

BEFORE THE HONERBLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,

PESHAWAR

Service Appeal No. 372 /2023

Dr. Irfan Ullah _____ Appellant


Versus

Medical Superintendent DHQ Hospital Timergara Dir Lower Kpk and
others _____ Respondents

INDEX

S.NO	Description of Documents	Annexure	Page
1	Authority Letter		1
2	Reply on the behalf of Respondents		2-3
3	Affidavit		4
4	Minutes of meeting District Steering Committee on dated 25-02-2023	A	5-6
5	Copy of the Notice to the appellant	B	7
6	Copy of the letter dated 16-02-2023 Divisional Monitoring Officer	E	8-9
7	Copy of letter dated 01-05-2023, 1 week absentees	D	10
8	Copy of letter dated 08-06-2023, reminder for justification	F	11
9	Copy of letter dated 27-09-2023, regarding anti state activity.	C	12-15
10	Minutes of meeting KPK Finance Department	G	16

LITIGATION SECTION	
Main Diary No. & Date	_____
Lit-1/Lit-2 Dairy No. & Date	278 20-12-2023
Director General Health Services KP	


Respondent
~~Medical Superintendent~~
~~DHQ Hospital Timergara~~

03-01-24

Sweet

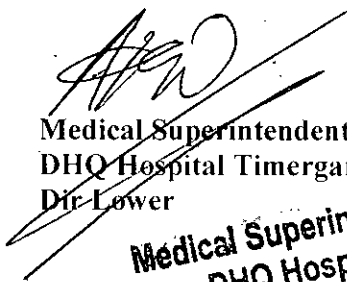


**OFFICE OF THE MEDICAL SUPERINTENDENT
DHQ HOSPITAL TIMERGARA
DIR LOWER**

PHONE No. 0945-9250099
No. 5143 /Dated Timergara the 18/12 /2023

AUTHORITY LETTER

Dr Sikandar Bakht Senior Medical Officer (BPS-18) DHQ Hospital Dir Lower is hereby authorized to submit reply in case of inservice appeal No 372/2023 (Dr Irfan Ullah vs Medical Superintendent and others) on the behalf of undersigned in Honorable Service Tribunal Peshawar.


Medical Superintendent
DHQ Hospital Timergara
Dir Lower

**Medical Superintendent
DHQ Hospital
Timergara Dir (L)**

2

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA

SERVICE TRIBUNAL PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

SERVICE APPEAL NO. 372 OF 2023

Diary No. 10069

Dated 22-12-2023

Dr. Irfan Ullah.....**Appellant**

Versus

Govt. of Khyber Pakhtunkhwa and others.....**Respondents**

PARAWISE COMMENTS ON BEHALF OF RESPONDENTS 01 to 04.

Respectfully sheweth: that the respondents submit as under :-

Preliminary Objections:

1. That the Appellant has got no Cause of action or locus standi to file instant appeal.
2. That the Appellant has not come to honorable Tribunal with clean hands.
3. That the Appellant has been estopped by his own conduct to file the instant appeal. time and again has given show cause notices to applicant due to his absence from duties.
4. That the instant Appeal is bad for non-joinder of necessary and mis-joinder of unnecessary parties.
5. That the appeal is bagged by law and limitation.

Factual Objections

1. Pertains to record.
2. Incorrect. the Appellant is a habitual absentee from his legal duty therefore he was issued time and again show cause notices for performance of his duties but invain. Performance of the appellant may be judged from the following facts
 - i) that the district steering committee meeting under the chair of the deputy commissioner dated 25-01-2023 was held wherein it was decided that the appellant alongwith other absentees will be issued the show cause notice for their absence and their salaries shall be stopped till improvement of their performance. **(Annex-A)**
 - ii) That the respondent no 01 issued a notice vide order dated 09-02-2023 wherein 11 staff members including the appellant was directed for attendance of a meeting with respect to their absence however the appellant did not attend the meeting. **(Annex-B)**
 - iii) That the divisional monitoring officer/Govt of KPK independent monitoring unit through their letter dated 16-02-2023 informed the deputy commissioner Dir Lower, that the appellant along with other doctors, and staff were directed for improving their performance/attendance, however the appellant as usually absented himself not only from the meeting but from his duties too.**(Annex-E)**
 - iv) That respondent no 1 vide letter dated: 01-05-2023 called explanation from the appellant and one other doctor from their absence for a period of one


week however the appellant did not bother to reply the said letter. (Annex-D)

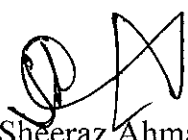
- v) That the respondent no 1 under letter dated 08-06-2023 sent a reminder to the appellant for reply and personal hearing however the appellant once again failed to reply and avail the opportunity of personal hearing. (Annex-F).
- vi) That Govt. of KPK Health Department vide Notification dated: 27-09-2023 initiated disciplinary proceedings against the appellant on the charges of involvement of the appellant in anti-state activities on the day of 09 may 2023. (Annex-G)
- 3) Incorrect. Infact the appellant was absent from his lawful duty as usual therefore the replying respondents acted as per law and rules.
- 4) Incorrect. The finance department vide letter No. SO, FR/FD/5-14/2014 dated 16-12-14 instructed all administrative Secretaries for deduction of pay and allowances from the defaulting govt. employees for the period of their absence therefore one day salary of the appellant for his absence was deducted in compliance of the referred notification in accordance with law and rules. (Annex-E)(C)
- 5) Incorrect. The replying respondents acted as per law, rules and principles of natural justice. No vested right of the appellant has been violated by the replying respondents however reply on the grounds is as under:

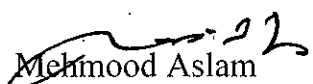
GROUND:


- 1) Incorrect. Already replied in para-4 and 5 of the facts.
- 2) Incorrect. Already replied in para-2 of the facts.
- 3) Incorrect. Already replied in para-5 of the facts.
- 4) Incorrect. The replying respondents acted as per law, rules and principles of natural justice.
- 5) Incorrect. Already replied in para-4 and 5 of the facts.
- 6) Already replied in para-4 of the facts.
- 7) Incorrect. Already replied in para-4 and 5 of the facts.

It is therefore humbly prayed that the instant appeal may kindly be dismissed with cost.


Dr. Ali Asghar
Medical Superintendent
DHQ Hospital Timergara
(Respondent No. 01)


Dr. Sheeraz Ahmad
Deputy Medical Superintendent
DHQ Hospital Timergara
(Respondent No. 02)


Mehmood Aslam
Secretary to Govt. of
Khyber Pakhtunkhwa Health Department
(Respondent No. 03)


Dr. Shaukat Ali
Director General Health Services
Khyber Pakhtunkhwa Peshawar
(Respondent No. 04)

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA

SERVICE TRIBUNAL PESHAWAR

SERVICE APPEAL NO. 372 OF 2023

Dr. Irfan Ullah.....Appellant

Versus

Govt. of Khyber Pakhtunkhwa and others.....Respondents

PARAWISE COMMENTS ON BEHALF OF RESPONDENT NO. 01 TO 02

Respectfully sheweth that the respondents submit as under:-

REPLY ON THE BEHALF OF RESPONDENTS

Preliminary Objections:

- got*
- A. 1 That the Appellant has no Cause of action or locus standi *to file instant appeal.*
 - B. 2 That the Appellant has not come to honorable Tribunal with clean hands.
 - C. 3 That the Appellant has been estopped by his own conduct to file the instant appeal. time and again has given show cause notices to applicant due to his absence from duties.
 - D. 4 That the instant Appeal is bad for non-joinder of necessary and mis-joinder of unnecessary parties.

5- that the appeal is barred by law and limitation.

Factual Objections

1. Pertains to record.
2. Incorrect. the Appellant is a habitual absentee from his legal duty therefore he was issued time and again show cause notices for performance of his duties but in vain. Performance of the appellant may be judged from the following facts
 - i) that the district steering committee meeting under the chair of the deputy commissioner dated 25-01-2023 was held wherein it was decided that the appellant alongwith other absentees will be issued the show cause notice for their absence and their salaries shall be stopped till improvement of their performance. (Annex-A)
 - ii) That the respondent no 01 issued a notice vide order dated 09-02-2023 wherein 11 staff members including the appellant was directed for attendance of a meeting with respect to their absence however the appellant did not attend the meeting. (Annex-B)
 - iii) That the divisional monitoring officer/Govt of KPK independent monitoring unit through their letter dated 16-02-2023 informed the deputy commissioner Dir Lower, that the appellant along with other doctors, and staff were directed for improving their performance/attendance, however the appellant as usually absented himself not only from the meeting but from his duties too.(Annex-E)
 - iv) That respondent no 1 vide letter dated: 01-05-2023 called explanation from the appellant and one other doctor from their absence for a period of one week however the appellant did not bother to reply the said explanation letter.(Annex-D)

- v) That the respondent no 1 under letter dated 08-06-2023 sent a reminder to the appellant for reply and personal hearing however the appellant once again failed to reply and avail the opportunity of personal hearing. (Annex-F).
- vi) That Govt. of KPK Health Department vide Notification dated: 27-09-2023 initiated disciplinary proceedings against the appellant on the charges of involvement of the appellant in anti-state activities on the day of 09 may 2023. (Annex-G)

Incorrect. Infact the appellant was absent from his lawful duty as usual therefore the replying respondents acted as per law and rules.

Incorrect. The finance department vide letter No. SO, FR/FD/5-14/2014 dated 16-12-14 instructed all administrative Secretaries for deduction of pay and allowances from the defaulting govt. employees for the period of their absence therefore one day salary of the appellant for his absence was deducted in compliance of the referred notification in accordance with law and rules. (Annex-H)

Incorrect. The replying respondents acted as per law, rules and principles of natural justice. No vested right of the appellant has been violated by the replying respondents however reply on the grounds is as under:

ROUNDS:

- 1) Incorrect. Already replied in para-4 and 5 of the facts.
- 2) Incorrect. Already replied in para-2 of the facts.
- 3) Incorrect. Already replied in para-5 of the facts.
- 4) Incorrect. The replying respondents acted as per law, rules and principles of natural justice.
- 5) Incorrect. Already replied in para-4 and 5 of the facts.
- 6) Already replied in para-4 of the facts.
- 7) Incorrect. Already replied in para-4 and 5 of the facts.

It is therefore humbly prayed that the instant appeal may kindly be dismissed with cost.

Submitted for vetting please.

[Signature]
= 18-12-23

Medical Superintendent
DHQ Hospital Timergara
(Respondent No. 02)

vetted
Subject to correct
annexed all relevant
documents along with
index and affidavit.
DT/asm
18/12

Deputy Medical Superintendent
DHQ Hospital Timergara
(Respondent No. 02)

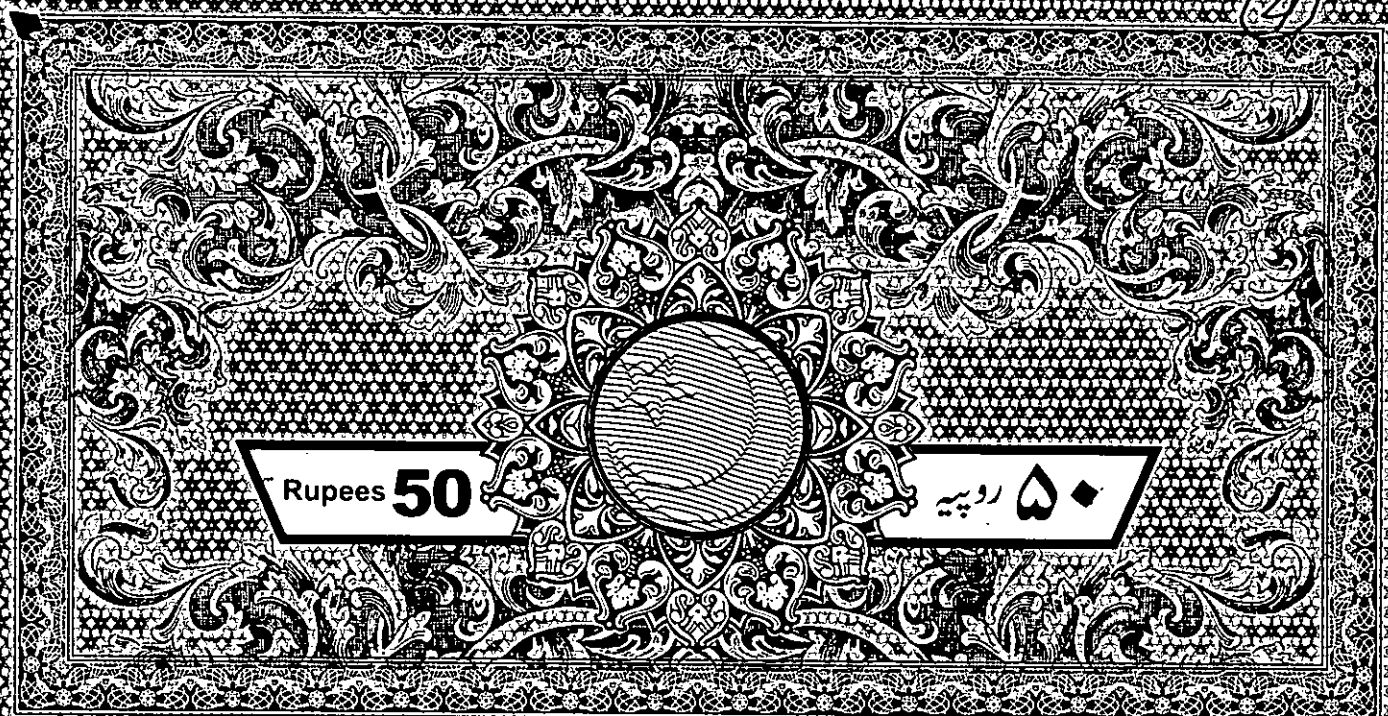
Secretary to Govt. of
Khyber Pakhtunkhwa Health Department
(Respondent No. 03)

Director General Health Services
Khyber Pakhtunkhwa Peshawar
(Respondent No. 04)

Submitted for approval of
[Signature]
Additional Advocate General
Khyber Pakhtunkhwa



29



Rupees 50

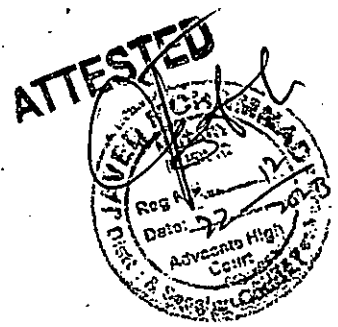
۵۰ روپیہ

SERVICE TRIBUNAL
BEFOR THE HON'BLE PESHAWAR HIGH COURT, PESHAWAR

Service Appeal No. 372 /2023

AFFIDAVIT

I, Asghar Ali Medical superintendent DHQ Hospital Timergara hereby solemnly affirm and declare on oath that the contents of this replay true and correct to the best of my knowledge and belief and nothing. It is further stated on oath that in this appeal the answering respondents have neither been placed ex-parte nor their defense have been struck off.

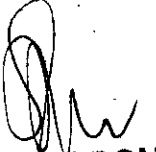


ASGHAR ALI
Deponent
Medical Superintendent
DHQ Hospital Timergara

Respondent No-1
Ali Asghar

ایم ایسی DHQ میٹل ٹیمرگڑ ضلع دیرپائین

A691632
19/12/2023


KHAN BADSHAH
Stamp Vendor
Distt: Courts Timergara

۱۹
۱۲
۲۰۲۳

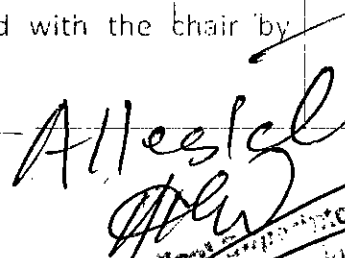
BETTER COPY

MEETING MINUTES OF THE DISTRICT STEERING COMMITTEE MEETING
INDEPENDENT MONITORING UNIT HEALTH DEPARTMENT DIR LOWER

In order to discuss the performance of Health Department in the District through Data packs of Independent Monitoring Unit, the subject meeting was held on 25-01-2023 at 12:30 PM under the chairmanship of the undersigned and attended by the participants as per following list.

1. Mr. Abdul Wali Addl. Deputy Commissioner (G)	In Chair
2. Dr. Wali Khan Coordinator DHQ Dir Lower	Secretary
3. Dr. Ali Aghar MS DHQ Dir Lower	Member
4. Mr. Abdul Waheed DMO IMU Health	Member
5. Mr. Shahab Khan DMO IMU Health Dir Lower	Member
6. Dr. Shahid Khan DMO IMU Health Dir Lower	Member
7. Representative of DAO Dir Lower	Member
8. Mursaleen Mam MDCA IMU Health	Member
9. Muhammad Qasim Shaha MDCA IMU Health	Member

S. No.	Issue	Decision	Responsibility
1	Compliance	The Chair showed displeasure over the pending actions as per previous meeting minutes and directed to take actions immediately as per IMU reports.	DHO MS
2	Medicines availability	DHO MS DPWO to ensure medicines at facilities. DPWO requested for resale of full budget in third quarter.	DHO Dir Lower MS DPWO Dir Lower
3	Habitual absent cases	DHO MS to initiate actions as per E& D rule against following absent staff: 1. Kashif PHC; his salary must be stopped immediately and initiate E&D for termination. 2. Fazal Naeem; stop his salary till he improves his attendance. 3. Action against Dr. Fazal Manan & Dr. Bilal Qureshi MO at Cat-D Munda must be shared with the chair by DHO.	


 District Health Officer
 Independent Monitoring Unit
 Health Department Dir Lower

		<p>Showcase notice must be issued to the following staff and their salary must be stopped till they improve their performance.</p> <ol style="list-style-type: none">4. Dr. Noor Habib MO DHQ Timergara5. Mr. Zubair OTA DHQ Timergara6. Mr. Akhtar Ali PHC DHQ Timergara7. Dr. Norshad DHQ Timergara8. Dr. Ghufran DHQ Timergara9. Dr. Irfan DHQ Timergara10. Palwasha Optometrist DHQ Timergara11. Sher Azam MN DHQ Timergara12. Dr. Umer Hussain DHQ Timergara13. Expalnation and notice of displeasure must be issued to Dr. Bakhtzada DHQ Timergara.	
4	BHU Hayaserai Staff	Duty orders of BHU Hayaserai must be DHO Dir Lower shared with the Chair and IMU Staff.	

Alleged
[Signature]
Medical Superintendent
DHQ Hospital Timergara

(Ann A)

63

MEETING MINUTES OF THE DISTRICT STEERING COMMITTEE MEETING
INDEPENDENT MONITORING UNIT HEALTH DEPARTMENT DIR LOWER

In order to discuss the performance of Health Department in the District through Data
banks of Independent Monitoring Unit, the subject meeting was held on 25-01-2023 at 12:30 PM
under the chairmanship of the under-signed and attended by the participants as per following list:

- | | |
|---|-----------|
| 1. Mr. Abdul Wali Adil Deputy Commissioner (CI) | in Chair |
| 2. Dr. Wali Khan Coordinator DHO Dir Lower | Secretary |
| 3. Dr. Ali Agha MS DHO Dir Lower | Member |
| 4. Mr. Abdul Wahed DMO IMU Health | Member |
| 5. Mr. Shahab Khan DMO IMU Health Dir Lower | Member |
| 6. Dr. Shahid DPWO Dir Lower | Member |
| 7. Representative of DAO Dir Lower | Member |
| 8. Mansoor Alam SDC IMU Health | Member |
| 9. Muhammad Qasim Shah MDCA IMU Health | Member |

INDEPENDENT

3.

Health
provide
at any
at the

S.No	Issue	Decision	Responsibility
1	Compliance	The Chair showed displeasure over the pending actions as per previous meeting minutes and directed to take actions immediately as per IMU reports.	DHO MS
2	Medicines availability	DHO MS DPWO to ensure medicines at facilities. DPWO requested for release of full budget in third quarter.	DHO Dir Lower MS, DPWO Dir Lower
3	Habitual absent cases	DHO MS to initiate actions as per F&D rule against following absent staff 1. Kashif PHC; his salary must be stopped immediately and initiate F&D for termination. 2. Faraz Nadeem; stop his salary till he improves his attendance. 3. Action against Dr. Puzal Munan & Dr. Bilal Qureshi MO at C&D Munda must be shared with the chair by DHO. Showcause notice must be issued to the following staff and their salary must be stopped till they improve their performance: 4. Dr. Noor Habib MO DHO Timergara 5. Mr. Zubair OIA DHO Timergara 6. Mr. Akhtar Ali PHC DHO Timergara 7. Dr. Norshad DHO Timergara 8. Dr. Ghaffar DHO Timergara 9. Dr. Irfan DHO Timergara 10. Palwasha Optometrist DHO Timergara 11. Sher Azam AN DHO Timergara 12. Dr. Umar Hussain DHO Timergara 13. Explanation and notice of displeasure must be issued to Dr. Bakhtuda DHO Timergara. Duty orders of BIR Hayasera must be shared with the Chair and IMU Staff.	DHO Dir Lower MS DHO
4	BIR Hayasera staff		

why
of
us;
be

Handwritten signature and initials, possibly 'DHO' and 'MS'.

Handwritten signature and official stamp: **Medical Superintendent DHQ Hospital Timergara Dir (L)**

ANNEX

Annex (B)

(7)

OFFICE OF THE MEDICAL SUPERINTENDENT
DHQ HOSPITAL TIMERGARA.
PHONE # 0945-9250099.

OFFICE ORDER:

As per direction/decision in the District Steering Committee Meeting of Independent Monitoring unit under the chairmanship of the Deputy Commissioner Dir Lower, regarding disciplinary action of the following absent staff of DHQ Hospital Timergara on dated 25/01/2023 at 12:30 PM.

In this regard the following Officers/Officials DHQ Hospital Timergara are hereby directed to attend the meeting, which will be held in the office of the undersigned on dated 16/02/2023 (Thursday) at 11.00 AM, otherwise their name will be reported to high ups for taking disciplinary action under the rules.

- ✓ 1. Dr. Bakht Zada Principal Medical Officer.
- ✓ 2. Dr. Noor Habib Medical Officer Radiology Department.
- ✓ 3. Dr. Noor Shad Medical Officer Urology Department.
- ✓ 4. Dr. Ghufraan Ullah Medical Officer.
- ✓ 5. Dr. Irfan Ullah Dental Surgeon.
- ✓ 6. Dr. Umar Hussain Medical Officer.
- ✓ 7. Mrs. Palwashah Optometrist.
- ✓ 8. Mr. Sher Azam Male Nurse.
- ✓ 9. Mr. Zubair CT Surgical.
- ✓ 10. Mr. Akhtar Ali CT Radiology.
- ✓ 11. Mr. Shamroz Khan Ward Attendant.

Sd-x-x-x-x-x-x
Medical Superintendent
DHQ Hospital Timergara.

No. 363/65

Dated Timergara the 09 / 02 / 2023.

Copy to:-

1. Deputy Commissioner Dir Lower for information with reference to his No. 10214-19 Dated 30/01/2023 please.
2. Divisional Monitoring Officer IMU Health Department Dir Lower at Timergara for information with the request to attend the said meeting on the above mentioned date and time positively.
3. All staff members for information, they are hereby directed to attend the meeting on the mentioned date & time.

File

Medical Superintendent
DHQ Hospital Timergara
Timergara Dir (4)

Medical Superintendent
DHQ Hospital Timergara.

D/Medical Superintendent
DHQ Hospital Timergara
Dir (4)

Ann (E)

(8)

GOVERNMENT OF KHYBER PAKHTUNKHWA
INDEPENDENT MONITORING UNIT
HEALTH DEPARTMENT

IMUH/Drl/misc/113
Dated: 16/02/2023

To,
The Deputy Commissioner,
Dir Lower.

Subject: Compliance Meeting on Pending actions; Decision point#1 of DSC held
On 26-01-2023

Dear Sir,

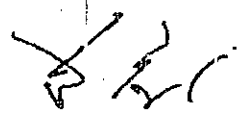
Reference to the subject cited above please find below decision points of the meeting held at MS DHQ office on 16-02-2023.

S.No	Name	Remarks	Action
1	Dr. Balcht Zada PMO Mr. Akhtar Ali CT Radiology Mr. Shumroz W/A	Absent in meeting.	Salary deduction for the absent period followed by E&D rules.
2	Dr. Nour Shad Dr. Gaufran Dr. Nour Habib Dr. Irfan ullah D/S Dr. Umar Hussain Mrs. Palwasha Noor Zubair CT/S Sher Azam M/N	Present in meeting.	It was decided that they will improve their presence and will be observed during this month, if found absent strict action along with deduction for the previous period will be done.
3	On-Call staff	Their names must be available on duty-rota and will ensure presence when called by monitoring staff.	
4	Mrs. Palwasha Noor	MS DHQ will make arrangement for her duty place and space for official communication.	
5	Leave protocol	Staff going on leave must inform unit i/c, DMS to avoid conflict in reporting mechanism of IMU.	

Medical Superintendent
DHQ Hospital Timergara
Dir (L)

Attested
Medical Superintendent
DHQ Hospital Timergara
Dir (L)

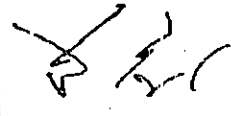
(9)



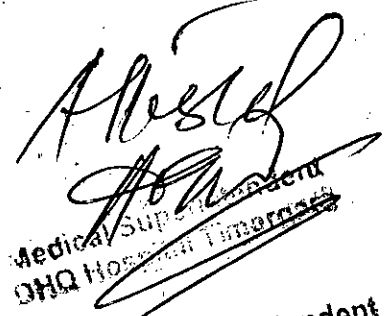
Divisional Monitoring Officer
IMU Health Malakand II

Copy to:

- 1: MS DHQ Timergara
- 2: Director IMU Health Peshawar



Divisional Monitoring Officer
IMU Health Malakand II



Medical Superintendent
DHQ Hospital Timergara

**Medical Superintendent
DHQ Hospital
Timergara Dir (L)**

(Ann D)

OFFICE OF THE MEDICAL SUPERINTENDENT
DHQ HOSPITAL TIMERGARA.
PHONE # 0945-9250099.
No. 1946 / Dated 07/05/2023.

1. Dr. Irfan Dental Surgeon.
2. Dr. Liaqat Ali Khan Medical Officer.
DHQ Hospital Timergara.

SUBJECT :-
Memo :-

EXPLANATION:

Administration, that you are remained absent from duty for the last one week without any prior permission/information to the competent authority, which is highly objectionable and against the Government rules.

In this connection you are hereby directed to explain your position that why disciplinary action should not be taken against you, on your negligence in performing of your duties.

Your written reply should reach to this office within 03 days after the receipt of this letter immediately, otherwise your case will be forwarded to high ups for taking disciplinary action under the rules.

[Signature]
Medical Superintendent
DHQ Hospital Timergara.

No. _____

Copy forwarded to:-

1. Director General Health Services Khyber Pakhtunkhwa Peshawar for information please.
2. Deputy Commissioner Dir Lower for information please.
3. Divisional Monitoring Officer IMU Malakand-II for information please.

[Signature]
~~Medical Superintendent
DHQ Hospital Timergara~~
~~Medical Superintendent
DHQ Hospital
Timergara Dir (L)~~

Medical Superintendent
DHQ Hospital Timergara.

[Signature]
Medical Superintendent.
DHQ Hospital Timergara
Dir (L)

(Ann E) E (11)

OFFICE OF THE MEDICAL SUPERINTENDENT
DHQ HOSPITAL TIMERGARA
DIR LOWER

No. 2039 / Dated Timergara the 02/06/2023

Phone No: 0945-9250099

REMINDER-I

To
Dr Irfan Ullah Dental Surgeon
Dental Unit.

Subject: EXPLANATION AND PERSONAL HEARING
Memo:

The undersigned have shown grave concern that you were not join your duties till date which is against the government rules.

Moreover, your reply of explanation was unsatisfactory that shows your least interest. You were also directed to appear before the undersigned for personal hearing but you did not obey the order which is misconduct.

Therefore, you are hereby directed to appear before the undersigned within 03 days personally, if you fail to appear, your name will be circulated to highups for for further proceeding.

Your written reply should reach to this office within 03 days after the receipt of this letter.

[Signature]
Medical Superintendent
DHQ Hospital Timergara

[Signature]
Medical Superintendent
DHQ Hospital Timergara
Dir Lower

No. 2040-421

Copy forwarded to:-
Medical Superintendent
DHQ Hospital
Timergara Dir (L)

1. The Deputy Commissioner, Dir Lower
2. The Director General Health Services Khyber Pakhtunkhwa Peshawar
3. The Divisional Monitoring Officer IMU Health Department Dir Lower

For information and necessary action, please

D/Medical Superintendent
DHQ Hospital Timergara
Dir (L)

[Signature]
Medical Superintendent
DHQ Hospital Timergara
Dir Lower

23/5

1

[Handwritten signature]

GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

DIARY No.77-8

Date: 27-09-2023

Dated: Peshawar the 21st September 2023 health Services Khyber Pakhtunkhwa**NOTIFICATION**

No.SOH (E-V) (3-3/2023). The Competent Authority (Chief Secretary Khyber Pakhtunkhwa) has been pleased to order formal inquiry as per provision contained in Rule-5 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Disciplinary) Rules 2011 for the acts of omission & commission defined as "misconduct" in terms of Rules 3 of the Rules Ibid against Dr. Irfan S/O Maroof Khan, Dental Surgeon (BS-17) attached to DHQ Hospital Timergara.

2. For the purpose of inquiry against the aforementioned accused with reference to enclosed allegations, in terms of rules ibid, the competent authority as been pleased to constitute formal inquiry committee comprising of the following officers.

- Mr. Jehanzeb Khan (PMS BS-19), Additional Secretary, Zakat, Ushr, Social Welfare & Women Empowerment Department, and.
- Dr. Wali Khan, Management Cadre (BS-19), Director (Technical), health Foundation.

3. Consequent upon the above, in Terms of Rule-6, of the Khyber Pakhtunkhwa Government Servants (Efficiency & discipline) Rules, 2011, the Competent Authority (Chief Secretary Khyber Pakhtunkhwa) is pleased to suspend the services of Dr. Irfan S/O Maroof Khan, Dental Surgeon (BS-17) attached to DHQ Hospital Timergara, for a period of 120-days with immediate effect.

SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

No.1936-42/ Notification of even no. & dated:

Copies forwarded to the.

- Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
- Accountant General, Khyber Pakhtunkhwa.
- CSO to Chief Secretary, Khyber Pakhtunkhwa.
- Mr. Jehanzeb Khan (PMS-19), Additional Secretary, Zakat, Ushr, social Welfare & Women Empowerment Department (Inquiry Officer) Charge sheet & Statement of Allegations alongwith requisite documents are enclosed for necessary action.
- Dr. Wali Khan, Management Cadre (BS-19), director (Technical), health foundation (Inquiry Officer). Charge Sheet & Statement of Allegations alongwith requisite documents are enclosed for necessary action.
- Director General health Services, Khyber Pakhtunkhwa, Charge Sheet & Statement of Allegations are enclosed with the request to serve upon the accused through proper acknowledgement receipt and sent the same to this Department.
- MS DHQ Hospital Temergarah Dir Lower. It is further requested to nominate a departmental representative to Health officer during course of inquiry proceedings.

Ali Akbar
Medical Superintendent
DHQ Hospital
Timergara Dir (L)

8. MS DHQ Hospital Timergara, Dir Lower.
9. District Accounts Officer, Dir Lower.
10. PS to Secretary Health Department, Khyber Pakhtunkhwa.

(Fazal Amin)
Section Officer (E-V)

MOST URGENT/OUT TODAY

OFFICE OF THE DIRECTORATE GENERAL HEALTH KPK PESHAWAR

No.16073-77/EI

Dated:12-10-2023

Copy of the above along with copies of charge sheet & statement of allegations against Dr. Irfan s/o Maroof Khan Dental Surgeon (BS-17) is forwarded to the:-

1. M.S DHQ Hospital Timergara Dir Lower, for information with the remarks to serve the same upon the accused officer through proper acknowledgement receipt and sent the same to this directorate on war footing basis for onward submission to Govt.
2. Dir. Tariq Aziz Deputy Director (DHIS) DGHS Office for information with the remarks to assist the enquiry officer during inquiry proceeding as departmental representative.

**Director (HRM) DGHS
Khyber Pakhtunkhwa Peshawar**

Copy to:

1. Secretary to Govt. Of Khyber Pakhtunkhwa health Department for information.
2. Mr. Jehanzeb Khan (PMS BS-19) Addl: Secretary Zakat, Ushr, Social Welfare & Women Empowerment Department and
3. Dr. Wali Khan Management Cadre (BS-19) Director (Technical), Health Foundation for information.

Ahmed
M. E.
Medical Superintendent
DHQ Hospital
Timergara Dir (L)

GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

STATEMENT OF ALLEGATIONS

I, Nadeem Aslam Chaudhry, Chief Secretary Khyber Pakhtunkhwa, as competent authority, am of the opinion that, Dr. Irfan, Dental Surgeon (BS-17), DHQ Hospital Timergara, has rendered himself liable to be proceeded against, as he has committed the following acts/ omissions, within the meaning of Rule-3 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011:

STATEMENT OF ALLEGATIONS

"That he was involved in anti-state activities on the day of 09/05/2023 i.e an incident of Public attacks on Government / Military personnel / installations while involved in damaging the public / private properties and challenged the law & order situation and took the law into his hand"

2. For the purpose of inquiry against the said accused with reference to the above allegations, an inquiry officer/ inquiry committee consisting of the following is constituted under Rule-10 (I) (a) of the ibid rules.

1. Mr. Jehanzeb Khan As. Zakat Ushar.
2. Wali Khan Director Tech: health foundation

3. The Inquiry Officer/ Inquiry Committee shall, in accordance with the provisions of the ibid rules, provide reasonable opportunity of hearing to the accused, record its findings and make, within 60-days of the receipt of this order, commendations as to punishment or other appropriate action against the accused.

4. The accused and a well conversant representative of the Department shall join the proceedings on the date, time and place fixed by the inquiry officer/ inquiry committee.

(Nadeem Aslam Chaudhary)
Chief Secretary, Khyber Pakhtunkhwa
Competent Authority

[Signature]
Medical Superintendent
DHQ Hospital
Timergara Dir (L)

GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

CHARGE SHEET

1. Nadeem Aslam Chaudhary, chief Secretary Khyber Pakhtunkhwa, as competent Authority, hereby Charge you, Dr. Irfan, Dental Surgeon (BS-17), DHQ Hospital, Timergara as follow:-

That you, while posted as Dental Surgeon (BS-17) DHQ Hospital Timergara Committed the following irregularities:

"That you were involved in anti-state activities on the day of 09th may, 2023 i.e. an incident of public attacks on Government/ Military personnel/ installations while involved in damaging the public/ private properties and challenged the law & order situation and took the law into your hand"

2. By reason of the above, you appear to be guilty of "Misconduct" under Rule-3 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 and have rendered yourself to all or any of the penalties specified in rule-4 of the rules ibid.

3. You are, therefore, required to submit your written defence within Ten (10) days and not more than fourteen (14) days from the date of the receipt of this charge sheet to the inquiry Officer/ Committee, as the case may be.

4. Your written defence, if any, should reach the inquiry officer/ inquiry committee within the specified period, failing which it shall be presumed that you have no defence to put in and in that case ex-parte action shall be taken against you

5. Intimate whether you desire to be heard in person.

6. A Statement of Allegation is enclosed.

Medical Superintendent

DHQ Hospital
Timergara Dir (L)

(Nadeem Aslam Chaudhary)

Chief Secretary, Khyber Pakhtunkhwa
Competent Authority

Dr. Irfan, Dental Surgeon BS-17 DHQ Hospital, Timergara.

(Anx 5)

(13)

GOVERNMENT OF KHYBER PAKHTUNKHWA

HEALTH DEPARTMENT

Date: 27.9.23

Dated: Peshawar the 21st September, 2023 Health Service Khyber Pakhtunkhwa

NOTIFICATION

BS-17/2023

The Competent Authority (Chief Secretary Khyber Pakhtunkhwa) has been pleased to order formal inquiry as per provision contained in Rule-5 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Disciplinary) Rules, 2011 for the acts of omission & commission defined as "misconduct" in terms of Rule 2 of the Rules ibid against Dr. Irfan S/O Maroof Khan, Dental Surgeon (BS-17) attached to DHQ Hospital Timergara.

For the purpose of inquiry against the aforementioned accused with reference to enclosed allegations, in terms of Rules ibid; the Competent Authority has been pleased to constitute formal inquiry committee comprising of the following members:-

- a. Mr. Jehanzeb Khan (PMS BS-19), Additional Secretary, Zakat, Ushr, Social Welfare & Women Empowerment Department, and
- b. Dr. Wali Khan, Management Cadre (BS-19), Director (Technical), Health Foundation

Consequent upon the above, in terms of Rule-6 of the Khyber Pakhtunkhwa Government Servants, (Efficiency & Discipline) Rules, 2011, the Competent Authority (Chief Secretary Khyber Pakhtunkhwa) is pleased to suspend the services of Dr. Irfan S/O Maroof Khan, Dental Surgeon (BS-17) attached to DHQ Hospital Timergara, for a period of 120-days with immediate effect.

SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

No. 1976-112/Notification of even No. & dated:
Copies forwarded to the:-

- 1. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa
- 2. Accountant General, Khyber Pakhtunkhwa
- 3. CSC to Chief Secretary, Khyber Pakhtunkhwa
- 4. Mr. Jehanzeb Khan (PMS BS-19), Additional Secretary, Zakat, Ushr, Social Welfare & Women Empowerment Department, (Inquiry Officer). Charge Sheet & Statement of Allegations along with requisite documents are enclosed for necessary action.
- 5. Dr. Wali Khan, Management Cadre (BS-19), Director (Technical), Health Foundation (Inquiry Officer). Charge Sheet & Statement of Allegations along with requisite documents are enclosed for necessary action.
- 6. Director General Health Services, Khyber Pakhtunkhwa. Charge Sheet & Statement of Allegations are enclosed with the request to serve upon the accused through proper acknowledgement receipt and sent the same to this department.

Handwritten signature and date: 27/9/23

Handwritten signature

Medical Superintendent
DHQ Hospital
Timergara Dir. (L)
DHQ Hospital
Timergara

(Amir)

(14)

is further requested to nominate a departmental representative to
Duty officer during course of inquiry proceedings.
Hospital Timergara, Dir Lower.
Accounts Officer, Dir Lower.
Health Department, Khyber Pakhtunkhwa.

[Signature]

(FAZAL AMIN)

SECTION OFFICER (E-V)

MOST URGENT/OUT TODAY

OFFICE OF THE DIRECTORATE GENERAL HEALTH KPK PESHAWAR

No/6043-77/E.I

Dated 12/10/2023.

Copy of the above along with copies of charge sheet & statement of allegations against
Dr. M. M. Khan Dental Surgeon (BS-17) is forwarded to the :-

- 1. MS DHC Hospital Timergara Dir Lower for information with the remarks to serve
the cause upon the accused officer through proper acknowledgement receipt and
send the same to this Directorate on non-losing basis for onward submission to Govt.
Dr. Faraz Aziz Deputy Director (CHS) DGHS Chitral for information with the remarks
to assist the enquiry officer during inquiry proceedings as Departmental
representative (Mob: * 0346-9739504)

0346 9739504

[Signature]
DIRECTOR (HRM) DGHS
KHYBER PAKHTUNKHWA PESHAWAR

- 2. Secretary to Govt. of Khyber Pakhtunkhwa Health Department for information.
- 3. Mr. Muhammad Khan (MS BS-9) Asst. Secretary, Zakat, Ushr, Social Welfare &
Women Empowerment Department at 9
- 4. Dr. Wajid Khan Management Cadre (BS-15) Director (Technical), Health Foundation,
for information.

OFFICE OF THE

4901

18/10/2023
Medical Superintendent
DHC Hospital
Timergara Dir (I)

Copy of the above
to Dr. Faraz Aziz
DHC Hospital Timergara
and necessary actions for information

[Signature]
Medical Superintendent
DHC Hospital



GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

(15)

STATEMENT OF ALLEGATIONS

I, Nadeem Aslam Chaudhary, Chief Secretary Khyber Pakhtunkhwa, as competent authority, am of the opinion that, Dr. Irfan, Dental Surgeon (BS-17), DHQ Hospital, Timergara, has rendered himself liable to be proceeded against, as he has committed the following acts/ omissions, within the meaning of Rule-3 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011.

STATEMENT OF ALLEGATIONS

"That he was involved in anti-state activities on the day of 09th May, 2023 i.e. an incident of public attacks on Government/ Military personnel/ Installations while involved in damaging the public/ private properties and challenged the law & order situation and took the law into his hand"

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

- i. Mr. Jehangzeb Khan AS. Zuleat Ushan
- ii. Dr. Wali Khan Director Public Health Foundation

The Inquiry Officer/ Inquiry Committee shall, in accordance with the provisions of the ibid rules, provide reasonable opportunity of hearing to the accused, record its findings and make, within 60-days of the receipt of this order,

[Handwritten signature]

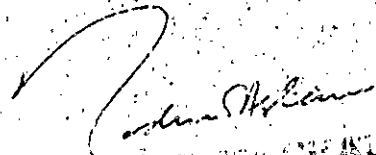
[Handwritten signature]

Medical Superintendent
DHQ Hospital
Timergara Mir (L)

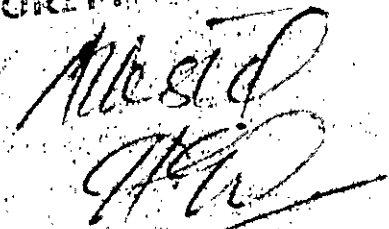
GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

recommendations as to punishment or other appropriate action against the accused.

The accused and a well conversant representative of the Department shall join the proceedings on the date, time and place fixed by the Inquiry Officer/ inquiry Committee.



(NAHEED AKBAR CHAUDHARY)
CHIEF SECRETARY, KHYBER PAKHTUNKHWA
COMPETENT AUTHORITY



Medical Superintendent
BHQ Hospital
Mardan District

GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

CHARGE SHEET

I, Nadeem Aslam Chaudhary, Chief Secretary, Khyber Pakhtunkhwa, as competent authority, hereby charge you, Dr. Irfan, Dental Surgeon (BS-17), DHQ Hospital, Timergara as follow:-

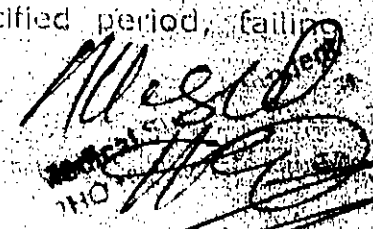
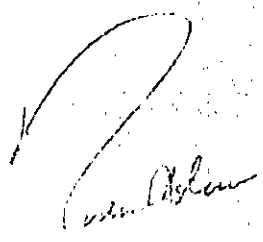
That you, while posted as Dental Surgeon (BS-17), DHQ Hospital Timergara committed the following irregularities:-

"That you were Involved in anti-state activities on the day of 09th May, 2023 i.e. an incident of public attacks on Government/ Military personnel/ Installations while involved in damaging the public/ private properties and challenged the law & order situation and took the law into your hand "

2. By reason of the above, you appear to be guilty of "Misconduct" under Rule-3 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 and have rendered yourself to all or any of the penalties specified in Rule-4 of the rules ibid.

3. You are, therefore, required to submit your written defence within Ten (10) days and not more than Fourteen (14) days from the date of the receipt of this Charge Sheet to the Inquiry Officer/ Committee, as the case may be.

4. Your written defence, if any, should reach the Inquiry Officer/ Inquiry Committee within the specified period, failing



Medical Superintendent
DHQ Hospital
Timergara Dir (L)

(18)



GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

which shall be presumed that you have no defence to put in and
in that case ex-parte action shall be taken against you.

5 Intimate whether you desire to be heard in person

6 A statement of allegation is enclosed

(NADEEM ASLAM CHAUDHARY)
CHIEF SECRETARY, KHYBER PAKHTUNKHWA
COMPETENT AUTHORITY

Dr. Irfan, Dental Surgeon (BS-17) DHQ Hospital, Timergara

Medical Superintendent
DHQ Hospital
Timergara



(Ann 57)
GOVERNMENT OF KHYBER PAKHTUNKHWA
FINANCE DEPARTMENT
(REGULATION WING)

No. SO(FR)/FD/5-14/2014
Dated Peshawar, the 16-12-2014

To

1. Additional Chief Secretary, Khyber Pakhtunkhwa.
2. Senior Member Board of Revenue, Khyber Pakhtunkhwa.
3. All Administrative Secretaries, Govt; of Khyber Pakhtunkhwa.

Subject: - DEDUCTION OF SALARY FROM GOVT; EMPLOYEES IN CASE OF ABSENTEESUM

Dear Sir,

I am directed to refer to the subject noted above and to state that it has come to the notice of the government that on some occasion government employees remain absent from duty without authorization or fail to perform their assigned duties. Such instances attract the provision of Fundamental Rules and Khyber Pakhtunkhwa Government-servant (Efficiency and Disciplinary) Rules 2011. Accordingly, such government employee loses right to payment of pay and allowances for such periods besides making themselves liable for disciplinary proceedings. All concerned offices are duty bound to deduct pay and allowances of the defaulting government employees for the period of absence and non performance of the duty.

I am further directed to convey that all Administrative Departments and their attached entities shall ensure implementation of the above legal provisions in letter & spirit.

Yours faithfully,

(SHAUKAT ULLAH)
SECTION OFFICER (FR)

Copy is forwarded to the: -

- Principal Secretary to Governor, Khyber Pakhtunkhwa.
- Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
- PSO to Chief Secretary to Government of Khyber Pakhtunkhwa.
- Registrar, Peshawar High Court, Peshawar
- Accountant General, Khyber Pakhtunkhwa.
- All Heads of Attached Departments in Khyber Pakhtunkhwa
- All Commissioners in Khyber Pakhtunkhwa.
- All Deputy Commissioners in Khyber Pakhtunkhwa.
- All District / Agency Accounts Officers in Khyber Pakhtunkhwa.
- Treasury Officer, Khyber Pakhtunkhwa.
- All officers in Finance Department.

SECTION OFFICER (FR)

Medical Superintendent
DHQ Hospital
Timergara Dir (L)