peshawar.
- 6) Vice Principal, PHS D.I.Khan, with the request to relieve the official for personal hearing.
- 7) Librarian, PHSA, Peshawar.
- 8) Admin-officer -II, PHSA, Peshawar.
- 9) Account officer, PHSA, Peshawar.
- 10) Inquiry Committee Members.
- 11) P.A to Director General, PHSA, Peshawar.
- 12) Official Concerned.
- 13) Personal file.

29/01/2020

Director Management
PHSA, Khyber Pakhtunkhwa

سوال نمبر 1۔ بقول آپ جب PMSA آئے ہوئے تو آپ کو DI Khan سے فون آیا کہ محمد منزل

کا ڈر آرڈر آئی ہے۔ تم فوراً آکر اسکے تنخواہ کے کاغذات وغیرہ تیار کر کے دو۔

جواب۔ DI Khan سے جان عالم نے فون کر کے اطلاع دی تھی۔ میری تفسیحاتی کارڈ محمد ہاشم اور جان عالم کے پاس تھا۔

سوال۔ محمد ہاشم اور جان عالم کو مندرجہ آرڈر تک اور کیسے اور کیاں سے ملے؟
جواب۔ اس بارے میں مجھے کوئی علم نہیں ہے۔

سوال۔ محمد آپ اس ڈیل میں ملوث ہیں تو بیسوں کالین دین (مبلغ تین لاکھ روپے = 300000 روپے)

کو اہوں کی موجودگی اور اسٹام پیپر وغیرہ میں بار بار آپ کا جو نام آ رہا ہے اسکے بارے میں آپ کا کیا خیال ہے؟
جواب۔ جب کام نہیں ہوا اور تفسیحاتی کارڈ کا جعلی ہونا ثابت ہوا تو جان عالم سے ہاشم نے پیسوں کی واپسی کا مطالبہ کیا۔ جب جان عالم کو احساس ہوا کہ وہ اس معاملے میں کافی حد تک ہمیشہ چکے تھے تو اپنے آپ کو بچانے کیلئے اس نے ہاشم سے سزا باز کرتے ہوئے اس کو بیس میں بھی ملوث کرنے کیلئے جوڑا الزام لگایا تاکہ ذمہ

سوال۔ جب کہ DI Khan PMS میں کوئی 550 نہیں تھا تو اپنا 550 الطمیان کیلئے بغیر اپنے منزل کی تنخواہ کی تبدیلی اور Source-I کیوں بنایا اور اس کا اختیار آپ کو کس نے دیا؟

جواب۔ پہلی دفعہ جب جان عالم اور ہاشم میرے پاس منزل کی تفسیحاتی کارڈ لائے تو میرا آرڈر 9 آگست کو ہوا تھا اس وقت 550 کوئی نہیں تھا تو میں نے ان کو آرڈر واپس کر دیا اور کہا کہ جب کسی 550 کی تفسیحاتی ہلی تو اس وقت میرے پاس میرا آرڈر لائیں تاکہ مندرجہ کارروائی ہو سکتی۔

سوال۔ کیا 550 کوئی اور تک تفسیحات ہوا؟
جواب۔ موجودہ پرنسپل کی بی ساجدہ BS-16 کا آرڈر 3 نومبر 2019 کو ہوا اور 4 نومبر کو انہوں نے

چار 2 سنبھالا۔

سوال۔ اسکے بعد کیا ہوا؟

جواب۔ 4 ستمبر کو ہاشم اور جان عالم میرے پاس دوبارہ آرڈر لیا کرتے تھے۔ اسی دن میں نے Source I بنایا، سرورس بک میں Entry کی، Arrival Rep. وغیرہ لکھ کر پرنسپل سے دستخط کروائے۔ پھر مستند

Forwarding letter ہوا جو پرنسپل نے DI Khan، DAO کو بھیجا۔ 6 ستمبر کو یہ کاغذات DAO آگئے۔

میرے ساتھ جان عالم، محمد ریاض تک (موجودہ جوینئر کلرک) اور محمد علی ڈرائیور بھی گئے۔

12 ستمبر کو PMSA Pesh. میں پیشگی میں پرنسپل صاحب کے ساتھ پیشواور آیا جان

DI صاحب سے ملاقات کے دوران یہ واقعہ ہوا کہ یہ آرڈر جعلی ہے۔ DI صاحب نے سٹیٹ کو ہرایو

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کی کہ منزل کی تنخواہ فوری طور پر بند کی جائے تا وقتیکہ اس کی جانچ پڑتال اس سلسلہ میں D.O صاحب نے باقاعدہ ایک Office Order بھی ارسال کیا

عمر 2019-20/18672 OS/PHSA/Admin/PMT/ مورخہ 19-09-2019 اس کی کاپی منسوخ

اسٹینڈنگ کے ساتھ لکھی - اس کے بعد 13 ستمبر کو پرنسپل صاحب نے سیکرٹری DAO کو دستخط کر کے منزل کی تنخواہ بند کر دی - 14 ستمبر کو جان عالم نے غیر مجازانہ طور پر منزل کے کاغذات PHSA آفس سے واپس لے لیے اس کے بارے میں ویدر شیپر یا شیپر ویدر نامی سیکشن ایجنٹ جو کہ انکم صاحب کے جی بی جے کی وجہ سے ڈروٹی کرتا تھا، نے ایک تحریر ہی طور پر لکھ کر بھی دیا ہے -

سوال - تعیناتی آرڈر (منزل کے لیے) پر D.O صاحب کے دستخط موجود ہیں - اس کے بارے میں D.O صاحب نے کیا کہا؟

جواب - D.O نے کہا کہ یہ دستخط اصلی لگتے ہیں لیکن یہ آرڈر سینے نہیں کیا اور اس سلسلہ میں انہوں نے ویدر صاحب اور عسینہ صاحبہ سے بھی معلومات کیں جنہوں نے کہا کہ یہ آرڈر PHSA سے جاری نہیں ہوا اور نہ ہی اس کے پاس اس کا کوئی ریکارڈ ہو - اور Dispatch No. بھی ملے -

سوال - اس صورت میں اندازہ صرف ایک Possibility رہ جاتی ہے کہ D.O صاحب کے دستخط کمپیوٹر پر Scan کر کے آرڈر پر چسپاں ہوئے ہیں - پھر PHSA کا کوئی بندہ بھی اس کے بارے میں ملوث ہے - کیا خیال ہے؟

جواب - بالکل ٹھیک جناب - اکابر بندہ اتنا بڑا کام نہیں کر سکتا -

سوال - ملکہ الہین گنڈا اور کونڈے - ملکہ الہین گنڈا اور کونڈے -

جواب - یہ میٹرم زبیرہ جو کہ SOA D.A کی سابقہ پرنسپل تھیں ان کا خاوند ہے اور جان عالم کا درہندہ دوست ہے - جان عالم ہر کام میں اس سے ملکہ مشورے کرتا ہے - یہ شخص کسی اضرار وغیرہ کا ایجنٹ نہیں ہے -

سوال - میٹرم زبیرہ ریٹائر ہو چکی ہیں - ان کے خلاف کوئی ڈیپارٹمنٹل اور کورٹ کیس بھی چل رہا ہے - جس کی موجودگی میں ان کے پنشن کے واجبات ادا نہیں ہو سکتے جب کہ Leave Encashment کے علاوہ تمام واجبات وصول کر چکی ہیں Leave Encashment کی واکز اری کے سلسلہ میں ملکہ الہین گنڈا اور کونڈے درمیان مبلغ 25000/- روپے کوئی ڈیل ہوئی تھی اس کا کیا بنا -

جواب - میر محمد پر جھوٹا الزام ہے نہ سینے کوئی ڈیل کی ہے اور نہ سینے ملکہ الہین سے بلا واسطہ یا با واسطہ کوئی پیسہ وصول کیا ہے - اس بارے میں کوئی علم نہیں ہے -

فکریہ
Handwritten signature

سوال - ریاض جوینٹر کلرک SON, D Khan کوئی ہے۔

جواب - 99% یہ سالگرہ Cook تھا اور PHS D Khan میں تعینات تھا یہ Cook

Promote ہو کر 29-08-2019 کو جوینٹر کلرک بن گیا۔

سوال - ریاض کے ساتھ آپ کی ڈیل مبلغ = 25000/- روپے میں ہوئی جس کے عوض آپ نے اسکو یقین دہانی

کمر اسکی پر موشن کے بعد فیصلاتی D Khan میں ہی ہو چکی تھی۔ بعد میں یہ ڈیل = 20000/- روپے

پر گئی جس میں سے 7000/- سال ہزار روپے آمدت آپ کو ادا کر دیئے اور باقی سے انکاری ہو گیا۔ اس میں

جواب - ریاض سے نہ تو سہی کوئی ڈیل ہوئی نہ سیدے اس سے کوئی رقم وصول کی۔

سوال - PHS D Khan میں تعیناتی کے عمل میں کم از کم تین دفعاتر شامل ہوتے ہیں جو کہ یہ ہیں

- I PHS A اپنا اور
- II PHS D Khan
- III - DAO Office D Khan

منطق یہ کہتی ہے کہ اگر کوئی تعیناتی غیر قانونی اور غیر مجاز نام لکھی ہوگی تو ان تینوں دفعاتر میں سے کم از کم ایک بندہ (یا اس سے زیادہ) ضرور ملوث ہوں گے۔ آپ کا کیا خیال ہے۔

جواب - جی بالکل ملوث ہوں گے۔ اس کے بغیر ممکن نہیں ہے۔

سوال - آپ بنا سکتے ہیں کہ ان تین دفعاتر کے کم از کم تین بندے (اور کوئی ممکن بیرونی بندہ اس کے علاوہ)

کون کون ہو سکتے ہیں۔ جواب - امن بارے میں مجھے کوئی علم نہیں ہے۔ البتہ بیرون بندے ہاشم اور جان عالم ہیں جو باقی بندوں کا نام

بنا سکتے ہیں جن کے ساتھ انھوں نے سناز بازار اور بیسوں کالیں دین کیں جن جن بندوں سے ان کا رابطہ بطور

ٹیلی فوننگ کال ہوا وہ ہاشم کے موبائل میں ریکارڈڈ اور Saved ہے۔ یہ ٹیلی فون ہاشم کے منہ سے آیا

اس کے بیٹے منزل کے پاس ہے۔ وہ پہلی انکوائری (4 ستمبر 2019) کے دوران انکوٹری آگسٹی کو

سنا بھی چکا ہے۔ اس کے علاوہ جب جان عالم نے پیسے واپس کیئے تو اسکی مووی بھی بنی جو کہ عثمان

شاہین، جو کہ اضباری ماٹرن اور ہاشم کا رشتہ دار ہے، کے پاس موجود ہے۔

سوال - ہاشم کے نام پر 08 ستمبر کو (2019) ایک Blank Stamp Paper جاری ہوا جو کہ جان عالم

نے اس سے اسکی پینشن کے بیان وصول کیا۔ یہ کیا چکر ہے؟

جواب - مذکورہ اسٹام پیپر ہاشم سے جان عالم نے وصول کیا۔ بعد میں ہاشم کو احساس ہوا کہ یہ خالی

اسٹام پیپر کسی بھی طور سے غلط طور پر کسی کے خلاف استعمال ہو سکتا ہے تو احتیاطی طور پر ہاشم نے

ایک نیا اسٹام پیپر جس پر 30 ستمبر 2019 کو بنوایا جس میں اس نے حنفیہ بیان کیا کہ جان عالم نے اس



(اس کے مقصد پر جاری ہے) Name

سے جو خالی اسٹام پیپر حاصل کیا اس پر وہ جو بھی تحریر کروائے اسے جعلی تصور کیا جائے گا۔
کہ ہاشم اس اسٹام پیپر نمبر (D675217) پر کسی قسم کی تحریر کو کسی بھی طور پر
کرنے کی ذمہ داری نہیں لیتا۔ جیسی اسٹام پیپر جان عالم نے بعد میں سرے فلاح استعمال کیا

سوال - منزل کی تعیناتی کے وقت مزید بھی کوئی لوگ بھرتی ہوئے تھے؟ اور کیا بھرتی کئے گئے درکار کا
تقاضے ہوئے کر کے بھرتی کیے گئے اور سرحدی قوانین کو مد نظر رکھا گیا؟

جواب - سرے علم مطابق اٹنی دلوں میں PHS A سے کافی زیادہ تعداد میں دیگر بھرتیاں
کئی طبقہ جس کا فائدہ اٹھاتے ہوئے منزل کی جعلی تعیناتی بھی ہوئی۔ بھرتی ہونے والوں میں

SON Dikhan میں دو بندے ، Deceased Son Quota پر SON Dikhan
میں ایک بندہ ، PHS Dikhan میں محمد رضا اور عرفان اللہ ، PAB, PAPI میں بھرتی
کئے گئے۔ دیگر بھی ہو سکتے ہیں جو کہ مجھے معلوم نہیں۔ قانونی تقاضے لوہے کیے گئے یا نہیں اس کا

مذاکرہ میں مجھے کوئی علم نہیں ہے۔ اس کے علاوہ علی حیدر Bearer ہی PHS Dikhan
میں 9 اکتوبر 2018 کو بھرتی ہوا۔ یہ تعیناتی بھی جعلی تصور کی جا رہی ہے جس پر انکوائری ہو
ہے۔ یہ تعیناتی سری PHS Dikhan تعیناتی سے قبل ہوئی تھی۔

سوال - منزل کی تعیناتی کا آرڈر بھول چکے جان عالم اور ہاشم نے بیچایا لیکن ہاشم اس بات سے
انکاری ہے اور پرنسپل صاحبہ بھی اس کا انکار کی تصدیق کی ہے۔

جواب - وہ دونوں خود سرے پاس آرڈر کر آئے تھے۔ اس وقت میڈم نے جانے نہیں لیا تھا۔
سوال - وہ آرڈر ہاشم اور جان عالم کو کس نے دیا۔
جواب - وہ خود بنا سکتے ہیں۔ مجھے علم نہیں۔

سوال - نور اسلام اور خان بیادر Dikhan کیوں گئے۔
جواب - ہاشم اور جان عالم کے درمیان میسوں کی والیسی کا تنازعہ حل کرنے کے لیے بطور ثالث گئے تھے۔

Self stated کہ کسی بھی اسٹام پیپر یا مائیک یا ڈیویس میں نہ تو شامل ہوں نہ کہیں جگہ سرحدی
ہیں۔ انھوں نے خود اسٹام پیپر اپنے خودی تحریر کیا 30-09-19 کو ہاشم نے دوسرا اسٹام پیپر لیا جسے
پیر تحریر میں وہ واضح طور پر بتا رہے ہیں کہ ہاشم سے پیسے جان عالم نے لیے اور جعلی آرڈر بھی جان عالم نے ہاشم کو

یہ تحریر میں آ رہی ہے
دستخط لیا ہے۔

اگر کوئی مزید معلومات کی ضرورت ہوئی تو آپ کو
دوبارہ بلا لیا جائے گا

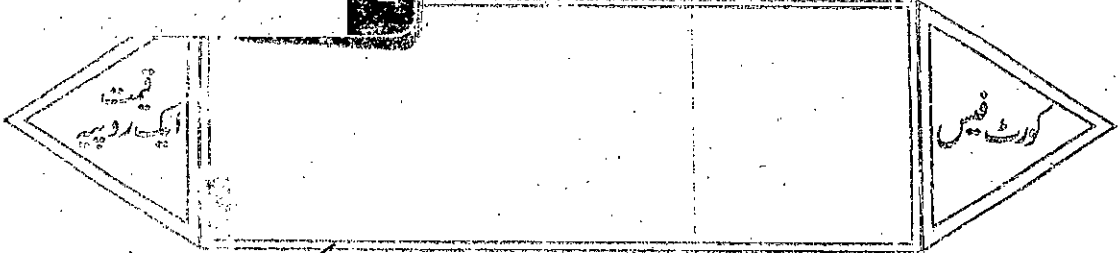


فنانس
28/11/19
جو تیز فیکر
PHS کی آئی جی خان
3-7420678-17301



ADVOCATE HIGH COURT

وکالت نامہ



بعدالت جناب سروسی ٹریڈینگز ریسٹورنٹ کورہ ڈیرہ ہائیڈرا

جناب شیشہ
فیاض گل
پیام KPK وٹزرہ

دعویٰ یا حق
تفصیل دعویٰ یا جرم

باعث تخریر آنگہ

مقدمہ مندرجہ بالا شخصوں میں اپنی طرف واسطے بیرونی وجوہات پر اسے پیشی یا تصفیہ مقدمہ سے تمام ذریعہ تخریر
میں بدایت اس لئے تخریر اور جو کچھ

کو حسب ذیل شرائط پر عمل ضروری کیا ہے کہ میں ہر پیشی پر خود بذریعہ مختیار و مابین میں اس حالت حاضر ہو تا رہوں گا۔ اور ہر وقت پکارے جانے مقدمہ وکیل صاحب
موصوف کو اطلاع دیکر حاضر ہواں اور مقدمہ میں غیر حاضری کی وجہ سے کسی طور پر میرے برخلاف ہو گا۔ اور صاحب موصوف
اسکے کسی طرح ذمہ دار نہ ہوں گے، نیز وکیل صاحب موصوف صدر مقام کچہری کے علاوہ کہ جو کہ یا کچہری کے اوقات سے پہلے یا پچھے یا پھر اس وقت ہر وہی کرنے کے
ذمہ دار نہ ہوں گے۔ نیز وکیل صاحب موصوف صدر مقام کچہری کے علاوہ کسی اور کچہری کے اوقات سے پہلے یا پچھے یا پھر اس وقت ہر وہی کرنے کے ذمہ دار نہ
ہوں گے اور مقدمہ صدر کچہری کے علاوہ اور کسی اور کچہری کے اوقات سے پہلے یا پچھے یا پھر اس وقت ہر وہی کرنے کے ذمہ دار نہ ہوں گے۔ نیز وکیل صاحب موصوف صدر
دار یا اس لئے واسطے کسی معاوضہ کے ادا کرنے یا جتنی دیکر کرنے کے بھی ذمہ دار نہ ہوں گے۔ مجھ کو کل ساخت پر و افکارہ صاحب موصوف عمل کردہ
ذات خود منظور قبول ہوگا۔ اور صاحب موصوف کو دعویٰ یا جرم یا درخواست اجراء کے ذمہ دار نہ ہوں گے اور میری ذمہ داری اور تمام ذمہ داری اور تمام ذمہ داری
میں اختیار ہونے اور کسی قسم کی ذمہ داری نہ ہوں گے اور میری ذمہ داری اور تمام ذمہ داری اور تمام ذمہ داری اور تمام ذمہ داری اور تمام ذمہ داری اور تمام ذمہ داری
حائب کرنے، یا بال دعویٰ کا کسی اختیار ہوگا اور اس وقت میں نے تاریخ پیشی مقدمہ مذکورہ میں وکیل یا کچہری صدر ذمہ داری اور تمام ذمہ داری اور تمام ذمہ داری اور تمام ذمہ داری
مقدمہ یا مندرجہ ذمہ داری یا درخواست حکم دائمی یا تخریر یا کفر قاری میں از قبول اجراء کے ذمہ داری یا کچہری صاحب موصوف کو بشرط ادا ہو گا۔ مقدمہ مذکورہ میں وکیل یا کچہری
اور تمام ساخت پر اختیار صاحب موصوف عمل کردہ ذات خود منظور قبول ہوگا۔ اور میری ذمہ داری اور تمام ذمہ داری اور تمام ذمہ داری اور تمام ذمہ داری اور تمام ذمہ داری
کی کاروائی یا اس وقت ذمہ داری نظر ثانی نہیں یا اپنی یا دیگر معاملہ مقدمہ مذکورہ کسی اور ذمہ دار وکیل یا کچہری صاحب موصوف کو بشرط ادا ہو گا۔ اور ایسے شریک قانون کو
میں ہر امر میں ذمہ داری اور میری ذمہ داری یا کچہری صاحب موصوف کو بشرط ادا ہو گا۔ اور میری ذمہ داری اور تمام ذمہ داری اور تمام ذمہ داری اور تمام ذمہ داری اور تمام ذمہ داری
موصوف کا حق ہوگا۔ مگر صاحب موصوف کو میری ذمہ داری میں تاریخ پیشی سے پہلے ادا نہ کریں گا۔ اور صاحب موصوف کو میری ذمہ داری میں تاریخ پیشی سے پہلے ادا نہ کریں اور میری
صورت میں ہر ذمہ داری مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔

15 فروری 2023

Accepted
main

فیاض گل



PROVINCIAL HEALTH SERVICES ACADEMY
Government of Khyber Pakhtunkhwa
Health Department



SHOW CAUSE NOTICE

I, Dr. Janbaz Afridi, DG PHSA Peshawar as Competent authority under Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules 2011, do hereby serve upon you, Mr. Jan-e Alam, Senior Clerk BPS-14, posted at Paramedical Institute of Medical Technology, Dera Ismail Khan, as follows: -

(i) That consequent upon the completion of inquiry conducted by the inquiry committee so constituted under Rule 10 of E&D Rules 2011 against you, for which you were given opportunity of hearing.

(ii) On going through the findings and recommendations of the inquiry committee, the material on record and other connected papers including your defense before the inquiry committee, I am satisfied that you have committed the following acts/ omissions specified in rule 3 of the rules ibid.:

- a. Guilty of Corruption; and
- b. Guilty of Misconduct.

2. As a result, thereof, I, as competent authority, have tentatively decided to impose upon you the following penalty under sub-rule (1), clause (b), sub-clause (iii) of Rule-4 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011: -

Removal from Service.

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

4. If no reply to this notice is received within seven days of its delivery, it will be presumed that you have no defense to put in, and in that case an ex-parte action will be taken against you.

Director General
PHSA, Peshawar Khyber Pakhtunkhwa

No. ⁴² /PHSA/Admn/Inquiry/2019-20/ 33-88

Dated: 08-01-2020

Copy forwarded to the: -

- 1- Members Inquiry Committee.
- 2- Principal PIMT, D.I. Khan.
- 3- District Accounts Officer, Dera Ismail Khan.
- 4- Mr. Jan-e Alam, Senior Clerk BPS.14, Paramedical Institute of Medical Technology, Dera Ismail Khan.
- 5- Personal file.
- 6- Record.

Director General
PHSA, Peshawar Khyber Pakhtunkhwa



PROVINCIAL HEALTH SERVICES ACADEMY
Government of Khyber Pakhtunkhwa
Health Department



3/C

SHOW CAUSE NOTICE

I, Dr. Janbaz Afridi, DG PHSA Peshawar as Competent authority under Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules 2011, do hereby serve upon you, Mr. Fayaz gul, Junior Clerk BPS-11, posted at Public Health School, Dera Ismail Khan, as follows:-

- (i) That consequent upon the completion of inquiry conducted by the inquiry committee so constituted under Rule 10 of E&D Rules 2011 against you, for which you were given opportunity of hearing.
- (ii) On going through the findings and recommendations of the inquiry committee, the material on record and other connected papers including your defense before the inquiry committee, I am satisfied that you have committed the following acts/ omissions specified in rule 3 of the rules ibid.:

- a. Guilty of Corruption; and
- b. Guilty of Misconduct.

2. As a result, thereof, I, as competent authority, have tentatively decided to impose upon you the following penalty under sub-rule (1), clause (b), sub-clause (iii) of Rule-4 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011: -

Removal from Service.

3. You are therefore, required to show cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.
4. If no reply to this notice is received within seven days of its delivery, it will be presumed that you have no defense to put in, and in that case an ex-parte action will be taken against you.

JAW
Director General
PHSA, Peshawar Khyber Pakhtunkhwa

No. 42 /PHSA/Admn/*Inquiry* /2019-20/ 89-94

Dated: 8-7-2020

Copy forwarded to the: -

- 1- Members Inquiry Committee.
- 2- Principal PHS, D.I. Khan
- 3- District Accounts Officer, Dera Ismail Khan
- 4- Mr. Fayyaz Gul, Junior Clerk BPS-11, Public Health School, Dera Ismail Khan
- 5- Personal file.
- 6- Record.

JAW
Director General
PHSA, Peshawar Khyber Pakhtunkhwa

INQUIRY REPORT

S/L

IN FAKE APPOINTMENT ORDER OF MR. MUHAMMAD MUZAMMIL S/O MR MUHAMAMD HASHIM EX-CHOWKIDAR AT PUBLIC HEALTH SCHOOL D.I.KHAN

A- BACKGROUND

An appointment was made against the post of Chowkidar BS-03, at Public Health School (PHS) D.I. Khan, vide a fake appointment order No.F-05/Admn/App-IV/8068-73 dated: 09/08/2019 which was allegedly issued by the PHSA Peshawar. It was having a dispatch number and date which was not coincident with the official dispatch register of the PHSA. It was allegedly signed by the DG, PHSA, who himself was not aware about it. The game was played between Mr. Muhammad Hashim ex-Chowkidar of PHS D.I.Khan, who was interested in the appointment of his son Mr. Muhammad Muzammil against retired son quota; Mr. Fayaz Gul Junior clerk of the PHS; Mr. Jan-e-Alam Senior clerk of Paramedical Institute of Medical Technologies (PIMT) D.I.Khan; some official/s of District Accounts Office (DAO) D.I.Khan and possibly one or more persons from PHSA Peshawar. A deal was done between Mr. Muhammad Hashim on one hand and Mr. Fayaz Gul on the other for a sum of PKR 300000/-. Mr. Jan-e-Alam played the role of middle man. The name(s) of the persons from PHSA Peshawar and that/those from DAO D.I.Khan are not exposed.

The fake appointment order was prepared and delivered at PHS D.I.Khan. Mr. Muzammil submitted his arrival and started working. Newly appointed DDO of PHS, Ms. Bibi Sajida forwarded the said appointment order to PHSA for verification. While the same was submitted to the DG PHSA, he got suspicious. On verification it was found that the appointment order was having fake dispatch number and the signatures of the DG PHSA were appended after scanning from other documents.

The DG PHSA constituted an inquiry committee for preliminary investigations of the case. The inquiry committee declared that the order was fake. Mr. Fayaz Gul and Mr. Jan-e-Alam were found involved in the case. The committee recommended initiation of proper disciplinary proceedings against both of them.



7/c

Relying upon the recommendations of the committee, the DG PHSA suspended both the officials, issued charge sheets and constituted a fact-finding inquiry to proceed further.

B- INQUIRY COMMITTEE AND ITS AUTHORIZATION

The inquiry committee comprised of the following:

Dr. Muhammad Daud, Additional Director General (BS-20)	Chairman
Dr. Qazi Muhammad Afsar, Director (BS-19)	Member
Mr. Taufiqullah, Administrative and Finance Officer (BS-17)	Member
Mr. Faiz Muhammad, Librarian and Litigation Officer (BS-17)	Member

Ms. Bibi Sajida, Principal was deputed as well conversant person during the proceedings.

The committee was entrusted vide orders No. 42/PHSA/Admn/Enquiry/2019-20/11815-18 Dated 14/11/2019 and No. 44/PHSA/Admn/Enquiry/2019-20/11827-29 Dated 14/11/2019 of the office of the DG PHSA.

C- PROCEEDINGS

Questionnaires were prepared for the following persons, for recording their statements and cross examinations:

- 1- Mr. Jan-e-Alam, Senior Clerk PIMT D.I.Khan, the accused.
- 2- Mr. Fayaz Gul, Junior Clerk PHS, D.I.Khan, the accused.
- 3- Mr. Muhammad Hashim, Ex-Chowkidar and father of Mr. Muhammad Muzammil.
- 4- Mr. Muhammad Muzammil, Alleged Chowkidar appointed vide fake appointment order.
- 5- Ms. Bibi Sajida, Principal of PHS D.I.Khan.
- 6- Mr. Muhammad Usman, nephew / representative of Mr. Muhammad Hashim.

Mr. Muzammil did not appear before the inquiry committee when summoned at the PHSA but he appeared during the visit of the inquiry committee to

9/C
D.I.Khan. His father, Mr. Muhammad Hashim passed away before the proceedings. One Mr. Muhammad Usman, nephew of Mr. Muhammad Hashim presented himself along with Mr. Muzammil as representative of Muhammad Hashim. His statement was also recorded.

D- FINDINGS

(a) EXAMINATION OF RECORD

The following record was examined:

- 1- Appointment order of Mr. Muzammil.
- 2- Forwarding letter of the Principal PHS D.I.Khan to DG PHSA in which she requested verification of the appointment order.
- 3- Forwarding letter of the Principal PHS D.I.Khan along with arrival report of Muzammil, his service book and source-I, to DAO D.I.Khan for activation of his salary.
- 4- Letter of the DAO office about return of the documents stated above to Mr. Jan-e-Alam.
- 5- Dispatch register of the PHSA Peshawar.
- 6- Written statement of Jan-e-Alam, along with annexures.
- 7- Written statement of Fayaz Gul along with annexures.
- 8- Written statement of Bibi Sajida along with annexures.
- 9- Written statement of Muhammad Usman, representative of Mr. Muhammad Hashim along with annexures.


(b) EXAMINATION OF THE ACCUSED AND OTHER RELAVANT PERSONS

1. GLIMPSES OF THE STATEMENT OF MR. JAN-E-ALAM

- a. Mr. Jan-e-Alam stated that he played the role of middle man in the deed between Mr. Muhammad Hashim and Mr. Fayaz Gul regarding appointment of Mr. Muhammad Muzammil for a sum of rupees 300000/- against the post of Chowkidar which was vacated by his father on his retirement on superannuation. For his role in the deed, he received nothing as his share or commission.

[Handwritten signature]

- M/C
- b. He knew that it was an unfair game. He confessed that he was at fault.
 - c. He told that Mr. Fayaz Gul promised with Mr. Muhammad Hashim that he would bring appointment order of Muzammil from PHSA on the strength of which, Muzammil would be posted as Chowkidar. However, he would receive Rs. 300000/- There was no written record of the deed. He told that Fayaz Gul brought a fake appointment order from PHSA Peshawar on the strength of which Muzammil submitted his arrival report and started performing his duties. At that time there was no DDO of PHS. Later when Ms. Bibi Sajida was given the charge of DDO, Mr. Fayaz Gul prepared source-1 for starting his salary and submitted it to the office of the district accounts officer D.I.Khan.
 - d. The DDO sent a letter to the office of the DG, PHSA for information and verification of the alleged appointment letter. In the office of the DG PHSA, the letter was proved to be fake and the DDO was advised to immediately stop the salary of Mr. Muzammil.
 - e. When Mr. Hashim came to know that the unfair efforts did not remain fruitful, he demanded back the money paid to Mr. Fayaz Gul who straight away denied. As Mr. Jan-e-Alam was the guarantor, he paid Rs.210000/- to Mr. Muhammad Hashim from his own pocket. Later when Mr. Hashim died, he gave a further sum of Rs. 10000/- to family members of Hashim. So, he paid back a total of Rs.220000/- and the remaining sum of Rs. 80000/- were yet to be paid in the form of installments.
 - f. He denied that he himself brought the appointment order from PHSA Peshawar and delivered it to the DDO of PHS D.I.Khan.
 - g. He never carried the salary papers of Muzammil from PHS to DAO D.I.Khan, nor he received these back nor was he involved in misplacement of these papers.
 - h. The DAO office submitted in writing that Mr. Jan-e-Alam carried away the salary papers of Mr. Muzammil which were submitted by Mr. Fayaz Gul for approval and release of his salary.

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- 13/c
- i. Mr. Jan-e-Alam disclosed that Mr. Fayaz Gul remained involved in demanding/receiving Rs. 25000/- from Dr. Amjad Ghias for facilitating his posting as DHO D.I.Khan; Rs. 25000/- from Mr. Salahuddin Gandapur, husband of Ms. Zubaida ex- Principal School of Nursing D.I.Khan for clearance of her withheld leave encashment at the time of her retirement and Rs. 10000/- from Mr. Riaz cook for his posting within D.I.Khan at the time of his promotion as junior clerk.

2. SERVICE TRACK RECORD OF MR JAN-E-ALAM, SENIOR CLERK

- a. On 01/10/1987, he was appointed as Naib Qasid in the office of the commissioner Peshawar vide order No.9244/F dated 01/10/1987 of the office of the commissioner Peshawar. He worked as Naib Qasid, Mali and Chowkidar during his stay at that office.
- b. His services were handed over to the PHSA Peshawar vide order No. 4395-03/DCO (P) EA dated 15/11/2001. Up to 31/01/2011 he served as class-IV at Postgraduate College of Nursing (PGCN) Peshawar, School of Nursing (SON) HMC Peshawar and SON Kohat.
- c. He was promoted to the post of Junior Clerk (BPS-07) by order No. 113-18/PHSA/F-03 dated 31/01/2011 of the office of the Director PHSA. He was transferred to PHS D I Khan vide order No 05/PHSA/2010-11/P&T/2396-2404 dated 02/06/2011.
- d. He was further promoted to the post of Senior Clerk (BPS- 09) on acting charge --basis vide order No. F-28/PHSA/Admn/Promotion/2012-13/2971-95 dated 09/05/2013 of the office of the Director PHSA. Later he was promoted to the post of senior clerk on regular basis vide order No. 28/PHSA /Admn/Promotion Class III/2015-16 dated 14/07/2016 of the office of Director PHSA Peshawar and was posted at SON D.I.Khan.
- e. He was transferred to PIMT D.I.Khan vide order No.F-03/PHSA/Admn/P&T-Class-III/2016-17/5124-29 dated 30/10/2016 where he is serving till date.

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15/c

f. His reputation amongst his colleagues and within the department was not good. During the inquiry proceedings at PHS D.I.Khan it was felt that most of the class IV employees of PHSA network working in D.I.Khan were afraid of him and nobody was ready to disclose anything adverse against him. Even his present boss Dr. Ehsan Waheed, Principal PIMT D.I.Khan was not satisfied with his performance as he (Jan- Alam) was not reliable and trustworthy. Surprisingly in the presence of a senior clerk (Jan-e-Alam) most of the responsibilities of the office had been assigned to one class IV, Mr. Mulazam Hussain.

3. GLIMPSES OF THE STATEMENT OF MR. FAYAZ GUL, JUNIOR CLERK

- a. He told that consequent upon his promotion as Junior Clerk, he was posted at PHS D.I. Khan. By any means he was not involved in this case nor did he receive any money in this regard. He never signed any written deed, contract, judicial stamp paper or otherwise.
- b. He did not know that the ibid appointment order was fake.
- c. All the judicial stamp papers submitted by Jan-e-Alam were unauthentic and not effective against him, at any forum.
- d. All the allegations, whatsoever, leveled against him by Jan-e-Alam were up to the effect of accusations and he (Jan-e-Alam) had no authentic prove in favor of his claims.
- e. He never received any money regarding appointment of Muzammil nor became part of any deal whatsoever.
- f. The fake appointment order in respect of Mr. Muzammil was brought to PHS by Mr. Jan-e-Alam and Mr. Muhammad Hashim and was handed over to him (Mr. Fayaz Gul) for further processing.
- g. He prepared the salary papers (arrival report, source-I and entry in service book etc.) of Muzammil, got these signed by the DDO and submitted the same in DAO office D.I. Khan on 06/09/2019 for approval and release of his salary.
- h. Mr. Jan-e-Alam threatened him of murder vide a telephonic call from the land line phone of PIMT D.I.Khan about which he had informed the Principal under intimation to the DG PHSA Peshawar.

- 12/c
- i. He did not know how Mr. Jan-e-Alam and Mr. Muhammad Hashim succeeded in getting the appointment order in favor of Mr. Muzammil nor did he know who prepared the fake order.
 - j. He admitted that he received arrival report of Mr. Muzammil, prepared his service book, and source-I of his salary and submitted these in the office of the DAO D.I.Khan on 6th of September 2019 for release of the salary.
 - k. These papers were unauthorizedly received back from DAO office D.I.Khan on 14th September 2019 by Mr. Jan-e-Alam who later on deliberately misplaced these.
 - l. He agreed that at least one person each from PHSA, PHS D.I.Khan and DAO office D.I.Khan was definitely involved in this game of fake appointment. It was impossible to commit such a big act of forgery without such collusion. However, he did not disclose any name. Self-stated that Mr. Jan-e-Alam and Mr. Muhammad Hashim were well aware of such persons because during this game Mr. Muhammad Hashim telephonically contacted multiple people. Such conversations were recorded and saved in mobile phone of Mr. Muhammad Hashim which, after his death, was in the custody of his son Mr. Muzammil. Muzammil played such recorded conversations before the preliminary inquiry committee as well.
 - m. He denied that he was ever involved in any deal with Mr. Salahuddin Gandapur, Dr. Amjad Ghias or Mr. Riaz and never received any money from them whatsoever.

4. SERVICE TRACK RECORD OF MR FAYAZ GUL

- a. He was appointed as Muslim Sweeper on fixed pay for six months duration at PHSA Peshawar vide order No. 3635-38/M-6/Estt; PHSA dated 28/05/2004 of the Director PHSA Peshawar. When and how his services were regularized was not known.
- b. He was promoted to the post of Computer Lab. Assistant (BPS-07) vide order No.2244-o47/PHSA/F-3 dated 14/05/2011 of the Director PHSA and was posted at PHSA Peshawar. Having appointed against that post, he had been performing duties of dairy & dispatch clerk.

- 19/c
- c. He was further promoted to the post of junior clerk (BPS-11) vide order No.28/Admn/PHSA/Promotion/Class-III/2018/9262-67 dated 27/09/2019 of the DG PHSA Peshawar and was posted at PHS D.I.Khan. His promotion was off the basis of 33% quota seats from class IV employees, whereas he was not a class IV meaning there by he was not having any right of promotion under 33% quota of class IV. The PHSA seeked the opinion of law Department through secretary health regarding promotion of Mr. Fayaz Gul vide letter No.28/Admn/Promotion File/2194-95 dated 14/05/2019. In this matter the record of the PHSA stands silent and needs investigation.
 - d. He remained a party of court cases multiple times for gaining right or wrong benefits of his promotion and otherwise. All such cases need thorough investigation.
 - e. He served at PHSA Peshawar for quite a long duration, had deep roots in the PHSA and was well aware of the persons and systems of PHSA.
 - f. He seemed to be quite a clever person and had left no documentary proves of his alleged unfair activities.

5. STATEMENT OF MR USMAN SHAHEEN (RELATIVE OF LATE MR MUHAMMAD HASHIM)

- a. He stated that Mr. Muhammad Hashim himself told him many things regarding appointment of Mr. Muzammil and many a times he accompanied Muhammad Hashim during different events.
- b. Mr. Muhammad wished that his son, Mr. Muzammil might be appointed against son quota. For that purpose, he paid Rs. 300000/- to Mr. Jan-e-Alam who gave this money to Mr. Fayaz Gul for distribution amongst the persons involved in the process.
- c. On the day when Mr. Muhammad Hashim came to know that the appointment order was fake, he contacted Jan-e-Alam who called him to a shop near Bloch Hotel. Usman Shaheen accompanied Mr. Muhammad Hashim. Ali driver of PHS was also present there with Jan-e-Alam. There Mr. Jan-e-Alam paid Rs.130000/- to Mr. Muhammad Hashim and promised to pay the remaining money in installments.

- 21/2
- d. Mr. Muhammad Hashim further told him that he (Mr. Muhammad Hashim) withdrew Rs. 300000/- from his account in National Bank vide cheque No.5955191 on 02/07/2019 for payment to Jan-e-Alam. He attached photocopy of bank statement showing debit of the same money from the said account on the said date.)
 - e. After a few days, Mr. Jan-e-Alam called him to PIMT D.I.Khan and handed him over the appointment order in favor of Mr. Muzammil.
 - f. He told that Mr. Muzammil has lodged a civil suit in the lower court at D.I.Khan for his right and has also submitted an application in anti-corruption establishment office at D.I.Khan against this fraudulent case.

6. STATEMENT OF Ms. BIBI SAJIDA, PRINCIPAL PHS D.I.KHAN

- a. She stated that she was appointed as DDO of PHS D.I.Khan on 03/09/2019 vide order No. 79/PHSA/Acctt/P&T/2018-19/10478 dated 03/09/2019 of the DG PHSA. She took charge of the seat on 04/09/2019.
- b. On 06/09/2019, Mr. Fayaz Gul brought papers of Mr. Muzammil to her office for forwarding these to the DAO office and requested her to expedite this task so that the salary of the poor might start earlier.
- c. On 12/09/2019, she was called for a meeting at PHSA. There she came to know that appointment order of Mr. Muzammil was fake. The DG PHSA directed her not to start his salary and to withdraw the papers from DAO office if she had already done so. She telephonically contacted Mr. Ataulah, the-DAO D.I.Khan and requested him to stop the salary of Mr. Muzammil. In response the DAO demanded written request for this purpose. On 13/09/2019/ she reached D.I.Khan and sent written request to the DAO.
- d. The same day she sent the allegedly fake order of Mr. Muzammil to PHSA for verification.
- e. She demanded back source-I and service book of Mr. Muzammil from the DAO. Mr. Naeem, diary and dispatch clerk of DAO office D.I.Khan told her that Mr. Jan-e-Alam had already carried those papers. Later,



23/c

on 18/09/2019, the DAO office D.I.Khan gave a written statement as well to that effect.

- f. She had already presented herself before the inquiry committee for preliminary investigations along with Fayaz Gul, Jan-e-Alam and Muhammad Hashim on 24/09/2019 at PHSA, Peshawar.

7- SUPPORTIVE FINDINGS

- a. During the pendency of the present inquiry, another fake appointment case in respect of Mr. Ali Haider appointed as Bearer at the same Public Health School D.I. Khan since 15.10.2018, also surfaced for which a preliminary inquiry was ordered vide Director General, Provincial Health Services Academy Peshawar letter no. 42/PHSA/Admn/inquiry/2019-20/11808-13 dated 14.11.2019. It is pertinent to mention here that both Mr. Jan-e-Alam Senior Clerk and Mr. Fayaz Gul Junior Clerk were accused by Mr. Ali Haider for the same charges as per findings of the preliminary inquiry proceedings till date.
- b. The above identical case shows that both the employees i.e. Jan-e-Alam and Mr. Fayaz Gul, have been part of collusion and their conduct remained unbecoming of a gentleman.

E- CONCLUSIONS

- 1- The appointment letter of Mr. Muzammil as Chowkidar PHS D.I. Khan proved to be fake beyond any reasonable doubt, and was a result of collusion amongst Mr. Muhammad Hashim ex- Chowkidar of PHS D.I.Khan, Mr. Jan-e-Alam Senior Clerk PIMT D.I.Khan, Mr. Fayaz Gul Junior Clerk PHS D.I.Khan, possibly one or more persons from DG office PHSA Peshawar, possibly one or more persons from D.A.O office D.I.Khan and possibly anyone else.
- 2- Mr. Muhammad Hashim definitely paid Pak. Rs. 300000/- (Three Lacs only) as received by Mr. Jan-e-Alam for appointment of his son at PHS D.I. Khan. This money was distributed among Mr. Jan-e-Alam, Mr. Fayaz Gul and other possible persons.



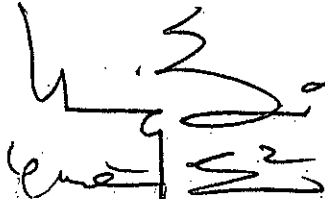
- 3- When the fakeness of the appointment order was disclosed, Mr. Muhammad Hashim demanded back his money, major portion of which had been paid back by Mr. Jan-e-Alam. Still some amount was lying outstanding against the accused persons. However, this department has nothing to do with such payments, the matter being concern of the parties.
- 4- Mr. Jan-e-Alam, Senior Clerk confessed to receive the amount on behalf of Mr. Fayaz Gul and hence proved beyond any reasonable doubt to be guilty of corruption and misconduct under sub-rule (1), clause (g) and (l) of rule 2 of Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 and rule 4A of the Government of Khyber Pakhtunkhwa Government Servants (Conduct) Rules, 1987 and is liable to be awarded major penalty under the rules ibid.
- 5- Based on sufficient oral evidence, series of events, manipulation of record and his service track record, the enquiry committee is satisfied of the collusion and to declare Mr. Fayaz Gul, Junior Clerk guilty of corruption and misconduct under sub-rule (1), clause (g) and (l) of rule 2 of Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 and rule 4A of the Government of Khyber Pakhtunkhwa Government Servants (Conduct) Rules, 1987 and is liable to be awarded major penalty under the rules ibid.
- 6- Recently, another identical case of fake appointment from 2018 in respect of Mr. Ali Haider, surfaced in the same institute also points to the same two employees with the same charges.
- 7- There are certain employees posted in office of the DG PHSA at Peshawar who are habitually involved in the act of forgery and manipulation of the record.

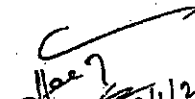
F- RECOMMENDATIONS

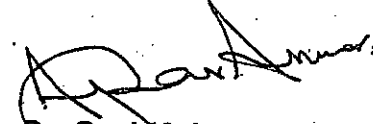
- 1- Mr. Muzammil has got a right to be appointed against any appropriate post against retired son quota on his turn as per rules.
- 2- Mr. Jan-e-Alam, Senior Clerk (BPS-14) may be awarded major penalty of removal from service under sub-rule (1), clause (b), sub-clause (iii) of rule 4 of Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011.


[Handwritten Signature]

- 3- Mr. Fayaz Gul, Junior Clerk (BPS-11) may be awarded major penalty of removal from service under sub-rule (1), clause (b), sub-clause (iii) of rule 4 of Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011.
- 4- Mr. Muhammad Hashim has already passed away, hence nothing is recommended against him or in his favor.
- 5- Investigation may be conducted to find out the culprits within the office of the DG PHSA Peshawar who are habitually involved in the act of forgery to prevent such untoward future events.
- 6- Investigations may be conducted to find out cases of similar nature of fake appointments in all the institutes of PHSA network.


Mr. Faiz Muhammad
 Librarian (BPS-17),
 PHSA


Mr. Taufeequllah
 Administrative Officer
 (BPS-17), PHSA


Dr. Qazi Muhammad
 Afsar Director (BPS-19),
 PHSA


Dr. Muhammad Daud
 Additional Director
 General (BPS-20),
 PHSA

PROVINCIAL HEALTH SERVICES ACADEMY

Government of Khyber Pakhtunkhwa
Health Department



2/PHSA/Admnl Enquiry/2019-20/11814

Dated: 19/11/2019

LARGE SHEET.

WHEREAS, it was reported that a fake office order for appointment in respect of Mr. Muhammad Muzamil S/O Muhammad Hasham has been issued, at Public Health School DI Khan;

2. AND WHEREAS the Principal Public Health School DI Khan also sent the office order, for verification and guidance, vide No. 108/PHS-DIK dated. 14/09/2019;

3. AND WHEREAS a preliminary enquiry was conducted in the matter to probe into the matter;

4. AND WHEREAS the enquiry committee found you to be involved in this practice. Hence the competent authority, in this case, is of the opinion that sufficient grounds exist to initiate disciplinary proceedings against you under the Government Servants Efficiency and Discipline Rules 2011;

5. NOW THEREFORE I, Dr. Janbaz Afridi, Director General Provincial Health Services Academy being the Competent Authority, hereby charge you Mr. Jan E Alam Senior Clerk (BS-14) posted at Paramedical Institute of Medical Technology (PIMT) DI Khan, as follow:

1. Guilty of corruption and
2. Misconduct.

6. By reasons of the above you appear to be guilty under Rules-3 of the Khyber Pakhtunkhwa Government Servants Efficiency & Discipline Rules 2011 and have rendered yourself liable to all or any of the penalties specified in Rules-4 of the Rules ibid.

7. For the purpose of enquiry against you with reference to the above allegations, an enquiry committee, consisting of the officers, as prescribed in the attached disciplinary action proforma, constituted under Rules-10(1)(a) of the (ibid) Rules.

8. You are therefore required to submit your written defense within 14 days of the receipt of this charge sheet to the enquiry officers appointed for the purpose of your case.

9. Your written defense, if any, should reach the enquiry committee within the specified period, failing which, it will be presumed that you have no defense to put in and in that case ex-parte action will be taken against you.

10. A statement of allegation is enclosed.

(Dr. Janbaz Afridi)
Director General (Health)
PHSA, Khyber Pakhtunkhwa

Peshawar

Mr. Jan E Alam S/O Latif Shah Quraishi

Senior Clerk (BS-14) PIMT DI Khan resident of Public Health School Colony DI Khan.

PROVINCIAL HEALTH SERVICES ACADEMY
Government of Khyber Pakhtunkhwa
Health Department



31/11

DISCIPLINARY ACTION.

I, Dr. Janbaz Afridi, Director General Provincial Health Services Academy, as Competent Authority, am of the opinion that Mr. Jan E Alam Senior Clerk Paramedical Institute of Medical Technology (PIMT) D.I.Khan has rendered himself liable to be proceeded against as he committed the following acts/omissions within the meeting of Rules-3 of the Khyber Pakhtunkhwa.

STATEMENT OF ALLEGATION


1. Guilty of corruption and
2. Guilty of Misconduct.

2. For the purpose of enquiry against the said accused with reference to the above allegations, an Enquiry Committee, consisting of the following officers is constituted under Rule-10(1)(a) of the (ibid) rules:

- i. Dr. Muhammad Daud, Director (HRD) (BS-20), PHSA Peshawar.
- ii. Dr. Qazi Afsar Anwar, Director (BS-19), PHSA Peshawar.
- iii. Mr. Faiz Muhammad, Librarian (BS-17), PHSA Peshawar.
- iv. Mr. Tofeeq Ullah, Admin & Finance Officer (BS-17), PHSA Peshawar.

3. The Enquiry Committee will in accordance with the provisions of the rules, provide reasonable opportunity of hearing to the accused, record its findings and make, within 30 days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused.

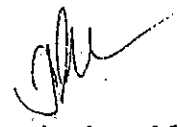
4. The accused and well versant representative of Public Health School DI Khan will join the proceeding on the date, time and place fixed by the Enquiry Committee.


(Dr. Janbaz Afridi)
Director General (Health)
PHSA, Khyber Pakhtunkhwa

No. 42 /PHSA/Admn/ Enquiry /2019-20/ /11/15-18 Dated: 14 / 11 /2019

- i. Accused, Mr. Jan E Alam Senior Clerk PIMT DI Khan with the directions to appear before the enquiry officer on the date time and place to be fixed by the enquiry officer.
- ii. The officers. The enquiry may please be conducted and your findings and grounds thereof by submitted to the undersigned within 30 days.
- iii. The Principals, PIMT & PHS, DI Khan with the directives to assist the enquiry Officers during the enquiry proceedings. Moreover a well conversant representative of the case may please be nominated as well.




(Dr. Janbaz Afridi)
Director General (Health)

PROVINCIAL HEALTH SERVICES ACADEMY
Government of Khyber Pakhtunkhwa
Health Department



33/1

ENQUIRY OFFICER:


In pursuance of Rule 10(1)(a) of the Khyber Pakhtunkhwa Government Servant Efficiency and Discipline Rules-2011 read with Rule-5 of the Rules ibid, the Competent Authority is pleased to appoint the following enquiry committee to conduct enquiry proceedings against Mr. Jan E Alam Senior Clerk (BS-14) PIMT DI Khan:

- i. Dr. Muhammad Daud, Director (HRD), (BS-20) PHSA Peshawar..
- ii. Dr. Qazi Afsar Anwar, Director, (BS-19). PHSA Peshawar.
- iii. Mr. Faiz Muhammad, Librarian, (BS-17). PHSA Peshawar.
- iv. Mr. Tofeeq Ullah, Admin & Finance Officer, (BS-17) PHSA Peshawar.

2. The enquiry shall be conducted in accordance with the provisions of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules-2011 on day to day basis without interruption and the report shall be submitted to the undersigned within 10 days of conclusion of the enquiry proceedings.


3. Copies of the charge sheet and statement of allegations served upon the accused official are enclosed herewith.

ENCL: As above.


(Dr. Janbaz Afridi)
Director General (Health)
PHSA, Khyber Pakhtunkhwa

No. 44 /PHSA/Admin/Enquiry/2019-20/11819-25 Dated: 14/11/2019

- I. Dr. Muhammad Daud (BS-20), Dr. Qazi Afsar Anwar (BS-19), Mr. Faiz Muhammad (BS-17) and Mr. Tofeeq Ullah (BS-17) enquiry officers.
- II. Dr. Ihsan Waheed Principal PIMT DI Khan with the directives to appoint an officer well conversant with the case to assist the enquiry officer during the enquiry proceedings.
- III. The Principal PHSA DI Khan with the directives to appoint an officer well conversant with the case to assist the enquiry officer during the enquiry proceedings.
- IV. Accused, Mr. Jan E Alam Senior Clerk PIMT DI Khan with the directions to appear before the enquiry officer on the date time and place to be fixed by the enquiry officer.


(Dr. Janbaz Afridi)
Director General (Health)
PHSA, Khyber Pakhtunkhwa





PROVINCIAL HEALTH SERVICES ACADEMY
Government of Khyber Pakhtunkhwa
Health Department



37/L

PHSA/Admn/Enquiry 12019-201/11826

Dated: 14/11/2019

CHARGE SHEET

1. **WHEREAS**, it was reported that a fake office order for appointment in respect of Mr. Muhammad Muzamil S/O Muhammad Hasham was issued, at Public Health School DI Khan;
2. **AND WHEREAS** the Principal Public Health School DI Khan also sent the same office order to this office for verification and guidance, vide No. 108/PHS-DIK dated. 14/09/2019;
3. **AND WHEREAS** a preliminary enquiry was conducted to probe into the matter;
4. **AND WHEREAS** the enquiry committee found you to be involved in this practice. Hence the competent authority is of the opinion that sufficient grounds exist to initiate disciplinary proceedings against you under the Government Servant Efficiency and Discipline Rules 2011.
5. **NOW THEREFORE** I, Dr. Janbaz Afridi, Director General, Provincial Health Services Academy Peshawar being the Competent Authority, hereby charge you Mr. Fayaz Gul, Junior Clerk (BS-11) at Public Health School (PHS) DI Khan, as follows:
 1. Guilty of corruption and
 2. Misconduct.
6. By reasons of the above you appear to be guilty under Rule-3 of the Khyber Pakhtunkhwa Government Servants Efficiency & Discipline Rules 2011 and have rendered yourself liable to all or any of the penalties specified in Rules-4 of the Rules ibid.
7. For the purpose of enquiry against you with reference to the above allegations, an enquiry committee, consisting of the officers, as prescribed in the attached disciplinary action proforma, constituted under Rules-10(1)(a) of the (ibid) Rules.
8. You are therefore required to submit your written defense within 14 days of the receipt of this charge sheet to the enquiry officers appointed for the purpose of your case.
9. Your written defense, if any, should reach the enquiry committee within the specified period, failing which, it will be presumed that you have no defense to put in and in that case ex-parte action will be taken against you.
10. A statement of allegation is enclosed.

Rane

Dr. Janbaz Afridi

(Dr. Janbaz Afridi)
Director General (Health)
PHSA, Peshawar, Khyber Pakhtunkhwa

Mr. Fayaz Gul, Junior Clerk (BS-11), PHS DI Khan,
Resident of District and Tehsil Peshawar Ring Road Dauranpur Peshawar.



PROVINCIAL HEALTH SERVICES ACADEMY
Government of Khyber Pakhtunkhwa
Health Department



39/C

DISCIPLINARY ACTION.

I, Dr. Janbaz Afridi, Director General, Provincial Health Services Academy Peshawar, as Competent Authority, am of the opinion that Mr. Fayaz Gul, Junior Clerk Public Health School (PHS) DI Khan, has rendered himself liable to be proceeded against him as he committed the following act/omissions within the meeting of Rules-3 of the Khyber Pakhtunkhwa.

STATEMENT OF ALLEGATIONS

1. Guilty of corruption and
2. Guilty of Misconduct.

2. For the purpose of enquiry against the said accused with reference to the above allegations, an Enquiry Committee, consisting of the following is constituted under Rule-10(1)(a) of the (ibid) rules:

- i. Dr. Muhammad Daud, Director (HRD) (BS-20), PHSA Peshawar.
- ii. Dr. Qazi Afsar Anwar, Director (BS-19), PHSA Peshawar.
- iii. Mr. Faiz Muhammad, Librarian (BS-17), PHSA Peshawar.
- iv. Mr. Tofeeq Ullah, Admin & Finance Officer (BS-17), PHSA Peshawar.

3. The Enquiry Committee will in accordance with the provisions of the rules, provide reasonable opportunity of hearing to the accused, record its findings and make, within 30 days of the receipt of this order, recommendation as to punishment or other appropriate action against the accused.

4. The accused and a well versant representative of Public Health School DI Khan will join the proceeding on the date, time and place fixed by the Enquiry Committee.

(Dr. Janbaz Afridi)
Director General (Health)
PHSA, Khyber Pakhtunkhwa

No. 44 /PHSA/Admn/ Enquiry /2019-20/ 11 827-29 Dated: 14/11/2019

- i. Accused, Mr. Fayaz Gul, Junior Clerk PHS DI Khan, with the directions to appear before the enquiry officer on the date time and place to be fixed by the enquiry officer.
- ii. The enquiry officers. The enquiry may please be conducted and your findings and grounds thereof be submitted to the undersigned within 30 days.
- iii. The Principal, PHS DI Khan with the directives to assist the enquiry Officers during the enquiry proceedings. Moreover a well conversant representative of the case may please be nominated as well.

(Dr. Janbaz Afridi)
Director General (Health)



PROVINCIAL HEALTH SERVICES ACADEMY
Government of Khyber Pakhtunkhwa
Health Department



4/1/2

ENQUIRY COMMITTEE:


In pursuance of Rule 10(1)(a) of the Khyber Pakhtunkhwa Government Servant (Efficiency and Discipline) Rules-2011 read with Rule-5 of the Rules ibid, the Competent Authority is pleased to appoint the following enquiry committee to conduct enquiry proceedings against Mr. Fayaz Gul Junior Clerk (BS-14) PHS DI Khan:

- i. Dr. Muhammad Daud Director (HRD) (BS-20).
- ii. Dr. Qazi Afsar Director (BS-19).
- iii. Mr. Faiz Muhammad Librarian (BS-17).
- iv. Mr. Tofeeq Ullah Admn & Finance Officer (BS-17).

2. The enquiry will be conducted in accordance with the provisions of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules-2011 on day to day basis without interruption and the report will be submitted to the undersigned within 10 days of conclusion of the enquiry proceedings.

3. Copies of the charge sheet and statement of allegations served upon the accused official are enclosed herewith.


ENCL: As above.


(Dr. Janbaz Afridi)
Director General (Health)
PHSA, Khyber Pakhtunkhwa

No. 44/PHSA/Admnl *Enquiry* 2019-20/ 77830-35 Dated: 14/11/2019

- i. Dr. Muhammad Daud (BS-20), Dr. Qazi Afsar (BS-19), Mr. Faiz Muhammad (BS-17) and Mr. Tofeeq Ullah (BS-17) enquiry officers.
- ii. MS. Principal, PHS DI Khan with the directives to appoint an officer well conversant with the case to assist the enquiry officer during the enquiry proceedings.
- iii. Accused, Mr. Fayaz Gul, Junior Clerk PHS DI Khan with the directions to appear before the enquiry officer on the date time and place to be fixed by the enquiry officer.




(Dr. Janbaz Afridi)
Director General (Health)
PHSA, Khyber Pakhtunkhwa



PROVINCIAL HEALTH SERVICES ACADEMY
Government of Khyber Pakhtunkhwa
Health Department



43/c

ENQUIRY OFFICER:

In exercise of powers conferred under section-6 of Khyber Pakhtunkhwa Government Servant Efficiency & Discipline Rules-2011 read with section-3 of the rules ibid, the competent authority has been pleased to place the following officials under suspension for a period of 90 days or till further orders:

S/NO	Name of official	Place of posting
1	Mr. Jan E Alam Senior Clerk (BS-14)	Paramedical Institute of Medical Technology DI Khan
2	Mr. Fayaz Gul Junior Clerk (BS-11)	Public Health School DI Khan.

(Dr. Janbaz Afridi)
Director General (Health)
PHSA, Khyber Pakhtunkhwa

No. 44 /PHSA/Admn/ Enquiry /2019-20/ 11836-39 Dated: 14/11/2019

- I. Principal PIMT DI Khan.
- II. Principal PHS DI Khan.
- III. Mr. Jan E Alam Senior Clerk (BS-14).
- IV. Mr. Fayaz Gul Junior Clerk (BS-11)

(Dr. Janbaz Afridi)
Director General (Health)
PHSA, Khyber Pakhtunkhwa

STATEMENT OF JANE ADAM.

4/3/16

the chairman
inquiry committee

Handwritten signature

Subject.

Reply to charge sheet

Reference your office letter No-42/PHSA/enclosure/
2019-20/1184 dated 14-11-2019

Respectfully stated

That your good office has charge sheeted the undersign for a fake appointment order details provided in the instated charge sheet.

However as your good office has stated the same is provided to you by the principal public Health school D.I. Khan. which is neither proceed by the undersign nor forwarded by me. It would be appropriate to seek the clarification from the concerned principal. It is pertinent to mention here that the undersign is not posted at the said school. That furthermore the undersign is ready to be part of any departmental proceeding including

سوال - بقول آپ کے گھر منزل والہ ہاشم کے ریٹائرڈ سنر کوٹر کی سیٹ پر تعیناتی کا آرڈر جو کہ ڈائریکٹر جنرل بی ایچ ایس کے دفتر سے ایٹھواٹھ بجے پبلک سروس کمیشن کے درمیان ایک ڈیل کے نتیجے میں ہوئی جس میں فیاض گل نے بیغوض 300000/- روپے PHS سے تعیناتی کا آرڈر لانا تھا اور اسکی تنخواہ کی ادائیگی ٹیک کی ذمہ داری فیاض گل کی تھی۔ اس میں آپ کا کردار محض ایک ثالث کا تھا۔ یہ بتائیے کہ آپ اس میں ضامن کیوں بنے؟

جواب - میری تعیناتی سالانہ دس سال سے DI Khan میں ہے۔ اس دوران میرے کافی زیادہ لوگوں ساتھ تعلقات اور دوستی بن گئے۔ دونوں پارٹیوں یعنی گھر ہاشم اور فیاض گل کے درمیان تمام معاملے طے ہو چکے تھے مگر ان کو ایک دوسرے پر اختیار نہیں تھا اور انہیں ایک Third Person کی بطور ضامن مقرر تھی جس کے لئے انھوں نے مجھ سے رابطہ کیا جس کے نتیجے میں رضامند ہو گیا۔

سوال - آپ کے خیال میں یہ ڈیل سماجی، شرعی اور قانونی لحاظ سے جائز تھی؟
جواب - بالکل نہیں۔

سوال - اسکے باوجود آپ ضامن بننے پر رضامند کیوں ہو گئے؟
جواب - یہ مجھ سے غلطی ہوئی ہے۔ اور اسکی وجہ یہ ہے کہ فیاض گل نے ہاشم کو یقین دہانی کرائی تھی کہ اسکی بیٹے کا کام وہ ریٹائرڈ سن کوٹ سے کروا دے گا۔

سوال - اگر تعیناتی کوٹ سے ہوئی تھی تو پھر اس میں پیسوں کا لین دین کیسا؟
جواب - یہ جی دونوں پارٹیاں بنا سکتے ہیں۔

سوال - ڈیل کتنے پیسوں کی تھی؟
جواب - ہاشم نے فیاض گل کو ٹین لاکھ روپے دیئے تھے۔

سوال - یہ رقم ہاشم نے آپ کے توسط سے فیاض گل کو دی یا بلڈ واسٹم (Direct) فیاض گل کو دی؟
جواب - ڈائریکٹ فیاض گل کو رقم دی گئی۔ contradiction with previous statement.

سوال - کام نہ ہونے پر رقم واپس کیسے کی گئی؟

جواب - میں نے 210000/- دو لاکھ دس ہزار روپے ہاشم کو اپنی جیب سے ادا کیے۔ باقی 90000/- تو ہزار روپے قسطوں کی صورت میں جنوری 2020 کے آخر تک میں نے ہاشم کے بیٹے کو دینے ہیں (کیوں کہ خود ہاشم وفات پا چکے۔ اسکے علاوہ ہاشم کی وفات پر اسکے بیٹے کو میرے مندرجہ 100000/- دس ہزار روپے ادا کر دیئے گئے۔ اب 80000/- اسی ہزار روپے بچاوا ہیں۔

سوال - غلط کام دو پارٹیوں نے کیا اور رقم کی واپسی آپ (اپنی جیب سے) کیوں کر رہے ہیں؟
(اگلے صفحہ پر جاری ہے)

Jaffar



Dana

جواب - کیوں کہ میں نے حوالوں طرف کی ذمہ داری اٹھائی تھی اور فیاض گل نے اس پر

سوال - آپ کی موجودہ تنخواہ کتنی ہے؟

جواب - Net Salary تقریباً 39000/- = انا بیس ہزار روپے ماہوار

سوال - اس میں آپ گھر کا فریج، اور دیگر تمام اخراجات جلاتے ہیں۔ شاید ہی کچھ بچتا ہے

آپ نے 220000/- دو لاکھ بیس ہزار روپے سے ادائیگی؟

جواب - مستحق کہ خاندان ہے۔ بھائیوں سے ادھار لیا۔ اپنی موٹر سائیکل بیچی اور فوڈ سٹولوں پر

موٹر سائیکل خریدی

سوال - جس ڈیل میں آپ کا Share یا Commission کتنا تھا؟

جواب - کوئی نہیں تھا۔

سوال - پتی خدا واسطے کا جو یا نہیں مارتی۔ کیا ضابطہ ہے۔

جواب - میں کچھ نہیں کہتا ہوں۔

سوال - فرسٹ سٹیٹ بینک کی ریٹائرمنٹ کی وجہ سے خالی سیٹ سٹیٹ بینک کی گئی تھی یا قانونی طریقہ کار کے مطابق کام کیا گیا؟

جواب - میں علم میں نہیں ہے۔

سوال - جب یہ بھرتی ہوئی تھی اس وقت مزید بھرتیاں بھی ہوئی تھیں؟ اور اس عمل میں قانونی قواعد کیوں کیے گئے

تھے؟ - کیونکہ Retired son کوٹھ 25% ہوتا ہے کہ صوبائی سطح پر کم از کم چار

افراد بھرتی ہوں اور متعلقہ کوٹھ میں منزل اول نمبر پر ہو؟

جواب - مجھے علم نہیں ہے صواب

(انکوائری کمیٹی کی اجازت سے جان عالم نے مسز بی بی مساجد، پرنسپل DIKhan، PHS، جو کہ اس وقت

Well conversant person کے طور پر موجود تھے، سوال پوچھا)

سوال - کیا مذکورہ تعیناتی کا آرڈر میں آپ کے پاس لایا گیا یا اس کی سرکاپی، Source

اور دیگر کاغذات میں لایا گیا یا نہیں رکھتے؟ میں نے کبھی منزل کے کسی بھی کاغذ پر دستخط

کے لیے اصرار کیا یا کبھی بھی آپ کے سرکاری دفتری کام میں دخل اندازی کی؟

جواب - نہیں کبھی بھی ایسے نہیں ہوا۔

سوال - آپ کی تعیناتی DIKhan، PHT، میں ہے اور رہائش آپ کی DIKhan، PHS کے سرکاری کوارٹر

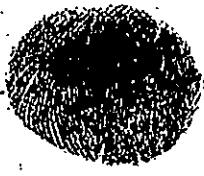
میں ہے۔ کیا یہ اجازت کبھی بھی Competent Auth. کی طرف سے آپ کو دی گئی اور کیا آپ کا

House Rent اور 2% of basic pay Conveyance Allowance آپ کی تنخواہ سے

جواب - مجھے DGPHSA کی طرف سے بتاوا کہ اجازت ملی ہے Conveyance Allowance کے متعلق

باقی دو چیزوں کی کٹوتی ہوئی ہے۔

Jaffar



(انگلہ صفحہ پر جاری ہے)

Dano

سوال - اکاؤنٹس آفس Dikhan سے ریکارڈ کم ہو گیا یا کم کر دیا گیا۔ اکاؤنٹس آفس میں کم و ہر ریکارڈ جانِ عالم ل کر گیا تھا؟

جواب - Accounts office کے جو لیٹر جمع کرتے ہیں اس پر No. Diary لکھتے اور یہ لکھتے ہیں تو No. Receipt لکھتے۔ کوئی ثابت کرے۔

سوال - لیکن جب کام نا جائز طریقے سے ہو رہا ہو تو اس طرح نہیں ہوتا۔ خاموشی سے کاغذ کاغذ کا موٹی سے واپس کر دیتے۔

جواب - ان پاس کیا ثبوت ہے؟۔ میں نے کاغذ ان نہ تو وصول کیے اور نہ میں واپس لے کر گیا۔

خود بیان کیا کہ اکاؤنٹس آفس سے ریٹائرڈ ایک بزنس لیٹر 17-BS جو کہ 2016 یا 2017 میں ریٹائر ہو گیا تھا پھر وہ DAO میں موجود ہونا تھا اور کام کرنا تھا۔ پھر اسے 4 اکتوبر 2019 میں اخبار میں بھی آیا کہ DAO سے کافی ریکارڈ غائب ہوا جس کے لیے FIA والوں نے چھاپہ مارا اور کچھ بندوں کو اٹھا لیا۔ جس میں لیٹر نمبر بھی تھا۔ FIA والوں نے ٹارگٹ کیا۔ تقریباً 4 نومبر کو وہ فوت ہو گیا۔ DAO کی Statement لیٹر نمبر میں شاید لکھی تھی۔

سوال - ڈاکٹر اجدر عنایت کی بیس گریڈ میں پروموشن اور ٹانگ میں بطور DAO تعیناتی میں قاری ضابطہ گل کا کیا رول ہے۔

جواب - ڈاکٹر اجدر عنایت کی گریڈ میں پروموشن کے بعد تعیناتی ہونا تھی۔ قاری ضابطہ گل نے لالچ دی کہ Postings ٹانگ میں رہے اور کام Dikhan میں کرے اور ٹانگ کی سیٹ سے تنخواہ لیتے رہیں۔ اس سلسلہ میں قاری ضابطہ گل نے ڈاکٹر صاحب سے 25000/- روپیہ ڈیمانڈ کی تھی۔

سوال - ریاض ملک PHS کا کیا حکم ہے؟

جواب - ریاض PHS میں لگا تھا۔ جو کہ کورٹ آرڈر کے مطابق جو سٹرکچر پروموشن ہو گیا۔ قاری ضابطہ نے اس کو لالچ دیا کہ لاء ڈیمانڈ اور ہیلو سیکرٹریٹ میں 25000/- لگے گا اور اس کی تعیناتی Dikhan میں رہے گی۔ جب آرڈر ہو گیا تو قاری نے پیسوں کی ڈیمانڈ کی 25000/- روپیہ، ریاض نے 20000/- روپیہ کی ڈیمانڈ کی۔

سوال - صلحہ انہیں کنڈاکور کا کیا حکم ہے؟

جواب - اسکی بیوی کا ریٹائرمنٹ کے وقت Leave Encashment نہیں مل رہا تھا۔ قاری نے 25000/- روپیہ لے لیا جس کی کٹوتی کی بات کی جو کہ 10000/- روپیہ میں لے ہوئی۔ اس میں کابھی سے صلحہ تھا اور قاری نے 10000/- روپیہ وصول کر لیا۔

17/01/19

Jan Akbar

Tel 0340 915 7504

CNIC No 17301-8573158-5

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محمد فیاض گل جوڈیشل مگسٹریٹ پبلک پبلیک سکول ڈیرہ اسماعیل خان

عنوان :- انکوائری بابت تعیناتی حکمنامہ مسی محمد منزل ولد محمد ہاشم سابقہ جوڈیکل اڈیشنری

جناب عالی! میں مسی محمد فیاض گل جوڈیشل مگسٹریٹ پبلک پبلیک سکول خان اللہ تقانی کو حاضر ناظر خان حلیہ بیان کرتا ہوں کہ میں جو بھی حقائق اور کاغذات انکوائری کیٹی کے سامنے پیش کروں گا وہ میری دانست میں بالکل صحیح اور درست ہیں۔

جناب عالی! یہ کہ سائل نے پہلی انکوائری کیٹی ورڈ 24/9/19 کو مینا PHSA دورانیہ میں جو حلیہ بیان کریداً ریکارڈ کر پایا ہے میں اس بھی ایسے رسی بیان پر قائم ہوں۔ کیونکہ مذکورہ آرڈر کی بابت مجھے کوئی علم نہیں ہے۔ (انکوائری کیٹی اور تعیناتی آرڈر لفٹ ہے) Annex-A & B جناب عالی!

یہ کہ مجھ پر مسی جان عالم سینئر کلرک PANT ڈیرہ اسماعیل خان نے پہلی انکوائری کیٹی سلسلے میں مجھ پر جو بھی جھوٹا بیان لکھا ہے اور الزام لگایا ہے۔ وہ سراسر غلط، جھوٹا اور حقائق کے بالکل برعکس ہے۔ کیونکہ جب جان عالم کو بیتہ نہ 44 پر اولشل پبلک سروسز ایڈویس کو اس جعلی آرڈر کے بارے میں معلوم ہو چکا ہے اور دوسرا وہ پہلی انکوائری کیٹی منفقہ دور 24/9/2019 کو پیش ہونے سے غیر حاضر رہا۔ اور تمام امور بحال کے مدنظر اپنے آپ کو بچانے کیلئے غیر ناکا اپنے ناکو ملوث کر کے مجھے پھنسانے کی کوشش کر رہا ہے اور حقائق منسلح حقائق کو چھپانے میں مصروف ہے۔ (غیر حاضر کی درخواست لفٹ ہے) Annex-C جناب عالی!

یہ کہ میرا محمد منزل کی تعیناتی حکمنامہ سے کوئی تعلق نہیں ہے۔ اور نہ ہی کسی بھی قسم کا رقم وغیرہ کے لین دین سے کوئی واسطہ ہے۔

جناب عالی! یہ کہ محمد منزل ولد محمد ہاشم جوڈیشل مگسٹریٹ پبلک پبلیک سکول ڈیرہ اسماعیل خان کو 6/9/19 کا آرڈر ڈیوٹی (DAO) آفس میں جمع کرا دی تھی۔ (لیٹر کاپی اور 550 آفس کی دائرہ لفٹ ہے) Annex-D

جناب عالی! یہ کہ جب محمد منزل ولد محمد ہاشم مگسٹریٹ کے بطور جوڈیکل تعیناتی حکمنامہ ہوا جو کہ مسی محمد ہاشم اور مسی جان عالم پبلک پبلیک سکول ڈیرہ کے لئے لکھے اور کہا کہ یہ محمد منزل کا تعیناتی حکمنامہ ہے اور اس پر تنخواہ بنانے کیلئے جو کارروائی لرائی وہ آپ نہیں۔

فیاض گل
محمد

جناب عالی! / کراچی

7) بابت حروفہ 12/9/19 کو PHSA 12 جنس میں ایک ٹینٹ تھی جو کہ علم فاقہ ادارہ

کی اسٹور ہاؤس کو بڑھانے اور اس کا جائزہ لینے کیلئے تھی جس میں لکڑی کی پیلوے صاحبہ کی ایک
کی متوقع تھی۔ اس ٹینٹ میں نمائندگی کیلئے ڈیر لیسٹیل صاحبہ نے مجھے بھیجا اور سکول کی طرف سے آج
نمائندگی کریں۔ اور میں پیشاور آگیا مگر رات دیر کو ڈیر لیسٹیل صاحبہ نے مجھے فون کر کے بتایا کہ میں
کل صبح اس ٹینٹ میں شامل ہونے کیلئے آ رہی ہوں اور اس ٹینٹ کے حوالے سے جو بھی جاننا
ضروری ہیں اس کی فائل بنا کر بھیجے دیں۔

صبح حروفہ 12/9/19 کو جب ڈیر لیسٹیل صاحبہ آئی تو میں نے ٹینٹ کی فائل جو میں نے بنا کر دی تھی وہ
نے رکھیں دے دی۔ جب ٹینٹ ختم ہوئی تو ڈیر لیسٹیل صاحبہ نے 44 صاحبہ کو کہا کہ مجھے آپ سے اپنی
ذاتی فائل ہے۔ آپ مجھے کچھ وقت دیں۔ اس پر 44 صاحبہ نے کہا کہ آپ میرے آفس آجائیں وہاں بات
کرتے ہیں۔ اس بعد ڈیر لیسٹیل صاحبہ 44 صاحبہ کے آفس چلی گئی۔ مجھے اس وقت تک کوئی علم نہیں تھا
کہ ڈیر لیسٹیل صاحبہ 44 صاحبہ سے کیا بات کرنا چاہتی ہے۔ ڈیر لیسٹیل صاحبہ 44 صاحبہ کو ملاقات میں
کہا کہ رکھیں ڈاکٹر صاحبہ گل صاحبہ نے فون کیا ہے کہ آپ ڈی آر جی خان میں کوچی سنٹر یا MNA وغیرہ
میں کہ آپ سب لوگوں کی ضرورت سے تعینات کر رہی ہیں۔ ڈیر لیسٹیل صاحبہ نے ڈاکٹر صاحبہ گل صاحبہ کے ساتھ
فون پر جو بھی بات چیت وغیرہ ہوئی وہ 44 صاحبہ کو بیان کی اور کہا کہ آپ ہمارے بڑے ہیں میں لیلے
آپ کے پاس آئی ہوں آپ ہمیں بتائیں کہ کیا کریں۔ 44 صاحبہ نے ڈیر لیسٹیل صاحبہ کو کہا کہ اب جو کوئی
میں فون کرے گا آپ سے پوچھے کہ فلاں کام آپ نے کیوں کیا ہے تو انکو کہیں کہ 44 صاحبہ سے پوچھیں۔
جناب عالی!

8) یہ کہ بات چیت کے بعد 44 صاحبہ نے ڈیر لیسٹیل صاحبہ کو کہا کہ آپ کے ہاں ہم نے تین چار لوگوں
کے تعیناتی کے آرڈر کے ہیں انکی کیا پوزیشن ہے۔ اس پر ڈیر لیسٹیل صاحبہ نے 44 صاحبہ کو کہا کہ سر
ہمارے پاس تو دو لوگوں کی تعیناتی ہوئی ہے۔ تو 44 صاحبہ نے کہا کہ وہ کون کون ہیں۔
اس پر ڈیر لیسٹیل صاحبہ نے جواب میں میں وٹس اپ میں نکال کر 44 صاحبہ کو بتایا۔ جس کے
بعد 44 صاحبہ نے عسی و علیہ اور عسی حسینہ کو بلا کر اور کہا کہ اسکو ریکارڈ کیا تو جب تک
نہیں۔ اس کے بعد انھوں نے اپنے ریکارڈ میں چیک کیا اور کہا کہ میں ایک آرڈر عسی محمد رضوان پور
کا بھیجے گا اور فوٹو آف آرڈر ~~عسی محمد~~ عسی محمد غزل جو کھارہ کا جعلی اور غلط ہے اور اسکا
ریکارڈ ہمارے پاس لیں گے۔

Dana

منشیہ

یہ کہ اس کے بعد جو بھی ضروری کارروائی کی جائے ٹی بی آر اور دیگر دستاویز ہونے چاہئے

Annex E (کاپی لفافے -)

صاحب عالی

9) یہ کہ ایسے انٹرویوز کے سامنے جو سٹاٹس پیپر دیئے ہیں۔ وہ جعلی ہیں
کیونکہ مسیحا شہر فرسٹ نے ڈائریکٹری صاحبہ کو ایک سٹاٹس پیپر دیا تھا جس میں
اس نے حلفیہ بیان دیا ہوا ہے کہ مسیحا جان عالم نے اس سے ملے ایک سٹاٹس
پیپر خالی بنا لیا جو وہ کسی بھی کے خلاف استہزاء کر سکتا ہے۔

Annex-F (کاپی لفافے -)

صاحب عالی

10) یہ کہ مسیحا جان عالم کے خلاف نیوز پیپر میں بھی رپورٹ آچکی ہے۔

Annex-G (کاپی لفافے -)

صاحب عالی

11) یہ کہ مسیحا جان عالم نے مجھے کئی دفعہ دھمکی بھی دی جس کی رپورٹ میں ڈائریکٹری صاحبہ
کو دی ہوئی ہے۔ چونکہ انہوں نے وہ صاحبہ کو بھیجا وہی ہو گیا۔
(کاپی لفافے)

محمد رضا خان
26/11/19
جونیئر ممبر PHS ڈیپو اسلام آباد

Received Three pages (one sided) of statement before
inquiry committee today on 26.11.2019, Furthermore
the accused to be cross examined on 03.12.2019

(Handwritten signature)

26.11.19
BAIZ MUHAMMAD
Member Inquiry
Committee

PROVINCIAL HEALTH SERVICES ACADEMY
Government of Khyber Pakhtunkhwa
Department of Health



(4)

59/2

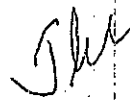
OFFICE ORDER.

Consequent upon the recommendation of Departmental Selection Committee,

Mr. Muhammad Muzamil S/O Muhammad Hashim Khan, Basti Darkhawali P/O Khana Din Pur, Tehsil and District Dera Ismail Khan, is hereby appointed as Chowkidar (BPS-03) plus usual allowances as admissible under the rules. His appointment in the Provincial Health Services Academy and its network, Government of Khyber Pakhtunkhwa, Health Department will be subject to the following terms and conditions.

1. His appointment will be on probation period initially for a period of one year and extendable to continue till further orders.
2. He is liable to serve anywhere in PHSA network, Health Department throughout the Province of Khyber Pakhtunkhwa.
3. He is declared medically fit by Medical Superintendent, DHQ Hospital D.I.Khan.
4. He will be governed by Khyber Pakhtunkhwa Civil Services Rules issued for the post from time to time.
5. If he wishes to resign from service, he will have to submit resignation in writing by giving prior notice of one month period in lieu of acceptance of resignation and will continue to work till his resignation is accepted by the competent authority.

If the above terms and conditions are acceptable to him, he will report to the Principal Public Health School D.I.Khan within 15 (Fifteen) days of the receipt of this order, otherwise the offer/order will be considered as cancelled/withdrawn.


DIRECTOR GENERAL
PHSA Peshawar.

Dated: 09/08/2019.

No.F-05/Admn/App-IV/ 8068-73

1. Account Office, D.I.Khan.
2. Principal Public Health School D.I.Khan within.
3. Members of the Committee.
4. Mr. Muhammad Muzamil S/O Muhammad Hashim Khan, Basti Darkha Wali P/O Khana Din Pur, Tehsil and District Dera Ismail Khan.


DIRECTOR GENERAL
PHSA Peshawar.







PROVINCIAL HEALTH SERVICES ACADEMY
Government of Khyber Pakhtunkhwa
Department of Health



OFFICE ORDER.

H/C

The following Inquiry Committee is hereby constituted to probe into the case of fake appointment order of chowkidar at public health school D.I.Khan and to submit the detail report to proceed further in the matter.

1. Dr. Sher Ali Director PHSA
2. Dr. Shaida Hussain Bukhari Deputy Director PHSA
3. Mr. Husnain Zia P.A to Director General PHSA

Chairman.
Member.
Member.

The committee will conduct the inquiry of the following officers/officials on 24-09-2019 at 10.00 am at PHSA under the Chairmanship of the chairman inquiry committee.

1. Mr. Fayyaz Gul Junior Clerk PHS D.I.Khan.
2. Mr. Pir Jan Alam Senior Clerk presently PIMT D.I.Khan.
3. Mr. Muhammad Hashim Khan (Ex-employee) & F/o Mr. Muhammad Muzamil D.I.Khan.
4. Hostel Warden PHS D.I.Khan.

-----Sd/-----
DIRECTOR GENERAL HEALTH
PHSA, PESHAWAR.

No. 42/PHSA/Admnl *Muzamil* /2019-20/ 10729-33 Dated 17/09/2019

Copy for information to.

1. Dr. Sher Ali Director PHSA Peshawar.
2. Dr. Shaida Hussain Bukhari Dy. Director PHSA.
3. Mr. Husnain Zia P.A to Director General PHSA.
4. Mrs. Sajida Principal PHS D.I.Khan
5. All concerned.

K 17/09/2019.
DIRECTOR MANAGEMENT

محکمہ صحت خیاب ڈائریٹریٹ برائے انسٹرکشنل صحت سروسز ایڈمنسٹریٹو

انٹوائٹو آفیسر

صحت عالی :

مخود بالہ لڈارٹھ ہے۔ بحوالہ لیبیرٹری 33-10799/Adm/PMSA/52-50

تاریخ 2019-9-17 پیغام ملا ہے کہ جس میں PMSA - Perh

میں لکھے حاضری دینا ہے۔

(1) صحت عالی : میرا ڈیوٹی DIK, DIT, PMSA میں s/c

کے لوٹے پر ڈیوٹی سرانجام دینا ہے۔ لیکن لڈارٹھ نام

کلیئر ہونا چاہیے یا اسے کوئی کارروائی ہے۔

(2) میرا DIK, PMSA سے تعلق نہیں اسکا کلرک محترم صحت

خارجی صحت عالی ہے۔ اسکا چارج اسکا ہے

یاں میرا رجسٹرڈ ڈاکٹر لڈارٹھ PMS, DIK میں ہے۔ رجسٹرڈ ڈاکٹر

(3) صحت عالی : عیب کا معنی ہے سے پاؤں اور موروں کی تعلیف میں

نہیں ہونا چاہیے۔ زیادہ سے زیادہ پیدل چل سکتا ہے۔ لیونہ

میں ہے۔ آپ لڈارٹھ سے رجسٹرڈ ڈاکٹر کے پاس سے لڈارٹھ

آپ لڈارٹھ میں لڈارٹھ سے لڈارٹھ سے لڈارٹھ سے لڈارٹھ

9-2019

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DIK, DIT

ڈیپٹی سیکریٹری صحت عالی

Handwritten note

65/C (7)



OFFICE OF THE PRINCIPAL, PUBLIC HEALTH SCHOOL

AT SHIEKH YOUSAF ROAD NEAR NIAZI CHOWK DERA ISMAIL KHAN.
Phone No. 0966-854635, Fax No. 0966-854635
Website: www.phsa.edu.pk, Email: phsdik@phsa.edu.pk



No. 1075-77 /PHS-DIK/Start Salary M. Muzzamil,
Dated the Dera Ismail Khan: 06 /09/2019.

To,
The District Accounts Officer,
District, Dera Isamil Khan.

Subject: START SALARY IRO MR. MUHAMMAD MUZZAMIL CHOWKIDAR (BPS-03).

Respected Sir,

Enclosed please find herewith I have the honor to submitted Starting Salary Claim in respect of Muhammad Muzzamil Chowkidar BPS-03 in this office, forwarded for information and further necessary action please.

[Signature]
DRAWING DISBURSING OFFICER,
Public Health School
Dera Ismail Khan

Enclosed Number & Date even.

Copy of the above is forwarded to the:-

1. The Director General Provincial Health Services Academy, Peshawar.
2. Official concerned.

[Signature]
DRAWING DISBURSING OFFICER,
Public Health School
Dera Ismail Khan

[Handwritten initials]

[Handwritten signature]

B11/0693/01 P. No. 245/157
Habibul Rehman

Source I in a/o Muhammad
Muhammad Chowkidar B3
encl = (Source I, other)

(2)
P.R. To

Ancor claim in No. 112
Fayyaz Gul D/ Clerk
BPS II Encl = (C. Book + Source II)

939) No. 1176, S.D.F.O (Male)
4/4/19. Banda Daud Khan, Karakoram

940) No. 1075-77, DDO Public Health
4/6/19. School, D. Khan

941) No. 1072-74, ———
4/6/19. ———

(Hand)

W. J. J. J.