

THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. 590/2019

Date of Institution ... 07.05.2019

Date of Decision ... 13.08.2021

Mr. Shabir Khan, Ex-Sub Engineer, C&W Division, Hangu.

... (Appellant)

VERSUS

The Government of Khyber Pakhtunkhwa through Principal Secretary to Chief Minister, Khyber Pakhtunkhwa, Peshawar and three others.

... (Respondents)

Present:

SHABIR KAHN,
KABIRULLAH KHATTAK,
Additional Advocate General

--- Pro Se.

--- For respondents.

AHMAD SULTAN TAREEN
ROZINA REHMAN

--- CHAIRMAN
--- MEMBER(Judicial)

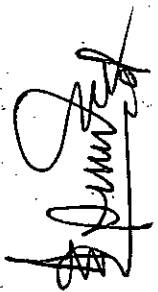
JUDGEMENT.

AHMAD SULTAN TAREEN, CHAIRMAN:- Appellant has filed the instant service appeal U/S 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the impugned order dated 03.12.2018, whereby, he was removed from service.


2. According to the facts gathered from the memorandum of appeal and accompanying record, the appellant while serving as Sub-Engineer at C&W Division, Hangu, he was served with charge sheet and statement of allegations including the charges as copied below:

- I. You failed to supervise and manage the completion of scheme within the stipulated period, resultantly the scheme is dropped from current ADP.
- II. The executed works found substandard and poor quality.
- III. You made payment to the contractors in advance without execution of work, besides misuse of public funds.

3. The charge sheet and statement of allegations were issued by the Chief Minister, Khyber Pakhtunkhwa because the co-accused include Mr. Kifayat Ullah the



then XEN, C&W Division, Hangu whose competent authority was the Chief Minister. An inquiry committee comprising Mr. Jannat Gul (PCS-SG-BS-19), Additional Secretary, Zakat & Usher Department and Engineer Fazle Wahab (BS-19) Provincial Design Engineer, was constituted. The appellant was directed vide para-3 of the charge sheet to submit his written defense to the enquiry committee within 07 days of the receipt of the charge sheet. It is there in the memo of appeal that in response, the appellant submitted his detail reply alongwith documentary proof and denied the allegations leveled against him. The afore-mentioned enquiry committee submitted its report, copy whereof has been annexed with memorandum of appeal. According to the findings of the committee in the said report charges against the accused officer Engineer Kifayatullah, and accused official Mr. Saeedullah were not proved; and charges No. 1, 2 were proved and charges No.3 was not proved against the appellant. The competent authority vide order dated 03.12.2018 bearing No. SOE/C&WD/8-16/2017 of even date imposed the major penalty of removal from service upon the appellant in pursuance to the enquiry report. According to the appellant, he was made scapegoat by awarding major penalty of removal from service vide impugned order while co-accused were exonerated from the charges. He stated in this appeal that he was not involved in the irregularities because his attachment with the scheme in question occurs in the year 2013 while scheme had started in the year 2008 and ended in the year 2015. According to him, the scheme was initially started under supervision of his two colleagues who being co-accused were exonerated. Feeling aggrieved from the impugned order, the appellant filed departmental appeal/review petition but the same was rejected vide appellate order dated 08.04.2019. In pursuit of the next remedy, he has approached this Tribunal through service appeal at hand. The respondents were put with notice after admission of the appeal for regular hearing. They attended and contested the appeal by



submission of their para-wise comments whereby they refuted the submissions of appellant made vide his appeal.

4. We have heard the arguments and perused the record.

5. It was argued by the appellant that the impugned order of his removal from service and the order of the appellate authority rejecting his appeal are against the facts, law and norms of natural justice. He was not treated in accordance with law and rules and was condemned unheard. No show-cause notice was served on him before issuance of the impugned order dated 03.12.2018 and he was also not afforded any opportunity of personal hearing. The enquiry conducted against him suffers illegalities and irregularities and the law on the subject was not followed by the committee as well as by the competent authority. The impugned order suffers from malafide and was passed without having regard to the vicarious responsibility of the appellant in relation to the project. The project started in 2008 but the other officers/official who remind at helms of affairs during execution of the projects since its commencement were given clean chit. It was also argued that the scheme was located in the area where militancy was at peak stage since 2011 to 2015 and the building remained occupied by the Army till December 2013 resulting damages to it during the said period. After vacation from the Army, the building was renovated and was handed over to the concerned department in 2018. It was argued that the work was executed having regard to the technical specification and quality which got damage while in use of Armed Forces. Despite showing sufficient cause of his innocence with all the documentary proof, he was punished by singling him out from the other officers/officials having their respective responsibilities/liabilities in relation to the project. While concluding his arguments, appellant submitted that the entire process of disciplinary proceedings against him is a sham exercise meant to make him scapegoat and save the skin of blue eyed. He submitted that the impugned order being result of illegal and irregular disciplinary proceedings is not tenable



under the facts and law and is liable to be set aside and he is entitled for reinstatement and with all back benefits.

6. It was argued on behalf of the respondents that the appellant has got no cause of action, his appeal is time barred, and he has not come to the court with clean hands. The disciplinary proceedings were conducted against the appellant with due regard to the law on the subject by serving the appellant with charge sheet, statements of allegations followed by formal enquiry wherefore the appellant failed to prove innocence. He was rightly penalized with imposition of major penalty and exoneration of the co-accused does not absolve the appellant from the charges which were proved against him. The co-accused was exonerated on the basis of findings of the enquiry report by the competent authority which made out their case for exoneration. The plea of the appellant about his having been made scapegoat is an afterthought. He was given ample opportunity to prove his innocence and on his failing, it was inevitable to penalize him under the requirements of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011. The learned AAG while concluding his arguments submitted that appeal may be dismissed with cost.

7. As far as the hierarchy of Communication & Works Department is concerned, it is an undeniable fact in light of its hierarchical organogram that it includes the offices of Executive Engineer, Assistant Engineer/Sub-Divisional Officer and Sub-Engineer besides their zonal and provincial Engineers/officers. The XEN C&W Department is the immediate higher authority in a C&W Division to get the assigned civil works executed in due compliance of the codal formalities and standards. SDO and Sub Engineer in direct subordination of the XEN are responsible for physical execution of works. So, the XEN, SDO and Sub Engineer are collectively responsible for the management and execution of works in their respective domains.

However, Sub-Engineer in the said hierarchy of the Engineers in a C&W Division stands at the lowest rung of the ladder obviously with greater responsibility being a site overseer of a scheme but not with sole responsibility to bear the burden of consequences without proof of his substantial role in the actionable events. What made the background for disciplinary action against the appellant and others, the same has been reflected in Inquiry Report by the Committee with full details of analytic points followed by recommendations as copied herein below:-

1. *The Executing Department should direct the contractor to expedite the pace of work on the remaining items and hand over the hospital at the earliest for the best interest of public.*
2. *Strict Disciplinary action is recommended against the officials/officers mentioned in Para-2 who was found responsible for execution of poor quality work, advance payments, misuse of public funds and delaying such important project.*
3. *The items that were paid in advance should be executed without further delay with proper design and standard quality.*
4. *The contractors may also be penalized for delaying the execution of project, misuse of public funds, executing poor quality work and the items that were executed against the approved Technical Sanction should be recovered.*



8. The recommendations noted above except one at Sr. No. 2 do not attract the action against the appellant. Therefore, charge Sheet with the allegations enumerated therein appears to have been derived from the recommendation at Sr.No.2 among the above mentioned recommendations. Out of three charges as inquired against the appellant, the third charge was that he made payment to the contractors in advance without execution of work besides misuse of public funds, which was not proved as per inquiry report. According to first head of the charge, he failed to supervise and manage the completion of scheme within the stipulated period, resultantly the scheme was dropped from current ADP. It is an admitted fact

on behalf of appellant that he took over the charge of scheme in 2013 and not expressly refuted by the respondents. Accordingly, the liability of appellant relates to his period of posting onward from 2013. It is evident from copies of different official correspondence annexed with the appeal that work on the scheme started few years before 2013. Among the copies of record making part of annexure 'F' on the appeal file; vide letter dated 29-05-2013 of the XEN C&W Division, Hangu addressed to the Secretary Health Department, Peshawar on the subject of Civil Hospital Doaba, it was stated that subject developmental scheme was due for completion for the then current financial year 2013 but citing the ground realities obviously including the security problem and occupation of site by Pak Army, revision of estimates for completion of scheme for remaining construction work was sought with the request to carry over/throw forward the completion date to the year 2013/14. In another letter dated 01-10-2013 making part of the same annexure, which was addressed by the Commissioner, Kohat Division to the Secretary Health, and wherein completion of partial work on the scheme in the year 2009 was mentioned and occupation of site by the completed blocks by the Pak Army since 2009 was confirmed. This position as evident from official record was rubbed under the carpet by the Inquiry Committee by not touching the delay having occurred before coming of scheme in hands of the appellant in 2013. So, it was not just and fair to hold the appellant responsible for delay in completion of scheme when his higher authorities were cognizant of the ground realities on causes of delay. Moreover, the stance of co-accused Mr. Kifayatullah, as accepted by the Inquiry Committee and endorsed by the competent authority is equally workable in favor of the appellant at least for a period of one year. The second head of the charge was that the executed works found substandard and poor quality. Needless to say that responsibility of the appellant may be much more than the SDO and XEN but it was their proportional responsibility to visit the site and check the deficiencies in the work for their rectification well in time. If the

work has been found substandard after the completion of scheme, the XEN and the SDO by then at the helms of affairs were proportionally responsible to share the consequence. However, the appellant has been singled out to face the consequences, which is highly unjust and against the norms of justice. May be right or wrong, we were told by the appellant that the ratio of the responsibility in relation to the works in the C&W Division remains 25% each with the XEN and SDO while 50% remains with the Sub-Engineer. The learned AAG was not assisted by the department for rebuttal of said statement of the appellant. If this is the case and obviously this ratio of responsibility seems logical, we are unable to understand as to how the role of the XEN was excluded. As per details of the co-accused given in the enquiry report, the following four persons were proceeded against under E&D Rules 2011 including the appellant:-

1. Engr: Kifayatullah XEN (BS-18) the then Xen C&W Division Hangu, Now working as PD PRRSA/USAID Directorate.
2. Mr. Shabir Khan Sub Engineer C&W Division Hangu.
3. Mr. Saeedullah Sub-Engineer C&W Division Hangu.
4. Mr. Ejaz Rasool the then Sub-Engineer C&W Division Hangu and died during service while posted as SDO (E&M) O/O CE (North) C&W Department Peshawar.

9. We deem it appropriate not to touch the enquiry report on its merit but as far as the enquiry proceedings are concerned, they do not disclose the compliance of the procedure under Rule-11 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011. Neither the statements mentioned in the enquiry report are shown to have been recorded in presence of the appellant nor had he been given the opportunity of cross examination. The appellant straightaway denied in the ground of his appeal that no show cause notice was served on him

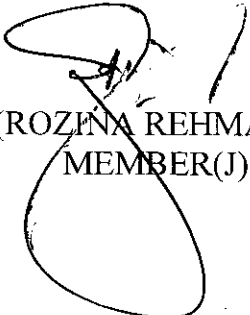
before issuance of the impugned order dated 0312.2018 and nor was he provided the chance of personal hearing before the issuance of the said order. In view of the said denial of the appellant in his memorandum of appeal, respondents were required to furnish the copy of the show cause notice from the official record and should have annexed the same with their para-wise reply but they omitted. So, they failed to rebut the ground of non-service of show cause notice upon the appellant which was a legal requirement within the meaning of Sub-Rule-4 of Rules-14 of the ibid Rules including to provide a copy of the enquiry to the accused with direction for appearance of the departmental representative with all record, on the date of hearing. The impugned order does not disclose as to affording the appellant with opportunity of hearing as referred under Sub-Rule-4 of Rules-14. So, we in view of the forgoing discussion have no hesitation to hold with the disciplinary proceedings having worked in imposition of major penalty against the appellant were not conducted in accordance with law on the subject. Moreover, selective treatment meted out to the appellant for imposing the penalty excluding others having proportional liability with him as per respective ratio of their responsibility, is unwarranted in the realm of the Constitution of the Pakistan.



10. For what has gone above, the appeal at hand is accepted. Disciplinary proceedings and the impugned order of imposing major penalty of removal from service upon the Appellant in result of said proceedings are set aside. The Appellant is held entitled for reinstatement from the date of his removal from service by the impugned order with back benefits having accrued or accruable, had he not been removed from service. This judgment shall not create a bar against the competent authority, if it decides to proceed against all the officers/officials in light of their respective incumbency in the C&W Division Hangu, since the disputed scheme was contracted out for execution and till its completion, having regard to proportional

responsibility of all the said incumbents. Parties are left to bear their own costs. File
be consigned to the record room.

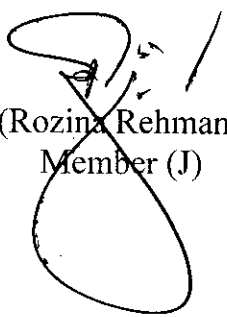
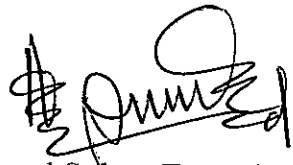
ANNOUNCED
13.08.2021



(ROZINA REHMAN)
MEMBER(J)

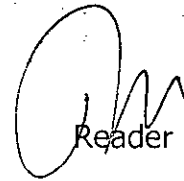


(AHMAD SULTAN TAREEN)
CHAIRMAN

S.No	Date of order/ proceedings	Order or other proceedings with signature of Judge or Magistrate and that of parties where necessary.
1	2	3
	13.08.2021	<p><u>Present.</u></p> <p>Shabir Khan, ... Pro Se.</p> <p>Kabir Ullah Khattak, Additional Advocate General ... For respondents</p> <p>Vide detailed judgment of today of this Tribunal placed on file, the appeal at hand is accepted. Disciplinary proceedings and the impugned order of imposing major penalty of removal from service upon the Appellant in result of said proceedings are set aside. The Appellant is held entitled for reinstatement from the date of his removal from service by the impugned order with back benefits having accrued or accruable, had he not been removed from service. This judgment shall not create a bar against the competent authority, if it decides to proceed against all the officers/officials in light of their respective incumbency in the C&W Division Hangu, since the disputed scheme was contracted out for execution and till its completion, having regard to proportional responsibility of all the said incumbents. Parties are left to bear their own costs. File be consigned to the record room.</p> <p><u>ANNOUNCED.</u> 13.08.2021</p> <p> (Rozina Rehman) Member (J)</p> <p> (Ahmad Sultan Tareen) Chairman</p>

24.12.2020

Due to summer vacation, case is adjourned to 29.03.2021 for the same as before.



Reader

29.03.2021

Junior to counsel for appellant present.

Riaz Khan Paindakheil learned Assistant Advocate General for respondents present.

Former made a request for adjournment as senior counsel is indisposed. Adjourned. To come up for arguments on 28/06/2021 before D.B.


(Atiq ur Rehman Wazir)
Member (E)


(Rozina Rehman)
Member (J)

28.06.2021

Appellant in person and Mr. Muhammad Adeel Butt, Addl. AG for the respondents present.

The Worthy Chairman is on leave, therefore, the Bench is incomplete. To come up for arguments on 03.08.2021 before the D.B.



(Rozina Rehman)
Member(J)


29.07.2020

Appellant with counsel present.

Mr. Muhammad Jan learned Deputy District Attorney for respondents present.

Learned counsel for appellant requested for adjournment. Adjourned. To come up for arguments on 10.09.2020 before D.B.


(Mian Muhammad)
Member (E)


(Rozina Rehman)
Member (J)

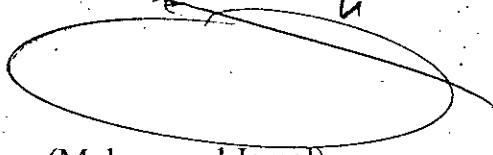
10.09.2020

Appellant in person alongwith Mr. Afrasiab Khan Wazir, Advocate present. Mr. Kabirullah Khattak, Additional Advocate General for respondents present.

The learned counsel submitted that his senior counsel has proceeded to Islamabad, therefore, could not attend the Tribunal. He requested for adjournment.

Adjourned to 09.11.2020 for arguments before D.B.

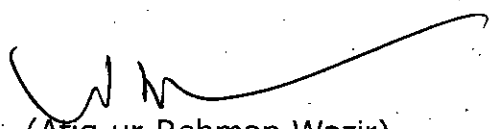

(Mian Muhammad)
Member (E)


(Muhammad Jamal)
Member(J)

09.11.2020

Appellant in person present. Mr. Muhammad Jan learned Deputy District Attorney for respondents present.

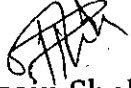
The Bar is observing general strike, therefore, the matter is adjourned to 24.12.2020 for hearing before the D.B.



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


Chairman

02.01.2020


Counsel for the appellant and Mr. Usman Ghani, District Attorney for the respondents present. Learned counsel for the appellant requested for adjournment. Adjourned to 09.03.2020 for arguments before D.B.



(Hussain Shah)
Member


(M. Amin Khan Kundi)
Member

09.03.2020

Junior to counsel for the appellant and Junior to counsel for the appellant seeks adjournment as senior learned counsel for the appellant is not available. Adjourn. To come up for arguments on 16.04.2020 before D.B.


Member


Member

16.04.2020

Due to public holidays on account of Covid-19, the case is adjourned. To come up for the same on 16.07.2020 before D.B.


Reader

16.07.2020

Due to COVID-19, the case is adjourned for the same on ~~21.07~~ 2020 before D.B.


Reader

590/2019

17.09.2019

Appellant in person and Addl. AG alongwith Mahboobur Rahman, Junior Clerk for the respondents present.

Representative of the respondents requests for further time for submission of written reply/comments. Adjourned to 09.10.2019 on which date the requisite reply/comments shall positively be submitted.


Chairman

09.10.2019

Counsel for the appellant and Addl. AG alongwith Abbas Senior Clerk for the respondents present.

Requisite reply on behalf of respondents No. 1 to 4 has been submitted which is placed on record. The appeal is assigned to D.B for arguments on 18.12.2019. The appellant may submit rejoinder, within a fortnight, if so advised.


Chairman

18.12.2019

Junior to counsel for the appellant and Mr. Muhammad Jan learned Deputy District Attorney present. Junior to counsel for the appellant seeks adjournment as senior counsel for the appellant is not in attendance. Adjourn. To come up for arguments on 02.01.2020 before D.B.


Member


Member

20.06.2019

Counsel for the appellant Shabir Khan present. Preliminary arguments heard. It was contended by learned counsel for the appellant that the appellant was serving in C & W as Sub-Engineer. He was removed from service on the allegation of misconduct vide order dated 03.12.2018. The appellant filed departmental appeal on 21.12.2018 but the same was rejected on 08.04.2019 hence, the present service appeal on 07.05.2019. Learned counsel for the appellant further contended that neither proper inquiry was conducted nor the appellant was associated during the inquiry proceeding nor any opportunity of personal hearing and defence was provided to the appellant nor any show-cause notice alongwith inquiry report was handed over to the appellant before passing the impugned order therefore, the impugned order is illegal and liable to be set-aside.

The contentions raised by the learned counsel for the appellant needs consideration. The appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days, thereafter, notice be issued to the respondents for written reply/comments for 19.08.2019 before S.B.

Appellant Deposited
Security & Process Fee

20/6/19


(Muhammad Amin Khan Kundi)
Member

19.08.2019

Appellant in person and Mr. Muhammad Riaz Khan Paindakhel, Asstt. AG for the respondents present.

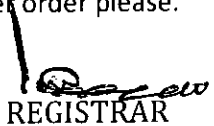

Learned AAG is required to contact the respondents and submit written reply/comments on the next date positively. Adjourned to 17.09.2019 before S.B.


Chairman

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 590/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	07/05/2019	<p>The appeal of Mr. Shabir Khan presented today by Mr. Noor Muhammad Khattak 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 7/5/19</p>
2-	09/05/19	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>20/06/19</u></p> <p style="text-align: right;"> CHAIRMAN</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. 590 / 2019

SHABIR KHAN

VS

GOVT: OF KP

INDEX

S.NO.	DOCUMENTS	ANNEXURE	PAGE
1	Memo of appeal	1- 3.
2	Charge sheet and statement of allegation	A & B	4- 6.
3.	Inquiry report	C	7- 11.
4.	Reply	D	12- 15.
5.	Impugned order	E	16.
6.	Relevant record	F	17- 29.
7.	Departmental appeal	G	30- 32.
8.	Rejection order	H	33.
9.	Vakalat nama	34.

APPELLANT

THROUGH:

NOOR MOHAMMAD KHATTAK,
ADVOCATE

Flat No. 3, Upper Floor,
Islamia Club Building,
Khyber Bazar, Peshawar
0345-9383141

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

APPEAL NO. 590 /2019

Diary No. 722

Dated 07-5-2019

Mr. Shabir Khan, Ex-Sub Engineer,
C&W Division, Hangu.....

APPELLANT

VERSUS

- 1- The Government of Khyber Pakhtunkhwa through principal Secretary to Chief Minister, Khyber Pakhtunkhwa, Peshawar.
- 2- The Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
- 3- The Secretary (C&W) Department, Khyber Pakhtunkhwa, Peshawar.
- 4- The Chief Engineer (Centre) C&W Department, Khyber Pakhtunkhwa, Peshawar.

.....**RESPONDENTS**

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDER DATED 03.12.2018 WHEREBY MAJOR PENALTY OF REMOVAL FROM SERVICE HAS BEEN IMPOSED ON THE APPELLANT AND AGAINST THE APPELLATE ORDER DATED 08.04.2019 WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT HAS BEEN REJECTED ON NO GOOD GROUNDS

PRAYER:

That on acceptance of this service appeal the impugned orders dated 03.12.2018 and 08.04.2019 may very kindly be set aside and the appellant may be re-instated into service with all back benefits. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

R/SHEWETH:

ON FACTS:

Filed to-day

Registrar,

7/5/2019

Brief facts giving rise to the present appeal are as

under:-

- 1- That appellant was the employee of the respondent Department and had served the Department as Sub Engineer for considerable period quite efficiently and up to the entire satisfaction of his superiors.
- 2- That appellant while serving as Sub Engineer at C&W Division at Hangu a charge sheet along with statement of allegation were issued to the appellant in which it were alleged that,

(i)- You failed to supervise and manage the completion of scheme within the stipulated period; resultantly the scheme is dropped from current ADP.

(ii)- The executed works found substandard and poor quality.

(iii)- You made payment to the contractors in advance without execution of work, besides misuse of public funds.

That in response the appellant submitted his detailed reply along with documentary proofs and denied the allegations leveled against the appellant. Copies of the charge sheet and statement of allegations are attached as annexure.....**A & B.**

3- That the respondent Department conducted inquiry in the matter and in the said inquiry other two officers/officials namely Kifayat Ullah (Engineer) & Saeed Ullah (Sub Engineer) were exonerated from the charges while the appellant was made scapegoat by awarding major penalty of removal from service vide impugned order dated 03.12.2018. Copies of the inquiry, reply and impugned order dated 03.12.2018 are attached as annexure..... **C, D & E.**

4- That it very pertinent to mention that the appellant was not involved in the said irregularities because the appellant was attached with the said scheme in the year 2013 while the scheme was started in the year 2008 and ended in the year 2015. That initially the scheme was started under the supervision of above mentioned two colleagues of the appellant but inspite of that the appellant has been declared responsible for the said irregularities. Copies of the relevant record are attached as annexure.....**F.**

5- That appellant feeling aggrieved from the impugned order dated 03.12.2018 filed Departmental appeal/ review petition but the same was rejected vide appellate order 08.04.2019 on no grounds. Hence the present service appeal on the following grounds amongst the others. Copies of Department appeal & rejection order are attached as annexure.....**G & H.**

GROUND:

A- That the impugned orders dated 03.12.2018 and 08.04.2019 issued by the respondents are against the law, facts, norms of natural justice and materials on the record hence not tenable and liable to be set aside.

B- That appellant has not been treated in accordance with law and rules by the respondent Department on the subject noted above and as such the respondents violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.

C- That no show cause notice has been served on the appellant before issuance of the impugned order dated 3.12.2018 against the appellant.

D- That no chance of personal hearing has been provided to the appellant before issuing the impugned order dated 03.12.2018 and as such the appellant condemned unheard.

- E- That the act of the respondents is discriminatory in nature by issuing the impugned order dated 03.12.2018 and 08.04.2019 against the appellant while exonerated the other two officials from the charges.
- F- That no regular inquiry has been conducted in the matter of the appellant which is as per Supreme Court Judgments is necessary in punitive actions against the civil servants.
- G- That the impugned order dated 03.12.2018 clearly shows malafide intension on the part of the respondents by punishing the appellant for irregularities committed by other officials/officers.
- H- That the appellant remained as Sub Engineer in the project since Dec, 2013 till its completion i.e. 2013 while the said project was started in the year 2008, therefore those officials/officers are responsible who worked during initial period. Moreover the scheme is located in an area where militancy was at peak stage since 2007 to 2015, therefore, the Army was occupied the building in question till Dec, 2013, resultantly the building severely damaged during the said period. That after its vacation, the same was rectified and completed in all respect and accordingly handed over to (Health Department on 20.11.2018.
- I- That the work was executed as per specification and quality, which were damaged as remained in the use of Armed forces. Beside this wooden chowkats were used as per demand of the Health Department. It further clarified that in category-III residences steel chowkats have been used due to seepage.
- J- That inspite of showing all the documentary proofs the appellant has been punished by removing from service vide impugned order dated 03.12.2018.
- K- That appellant seeks permission to advance other grounds and proofs at the time of hearing.

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

Dated: 06.05.2019

APPELLANT


SHABIR KHAN

THROUGH:

NOOR MOHAMMAD KHATTAK

&


MIR ZAMAN SAFI
ADVOCATES



Recd

GOVERNMENT OF KHYBER PAKHTUNKHWA
COMMUNICATION & WORKS DEPARTMENT

A-4

No. SOE/C&WD/8-16/2017

Dated Peshawar, the November 08, 2017

To

1. Mr. Janat Gul (PCS-SG-BS-19)
Additional Secretary, Zakat, Ushr Department
Peshawar
2. Engr. Fazli Wahab (BS-19)
Principal Design Engineer
C/O Chief Engineer (CDO)-C&W Peshawar

Subject: INQUIRY REPORT REGARDING "ESTABLISHMENT OF CIVIL HOSPITAL
DOABA DISTRICT HANGU" ADP NO.350/40012 (2014-15).

I am directed to refer to the subject noted above and to state that the Competent Authority (Chief Minister) has been pleased to appoint you as inquiry committee to conduct formal inquiry under Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 in the subject case against the following officer/officials of C&W Department:-

- i. Engr. Kifayatullah XEN (BS-18) the then XEN C&W Division Hangu, now working as PD PaRRSA/USAID Directorate.
- ii. Mr. Shabir Khan Sub Engineer C&W Division Hangu
- iii. Mr. Saeedullah Sub Engineer C&W Division Hangu
- iv. Mr. Ejaz Rasool the then Sub Engineer C&W Division Hangu presently working as SDO (E&M) O/O CE (North) C&W Peshawar

2. Copies of the charge sheets and statement of allegations duly signed by the Competent Authority (Chief Minister) are enclosed, with the request to serve these upon the above mentioned accused officer/officials and initiate proceedings against them under the provision of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 and submit **report within 30 days positively.**

Encl: As above

(USMAN JAN)
SECTION OFFICER (Estb)

Endst even No. & date
Copy forwarded to the:

1. Chief Engineer (Centre) C&W Peshawar. He is requested to depute an officer well conversant with the case to assist the inquiry committee and provide them all relevant record required by the inquiry committee.
2. Superintending Engineer C&W Circle Kohat
3. Executive Engineer C&W Division Hangu
4. Copy along-with copy of the charge sheet/statement of allegations is forwarded to Engr. Kifayatullah Project Director PaRRSA/USAID Directorate Swat at Peshawar, Mr. Shabir Khan Sub Engineer C&W Division Hangu Mr. Saeedullah Sub Engineer C&W Division Hangu and Mr. Ejaz Rasool SDO (E&M) O/O CE (North) C&W Peshawar with the direction to appear before the inquiry committee on the date, time and place fixed for the purpose of inquiry proceedings.

ATTESTED

SECTION OFFICER (Estb)

CHARGE SHEET

I, Pervez Khattak Chief Minister Khyber Pakhtunkhwa, as Competent Authority, hereby charge you, Mr. Shabir Khan Sub Engineer (BS-11) C&W Department, presently working as Sub Engineer C&W Division Hangu as follows:

That you, while posted as Su Engineer O/O XEN, C&W Division Hangu, committed the following acts/omissions in the scheme "Establishment of Civil Hospital DOABA" District Hangu":-

- i. You failed to supervise and manage the completion of scheme within the stipulated period, resultantly the scheme is dropped from current ADP.
- ii. The executed works found substandard and poor quality.
- iii. You made payment to the contractors in advance without execution of work, besides misuse of public funds.

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 liable to all or any of the penalties specified in Rule-4 ibid.

3. You are, therefore, required to submit your written defence within seven (07) days of the receipt of this charge sheet to the Inquiry Officer/Committee.

4. Your written defence, if any, should reach the Inquiry Officer/ Committee within specified period, failing which it shall be presumed that you have no defence to put in and in that case exparte action shall be taken against you.

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

6. A Statement of Allegations is enclosed.


(Pervez Khattak)
Chief Minister
Khyber Pakhtunkhwa

ATTESTED



DISCIPLINARY ACTION

B-6

I, Pervez Khattak Chief Minister Khyber Pakhtunkhwa, as Competent Authority, am of the opinion that Mr. Shabir Khan Sub Engineer (BS-11) C&W Department; presently working as Sub Engineer O/O XEN C&W Division Hangu has rendered himself liable to be proceeded against, as he committed the following acts/omissions, within the meaning of Rule-3 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011:

STATEMENT OF ALLEGATIONS

- i. He failed to supervise and manage the completion of scheme within the stipulated period, resultantly the scheme is dropped from current ADP.
- ii. The executed works found substandard and poor quality.
- iii. He made payment to the contractors in advance without execution of work, besides misuse of public funds.

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. Ms. Janat Gul (PCS-SG-BS-19)
Additional Secretary, Zakat, Ushr Department
- ii. Engr. Fazli Akhbar (BS-19) Pyl. Design Engineer
o/o: CE (CDO) C&W Peshawar.

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 thirty days of receipt of this order, recommendations 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.


(Pervez Khattak)
Chief Minister
Khyber Pakhtunkhwa

ATTESTED





Registry

C 10-7

GOVERNMENT OF KHYBER PAKHTUNKHWA
COMMUNICATION & WORKS DEPARTMENT

No. SOE/C&WD/8-16/2017
Dated Peshawar, the August 30, 2018

To

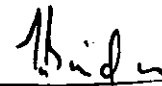
Mr. Shabir Khan
Sub Engineer O/O
XEN C&W Division Hangu

Subject: INQUIRY REPORT REGARDING "ESTABLISHMENT OF CIVIL HOSPITAL DOABA DISTRICT HANGU" ADP NO.350/40012 (2014-15).

I am directed to refer to the subject noted above and to enclose herewith two copies of the show cause Notice containing tentative major penalty of "Removal from Service" along-with inquiry report conducted by inquiry committee comprising of Mr. Janat Gul, Additional Secretary, Zakat, Ushr Department Peshawar and Engr. Fazli Wahab the then Principal Design Engineer O/O Chief Engineer (CDO) C&W Peshawar now SE C&W Circle Dir Lower and to state that the 2ND copy of the show cause Notice may be returned to this Department after having signed as a token of receipt immediately.

2. You are directed to submit your reply, if any, **within 7 days of the delivery of this letter**, otherwise, it will be presumed that you have nothing to put in your defence and ex-party action will follow.

3. You are further directed to intimate whether you desire to be heard in person or otherwise.


(ABDUR RASHID KHAN)
SECTION OFFICER (Estb)

Endst even No. & date

Copy forwarded to PS to Secretary C&W Department, Peshawar


SECTION OFFICER (Estb)

ATTESTED



INQUIRY REPORT.

Subject: INQUIRY REPORT REGARDING " ESTABLISHMENT OF CIVIL HOSPITAL DOABA DISTRICT HANGU" ADP NO.350/40012(2014-15)

ORDER OF INQUIRY

The Competent authority (Chief Minister) appointed the Inquiry Committee vide Secretary to Govt of Khyber Pakhtunkhwa C&W Department Peshawar letter No.SOE/C&WD/8-16/2017 dated 08-11-2017 for conducting formal inquiry under Khyber Pakhtunkhwa Government Servants (E&D) Rules 2011 in the subject case against the following Officer/Officials of C&W Department.

- 1 Engr: Kifayatullah XEN (BS-18) the then XEN C&W Division Hangu, Now working as PD PaRRSA/USAID Directorate.
- 2 Mr.Shabir Khan Sub Engineer C&W Division Hangu.
- 3 Mr.Saeedullah Sub Engineer C&W Division Hangu.
- 4 Mr.Ejaz Rasool the then Sub Engineer C&W Division Hangu and died during service while posted as SDO (E&M) O/O CE (North) C&W Department Peshawar.

BACK GROUNDS

- a) Secretary to Govt: of Khyber Pakhtunkhwa Health Department referred the subject cited scheme to Director General, Govt: of Khyber Pakhtunkhwa Directorate of Monitoring & Evaluation Planning & Development Department vide No.1-26/SPO-II/Health/P&D/2015-16/CH Doaba Hangu Dated 19th July, 2016 for visiting the site and to inquire the case in detail and fix responsibility against all concerned officers for delaying/showing negligence/sub-standard Civil Work for submission of inquiry report thereof.
- b) Accordingly the Director General M&E Peshawar forwarded his inquiry report to the Secretary to Govt: of Khyber Pakhtunkhwa Health Department Peshawar which was further communicated to Director, Planning and Monitoring C&W Department Peshawar vide Planning Officer-II Govt: of Khyber Pakhtunkhwa Health Department Peshawar No.1-21/SPO-II/Health/P&D/2016-17/Farid Khan Hosp Hangu dated 7/8/2017. The M&E analysis and recommendations are as follows:-

ANALYSIS:-

Previously the scheme was visited by Divisional M&E Kohat on 22nd of September 2015 and a detailed report was forwarded to higher ups for appropriate action but after lapse of one year the scheme is still not completed although the scheme is dropped from current ADP. To sort out the reason of delay, the scheme was visited on 26th September, 2016 and following findings were observed:-

During visit, it was observed that general repair was under progress after the Hospital was left by the Army. The repair works were in miserable condition. The tiles were broken due to installation of electrical switch (Power) in rooms and then were filled with white cement which was not leveled. The color of the tiles replaced with other tiles was found different.

- ii The Construction work of private rooms was completed but still the sanitary of the bathroom was not yet completed. Aluminum windows in rooms & steel doors in bath room was installed. The electrification works in rooms were completed but the fixing of electric fixtures was not up to mark.

ATTESTED

- iii Asphaltic wearing course(Asphaltic Batch Plant Hot Mixed) was approved in technical sanction for the internal road of the Hospital but at the site, road was constructed with Bitmac Process. The growth of weeds in road structure indicates the poor compaction of WBM and Asphalt. The external electrification of the Hospital was incomplete due to some electric poles which was been supplied and installed by the WAPDA Authority. Contractor was paid in advance for Rs.12,11,176/= for construction of footpath inside Hospital which is not yet constructed.
- iv The Generator Installed in Hospital was without any tag describing the specification, model and company which need verification from the firm which has installed it. The condition of the generator showing that it was in working for long time without any maintenance. The generator was placed in open air without any protection shed that cover it which was already paid to the contractor amounting Rs.202766/-.
- v. It was observed that the retaining wall constructed has several defects such as holes and the reinforcement without proper covering of concrete showing the poor supervision of executing Department. In car Parking sheds, the structure of G.I Pipes and trusses were fixed without applying any protecting coat which got rusted. G.I sheets are still remaining despite the fact that contractor was paid in advance of amount Rs.219582/-.
- vi. The dental block was seemed completed but the proper inspection of the block could not proceed because the block was locked. The ramp toward the dental was constructed with no proper finishing.
- vii. The administration block was still in repairing stage. The broken tiles, bath room ventilation without any exhaust fans and the bath room accessories are yet to be fixed. The canteen and kitchen block civil work were completed but the Petty work is still in progress.
- viii Civil work of Masjid in Hospital was completed but overall physical progress was behind the schedule. It was observed that the doors and windows in Masjid were of aluminum while an amount of Rs.88741/- was paid to the contractor in advance which needs justification by the Department. The Electrification works and sanitary work are still remaining although the scheme was dropped from current ADP.
- ix. As the condition of the Type-III Residence, hollow flush doors was installed which was approved in TS for the entire block but just follow in Type-III Residence. The Block was structurally completed but the sanitary in Bath Room and Kitchen was not yet installed/Marbled. Low quality wooden Chowkats were installed instead of steel Chowkats while the quantity paid for steel Chowkat in bill voucher Advance payment was in Type-III residence for Kitchen Cabinet, Kitchen flooring and bath accessories which are not executed at site. Sub-standard cupboard and substandard electrical penal board were noted.
- x. The Type-IV Residence which was in use of Army during Militancy time was rehabilitated but the progress was very poor. The Bath Room accessories, Joinery work and electrification work were not yet completed.
- xi. The construction of Type-V Residence blocks were completed but the fixing of the joinery work (door and window) was not yet started. The current situation was observed the same as reported by M&E that was visited on 22nd September,2015,
- xii. The Labor suit civil work was completed but some repair work of tiles that were broken required. The accessories were not yet installed. Reinforcement through wall was seen showing executing staff carelessness. The group bath room block was noted without doors and bath room accessories. Floor finishing was still remaining.
- xiii. The septic tank near private room and 10 bedded blocks was still without slab to cover it. There was no proper system for cleaning. It was observed that some of WC were choked. The item executed against the T.S and paid to the contractor but not executed.

S#	Description	Recovery	Officer with Designation	Date
1	Paid other item not include in Technical Sanction(Dense Graded Hot Bitumen)	Rs.1245839/-	XEN Mr.Muhammad Shah, SDO Faiz M. Faiz, Sub Engineer Shabir Khan	2015.
2	Hallow Flush Doors paid in Vouchers but steel door executed on site.	Rs.1462691/-	Paid in different bill vouchers. All concerned Officers and contractor.	2008-2015.

ATTESTED

Recommendations:-

10

- 1 The Executing Department should direct the contractor to expedite the pace of work on the remaining items and handed over the Hospital at the earliest for the best interest of Public.
- 2 Strict Disciplinary action is recommended against the officials/Officers mentioned in Para-2 who was found responsible for execution of poor quality work, advance payments, misuse of public funds and delaying such important project.
- 3 The items that were paid in advance should be executed without further delay with proper design and standard quality.
- 4 The contractors may also be penalized for delaying the execution of project misuse of public funds, executing of poor quality work and the items that were executed against the approved Technical Sanction should be recovered.

Accordingly Charge Sheets were served upon to the accused Officers/Officials, duly signed by the Competent authority (Chief Minister)

INQUIRY PROCEEDINGS:-

On receiving the above order, the accused Officials/Officials were directed vide Chief Engineer (CDO) C&W Department Khyber Pakhtunkhwa Peshawar No.179/Inq Doaba Hangu dated 16/11/2017 to submit their written defence upto 20/11/2017 with copy to Chief Engineer (Centre) C&W Department Peshawar with the request to depute a Focal Person well conversant with the case to assist the Inquiry Committee and provide all relevant record required to the Inquiry Committee. They were also directed to intimate whether to be heard in person or otherwise. In the mean-time Section Officer (Estt) C&W Department Peshawar was requested vide Chief Engineer (CDO) C&W Department Peshawar, No.198/Inq Hangu dated 21/11/2017 to send fact finding inquiry report to proceed further in the matter. The Chief Engineer (Centre) C&W Department Peshawar nominated the Executive Engineer C&W Division Hangu as Focal Person to assist the Inquiry Committee and provide all relevant record required by the Inquiry Committee vide No.73-E/1110/CEC/C&WD dated 23/11/2017. The Section Officer (Establishment) C&W Department Khyber Pakhtunkhwa Peshawar submitted the report of DG Monitoring & Evaluation, P&D Department Peshawar vide his No.SOE/C&WD/8-16/2017 dated 29/11/2017. The accused Officer Engr: Kifayatullah submitted his written defence, in person vide No:17/F-19 Peshawar dated 5/12/2017 and Mr.Saeedullah Sub-Engineer C&W Division Hangu also submitted written defence in person vide No.Nil dated 5/12/2017. However, the accused Mr.Shabir Khan Sub-Engineer C&W Division Hangu and Mr.Ijaz Rasool SDO(E&M) Office of the Chief Engineer (North) C&W Department Peshawar did not submit their written defence. They were again directed vide Chief Engineer (CDO) No.Inq.Doaba Hangu/316 dated 18/12/2017 to submit their written defence within 3-days with copy to Chief Engineer (Centre) C&W Department Peshawar to direct the Focal Person/Departmental Representative to provide all relevant record required by the Inquiry Committee, but the remaining accused failed to submit their written defence for which they were again directed vide Chief Engineer (CDO) C&W Department Peshawar No.424/Inq/Hangu dated 9/1/2018 to submit their written defence without any further delay. In response Mr.Shabir Khan Sub-Engineer C&W Division Hangu send his written defence through TCS received in the

[Handwritten signature]

ATTESTED

[Handwritten signature]

(11)

office of Chief Engineer (CDO) C&W Department Peshawar vide Diary No.188/Inq Hangu dated 19/1/2018. However, Mr.Ijaz Rasool SDO E&M Office of the Chief Engineer (North) C&W Department Peshawar did not submit his written defence. The Chief Engineer (Centre) C&W Department Peshawar was requested vide Chief Engineer (CDO) C&W Department Peshawar No.623/Inq Hangu dated 8/2/2018 to direct the Focal Person/Departmental Representative to provide all relevant record required by the Inquiry Committee within 2-days with copy to Chief Engineer (North) C&W Department Peshawar to direct Mr.Ijaz Rasool SDO (E&M) of his office to submit his written defence in the subject case forthwith to proceed further in the inquiry. The Chief Engineer (North) C&W Department Peshawar intimated vide his No.479/73-E dated 12/2/2018 that Mr.Ijaz Rasool SDO (E&M) of his office has been died on 8th November, 2017 and also enclosed Obituary issued by the Secretary to Govt. of Khyber Pakhtunkhwa Peshawar C&W Department Peshawar vide No.SOE/C&WD/1-23/2017 dated 4/12/2017. The Chief Engineer (Centre) directed the Executive Engineer C&W Division Hangu/Focal Person vide No.73-E/2366/CEC/C&WD dated 13/2/2018 to provide all the relevant record to the Inquiry Committee. However, the Focal Person failed to provide the relevant record to Inquiry Committee. He was again asked vide Chief Engineer (CDO) No.721/Inq Hangu dated 27/2/2018 to provide the relevant record and to attend inquiry proceeding to be held in the office of Chief Engineer (North) C&W Department Peshawar on 5/3/2018 at 12:00 Noon. The Executive Engineer C&W Division Hangu/Focal Person sent partial record i.e copies of PC-I/DCE and related Vouchers vide his No.1743/7-Hg dated 22/2/2018 and received in Chief Engineer (CDO) C&W Department Peshawar office vide diary No.1383/Inq Hangu dated 28/2/2018 through mail.

On 5/3/2018 at 12:00 Noon the accused Officers/Officials and Focal Person attended the Inquiry proceeding . The Executive Engineer C&W Division Hangu/Focal Person was again directed in person to provide the remaining record i.e TS Estimate alongwith TS approval letter. However, he failed to provide the requisite record till 13/4/2018. The Executive Engineer C&W Division Hangu/Focal Person was again asked vide Superintending Engineer C&W Circle Dir Lower No.2375/12-M dated 13/4/2018 to provide the technical sanctioned estimate alongwith TS approval letter and other relevant record to the Inquiry Committee. The Executive Engineer C&W Division Hangu/Focal Person sent TS estimate/TS approval letter vide No.2019/7-Hg dated 26/4/2018 and received in the office of Superintending Engineer C&W Circle Dir Lower on dated 4/5/2018 vide Diary No.690/8-M.

On receipt of complete written statements from the accused Officers/Officials and complete record from Focal Person the accused Officers/Officials were directed vide SE C&W Circle Dir Lower No.2593/8-M dated 23/5/2018 with copies to Xen C&W Division Hangu/Focal Person for appearing before the Inquiry committee on 28/5/2018 at 12:00 Noon in Chief Engineer (North) Office for finalization of the subject inquiry which was finalized as under:-

ATTESTED

S.No.	Charges	Statement	Observation of the Committee.
1	<p>Failed to Supervise and manage the completion of scheme within the stipulated period, resultantly the scheme is dropped from current ADP.</p> <p>ii) The executed works were found sub-standard and poor quality.</p> <p>ATTESTED</p> <p>iii) Making payment to the contractors in advance without execution of works, besides misuse of public funds.</p>	<p><u>Statement of Engr: Kifayatullah.</u></p> <p>I Engr: Kifayatullah XEN C&W Division Hangu was posted as XEN vide Secretary to Govt: of Khyber Pakhtunkhwa C&W Department Peshawar No.SOE/C&W/3-1/2013 dated 14/10/2013 and served on the post upto Nov: 2014 (Photo copy of charge relinquish is attached as Annx-A). While relinquishing the charge of the XEN C&W Division Hangu the project " Establishment of Civil Hospital Doaba Project completion target was 30th June, 2015. During my incumbency the execution of the project was in-progress as per planned schedule. Funds released from time to time were fully utilized and I was posted out in 2014 before closing of the project.</p> <p>Before my assumption of the charge as XEN C&W Division Hangu about 80% work of Civil Hospital Doaba District Hangu was completed (Photo copy of Monthly Progress Report for the Month of December, 2013 is enclosed as annexure-B) and during my incumbency the following works executed and payment made as per the following detail.</p> <ol style="list-style-type: none"> 1. Medical store 1st Running Bill paid on 24/6/2014 and presently completed. 2. Development work (Boundary wall) 6th Running Bill paid on 24/6/2014 and presently completed. 3. Laundry 1st running Bill paid on 24/6/2014 and presently completed. 4. Package-6 (R/Wall) 3rd and 4th Running Bills paid on 24/6/2014 and presently completed (Photo copies attached for ready reference Annex-C) please. 5. Parameter wall 8th R/bill paid in 24/6/2014 and presently completed. 6. road work 1st Running bill paid in 25/6/2014 and presently completed. <p>Payment on the items of work during my incumbency as recorded in the above mentioned vouchers was made after satisfactory completion and required specification. The items of work reported by the DMO Kohat of below specification were neither executed during my incumbency nor paid please.</p> <p>As clarified above that no payment on</p>	<p>Going through the record, the accused Officer remained as XEN C&W Division Hangu with effect from 14/10/2013 to 12/11/2014 i.e one year and 28-days while completion of the scheme was 30th June, 2015 and thus the scheme was not closed during his tenure.</p> <p>Hence the charge is not proved.</p> <p>The accused officer remained as Xen C&W Division Hangu with effect from 14/10/2013 to 12/11/2014 i.e one year and 28-days. The items of works executed by the accused Officer are included in voucher No.51-BH dated 25/6/2014, No.52-BH dated 25/6/2014, No.30-BH dated 24/6/2014, No.29-BH dated 24/6/2014, No.27-BH dated 24/6/2014 and No.28-BH dated 24/6/2014 which shows that none of the items reported by M&E is executed by him.</p> <p>Hence the charge is not proved.</p> <p>The accused officer executed the work as per vouchers mentioned above in S.No.ii. the reported advance items in M&E report are not included in these vouchers.</p> <p>Hence the charge is not proved.</p>

13

any component of the project other than mentioned above in Para-2 was incurred during my incumbency. Payments were released after full completion of the items of work and no advance payment was made during my incumbency. Presently no work left unexecuted related to my incumbency. Handing/taking of different buildings of the Project are enclosed as Annex-D please.

2

Failed to Supervise and manage the completion of scheme within the stipulated period, resultantly the scheme is dropped from current ADP.

Statement of Saeedullah S/Engineer.

That I only supervise and manage the scheme for 8 months from 3/2011 to 10/2011 as I was posted in C&W Division Hangu vide Secretary to Govt. of Khyber Pakhtunkhwa Peshawar No.SOE/C&WD/11-270/2011/SE dated 7/3/2011(copy enclosed) and then the charge was entrusted to Mr.Shabir Khan Sub-Engineer during 11/2011 by the SDO Building Sub-Division Hangu. I was transferred to C&W Division Kohat vide Chief Engineer, C&W Department Peshawar No.18-E/22/CE/C&WD dated 22/5/2012(copy enclosed). After my transfer to Kohat the scheme was revised during 2013 and hence the scheme is not dropped from ADP during my incumbency as explained above. This charge leveled against me is therefore not correct please.

Mr.Saeedullah Sub-Engineer remained posted in C&W Division Hangu with effect from 03/2011 to 10/2011 i.e 8-Months while completion of the scheme was 30th June, 2015 and thus the scheme was not closed during his tenure.

Hence the charge is not proved.

ii)The executed works were found sub-standard and poor quality.

I had-executed some portion of Boundary wall, some portion of drain some portion of road Sub Base and Base Course and laying of RCC roof 2 Nos: bedded ward with roof treatment according to C&W Specification through Contractor with satisfactory laboratory test result (copy attached) which shows that work executed during my incumbency is not substandard and poor quality.

The items of work executed by Mr.Saeedullah Sub Engineer are included in voucher vide voucher No.19-B dt:30/5/2011, voucher No.19-B2 dated 21/10/2011, No.31-B dated 14/6/2011 do not include the defective items as mentioned in the M&E Reports.

Hence the charge is not proved.

iii)Making payment to the contractors in advance without execution of works, besides misuse of public funds.

I did not made advance payment to the contractor but payment made on actual work done at site as per running bills and paid to the contractor by me (copies of bills attached) and hence no misuse of public fund involve please.

The accused official executed the work as per vouchers mentioned above in S.No.ii. the reported advance items in M&E report are not included in these vouchers.

Hence the charge is not proved.

ATTESTED

Failed to Supervise and manage the completion of scheme within the stipulated period, resultantly the scheme is dropped from current ADP.

Statement of Shabir Khan
S/Engineer.

I did not fail to supervise and manage the completion of scheme within stipulated period. The late completion of the scheme is due to occupation of the building by the Pak. Army. The Building was under the charge of Mr. Saeedullah Sub-Engineer before my supervision and on my personal efforts and taking interest, I completed OT and Emergency Block and accordingly handed over to Health Department during 2013. The Building was occupied by the Pak Military and hence the work remain stopped as Military was not allowing contractors and labors to enter in the Hospital building. Keeping in view the Militancy activities. It is further mentioned that when the building was in finishing state the Militants entered in the building during 2007 which also affected the Progress of work. The Building was also damaged due to Military Operation against the Militant as a result of using heavy artillery and Guns and too much time wasted in the rectification of damages. The delay in completion of work within stipulated period is also due to non-availability of funds and revision of scheme as explained in the Commissioner Kohat Division letter No.2797/DA/Comr-LT/Dev./Vol IX dated 10/10/2017(copy enclosed). The following letter in support of non completion of building within stipulated period of time limit is also enclosed.

1.DHO Hangu Letter No.3102/Doaba dated 1/2/2013.

2.PO-II Health Department letter No.1-26/SPO-II/Health/P&D/2005-06/CH dated 24/7/2013 alongwith minutes of meeting.

3.XEN C&W Division Hangu letter No.818/7-HG dated 6/9/2013.

After vacation of the building by Pak Army I tired my best to complete the work and accordingly Admn: Block OPD block, Dental Block, Laundry, Kitchen, Canteen, Mortuary, Garrage, Car Parking were completed and now the building has been completed, the PC-V of which has submitted to DHO Hangu.

As explained above, it is crystal clear, that I supervise and manage the building with my best effort and completed well in time.

The work has not been executed sub-standard but executed according to specification, the work where observed sub-standard was due to Military Operation and Militancy activities and the same has been properly rectified

14
Mr. Shabir Khan Sub-Engineer remained Posted during closing of the scheme i.e 30/6/2015 and still posted to date. Most of the blocks of the subject scheme are handed over but some block still not handed over to Health Department, due to minor rectification.

Hence the charge is proved.

ii) The executed works were found sub-standard and poor quality.

ATTESTED

All the defective items mentioned in the M&E Reports are being executed by Mr. Shabir Khan Sub-Engineer as per Vouchers NO.59-BH dated 26/6/2015, No.57-BH dated 26/6/2015, vide voucher No.46-BH dated 26/6/2015, No.56-BH dated 26/6/2015, No.57-BH dated 26/6/2015 No.58-BH dated 26/6/2015 No.60-BH dated 26/6/2015.


Some of the defects have arised due to occupation of the Hospital by Pak Army as reported in M&E Report .After vacation of the Building by Pak Army some of the defects have been rectified except the following:-


1.Mis-matching of colour of tiles and defective filling around

<p>iii) Making payment to the contractors in advance without execution of works, besides misuse of public funds.</p>	<p>through contractor at his own risk and cost. It is further mentioned that extra work which does not cover within approved cost, is being executed on the direction of DHO, DC Hangu to bring the Hospital in standard and tip top condition. There is no substandard and poor quality work in the building now.</p> <p>I did not make advance payment to the contractor but payment made on actual work done at site and still extra work other than approved PC-I has already been completed for which no payment made to contractor thus no misuse of public fund involved.</p>	<p>2. Bitmac Premix has been executed at site and paid instead of Asphalt concrete (Batch Plant) as per approved T.S.</p> <p>3. Low quality wooden Chowkats have been installed instead of steel Chowkats while the quantity paid for steel Chowkats in Bill in Type-III Residence.</p> <p>4. Steel doors installed in bath rooms of Private Rooms while payment has been paid for Hollow Flush Doors.</p> <p>Hence the charge is proved.</p> <p>The advance items found executed at site.</p> <p>Hence the charge is not proved.</p>
<p>4</p> <p>Failed to Supervise and manage the completion of scheme within the stipulated period, resultantly the scheme is dropped from current ADP.</p> <p>ii) The executed works were found sub-standard and poor quality.</p> <p>iii) Making payment to the contractors in advance without execution of works, besides misuse of public funds.</p>	<p>STATEMENT OF IJAZ RASOOL SUB:ENGR:</p> <p>As communicated by the Chief Engineer (North) vide No.479/73—E dated 12/2/2018 that Mr.Ejaz Rasool SDO (E&M) has been died on 8th November, 2017 for which Obituary has been issued by the Secretary C&W Department vide No.SOE/C&WD/1-23/2017 dated 4/12/2017.</p>	<p>As per documentary proofs furnished by the Chief Engineer (North) that the accused officer has died. Hence inquiry cannot be conducted against the deceased person.</p>

FINDINGS OF THE COMMITTEE.

1. The Charges against the accused Officer Engr:Kifayatullah not proved.
2. The Charges against the accused Official Mr.Saeedullah Sub-Engineer not proved.
3. The Charges No.(i) , (ii) proved and charge No.iii not proved against Mr.Shabir Khan Sub-Engineer.


 Janat Gul (PCS-SG-BS-19)
 Additional Secretary, Zakat, Ushr Department
 Peshawar.


 Engr:Fazil Wahab(BS-19)
 Superintending Engineer
 C&W Circle Dir Lower.

ATTESTED



GOVERNMENT OF KHYBER PAKHTUNKHWA
COMMUNICATION & WORKS DEPARTMENT

Dated Peshawar, the Dec 03, 2018

E-16

ORDER:

No.SOE/C&WD/18-16/2017: WHEREAS, Mr. Shabir Khan Sub Engineer C&W Division Hangu was proceeded against under the Khyber Pakhtunkhwa Government Servant (Efficiency & Discipline) Rules, 2011, for the alleged irregularities in the scheme "Establishment of Civil Hospital DOABA" District Hangu.

2. AND WHEREAS, for the said act of misconduct they were served charge sheet/ statement of allegations.

3. AND WHEREAS, an inquiry committee constituted by Competent Authority comprising of Mr. Janat Gul Additional Secretary, Zakar, Ushr Department Peshawar and Engr. Fazli Wahab the then Principal Design Engineer O/O Chief Engineer (CDO) C&W Peshawar now SE C&W Circle Dir-Lower conducted the enquiry and submitted its report.

4. NOW THEREFORE, the Competent Authority after having considered the charges, material on record, inquiry report of the inquiry committee, explanation of the official concerned during personal hearing, and in exercise of the powers under Rule-14(5)(ii) of Khyber Pakhtunkhwa Civil Servants (Efficiency & Discipline) Rules, 2011, has been pleased to impose the major penalty of "Removal from Service" upon the aforementioned official.

SECRETARY TO
Government of Khyber Pakhtunkhwa
Communication & Works Department

Endst of even number and date

Copy is forwarded to the:-

1. Accountant General Khyber Pakhtunkhwa, Peshawar
2. Chief Engineer (Centre) C&W Peshawar
3. Superintending Engineer C&W Circle, Kohat
4. Executive Engineer C&W Division Hangu
5. District Accounts Officer Hangu
6. PS to Chief Secretary Khyber Pakhtunkhwa, Peshawar
7. PS to Secretary, Establishment Department Peshawar
8. PS to Minister for C&W Khyber Pakhtunkhwa Peshawar
9. PS to Secretary, C&W Department Peshawar
10. PA to Deputy Secretary (Admn), C&W Department Peshawar
11. Official concerned
12. Office order File/Personal File

Abid
(ABDUR RASHID KHAN)
SECTION OFFICER (Estb)

ATTESTED

[Signature]

*Received
Dh
12/12/2018*

OFFICE OF THE DISTRICT HEALTH OFFICER HANGU

PH # +92-925-623034-35-Fax:+92-925-623773 E-mail: edohealthhangu@gmail.com,

Ref # S3407-Doaba / Dated Hangu the 20/11/2018

F-17


HANDING TAKING CERTIFICATE


It is certified that the following blocks of "Establishment of Civil Hospital Doaba PK-84 District Hangu has been taken over; however, electric meters in all block have NOT been installed.

S/no	Name of Building	Remarks
1	10 Bedded Ward 04 Numbers	completed
2	2 Numbers Type III residences	-do-
3	6 Numbers Type V Quarters	-do-
4	Labour Suit	-do-
5	Canteen	-do-
6	Kitchen	-do-
7	Laundry	-do-
8	Medical Store	-do-
9	Postmortem Room	-do-
10	Diagnostic Block	-do-
11	4 numbers of Category IV Quarters	Only Structure is completed, rest of works is still in complete.

Executive Engineer
Hangu

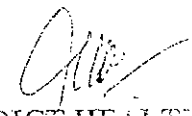
Deputy District Health Officer
Hangu


District Health Officer
Hangu


DISTRICT HEALTH OFFICER
HANGU

No. S3407-Doaba dated 20/11/18
Copy forwarded to:-

- All concerned for information please.


DISTRICT HEALTH OFFICER
HANGU

ATTACHED


18

HANDING TAKING CERTIFICATE

It is certified that the following buildings "Establishment of Civil Hospital Doaba PK-District Hangu has been completed and satisfactory.

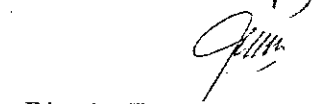
S.no.	Name of Building	Remarks
1	OPD Block	Completed
2	Dental Block	-do-
3	Water Supply	-do-
4	Administration Block	-do-
5	Private Rooms	-do-

Joint Inspection Committee


Finance and Planning Officer
Hangu

Executive Engineer C&W
Hangu


Deputy District Health Officer
Hangu


District Health Officer
Hangu

Date: 03-04-2017

ATTESTED



No 973 /2-H.

Dated Hangu the 26/11/18

To,

The sub-Divisional Officer,
P E S C O : Hwall Distt; Hangu,
Thall.

19

subject:- DEMAND BILL:-

10-Nos. Test Reports in respect of the work "Establishment of Civil Hospital Doaba in District Hangu" sub-Head noted below is submitted herewith for favour of Preparation of Demand Bills and return to this office.

S.NO:- SUB HEAD:-

1. Labour Room.
2. Private Rooms. (4-Nos.)
3. 10-Bedded Ward.
4. Type-II quarters. 6-Nos.
5. Mosque.
6. Store/Laundry.
7. Administration Block.
8. Diagnostic Block.
9. Type-III Residences. (2-Nos.)
10. Canteen/Kitchen.

[Signature]
SUB DIVISIONAL OFFICER,
BUILDING-I SUB DIVISION
HANGU.

COPY TO THE:-

1) Executive Engineer CRW Division Hangu for information please.

ATTESTED

[Signature]
SUB DIVISIONAL OFFICER,
BUILDING-I SUB DIVISION
HANGU.



GOVT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

20

No. 1-26/SPO-II/Health/P&D/2005-06/CH Doaba Hangu

Dated Peshawar the, 24TH July 2013

To

The District Health Officer,
Hangu.

Subject: ESTABLISHMENT OF CIVIL HOSPITAL DOABA DISTRICT HANGU
ADP NO. 95/40012 (2012-13).

I am directed to enclose herewith a copy of Executive Engineer C&W Division Hangu letter No. 514/19-11 dated 29-05-2013 on the subject cited above and to state that kindly furnish updates about current status of Pak Army utilization of building and also share the issue with Deputy Commissioner Hangu and concerned quarters of Pakistan Army.

(DR. SAEED-UR-REHMAN)
PLANNING OFFICER-II

Copy to:-

1. Deputy Commissioner Hangu for information please.
2. PS to Secretary Health Khyber Pakhtunkhwa.

PLANNING OFFICER-II

Hakim

H/C

for

29/8/13

575

29/8/13

2-H

ATTESTED



4143
2013-6-6-13

21

12

**OFFICE OF THE EXECUTIVE ENGINEER
COMMUNICATION AND WORKS DIVISION HANGU**
No. 514/1144 Dated Hangu the 29/05/2013

To,

✓
The Secretary Health,
Govt. Khyber Pakhtunkhawa
Peshawar

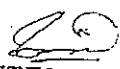
Subject: -

ESTABLISHMENT OF CIVIL HOSPITAL DOABA DISTRICT HANGU
ADP NO. 95/40012 (2012-13)

With reference to discussion in the meeting held on 28-05-2013 regarding the subject scheme. It is stated that the subject developmental scheme is due for completion for current financial year 2013. As per ground realities the scheme will not be completed within stipulated period of time due to security problem and occupation of site by Pak Army.


More over this office has already submitted detail cost estimate for revision, in order to complete the remaining construction work, your office has requested to carry over/through forward the completion date of the subject scheme to the year 2013-14.

b/b/b
SSH
CPO


EXECUTIVE ENGINEER
C&W DIVISION HANGU

Copy to:-

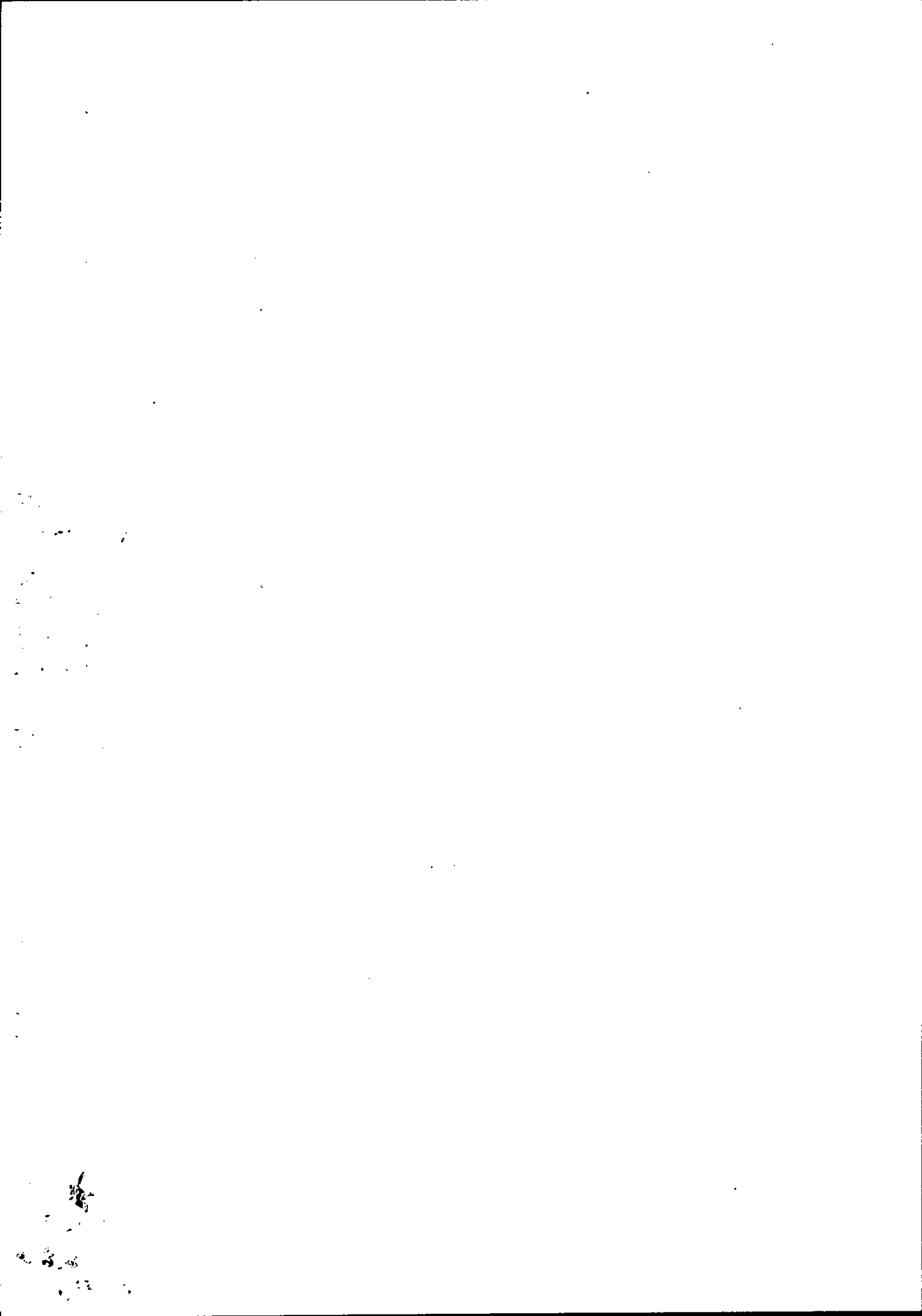
1. The Senior Planning Officer-II Health Govt. Khyber Pakhtunkhawa Peshawar.
2. The District Health Officer Hangu.
3. PA to Director General Health services, Govt. of Khyber Pakhtunkhawa Peshawar.
4. The Sub Divisional Officer Building No.1 C&W Sub Division Hangu.


EXECUTIVE ENGINEER
C&W DIVISION HANGU

SPO-II
Disused.
scheme reflected
in Draft
ADP 2013-14
Rae
12/6
SPG-III
pl. discuss

ATTESTED





22

OFFICE OF THE
COMMISSIONER KOHAT DIVISION
KOHAT

No: 2797 /DA/Cmr-Kt /Dev/vol: C

Dated Kohat ^{oct} 8th /01/ , 2013

To

The Secretary,
Health Deptt.,
Govt. of Khyber Pakhtunkhwa, Peshawar.

SUBJECT: ESTABLISHMENT OF CIVIL HOSPITAL AT DOABA.
ADP NO.102/40012.

Memo:

I am directed to refer to the above noted subject and to say that Executive Engineer, C&W Division, Hangu vide his letter No. 909/7Hq dated: 25-09-2013, has intimated that during the Development Review Meeting, held, under the chairmanship of the Commissioner, Kohat Division, Kohat, on 19-09-2013, he briefed that the subject scheme was originally approved by PDWP and AA was accorded with a total cost of Rs.77.488 million on 4th May 2006. The PC-I was revised and approved by the said forum with a total cost of Rs.109.059 million on 28th March 2009. Emergency and OT Blocks have been handed over to Health Deptt: in May 2011 and Feb 2013, however both blocks are occupied by Pak Army since 2009. The said scheme is due for completion for the Current Financial Year 2013-14. In first quarter no funds have been released, to clear contractor liabilities and to expedite the progress of work. The revised PC-I has already been submitted to Health Deptt: but action is still awaited.

The Executive Engineer, C&W Division, Hangu has further intimated that the contractor has removed and rectified all discrepancies/damages occurred due to heavy artillery and gun fire in operation launched by Pak Army against militants / culprit, however, the contractor was also directed to expedite the remaining work according to the design and specification. The Deputy Commissioner, Hangu has requested Brigadier, 73 Brigade for evacuation of the under construction hospital and arrangement of alternate place for shifting of camp to nearest place to monitor the security of the area, so that the contractor expedites his remaining work smoothly and within time frame.

I am further directed to request that the matter may please be taken up with concerned quarter for evacuation of the said building and funds for the subject scheme may also be released in the best interest of public, please.

[Signature]
Assistant to Commissioner (Pol/Dev),
Kohat Division, Kohat.

[Handwritten notes: 13/7/13, 20/10/2013, CB-11, W-15, 13/7/13]
Enclst. No. & Date Even

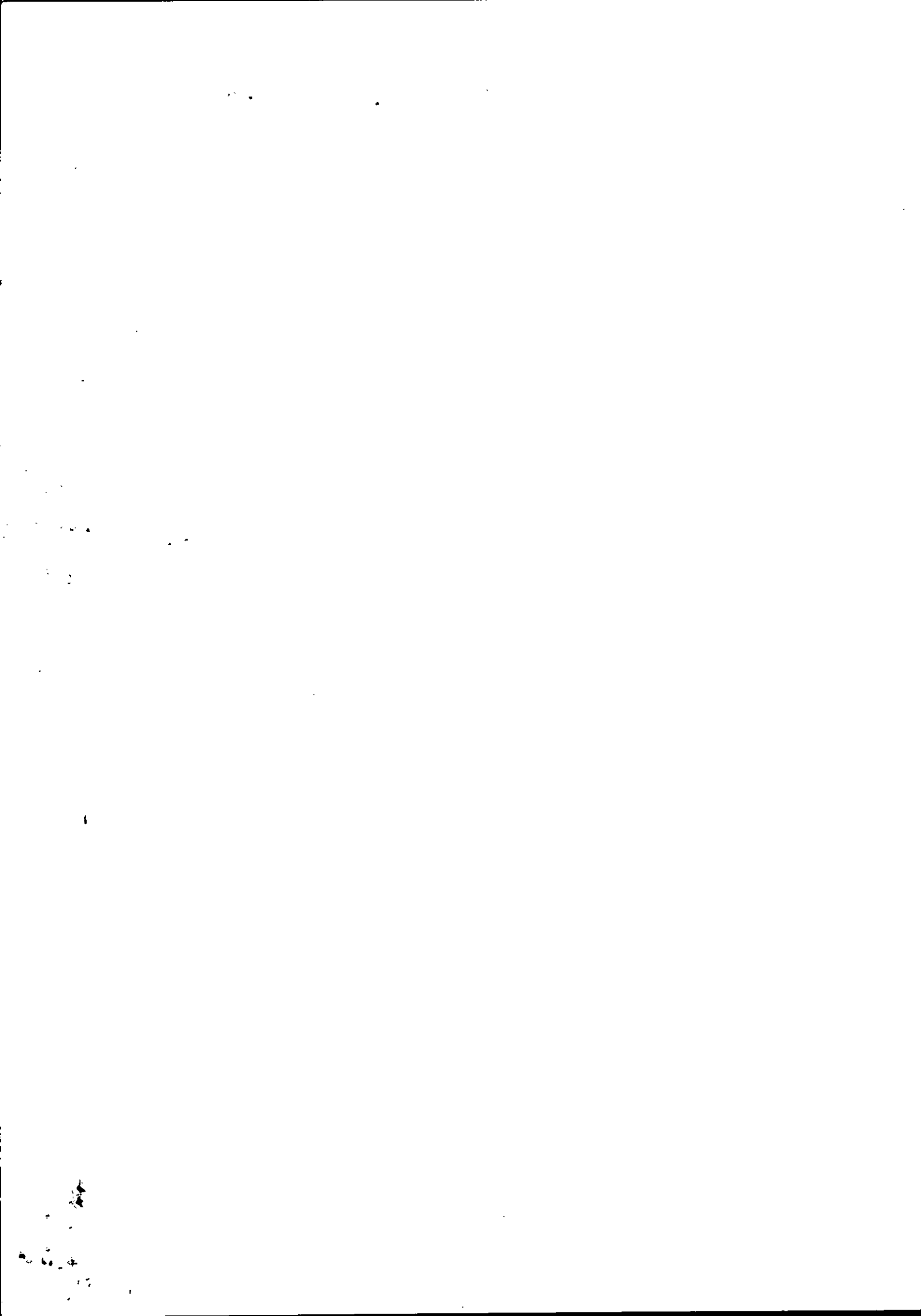
Copy forwarded to the:

1. Secretary, Home & Tribal Affairs Deptt., Govt. of Khyber Pakhtunkhwa, Peshawar.
2. Deputy Commissioner, Hangu.
3. Executive Engineer, C&W Division, Hangu.
4. P.S to Commissioner, Kohat Division, Kohat.

ATTESTED

[Signature]
Assistant to Commissioner (Pol/Dev),
Kohat Division, Kohat.

[Handwritten mark]



OFFICE OF THE
DEPUTY COMMISSIONER HANGU.
NO 232 /P&D/DC (H)
Date 9/09/2013

23

The Brigadier 73 Brigade,
Thall Cantt: Thall.

Subject:

ESTABLISHMENT OF CIVIL HOSPITAL AT DOABA ADP NO. 95/40012.

Please find enclosed copies of the following:

1. Communication & Works Deptt: letter No. 835/7-Hg, dated 05.09.2013.
2. Haji Khyal Zaman, MNA NA-16, letter No. Hangu/Aug/786/01, dated 26th August 2013.
3. District Health Officer, Hangu letter No. 3102/Doaba, dated 01.08.2013
4. Health Deptt: Khyber Pakhtunkhwa letter No. 1-26/SPO-II/Health/P&D/2005-06/CH D
Hangu, date July 24th, 2013.

As reported above, the subject scheme is due for completion in the current FY 2011-12. Emergency & Operation Theatre blocks have already been completed and handed over to Health Department in the FY 2010-11 and 2011-12 respectively but have been occupied by Pak Army. Secondly cracks have also been noticed in the newly constructed building which requires immediate repair.

It is therefore requested that the said building which requires immediate repair be arranged for the repair to complete the project and rectify the deficiencies/damages well in time in the best interest of the public.

For info
7-11-13
Even No. & Date
Copy to

1. The Commissioner, Kohat Division, Kohat.
2. The Secretary Health Department, Khyber Pakhtunkhwa w/r to above.
3. Mr. Khyal Zaman, MNA NA-16 w/r to above.
4. The Executive Engineer, Communication & Works Deptt: Hangu w/r to above.
5. The District Health Officer, Hangu w/r to above.

[Signature]
Deputy Commissioner
Hangu

[Signature]
Deputy Commissioner
Hangu

ATTESTED

[Signature]



**OFFICE OF THE EXECUTIVE ENGINEER
COMMUNICATION AND WORKS DIVISION HANGU**
No. 909^{BH-115} Dated Hangu the 25 / 09 / 2013

24

The Commissioner
Kohat Division.

102

Subject:- Establishment of Civil Hospital at Doaba ADP No.95/40012

A meeting was held in the Office of the Commissioner Kohat on 19/09/2013 at 01:00 PM under the Chairmanship of hon'able Commissioner Kohat. Undersigned brief the chair regarding subject scheme. The above noted scheme was originally approved by PDWP and AA was accorded with total cost of Rs. 77.488 Millions on 4th May 2006. The PC-I was revised and approved by the said forum with total cost of Rs. 109.059 Millions on 28th March 2009. Emergency and OT Block have been handed over to health department in May 2011 and Feb 2013. However both blocks are occupied by Pak Army since 2009. The said scheme is due for completion for the current financial year 2013-14. In first quarter no fund was released, demand to clear contractor liabilities and to expedite the progress of work. The revised PC-I has already been submitted to health department no further action has been taken by health department.

Undersigned has personally visited the site and observed that most of the cracks were occurred due to heavy artillery and guns fire in operation launch by Pak Army against militants/Culprit. The Contractor has removed and rectified all discrepancies/Damages and also to expedite the remaining works according to design and specification but Contractor is reluctant for evacuation of buildings by the Pak Army for smooth and expedite working. The Deputy Commissioner Hangu has requested the Brigadier 73 Brigade for evacuation of said under constructed hospital and arrangement of alternate place for shifting of camp to nearest place to monitor the security of the area, so that contractor will complete his remaining works within time frame. It is requested to take up the said matter with the concerned higher authority in order to evacuate the said buildings and to release the funds in the best interest of general public.

o/c 
EXECUTIVE ENGINEER
C & W DIVISION HANGU

Copy forwarded for information to:-

1. The Chief Engineer (Centre) C&W Department Peshawar.
2. The Superintending Engineer C&W Circle Kohat.
The Deputy Commissioner Hangu.
The SDO Building-I, Sub Division C & W Hangu.

ATTESTED
EXECUTIVE ENGINEER
C & W DIVISION HANGU

[Signature]

25

**OFFICE OF THE EXECUTIVE ENGINEER
COMMUNICATION AND WORKS DIVISION**

HANGU

No. 908/17-18 Dated Hangu the 25/09/2013

The Superintending Engineer
C & W Circle Kohat

Subject:- Establishment of Civil Hospital Doaba ADP No.102/40012

It is stated that undersigned along with SDO Building-I and Sub Engineer inspected the subject site on 23/09/2013 and found that contractor has mobilized his staff and started the work with full swing. The above noted scheme is due for completion for the current financial year 2013-14. It has been seriously observed that fund is required to clear contractor liabilities, no fund has been released in first quarter of the current financial year 2013-14 and demand has already been submitted in health department. *

The contractor has removed discrepancies/damages as caused by Pak Army as directed by the undersigned during previous inspection visit. The report is submitted for information and necessary action please.

/

EXECUTIVE ENGINEER
C & W DIVISION HANGU

Copy forwarded for information

1. The Chief Engineer (Centre) C&W Department Peshawar.
2. The Deputy Commissioner Hangu.
3. The Account Officer, office of the Secretary C&W Department Peshawar.

/

EXECUTIVE ENGINEER
C & W DIVISION HANGU

ATTESTED

/





GOVERNMENT OF KHYBER PAKHTUNKHWA
COMMUNICATION & WORKS DEPARTMENT

26

NO. SO (B) III-7 /KOHAT /2013-14/C&WD
Dated: Peshawar the 02/10/2013

To

The Superintending Engineer,
C&W Circle (Kohat).

Attention: Executive Engineer,
C&W Division, Hangu.

Subject: ESTABLISHMENT OF CIVIL HOSPITAL AT DOABA (DISTRICT HANGU) ADP NO.102/40012(2013-14)

I am directed to refer to the subject noted above and to state that Secretary C&W Department has put his remarks on your reply that whether the portion of the Hospital is still occupied by Pak Army or otherwise, and if the military persons has vacated, then what steps have been initiated by the Department for repair and rehabilitation of the Hospital Block. The Executive Engineer may also indicate if the repair of the block is the responsibility of Health Department or any other authority.

Javairia
(ENGR. JAVAIRIA NASEEM GOLRA)
SECTION OFFICER (BUILDINGS)

Endst: NO. & Date Even:

Information Copy forwarded to the PS to Secretary, C&W Department Peshawar for

Javairia
SECTION OFFICER (BUILDINGS)

ATTESTED

[Signature]

SDO Bhera
in 20 minutes
get mail what is the
position of site. Ref
free any possibility
[Signature]

27

DEPARTMENT OF CIVIL ENGINEERING
UNIVERSITY OF ENGINEERING AND TECHNOLOGY PESHAWAR
DEPARTMENT OF CIVIL ENGINEERING
TEST REPORT

Test: Tensile Strength Band Test (DEF BARS)

Test No. 525/2012

Reference No. H/G 317-B

Letter dated: 12/04/2012

Agency: Sub Divisional office Building, Sub Division-1 District Hangu

Letter Received on: 13/04/2012

ADP No. 104/40012, Establishment of Civil Hospital Doaba

Sample Received on 13/04/2012

Sample testing Date: 15/04/2012

S.No.	Dia Size	Yield Strength (Psi)	Ultimate Strength (Psi)	Percentage Elongation	Weight (lb/ft)	Bend Test
1 (DEF)	1"	59416	62315	11.12	1.235	OK
2 (DEF)	1"	54369	56489	12.15	1.245	OK
3 (DEF)	3/4"	52639	54789	12.33	1.325	OK
4 (DEF)	3/4"	53462	55469	14.01	1.395	OK
5 (DEF)	5/8"	51400	53690	13.25	1.368	OK
6 (DEF)	5/8"	52715	54126	11.68	1.256	OK
7 (DEF)	1/2"	51462	55600	12.45	0.605	OK
8 (DEF)	1/2"	49444	51476	21.02	0.595	OK
9 (DEF)	3/8"	52500	53536	11.23	0.417	OK
10 (DEF)	3/8"	53460	54145	12.36	0.385	OK
Disclaimer: This Report states the results(s) of the test(s) performed on the material as received by the laboratory from the above stated agency "verification" certification of acknowledge of the origin of association of the material being tested to a particular project or site beyond the responsibility of this department						

Testing officer
Dr. Mohammad ADAL
Dr. Mohammad ADAL
Testing Officer-III
Material Testing
Lab. Deptt. Of Civil Enngg:
UET Peshawar

ATTESTED

[Signature]



DEPARTMENT OF CIVIL ENGINEERING
UNIVERSITY OF ENGINEERING AND TECHNOLOGY PESHAWAR
DEPARTMENT OF CIVIL ENGINEERING
TEST REPORT

28

Test: Compressive Strength of Bricks

Agency: Sub Divisional office Building SDO Building- 1 C&W Kohat

Test No. 00123/2012

Reference No. 361/1-A

Letter dated: 06/09/2013


Letter Received on: 08/09/2013

Sample Received on 10/09/2013

Sample testing Date: 11/09/2013

ESTABLISHMENT OF GOVT. GIRAL DEGREE COLLAGE BILITANG (PK-37) DISTRICT KOHAT

S.No.	Total Load Kg	Sample Dimension cm	Cross Section Area cm sq	Unit Strength K.g/sq cm	Specified Strength K.g cm2
1	20500	L:11.60 W:11.46 LxW 11.60x11.46	133.0	154.2	
2	21500	L:11.65 W:11.45 LxW 11.65x11.45	133.0	161.6	
3	23000	L:11.68 W:11.40 LxW 11.68x11.44	134.0	171.6	
				163.5	140 Kg/cm2


Dr. Mohammad Adil
Testing Officer III
Material Testing
Lab. Deptt. Of Civil Engg.
UET Peshawar

ATTESTED





DEPARTMENT OF CIVIL ENGINEERING
UNIVERSITY OF ENGINEERING AND TECHNOLOGY PESHAWAR
DEPARTMENT OF CIVIL ENGINEERING
TEST REPORT

29

Test: Compressive Strength of Concrete Cylinder/Cubes (AASHTO T-96)

Test No. 112/2013

Reference No. H/G 412/-6

Letter dated: 24/04/2012

Letter Received on: 25/04/2012

Sample Received on 26/04/2012

Sample testing Date: 26/04/2012

Agency: Sub Divisional office Building Sub Division-1 District Hangu

ADP NO. 104/40012, ESTABLISHMENT OF CIVIL HOSPITAL DOABA
CONSTRUCTION OF LABOUR SUIT

S.No.	IDENTIFICATION	CRUSHING LOAD/STRENGTH		Remarks
		Load (Tons)	Strength (Psi)	
1.	Casting Date 25/03/2012 RCC Slab	42.4	3505	112/2013
2.	Casting Date 25/03/2012 RCC Slab	45.2	3523	112/2013

Disclaimer: This Report states the results(s) of the test(s) performed on the material as received by the laboratory from the above stated agency "verification" certification of acknowledge of the origin of association of the material being tested to a particular project or site beyond the responsibility of this department.

Testing officer
Dr. Mohammad ADIL
Testing Officer-III
Material Testing
Lab. Deptt. Of Civil Engg.
UET Peshawar

ATTESTED

To

The Hon'able Chief Minister
Khyber Pakhtunkhwa

G-30

Subject:

REVIEW PETITION AGAINST THE PENAL ORDER BEARING NO. SOE/C&WD/8-16/2017 DATED 03-12-2018 C&W DEPARTMENT (REMOVAL FROM SERVICE) ON ACCOUNT OF ALLEGED IRREGULARITIES IN THE SCHEME" Establishment of Civil Hospital DOABA District Hangu"

Respected Sir,

It is humbly requested that the subject penalty order dated 03.12.2018 (copy enclosed) may kindly be reviewed under provision of the Khyber Pakhtunkhwa Government Servants (E&D) Rules 2011 (17(1) and set-aside it on the following legal/factual grounds and the undersigned be reinstated with all back benefits:

1. I have not been treated in accordance with law, rules, policy and acted in violation of article 4 of the Constitution of Pakistan.
2. Section 16 of the KPK Civil Servant Act 1973/ESTA CODE 2011 provide that every civil servant is liable for prescribed disciplinary action and penalty in accordance with the prescribed procedure. But in the instant case the Competent Authority has not followed the referred statutory provisions. In absence of conformity with the prescribed procedure as envisaged in E&D Rules, 2011, the so called disciplinary action is invalid and is liable to be set aside.
3. The Enquiry committee has failed to procure an iota of evidence in respect of the charges leveled against me. The finding of the enquiry committee is based on conjectures and surmise, which has no evidentiary value in the eyes of law. So far the factual position is concerned, I have well explained the position in detail in my reply to the charge sheet and show cause notice. However I would like to submit the following factual position for favourable consideration please:-

- i. The charge No.(i) was also served upon the other accused which says that you failed to supervise and completion of the scheme with stipulated period, resultantly the scheme is dropped from current ADP. In this regard it is clarified that the work started in 2008 and completed in 2015. Moreover, I have being remained as Sub Engineer on the project since Dec, 2013 till its completion. The scheme is located in an area where militancy was at peak stage since 2007 to 2015. Therefore, the Army was occupied the building in question till Dec, 2013, resultantly the building severely damaged. After its vacation, the same was rectified and completed in all respect and accordingly handed over to (Health Department) Client Department on 20.11.2018 (Annex-II).

Handwritten notes and signatures on the left side of the page, including a large signature and the text "DSR", "So-VI", and "31/12".

ATTESTED

Handwritten signature below the word "ATTESTED".


- ii. The charge No.(ii) was also served upon the other accused which says that **the executed works were found substandard and poor quality**. In this connection, it is submitted that the work was executed as per specification and quality standards. The tiles replaced as per specification and standards quality, which were damaged as remained in the use of Armed forces. Besides this, wooden chowkats were used as per demand of the Health Department. It is further clarified that in category-III residences, steel chowkats have been used due to seepage. Relevant voucher is attached as **Annex-III**.

From perusal of aforementioned grounds and explanations, it is quite clear that the imposition of major penalty "removal from service" upon the undersigned is not justified, even there is no loss caused to the government exchequer.

Therefore, it is humbly requested to review the penalty order No. SOE/C&WD/8-16/2017 dated 03.12.2018 issued by C&W Department in respect of my removal from service kindly be set-aside, being callous, without justification and merits. I may also kindly be reinstated in service with all back benefits to meet the ends of justice.

Your's sincerely

Dated: 21.12.2018


(SHABIR KHAN)
Ex-Sub Engineer
C&W Division Hangu

ATTESTED





CHIEF MINISTER'S SECRETARIAT
KHYBER PAKHTUNKHWA

32

No. SOVI/CMS/KPK/1-13/2018/19^{WE}
Dated Peshawar the, 01-01-2019.

To

The Secretary to Govt. of Khyber Pakhtunkhwa,
Communication & Works Department, Peshawar.

Subject:

REVIEW PETITION AGAINST THE PENAL ORDER BEARING
NO. SOE/C&WD/8-16/20917, DATED 03-12-2018 C&W
DEPARTMENT (REMOVAL FROM SERVICE) ON ACCOUNT
OF ALLEGED IRREGULARITIES IN THE SCHEME
"ESTABLISHMENT OF CIVIL HOSPITAL DOABA DISTRICT
HANGU".

Dear Sir,

I am directed to enclose herewith a copy of self-explanatory Review
Petition received from Mr. Shabir Khan, Ex-Sub Engineer C&W Division Hangu,
on the subject noted above for necessary action as per rules/policy, please.

Encls: (As above).

Yours Faithfully,

Section Officer-VI

Endst: of even No. & Date.

Copy forwarded to:-

1. PS to Principal Secretary to Chief Minister Khyber Pakhtunkhwa.
2. Mr. Shabir Khan, Ex-Sub Engineer C&W Division Hangu.

Section Officer-VI

ATTESTED

4

H - (33)



GOVERNMENT OF KHYBER PAKHTUNKHWA
COMMUNICATION & WORKS DEPARTMENT

No. No. SOE/C&WD/8-16/2017
Dated Peshawar, the April 08, 2019


To

✓
Mr. Shabir Khan
Ex-Sub Engineer
C&W Division Hangu
(Now Removed from Service)

Subject: INQUIRY REGARDING "ESTABLISHMENT OF CIVIL HOSPITAL DOABA
DISTRICT HANGU" ADP NO.350/40012 (2014-15)

I am directed to refer your appeal/representation dated 21.12.2018, which was examined and submitted to the Competent Authority (Chief Minister). The Competent Authority has rejected your appeal/representation.

2. You are hereby informed accordingly.


(ABDUR RASHID KHAN)
SECTION OFFICER (Estb)

Endst even No. & date

Copy forwarded to PS to Secretary C&W Department, Peshawar

SECTION OFFICER (Estb)

ATTESTED



VAKALATNAMA

Before the KP Service Tribunal, Peshawar

OF 2019

Shabir Khan

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Govt: of KP & Others

(RESPONDENT)
(DEFENDANT)

I/We Shabir Khan

Do hereby appoint and constitute **NOOR MOHAMMAD KHATTAK, Advocate, Peshawar** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated. ___/___/2019


CLIENT


ACCEPTED
NOOR MOHAMMAD KHATTAK

SHAHZULLAH KHAN YOUSAFZAI

&

MIR ZAMAN SAFI
ADVOCATES

OFFICE:

Flat No.3, Upper Floor,
Islamia Club Building, Khyber Bazar,
Peshawar City.
Phone: 091-2211391
Mobile No. **0345-9383141**

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No.590 OF 2019

Shabir Khan,
Ex-Sub Engineer
C&W Division Hangu.

(Appellant)....

V/S


Govt of Khyber Pakhtunkhwa through
Principal Secretary to Chief Minister
Khyber Pakhtunkhwa Peshawar and others

(Respondents)....

INDEX

S.NO.	DESCRIPTION OF DOCUMENTS	ANNEXURE	PAGE
1	Parawise Comments on behalf of Respondent No.1 to 4	-	1-3
2	Affidavit	-	4
3	Inquiry report on "Establishment of Civil Hospital Doaba District Hangu" ADP No. 350/40012 (2014-15)	I	5-16
4	C&W Department order No.SOE/C&WD/8-16/2017 dated 03-12-2018	II	17

Deponent


Tauseef Ullah,
Section Officer (Litigation),
C&W Department Peshawar

(1)

BEFORE THE KHYBER PAKHUNKHWA
SERVICE TRIBUNAL, PESHAWAR
SERVICE APPEAL NO. 590/2019

Shabir Khan
Ex-Sub Engineer
C&W Division Hangu

Appellant

Versus

- | | | | |
|----|--|------|-------------|
| 1. | Principal Secretary to
Chief Minister Khyber Pakhtunkhwa | ---- | Respondents |
| 2. | Govt of Khyber Pakhtunkhwa
through Chief Secretary Khyber Pakhtunkhwa | | |
| 3. | Secretary to Govt of
Khyber Pakhtunkhwa, C&W Department | | |
| 4. | Chief Engineer (Centre)
C&W Peshawar | | |

PARAWISE REPLY ON BEHALF OF RESPONDENT NO. 1 TO 4

Respectfully Sheweth:

Preliminary Objections

- i. That the Appellant has got no cause of action
- ii. The appeal is badly time barred
- iii. That the appeal is not maintainable in its present form
- iv. That the appeal is biased for mis-joinder and non-joinder of necessary parties
- v. That the appellant has not come to this court with clean hands

FACTS:

1. Pertains to record, needs no comments
2. Correct to the extent, that appellant while posted as Sub Engineer XEN C&W Division Hangu was found involved in an inquiry case titled "Establishment of Civil Hospital DOABA District Hangu", as reported by Director General Monitoring & Evaluation P&D Department (**Annex-I**). Charge sheet and statement of allegations were served upon responsible officers/officials, including the appellant with approval of competent authority and formal inquiry conducted under E&D Rules, 2011, vide which the charges were found proved against him. After fulfillment of all codal formalities a major penalty of "Removal from Service" has been confirmed upon him.
3. Incorrect, as stated in para-2 of the facts, a formal inquiry under E&D Rules, 2011 conducted against the officers/officials, who associated with the project, including the appellant. The inquiry report was processed and proper show cause notice was served upon appellant in light of recommendations of the inquiry committee. In this regard, all the codal formalities were completed and rules were followed, proper opportunity of defence was given to him. But he did not prove himself innocent from the charges leveled against him. So far, exoneration of other involved officers/officials are concerned, in this regard it is clarified that the inquiry committee categorically concluded that the alleged charges against other involved officers/officials have not been proved. Therefore, after approval of competent authority they were exonerated from the charges. Hence the stance taken by appellant is not justified.

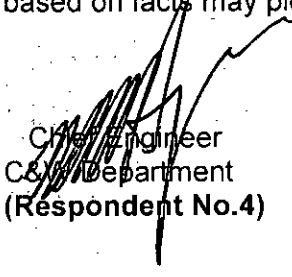
4. Incorrect, the official has categorically mentioned in his departmental appeal that he was associated with the project since 2013 and till the completion of the scheme. Moreover, the inquiry committee has also clearly concluded that the charges found proved against the appellant (Shabir Khan Ex-Sub Engineer), meaning thereby the appellant is trying to shift his responsibility to the shoulders of other colleagues.
5. Correct to the extent that appellant filed the departmental appeal. However plausible grounds for considering his appeal were not found, therefore, the appeal was rejected by appellate authority and communicated to him on 08.04.2019 accordingly.


GROUNDS

- A. Incorrect, accordance to rules/law and justice the appellant was given ample chances to prove his innocence, but he failed, however the awarded punishment to the appellant is justified and maintainable.
- B. Incorrect, the appellant proceeded purely in light of rules/law in the subject inquiry, no violation of constitution of Islamic Republic of Pakistan 1973 was made, as imposed penalty upon the appellant is justified.
- C. Incorrect, the charges against the appellant were found proved and after approval of competent authority, show cause containing major penalty i.e. Removal from Service was served upon him vide endorsement dated 13.09.2018 to which he replied. The plea taken by the appellant is to misguide the Hon'able Tribunal, as he remained involve in the massive irregularities due to which he was penalized by the competent authority after fulfillment of all codal formalities.
- D. Incorrect, the competent authority (Chief Minister) had properly authorized Senior Member Board of Revenue to give opportunity of personal hearing to the appellant to which he heard the appellant and recommended to confirm the tentatively major penalty Removal from Service upon the appellant. The competent authority has approved and the depth accordingly notified the same on 03.12.2018 (**Annex-II**).
- E. Incorrect, as per para-3 of the facts.
- F. Incorrect, proper inquiry committee was constituted after approval of competent authority and they submitted inquiry report. In report, it has been concluded that alleged charges against the appellant found proved. Moreover, proper opportunity of defence was given to the appellant to prove himself innocence but he badly failed and could not provide any proof to satisfy the inquiry committee. The inquiry committee has rightly concluded charges (i & ii) have proved against the appellant.
- G. Incorrect, as per para-A of the grounds.
- H. Incorrect, as explained in para-4 of the facts.
- I. Incorrect, as explained in para-F of the grounds.
- J. Incorrect, as explained in para-D of the grounds.
- K. The Respondents seek permissions of this Hon'able Tribunal to rely additional grounds at the time of arguments.

(3)

In view of the above, it is humbly prayed that the instant appeal which is not based on facts may please be dismissed with cost.


Chief Engineer
C&W Department
(Respondent No.4)


SECRETARY TO
Khyber Pakhtunkhwa
C&W Department
(Respondent No. 1, 2 & 3)

(4)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No.590 OF 2019

Shabir Khan,
Ex-Sub Engineer
C&W Division Hangu.

(Appellant)....

V/S

Govt of Khyber Pakhtunkhwa through
Principal Secretary to Chief Minister
Khyber Pakhtunkhwa Peshawar and others

(Respondents)....

AFFIDAVIT

I, Mr. Tauseef Ullah, Section Officer (Litigation) C&W Department Peshawar hereby affirm and declare that all the contents of the Parawise comments are correct to the best of my knowledge and belief and nothing has been concealed.

Deponent



Tauseef Ullah,
Section Officer (Litigation),
C&W Department Peshawar



Annex-I

GOVT OF KHYBER PAKHTUNKHWA
DIRECTORATE OF MONITORING & EVALUATION
PLANNING & DEVELOPMENT DEPARTMENT

(S) 607

INQUIRY REPORT ON "ESTABLISHMENT OF CIVIL HOSPITAL DOABA DISTRICT HANGU" ADP NO. 350/40012 (2014-15)

The subject scheme was referred to DG(M&E) by the Health Department under to inquire the case in detail and fix responsibility against all concerned officers for delays/showing negligence/sub-standard civil". Accordingly a visit was conducted by a team of M&E directorate to the subject scheme along with the staff of C&W Department and representative of contractor.

1. Project Description

Project Name:	Establishment of Civil Hospital Doaba, District Hangu
ADP No / Code:	350/40012 (2014-15)
Source of Funding:	Govt: of Khyber Pakhtunkhwa
Sector / Sub Sector:	Health/ General Hospitals
Executing Agency:	C&W Division Hangu
Original A.A Cost:	66.906 million (DDWP, dated: 22/10/2004)
i. Capital Cost:	51.303 million
ii. Revenue Cost:	15.603 million
Modified A.A Cost:	93.091 million (PDWP, dated: 14/03/2006)
i. Capital Cost:	77.488 million
ii. Revenue Cost:	15.603 million
1 st Revised A.A.Cost:	122.077 million (PDWP, dated: 28/03/2009)
i. Capital Cost:	99.024 million
2 nd Revised A.A Cost:	236.671 million (PDWP, dated: 13/03/2014)
i. Capital Cost:	154.440 million
ii. Revenue cost:	82.231 million
Commencement Date:	30/03/2005
Completion Date:	30/06/2015 (Still not completed)

2. List of Current Incumbent Staff:

S#	Executive Engineer	Sub Divisional Officer	Sub Engineer	Duration
1.	Mr. Kifayatullah	Faiz Muhammad Faiz	Shabir Khan	June 2014
2.	Mr. Muhammad Shah	Faiz Muhammad Faiz	Shabir Khan	June 2015
3.	Mr. Muhammad Shah	Muhammad Shah	Shabir Khan	June 2012
4.	Mr. Najmul Islam	Faiz Muhammad Faiz	Shabir Khan	2014
5.	S.M Hussain Bokhari	S.M Hussain Bokhari	Abdul Hameed	June 2008
6.	Mr. Zia Reham	Muhammad Shah	Saeed Ullah	June 2011
7.	S.M Hussain Bokhari	S.M Hussain Bokhari	Ijaz Rasool	March 2010
8.	S.M Hussain Bokhari	Muhammad Shah	S.M Hussain Bokhari	June 2010

3. Status of Major Contract Awards and Physical Progress:

The following information was based on data provided by the C&W Division Hangu.

S/ No.	Description	Awarded to	Contract awarded date (Completion Time)	Physical Progress September 2015	Physical Progress September 2016
1.	Emergency Block & Developmental Charges (Site preparation)	M/S Ghafoor	29/03/2005	Completed & handed over to Health Department. but in use of Pak Army and now evacuated by Pak Army	Petty repair was still required.
2.	Internal Electrification of Emergency Block	M/S Ghafoor	04/05/2006	Completed & Handed over	Completed & Handed over
3.	OPD Block	M/S Akbar Gul & Son	13/05/2009, (18-Months)	Internal electrification work was in progress	Completed and handed over to department
4.	OT Block	M/S Badshah Khan	13/05/2009, (18-Months)	Completed & handed over to Health Department. but in use of Pak Army and	Completed and handed over to department.

7

now evacuated by Pak Army

S/ No.	Description	Awarded to	Contract awarded date (Completion Time)	Physical Progress September 2015	Physical Progress September 2016
5.	Diagnostic Block	M/S Akbar Gul & Son	13/05/2009, (18-Months)	Joinery work & Internal Electrification work in progress	The joinery work and the electrification work completed but the bathrooms tiles repair and accessories in progress.
6.	10-Bedded Wards (04-Nos.)	M/S Akbar Gul & Son	13/05/2009, (18-Months)		
7.	Private Rooms (04-Nos.)	M/S Akbar Gul & Son	13/05/2009, (18-Months)		
8.	Dental Block	M/S Akbar Gul & Son	07/08/2009, (18-Months)	Joinery work & Internal Electrification work in progress	Dental block was lock during visit and kitchen was also completed.
9.	Kitchen			Plaster work completed. Finishing works & Internal electrification work still remaining	The civil work completed while the electrification work and the sanitary work remaining.
10.	Mosque			Flooring, Joinery work & internal Electrification work still remaining	completed
11.	Garages			Joinery work & Internal Electrification work in progress	Civil work completed. The sanitary in bathroom was remaining.
12.	Mortuary Block	M/S Akbar Gul & Son	13/05/2009, (18-Months)	Internal Electrification work in progress	Canteen completed
13.	Labor Suit			Joinery work & Internal Electrification work in progress	completed
14.	Stores			G.I Pipe for shed has been erected	Still G.I Pipe was fixed (erected) while flooring concrete was done.
15.	Canteen			Plaster completed. Balance scope still remaining including sanitary works.	completed
16.	Lavatory			Plastering &	Kitchen remaining.
17.	Car Parking Sheds	M/S Akbar Gul & Son	07/08/2009, (18-Months)		
18.	General Lavatory				
19.	Type-III Residence				

8

	(02Nos.)			flooring work completed. balance scope still remaining	
20.	Type-IV Quarter (06-Nos.)	M/S Matiullah Shah	15/02/2007	Completed but in use of Pak Army and now evacuated by Pak Army	Rehabilitation was in progress
21.	Type-V Quarter (04-Nos.)	M/S Akbar Gul & Son	07/08/2009, (18-Months)	Joinery work, Internal Electrification & Sanitary works still remaining	Joinery work was remaining.
22.	Administration Block			Finishing in progress	completed
23.	Developmental works				
	i. Ext; Water Supply Line	M/S Akbar Gul & Son	07/08/2009, (18-Months)	Work in progress	completed
	ii. OHT 10000 Gallons			Replaced by Ground Water Tank and found completed	completed
	iii. Internal Roads (20ft wide)	M/S Akbar Gul & Son	07/08/2009, (18-Months)	Granular sub-base course was in progress	Wearing done
	iv. Footpath			Not yet started	Foot path was not yet started
	v. 6ft Span Culverts				
	vi. Preparation of Site				
	vii. Street Light				
	viii. Boundary Wall	M/S Akbar Gul & Son	Not shared	Almost completed except Main Gate.	completed

8

(9) 200
4/26

4. Analysis:

Previously the scheme was visited by Divisional M&E Kohat on 22nd of September 2015 and a detailed report was forwarded to higher-ups for appropriate action but after lapse of one year the scheme is still not completed although the scheme is dropped from current ADP. To sort out the reason of delay, the scheme was visited on 26th September, 2016 and following finding was observed:

- i. During visit, it was observed that general repair was under progress after the hospital was left by the Army. The repair works were in miserable condition. The tiles were broken due to installation of electrical switch (power) in rooms and then were filled with white cement which was not leveled. The color of the tiles replaced with other tiles was found different.
- ii. The construction work of private rooms was completed but still the sanitary of the bathroom was not yet completed. Aluminum windows in rooms & steel doors in bathrooms were installed. The electrification works in rooms were completed but the fixing of electric fixtures was not up to mark.
- iii. Asphaltic wearing course (Asphaltic Batch Plant Hot Mixed) was approved in technical sanction for the internal road of the hospital but at the site, road was constructed with Bitmac Process. The growth of weeds in road structure indicates the poor compaction of WBM and Asphalt. The external electrification of the hospital was incomplete due to some electric poles which was been supplied and installed by the WAPDA Authority. Contractor was paid in advance for Rs.12,11,176 /- for construction of footpath inside hospital which is not yet constructed.
- iv. The Generator installed in hospital was without any tag describing the specification, model and company which need verification from the form which has installed it. The condition of the generator showing that it was in working for long time without any maintenance. The generator was placed in open air without any protection shed that cover it which was already paid to the contractor amounting Rs.202766 /-.



10
to

20
24

- 14
- v. It was observed that the retaining wall constructed has several defects such as holes and the reinforcement without proper covering of concrete showing the poor supervision of executing department. In car parking sheds, the structure of G.I pipes and trusses were fixed without applying any protecting coat which got rusted. G.I sheets are still remaining despite the fact that contractor was paid in advance of amount **Rs.219582 /-**
 - vi. The dental block was seemed completed but the proper inspection of the block couldn't proceed because the block was locked. The ramp toward the dental was constructed with no proper finishing.
 - vii. The administration block was still in repairing stage. The broken tiles, bathroom ventilation without any exhaust fans and the bathroom accessories are yet to be fixed. The canteen and kitchen block civil works were completed but the Petty work is still in progress.
 - viii. Civil work of Masjid in hospital was completed but overall physical progress was behind the schedule. It was observed that the doors and windows in Masjid were of aluminum while an amount of **Rs.88741/-** was paid to the contractor in advance which needs justification by the Department. The electrification works and sanitary work are still remaining although the scheme was dropped from current ADP.
 - ix. As the condition of the Type-III Residence, hollow flush doors was installed which was approved in T.S for the entire block but just follow in Type-III Residence. The block was structurally completed but the sanitary in bathroom and kitchen was not yet installed/marbled. Low quality Wooden Chowkats were installed instead of steel Chowkats while the quantity paid for steel chowkat in bill voucher Advance payment was in Type-III Residence for kitchen cabinet, kitchen flooring and bath accessories which are not executed at site. Substandard cupboard and substandard electrical penal board were noted.
 - x. The Type-IV Residence which was in use of Army during militancy time was rehabilitated but the progress was very poor. The bathrooms accessories, joinery work and electrification work were not yet completed.

11
S212
JTB

- xi. The construction of Type-V Residence blocks were completed but the fixing of the joinery work (door and window) was not yet started. The current situation was observed the same as reported by M&E that was visited on 22nd September, 2015.
- xii. The labor suit civil work was completed but some repair work of tiles that were broken required. The accessories were not yet installed. Reinforcement through wall was seen showing executing staff carelessness. The group bathroom block was noted without doors and bathroom accessories. Floor finishing was still remaining.
- xiii. The septic tank near private room and 10 bedded blocks was still without slab to cover it. There was no proper system for cleaning. It was observed that some of WC were choked.

The item executed against the T.S and paid to the contractor but not executed:

S#	Description	Recovery	Officer with Designation	Date
1	Paid other Item not Include in Technical Sanction. (Dense Graded Hot Bitumen	Rs:1245839/-	XEN Mr. Muhammad Shah, SDO Faiz M. Faiz, Sub Engineer Shabir Khan	2015
2	Hallow Flush Doors paid in vouchers but steel door executed on site.	Rs.1462691/-	Paid in different bill vouchers. All Concern Officers and contractor.	2008 - 2015

12

RECOMMENDATIONS:

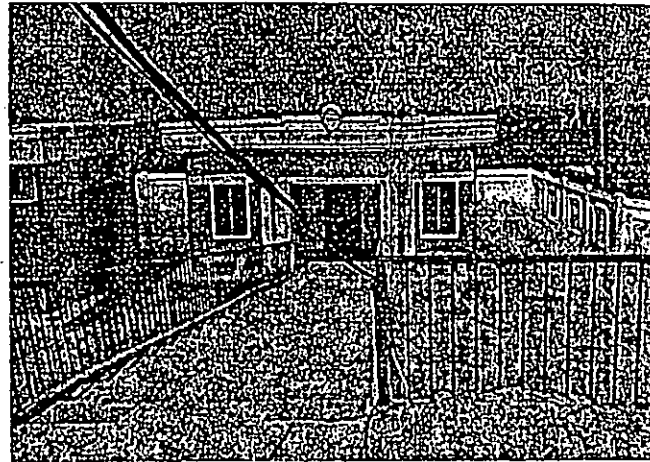
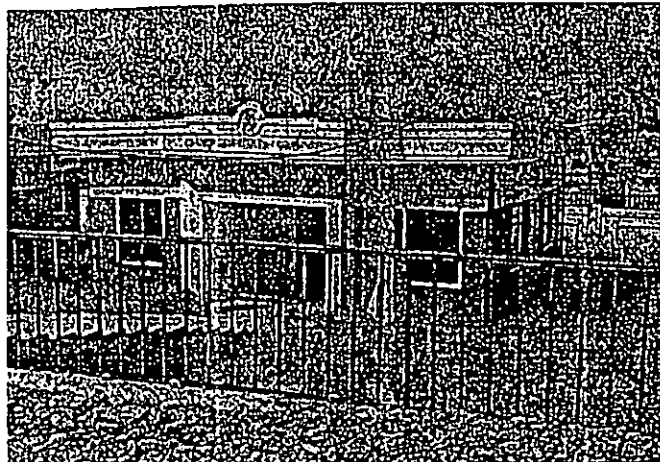
1. The Executing department should direct the contractor to expedite the pace of work on the remaining items and hand over the hospital at earliest for the best interest of public.
2. Strict disciplinary action is recommended against the officials/officers mentioned in para-2 who was found responsible for execution of poor quality work, advance payments, misuse of public funds and delaying such important project.
3. The items that were paid in advance should be executed without further delay with proper design and standard quality.
4. The contactors may also penalized for delaying the execution of project misuse of public funds, executing of poor quality work and the items that were executed against the approved Technical Sanction should be recovered.

2013
13

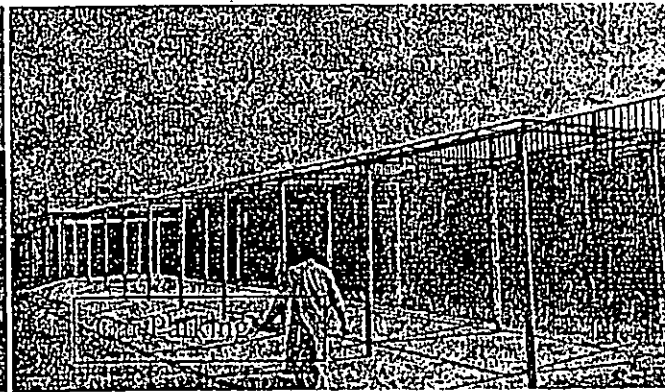
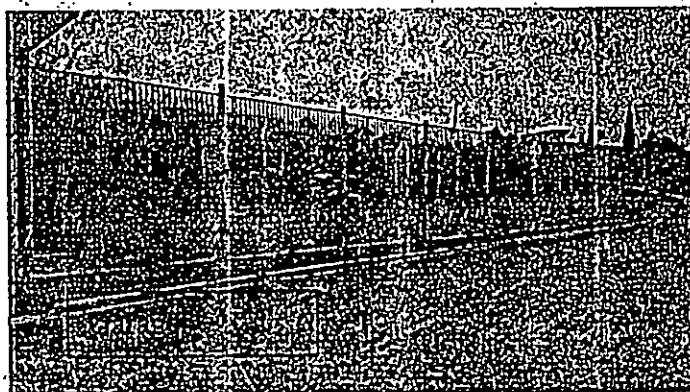
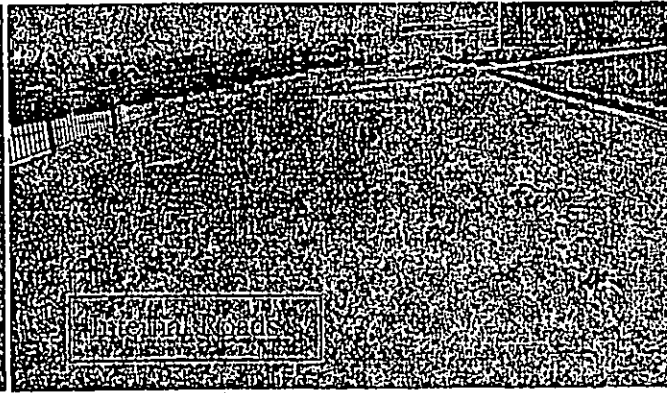
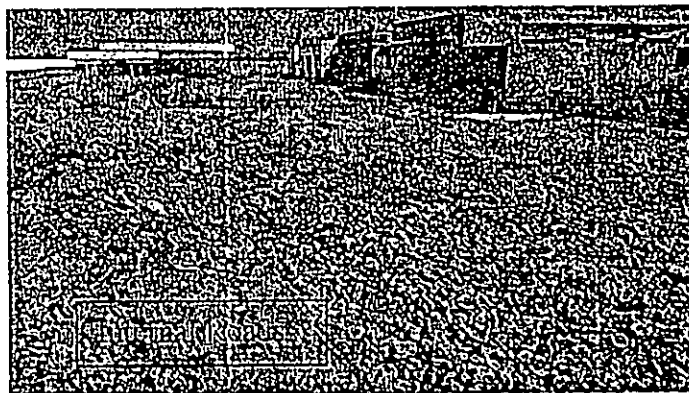
PICTORIAL VIEW OF CIVIL HOSPITAL DOABA, HANGU

September 2015

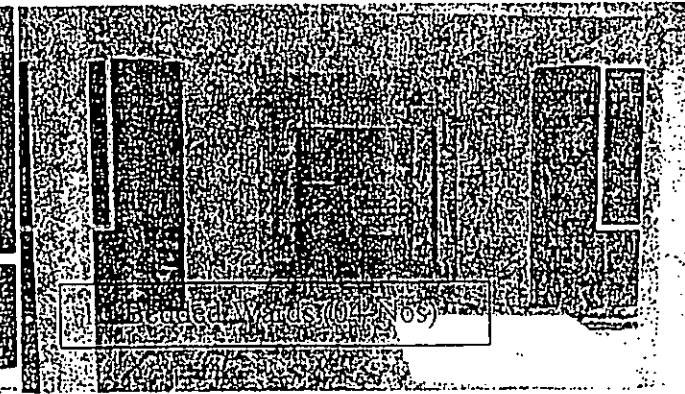
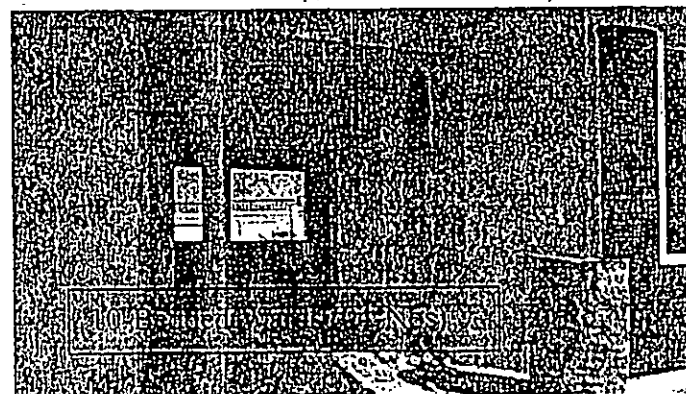
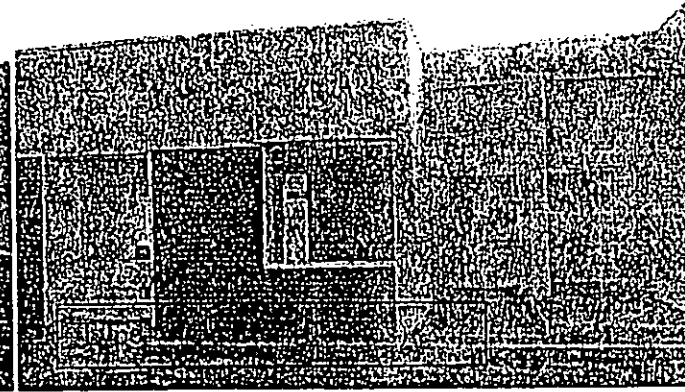
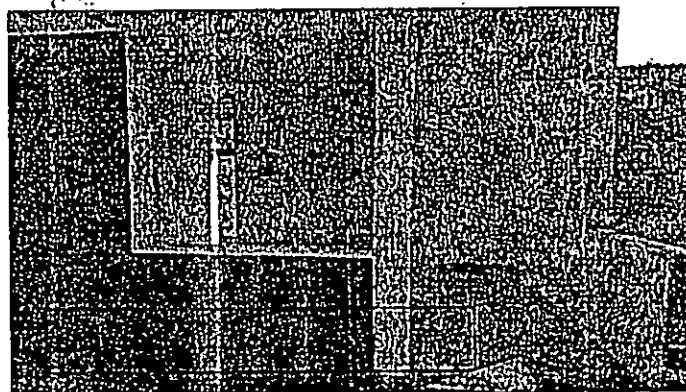
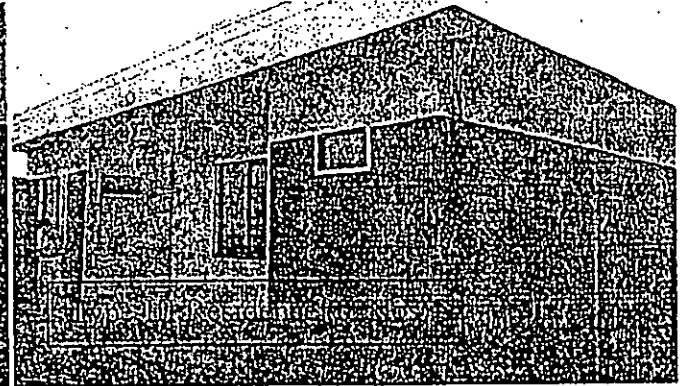
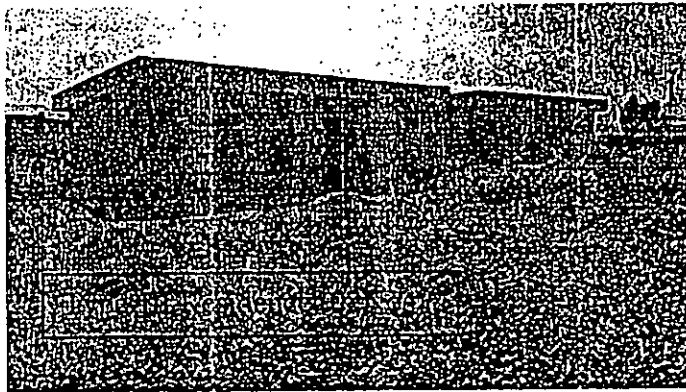
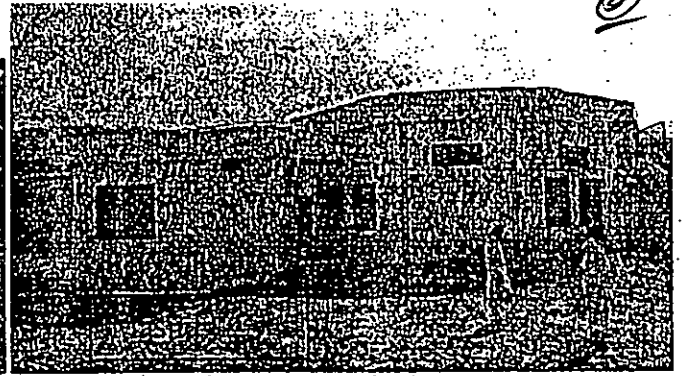
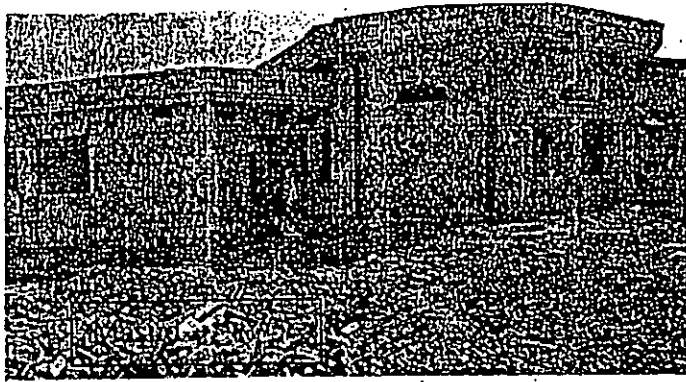
September 201



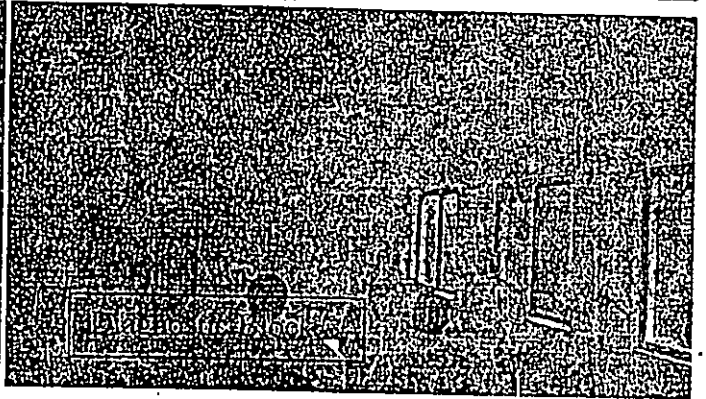
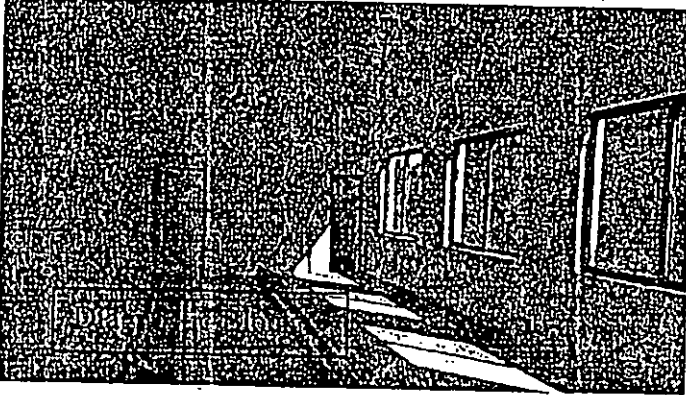
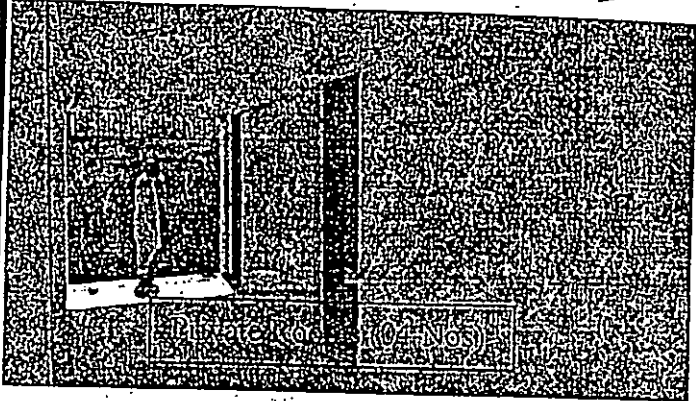
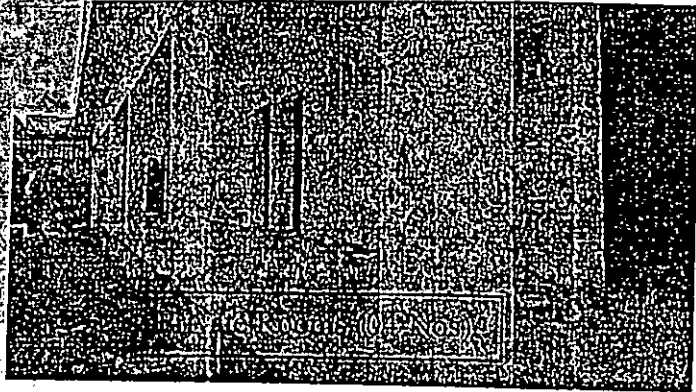
Dental Block



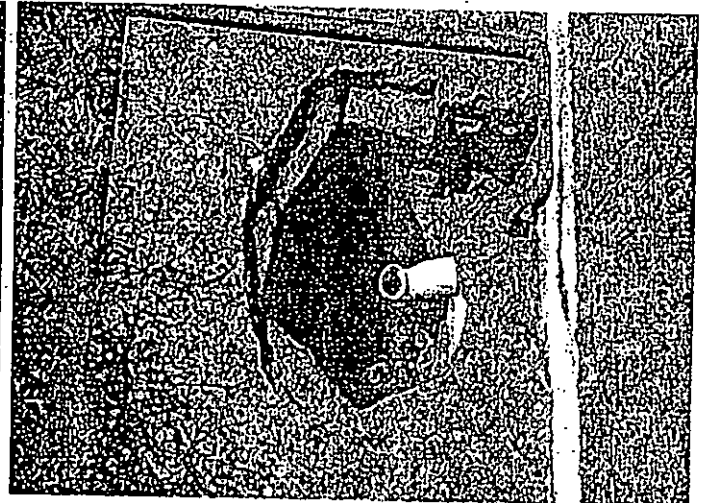
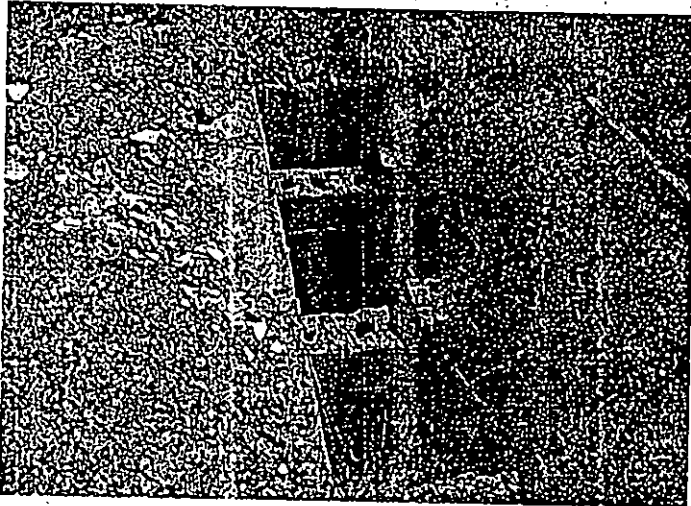
14
50



18
205
81

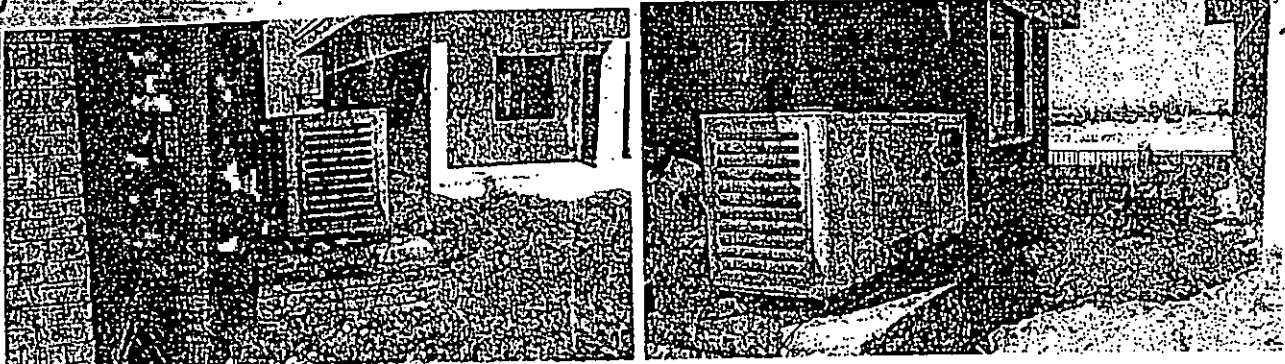


SOME OTHER PICTORIAL

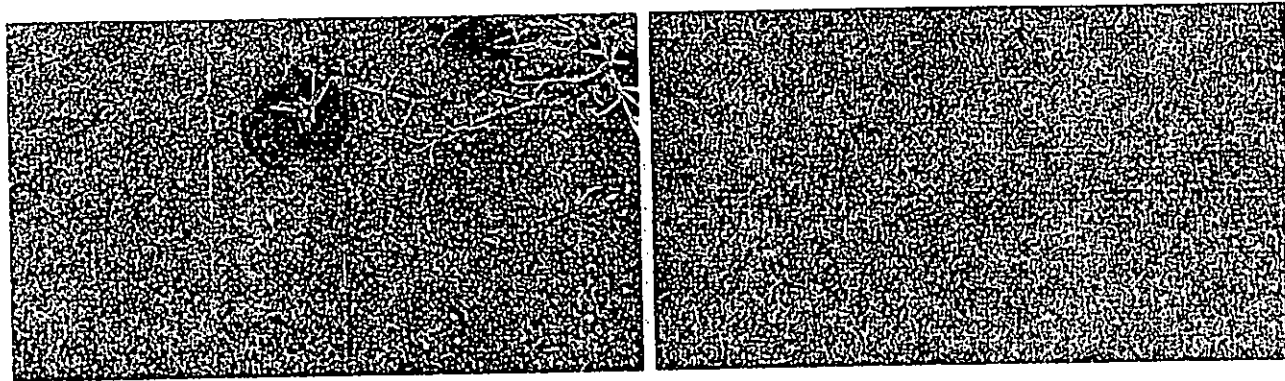


Septic Tank without cover

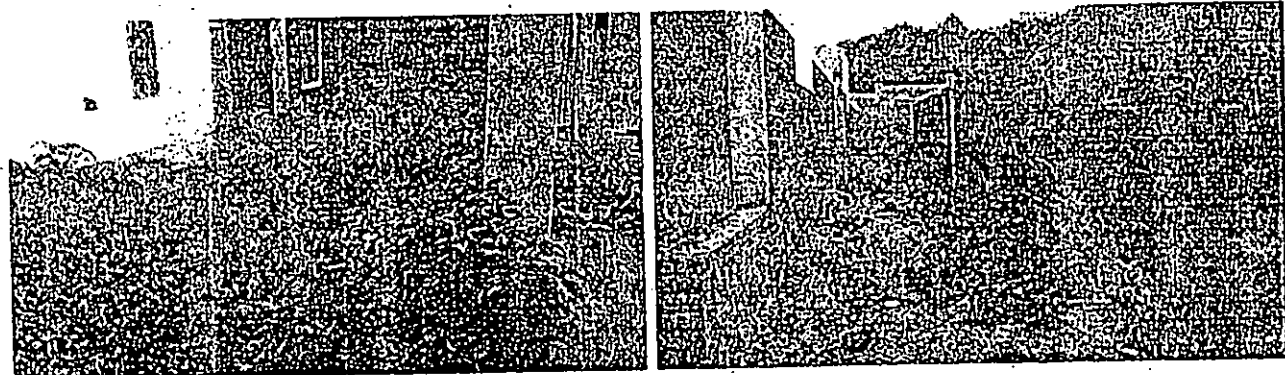
16
E2



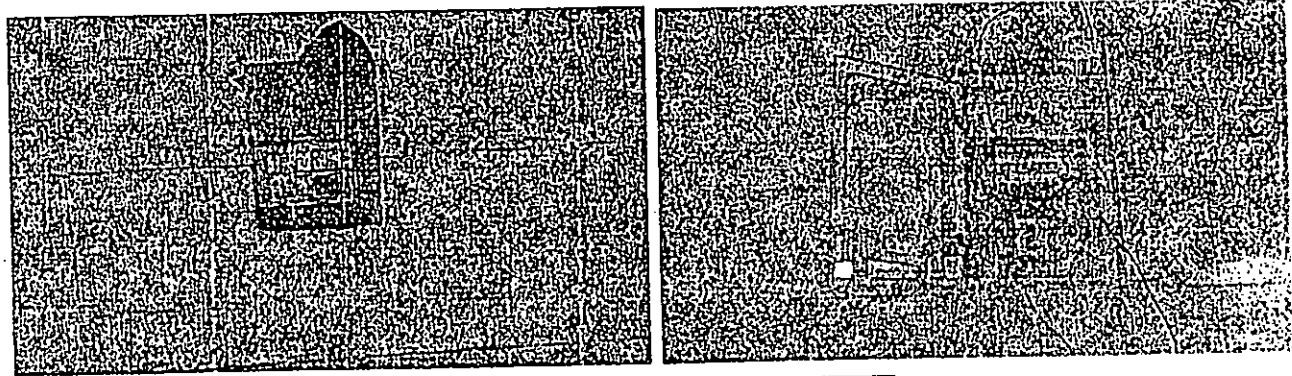
GENERATOR with Covering Shed



Weed growth in Asphaltic metal Road



Poor Cleaness Around Residence Blocks



Repair of Electricity Panel and switch Board

Annex-II

GOVERNMENT OF KHYBER PAKHTUNKHWA
COMMUNICATION & WORKS DEPARTMENT

17
10/11

Dated Peshawar, the Dec 03, 2018

ORDER:

No.SOE/C&WD//8-16/2017: WHEREAS, Mr. Shabir Khan Sub Engineer C&W Division Hangu was proceeded against under the Khyber Pakhtunkhwa Government Servant (Efficiency & Discipline) Rules, 2011, for the alleged irregularities in the scheme "Establishment of Civil Hospital DOABA" District Hangu.

2. AND WHEREAS, for the said act of misconduct they were served charge sheet/ statement of allegations.

3. AND WHEREAS, an inquiry committee constituted by Competent Authority comprising of Mr. Janat Gul Additional Secretary, Zakat, Ushr Department Peshawar and Engr. Fazli Wahab the then Principal Design Engineer O/O Chief Engineer (CDO) C&W Peshawar now SE C&W Circle Dir Lower conducted the enquiry and submitted its report.

4. NOW THEREFORE, the Competent Authority after having considered the charges, material on record, inquiry report of the inquiry committee, explanation of the official concerned during personal hearing, and in exercise of the powers under Rule-14(5)(ii) of Khyber Pakhtunkhwa Civil Servants (Efficiency & Discipline) Rules, 2011, has been pleased to impose the major penalty of "**Removal from Service**" upon the aforementioned official.


SECRETARY TO
Government of Khyber Pakhtunkhwa
Communication & Works Department

Endst of even number and date

Copy is forwarded to the:-

1. Accountant General, Khyber Pakhtunkhwa, Peshawar
2. Chief Engineer (Centre) C&W Peshawar
3. Superintending Engineer C&W Circle, Kohat
4. Executive Engineer C&W Division Hangu
5. District Accounts Officer Hangu
6. PS to Chief Secretary Khyber Pakhtunkhwa, Peshawar
7. PS to Secretary, Establishment Department Peshawar
8. PS to Minister for C&W Khyber Pakhtunkhwa Peshawar
9. PS to Secretary, C&W Department Peshawar
10. PA to Deputy Secretary (Admn), C&W Department Peshawar
11. Official concerned
12. Office order File/Personal File


(ABDUR RASHID KHAN)
SECTION OFFICER (Estb)


4-12-18