



870/2022

OFFICE OF THE DISTRICT HEALTH OFFICER

DERA ISMAIL KHAN

Phone# 0966-933199

Email: dhodikhan@yahoo.com

No. 13513-18/KHW

Dated: 01/11/2023

~~Khyber Pakhtunkhwa
Service Tribunal~~

Diary No. 8974

Dated 13-11-23

Office Order: -

In pursuance of decision of Honorable Khyber Pakhtunkhwa Service Tribunal Peshawar at Camp Court DIKhan vide dated: 18/09/2023 (received on 31/10/2023 through applicant) and application of Mrs. Rubina Bibi D/O Abdul Karim R/O Village Wanda Maddat Tehsil Paharpur District DIKhan vide dated: 25/10/2023, she is hereby re-instated in service for the purpose of de-novo inquiry with immediate effect.

District Health Officer
Dera Ismail Khan

Cc:-

1. Director General Health Services Khyber Pakhtunkhawa Peshawar.
2. Provincial Coordinator LHW Program Khyber Pakhtunkhawa Peshawar for information and necessary action with the request to kindly constitute inquiry committee in the light of decision of Honorable Court. The copy of decision along with detail brief of the above LHW is enclosed for ready reference and further proceeding accordingly.
3. Registrar Khyber Pakhtunkhawa Service Tribunal Peshawar.
4. PS to Secretary Health Khyber Pakhtunkhawa Peshawar.
5. Coordinator LHW Program for further necessary action.
6. LHW Concerned.

District Health Officer
Dera Ismail Khan

Rozina Bibi D/O Abdul Karim Village Wanda Jani BHU Wanda Maddat.

1. Date of Entry into Govt Service : 31/3/2001
2. Explanation Called for Willful Absence & Dual Job By FPO Peshawar .29/12/2016
3. After Enquiry Report Re=Instatement vide letter No 11997-1200/PF Dated 31/10/2017
4. Explanation Called by DHO DIKhan for absent from duty vide No 9129-32 Dated 28/6/2018
5. Report of Mrs. Nadia Khan LHS regarding N.R 31/6/2018
6. Explanation called by DHO DIK regarding POLIO refusal, Poor performance & Misconduct vide No 3218-21 NP Dated 13/3/2018
7. Charge sheet issued vide DHO letter No 10156-58 LHW Dated 23/7/2018
8. Charge Sheet issued vide DHO letter No 2802-04 LHW Dated 28/3/2019
9. Enquiry Committee of DGHS vide letter No 5152-56 Dated 28/11/2019
10. Enquiry Report of DGHS vide letter No. 1391-96/DHS/IHP/2019-20 Dated 09/04/2020
11. Explanation regarding Non-Appearance before Enquiry Committee vide letter No. 3242-44 LHW Dated 9/4/2019
12. Poor Performance Report by Coordinator LHW DIKhan vide letter 583-LHW Dated 6/3/2019
13. Explanation called by DHO DIK regarding Poor Performance & N.R vide No 4189-91 LHW Dated 7/5/2019
14. Letter issued by DHO vide letter No 5538-43/LHW Dated 13/6/2019 for personal hearing.
15. .N.R status & Poor Performance Report by Distt: Coordinator LHW DIK to Provincial Coordinator LHW vide letter No 1109-10 LHW 22/10/2019
16. .N.R status & Poor Performance Report submitted by FPO DIKhan vide dated 22/10/2019.
17. Charge Sheet to LHW concerned vide DHO DIK letter No 10869-73 PF Dated 25/10/2019.
18. Direction of Provincial Coordinator LHW Peshawar to DHO DIK to initiate Disciplinary action against LHW Mrs. Rubina No 4958-60 Dated 13/11/2019
19. Removal from Service of LHW concerned vide DHO DIK office order No 12309-14PF Dated 27/11/2019
20. .N.R status & Poor Performance Report submitted by FPO DIKhan vide dated 16/10/2019.


**DISTRICT COORDINATOR LHW'S PROGRAM
DERA ISMAIL KHAN.**

To

District Health Officer
D.I Khan

Subject: WILLFUL ABSENCE AND DUAL JOB OF LHW RUBEENA ATTACHED TO BHU WANDA MADAT (D.I KHAN).

Respected Sir,

It is submitted that upon the complaint of LHS Concerned that LHW Rubeena attached to BHU Wanda Madat is working at Wanna South Waziristan upon which District Coordinator marked the same complaint to me and thus on 21st December 2016, I visited along with LHS Concerned check/Verify and to monitor the activities of said LHW, and found that LHW Rubeena was not found at her area i.e, Wanda Jani attached to BHU Wanda Madat, despite the fact that during that day polio campaign was also in progress, and it was attested that LHW Rubeena was out of D.I Khan and practicing at Wanna.

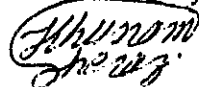
LHW Rubeena has been constantly found a poor performer regarding her duties, it may also be added here that she has been first engaged with Public Health School as LHV Student, then after her completion of LHV from Public Health School D.I Khan, after completion of LHV Course instead of focusing upon her duties LHW Rubeena again left D.I Khan for Peshawar and became engaged for three months for obtaining Ultra Sound Course upon which I visited and submitted my report to DHO D.I Khan and thus her salary was stopped after which she provided a surety bond duly attested by Notary Public that in case of further negligence/willful absence from her duties she may be terminate. Then the again said LHW was visited by District Coordinator and ADC again she was not found at her area, and now once again during my visit on 21st December 2016 she has not been found at her catchment area and thus fully engaged at Wanna as LHV and practicing there.

It is therefore requested that in the light of above mentioned report LHW Rubeena attached to BHU Wanda Madat may be terminated on account of her willful absence and dual job status at Wanna. Her salary may also been stopped in the interest of national exchequer.

Report is submitted for further necessary action.

Dated : 29-12-2016

Yours sincerely,



Khurram Sheraz
Field Monitoring Officer
Integrated Health Project
Khyber Pakhtunkhwa.

Copy forwarded for information to:

1. Provincial Coordinator - LHWs Program
2. District Coordinator - LHWs Program

**OFFICE OF THE DISTRICT HEALTH OFFICER
DERA ISMAIL KHAN**

No. 11987-12011/P

Dated DIKhan the 31/10/2017

OFFICE ORDER:-

In the light of Enquiry report submitted by enquiry officer Dr. Aziz Ullah Deputy District Health Officer DIKhan vide No. 0093/2017/MCP/IVM dated 13-09-2017.

Mrs. Rubina Bibi LHW attached to BHU Wand Madat is hereby re- instated in Service from the date of termination viz 17-05-2017 on the following terms and conditions:-

1. The Period of her service as LHW during which she completed LHV Course is hereby converted into Extra Ordinary Leave in terms of Revised Leave Rules-1981
2. Her duty kept under strict observations for three months and she is warned to be careful in future in case of any complaint further penalty is fixed under E& D Rules 2011.

**District Health Officer
Dera Ismail Khan**

CC:-

1. Provincial Coordinator LHW Programme Khyber Pakhtunkhwa Peshawar.
2. District Coordinator LHW Programme DIKhan.
3. District Accounts Officer DIKhan.
4. Incharge Establishment of this office.
5. Account Clerk of this office.
6. LHS BHU Wand Madat

**District Health Officer
Dera Ismail Khan**



OFFICE OF THE DISTRICT HEALTH OFFICER
DERA ISMAIL KHAN.

No: 9129-32 /LHW Dated: 28/06/2018

To

Mrs. Robina Bibi LHW
BHU Wanda Maddat

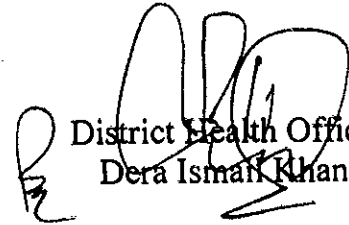
Subject: **EXPLANATION**

As reported by LHS Type-D Hospital Panyala, you are hereby directed to explain the following.

- You are absent from Govt: duty
- Misconduct


You are directed to explain your position with the comments of your LHS; other wise strict disciplinary action will be initiated against you under E&D Rules 2011.

Moreover your pay has been stopped till further order.


District Health Officer
Dera Ismail Khan.

Cc:

1. Coordinator LHW Programme DIKhan.
2. LHS Concerned.
3. Accounts clerk of this office with the directions to stop her pay.


District Health Officer
Dera Ismail Khan.



خدمتِ صفا - LHW کارڈ نمبر ڈی آئی خان ۶۶۶

Subject: complaint about Robina
wanda madat (Paniala circle)

صفا - عالی

نہایت آدب و احترام سے گزارش ہے کہ روبینہ LHW
جسکی ڈیوٹی وائرہ مدت ہے۔ ڈیوٹی کرنے سے قاصر ہے
۲ بار ویزٹ کرے کہ باوجود بھی وہ گھر پر موجود نہیں پائے گی
اور اس علاقہ کا کہنا ہے کہ وہ زیادہ تر وارنہ

ابھی سوچا ہے اور وہاں ڈیپلوری کیسی کرتی ہے
فزا آد صاحبان سے گزارش ہے کہ اسکی

Date 13-6-18
Investigation, provided to DHO
please stop her pay as she is violating the rules of program
Paniala Centre.
Signature LHS: [Signature]

Stop Payment
[Signature]
DHO D. Hanif R.

LHS: Nadiq Hanif

Office of the District Health Officer
Dera Ismail Khan

Ph: 0966-9280199

Date: 13/03/2018

No. 3218-21/AD

To

Mrs. Rubina Bibi LHW
BHU Wanda Madat

Subject: - **EXPLANATION**

As reported UPEC Incharge BHU Wanda Madat .you are hereby directed to explain the following.

1. Refused to perform polio duty
2. Poor performance in polio
3. Misconduct

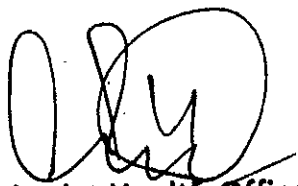
You are hereby directed to explain your position .your reply much reach to undersigned along with comments of UPEC Incharge BHU Wanda madat with in two days failing which strict disciplinary action will be initiated against you under E&D Rules 2011.

Moreover your pay has been stopped till further order.

District Health Officer
Dera Ismail Khan

Cc:-

1. Coordinator LHW Programme DIKhan
2. Coordinator EPI DIKhan
3. Account Clerk of this Office to stop her Pay


District Health Officer
Dera Ismail Khan

Office copy

Office of the District Health Officer
Dera Ismail Khan.

No: 10156-58 / LHM

Dated: 23 /07/2018

To

Mr. Rubina Bibi
BHU Wanda Madat

Subject: **CHARGE SHEET**

A copy of Charge Sheet enclosed with the direction to submit your reply and appear before the Enquiry Officer with in 03-Days positively for further proceeding otherwise ex parte action will be initiated against you under E&D Rules 2011.


District Health Officer
Dera Ismail Khan

Cc: -

1. Dr. Qamar Iqbal DDHO Enquiry Officer for necessary action please.
2. Incharge BHU Wanda Madat.


District Health Officer
Dera Ismail Khan

Office of the District Health Officer
Dera Ismail Khan.

DISCIPLINARY ACTION/CHARGE SHEET

1. I, Dr. Tariq Masood Miankhet District Health Officer DIKhan as Competent Authority, am of the opinion that **Mrs. Rubina Bibi LHW BHU Wanda Madat** has rendered himself liable to be proceeded against as she committed the following acts/omissions within the meaning of rule-3 (b) of the Khyber Pakhtunkhawa (Efficiency & Discipline) Rules, 2011.

Statement of Allegation

1. Explanation called by this office vides No: 3218-2/ dated: 13-03-2018, reply not satisfactory.
 2. Absent from duty
 3. No reply
 4. Misconduct
2. For the purpose of inquiry against the said accused with reference to the above allegations, Dr. Qamar Iqbal Deputy District Health Officer is hereby appointed as Enquiry Officer under Rule. 10 (1) (a) of the ibid rules.
3. The Enquiry Officer shall, in accordance with the provision of the ibid rules, provide reasonable opportunity of hearing to the accused, record its findings and make, within week time of the receipt of this order, recommendations as to punishment or other appropriate action against the accused.
4. Your written defense, if any, should reach the Enquiry Officer within the specified period, failing which it shall be presumed that you have no defense to put in and in that case ex-parte action shall be taken against you.


District Health Officer
Dera Ismail Khan



**OFFICE OF THE DISTRICT HEALTH OFFICER
DERA ISMAIL KHAN.**

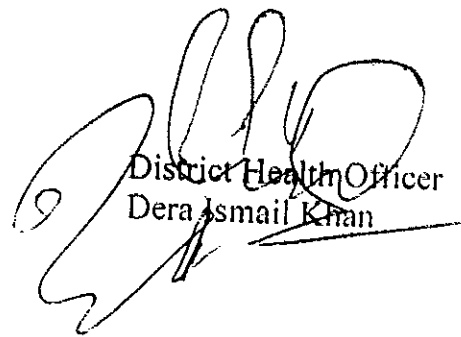
No: 2002-04/PF/LAW Dated: 22/03/2019

To

Mrs. Robina Bibi LHW
BHU Wanda Madat

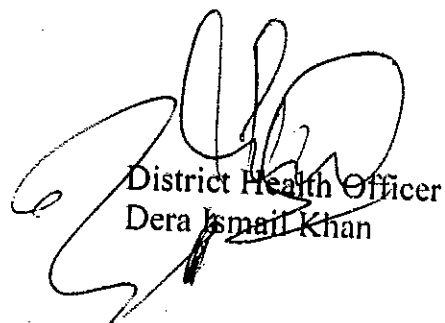
Subject: **DISCIPLINARY ACTION/CHARGE SHEET**

A copy of Charge Sheet enclosed with the direction to submit your reply and appear before the Enquiry Officer with in 03-Days positively for further proceeding otherwise ex parte action will be initiated against you under E&D Rules 2011.


District Health Officer
Dera Ismail Khan

Cc: -

1. Enquiry Officer for necessary action please.
2. Incharge BHU Wanda Madat.


District Health Officer
Dera Ismail Khan

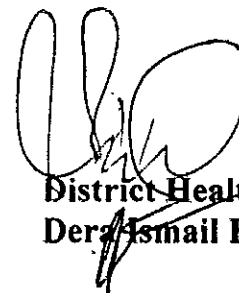
OFFICE OF THE DISTRICT HEALTH OFFICER
DERA ISMAIL KHAN.

DISCIPLINARY ACTION/CHARGE SHEET

1. I, Dr. Tariq Masood Miankhel District Health Officer DIKhan as Competent Authority, am of the opinion that **Mrs. Robina Bibi LHW BHU Wanda Madat** has rendered herself liable to be proceeded against as she committed the following acts/omissions within the meaning of rule-3 (d) of the Khyber Pakhtunkhawa (Efficiency & Discipline) Rules, 2011.

Statement of Allegation

1. Absent from Polio Duty.
 2. Very Poor Performance as LHW.
 3. Poor Official Record as LHW.
 4. Absent from Duty without Prior Approval of Leave from the Office.
 5. Misconduct.
2. For the purpose of inquiry against the said accused with reference to the above allegations. ~~Dr. Qasim Iqbal~~ Deputy DHO DIKhan is hereby appointed as Enquiry Officer under Rule, 10 (1) (a) of the ibid rules.
3. The Enquiry Officer shall, in accordance with the provision of the ibid rules, provide reasonable opportunity of hearing to the accused, record its findings and make, within week time of the receipt of this order, recommendations as to punishment or other appropriate action against the accused.
4. Your written defense, if any, should reach the Enquiry Officer within the specified period, failing which it shall be presumed that you have no defense to put in and in that case ex-parte action shall be taken against you.


District Health Officer
Dera Ismail Khan



**DIRECTORATE GENERAL HEALTH SERVICES
(INTEGRATED HEALTH PROJECT)
KHYBER PAKHTUNKHWA, PESHAWAR.**

Phone: (Office): 091 9216344 Fax: 091 9216346

No. 9752-56 DHS/IHP/2018-19

Dated: 28/11/2018

OFFICE ORDER:

A committee, comprising the following officers/officials is hereby constituted to probe into the NR status/Termination of Ex-LHW Robina Bibi attached to BHU Wanda Madat District DI Khan and to go through the representation of the LHW:

- | | |
|----------------------------|----------|
| 1. Dr Majid Saleem | Chairman |
| DC LHW Programme DI Khan | |
| 2. Syed Musanif Shah | Member |
| Administrative Officer IHP | |
| 3. Khurram Sheraz | Member |
| FMO DI Khan | |

The committee shall submit its report within 15-days positively.

Fahim Hussain
PROJECT DIRECTOR
INTEGRATED HEALTH PROJECT
KHYBER PAKHTUNKHWA
28/11/18

COPY FOR INFORMATION TO:

1. District Health Officer DI Khan
2. District Coordinator LHW Programme DI Khan.
3. Members of the committee.
4. Robina LHW Wadnda Mandat Pahar Pur DI Khan
5. Establishment Section, IHP.

Qadir Chela
[Signature]
29/11/18



**DIRECTORATE GENERAL HEALTH SERVICES
(INTEGRATED HEALTH PROJECT)
KHYBER PAKHTUNKHWA, PESHAWAR.**

Phone: (Office): 091 9216344, Fax: 091 9216346

No. 1571-96 DHS/IHP/2019-20

Dated: 07-04-2020

To,

District Health Officer,
DI Khan.

1191
12-4-20

Subject: **INQUIRY REPORT**

It is with reference to the inquiry report conducted by Dr Majid Salim Ustrana, Mr Khurram Sheraz and Syed Musanif Shah vide Dairy No. 4080 dated 30-12-2019 (Copy enclosed) wherein the inquiry committee has reported that LHW Rubina is NR from her catchment population.

The Inquiry Committee has further intimated this office that your office has issued the termination of the LHW, but due to the inquiry proceeding, your office withdrawn the termination office order. However, this office examined that your office has applied E&D Rules 2011, which is not applicable to the Community Embedded Staff of the LHW Programme.

NR is not allowed under Sub Section (a) of Section (4) of the Khyber Pakhtunkhwa Provincial Assembly Act No. XXVI of 2014 and Sub Rule (a) of the Khyber Pakhtunkhwa Community Embedded Employees of the LHW Programme (E&D) Rules 2015. Therefore, NR falls also under the category of "Misconduct" under the said rules.

It is therefore, communicated to comply with the recommendations of the inquiry committee and strictly follow the aforementioned rules under intimation to this office.

*Coordinated with
Programme-DKE*
[Signature]
20/4/2020

[Signature]
PC LHW PROG/DY DIRECTOR
INTEGRATED HEALTH PROJECT
KHYBER PAKHTUNKHWA

COPY FOR INFORMATION TO:

1. Project Director, Integrated Health Project
2. PS to Secretary Health Department Khyber Pakhtunkhwa Peshawar.
3. PA to Director General Health Services, Khyber Pakhtunkhwa.
4. Field Monitoring Officer, D.I.Khan.
5. Office Copy

INQUIRY REPORT

Date: 30/12/19

Signature: _____

Integrated Health Project
Govt. of Khyber Pakhtunkhwa

It is with reference to the office order No, 5152-56/DHS/IHP/2018-19 dated 28-11-2019, whereby the undersigned have been nominated as inquiry officers to probe in to the appeal of Mst. Rubina Bibi LHW attached to BHU Wanda Madat District D.I Khan regarding her termination on account of poor performance and non resident status.

BACKGROUND OF THE CASE:

LHW Rubina Bibi serving for BHU Wanda Madat has been reported as a poor performer since 2015, when her health was visited by concerned Field Program Officer and she was found absent from her field duties rather found at Peshawar for obtaining course in Ultra Sound therefore reported (Annex-I), after that without informing her high-ups LHW Rubina Bibi found engaged in Public Health Schools as student of LHV during 2016-2017, thus during two years she remained at D.I Khan city leaving behind her job duties, after which she started LHV Practice at Wanna which was reported by concerned Field Monitoring Officer as (Annex-II A) and as well as her concerned Lady Health Supervisor during reported that LHW Rubina is fully involved in her LHV practice at Wanna leaving behind her job of LHW in catchment area of Wanda Jani of BHU Wanda Madat, therefore she was recommended for termination from the then District Coordinator (Annex-II B). LHW Rubina Bibi during the whole period found poor performer even during the monitoring visit by concerned Field monitoring Officer during October 2019 she found Non Resident from her area due to her marriage and settled in the area of Miali Mahra D.I Khan, which was again reported (Annex-III).

FACTS AND FINDINGS:

On 11-12-2019 enquiry team visited that area of Wanda Jani attached to BHU Wanda Madat, to check the status and performance of LHW Rubina Bibi, where she was completely found absent, as said LHW has been married and living in the area of Miali Mahra attached to BHU Mahra with her husband and in laws from March 2019 till date, on one hand LHW Rubina was supposed to address/inform her high ups regarding her shifting but she failed to do so, while on the other hand LHWs program is a community embedded where adjustments/transfers cannot be exercised, therefore, in the both cases LHW Rubina found non resident. Furthermore, due to her poor performance and non resident status she was Charge sheeted by District Health Officer (Annex-IV), upon which enquiry conducted by Deputy District Health Officer (Annex-V), whereupon LHW Rubina found poor former, non resident, and willful absent from her official duties therefore recommended for termination.

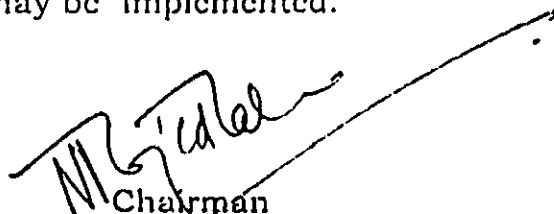
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Therefore LHW Rubina on account of her poor performance and non resident status was terminated vide office order No 12309-14/PF dated 27-11-2019 (**Annex-VI**), however upon the appeal submitted by LHW Rubina to the provincial Office of Provincial Coordinator, enquiry constituted under office order No 5152-56/DHS/IHP/2018-19 dated 28-11-2019, therefore, District Health Officer withdrawn the termination order of LHW Rubina vide office order No 12538-43/PF dated 29-11-2019 (**Annex-VII**), till the decision/recommendation by the enquiry officers under office order No office order No. 5152-56/DHS/IHP/2018-19 dated 28-11-2019.

RECOMMENDATIONS:

It has been found that LHW Rubina has always found a constant and deliberate poor performer as well as non resident for her allocated catchment area where she was and is supposed to deliver her services, currently her status is still Non Resident due to her marriage and she has left her area from March 2019 till date, therefore, her termination on account of Poor Performance and Non Resident Status that has been followed by all the codal formalities must be retained, therefore, office order No 12538-43/PF dated 29-11-2019 (**Annex-VII** above) that pertains to cancellation of her termination may be withdrawn and Office order No 12309-14/PF dated 27-11-2019 (**Annex-VI** above) regarding her termination may be implemented.


Chairman
Dr. Majid Salim Ustrana
District Coordinator
LHWs Program D.I Khan


Member
Khurram Sheraz
Field Monitoring Officer
Integrated Health Project


Member
Syed Musanif Shah
Administrative Officer
Integrated Health Project



Office of the District Health Officer
Dera Ismail Khan.

No: 3242-44 LHW Dated: 9 /04/2019

To

Mrs. Robina Bibi LHW
BHU Wanda Maddat

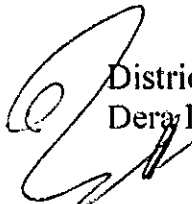
Subject: **Explanation**

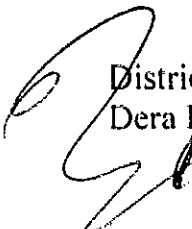
Reference this office letter NO.2802-04/PF dated 28-03-2019, you have been charge sheet and were directed to appear before the Enquiry officer with in stipulated time but you did not respond the orders of undersigned.

You are once again directed to explain your position regarding your negligence and appear before enquiry officer. Your reply must reach to this office within 03 days along with comments of enquiry officer for further proceeding under E & D Rules 2011.

Cc:

1. Coordinator LHW Programme DIKhan.
2. Incharge BHU Wanda Maddat DIKhan.


District Health Officer
Dera Ismail Khan


District Health Officer
Dera Ismail Khan

OFFICE OF THE COORDINATOR LHW PROGRAMME
DERA ISMAIL KHAN.

No: 583/LHW

Dated: 03/06/2019

To

District Health Officer
D.I Khan

Subject: **REPORT ON TWO LHWs REGARDING THEIR COMPLETE POOR PERFORMANCE AND NEGLIGENCE FROM OFFICIAL DUTIES.**

Respected Sir,

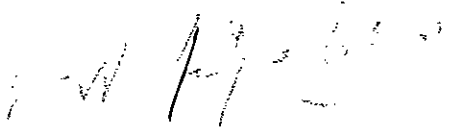
It is submitted that two LHWs have been reported as a complete non performers regarding their official duties, whose brief description is as under:-

- all minutes from the meeting of LHWs*
- **LHW GULNAZ:** LHW Gulnaz who has been recruited on contract basis under Integrated Health Project during 2018 for BHU Zafarabad, said LHW has been constantly reported by her concerned Lady Health Supervisor as a non performer, as LHW Gulnaz has even not attained basic three months mandatory training, and from the 4th month she has been found completely absent. Therefore, as per protocols of LHWs Program Policy LHW Gulnaz was liable for termination but till yet she has not been terminated due to which she has already obtained salaries till January 2019.
 - **LHW Rubina Bibi:** LHW Rubina Bibi attached with BHU Wanda Madat has been constantly reported by her Lady Health Supervisor concerned and concerned Field Monitoring Officer that she has no services for her area Wanda Jani. rather she remains at Wanna practicing midwifery, upon her non resident status she was terminated but same was reinstated again and despite of following her job description no improvement observed and once again LHW Rubina Bibi has no services for the community of Wanda Jani due to her non residents status.

RECOMMENDATIONS:

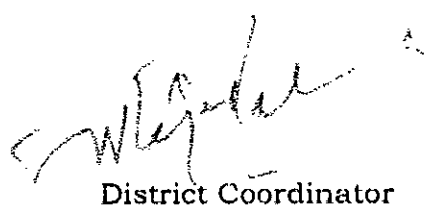
- LHW Gulnaz may immediately be terminated in the interest of Program. while proper enquiry may be conducted that as the said LHW has been reported time to time through LHS concerned due to not attending and obtaining training, and from the 4th month after training she has been complete found absent, then how she has been given salaries till January 2019.
- LHW Rubina Bibi who is a regular LHW, her salary may immediately be stopped, and she may be served show cause notice upon her non resident status, after which she may be terminated in the interest of program.

Report is submitted for further necessary action.


District Coordinator
LHWs Program D.I Khan

Cc: -

1. Provincial Coordinator LHW Programme Peshawar.
2. Field Monitoring Officer IHP Peshawar.
3. Incharge BHU Wanda Madat.
4. Incharge BHU Zaffarabad.
5. LHS Concerned.
6. LHW Concerned.


District Coordinator
LHWs Program D.I Khan
↓



Office of the District Health Officer
Dera Ismail Khan.

No: 4189-91/LHW

Dated: 07/05/2019

To

Mrs. Rubina Bibi LHW
BHU Wanda Madat

Subject: **Explanation**

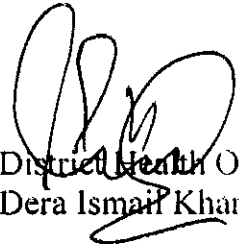
As reported by Mrs. Sidra LHS BHU Wanda Madat that you have conduct the following misconduct:


1. Poor performance
2. Non Residence

You are directed to explain your position regarding your negligence. Your reply along with comments of Coordinator LHW Programme DHO Office DIKhan must reach to this office within 03 days for further proceeding under E & D Rules 2011.

Cc:

1. Coordinator LHW Programme DIKhan.
2. Concerned LHS.


District Health Officer
Dera Ismail Khan


District Health Officer
Dera Ismail Khan

Office of the District Health Officer
Dera Ismail Khan.

No: 5538-43 /LHW

Dated: 13/06/2019

To

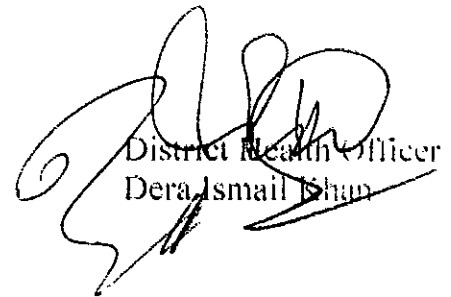
Mrs. Rubina Bibi LHW
BHU Wanda Madat

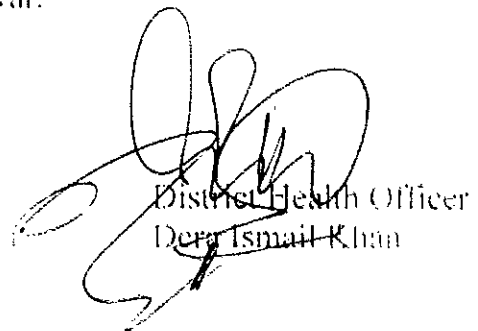
Subject: **DISCIPLINARY PROCEEDING**

With reference to Coordinator LHW vide letter No: 583/LHW dated: 03/06/2019, your service record is not satisfactory and willful absence from Government duty. You are directed to appear before the undersigned within 03-days for personnel hearing otherwise Ex-Parte action will be initiated against you under E&D Rules 2011.

Cc:

1. Provincial Coordinator LHW Programme KPK Peshawar.
2. District Coordinator LHW Programme DIKhan.
3. Field Monitoring Officer IHP Peshawar.
4. Incharge BHU Wanda Madat.
5. LHS Concerned.


District Health Officer
Dera Ismail Khan


District Health Officer
Dera Ismail Khan



Office of the District Coordinator LHW Program
Dera Ismail Khan

Ph: 0966-9280199
Date: 22/10/2019

No. 1109-10 LHW

To

Provincial Coordinator
LHWs Program
IHP Khyber Pakhtunkhwa.

Subject: Non Residential Status / Poor Performance of LHW Rubina Bibi
attached to BHU Wanda Madat DIKhan

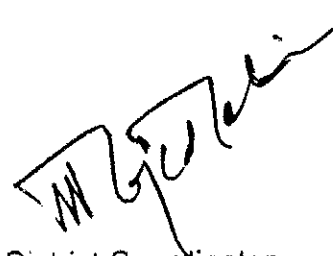
Respected Sir, enclose please find herewith the field report and recommendation of Field Monitoring officer integrated Health project Khyber Pakhtunkhwa for your information and necessary action please

Yours sincerely,

District Coordinator
LHWs Program
D.I Khan

Copy forwarded for information to

1. District Health Officer - D.I Khan
2. Office File


District Coordinator
LHWs Program
D.I Khan

To

② District Health Officer
D.I Khan.

Subject: **NON RESIDENT STATUS/POOR PERFORMANCE OF LHW RUBINA BIBI ATTACHED TO BHU WANDA MADAT D.I KHAN.**

Respected Sir,

It is submitted that during the monitoring visit to BHU Wanda Madat on 15th October 2019, undersigned found LHW Rubina Bibi as nonresident for her area Wanda Jani, as said LHW has been married to the area of Mahra side and thus has become Non Resident. Furthermore, said LHW has been found a constant poor performer having no community visits in her respective area due to her attachment in a private hospital at Wanna where she used to work as LHV, upon which she was terminated, but soon after her reinstatement instead of focusing upon her job description once again she remained at Wanna for practicing as LHV. Now, she has been married to the area of Miyali Mahra and left her place of Wanda Jani attached to BHU Wanda Madad.

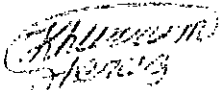
Now from the LHS concerned of BHU Mahra where LHW Rubina has been married, it has been known that LHW Rubina is even Non Resident for the area of Miyali Mahra, as she is still practicing as LHV at Wanna. Furthermore, District Coordinator LHW Program has already forwarded recommendation regarding the termination of LHW Rubina Bibi. It may be added here that LHW Rubina Bibi was upon the frequent reports by the undersigned terminated on account of her poor performance and non resident status and after her reinstatement she was supposed to perform her duties in her allocated catchment area, but no improvement has been observed and without serving and following her job description once again she has left her area of Wanda Jani and married to the area of Miyali Mahra without any adjustment order from the competent authority and even she is not residing there rather residing and working at Wanna and obtaining regular salary, therefore, strict disciplinary proceedings against LHW Rubina Bibi attached to BHU Wanda Madat may be initiated.

Recommendations:

- Salary of LHW Rubina Bibi may immediately be stopped.
- Show Cause Notice may be issued to LHW Rubina Bibi on account of her willful absence and Non Resident Status, and in case of her no response LHW Rubina Bibi may be terminated in the interest of public and public exchequer.

Dated: 22-10-2019

Yours sincerely,


Khurram Sheraz
Field Monitoring Officer

To

District Health Officer
D.I. Khan

Subject: NON RESIDENT STATUS/POOR PERFORMANCE OF LHW RUBINA BIBI ATTACHED TO BHU WANDA MADAT D.I KHAN.

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It is submitted that during the monitoring visit to BHU Wanda Madat on 15th October 2019, undersigned found LHW Rubina Bibi as nonresident for her area Wanda Jani, as said LHW has been married to the area of Mahra side and thus has become Non Resident. Furthermore, said LHW has been found a constant poor performer having no community visits in her respective area due to her attachment in a private hospital at Wanna where she used to work as LHV, upon which she was terminated, but soon after her reinstatement instead of focusing upon her job description once again she remained at Wanna for practicing as LHV. Now, she has been married to the area of Miyali Mahra and left her place of Wanda Jani attached to BHU Wanda Madat.

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Date: 22-10-2019

Yours sincerely,

Khuram Shernaz
Khuram Shernaz
Field Monitoring Officer

Scanned by

2/2

acr



OFFICE OF THE DISTRICT HEALTH OFFICER
DERA ISMAIL KHAN.

No: 10869.77 /PF

Dated: 24 /10/2019

To

Mrs. Robina Bibi LHW
BHU Wanda Madat

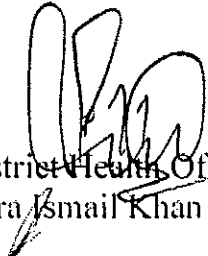
Subject: **DISCIPLINARY ACTION/CHARGE SHEET**

A copy of Charge Sheet enclosed with the direction to submit your reply and appear before the Enquiry Officer with in 03-Days positively for further proceeding otherwise ex parte action will be initiated against you under E&D Rules 2011.

District Health Officer
Dera Ismail Khan

Cc: -

1. Provincial Coordinator LHW Programme Khyber Pakhtunkhawa Peshawar.
1. Enquiry Officer for necessary action please.
2. Incharge BHU Wanda Madat.
3. Accounts Clerk of this Office to stop the pay of above LHW.


District Health Officer
Dera Ismail Khan

OFFICE OF THE DISTRICT HEALTH OFFICER
DERA ISMAIL KHAN.

DISCIPLINARY ACTION/CHARGE SHEET

1. I, Dr. Tariq Masood Miankhel District Health Officer DIKhan as Competent Authority, am of the opinion that **Mrs. Robina Bibi LHW BHU Wanda Madat** has rendered herself liable to be proceeded against as she committed the following acts/omissions within the meaning of rule-3 (d) of the Khyber Pakhtunkhawa (Efficiency & Discipline) Rules, 2011.

Statement of Allegation

1. Non Resident Statues
 2. Very Poor Performance as LHW.
 3. Willful absence from Government duty.
 4. Misconduct.
2. For the purpose of inquiry against the said accused with reference to the above allegations. Dr. Qamar Iqbal Deputy DHO DIKhan is hereby appointed as Enquiry Officer under Rule, 10 (1) (a) of the ibid rules.
3. The Enquiry Officer shall, in accordance with the provision of the ibid rules, provide reasonable opportunity of hearing to the accused, record its findings and make, within week time of the receipt of this order recommendations as to punishment or other appropriate action against the accused.
4. Your written defense, if any, should reach the Enquiry Officer within the specified period, failing which it shall be presumed that you have no defense to put in and in that case ex-parte action shall be taken against you.


District Health Officer
Dera Ismail Khan



**DIRECTORATE GENERAL HEALTH SERVICES
(INTEGRATED HEALTH PROJECT)
KHYBER PAKHTUNKHWA, PESHAWAR.**

Phone: (Office): 091 9216344 Fax: 091 9216346

No. 4953 - 67 DHS/IHP/2018-19

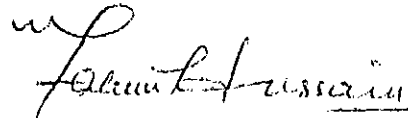
Dated: 13.11.2019

To

The District Health Officer,
Dera Ismail Khan.

Subject: NON RESIDENTIAL STATUS/POOR PERFORMANCE OF LHW RUBINA BIBI ATTACHED TO BHU WANDA MADAT D.I.KHAN

It is with reference to your office letter No.1109-10/LHW dated 22-10-2019 on the subject noted above and to state that keeping in view the submitted report of Field Monitoring Officer- Integrated Health Project in the subject matter, you are requested to probe into the matter and initiate strict disciplinary actions against LHW Mrs. Rubina under intimation to the undersigned office, please.


Provincial Coordinator
Lady Health Worker Program
Khyber Pakhtunkhwa
13/11/19

Copy for Information:

1. District Coordinator, LHW Program D.I.Khan.
2. Field Monitoring Officer, IHP.



Phone No. (0966-9280199) Fax No. 0966-9280200

**OFFICE OF DISTRICT HEALTH OFFICER
DERA ISMAIL KHAN**

No. 12309-14 /11/19

Dated DIKhan the 27 /11/2019

OFFICE ORDER:-

WHEREAS, disciplinary Proceedings were initiated against Mrs. Robina Bibi LHW attached to BHU Wanda Madat on account of absence from duty, nonresident status, very poor performance as LHW and misconduct.

AND WHEREAS, Charge Sheet was issued to her, vide DHO DIKhan letter No. 10869-73/PF dated 25-10-2019.

AND WHEREAS, on submission of formal enquiry report conducted by Dr. Qamar Iqbal Deputy District Health Officer DIKhan, she was held responsible for absence from duty, nonresident status, very poor performance as LHW, misconduct and recommended for major penalty.

NOW THEREFORE, The undersigned after having examined the charges and evidence on record, is pleased to impose major penalty of "Removal from Service" under Rule-4 (b) E&D Rules 2011 upon Mrs. Robina Bibi Lady Health Worker attached to BHU Wanda Madat with immediate effect.


District Health Officer
Dera Ismail Khan.

Cc:-

1. Provincial Coordinator LHW Program Khyber Pakhtunkhwa Peshawar.
2. District Accounts Officer DIKhan.
3. Coordinator LHW Program DIKhan.
4. Incharge BHU Wanda Madat.
5. Accounts Clerk of this office.
6. LHW Concerned.


District Health Officer
Dera Ismail Khan

Annex III

To

District Health Officer
D.I Khan.

Subject: NON RESIDENT STATUS/POOR PERFORMANCE OF LHW RUBINA BIBI ATTACHED TO BHU WANDA MADAT D.I KHAN.

Respected Sir,

It is submitted that during the monitoring visit to BHU Wanda Madat on 15th October 2019, undersigned found LHW Rubina Bibi as nonresident for her area Wanda Jani, as said LHW has been married to the area of Mahra side and thus has become Non Resident. Furthermore, said LHW has been found a constant poor performer having no community visits in her respective area due to her attachment in a private hospital at Wanna where she used to work as LHV, upon which she was terminated, but soon after her reinstatement instead of focusing upon her job description once again she remained at Wanna for practicing as LHV. Now, she has been married to the area of Miyali Mahra and left her place of Wanda Jani attached to BHU Wanda Madad.


Now from the LHS concerned of BHU Mahra where LHW Rubina has been married, it has been known that LHW Rubina is even Non Resident for the area of Miyali Mahra, as she is still practicing as LHV at Wanna. Furthermore, District Coordinator LHW Program has already forwarded his recommendation regarding the termination of LHW Rubina Bibi, who was terminated on account of her poor performance and non resident status and after her reinstatement she was supposed to perform her duties in her allocated catchment area, but no improvement has been observed and without serving and following her job description once again she has left her area of Wanda Jani and married to the area of Miyali Mahra without any adjustment order from the competent authority and even she is not residing there rather residing and working at Wanna and obtaining regular salary, therefore, strict disciplinary proceedings against LHW Rubina Bibi attached to BHU Wanda Madat may be initiated.

Recommendations:

- Salary of LHW Rubina Bibi may immediately be stopped.
- Show Cause Notice may be issued to LHW Rubina Bibi on account of her willful absence and Non Resident Status, and in case of her no response LHW Rubina Bibi may be terminated in the interest of public and public exchequer.

Dated: 16-10-2019

Yours sincerely,



Khuram Shayan

S

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR
AT CAMP COURT D.I KHAN

Service Appeal No. 870/2022

BEFORE: MR. KALIM ARSHAD KHAN ... CHAIRMAN
MRS. RASHIDA BANO ... MEMBER (J)

Robina Bibi D/O Abdul Karim R/O Wanda Jani, Tehsil Paharpur, District
Dera Ismail Khan.

... (Appellant)

Versus

1. Government of Khyber Pakhtunkhwa through Secretary Health, Peshawar.
2. Director Health Khyber Pakhtunkhwa, Peshawar.
3. District Health Officer, D.I. Khan

... (Respondents)

Mr. Rizwan Ullah Khan
Advocate

... For appellant

Mr. Asad Ali Khan
Assistant Advocate General


... For respondents

Date of Institution.....18.05.2022
Date of Hearing.....18.09.2023
Date of Decision.....18.09.2023

JUDGEMENT

RASHIDA BANO, MEMBER (J): The instant service appeal has been instituted under section 4 of the Khyber Pakhtunkhwa Service Tribunal, Act 1974 with the prayer copied as below:

“On acceptance of the instant service appeal respondents are directed to reinstate the appellant as LHW w.e.f 27.11.2019 as admissible under the rules with all back benefits w.e.f 27.11.2019 and to set aside the removal/dismissal order if any.”

ATTESTED

MEMBER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

conducted by Project Director but appellant was failed to do so and inquiry report was submitted in which appellant was found guilty of poor performance and nonresident. He further argued that appellant was provided ample opportunities to clear her status but in vain.

6. Perusal of record reveals that appellant was removed from service by respondent No. 2 vide order dated 27.11.2019 on the ground of absence from duty. Appellant filed departmental appeal upon which respondent No.3 withdrew her removal from service order with direction to appear before the committee constituted by Project Director vide order dated 29.11.2019. It is demand of justice that when order of removal from service was withdrawn the purpose of giving chance to appellant before committee and to defend herself then inquiry committee for that purpose must issue notice and provide proper opportunity to the appellant to defend herself but inquiry committee again with doing so submitted his report.

7. Perusal of alleged inquiry report further reveals that it is a fact finding inquiry and not a regular one as although respondents alleged that appellant was charge sheeted and she was also issued statement of allegations but infact same was not conveyed to the appellant so we come to the conclusion that the disciplinary proceedings initiated against the appellant suggest that she was not afforded proper opportunity of defense. Neither charge sheet alongwith statement of allegations nor any show cause notice were ever served upon appellant. No regular inquiry was conducted as nothing was produced in this regard. Proceedings so conducted are also in a haphazard manner, therefore, the impugned order is set aside. The department shall conduct proper de-novo enquiry strictly in accordance with law and rules. Appellant is reinstated in service for the purpose of de-novo inquiry to be

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

conducted within 60 days of the receipt of this judgment with direction to respondents to decide the case through a speaking order. Needless to mention that the appellant shall be provided proper opportunity of defense and association during the inquiry proceedings. The issue of back benefits shall be subject to the outcome of de-novo inquiry. Costs shall follow the event. Consign.

8. Pronounced in open court at D.I.Khan and given under our hands and seal of the Tribunal on this 18th day of September, 2023.

(RASHIDA BANO)
Member (J)
Camp Court, D.I.Khan

(KALIM ARSHAD KHAN)
Chairman
Camp Court, D.I.Khan

*Kaleemullah

Certified to be true copy

EXAMINER
Khayee, D.I.Khan
Service Tribunal,
Peshawar

Date of Presentation of Application 19/10/23
Number of Words Page 4
Copying Fee 20/-
Urgent 5/-
Total 25/-
Name of Copyist _____
Date of Completion 19/10/23
Date of Delivery of Copy 19/10/23