


FORM OF ORDER SHEET

Court of _____

Appeal No. 1435/2024


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	11-Sep-24	<p>The appeal of Mr. Muhammad Ashfaq resubmitted today by Mr. Ishfaq Ali Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 20-Sep-24. Parcha Peshi given to counsel for the appellant.</p> <p>By order of the Chairman  REGISTRAR</p>

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR
CHECK LIST

Case Title: Dr. Mohammed Ishfaq vs Gout etc

S#	CONTENTS	YES	NO
1	This Appeal has been presented by:		
2	Whether Counsel/Appellant/Respondent/Deponent have signed the requisite documents?	-	
3	Whether appeal is within time?	-	
4	Whether the enactment under which the appeal is filed mentioned?	-	
5	Whether the enactment under which the appeal is filed is correct?	-	
6	Whether affidavit is appended?	-	
7	Whether affidavit is duly attested by competent Oath Commissioner?	-	
8	Whether appeal/annexures are properly paged?	-	
9	Whether certificate regarding filing any earlier appeal on the subject, furnished?	-	
10	Whether annexures are legible?	-	
11	Whether annexures are attested?	-	
12	Whether copies of annexures are readable/clear?	-	
13	Whether copy of appeal is delivered to AG/DAG?	-	
14	Whether Power of Attorney of the Counsel engaged is attested and signed by petitioner/appellant/respondents?	-	
15	Whether numbers of referred cases given are correct?	-	
16	Whether appeal contains cutting/overwriting?	-	
17	Whether list of books has been provided at the end of the appeal?	-	
18	Whether case relate to this court?	-	
19	Whether requisite number of spare copies attached?	-	
20	Whether complete spare copy is filed in separate file cover?	-	
21	Whether addresses of parties given are complete?	-	
22	Whether index filed?	-	
23	Whether index is correct?	-	
24	Whether Security and Process Fee deposited? On	-	
25	Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules 1974 Rule 11, notice along with copy of appeal and annexures has been sent to respondents? On	-	
26	Whether copies of comments/reply/rejoinder submitted? On	-	
27	Whether copies of comments/reply/rejoinder provided to opposite party? On	-	

It is certified that formalities/documentation as required in the above table have been fulfilled.

Name: Ishfaq Ali
Signature: 
Dated: _____

BEFORE THE SERVICES TRIBUNAL, KHYBER PAKHTUNKHWA,
PESHAWAR.

Service Appeal No. 1435 of 2024.

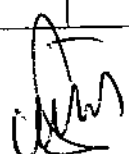
Dr. Muhammad Ashfaq, Medical Officer, Basic Health Unit, Utmanzai,
District Charsadda. Appellant.

VERSUS


District Health Officer, Charsadda and another. Respondents.

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12.	Vakalatnama		


Dr. Muhammad Ashfaq appellant

Through


Ishfaq Ali,
Advocate, Peshawar

①

BEFORE THE SERVICES TRIBUNAL, KHYBER PAKHTUNKHWA,
PESHAWAR.

Service Appeal No. 1435 of 2024.

Dr. Muhammad Ashfaq, Medical Officer, Basic Health Unit, Utmanzai,
District Charsadda. Appellant.

VERSUS

1. District Health Officer, Charsadda.
2. Director General, Health Services, Khyber Pakhtunkhwa, Peshawar.

Respondents.

Appeal against order No.496762/DHO dated 31.5.2024 (conveyed to the appellant on 5.6.2024) passed by Respondent No. 1, whereby the appellant along with others has been directed to provide the items listed in the order, to BHU Utmanzai otherwise cost thereof shall be recovered from them.

Sir,

The appellant submits as follows:

1. That the appellant is serving as Medical Officer, BHU, Utmanzai District Charsadda since 31.3.2022.
2. That on 14.2.2023 the appellant received a report from the Nutrient Assistant of BHU regarding missing of certain items which was forwarded to Respondent No.1 along with observations of the appellant, for further necessary action vide letter dated 14.2.2023. (Copy of the letter is annexure-A.)
3. That while reply of the above report was still awaited, the appellant was reported by Bashir Medical Technician of the BHU about missing of other items on 20.1.2024.
4. That the appellant again reported the matter to Respondent No.1 vide letter dated 20.1.2024 (copy annexure-B), requesting for necessary action including lodging of criminal case.

① A

BEFORE THE SERVICES TRIBUNAL, KHYBER PAKHTUNKHWA,
PESHAWAR.

Service Appeal No. _____ of 2024.

Dr. Muhammad Ashfaq, Medical Officer, Basic Health Unit, Utmanzai,
District Charsadda. Appellant.

VERSUS

3. District Health Officer, Charsadda.
4. Director General, Health Services, Khyber Pakhtunkhwa, Peshawar.

Respondents.

Appeal u/s 4 of Khyber Pakhtunkhwa Service Tribunal Act, 1974/rule 19 of K.P. Government Servants (E&D) Rules 2011 against order No. 496762/DHO dated 31.5.2024 (conveyed to the appellant on 5.6.2024) passed by Respondent No. 1, whereby the appellant along with others has been directed to provide the items listed in the order, to BHU Utmanzai otherwise cost thereof shall be recovered from them.

Sir,

The appellant submits as follows:

1. That the appellant is serving as Medical Officer, BHU, Utmanzai District Charsadda since 31.3.2022.
2. That on 14.2.2023 the appellant received a report from the Nutrient Assistant of BHU regarding missing of certain items which was forwarded to Respondent No.1 along with observations of the appellant, for further necessary action vide letter dated 14.2.2023. (Copy of the letter is annexure-A.)
3. That while reply of the above report was still awaited, the appellant was reported by Bashir Medical Technician of the BHU about missing of other items on 20.1.2024.
4. That the appellant again reported the matter to Respondent No.1 vide letter dated 20.1.2024 (copy annexure-B), requesting for necessary action including lodging of criminal case.

2

5. That vide order bearing No.763-65/DHO dated 25.1.2024, an inquiry committee was constituted. (Copy of the order is Annexure-C.)
6. That no inquiry was conducted pursuant to this order nor any action was taken.
7. That on 10.3.2024(Sunday), the appellant found the door of BHU opened, Chowkidar was missing from duty and lock of M.O office was broken and DVR was missing.
8. That this matter was immediately reported to respondent No.1 telephonically and also to the local police.
9. The respondent No.1 as well as police came to the spot, the police took the Chowkidar into custody.
10. That subsequently the Chowkidar was released pursuant to some settlement through jirga with respondent No.1, whereby the chowkidar had under-taken to provide the missing DVR and Inverter.
11. That on report of appellant annexure-C/1, another inquiry committee was constituted vide order No.1725-29 dated 11.3.2024 (Copy annexure-D) which conducted some proceedings but the appellant did not get any report thereof.
12. That on 8.5.2024 at 1.49 P.M., respondent No.1, through WhatsApp text, asked the appellant to purchase Inverter from PCMC fund after getting approval from PCMC which was done accordingly.
13. That vide order No.4239-43 dated 15.5.2024, yet another inquiry committee was formed on the same issue giving reference of Daily Charsadda News. (Copy of the order is annexure=E.)
14. That all the three members of the committee were BPS-17 officers whereas one namely Dr. Zeeshan Hayat was even junior to the appellant.
15. That despite this fact, having a clean and fair conscience, the appellant appeared before the committee, fully cooperated with it and provided all the relevant details within his knowledge.
16. That this was a fact-finding inquiry of which neither any report was shared with the appellant nor any charge-sheet/show cause notice was issued to him, still the impugned order dated 31.5.2024 was passed. (Copy of the order is annexure-F)

17. That the appellant preferred a departmental appeal before the worthy Respondent No.2 but till date no decision could be given thereon. (Copy of departmental appeal is annexure-G.)

18. That the appellant begs to challenge the order of respondent No.1 on the following grounds amongst others:

GROUNDS.

- A. That the action and order under appeal are much beyond the competence of respondent No.1.
- B. That respondent No.1 is not competent authority in case of the appellant, hence not authorized to take any action against him.
- C. That the requirements of the law/rules on the subject have not been fulfilled/observed before passing the impugned order.
- D. That the impugned order amounts to penalty for which neither opportunity of hearing/rebuttal nor of defense was given to the appellant nor the prescribed procedure was adopted.
- E. That just on the basis of so-called recommendation of fact-finding committee which too has not seen light of the day, no penal action can be taken against a government officer.
- F. That as enumerated hereinabove, it was the appellant who made timely reports above missing of the items and absence and negligence of the chowkidar on which no action was taken during one and a half year.
- G. That the impugned order is in fact an attempt by respondent No.1 to cover lapses on his own part for not taking timely action on the reports of the appellant.
- H. That the respondent No.1 was required to explain what happened to the first two committees and why neither action was taken on their recommendations, if made, nor were members thereof asked for their negligence in not making proper inquiry within time.
- I. That once the Chowkidar was arrested by police on the report of the appellant in presence of respondent No.1, why was he released with the knowledge and consent of said respondent nor any departmental action was taken against him.
- J. That none of the missing items was in custody of the appellant except the DVR installed in his office which was removed on Sunday in

absence of Chowkidar which was reported there and then by the appellant but respondent No.1 did not take any action.

- K. That all other items were removed without breaking locks or doors, thus the appellant could not know about the same unless reported by the concerned official.
- L. That the sudden get up from slumber by respondent No.1 and targeting the appellant who had no responsibility in the matter, is based on ulterior motives.
- M. That both the respondent No.1 (Dr.Wasiullah) and the appellant belong to the same Mohallah and village having family rivalries, thus the said respondent has mis-used his official authority, just to get scores with the appellant.
- N. That the before communicating to the appellant, the impugned order was provided to various media groups just to malign the appellant which is highly deplorable on the part of such a senior government officer like a DHO and speaks volumes of his malafides.
- O. That the inquiry committee is under the immediate supervision of the respondent No.1 and have acted with malice on his direction.
- P. That neither respondent No.1 nor the members of the inquiry committee were competent to proceed or hold inquiry against the appellant.
- Q. That the respondent No.2 has failed in his duties by not deciding the departmental appeal of the appellant within the prescribed period.
- R. That the impugned action/order are without lawful authority and liable to be set aside.

For the reasons stated above and others that may be agitated at the time of hearing, it is prayed that the impugned order No.496762/DHO dated 31.5.2024 may be set aside and the appellant may be absolved of the liabilities enumerated therein.

Any other remedy deemed appropriate in the circumstances of the case may also be granted in favour of the appellant.


Appellant

Dated 19.8.2024.

Through


Ishfaq Ali,

Advocate, Peshawar.

5

BEFORE THE SERVICES TRIBUNAL, KHYBER PAKHTUNKHWA,
PESHAWAR.

Service Appeal No. _____ of 2024.

Dr. Muhammad Ashfaq, Medical Officer, Basic Health Unit, Utmanzai,
District Charsadda. Appellant.

VERSUS

1. District Health Officer, Charsadda.
2. Director General, Health Services, Khyber Pakhtunkhwa, Peshawar.

Respondents.

AFFIDAVIT.

I, Dr. Muhammad Ashfaq, Medical Officer, Basic Health Unit, Utmanzai, District Charsadda appellant, do hereby declare and affirm on oath that the contents of this memorandum of appeal are true and correct to the best of my knowledge and belief.



(Signature)
DEPONENT.

17101-
0370988-7

(6)

BEFORE THE SERVICES TRIBUNAL, KHYBER PAKHTUNKHWA,
PESHAWAR.

Service Appeal No. _____ of 2024.

Dr. Muhammad Ashfaq, Medical Officer, Basic Health Unit, Utmanzai,
District Charsadda. Appellant.

VERSUS

District Health Officer, Charsadda and another. Respondents.

ADDRESSES OF PARTIES.

Appellant.

Dr. Muhammad Ashfaq, Medical Officer, Basic Health Unit, Utmanzai,
District Charsadda.

Respondents.

1. District Health Officer, Charsadda.
2. Director General, Health Services, Khyber Pakhtunkhwa, Peshawar.


Appellant

Dated 19.8.2024.

Through



Ishfaq Ali,

Advocate, Peshawar

Dated: 14/02/2023.

TRUE COPY

Dr. M. Ashraf
1/c BHO Uthmaniyah
CMVRSADA

Thanking you,


2-13 (D. Nutrition-ADHD)
2-13 (D. Nutrition-ADHD)

available on surveys. report is therefore submitted to your good office further necessary actions
Uthmaniyah comes after maghrib and is also
It is to worth mention that communication of
top of the two days showed no significant
ical officer. Lock was found not changed. CCTV
a locked room in abandoned bathroom of
initial inquiry by undersigned, the cartons were
ned nutritional assistant
er, integrated Nutrition Programs, UNICEF by
atter has already been conveyed to District
no Bangladesh voluntarily ~~there~~ for months running.
to add that the packets ~~there~~ cartons were kept
y. The
of RUTF have been found missing on routine
thmaniyah, where in she has reported that 12
part of Him Sajat (Nutritional Assistant)
nd the attached self explanatory application

Report regarding missing of RUTF cartons

ANNEXURE: A

7

⑦ A'

BETTER COPY.

The District Health Officer,
Charsadda

Subject: Report regarding missing of RUTF Cartons.

Sir,

Please find attached self explanatory application of Hina Inayat (Nutritient Assistant), BHU Utmanzai, wherein she has reported that 11 cartons of RUTF have been found missing on routine checking.

It is added that the packets / Cartons were kept in M.O Bungalow voluntarily for smooth running. The matter has already been conveyed to the District Manager, Integrated Nutrition Programme, UNKEF by concerned Nutritient Assistant.

As per initial inquiry by undersigned, the cartons were kept in a locked room in abandoned bangalow of Medical Officer. Lock was found not damaged. CCTV photages of the two days showed no significant clue. It is worth to mention that Chowkidar of BHU Utmanzai comes after Maghreb and is also not available on Sundays.

The report is, therefore, submitted to our good office for further necessary actions.

Thanking you,

Sd/-

Dr.M.Ashfaq,

I/C, BHU, Utmanzai

Dated 14.2.2023.

TRUE COPY
②

Chavakkal

8

ANNEXURE B

Object: Incident report regarding missing items

As per report of the technician of the factory, some of the

found have been found in charge of the possibility of missing items
be will out (the list of missing items)
an having a (with) to please write

You are transfer account in the subject matter
official procedure in the report in

and give the signature and stamp
in the subject matter

Launch of HR office
in the subject matter

TRUE

Dated: 26/1/24

ANNEXURE B

in office

Handwritten signature

8-A

BETTER COPY.

The District Health Officer,

Charsadda.

Subject: Incident report regarding missing items.

Sir,

As per report of Bashir Muhammad, Medical Technician of this facility, some of valuable items under his charge have been found missing and the possibility of theft cannot be ruled out. (List of missing items are hereby attached with.)

You are therefore requested to please initiate official proceedings in the subject matter and guide the undersigned regarding lodging of FIR or/and any other action in the subject matter.

Thanking you,

Sd/-

Dr.M.Ashfaq,

I/C, BHU, Utmanzai.

Dated 20.1.2024.

TRUE COPY





District Health Department – Charsadda
DISTRICT HEALTH OFFICER
Charsadda (Khyber Pakhtunkhwa) ANNEXURE: C
OFFICE PHONE (091) 9220158 Fax 9220148

9

ORDER

ted by In-Charge BHU Utmanzai that a theft incident has occurred at the health facility. The items has been taken by unknown persons (Report and list of items attached for reference). In this regard, the following Officers are hereby nominated as an enquiry officer for enquiry in the said case and submit detailed report/recommendations to the undersigned within 7 days positively.

- Dr. Muhammad Alamgir Coordinator DHIS, Charsadda
- Dr. Masood Khan District Surveillance officer, Charsadda

Sd/-
DISTRICT HEALTH OFFICER
CHARSADDA

3-65/DHO

Dated Charsadda the, 25/01/2024

Forwarded to the:
Dr. Muhammad Alamgir Coordinator DHIS, Charsadda
Dr. Masood Khan District Surveillance officer, Charsadda
In-Charge BHU Utmanzai
For information and necessary action

→
DISTRICT HEALTH OFFICER
CHARSADDA

TRUE COPY
S



District Health Department – Charsadda
DISTRICT HEALTH OFFICER
Charsadda (Khyber Pakhtunkhwa)
OFFICE PHONE (091) 9220158 Fax 9220148

9 A

OFFICE ORDER

As reported by In-Charge BHU Utmanzal that a theft incident has occurred at the health facility, and some items has been taken by unknown persons (Report and list of itmes attached for ready reference). In this regard, the following Officers are hereby nominated as an enquiry officer to conduct enquiry in the said case and submit detailed report/recommedations to the undersigned within 07 days positively.

1. Dr. Muhammad Alamgir Coordinator DHIS, Charsadda
2. Dr. Masood Khan District Surveillance officer, Charsadda

Sd/-
DISTRICT HEALTH OFFICER
CHARSADDA

No: 763-65/DHO

Dated Charsadda the, 25/01/2024

Copy forwarded to the:

1. Dr. Muhammad Alamgir Coordinator DHIS, Charsadda
 2. Dr. Masood Khan District Surveillance officer, Charsadda
 3. In-Charge BHU Utmanzal
- For information and necessary action

DISTRICT HEALTH OFFICER
CHARSADDA

311 Medical Officer
B.M.S. Waman

Date: 11/02/2024

1/2 B.M.S. Waman
Dr. M. A. Waman
Hodis Secretary

TRUE COPY

~~at the time of the report~~
report in memory submitted to your good office
w/ further necessary action guidelines

reported
no inquiry steps were taken and now again this
from via office order # 763-65 dated 25/01/2024-D
your good office an inquiry committee was constituted at
such event also occurred in past and was reported
I lock in not taken and the that has been
fact of room still inverta was placed in minor OT
any. DVE was been stolen from my room after
inquiry 10/3/2024. Choudhary was not present meeting
cameras and inverta (GPS) from B.M.S. Waman
namboli stated that a sum of Rs. 1000/- was stolen the
of Sir,

ANNEXURE C/1
- Incident Report B.M.S. Waman

10 A

BETTER COPY.

The District Health Officer,
Charsadda.

Subject: Incident report BHU Utmanzai.

Respected Sir,

It is humbly stated that someone has stolen the DVR of Cameras and inverter (UPS) from BHU Utmanzai on Sunday 10.3.2024. Chowkidar was not present on duty on that day. DVR has been stolen from MO Room after breaking lock of room while inverter was placed in minor O.T whose lock is not broken and the thief has accessed. One such event also occurred in past and the matter was reported on 21.1.2024 to your good office. An Inquiry Committee was constituted at that time via office order # 763-65 dated 25.1.2024-DHO but no inquiry/step were taken and now again this misshaped.

Report is hereby submitted to your good office for further necessary action / guidance.

Yours Obediently,

Sd/-

Dr.Mohammad Ashfaq,
I/C, BHU, Utmanzai.

Dated 11.3.2024.



OFFICE OF THE
DISTRICT HEALTH OFFICER
CHARSADDA

11

ANNEXURE: D

~~ANNEXURE~~

OFFICE ORDER

An enquiry committee comprising of the following officers is hereby constituted to conduct enquiry regarding theft of DVR, Inverter etc from BHU Utmanzai as reported by MO Incharge BHU Utmanzai.

1. Dr. Kashif ud Din Khattak Pathologist
2. Dr. Muhammad Alamgir
3. Dr. Masood

Chairman
Member
Member

The committee will conduct a fact finding enquiry and will submit detail report to the undersigned within three ^{days} time positively.

Sch
District Health Officer
Charsadda

Dated 11/03/2024

NO 1725-28 /DHO Charsadda
Copy to:

1. Enquiry Officers
 2. MO Incharge BHU Utmanzai
- For information and compliance.

w/ 11

[Signature]
District Health Officer
Charsadda

[Signature]
11/3/24

*See
File PA*

TRUE COPY
[Signature]

[Signature]

12

OFFICE OF THE
DISTRICT HEALTH OFFICER ANNEXURE E
CHARSADDA

OFFICE ORDER

Reference to the news in daily newspaper "Charsadda News" and "Tabeel" regarding theft at BHU Utmanzai. An enquiry committee comprising of the following officers is hereby constituted to conduct enquiry and fix responsibility on a person.

1. Dr. Jalal ud Din Public Health Coordinator
2. Dr. Zeeshan Hayat Litigation officer
3. Dr. Wahid Shah PEI

The committee will submit detail and fact finding enquiry to the undersigned within three days positively.

[Signature]
District Health Officer
Charsadda

Dated Charsadda the 15/5/2024

No. 427/13/DHO
Copy to

1. Incharge BHU Utmanzai
2. Enquiry committee members
for information and compliance.

[Signature]
District Health Officer
Charsadda

TRUE COPY
[Signature]

13

ANNEXURE: F



OFFICE OF THE
DISTRICT HEALTH OFFICER
CHARSADDA

No. 4857/62, DHO

Dated Charsadda the 15/5/2024

- 1. Dr. Muhammad Ashfaq MO Incharge
- 2. Mr. Bashir Khan Chief PHC Technician (MP)
- 3. Mr. Habib Ullah Chowkdar

BHU Umanzai

Subject: PROVISION OF MISSING ITEMS

In the light of enquiry report, you are directed to provide the following missing items of BHC Umanzai within seven days positively otherwise the cost of the same (as per market rate) will be recovered from your charges.

- 1 Nutrition supplement RUTF 1650 packets
- 2 Suzuki Vehicle Engine
- 3 Oxygen Concentrator
- 4 Electric Generator (manual)
- 5 Electric Water Cooler
- 6 Steel Benched (02)
- 7 Ceiling Fans (32)
- 8 File Rack wooden (02)
- 9 Wheel Chair (01)
- 10 Nebulizer (01)
- 11 Chair Fiber Glass (06)
- 12 Plastic Chairs (03)
- 13 Humam with stands (01)
- 14 Water Tank (01)
- 15 Solar Inverter
- 16 UPS
- 17 Batteries (02)
- 18 DVR

DISTRICT HEALTH OFFICER
CHARSADDA

2
31/5/24

CC: 1 Director General Health Services Khyber Pakhtunkhwa Peshawar
2 Deputy Commissioner Charsadda
3. Action section this office if they failed to provide the above missing items, recover from their charges.

TRUE COPY

b/c

14

ANNEXURE: 6

To

The Director General Health Services,
Khyber Pakhtunkhwa, Peshawar.

Thr: Proper Channel.

Subject: Departmental appeal against order No.496762/DHO dated 31.5.2024 (conveyed to the appellant on 5.6.2024) passed by DHO, Charsadda whereby the appellant along with others has been directed to provide the items listed in the order, to BHU Utmanzai otherwise cost thereof shall be recovered from them.

Sir,

Your humble appellant begs to submits as follows:

1. That the appellant is serving as Medical Officer, BHU, Utmanzai since 31.3.2022.
2. That on 14.2.2023 the appellant received a report from the Nutrient Assistant regarding missing of certain items which was forwarded to the DHO by the undersigned along with his own observations, for further necessary action vide letter dated 14.2.2023. (Copy enclosed herewith.)
3. That while reply of the above report was still awaited, the undersigned was reported by Bashir Medical Technician of the BHU about missing of other items on 20.1.2024.
4. That the appellant again reported the matter to the DHO vide letter dated 21.1.2024 (copy enclosed), requesting for necessary action including lodging of criminal case.
5. That vide order bearing No.763-65/DHO dated 25.1.2024, an inquiry committee was constituted. (Copy of the order is enclosed.)
6. That no inquiry was conducted pursuant to this order.
7. That on 19.3.2024(Sunday), the appellant found the door of BHU opened, Chowkidar was missing from duty and lock of M.O office was broken and DVR was missing.

TRUE COPY

8. That this matter was immediately reported to Dr.Wasiullah, DHO telephonically and also to the local police.
9. The DHO as well as police came to the spot, the police took the Chowkidar into custody.
10. That subsequently the Chowkidar was released pursuant to some settlement through jirga whereby the chowkidar had under-taken to provide the missing DVR and Inverter.
11. That another inquiry committee was constituted vide order No.1725-29 dated 11.3.2024 (Copy enclosed) which conducted some proceedings but the appellant did not get any report thereof.
12. That on 8.5.2024 at 1.49 P.M, Dr.Wasiullah DHO through WhatsApp text asked the appellant to purchase Inverter from PCMC furd after getting approval from PCMC which was done accordingly.
13. That vide order dated 4239-43 dated 15.5.2024, yet another inquiry committee was formed on the same issue giving reference of Daily Charsadda News.
14. That all the three members of the committee were BPS-17 officers whereas one namely Dr.Zeeshan Hayat was even junior to the appellant.
15. That despite this fact, having a clean and fair conscience, the appellant appeared before the committee, fully cooperated with it and provided all the relevant details in his knowledge.
16. That this was a fact-finding inquiry of which neither any report was shared with the appellant nor any show cause notice was issued to him, still the appellant received the order mentioned in the subject hereinabove, on 5.6.2024.
17. That the appellant begs to challenge the order of worthy DHO on the following grounds amongst others:

GROUND S.

- A. That the order under appeal is much beyond the competence of the worthy DHO.
- B. That the requirements of the law/rules on the subject have not been fulfilled before passing the impugned order.

TRUE COPY
④

- C. That just on the basis of so-called recommendation of fact-finding committee which has not seen light of the day, no penal action can be taken against a government officer.
- D. That as enumerated hereinabove, it was the appellant who made timely reports above missing of the items and absence and negligence of the chowkidar on which no action was taken during one and a half year.
- E. That the impugned order is in fact an attempt by the DHO to cover lapses on his own part for not taking timely action on the reports of the appellant.
- F. That the DHO should explain what happened to the first two committees and why neither action was taken on their recommendations, if made, nor were members thereof asked for their negligence in not making proper inquiry within time.
- G. That once the Chowkidar was arrested by police on the report of the appellant in presence of the DHO, why was he released with the knowledge and consent of the worthy DHO nor any departmental action was taken against him.
- H. That none of the missing items was in custody of the appellant except the DVR installed in his office which was removed on Sunday in absence of Chowkidar which was reported there and then by the appellant but the DHO did not take any action.
- I. That all other items were removed without breaking locks or doors, thus the appellant could not know about the same unless reported by the concerned official.
- J. That the sudden get up from slumber by the DHO and targeting the appellant who had no responsibility in the matter, is based on ulterior motives.
- K. That both the DHO and the appellant belong to the same Mohallah and village having family rivalries, thus the DHO has just attempted to get scores with him.
- L. That the before communicating to the appellant, the impugned order was provided to various media groups ;;just to malign the appellant which is highly deplorable on the part of such a senior government officer like a DHO and speaks volumes of his malafides.
- M. That the inquiry committee is under the immediate supervision of the DHO and have acted with malice on his direction.

TRUE COPY
②

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N. That neither the DHO nor the members of the inquiry committee were competent to proceed or hold inquiry against the appellant.

For the reasons stated above and others that may be agitated later, it is requested that the order cited in the subject hereinabove may please be set aside and the appellant may be absolved of the liabilities enumerated therein.

It is further prayed that the worthy DHO may be asked to account for not taking timely action on the reports of the appellant.

Yours Obediently,

Dated 6.6.2024.



Dr. Muhammad Ashfaq,
Medical Officer,
Basic Health Unit,
Utmanzai, Charsadda.

TRUE COPY



