

05.12.2018

Counsel for the appellant present. Mr. Kabirullah Khattak, Additional AG for the respondents present. Learned counsel for the appellant requested for adjournment. Adjourned. To come up for arguments on 19.12.2018 before D.B.



(Ahmad Hassan)
Member


(M. Amin Khan Kundi)
Member

19.12.2018

Appellant alongwith his counsel present. None present on behalf of the respondents therefore, notice be issued to the respondents with the direction to direct the representative/counsel to attend the court and argue the case on the next date positively. Adjourned. To come up for arguments on 16.01.2019 before D.B.


(Hussain Shah)
Member

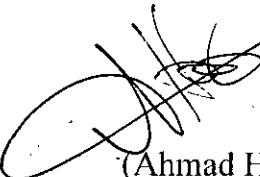

(Muhammad Amin Khan Kundi)
Member

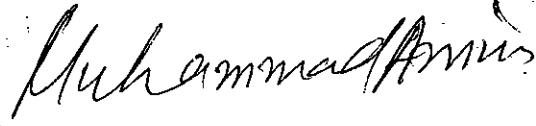
16.01.2019

Counsel for the appellant present. Mr. M. Riaz Khan Pinda Khel, Asst: AG for respondents present.

Learned counsel for the appellant submitted an application for withdrawal of the instant appeal to file a fresh one before the proper forum which is placed on file. Application is allowed and the instant appeal is hereby dismissed as withdrawn. File be consigned to the record room.

Announced:
16.01.2019


(Ahmad Hassan)
Member


(M. Amin Khan Kundi)
Member

04.09.2018

Appellant in person and Mr. Zia Ullah learned Deputy District Attorney present. Appellant seeks adjournment as his counsel is not in attendance. Adjourned. To come up for arguments on 05.10.2018 before D.B.




(Muhammad Amin Kundi)
Member



(Muhammad Hamid Mughal)
Member

05.10.2018

Mrs. Naila Jan Advocate present for appellant and submitted wakalat nama in favor of appellant which is placed on file. Mr. Muhammad Jan learned Deputy District Attorney for the respondents present. Being freshly engaged, counsel for appellant seeks adjournment. Adjourned. To come up for arguments on 09.11.2018 before D.B.



(Hussain Shah)
Member



(Muhammad Hamid Mughal)
Member

09.11.2018


Due to retirement of Hon'ble Chairman, the Tribunal is defunct. Therefore, the case is adjourned. To come up on 05.12.2018.



Reader


09.04.2018

Counsel for the appellant and Mr. Muhammad Jan, Deputy District Attorney for the respondents present. Due to incomplete Bench, arguments could not be heard. To come up for arguments on 25.05.2018 before the D.B.


(M. Amin Khan Kundi)
Member

25.05.2018

Clerk of the counsel for appellant and Addl: AG for the respondents present. Arguments could not be heard due to incomplete bench. Adjourned. To come up for arguments on 16.07.2018 before D.B.


(M. Amin Khan Kundi)
Member

16.07.2018

Clerk to counsel for the appellant present. Mr. Sardar Shoukat Hayat, Addl: AG for respondents present. Arguments could not be heard due to general strike of the Bar. Adjourned. To come up for arguments on 04.09.2018 before D.B.


(Ahmad Hassan)
Member


(Muhammad Hamid Mughal)
Member

24.10.2017

Counsel for the appellant and Mr. Usman Ghani, DA present. The learned DA apprise this Tribunal that the learned counsel for the respondents has since been elevated to the Bench and no one is present on behalf of the respondents. Notices be issued to the respondents. To come up for arguments on 03.01.2018 before the D.B.

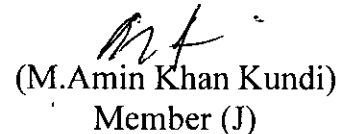

Member


Chairman

03.01.2018

Counsel for the appellant present. Asst: AG alongwith Mr. Nabil Mahfooz, HRM Officer for respondents present. Counsel for the appellant requested for adjournment. Adjourned. To come up for arguments on 7.02.2018 before D.B.


(Ahmad Hassan)
Member(E)


(M.Amin Khan Kundi)
Member (J)

7.2.2018

Counsel for the appellant and Mr. Kabeerullah Khattak, Addl. AG alongwith Nadeem Mahfooz, Supdt. for the respondents present. Counsel for the appellant is not in attendance. Seeks adjournment. To come up for arguments on 09.04.2018 before the D.B.


Member


Chairman


03.04.2017

Appellant in person and Addl. AG for respondents present. Written reply not submitted despite numerous chances. No further opportunities for submission of written reply shall be given to the respondents. The appeal is assigned to D.B for rejoinder and final hearing on 24.05.2017.


Chairman

24.05.2017

Appellant in person present. Mr. Kabir Ullah Khattak Assistant AG for the respondent present. Appellant requested for adjournment. Adjourned. To come up for arguments on 23.08.2017 before D.B.


(Muhammad Amin Khan Kundi)
Member


(Gul Zeb Khan)
Member

23/8/2017

Clerk of counsel for the appellant and Mr. Adeel Butt, AAG the respondents present. Arguments could not be heard due to non availability of DB. To come up for arguments on 24/10/2017 before DB.


(GUL ZEB KHAN)
MEMBER

07.02.2017

Appellant in person present and Mr. Nabeel Mahfooz, HRM Officer for respondent No.1 alongwith Addl: AG for respondents present. Written reply on behalf of respondents No. 2 and 3 not submitted. Requested for further adjournment. Notice be issued to the appellant/counsel for the appellant. Last opportunity granted. To come up for written reply/comments of respondents No.2 and 3 on 08.03.2017 before S.B



(ASHFAQUE TAN)

MEMBER

08.03.2017

Appellant in person present and Mr. Nabeel Mahfooz, HRM Officer for respondent No. 1 alongwith Addl: AG for respondents present. Written reply not submitted despite last opportunities. Requested for further adjournment. Last opportunity further extended subject to payment of cost of Rs. 500/- which shall be borne by respondents No. 2 and 3 from their own pockets. To come up for written reply/comments and cost on 03.04.2017 before S.B.




(MUHAMMAD AMIR NAZIR)

MEMBER

06.10.2016

Clerk to counsel for the appellant and Addl: AG for respondents present. Written reply not submitted. Requested for adjournment. Request accepted. To come up for written reply/comments on 21.11.2016 before S.B.


(Muhammad Aamir Nazir)
(Member)

21.11.2016

None present on behalf of the appellant. Mr. Nabeel Mahfooz, HRM Officer for respondent No. 1 alongwith Additional AG for all respondents present. Written reply by respondent No. 1 submitted while learned Additional AG requested for adjournment on behalf of respondents No. 2 & 3. To come up for written reply/comments on behalf of respondents No. 2 & 3 on 05.01.2017 before S.B.


(MUHAMMAD AAMIR NAZIR)
MEMBER

05.01.2017

None for the appellant present. Mr. Nabeel Mahfooz, HRM Officer for respondent No. 1 alongwith Asst: AG for respondents present. Written reply on behalf of respondents No. 2 and 3 not submitted. Requested for further adjournment. Notices be issued to the appellant/counsel for the appellant. To come up for written reply/comments of respondents No.2 and 3 on 07.02.2017.


(MUHAMMAD AAMIR NAZIR)
MEMBER

10.05.2016

Counsel for the appellant present. The counsel for appellant argued that major penalty of dismissal was imposed on appellant on account of his involvement in theft of a sum of Rs. 88000/- from office of Pakistan Institute of Community Ophthalmology (PICO). Departmental appeal against the said impugned order was filed on 05.01.2016 which was not responded in the statutory period and hence the instant service appeal on 28.04.2016.

The case is admitted for regular hearing. Security and process fee be deposited within 10 days where-after notices be issued to the respondents for written reply/comments for 22.07.2016 before S.B.


Member

22.07.2016

None present on behalf of the appellant. Security and process fee have not been deposited. Notice be issued to appellant and his counsel for depositing of security and process fee for 04.08.2016 before S.B.

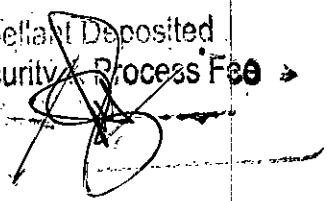

MEMBER

04.08.2016

Counsel for the appellant and Addl. AG for respondents present. Security and process fee have not been deposited. Notices be issued to appellant and his counsel for depositing of security and process fee for 6-10-16


Member



Appellant Deposited
Security Process Fee →



Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 462/2016

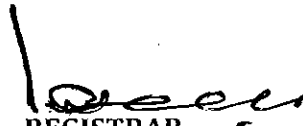
S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	23/5/2016	<p>The appeal of Mr. Wasib Nabi resubmitted today by Mr. Shah Faisal Nasapi Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2	9-5-16	<p>This case is entrusted to S. Bench for preliminary hearing to be put up thereon <u>10-5-16</u>.</p> <p style="text-align: right;"> CHAIRMAN</p> <p style="text-align: center;">F-10-16</p>

The appeal of Mr. Wasib Nabi ex-Naib Qasid Pakistant Institute of Community Ophthalmology HMC received to-day i.e. on 28.04.2016 is incomplete on the following score which is returned to the counsel for the appellatant for completion and resubmission within 15 days.

- 1- Memorandum of appeal is unsigned which may be got signed by the appellatant as well as counsel.
- 2- Annexures of the appeal may be annexed serial wise as mentioned in the memo of appeal.
- 3- Annexures of the appeal may be attested.
- 4- Annexures of the appeal may be flagged.

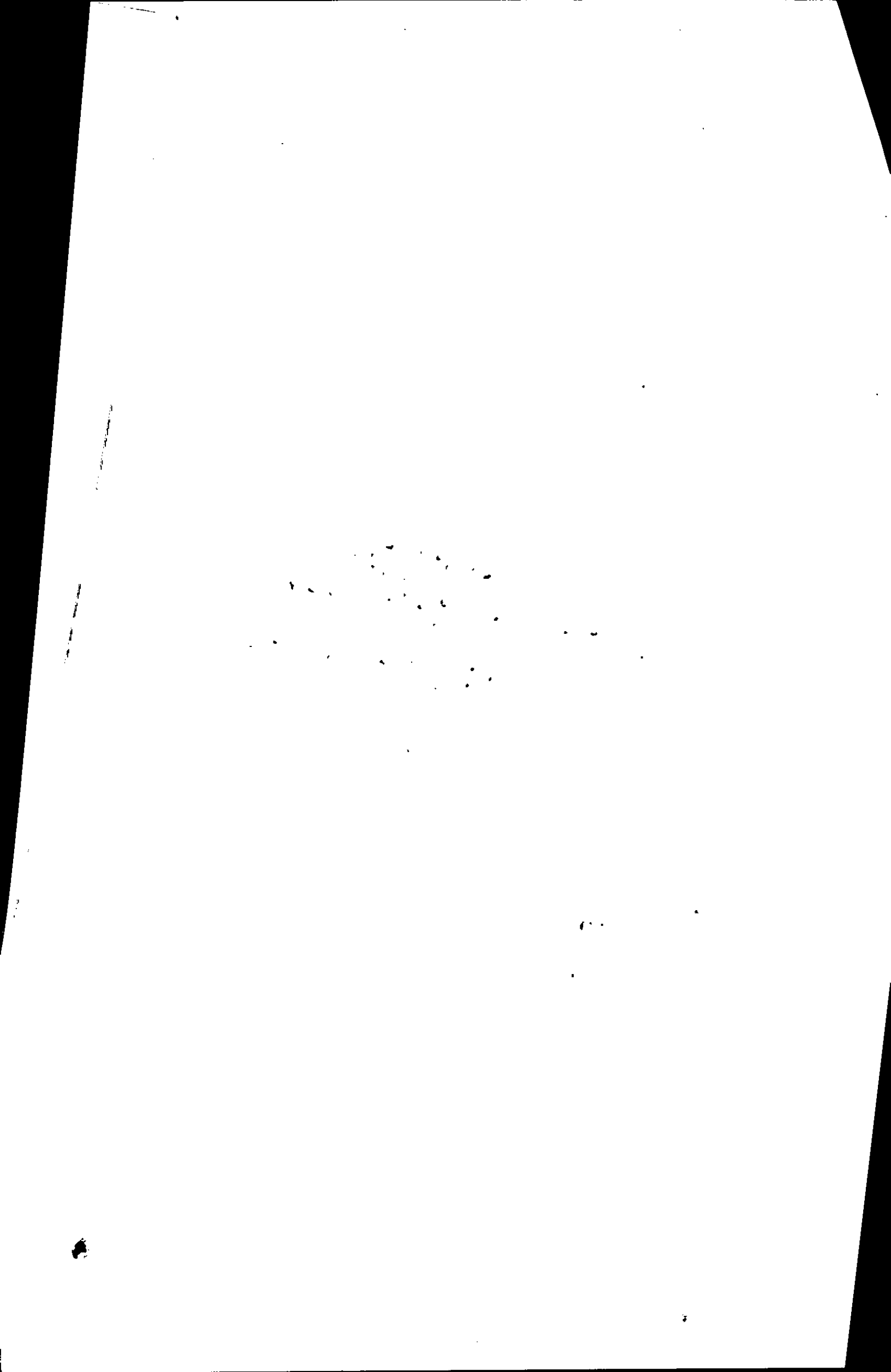
No. 682 /S.T,

Dt. 28/4 /2016


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr.. Shah Faisal Nasapi Adv. Pesh.

Resubmitted by
Asstant of Shah. Faisal Nasapi
~~A Hussain~~
Shah. Hussain



BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR

Service Appeal No. 462 /2016

WASIF NABI EX-NAIB QASID

VERSUS

DEAN PAKISTAN INSTITUTE OF COMMUNITY OPHTHALMOLOGY HMC, PESHAWAR
& OTHERS

INDEX

S#	Description of Documents	Annexures	Page Nos
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2	Affidavit		5
3	Copy of FIR	"A"	6-7
4	Copy of Statement and office Order	"B" & "C"	7-8
5	Other documents	"D"	9-13
6	Wakalat Nama		14

Dated: 28/04/2016

Appellant

Through

seal →

FAZAL SHAH MUHAMMAD

&

SHAH FAISAL NASAPI

Advocates 1, Peshawar

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A

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BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR

Service Appeal No. 462 2016

A.W.P. Province
Service Tribunal
Diary No. 425
dated 28/4/2016

Wasif Nabi Ex Naib Qasid, Pakistan Institute of
Community Ophthalmology. Hayat Abad medical complex
Peshawar.

.....Appellant

V e r s u s

1. Dean, Pakistan Institute of Community
Ophthalmology Hayatabad Medical Complex
Peshawar.
2. Chairman board of Governor, Hayatabad Medical
complex Peshawar.
3. Chief Executive Hayatabad Medical Complex Hayat
Abad Peshawar.

.....Respondents

APPEAL UNDER SECTION 4 OF
THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL ACT 1974,
Against He Order Dated
14/12/2015

Handwritten signature and initials

14/116 Respectfully Sheweth:

1. That appellant was appointed as Naib Qasid
in PICO Hayatabad Medical Complex and

mitted to-day
d.

Handwritten signature and date
15/116

2

since then I performed his duties with honesty and full devotion upto the entire satisfaction of the high ups.

2. That the appellant was posted as Naib Qasid at PICO and was assigned to perform his duties from, 08:00 AM to 02:00 PM in day hours.
3. That at night between 7&8 of August 2015 theft took place in the PICO Account Office and resultantly on the basis of malafide appellant was nominated in the case FIR No. 1075 dated 11-8-15 u/s 380/457/14 ISL 1st PS Hayatabad. (Copy of FIR I annexed) 'A'
4. That an illegal inquiry was conducted wherein the statement of appellant was recorded and thereafter appellant was awarded the major penalty of dismissal from service with immediate effect vide office order dated 14-12-15 . (Copy of the statement and office order are annexed "B&C").
5. That the appellant filed departmental appeal on 05-01-16 which has not been responded despite the lapse of statutory period, hence appellant with no other remedy except to

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approached this Honorable Court by filing the instant appeal. *copy of deputal appeal "D"*

GROUND:

- A. That the impugned order is illegal, against the law and vide ab-initio.
- B. That no charge sheet/ statement of allegation and show cause notice were communicated to the appellant.
- C. That no proper inquiry was conducted in the matter or any convincing evidence was collected during inquiry connecting the appellant with the alleged theft.
- D. That even otherwise the criminal case is still pending before the competent Court and as such appellant dismissal prior to the decision of criminal case is illegal and not maintainable.
- E. That appellant is innocent and the theft has taken place at night time (dark hours) while appellant duty is at day time.
- F. That the circumstances of the theft suggest that someone from inside is involved in the theft while appellant has been made escape

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goat without any omission or commission on appellant part.

- G. That the department has exceeded their jurisdiction not vested in them and hence improperly exceeded the jurisdiction vested in them.

It is therefore prayed that on acceptance of this appeal the impugned order dated 14/12/15 may be set aside and appellant services be restored.

Any other relief deemed proper and just in circumstances of the case not asked for may also be granted.

Appellant

Through

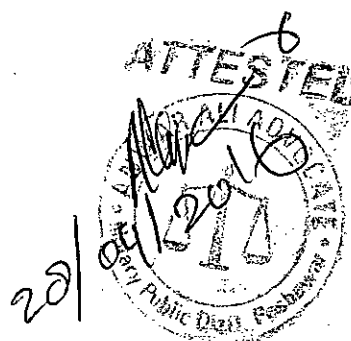
Signature

**Fazal shah Muhmand
Advocate, Peshawar**

Dated 27-04-2016

Signature

Shah Farial Nasapi



5

BEFORE THE SERVICE TRIBUNAL KPK, PESHAWAR

Service Appeal No. _____ 2016

Wasif Nabi Ex Naib Qasid

V e r s u s

Dean, Pakistan Institute of Community Ophthalmology

AFFIDAVIT

I, **Wasif Nabi Ex Naib Qasid, Pakistan institute of community Ophthalmology. Hayat Abad Medical Complex Peshawar**, do hereby solemnly affirm and declare on oath that the contents of the accompanying **Service Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.


Deponent

Dated 27-04-2016



The Deputy Director of Community of Phthalomology Poshaw Pakistan subject (Saturday) at 7:45AM when I open my office, I noticed that the upper door was properly opened & enter my office and sit on my chair as per routine I pressed the button of my computer and tried to open the monitor but it did not on, so I look over to the connected connection tried to see where fault and why my computer could not on. so I kept my chair and to see I was not on his proper position and when I looked at the safe I observed that same one has tried to break the safe. I kept my office and called the ward who was duty so he could not stipped me, so I called Mr. Imran (Manager) to see in the CCTV camera that who has entered my office. I arrived on 8:00AM when Ms. Beemish entered the office, I told her about the situation and she was very shocked because then were lying a huge amount of cash in the safe with about Rs. 789,670/- which Pestaun Mr. Athab (Court officer) and cash of Rs. 250,000/- she also checked her draws which I also found opened and from which of Rs. 88117/- were found missing. So I informed Dr. Noor ul Mabud (Director Administrator) and Dr. Zahid Jadoon about the situation accordingly. Report is submitted to you for necessary action please. ST.MY. I have signed account officer (Project) office in Islamabad to sit to court officer.

تاریخ: 10-10-15	1075
وقت: 8:15	1075
محل: [Blank]	1075
موضوع: [Blank]	1075
تاریخ: 10-10-15	1075
وقت: 8:15	1075
محل: [Blank]	1075
موضوع: [Blank]	1075

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11-8-11

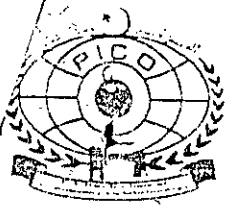
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(7)

Date: 10/10/11



Pakistan Institute Of Community Ophthalmology
Hayatabad Medical Complex, Peshawar, Pakistan

Annex D

7

Ref: 446/PICO/15

Date: 14.12.15

OFFICE ORDER:

No. 446/PICO/2015: Subsequent to the recommendations of the HMC Inquiry Committee and decision of the PICO Management Committee in its meeting held on 05/12/2015, the PICO Management has decided to impose upon you Mr. Wasif Nabi (Naib Qasid) the Major Penalty of dismissal from services under rule No 4 (b) (iv) of the Government of Khyber Pakhtunkhwa conduct efficiency and disciplinary rules with immediate effect.

(Prof. Dr. Nasir Saeed)
Dean PICO

Endorsement of even numbers and Date:

1. Director Administration PICO for implementation
- ✓ 2. Employee concerned
3. PA to Chairman BoG, HMC, Peshawar
4. PA to Dean for record in personal file

(Prof. Dr. Nasir Saeed)
Dean PICO

Tc

Handwritten text in Urdu script, oriented vertically. The text is dense and appears to be a list or a detailed account of items or events. Some words are partially obscured or faded.

Handwritten mark or signature on the left side of the page.

Handwritten signature or name at the bottom left, possibly "Amna".

⑧

Handwritten text at the bottom center, possibly a date or reference number.

0346-909366

Handwritten text, possibly a name or address, partially obscured by a horizontal line.

Handwritten text in Urdu script, appearing to be a list or set of instructions.

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9

Annex A
"D"

BEFORE THE CHAIRMAN BOG HMC, PESHAWAR

Subject: DEPARTMENTAL APPEAL AGAINST THE OFFICE ORDER DATED 14/12/2015 WHEREBY I HAVE BEEN DISMISSED FROM SERVICE.

Respectfully Sheweth:

- 1- That I was appointed as Naib Qasid in PICO Hayatabad Medical Complex and since then I performed my duties with honesty and full devotion upto the entire satisfaction of the high ups.
- 2- That I was posted as Naib Qasid at PICO and was assigned to perform my duties from 08:00 AM to 02:00 PM in day hours.
- 3- That in the night of between 7&8 of August 2015 theft took place in the PICO Account Office and resultantly I was nominated in the case FIR No.1075 Dated 11/08/2015 U/S 380/457/14 Isl PS Hayatabad malafidely. (Copy of FIR is annexed).
- 4- That an illegal inquiry was conducted wherein my statement was recorded and thereafter I was awarded the major penalty of dismissal from service with immediate effect vide office order dated 14/12/2015. (Copy of the statement and office order are annexed "B&C").

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5/11/16

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5- That the impugned order dated 14/12/2015 is against the law facts and principle of natural justice on the grounds inter-alia as the following:

GROUND:

- A) That the impugned order is illegal, against the law and vide ab-initio.
- B) That no charge sheet / statement of allegations and show cause notice were communicated to the appellant.
- C) That no proper inquiry was conducted in the matter nor any convincing evidence was collected during inquiry connecting me with the alleged theft.
- D) That even otherwise the criminal case is still pending before the competent Court and as such my dismissal prior to the decision of criminal case is illegal and not maintainable.
- E) That I am innocent and the theft has taken place at night time (dark hours) while my duty is at day time.
- F) That the circumstances of the theft suggest that some one from inside is involved in the theft while I have been made escape goat without any omission or commission on my part.

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PAKISTAN INSTITUTE OF COMMUNITY OPHTHALMOLOGY
Hayatabad Medical Complex, Peshawar



OFFICE ORDER:

In exercise of the power vested vide Government of KPK Health Deptt: Notification No. SOH (II) 3-15 / 2001 dated: 26/06/2001, (KPK Medical Institutions Rules 2001) Rules – 9, Sub rule – 2 (III), the undersigned is pleased to regularize and appoint Mr. Wasif Nabi S/O Fazal Nabi as Naib Qasid BPS – 01 at PICO, Peshawar.

His appointment in this institution will be subject to the following terms and conditions:-

1. Appointed on regular basis with pensionary benefits and GP fund as per amended KPK Medical & Health Institution & regulation of Health Care Services (Amendment) ACT 2006 notified vide No. PA/NWFP/Legis-I/ 2006/28421 dated: 26.11.2006.
2. He will be on probation for a period of two years.
3. During probation period, his services can be terminated without any reason.

Dean

Pakistan Institute of Community Ophthalmology
Hayatabad Medical Complex, Peshawar

NO. 498 / PICO/Interview/W-IV Dated: 25/09/2014

Copy Forwarded for information

1. Chief Executive, HMC, Peshawar.
2. Deputy Dean, PICO, Peshawar
3. Director Finance, HMC, Peshawar for n/ action.
4. Account Section, PICO, Peshawar
5. Manager HRM, PICO
6. Mr. Wasif Nabi S/O Fazal Nabi, address Village Mohalla, Jhangir Abad Utman zai District Tehsil Charsadda. With the remarks that, if the above offer of appointment is accepted then he should join the job within 15 days of the issue of this order, failing which the job will be considered as cancelled.

Dean

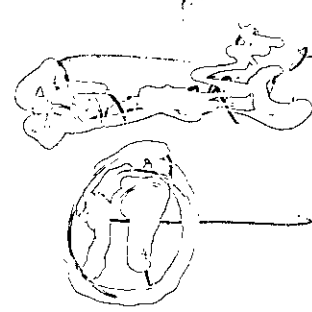
Pakistan Institute of Community Ophthalmology
Hayatabad Medical Complex, Peshawar

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12

HAYATABAD MEDICAL COMPLEX PESHAWAR
DEPARTMENT OF ENT-A



No 770 ENT/HMC

Date: 18/09/2015

To,

1. Mr. Muhammad Aftab, Accounts Officer (Govt)
2. Mr. Ikram Ullah Jan, Accounts Officer (PICO)
3. Miss. Beenash Nasir, Computer Operator PICO
4. Mr. Mohammad Imran, IT Manager PICO
5. Mr. Sabihatullah, Accounts Assistant PICO
6. Mr. Mustafa Kamal, Security Guard PICO
7. Mr. Meena Baz, Security Guard PICO
8. Mr. Mujahid, Security Guard PICO
9. Mr. Wasif Nabi, Naib Qasid, PICO

Subject: INQUIRY REGARDING THEFT INCIDENT IN THE ACCOUNTS OFFICE OF PICO.

Reference letter No. 1-2/PO/PICO/VOL.III/2015-16 dated: 05/09/2015 by Dean, PICO and reference letter No. 757 ENT/HMC dated: 07/09/2015.

You are hereby directed to come to the office of the undersigned in ENT Department to appear before the inquiry committee on 21.09.2015 at 10:00 am.

Prof: Dr. Isteraj Khan Shahabi
Head Department of ENT-A/
Chairman Inquiry Committee

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Copy to:

1. Prof. Dr. Nasir Saeed, Dean PICO/ DDO with the request to come and present his views about the incident on the above mentioned date.
2. Director Administration, PICO
3. Dr. Wali Rehman, DMS (Admn)/ Member Inquiry Committee
4. Dr. Muhammad Mushtaq, I/C, Dental & Maxillofacial Surgery/ Member Inquiry Committee
5. P.A to Chairman, BoG HMC
6. P.A to Hospital Director, HMC
7. P.A to Medical Director, HMC

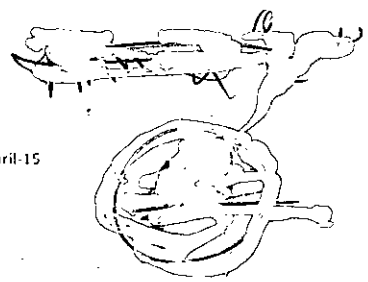
Prof: Dr. Isteraj Khan Shahabi
Head Department of ENT-A/
Chairman Inquiry Committee

PICO OFFICE

Diary # 1125
Date: 19-9-15
Signature: A.P.U
Received By: _____

Government of Khyber Pakhtunkhwa - (Health Department)
 Pakistan Institute of Community Ophthalmology (PICO-HMC)

13



7: S. NO 66
 Personal # 66
 Name Wasif Nabi
 Designation Naib Casid
 CNIC # 17101-7544660-3
 Date of Birth Wednesday, November 02, 1988
 C. P. Fund
 BPS 01

Month April-15
 Pay Section Pay Roll 9
 Cost Center PR4942
 Min Min of Health
 NTN N/A
 Date of Appt: Thursday, September 25, 2014
 G.P. Fund # abc
 OLD NIC ()--66

Object Head **Pay And Allowances**

0001	Basic Pay	4,800
1001	House Rent Allowance	1,336
1210	Conveyance Allowance	1,785
1948	50 % Adhoc Relief 2010	1,485
1917	Medical Allowance 15 %	1,200
1910	15 % Adhoc Relief 2011	445
1833	Integrated Allowance	300
2118	20% Adhoc Relief Allowance - 2012	960
	10 % Adhoc Relief Allowance 2014	480
	15 % Adhoc Relief 2013	720

Gross Pay and Allowances

13,511

Object Head **Deduction**

		Rate:
60513	C. P. Fund	480
206214	Beneficial fund	120
603102	Group Insurance	58
100070	Accident Group Insurance	0
612211	Income Tax from Salary	0

Total Deductions

664

Net Amount Payable

12,847

IBID-
 Branch HMC BRANCH 3017-
 Account # 734655531004631
 Date 2-May-15

Qualifying Service
 Days-Months-Years
 06-08-00

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		51496
	<p>پشاور بار ایسوسی ایشن، خیبر پختونخواہ</p>	
<p>ایڈووکیٹ/دستخط بارکوس ابار ایسوسی ایشن رابطہ نمبر:</p>		

بعدالت جناب: مہروس کٹر گٹوئل

<p>Appellant / Petitioner</p> 	<p>دعویٰ: علت: موردہ: جرم: تھانہ:</p> 
<p>بابت تحریر آنکہ</p>	

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ
 ان مقام کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا نیز وہیں صاحب کو
 راضی نامہ کرنے و تقررات و فیصلہ برطین دینے جواب دعویٰ اقبال دعویٰ اور درخواست ازہر قسم کی تصدیق
 زریں پر دستخط کرنے کا اختیار ہوگا، نیز یہ صورت عدم پیروی بناؤ گزری نظر فرما یا اپیل کی آزمائی اور منسوخی، نیز
 دائر کرنے اپیل نگرانی و نظریاتی و پیروی کرنے کا مختار ہوگا اور یہ صورت ضرورت مقدمہ مذکورہ کے کل یا جزوی
 کاروائی کے واسطے اور وہیں یا ہمارے قانون کو اپنے ہمراہ یا اپنے بجائے قرار کا اختیار ہو گا اور صاحب
 مقرر شدہ کو بھی وہی جملہ مذکورہ اختیارات حاصل ہوں گے اور اس کا ساتھ پر داخستہ منظور و قبول ہوگا دوران مقدمہ
 میں جو خرچہ ہر جانہ التوائے مقدمہ کے سب سے ہوگا وہ دیکل موصوف و متعلقہ کے کا مختار ہوگا کوئی تاریخ پیشی مقام
 دورہ یا حد سے باہر ہو تو دیکل صاحب پابند نہ ہوں گے کہ پیروی میں مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ مندر ہے۔

المرقوم: Shah Faqir Nasafi
 العین: Shah Faqir Nasafi
 مقام: Delu

واہنگ بنیوں کے صاحب جس کی سہولت لیا نہ ہو گی جیسا کہ باہر سے

BEFORE THE SERVICE TRIBUNAL KPK, PESHAWAR

Service Appeal No. 462/2016

Mr. Wasif Nabi.....Appellant

VERSUS

**Dean, Pakistan Institute of Community Ophthalmology
(PICO).....Respondent**

INDEX

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Through

Respondent



Shakeel Ahmad
Advocate, Peshawar.

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR

Service Appeal No. 462/2016

Mr. Wasif Nabi (Ex- Naib Qasid , Pakistan Institute of Community Ophthalmology, Hayatabad Medical Complex , Peshawar)

Vs

Dean, Pakistan Institute of Community Ophthalmology (PICO), Hayatabad Medical Complex, Peshawar & Other's.

Parawise Comments

Respectfully Sheweth;

Preliminary Objection's,

1. That, the appellant has got no cause of action, locus standi to file the present appeal.
2. That, the appeal is not maintainable.
3. That, the instant appeal is bad for misjoinder & nonjoinder of necessary parties.
4. That, the instant appeal is barred by law & time.

5. That, this honorable tribunal has got no jurisdiction, to adjudicate upon the matter.
6. That, the appellant is not a civil servant, therefore, court invoke jurisdiction of this August forum.
7. PICO is an autonomous institute governed under MTI Act 2015, rules & regulations framed thereunder; therefore, the honorable court has got no jurisdiction to adjudicate upon the matter.

REPLY ON FACTS:

1. In reply to the contents Para No. 1 of the appeal, it is submitted that PICO is an autonomous institute and functioning under administrative control of HMC, which too is an autonomous institute, the appellant has embezzled **Rs.88147/-** of PICO and thereafter had gone hidden, repeated notices were issued to him, resultantly, an FIR was lodged against him, he was dismissed from the services on 14-12-15, he never performed his duty with honesty & devotion.
2. Pertains to record hence no comments.
3. Incorrect and misleading, detailed reply has been given in the above Para, the appellant had embezzled money from project account office (PICO), thereafter he disappeared and did not join

his duty, despite repeated notices , an FIR was also lodged against him (Copies of notice in Annex-A).

- 4. Incorrect and misleading, an appellant was proceeded against in accordance with law and finally he was dismissed from the services after observing all legal and codal formalities.

- 5. Subject to proof.

GROUND:

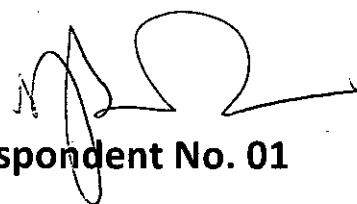
- A. Incorrect. The impugned order is legal and passed by the competent authority after completing the codal formalities.

- B. Incorrect. Proper inquiry was conducted and opportunity of defence was provided to appellant.(Copy of show cause & reply enclosed Annex-B)

- C. Incorrect. Inquiry committees conducted full fledged inquiry & convincing material was collected against the appellant during the proceeding, he was found guilty, and therefore his service was terminated. (Inquiries Reports, Termination Order Annex-C,)

- D. Incorrect. Criminal and departmental proceeding are two separate things and can run side by side with each other & result in criminal case has nothing to do with the department proceedings.
- E. Incorrect. Charges leveled against the appellant were proved during the inquiry proceeding.
- F. Incorrect. Thorough probe was conducted and finally the appellant involvement in the theft was proved.
- G. Incorrect. The department has exercised its jurisdiction within the parameter of law.

It is, therefore, prayed that an acceptance these comments, the content of appeal being devoid of force be dismissed with cost.



Respondent No. 01

Through



**Shakeel Ahmad
Advocate, Peshawar.**

BEFORE THE SERVICE TRIBUNAL KPK, PESHAWAR

Service Appeal No. 462/2016

Mr. Wasif Nabi.....Appellant

VERSUS

**Dean, Pakistan Institute of Community Ophthalmology
(PICO).....Respondent**

AFFIDAVIT

I, Nabeel Mehfooz Babar S/O Mehfooz Ul Haq Babar (HRM Officer) at Pakistan Institute of Community Ophthalmology (PICO), Hayatabad, Peshawar, do hereby solemnly affirm and declare that the contents of the accompanying comments are true and correct to the best of my knowledge and believe and nothing has been concealed from this honourable court.



Deponent
CNIC: 17201-4145697-7

Identified by:



Shakeel Ahmad
Advocate

(6) (B)

Pakistan Institute of Community Ophthalmology
Hayatabad Medical Complex, Peshawar

Dated: 15/08/2015

Ref No. 272/PICO/15

✓ Mr. Wasif (Naib Qasid)

PICO, HMC, Peshawar.

Subject: Inquiry Committee Summon

With reference to the proceedings of the Inquiry Committee meeting held on 15/08/2015 at 1200 hrs at PICO regarding the theft in account office of PICO on Friday Night 07/08/2015, you are directed to appear before the Inquiry Committee on Monday 17th August, 2015 at 9:00 am in the office of the Deputy Dean PICO, HMC, Peshawar positively.


Chairman Inquiry Committee

Copy for information to:

Incharge Thana/Police Station Hayatabad, Peshawar with a request to facilitate.

بہت بڑا رقم لکھا تھا۔ اور ملزم نے جو رقم لکھی
بیلو 88 روپے لکھے ہیں جو کہ حاکم کو قابل
شک نہ بناتا ہے اور اس کے سے یہ اور ملحق ظاہر ہے۔ FIR
ملاحظہ اور دن اُفرت ہے۔ اور رقم کسی کی باز سے ورد
بہر دہی ہے۔

لکھنا استدعا ہے برائے سائل کو کہ وہ یہ
اور ملحق ملاحظہ اور برائے سائل سے خود میں دولت کر
کیا ہے۔ سائل کو خود سے بری لکھنا

تاج پبلشرز پرائیویٹ لٹریچر

0346-9099356

ابتدائی اطلاع رپورٹ

ابتدائی اطلاع نسبت جرم قابل دست اندازی پولیس رپورٹ شدہ زیر دفعہ 152 مجموعہ ضابطہ نو جداری

vc 4

PS

S 49

ضلع	لاہور	پلاٹ نمبر	1075
تاریخ	7/8/15	وقت	10:10
رنگ و وقت رپورٹ	8/15 اگست 10-10		
پولیس سٹیشن	آرام اللہ خان اکاؤنٹس آفیسر		
معدومہ (حال اگر کچھ لیا گیا ہو)	380-457-14 Islamabad		
فائدہ سے اور سمت	اکاؤنٹس آفیسر دفتر سیال HMC		
رہائی جو تفتیش	تعمیری درخواست سے معدومہ قائم کیا جا رہا ہے		
تاریخ و وقت	8/15		

ابتدائی اطلاع نیچے درج کر رہے ہیں۔

To The Deputy Director, Government of Punjab, District Administration, District of Faisalabad, Faisalabad.

Admin Pakistan Institute of Community Ophthalmology, Peshawar, Pakistan.

TEIEFF IN OUR OFFICE COMMITTED ON AUG-08, 2015. It is submitted that the TEIEFF IN OUR OFFICE COMMITTED ON AUG-08, 2015 (Saturday) at 7:45 AM when I open my office, I noticed that the door was properly opened I enter my office and sit on my chair as per usual. I pressed the button of my computer and tried to open the monitor but it could not on, so I look over to the connected connection tried to see where is the problem. when I left my seat I was shocked to note that the safe was not on his proper position and when I looked at the safe I noticed that same one has tried to break the safe. I left my office and called the guards who was on duty so he could not satisfied me, so I called Mr. Khan (IT Manager) to see in the CCTV camera that who has entered my office. Meanwhile on 8:00 AM when Ms Beenish entered the office, I told her about the all situation and she was very shocked because there were lying a amount of cash in the safe with about Rs. 789,670/- which pertain Mr. AH Account Officer) and cash of Rs 250,000/- she also checked her draws which were also found opened and from which of Rs. 88147/- were found missing. so I informed Di Noor ul Mabsud (Director Administration) and Dr. Zahid Tadeon about the situation accordingly. Report is submitted to you for necessary action please. S.T. 17, Kiamullah Jan, Account Officer (Project).

380-457-14 Islamabad

آرام اللہ خان اکاؤنٹس آفیسر

تعمیری درخواست سے معدومہ قائم کیا جا رہا ہے

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PAKISTAN INSTITUTE OF COMMUNITY OPHTHALMOLOGY

HAYATABAD MEDICAL COMPLEX, PESHAWAR

Ref No. 1-2/PO/PICO/Vol-IV/2015-16

Date: 13/08/2015

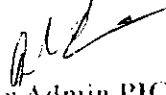
1. Dr. Zahid Jadoon, Deputy Dean PICO.
2. Dr. Sadiqullah, AP (CEB), PICO.
3. Mr. Pervez Akhtar, Program Officer, PICO.

Subject:

1st Meeting of the Inquiry Committee.

With reference to the PICO Notification No. 274/PICO/15 dated 13.08.15, on the subject noted above, it is conveyed that the subject meeting will be held on Saturday 15/08/2015 at 1200 hrs. in the office of the Deputy Dean PICO.

You are requested to attend the meeting, please.


Director Admin PICO

Copy for information to:

PA to Dean PICO.

Director Admin PICO

5 - Working days 11/10/15

90

Ref. 274/PICO/15

Date. 13.8.15


I am directed to state that a committee is constituted to initiate an official inquiry to determine:

- 1. Possible accuse. ✓
- 2. Security lapses.
- 3. Why so much cash was kept in the department.
- 4. Who withdraw the cash
- 5. Why could it not be submitted in the proper bank account in time and any other matter

Members of the Committee

- 1. Dr. Zahid Jadoon (Deputy Dean) Chairman
- ✓ 2. Mr. Perviz Akhtar (Programme Officer) Secretary/Member
- 3. Dr. Noor Ul Mabood (D. Director Admin) Member
- 4. Dr. Sadiqullah AP (CEH) Member

The committee should prepare its report in 5 working days.


Director Administration

Copy for information to:

- 1- PA to Dean PICO

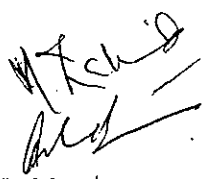
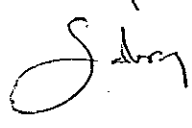
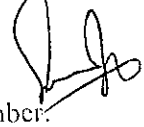
5-Working days P.T.O

Minutes of the 1st Meeting of the PICO Inquiry Committee.

First meeting of the Facts Finding Inquiry Committee regarding the theft in PICO was held on Saturday 15/08/2015 at 1200 hrs, under the chairmanship of Deputy Dean PICO, Chairman of the Inquiry Committee in his office to discuss the proceedings of the meeting. The following attended the meeting:-

1. Dr. Zahid Jadun, Deputy Dean PICO, Chairman.
2. Dr. Noor ul Mabood, Director Administration, PICO, Member.
3. Dr. Sadiqullah, Assistant Prof. (CEH) PICO, Member.
4. Mr. Pervez Akhtar, Program Officer, PICO, Member.

2. The Committee discussed the case in detail and established the fact that the Accounts Office of PICO was broken on Friday night after the working hours. The Committee decided to proceed further in the inquiry as per its ToRs and summon the PICO employees concerned with the case to record their statements in its next meeting. Accordingly, eight employees, the Accounts Officer (project), Computer Operator/Account Assistant (Project), Assistant Accounts Officer (Govt.), Account Assistant (Govt.), three security guards and Naib Qasid Accounts Office (Govt.) were issued letter to appear before the inquiry committee on Monday 17th August, 2015 to record their statements. Moreover, the Incharge Thana/Police Station Hayatabad Peshawar was also requested to provide a copy of the registered FIR.

1. Dr. Zahid Jadun, Deputy Dean PICO (Chairman). 
2. Dr. Noor ul Mabood, Director Administration, PICO, Member.
3. Dr. Sadiqullah, Assistant Prof. (CEH) PICO, Member. 
4. Mr. Pervez Akhtar, Program Officer, PICO, Member. 

Subject: Inquiry Report Regarding Theft in PICO.

Background:

The Accounts Officer (Project) Mr. Ikram Ullah Jan, PICO Peshawar reported a theft in his office early in the morning of Saturday the 8th August, 2015. The Dean PICO, who was on official leave on that day, was informed about the incident through SMS at 09:58 am on 08/08/2015 and Dean PICO instructed Deputy Dean on phone at 10:02 am on the same day to inform police. The Senior members of the PICO Management Committee i.e. Dr. Zahid Jadoon, Deputy Dean, Dr. Noorul Mabood, Director Administration PICO, Ms Samina Anwaar, Sociologist, PICO, Mr. Ikramullah Jan, Accounts Officer (project) PICO, and Mr. Aftab Sher, Accounts Officer (Govt.) PICO, who were present on the same day held an urgent meeting to discuss the incident. The Accounts Officer (Govt.) stressed on to open the locker as he was worried about the Govt. Cash which was kept in the locker and he showed his apprehension that if the police takes away the locker then it will be difficult to know whether the cash was available or not. The safe was then opened/broken and it was found that the total cash kept in the safe was available. The CCTV cameras were also seen time and again but no explicit proof could be seen except one clue that a torch with human shadow behind the accounts office was seen in the camera between 9:45 pm – 1000 pm on Friday 07/08/2015. Moreover, the security guards were found sleeping most of the time. In addition on Saturday 08/08/2015, the HMC Police was also informed about the event and subsequently on the same day, a police party came to PICO, visited the spot and took statements of the PICO concerned employees. They further stated that on the next day they will visit PICO again and will proceed further. On next day they came and advised PICO to send a theft report to HMC Police and Thana Hayatabad for lodging FIR.

After arrival of the Dean PICO, he notified a departmental fact-finding inquiry committee under the chairmanship of Deputy Dean PICO on 13/08/2015 with the following ToRs (Annex-A):-

- i) Possible accuse
- ii) Security Lapses
- iii) Why so much cash was kept in the department
- iv) Who withdraw the cash
- v) Why could it not be submitted in the proper bank account in time and any other matter.

M. Zahid
24/8/15


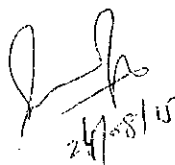
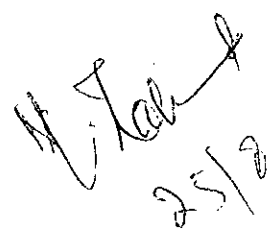
[Signature]
24/8/15

2. Proceedings

The Inquiry Committee held its first meeting on 15/08/2015 at 1200hrs in the office of the Chairman of the committee, in which it was decided to summon Mr. Ikrafnullah Jan, Accounts Officer (project), Ms Beenish, Computer Operator/Account Assistant (Project), Mr. Aftab Sher, Assistant Accounts Officer (Govt.), Mr. Samahatullah, Account Assistant (Govt.), three security guards namely Mr. Mustafa kamal, Mujahid & Mr. Meena Baz and Mr. Wasif Nabi, Naib Qasid working as Dispatcher were issued letter to appear before the inquiry committee on Monday 17th August, 2015 to record their statements. (Minutes of the meeting are at Annex-B). Accordingly, on 17/08/2015, statements of all the employees were recorded except Mr. Wasif Nabi, who appeared in the court on that day.

3. Findings:- Following are the major findings from the statements of the above mentioned PICO employees and personal observations of the Inquiry Committee:-

1. The inquiry committee after listening to the verbal statements, going through the written statements and after physical verification of the crime scene, established the fact that theft has taken place and Rs. 88147/- has been stolen from the drawer and attempt has been made to break the locker in which a cash of Rs. 1039670/- was kept, which included Rs. 789, 670 Govt. Cash and Rs. 250000/- (Project Cash). On a query the Accounts Officer (Govt.) stated that this cash was of the Income Tax and CPF deductions from the PICO Govt. employees. Whereas, the Accounts Officer (Project) stated that their cash i.e. 250000/- were the students' stipends which could not be paid due to summer vacations of the students and it also included some receipts. — 80.
2. The Safe was opened/broken on Saturday the 8th August, 2015 and the total cash kept in the Safe was found available.
3. No explicit clue regarding the theft/thief could be found with the help of CCTV camera.

 24/8
 24/8/15
 25/8

4. **Security Lapse/Negligence:** While going through the verbal inquiry and written statements of the Security Guards, it was noticed that the security guards were available on duty as per duty rota but they showed negligence as they did not remain active during the incident/theft and remained slept at night, instead of awakening and having rounds within & outside the PICO building.

5. **Accounts Office Negligence:** The Govt. cash of Rs. 789,670/- was withdrawn by the Accounts Office (Govt.) on Wednesday August 5th 2015, was taken by Mr. Samahatullah, Account Assistant on the same day to NBP and according to his statement on refusal by the Bank Manager, he brought this cash back to PICO and deposited in the Project Account Office Locker. According to the written statement of Accounts Officer (Project), the cash was again handed over to Mr. Samahatullah & Mr Wasif (dispatcher) on 06/08/2015 and the same was returned for keeping in the safe. While on Friday, 07/08/2015, the project office (Govt.) did not ask about their cash and hence the cash remained in the safe. While according to the statement of Mr. Samahatullah, Account Assistant (Govt.) he asked Mr. Wasif (dispatcher) to deposit the cash on Friday 07/08/2015 and Mr. Wasif replied that he will do it after doing the work of some other officers of PICO but Mr. Wasif then did not come. Moreover, on a query that why the cash could not be deposited in the bank in a proper manner and in time, the Accounts Officer and Account Assistant (Govt.) accounts stated that due to refusal of the NBP staff on 05/08/2015 for not understanding the procedure and certain deficiencies pointed out by SBP on the 06/08/2015 like not completing some documents, the cash could not be deposited in time. The Inquiry Committee feels that an irregularity on the part of the Accounts Office (Govt.) has taken place by not depositing the cash in the Govt. exchequer in time and according to the procedure.

6. The Account Officer (Project) could not satisfy the committee when asked to tell why the Govt. cash was kept in his office. The only reason he told was that the cash was kept on the request of Accounts Officer (Govt.) for the purpose of safety, as the only safe in PICO is placed in Accounts Office (Project).

[Signature]
24/8/15

[Signature]
24/08/15

[Signature]
25/8/15

- 7. Both the Accounts Officers could not satisfy the committee regarding the query as to how much cash they can keep in office as per the Govt. rules.
- 8. The Accounts Officer (Govt.) could not satisfy the Inquiry Committee when asked as to how much cash a dispatcher can carry for official purpose.
- 9. Neither Accounts Officer (Govt.) could satisfy the inquiry committee as to why cash transaction instead of cheque transaction was made.
- 10. On a query from both the Accounts Officers regarding did they keep inform the DDO about keeping this cash for three days in the locker, they replied in negative viz they did not keep the DDO inform about keeping cash in locker.

4. **Summary of Findings:** In view of the above findings, the Inquiry Committee feels

- i) that security negligence has taken place on the part of security guards for not properly watching the Institute premises.
- ii) Irregularity has taken place on the part of the Mr. Aftab Sher, PICO Accounts Officer (Govt.) for keeping that much cash in office and not keeping informed the DDO about the reasons for delaying its depositing and handing over large amount of cash to Mr. Samahatullah, Account Assistant and Mr. Wasif Nabi, Dispatcher.
- iii) Irregularity has been shown by Mr. Samahatullah, Accounts Assistant (Govt.) for not depositing the cash in the bank in time.
- iv) Irresponsibility was shown by Mr. Wasif Nabi, dispatcher for not depositing the cash in the bank on Friday 08/08/2015.
- v) Irregularity on the part of Ms Beenish, Accounts Assistant (Project) for keeping the cash Rs. 88147/- in the drawer.

AW
24/8/15

[Signature]
24/08/15

25/8/15

vi) Irregularity on the part of Mr. Ikramullah Jan, Accounts Officer (project) for not intimating the DDO about keeping the Govt. cash in its office locker.

1. Dr. Zahid Jadoon, Deputy Dean PICO.
2. Dr. Noorul Mabood, Director Administration PICO.
3. Dr. Sadiqullah, AP (CEH) PICO
4. Mr. Pervez Akhtar, Program Officer PICO.

M. Zahid
.....

Pervez Akhtar
26/08/15

Dated: 24th August, 2015.



HAYATABAD MEDICAL COMPLEX PESHAWAR

DEPARTMENT OF ENT

No 859 ENT/HMC

Date: 05 / 11 / 2015

REPORT OF INQUIRY COMMITTEE REGARDING THEFT INCIDENT AT PICO HMC

Reference letter No: 1-2/PO/PICO/Vol-III/2015-16 dated 05/09/2015 by the Dean PICO subsequent to the directives of Chairman of BoG a committee was constituted to probe the theft incidence at PICO HMC.

The committee consisted of:

1. Prof. Dr. Isteraj Shahabi - HoD ENT department HMC - Chairman of Committee
2. Dr. Wali ur Rehman - DMS (Admn) HMC - Member
3. Dr. Muhammad Mushtaq - I/C Maxillofacial unit HMC - Member

The committee got through in detail of the departmental inquiry report. It also went through the fresh statements of all the involved personnel along with personal hearing they included:

1. Prof. Dr. Nasir Saeed - DDO/Dean PICO
2. Mr. Ikram Ullah - Accounts Officer PICO
3. Mr. Aftab Sher - Accounts Officer (Govt)
4. Mr. Samahat Ullah - Accounts Assistant PICO
5. Mr. Imran - IT Programmer PICO
6. Miss. Beenish Nasir - Computer Operator PICO
7. Wasif Nabi - Naib Qasid PICO
8. Mr. Musfata Kamal - Chowkider PICO (Night Duty)
9. Mr. Mujahid - Security Guard PICO
10. Mr. Meena Baz - Security Guard PICO (Day Duty)

PICO OFFICE

Diary # 1206
Date: 6-11-15 9:50
Signature: [Signature]
Received By: _____

Direct Adm

Please convene the meet of committee

[Handwritten signatures and notes]

The committee also visited the scene of crime i.e. the broken window and the accounts office from where the money was claimed to be stolen i.e. the drawer of office table and the damaged safe. It also meticulously watched the CCTV footage of the PICO regarding the incidence.

The committee puts forward the following facts & figures about the mishap.

FINDINGS:

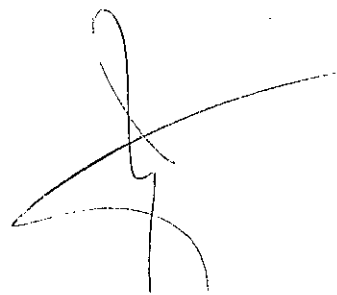
1. A huge amount of money i.e. Rs. 1039670/- (Rs. Ten lakhs thirty nine thousand six hundred and seventy) was kept in the safe of the office of the account officer Mr. Ikram Ullah, of which Rs. 789670/- (Rs. Seven lakhs eighty nine thousand six hundred and seventy) was handed over by Mr. Aftab (Govt) & Rs. 250000/- (Rs. Two lakhs and fifty thousand) was put in by Mr. Ikram Ullah. The money belonging to different financial heads of PICO remained there for a long time more than two months. Moreover another amount of Rs. 88147/- (Rs. Eighty eight thousand one hundred and forty seven) was kept in the drawer of a table under the custody of Miss. Beenash Nasir, the computer operator PICO without proper safety.
2. Dealing with the National Bank and State Bank for the transactions of the said money was executed by the junior staff i.e. Samahat Ullah Assistant Account Officer & Wasif Nabi, Naib Qasid PICO all the time and neither of the two account officers bothered to contact the bank personally to settle problems faced by the junior staff. Thus a lot of time was wasted without properly securing the Government money in time.
Even DDO of PICO was not informed about the prevailing scenario.
3. The theft took place during night time (7th & 8th August 2015), recording of the camera at the back of the PICO showed only a few glimpses of torch light at about 9:45 PM without any clearly identifiable person. The supporting light for the camera to improve night vision was out of order.
4. The two security guards on Night Duty i.e. Mr. Mustafa Kamal Chowkider of PICO and Mr. Mujahid Private Guard also showed extreme carelessness. They

remained awake for while in the reception area of the PICO and moved out of PICO at about 09:30 PM and then slept the whole night in the reception.


- 5. Based on camera recording Mr. Wasif Nabi, Naib Qasid came at about 6:30 AM to the PICO on 8th August 2015 quite earlier and even marked his attendance. He left PICO at 7:30 AM and went towards the hospital and remained away for about 15 minutes for which he presented his own explanation that one of his relative was admitted in Cardiology and he spent night with him and thus came earlier to the PICO. He also remained very active the whole day i.e. (8th August 2015) moving here and there.

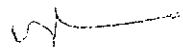
CONCLUSION / RECOMMENDATIONS:

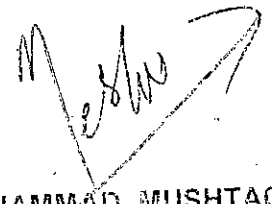
- 1. Personnel of the account section i.e. Mr. Ikram Ullah Accounts Officer PICO, Mr. Aftab Sher Accounts Officer (Govt.), Mr. Samahat Ullah Accounts Assistant PICO and Miss. Bebnish Nasir Computer Operator PICO have shown extreme carelessness and negligence in properly safeguarding the Govt. money by keeping it in safe & drawer of the account office for a long time. Even they did not inform the DDO about all this in time. Only junior staff and Naib Qasid was deputed for dealing with banks regarding transactions of this money and no account officer did contact the banks official in time. So they should be charged with the act of negligence and mishandling the financial matters and penalized in whatever form permissible under the existing government financial rules and regulations.
- 2. Mustafa Kamal night Chowkider PICO must be suspended and penalty imposed upon therein according to government rules and regulations. The private security company under which Mujahid was employed as night security guard must be penalized and black listed.
- 3. Mr. Wasif Nabi, Naib Qasid PICO and the dispatcher whose activities appear suspicious should be suspended and further penalty imposed according to the government rules and regulations.



4. All the financial matters must be monitored by the DDO PICO directly, keeping vigilant eye on the accounts record so that the money is secured in government exchequer in time and such a mishap is avoided in future.
5. Every person of the account section should perform duty according to their job description and the bank dealings monitored by the account officers themselves.
6. Working of the rear cameras of PICO and Eye unit must be improved by providing proper light so that recording at night time is possible. The IT programmer Mr. Imran must be penalized according to laid down rules.

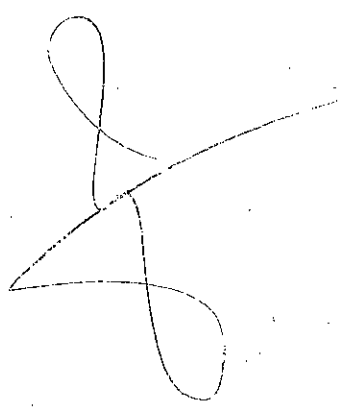

 DR. ISTERAJ SHAHBI
 Prof & HoD ENT department/
 Chairman Committee


 DR. WALI UR REHMAN
 DMS (Admin)
 Member


 DR. MUHAMMAD MUSHTAQ
 I/C Maxillofacial unit
 Member

Copy to:

1. Prof. Dr. Nasir Saeed DDO/Dean PICO/HMC, Peshawar
2. Director Administration PICO/HMC, Peshawar
3. Hospital Director HMC, Peshawar
4. Medical Director HMC, Peshawar
5. Secretary to Chairman BoG
6. Copy to all members of inquiry committee.





Pakistan Institute Of Community Ophthalmology

Hayatabad Medical Complex, Peshawar, Pakistan

21

Ref: 1-2/PO/PICO/Vol-IV/2015-16

Date: 29/8/15

To

The Capital City Police Officer,
Peshawar.

Subject: [INFORMATION/DEPARTMENTAL PROCEEDINGS.]

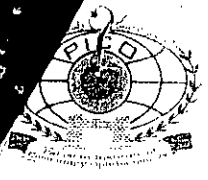
Dear Sir,

I am to refer to your office letter No. 15943/SRC dated 25/08/2015, on the subject noted above and to state that Departmental proceedings were initiated at PICO and the Departmental Inquiry Committee notified on 13/08/2015 has submitted its preliminary fact finding report on 25/08/2015. The said report has been forwarded to the Chairman Board of Governors HMC, Peshawar for formation of Formal Inquiry Committee to probe into the matter and fix the responsibilities. In addition, Mr. Wasif Nabi s/o Fazal Nabi (Naib Qasid at PICO) involved vide FIR 1075 dated 11.08.2015 has been suspended from his service from PICO w.e.f 11/08/2015.

Encl: copy of suspension order


Director Administration
PICO, HMC, Peshawar

27



Pakistan Institute Of Community Ophthalmology


Hayatabad Medical Complex, Peshawar, Pakistan

Ref: 291/PICO/15

Date: 29.8.15


SUSPENSION ORDER

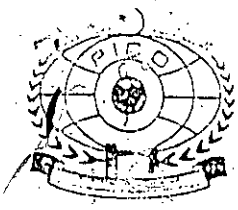
With the reference of CCPO Office letter No. 15943-SRC dated 25/8/2015 and FIR No. 1075 dated 11/8/2015, Mr. Wasif Nabi s/o Fazal Nabi, Naib Qasid PICO, HMC Peshawar is hereby suspended from his service at PICO with effect from 11/8/2015 till further order.


Dean
PICO, HMC, Peshawar

Copy for information

- 1- Chairman BOG HMC Peshawar
- 2- Medical Director HMC Peshawar
- 3- Hospital Director HMC Peshawar
- 4- Finance Director HMC Peshawar
- 5- Investigation Officer Thana Hayatabad Peshawar
- 6- Mr. Wasif Nabi s/o Fazal Nabi r/o Utmanzai Chasadda Moh: Jahangirabad


Dean
PICO, HMC, Peshawar



Pakistan Institute Of Community Ophthalmology
Hayatabad Medical Complex, Peshawar, Pakistan

Date: 14.12.15

Ref: 446/PICO/15

OFFICE ORDER:

No. 446/PICO/2015: Subsequent to the recommendations of the HMC Inquiry Committee and decisions of the PICO Management Committee in its meeting held on 03/12/2015, the PICO Management has decided to impose upon you Mr. Wasif Nabi (Naib Qasid) the Major Penalty of dismissal from services under rule No 4 (b) (iv) of the Government of Khyber Pakhtunkhwa conduct efficiency and disciplinary rules with immediate effect.

(Prof. Dr. Nasir Saeed)
Dean PICO

Endorsement of even numbers and Date:

1. Director Administration PICO for implementation
- ✓ 2. Employee concerned
3. PA to Chairman BoG, HMC, Peshawar
4. PA to Dean for record in personal file

(Prof. Dr. Nasir Saeed)
Dean PICO

وکالت نامہ

بعدالت جناب ضمیمہ عنونخواہ سروس برڈینونل پشاور

حکومت

داعفہ نبی

نام

25/10/2018

تاریخ

ادولٹ

منجانب

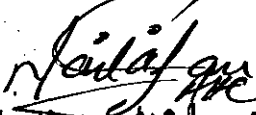
باعث تحریر آنکہ

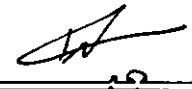
مقدمہ مندرجہ بالا عنون میں اپنی طرف سے واسطے پیروی و جوابدہی بمقام مشاور کے لئے

نانکہ جان ایڈوکیٹ ہائی کورٹ

کو بدین شرط وکیل مقرر کیا ہے کہ میں ہر پیشی پر خود باذریختیار خاص رو برو عدالت حاضر ہوتا رہوں گا۔ اور بوقت پکارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دیکر حاضر عدالت کروں گا اگر پیشی پر من مظهر حاضر نہ ہو اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور میرے برخلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے۔ نیز وکیل صاحب موصوف صدر مقام پکھری کے کسی اور جگہ سماعت ہونے یا بروز تعطیل یا پکھری کے کسی اور جگہ سماعت ہونے یا بروز تعطیل یا پکھری کے اوقات کے آگے پیچھے پیش ہونے پر من مظهر کو کوئی نقصان پہنچنے تو اس کے ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا اختیار نامہ واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے۔ مجھ کو کل ساختہ پر ساختہ صاحب موصوف مثل کردہ ذات خود منظور قبول ہوگا۔ اور صاحب موصوف کو عرضی دعویٰ و جواب دعویٰ اور درخواست اجراءے ڈگری و نظر ثانی اپیل و ترمیمی ہر قسم کی درخواست پر دستخط و تصدیق کرنے کا بھی اختیار ہوگا۔ اور کسی حکم یا ڈگری کے اجراء کرنے اور ہر قسم کاروبار وصول کرنے اور رسید دینے اور داخل کرنے اور ہر قسم کے بیان دینے اور سپرد وراثی و راضی نامہ کو فیصلہ برخلاف کرنے، اقبال دعویٰ دینے کا بھی اختیار ہوگا۔ اور بصورت اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یکطرفہ درخواست حکم امتناعی یا ترقی یا گرفتاری قبل از اجراء ڈگری بھی موصوف کو بشرط ادا تنگی علیحدہ اختیار نامہ پیروی کا اختیار ہوگا۔ اور بصورت ضرورت صاحب موصوف کو بھی اختیار ہوگا یا مقدمہ مذکورہ یا اس کے کسی جزو کی کارروائی کے واسطے یا بصورت اپیل، اقبال کے واسطے کسی دوسرے وکیل یا پیر سٹر کو بجائے اپنے یا اپنے ہمراہ مقرر کریں۔ اور ایسے مشیر قانون کو ہر امر میں وہی اور ویسے ہی اختیارات حاصل ہوں گے۔ جیسے کہ صاحب موصوف کو حاصل ہیں اور پہلے ادا نہ کر دیں گے۔ تو صاحب موصوف کو پورا اختیار ہوگا کہ مقدمہ کی پیروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔ لہذا یہ اختیار نامہ لکھ دیا تاکہ سند رہے مورخہ 25/10/2018 مضمون اختیار نامہ سن لیا ہے اور اچھی طرح سمجھ لیا اور منظور ہے۔

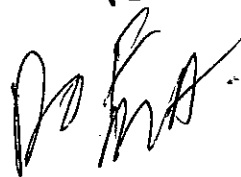
ATTESTED & ACCEPTED


فائلہ خان ایڈوکیٹ پشاور ہائی کورٹ پشاور


داعفہ نبی نائب قلم

Before the KP Service Tribunal Peshawar

Wasif Nabi

vs
 The Govt.

Application for withdraw of the above
mention Service Appeal with the permission
to file a fresh one before the proper
forum

Respectfully shewth: Applicant submits as under

- 1) That the above mention titled Appeal is pending before
this Hon'able Tribunal and to the date is fixed
for final Arguments
- 2) That the Applicant was institutional employe &
not a civil servant
- 3) That the Applicant seeks permission to withdraw
the instant Appeal with the permission to
file a fresh one before the proper forum

Dated 16:01:2019 So it is therefore requested
that the Appeal may kindly be
withdraw with the permission to
file a fresh one before the
proper forum.

Applicant through Counsel
Naila Jani Advocate
