


FORM OF ORDER SHEET

Court of _____

12(2) CPC Application No. 295 /2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	18/04/2024	<p>The application U/S 12(2) CPC in Execution Petition no. 958/2023 submitted by respondents no. 1 to 4 through Mr. Ahmad Yar Khan Assistant Director litigation Population Welfare Department. It is fixed for hearing before Division Bench at Peshawar on _____.</p> <p>Original file be requisitioned. Parcha peshi given to the representative of the respondents.</p> <p>By the order of Chairman  REGISTRAR</p>

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL.

PESHAWAR *Petition U/S 12(2) CPC 295/24*

Petition U/C 12(2) CPC in Execution Petition No. 958/2023 in Service Appeal No. 1299/2019.

1. Chief Secretary, Govt. of Khyber Pakhtunkhwa Peshawar.
 2. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa Peshawar.
 3. Secretary Population Welfare Department Govt of Khyber Pakhtunkhwa Peshawar.
 4. Director General Population Welfare Govt of Khyber Pakhtunkhwa Peshawar.
- (Petitioners)


Versus

Dr. Lal Zari, D/O professor Muhibullah R/O Sector N-1, House No. 4 Street No.1, Hayatabad Peshawar. At present working under Directorate General Health Service Khyber Pakhtunkhwa Peshawar

..... (Respondent)

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 Deponent
 Ahmad Yar Khan
 Assistant Director (Lit)

**BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR**

In Service Appeal No.1299/2019 in Execution Petition No. 958/2023.

Petition U/S 12(2) CPC No. 295/2024

1. Chief Secretary, Govt. of Khyber Pakhtunkhwa Peshawar.
2. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa Peshawar.
3. Secretary Population Welfare Department Govt of Khyber Pakhtunkhwa Peshawar.
4. Director General Population Welfare Govt of Khyber Pakhtunkhwa Peshawar.

(Petitioners)

Versus

Dr. Lal Zari, D/O professor Muhibullah R/O Sector N-1, House No. 4 Street No.1,
Hayatabad Peshawar. At present working under Directorate General Health Service
Khyber Pakhtunkhwa Peshawar **(Respondent)**

**APPLICATION UNDER SECTION 12(2)CPC FOR SETTING ASIDE THE JUDGMENT
IN SERVICE APPEAL NO. 1299/2019 DATED 14/4/2023, OBTAIN THROUGH FRAUD
AND MIS-REPRESENTATION.**

Respected Sir,

1. As per record the petitioner/appellant was initially appointed as Women Medical Officer (BPS-17) in the Population Welfare Directorate, FATA on the recommendations of the Public Service Commission through appointment order bearing No. 1(1)/Vol-II/2005-06/Pop/313-29 on 31.07.2006 on contract basis **(Annex-I)**. Since then she was working under Social Sector Department of FATA Secretariat. Her services were regularized through a corrigendum bearing No. 1(1) Vol-II/2006-07/Pop/1820-33 dated 27.12.2006 **(Annex-II)**. She was promoted to the post of Deputy Director Population Welfare in BS 18 on regular basis on the recommendation of Departmental Promotion Committee and in pursuance of the approval of the Governor, Khyber Pakhtunkhwa as per notification No.SO(SSD)/FS/Pop/5(1)2013/3498-3517 dated 30/04/2013. Subsequently she was posted as Deputy Director Population Welfare Department FATA with immediate effect vide notification No.SO(SSD)/FS/Pop/5(1) 2013/3498-3517 dated 30.04.2013 **(Annex-III)**.
2. While serving as Deputy Director, FATA, disciplinary action was initiated against her through an enquiry Committee comprising of Mr. Shakeel Qadir Khan, Secretary Law and Order and Captain (R) Sikandar Qayyum, Secretary Finance notified vide letter No.FS/E/100-98 (Inq-Medicines)/15913-15 dated 17.10.2014 on the basis of a complaint regarding purchase of sub-standard medicines and irregularities in the procurement process. On the recommendations of the Inquiry Committee, the services of Petitioner/Appellant were dismissed vide notification of Social Sectors Department, FATA Secretariat bearing No. FS/SSD/6699-708 dated 21.05.2015 **(Annex-IV)**. Her departmental appeal was also rejected by the Governor, Khyber Pakhtunkhwa.
3. Feeling aggrieved, she filed service appeal No. 976/2015 in the Khyber Pakhtunkhwa Services Tribunal, Peshawar without impleadment of Health Department. The Tribunal vide its judgment dated 31.08.2018 directed for reinstatement of Dr. Lal Zari and initiation of de-novo Inquiry against her **(Annex-V)**.
4. Therefore, Dr. Lal Zari was provisionally reinstated in service by the Population Welfare

Department and de novo enquiry was initiated again by population welfare department on 02.11.2018 by Mr. Dawood Khan, Secretary Irrigation Department (**Annex-VI**).

2

5. The Enquiry Officer sent the Statement of allegations and charge sheet to the Secretary Administration and Coordination Department, FATA Secretariat vide letter No.PS/Irrigation/2018 dated 05.11.2018 with the request to serve the same upon the Petitioner/Appellant and direct her to attend the office of the Enquiry Officer on at 2:30 pm on 09.11.2018 along with written reply of the charges (**Annex-VII**). The same was forwarded to the Petitioner/Appellant by Mr. Shakeel Ahmad Jan. Section Officer (Estab), Administration and Coordination Department, FATA Secretariat on 06.11.2018 (**Annex-VIII**). The Petitioner/Appellant attended enquiry proceedings on 09.11.2018 as mentioned in letter dated 09.11.2018 of the Enquiry officer addressed to the Additional Chief Secretary, FATA (**Annex-IX**).
6. The Enquiry Officer submitted de-novo Enquiry report (**Annex-X**) which concluded that the following charges were proved against the Petitioner/Appellant:-
- i. She is held partially responsible along with purchase committee for not opening the bids on closing date of bid submission;
 - ii. She has twisted the facts & tampering the record by accepting the CDR in back dates whereas, the same were prepared after cutoff date;
 - iii. She is responsible for not having the comparative statement duly signed by all the members of the Purchase Committee;
 - iv. She has accepted those medicines which were not properly labeled or branded being a member of the Purchase Committee;
 - v. She has included Dr. Naila, Assistant Director (Medical) in Purchase Committee without any formal approval;
 - vi. She has violated Rule-11 & Rule-44 of Procurement Rules in terms of not executing a formal agreement;
 - vii. She has made full cash payment to the supplier despite the fact that 1/6th of the supplies were yet to be made.
7. The Enquiry officer recommended imposition of major penalty of reduction to lower grade/post on account of serious irregularities committed in the procurement process. Hence the Competent Authority imposed major penalty of reduction to lower post/grade for one year.
8. Show Cause Notice signed by the Chief Minister (Competent Authority) was sent to the Petitioner/Appellant under a covering letter bearing No. DD/PWD/1(56)/2018-19/Exp/192-95 dated 14.02.2019 by the Deputy Director (Merged Districts) of population welfare (**Annex-XI**) through Mr. Farid Ullah, Accounts Assistant. The Show cause notice was also sent through Leopard courier service at her two addresses, however, the Petitioner/Appellant refused to receive the Show Cause notice as confirmed through WhatsApp message and report of the Courier service (**Annex-XII and XIII**).

The Petitioner/Appellant was afforded personal hearing by the Competent Authority through Mr. Mukhtiar Ahmad, Secretary Information Department in presence of departmental representative at 2 pm on 08.04.2019 for which she was informed by the Section Officer (Establishment), Information Department on 25.03.2019 and 02.04.2019 (Annex-XIV, XV).

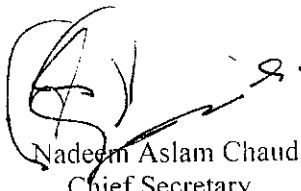
- 10. On the recommendations of the Hearing Officer, major penalty of downgrading to lower post for one year was imposed on the Petitioner/Appellant. The penalty was notified by the Population Welfare Department vide Notification No. SOE(PWD)Misc/Inquiry/2018/FATA/ 1895-1906 dated 25-06-2019. Dr. Lal Zari was posted as Assistant Director (Medical) in the Directorate of Merged Districts on 16.07.2019 where she took charge on 17.07.2019 (Annex-XVI).
- 11. The Petitioner/Appellant submitted a Review Petition to the Chief Minister which was thoroughly examined departmentally and it was found that the Petitioner/Appellant had not put forth any additional/phenomenal grounds/facts which could be considered favorably. The Chief Minister, on the recommendations of the Chief Secretary, rejected the Review Petition. This was conveyed to Dr. Lal Zari by the Population Welfare Department vide letter dated 06.09.2019 (Annex-XVII).
- 12. On completion of penalty of one year, she was re-posted on 31.08.2020 on her original post and scale i.e. Deputy Director (BPS-18) w.e.f. 26-06-2020 with the condition that she, on restoration to her original post, will be placed below her erstwhile juniors promoted to higher post during subsistence of the period of penalty. On restoration, she was posted as Senior Women Medical officer (BS-18) vide notification No. SOE(PWD)Misc/Inquiry/2018/FATA/650-61 dated 31.08.2020 by the Population Welfare Department, Khyber Pakhtunkhwa (Annex-XVIII).
- 13. Aggrieved with the penalty of downgrading from BS-18 to lower post in BS 17 for one year, Dr. Lal Zari filed appeal No. 1299/2019 on 02-10-2019 before the Honorable Service Tribunal Peshawar with the prayer that on acceptance of this appeal the impugned orders dated 25-06-2019 and 06-09-2019 may very kindly be set aside and the appellant may be restored on her original post i.e Deputy Director (BPS-18) with all back benefits including seniority and that the respondents may further please be directed to grant back benefits to the appellant for the intervening period i.e. w.e.f the date of dismissal (20-05-2015) till the date of reinstatement (25-06-2019). It is pertinent to mention that even in the said Appeal, Health Department was not arrayed as party nor the penalty was challenged on the ground that being employee of Health Department under deputation to Population Department has no lawful authority to pass order without the cognizance of Health Department.
- 14. This service appeal was accepted by the Service Tribunal on 14.04.2023 setting aside the impugned order of imposition of penalty with disciplinary proceedings wherefrom it

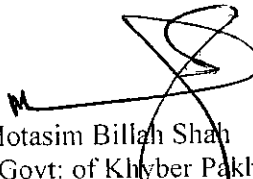
resulted and appeal was accepted as prayed for. Parties were left to bear their own costs

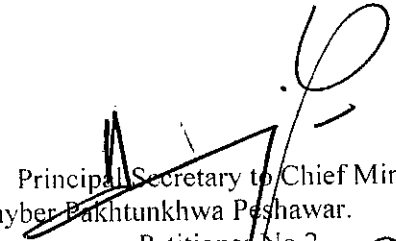
(copy of judgment is at Annex-XIX)

15. That the judgment of this honorable tribunal is not practically implementable for the reason that during the year 2020 the service of the petitioner was repatriated by the health department vide notification dated 09/12/2020. **(Annex-XX)**
16. That it was completely a new fact which surfaced that the petitioner/ appellants were also employed in Health department in the year 2007. It is pertinent to mention that the petitioner joined Population Welfare Directorate FATA Secretariat on initial appointment in Population Welfare Program/Project on 31/07/2006 and no NOC issued by Population Welfare Directorate FATA Secretariat for joining Health Department in 2007.
17. That employment of Petitioner/Appellant in Health Department had not been communicated to the Population Welfare Department. In response to the above notification the Population Welfare Department time and again sought response from the Health Department but no response has been received. **(Annex-XXI)**
18. That the Health Department has already taken the Petitioner/Appellant on their strength and granted BS-18 and then BS-19. Copy of seniority list downloaded from website of the Health Department is attached as **(Annex-XXII)**.
19. That the respondent had filed the main service appeal without impleading the Health Department wherein execution petition she arrayed the Health Department. Which shows malafide and ill will of the respondents/petitioners. Hence the present execution petition is liable to be dismissed with cost.
20. Since the petitioner has deliberately concealed material fact from this honorable tribunal with mala fide intention and managed to fraudulently place herself in the seniority list of Health Department followed by illegal promotions in Health Department. Therefore, keeping in view this illegal conduct of the appellant, she disentitled herself from claiming any relief from the Population Welfare Department.

It is therefore most humbly prayed that on acceptance of this application under section 12(2) CPC in the Execution Petition may kindly be dismissed.

for 
Nadeem Aslam Chaudhry
Chief Secretary,
Govt. of Khyber Pakhtunkhwa Peshawar
Petitioner No.1


Motasim Billah Shah
Secretary to Govt: of Khyber Pakhtunkhwa
Population Welfare Department,
Petitioner No.3


Principal Secretary to Chief Minister,
Khyber Pakhtunkhwa Peshawar.
Petitioner No.2
Principal Secretary
to Chief Minister
Khyber Pakhtunkhwa
Ayesha Ihsan
Director General
Population Welfare Khyber Pakhtunkhwa
Petitioner No.4

(S)

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,

PESHAWAR

In Service Appeal No.1299/2019 in Execution Petition No. 958/2023.

1. Chief Secretary, Govt. of Khyber Pakhtunkhwa Peshawar.
 2. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa Peshawar.
 3. Secretary Population Welfare Department Govt of Khyber Pakhtunkhwa Peshawar.
 4. Director General Population Welfare Govt of Khyber Pakhtunkhwa Peshawar.
- (Petitioners)

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Dr. Lal Zari, D/O professor Muhibullah R/O Sector N-1, House No. 4 Street No.1,
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Khyber Pakhtunkhwa Peshawar

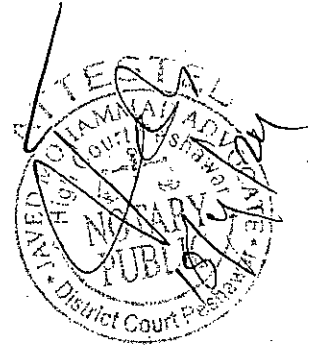
..... (Respondent)

AFFIDAVIT

I Motasim Billah Shah Secretary Population Welfare, do solemnly affirm and declare that the contents of Objection Petition are true and correct to the best of my knowledge and belief and that nothing has been concealed therein from this Honorable Court. It is further stated on oath that in this appeal the answering respondents have neither been placed ex-parte nor their defense has been struck off.

DEPONENT

Secretary Population Welfare
Department.



POPULATION WELFARE DIRECTORATE
ABSHAR COLONY ST: NO-06
WARSAK ROAD PESHAWAR

F.No. 1(1)/Vol-II/2005-06/Pop/313-28

Date: 11/07/2006

APPOINTMENT ORDER

On the recommendations of NWFP Public Service Commission, received vide their letter F.No. SRD/13069 dated 16/02/2006, the Competent Authority has been appointing Dr. Lal Zari Begum as Women Medical Officer (BPS-17) in the Population Welfare Programme/project with immediate effect, on contract basis till the completion or wind-up of the program/project by the government as the case may be, and as prescribed in the following terms and conditions:

TERMS & CONDITIONS OF EMPLOYMENT ON CONTRACT BASIS

1. BPS-17 Pay (7140-535-17840)
2. He/She will get pay admissible as per scale (minimum) BPS-17 plus allowances admissible under the rules. He will also be entitled to annual increment as per existing government policy.
3. His service will be to the satisfaction of this directorate and liable to termination with or without any reason on two months notice from either side. In case of termination without notice by the undersigned employer or two months notice from the employee for resignation, two months pay and allowances shall be paid by the government or refundable by the employee as the case may be.
4. The employee will contribute C.P.F at the rate of 10 percent of minimum pay scale and equal amount of 10 percent contribution will be made by the government as per rules.
5. He will be allowed Conveyance, Medical & House Rent Allowance and T.A. as per government rules.
6. He has to join duty at his own expenses.
7. He should produce medical fitness certificate from the Medical Superintendent Civil Hospital before reporting his arrival for duty in this directorate as required under the rules.

If she accepts this post on the above conditions he should report for duty to the undersigned within 14 days of the receipt of this offer/appointment order and produce original certificate, testimonials in connection with his qualification, domicile and computerized national identity card.

Amir
Assistant Director (Litigation)
Population Welfare Department
Khyber Pakhtunkhwa

Pervez Khan
Project Director/DD
Population Welfare Directorate

Copy to:-

1. PS to Secretary FATA Governor Secretariat FATA.
2. Deputy Secretary Services G.S FATA as per his advice on file please.
3. Additional Accountant General (PR) Sub Office NWFP Peshawar.
4. All Agency Account Officers for information.
5. All Agency Population Welfare Officers for information.
6. Official Concerned.
7. Account Assistant (local) Directorate of Population Welfare Governor's Secretariat FATA.

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5/11

7

POPULATION WELFARE DIRECTORATE
ABSHAR COLONY ST: NO 06
WARSAK ROAD PESHAWAR.

F. No. 1(1)/Vol-II/2005-06/Pop/313-29

Date: 17/07/2006

APPOINTMENT ORDER

On the recommendations of NWFP Public Service Commission received vide their office letter F.No-SRD/13669 dated 16/02/2006, the Competent Authority has been please appointing Dr. Lal Zari-Begum as Women Medical Officer (BPS-17) in the Population Welfare Programme/project with immediate effect, on contract basis till the completion or wind up of the program/project by the Government as the case may be and as prescribed in the following terms and conditions.

TERMS & CONDITIONS OF EMPLOYMENT OF CONTRACT BASIS.

1. BPS-17 Pay (7140-535-17840).
2. He/She will get pay admissible as per scale (minimum) BPS-17 plus allowances admissible under the rules. He will also be entitled to annual increment as per existing government policy.
3. His service will be to the satisfactory of this directorate and liable to termination with or without any reason on two months notice form either side. In case of termination without notice by the undersigned employer of two months notice from the employee for resignation, two months pay and allowances shall be paid by the government or refundable by the employee as the case may be.
4. The employees will contribute C.P.F at the rate of 10 percent of minimum pay scale and equal amount of 10 percent contributed will be made by the government as per rules.
5. He will be allowed Conveyance, Medical & House rent Allowance and T.A as per government rules.
6. He has to join duty at his own expenses.
7. He should produce medical fitness certificate from the Medical Superintendent Civil Hospital before reporting his arrival for duty in this directions as required under the rules.

If she accepts this post on the above conditions he should report for duty to the undersigned within 14 days of the receipt of this offer/appointment order, and produce original certificate testimonials in connection with this qualification, domicile and computerized national identity card.

Fervez Khan
Project Director/DD
Population Welfare Department

Copy to:-

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6. Official Concerned.
7. Account Assistant (local) Directorate of Population Welfare Governors Secretariat FATA.

Project Director/DD
Population Welfare Department

8

Annex-I

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POPULATION WELFARE DIRECTORATE
FATA SECRETARIAT
ABSHAR COLONY ST#6
WARSAK ROAD, PESHAWAR
Ph# 001-9212711

POPULATION WELFARE DIRECTORATE/2006-07/Pop/182-33

Date: 16/7/2006

CORRIGENDUM

In partial modification to appointment order F.No.103/Moi-1/2005-06/Pop/313-
~~31/07/2006~~ of Dr. Lal Zari Women Medical Officer, (BPS-17) the order may please
~~be~~ on the recommendation of NWFP Public Service Commission received vide letter No
~~13669~~ dated 16/2/2006, the Competent Authority has been pleased to appoint Dr. Lal Zari
~~Women~~ Medical Officer, (BPS-17) on regular/temporary vacant post of Assistant Director
~~(BPS-17)~~ as per Provincial Government rules of civil servants.

TERMS & CONDITION

1. BPS-17 Pay (7140-535-178040)
2. She will get pay admissible as per scale (minimum) BPS-17 plus allowances admissible under the rules. She will also be entitled to annual increment as per Government policy.
3. The employee will contribute C.P.F. at the rate of 10 percent of minimum pay scale and equal amount of 10 percent contribution will be made by the government as per rules.
4. She will be allowed Conveyance, Medical & House Rent Allowance and T.A as per government rules.
5. She has to join at his own expenses.
6. She should produce medical fitness certificate from the Medical Superintendent Civil Hospital before reporting his arrival for duty in this directorate as required under the rules.

If she accepts this post on the above conditions she should report for duty to the undersigned within fourteen days of the receipt of this offer/appointment order, and produce original certificate testimonials in connection with his qualification, domicile and computerized national identity card.

[Signature]
Assistant Director (Litigation)
Population Welfare Department
Khyber Pakhtunkhwa

Assistant Director (Litigation)
Population Welfare Department
Khyber Pakhtunkhwa

Sd/xxxxxx
Director Health and Population
FATA

Copy to:

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2. Deputy Secretary, Service GS FATA, as per his advise on file please.
3. Additional Accountant General (PR) Sub Office NWFP Peshawar.
4. All Agency Account Officers for information.
5. All Agency Population Welfare Officers for information.
6. Officer concerned.
7. Account Assistant (Local) Directorate of Population Welfare Directorate FATA.

[Signature]
Director Health and Population
FATA

CORRIGENDUM

In partial modification to appointment order F.No. 1(1)vol-II/2005-06/Pop/103-29 dated: 31/07/2006 of Dr. Lal Zari Women Medical Officer, (BPS-17) the order may please be read as on the recommendation of NWFP Public Service Commission received file letter No SRD/13669 dated 16/2/2006. The Competent Authority has been pleased to appoint Dr Lal Zari (Women Medical Officer, (BPS-17) on regular /temporary vacant post of Assistant Director (Medical) as per Provincial Government rules of civil servants.

TERMS & CONDITION

1. BPS-17 Pay (7140-535-178040)
2. She will get pay admissible as per scale (minimum) BPS-17 plus allowances admissible under the rules. She will also be entitled to annual increment as per Government policy.
3. The employee will contribute C.P.F at the rate of 10 percent of minimum pay scale and equal amount of 10 percent contribution will be made by the government as per rules.
4. She will be allowed Conveyance, Medical & House Rent Allowance and T.A. as per government rules.
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6. She should produce medical fitness certificate from the Medical Superintendent Civil Hospital before reporting his arrival for duty in this directorate as required under the rules.

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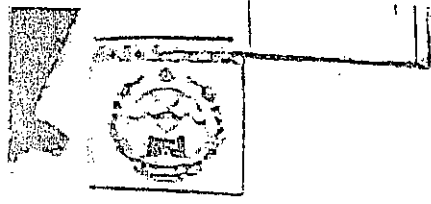
Sd/xxxxx

Director Health and Population
FATA

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2. Deputy Secretary Service GS FATA as per his advise on file please.
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4. All agency Account Officers for information.
5. All agency Population Welfare Officer for information.
6. Officer concerned
7. Account Assistant (Local) Directorate of Population Welfare Directorate FATA.

Director Health and Population
FATA



Amir 2

FATA SECRETARIAT 18/43
SOCIAL SECTORS DEPARTMENT 10
Date: 30.04.2013
Amir 2

NOTIFICATION:-

No. SO(SSD)/FS/Pop/5(1)2013/3498-3517. On the recommendation of Departments Promotion Committee and in pursuance of the approval of the Governor, Khyber Pakhtunkhwa Dr. Lal Zari, Women Medical Officer Population Welfare Department FATA is hereby promoted from BPS-17 to BPS-18 on regular basis.

On her promotion she is posted as Deputy Director Population Welfare Department FATA with immediate effect.

Secretary Social Sectors

Copy to :-

1. Secretary Planning & Development Division Islamabad.
2. Secretary States and Frontier Regions Division Islamabad.
3. Principal Secretary to Governor Khyber Pakhtunkhwa
4. All Secretaries FATA Secretariat.
5. Additional Accountant General (PR) Sub Office Peshawar.
6. All Agency Population Welfare Officers FATA.
7. Officer concerned
8. Manager Government Printing & Stationery Department Khyber Pakhtunkhwa
9. PS to Chief Secretary, Khyber Pakhtunkhwa.
10. PS to Additional Chief Secretary FATA

Deputy Secretary (SSSD)

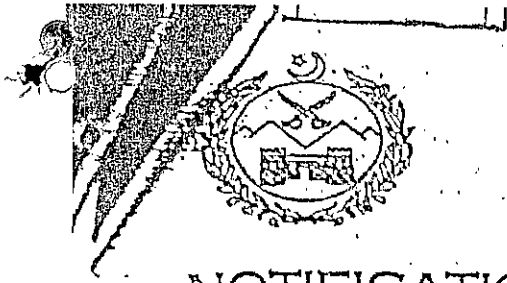
Shamir
Assistant Director (Litigation)
Population Welfare Department
Khyber Pakhtunkhwa

O/C

For

Shamir

circulate to all APWS for
information of PWD staff
Contd.



FATA SECRETARIAT
(SOCIAL SECTOR DEPARTMENT)
WARSAK ROAD, PESHAWAR

NOTIFICATION:-

No.FS/SSDI/6699-708. WHEREAS, Dr. Leela (10-10) Deputy Director Population Welfare (FATA) was proceeded against (by Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 1974) in inquiry captioned; "Purchase of Misbranded and Spurious Medicines" for the following:-

2- She was placed under suspension vide Notification No 400/5 dated 18-09-2014 and served with Charge Sheet and Statement of Allegations. The latter bears No.FS/E/100-98 (Inq-Medicines)/15910-12 dated 17-10-2014.

3- AND WHEREAS, an inquiry was conducted by a Committee comprised Mr. Sikander Qayyum (PAS BS-20) Secretary Finance Department FATA Secretariat a Mr. Shakeel Qadir Khan (PAS BS-19) Secretary Law & Order Department FATA Secretariat vide Administration, Infrastructure & Coordination Department FATA Secretariat letter No.FS/E/100-98 (Inq-Medicines)/15913-15 dated 17-10-2014 to enquire into charges levelled against her. The charges as provided for in the Charge Sheet and Statement Allegations are as under:-

S.No of Charge	Text of Charge
(a)	While procuring medicines of millions of rupees you violated the Procurement Policy of Government of Pakistan of PPRA Rule 12 Sub-para & 2, Rule 22 Para 1 & 2, Rule 28, Rule 31 & Rule 39.
(b)	She added an extra member in purchase committee without approval or did not obtain signature on each page of the comparative statement from all members of Purchase Committee. Constituted Technical Committees non-technical persons.
(c)	You nominated Dr. Rooh-ul-Aja WMO Khyber vide letter No. F.No1(1)/2013 POP/7781-65 dated 17-05-2013 but obtained signature from Dr. Na Wadood AD PWD on comparative statement of purchase committee with lawful authority.
(d)	Failed to maintain proper store record as per instructions contained at Pa 148, 149, 151 & 152 of GFR.
(e)	Received misbranded medicines in term of Drug Labeling Packing R 1956 & Section 23(1) a ill-Drug Act.1976.
(f)	Violated ToR No. 4 of Tender by not entering into an agreement with suppliers and depositing 10% amount as security from the success bidders.
(g)	Received millions of rupees from State Bank in cash and made a payment to the suppliers before completion of delivery. (Delivery not completed).
(h)	Violated Para 117 CPWD Code and Para-6.51 a Hand Book for DDO 2 and made payment before obtaining report from Drug Testing Laboratory Khyber Pakhtunkhwa.
(i)	Ignoring MCC List and made purchase from unknown companies violated the instruction / Notification of Government of Khyber Pakhtunkhwa vide No. 1676-1928/MCC dated 22-12-2011.
(j)	Violated office procedure as per para 35C and 38 of the Secretariat, MA (Khyber Pakhtunkhwa) by submitting file to higher authority (Secret directly).

Amad
Assistant Director (Litigation)
Population Welfare Department
Khyber Pakhtunkhwa

Steno

*circulate to all APWS for
intentional of PWD staff*

NOTIFICATION :-

No. FS/SSD/6699-708. WHERE. Dr. Lal Zari (BS-18) Deputy Director Population Welfare (FATA) was proceeded against under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011 in inquiry captioned "Purchases of Misbranded and Spurious Medicines" for the Directorate.

2. She was placed under suspension vide Notification No. 423-A dated 18-00-2014 and served with Charge sheet and Statement of Allegations vide letter bearing No. FS/E/100-98 (Inq-Medicines)/15910-12 dated 17-10-2014.

3- AND WHEREAS, an inquiry was conducted by a Committee comprised Mr. Sikandar Qayyum (PAS BS-20) Secretary Finance Department FATA Secretariat and Shakeel Qadir Khan (PAS BS-19) Secretary Law & Order Department FATA Secretariat vide Administration, Infrastructure & Coordination Department FATA Secretariat letter No. FS/E/100-98(Inq-Medicines)/15913-15 dated 17-10-2014 to enquire into charge leveled against her. The charges as provided for in the Charge Sheet and Statement of Allegations are as under:-

S.No of Charge	Text of Charge
a)	While procuring huge medicines worth of millions of rupees you violated the Procurement Policy of Government of Pakistan of PPKA Rule 12 Sub Para 1 & 2, Rule 22 Para 1 & 2, Rule 28, Rule 31 & Rule 39.
b)	She added an extra member in purchase committee without approval and did not obtain signature on each page of the comparative statement from the members of Purchase Committee. Constituted Technical Committees of non-technical persons.
c)	You nominated Dr. Rooh-ul-Ala WMO Khyber vide letter No. F.No I(1)/2012-13 POP/7761-65 dated 17-05-2013 but obtained signature from Dr. Naila Wadood AD PWD on comparative statement of purchase committee without lawful authority.
d)	Failed to maintain proper store record required under Paras 143, 149, 151 & 152 of GFR.
e)	Received misbranded medicines in term of Drug Labeling Packing Rule 1956 & Section 23(1) a iii Drug Act 1976.
f)	Violated NIT TOR No. 4 of Tender by not entering into an agreement with the suppliers and depositing 10% amount as security from the successful bidders.
g)	Received millions of rupees from State Bank in cash and made cash payment to the suppliers before completion of delivery (Delivery not yet completed).
h)	Violated Para 117 CPWD Code and Para No. 6.51 of (A) Hand Book for DDO 2003 and also made payment before obtaining report from Drug Testing Laboratory of Khyber Pakhtunkhwa.
i)	Ignored MCC List and made purchases from unknown companies and violated the instructions / Notification of Government of Khyber Pakhtunkhwa vide No. 1676-1926/MCC dated 22-12-2011.
j)	Violated office procedure as per Para 35C and 38 of the Secretariat. Manual by passing higher officer and submitting file to higher authority (Secretary) directly.

S.No of Charge	Text of Charge
(k)	That you purchased the following 10 No's medicines which declared sub-standard / spurious and manufacturer of some of unknown in which food supplements is in bulk. i. Capsules Active C, B.No. Nil. ii. Tablets Ascorbic Acid, B. No. 725. iii. Tablets Rumin 400mg, B. No. 1111. iv. Infusion Azogyl, B. No. SL 04. v. Tablets Folic Acid 5mg, B. No. 41 vi. Tablets Elprim-DS, B. No. 278. vii. Tablets Rumin-400 (ANKAZ Pharmax Pvt. Ltd.) viii. Inj. Diazepam (S.J&G Fazal Elahi, Pvt. Karachi). ix. Inj. Dexone (Uni-Tech Pharmaceutical Pvt. Ltd, Karachi, P x. Food Supplement (Milko Max).
(l)	Made procurement of Millions of rupees by giving tender to family and extended undue favour and give benefit to near and dears.

4- The Inquiry Committee finalized its report and determined the charges as proved:-

S.No of Charges	Text of Charges Proved
(b)	She added an extra member in purchase committee without approval and did not obtain signature on each page of the comparative statements of Purchase Committee and constituted technical and non-technical members.
(c)	She nominated Dr. Rooh-ul-Ala Woman Medical Officer Khyber member but obtained signature from Dr. Naila Wadood Assistant I comparative statement of purchase committee without lawful authority.
(e)	She received misbranded medicines in term of Drug Labeling Part 1956 & Section-23(1) a iii Drug Act 1976.
(f)	She violated TOR-No.4 of Tender by not entering into an agreement with suppliers and depositing 10% amount as security from the bidder.
(g)	She received millions of rupees from State Bank in cash and no payment to the supplier before completion of delivery of medicines.
(l)	Made procurement of Millions of rupees by giving tender to family and extended undue favour and give benefit to near and dears.
(a) Partially Proved	Violation of Procurement Policy of Government of Pakistan of PPR
(k) Partially proved	Declaration of 4/5 medicines being food supplements standard/spurious.

5- The Report was submitted to the Competent Authority (Khyber Pakhtunkhwa) who after perusal and examination of the inquiry as well as giving opportunity of Personal Hearing to the said Deputy Director (2015) to defend herself/comment on the findings of the report was communicated to her in writing. She failed to defend the allegations.

Assistant Director (Litigation)
Population Welfare Department
Khyber Pakhtunkhwa

6- In exercise of powers as Appointing/Competent Authority Notification No.FS/C-II/52-1/4192-4202 dated 20-08-2010, the Governor Khyber Pakhtunkhwa in his capacity as the Competent Authority, on the basis of findings imposed the major penalty of Dismissal from Service on the accused officer under Rule-4 (b)-(iv) of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011.

k)	<p>That you purchased the following 10 No's medicines and the same were declared sub-standard / spurious and manufacturer of some of them was in which food supplements is in bulk.</p> <ul style="list-style-type: none"> i. Capsules Active C. B.No. Nil. ii. Tablets Ascorbic Acid, B. No. 725. iii. Tablets Rumin 400mg, B. No. 1111. iv. Infusion Azogyl, B. No. SL 04. v. Tablets Folic Acid 5mg, B. No. 41 vi. Tablets Biprim-DS, B. No. 276. vii. Tablets Rumin-400 (ANKAZ Pharmex Pvt. Ltd. viii. Inj. Diazepam (S,J&G Fazal Elahi, Pvt. Kara L.S. ix. Inj. Dexone (Uni-Tech Pharmaceutical Pvt. Ltd. Karachi, Pakistan). x. Food Supplement (Milko Max).
l)	<p>Made procurement of Millions of rupees by recommending tender of family members and extended undue favor and give benefits to near and dears.</p>

4- The Inquiry Committee finalized its report and determined the charges as proved:-

S.No of Charge	Text of Charge Proved
(b)	<p>She added an extra member in purchase committee without approval and did not obtain signature on each page of the comparative statement from the members of Purchase Committee. Constituted Technical Committees of non-technical members.</p>
(c)	<p>She nominated Dr. Rooh-ul-Ala Women Medical Officer Khyber as member but obtained signature from Dr. Naila Wadood Assistant Director on comparative statement of purchase committee without lawful authority.</p>
(e)	<p>She received misbranded medicines in term of Drug Labeling Packing Rule 1956 & Section 23(1) a iii Drug Act 1976.</p>
(f)	<p>She violated NIT TOR No. 4 of Tender by not entering into an agreement with the suppliers and depositing 10% amount as security from the successful bidders.</p>
(g)	<p>She received millions of rupees from State Bank in cash and made cash payment to the suppliers before completion of delivery of medicines.</p>
(l)	<p>Made procurement of Millions of rupees by giving tender of family members and extended undue favor and give benefits to near and dears.</p>
(a) Partially Proved	<p>Violation of Procurement Policy of Government of Pakistan of PPR.</p>
(k) Partially Proved	<p>Declaration of 4/5 medicines being food supplements standard/spurious.</p>

5- The Report, was submitted to the Competent Authority Khyber Pakhtunkhwa who after perusal and examination of the inquiry well as giving opportunity of personal hearing to the said Deputy Director in 2015 to defend herself/comment on the findings of the report communicated to her in writing. She failed to defend the allegations.

6- In exercise of powers as Appointing/Competent Authority Notification No. FS/C-II/52-1/4192-4202 dated 20-08-2010, the Government of Khyber Pakhtunkhwa in his capacity as the Competent Authority, on the basis of inquiry report imposed the major penalty of Dismissal from Service on the accused of Rules-4 (b)-(iv) of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011.

7- Foregoing in view the above, Dr. Lal Zari (BS-13) Deputy Director Population Welfare Officer (FATA) is "Dismissed from Service" with immediate effect.

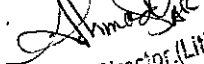
By the Orders of Governor Khyber Pakhtunkhwa
(COMPETENT AUTHORITY)

Dated 21/5/2015

Copy to:-

1. Military Secretary to Governor Khyber Pakhtunkhwa
2. Principal Secretary to Governor Khyber Pakhtunkhwa
3. Secretary A, I&C Department FATA Secretariat
4. Director Health Services (FATA)
5. Additional Accountant General (PR) Sub Office Peshawar
6. Deputy Director Population Welfare (FATA)
7. Section Officer (Estab), A, I&C Department FATA Secretariat
8. All Agency Population Welfare Officers
9. PS to Additional Chief Secretary FATA Secretariat
10. Individual concerned

Secretary Social Sectors


Assistant Director (Litigation)
Population Welfare Department
Khyber Pakhtunkhwa

from Service on the accused of Rules-4 (b)-(iv) of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011.

7- Foregoing in view the above. Dr. Lal Zari (BS-18) Deputy Director Population Welfare Officer (FATA) is "Dismissed from Service" with immediate effect.

**By the Orders of Governor Khyber Pakhtunkhwa
(COMPETENT AUTHORITY)**

Dated 21/5/2015

Copy to:-

1. Military Secretary to Governor Khyber Pakhtunkhwa.
2. Principal Secretary to Governor, Khyber Pakhtunkhwa.
3. Secretary A,I&C Department FATA Secretariat.
4. Director Health Services (FATA).
5. Additional Accountant General (PR), Sub Office Peshawar.
6. Deputy Director Population Welfare (FATA).
7. Section Officer (Estab), AI&C Department FATA Secretariat.
8. All Agency Population Welfare Officers.
9. PS to Additional Chief Secretary, FATA Secretariat.
10. Individual concerned.

Secretary Social Sectors

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P. 10000 - V

01/08/2015

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Appeal No. 976/2015

Date of Institution ... 01.09.2015

Date of Decision ... 31.08.2018

Dr. Lal Zari. Ex: Deputy Director (BPS-18), Population Welfare Department
FATA, FATA Secretariat, Warsak Road, Khyber Pakhtunkhwa Peshawar

(Appellant)

VERSUS

1. The Additional Chief Secretary FATA, FATA Secretariat, Warsak Road,
Khyber Pakhtunkhwa, Peshawar and 4 others. ... (Respondents)

Mr. Noor Muhammad Khattak,
Advocate

--- For appellant.

Mr. Ziaullah,
Deputy District Attorney

--- For respondents.

MR. AHMAD HASSAN,
MR. MUHAMMAD AMIN KHAN KUNDI

--- MEMBER(Executive)

--- MEMBER(Judicial)

JUDGMENT

AHMAD HASSAN, MEMBER. - Arguments of the learned counsel for the
parties heard and record perused.

FACTS

2. Brief facts of the case are that the appellant was appointed as Women
Medical Officer in Population Welfare Department vide notification dated
27.07.2006. That she was promoted as Deputy Director Population Welfare FATA,
vide notification dated 01.12.2012. That on the basis of an
anonymous/pseudonymous complaint/letter, disciplinary proceedings were initiated
against her and winding up major penalty of dismissal from service was imposed
vide impugned notification dated 21.05.2015. The appellant preferred departmental

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Appeal No. 976/2015

Date of institution 01-09-2015

Date of Decision 31-08-2018

Dr. Lal Zar Ex- Deputy Director (BPS-18), Population Welfare Department FATA, FATA Secretariat, Warsak Road, Khyber Pakhtunkhwa Peshawar.

VERSUS

1. The Additional Chief Secretary FATA, FATA Secretariat Warsak Road, Khyber Pakhtunkhwa Peshawar and 4 others.

Mr. Noor Muhammad Khattak

Advocate

--- For Appellant

Mr. Ziaullah

Deputy District Attorney

--- For respondent.

MR. AHMAD HASSAN

--- MEMBER (EXECUTIVE)

MR. MUHAMMAD AMIN KHAN KUNDI

--- MEMBER (JUDICIAL)

JUDGMENT

AHMAD HASSAN, MEMBER:- Arguments of the learned counsel for the parties heard and record perused.

FACTS

2. Brief facts of the case are that the appellant was appointed as Women Medical Officer in Population Welfare Department vide notification dated 27-07-2006. That she was promoted as Deputy Director Population Welfare FATA vide notification dated 01.12.2012. That on the basis of an anonymous/pseudonymous complaint/letter, disciplinary proceedings were initiated against her and winding up major penalty of dismissal from service was imposed vide impugned notification dated 21.05.2015. The appellant preferred departmental

appeal on 25.05.2015, which was rejected on 10.08.2015, hence, the instant appeal.

ARGUMENTS

Learned counsel for the appellant argued allegations leveled against her were unfounded/baseless, hence, denied in her reply to charge sheet/statement of allegations. Proper inquiry in accordance with the procedure laid down in E&D Rules 2011 was not conducted. Show cause alongwith copy of inquiry report was not served on the appellant. It is not clear whether statements of witnesses were recorded by the inquiry committee, as the record is silent. Proper opportunity of cross examination was also denied to the appellant. Purchase committee notified by the respondents was headed by Secretary Social Sector, FATA, alongwith seven other members. However, they were not touched by the inquiry committee, which lend credence to the fact that the appellant was made scapegoat to save the skin of others. Similarly the report is also silent on the role of technical committee. The inquiry committee also recommended disciplinary action against Mr. Fakhar Alam, Store Keeper and Mr. Rashid Ahmad under E&D Rules, 2011, but to no avail. It appears that only the appellant was victimized, which amounts discrimination under Article-25 of the Constitution. Respondents also failed to produce record to substantiate whether Accountant General PR was approached to take action against its officials. Reliance was placed on case reported as 2011 PLC(CS) 1111, 2005 PLC (CS) 311, 2012 TD Tr.(Services) 12, PLJ 2011 Tr.C(Services) 1, PLJ 2008 SC 65 and 2007 SCMR 1860.

On the other hand, learned Deputy District Attorney argued that impugned notification was issued in accordance with law and rules. All codal formalities were observed during the inquiry proceedings and the appellant was found guilty. Article 24 and 25 of the Constitution were not violated.

Appeal on 25.05.2015, which was rejected on 10.08.2015, hence, the instant service appeal.

ARGUMENTS

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CP

CONCLUSION

5. Upon minute examination of the inquiry report some glaring discrepancies were noticed which led us to conclude that it was not conducted in just, fair and transparent manner. Perusal of reply of the appellant to the charge sheet and statements of allegations revealed that purchase committee headed by the Secretary Social Sector (FATA) alongwith seven others members, was constituted to oversee the process of procurement. Similarly the technical committee was constituted after obtaining approval from the Secretary Social Sector (FATA). Bids invited were opened on the directions of the Secretary SS by a broad based committee having representation of relevant stakeholders. Comparative statement was signed by the concerned and finally by the Secretary, Social Sector (FATA). In case there were deficiencies in the comparative statement was it not the responsibility of Secretary concerned as Head of the department to take corrective measures 'stop the process'. He can't absolved of his responsibility. The inquiry committee should have recorded statements of members of purchase committee/technical committee and thereafter should have analyzed their role in their findings. While responding to the charge at Sr. No. b of the charge sheet the appellant in her reply stated that representative of A&C Department was included to participate in the proceedings of the procurement committee on the verbal advice of SSS (F). Why this fact was not got verified from the Secretary SS to meet the ends of justice? While in reply to charge at Sr. No. c she leveled certain accusations against Mr. Fakhar Alam, Store Keeper and Mr. Muhammad Kamran. It was the duty of the inquiry committee to have recorded their statements, but the ^{report} ~~report~~ was silent on this issue.

6. In addition to this reply furnished to the enquiry committee by the official respondents was also worth perusal. In this reply fingers were pointed out towards Secretary Social Sector (FATA) being responsible for certain lapses. It was quite strange why the Secretary Social Sector not associated with inquiry proceedings.



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6. In addition to this reply furnished to the enquiry committee by the official respondents was also worth perusal. In this reply fingers were pointed out towards Secretary Social Sector (FATA) being responsible for certain lapses. It was quite strange why the Secretary Social Sector not associated with inquiry proceedings?

Was it intentional or otherwise? Fairness demanded that his statement should have been recorded to counter the allegations leveled by the appellant and those contained in the official reply. We apprehend that the appellant was made an escapegoat to save the skin of others. Action of the enquiry committee also goes against the spirit of E&D Rules 2011. Firstly statements of all concerned including Secretary should have been recorded in the presence of the appellant and thereafter opportunity of cross examination should have been given to her. It is a serious departure from the laid down procedure and is sufficient for making the proceedings illegal/unlawful. The inquiry committee also proposed disciplinary action against Mr. Fakhar Alam, Store Keeper and Mr. Rashid Ahmad but during the course of hearing official respondents when confronted on this point were clueless. Similarly, no documentary evidence was produced to substantiate that action against the officials of AGPRs as proposed by the enquiry committee was taken.

7. Another glaring illegality noticed in the impugned order was that no show cause notice was served on the appellant and as such Sub-Rule (1) (4) (c) of Rule-14 of E&D Rules 2011 was violated. Reliance is placed on case law reported as 2005 SCMR 678, the Supreme Court of Pakistan held that "according to the principle of natural justice enshrined in "Audi Alteram Partem" is one of the most important principles and its violation is always considered enough to vitiate even most solemn proceedings. Where adverse action contemplated to be taken against person/persons, he/they would have a right to defend such action, notwithstanding the fact that the statute governing their rights does not contain provision of the principles of natural justice and even in the absence thereof, it is to be considered as a part of such statute in the interest of justice". In these circumstances, the opportunity of fair trial was not afforded to the appellant and condemned unheard. Similarly no speaking order was passed on the departmental appeal of the appellant. The competent authority

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was required under the law/rules to give reasons for rejection of appeal. As such Section-24-A of General Clauses Act was Violated.

8. As a sequel to the above, the appeal in hand is accepted and the pugn order is set aside. The respondents are directed to conduct de-novo enquiry against the appellant strictly in accordance with the law and conclude the same within a period of ninety days from the date of receipt of this judgment. The award of back benefits shall be subject to the final outcome of the de-novo inquiry. Parties are left to bear their own costs. File be consigned to the record room.

Sd

Ahmad Hassan
member

Sd

M. Amin Khan Kundi
member

[Handwritten signature]

11-9-2018

Date
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Sameullah

11-9-2018
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-Sd-
MR. MUHAMMAD AMIN KHAN KUNDI
(MEMBER (JUDICIAL))

-Sd-
MR. AHMAD HASSAN
(MEMBER (EXECUTIVE))

27



GOVERNMENT OF
KHYBER PAKHTUNKHWA,
POPULATION WELFARE DEPARTMENT

2ND FLOOR, A-BLOCK, ABUL WALI KAH
MULTIPLEX, CIVIL SECRETARIAT, PESHAWAR.
PH: NO. 091-9211111 FAX NO. 091-
9222730

ibrahim66pk@gmail.com

Facebook: @PWDKP

Twitter: @PWDKP

No. SOE(PWD)Misc/Inqur/2018/4470-70
Dated Peshawar, the 02-11-2018:

To
Mr. Daud Khan,
Secretary to Govt of Khyber Pakhtunkhwa,
Irrigation Department, Peshawar.

Subject: APPEAL NO. 976/2015 DR. LAL ZARI VS ACS FATA AND OTHERS.

Dear Sir,

I am directed to refer to the subject noted above and to state that the competent authority i.e Chief Secretary, Khyber Pakhtunkhwa has been pleased to conduct de-novo inquiry against Dr. Lal Zari, (BS-18), Deputy Director, Population Welfare, Tribal District (Ex-FATA) Secretariat, Peshawar into the charges/allegation leveled in the charge sheet and statement of allegation.

A Note for Chief Secretary, Khyber Pakhtunkhwa moved by Ex-FATA Secretariat (Social Sectors Department) is attached herewith in original along with its enclosures for conducting de-novo inquiry against Dr. Lal Zari, BS-18, Deputy Director, Population Welfare.

Since limitation period of ninety days is involved, therefore it is requested to kindly submit inquiry report well before limitation period i.e 30-11-2018.

Assistant Director (Litigation)
Population Welfare Department
Khyber Pakhtunkhwa

Yours faithfully,

Encl: above

o/k

SECTION OFFICER (Estt).

Copy to:

1. The Addition Chief Secretary, Tribal District Secretariat, Peshawar with the request to kindly depute a well conversant officer in the subject case to assist the inquiry officer during the proceeding please.
2. PS to Secretary, PWD.

o/k

SECTION OFFICER (Estt).



GOVERNMENT OF KHYBER PAKHTUNKHWA
IRRIGATION DEPARTMENT

Amir
No. PS/Irrigation/2018/4470-72
Peshawar the 08/11/2018

To

The Secretary,
Social Sector / A, I & C,
FATA Secretariat Peshawar.

Subject: APPEAL No.976/2015 DR. LAL ZARI VS ACS FATA AND OTHERS

Kindly refer to letter No.SOE(PWD)Misc/Inquiry/2018/4470-72 dated 02.11.2018 Govt. of Khyber Pakhtunkhwa Population Department (Copy enclosed) on the subject noted above and to enclose charge sheet and statement of allegations with the request that the same may kindly be served upon Dr. Lal Zari, Deputy Director, Population, Tribal District (Ex-FATA Secretariat), Peshawar and direct her to appear before the undersigned on 9th November, 2018 at 02.30 PM with her written reply to the charge sheet and statement of allegations.

Furthermore, a Technical and well versant departmental representative may be directed to attend the Inquiry proceedings alongwith all relevant record on the above date, time and venue please.

(Dawood Khan)
Secretary Irrigation

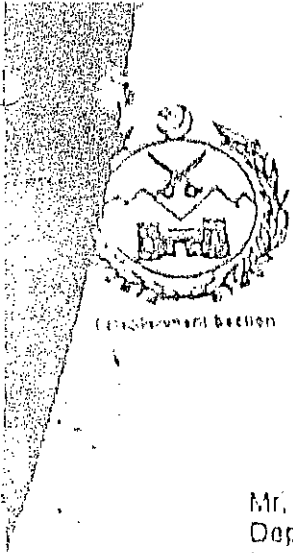
Endsst. & date even.

Copy of the above is forwarded to Section Officer (Estt.) Govt. of Khyber Pakhtunkhwa Population Department w/r to letter No.SOE(PWD)Misc/Inquiry/2018/4470-72 dated 02.11.2018

Shahid Ali
Assistant Director (Litigation)
Population Welfare Department
Khyber Pakhtunkhwa

Dawood Khan
Secretary Irrigation

DP
08/11/2018



FATA SECRETARIAT
(ADMINISTRATION, INFRASTRUCTURE & COORDINATION DEPARTMENT)
WARSAK ROAD PESHAWAR

No. FS/E/100-90/100/8322-28
Dated: 06/11/2018

Amirul VIII

Mr. Malraj Khan,
Deputy Secretary (Leyes & Khassadars),
Law & Order Department,
Merged Areas Secretariat.

SUBJECT: APPEAL NO. 076/2016 DR. LAL ZARI VS ACS FATA AND OTHERS.

I am directed to refer to the subject and to enclose herewith a copy of Irrigation Department Khyber Pakhtunkhwa letter No. PS/Irrigation/2018 dated: 5.14.2018 along with charge sheet and statement of allegations in respect of Dr. Lal Zari, Deputy Director, Population Welfare, Merged Areas Secretariat with the request to attend the office of Secretary Irrigation Department Khyber Pakhtunkhwa (Enquiry Officer) on 09th November, 2018 at 02:30 PM along with all relevant record as a departmental Representative, please.

Encl: As Above.

Amirul VIII
Assistant Director (Irrigation)
Population Welfare Department
Khyber Pakhtunkhwa

Shakeel Ahmad Jan
(Shakeel Ahmad Jan)
Section Officer (Estab)

First of even No. & dated above.

Copy forwarded to the:

1. Dr. Lal Zari, Deputy Director Population Welfare, Merged Areas Secretariat along with copy of charge sheet and statement of allegations with the direction to attend the inquiry proceedings on the aforementioned schedule along with your written reply.
2. Secretary Population Welfare Department, Khyber Pakhtunkhwa.
3. Secretary, Irrigation Department Khyber Pakhtunkhwa w.r.f to his letter as cited above.
4. PS to Additional Chief Secretary, Merged Areas Secretariat.
5. PS to Secretary AI&C Department.
6. PA to Deputy Secretary (Services), AI&C Department FATA.

Shakeel Ahmad Jan
Section Officer (Estab)

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Mr. Miraj Khan,
Deputy Secretary (Levies & Khassadars)
Law & Order Department
Merged Areas Secretariat

Subject:- APPEAL NO. 976/2015 DR. LAL ZARI V/S ACS PATA AND OTHERS.

I am directed to refer to the subject and to enclose herewith a copy of Irrigation Department Khyber Pakhtunkhwa letter No. PS/Irrigation/2018 dated 15-11-2018 along with charge sheet and statement of allegations in respect of Dr. Lal Zari, Deputy Director, Population Welfare Merged Areas Secretariat with the request to attend the office of Secretary Irrigation Department Khyber Pakhtunkhwa (Enquiry Officer) on 09th November, 2018 at 02:30 PM along with all relevant record as a departmental representative please.

Encl: As Above.

(Shakeel Ahmad Jan)
Section Officer (Estab)

Endst of even No. & date above.

Copy forwarded to the:-

1. Dr. Lal Zari Deputy Director Population Welfare Merged Areas Secretariat along with copy of charge sheet and statement of allegations with directions to attend the inquiry proceedings on the aforementioned schedule along with your written reply.
2. Secretary Population Welfare Department Khyber Pakhtunkhwa.
3. Secretary Irrigation, Department Khyber Pakhtunkhwa w.r.f to this letter as cited above.
4. PS to Additional Chief Secretary, Merged Areas Secretariat.
5. PS to Secretary AI&C Department.
6. PA to Deputy Secretary (Services), AI&C Department PATA.

Section Officer (Estab)

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Amended

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GOVERNMENT OF KHYBER PAKHTUNKHWA
IRRIGATION DEPARTMENT

No. P5/Secretary Irrigation/2018
Peshawar the, 9th November 2018



To
The Additional Chief Secretary,
FATA Secretariat, Peshawar.

Subject. APPEAL No.976/2017 DR. LAL ZARI VS ACS FATA AND OTHERS

Kindly refer to the subject noted above.

To-day i.e. 09.11.2018 Inquiry proceedings in the subject case were held in the office of the undersigned. Dr. Lal Zari (Accused) Ex-Deputy Director, Population Welfare, Merged Areas Secretariat and Deputy Secretary, Levies and Khassadars (Departmental Representative) were present at the occasion. The departmental representative informed the undersigned that he will be proceeding to Orakzai Agency in connection with the inquiry and will not be able to attend the inquiry proceedings on Tuesday 13.11.2018. Further-more, he requested that the concerned may be asked to provide all record pertaining to the subject case so as to be able to provide appropriate assistance in the inquiry proceedings.

It is, therefore, requested that Mr. Malraj Khan, Deputy Secretary (Levies & Khassadars) may please be spared made available for the next week to assist the undersigned in the inquiry proceedings and the concerned officer/officials may be directed to provide him complete record of the case.

The matter may be treated as TOP PRIORITY as it is a time bound case in light of the Judgment of Peshawar High Court Peshawar.

(Dawood Khan)
Secretary Irrigation
(Inquiry Officer)

Encl. No. & Date even.

Copy to:-

1. The Secretary to Govt. of Khyber Pakhtunkhwa, Population Welfare Department with the request to provide relevant record, if any, available with the Population Department to Mr. Malraj Khan, Deputy Secretary (Levies & Khassadars) FATA Secretariat.
2. The Secretary, Social Sector / A, I & C, FATA Secretariat, Peshawar.
3. Mr. Malraj Khan, Deputy Secretary (Levies & Khassadars) FATA Secretariat

Ahmed Ali
Assistant Director (Litigation)
Population Welfare Department
Khyber Pakhtunkhwa

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J. Khan

Dawood Khan
Secretary Irrigation

Government of Khyber Pakhtunkhwa
IRRIGATION DEPARTMENT

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No. FS/Secretary Irrigation/2018
Peshawar the, 09th November 2018.

The

The Additional Chief Secretary
FATA Secretary, Peshawar.

Subject:- APPEAL NO. 976/2017 DR. LAL ZARI VS ACS FATA AND OTHERS

Kindly refer to the subject noted above.

To-day i.e 09.11.2018 inquiry proceedings in the subject case was held in the office of the undersigned. Dr. Lal Zari (Accused) Ex-Deputy Director, Population Welfare, Merged Areas Secretariat and Deputy Secretary, Levies and Khassadars (Departmental Representative) were present at the occasion. The departmental representative informed the undersigned that he will be proceeding to Orakzai Agency in connection with the inquiry and will not be able to attend the inquiry proceedings on Tuesday 13.11.2018. Further-more, he requested that the concerned may be asked to provide all record pertaining to the subject case so as to be able to provide appropriate assistance in the inquiry proceedings.

It is, therefore, requested that Mr. Miraj Khan, Deputy Secretary (Levies & Khassadars) may please be speared made available for the next to assist the undersigned in the inquiry proceedings and the concerned officer/officials may be directed to provide him complete record of the case.

The matter may be treated as TOP PRIORITY as it is time bound case in light of the judgment of Peshawar High Court Peshawar.

(Dawood Khan)
Secretary Irrigation
(Inquiry Officer)

Endst. No. & date even.

Copy to:-

1. The Secretary to Govt, of Khyber Pakhtunkhwa, Population Welfare Department with the request to provide relevant record, if any, available with the Population Department to Mr. Mairaj Khan, Deputy Secretary (Levies & Khassadars) FATA Secretariat.
2. The Secretary, Social Sector/ A, I & C, FATA Secretariat, Peshawar.
3. Mr. Mairaj Khan Deputy Secretary (Levies & Khassadars) FATA Secretariat.

Secretary Irrigation

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Annex X

De-novo Inquiry

Against Dr. Lal Zari (BS-18) Deputy Director Population Welfare Tribal Districts formerly FATA Secretariat Peshawar.

Subject: Appeal No. 976/2015: Dr. Lal Zari Vs ACS FATA & Others


1. **Order of Inquiry:** This de-novo Inquiry has been assigned to the undersigned with the approval of the competent authority intimated vide Govt. of Khyber Pakhtunkhwa, Population Welfare Department letter No. SOE (PWD) Litigation/Inquiry/2018 Dated 02/11/2018

This inquiry is against Dr. Lal Zari, the then Deputy Director Population Welfare (PWD) Tribal Districts formerly FATA Secretariat, Peshawar. As an inquiry officer, I have to probe into the matter afresh based on available record, statements and those areas which have been left unattended, if any, so as to unearth the facts, draw correct conclusions and put forth some recommendations under E&D Rules 2011.

2. **Background:** Background of the case is that Dr. Lal Zari DD PWD (BS-18) was initially appointed as Woman Medical Officer (WMO) in the year 2006 on the recommendation from Khyber Pakhtunkhwa Public Service Commission and got posted in the Department of Population Welfare FATA Secretariat, Peshawar. Later on, she was promoted as Deputy Director Population Welfare Department (PWD) in the year 2012.

2.1. The available record reveals that the concerned officer while posted as DD population welfare floated Tender Notice in print media on 04/04/2013 for purchase of medicines, equipment and furniture for the family welfare centres of population welfare department for the fiscal year 2012-13. Copy of Tender Notice along with approval is at (ANNEX-I). While procurement process was completed and supplies were made, District Administration Peshawar along with Drug Inspector and media team on the basis of some complaint (anonymous/pseudonymous) raided the warehouse of Population welfare Directorate FATA situated at Abshar Colony Warsak Road Peshawar and seized some drugs. The warehouse was sealed and the matter was referred to FATA Secretariat for further enquiry in the matter.

2.2. An Inquiry committee was constituted for fact finding by Secretary Social Sector vide Notification No. FS/SO (H)/SSD/1-9/2013/584-90 dated 03/10/2013. The inquiry committee was comprised of Dr. Sartaj Khan, Acting Director Health Services FATA, Mr. Imran Hamid, Additional Political Agent, Bajaur Agency and Mr. Miraj Muhammad, Section Officer (C-III) AL&C Department FATA. The committee submitted its report to the Secretary Social Sector Department FATA on 30/10/2013. Copy of inquiry report is at (ANNEX-II). On the basis of recommendations of fact-finding inquiry committee, Secretary Social Sector Department submitted the case to the Governor Khyber Pakhtunkhwa in his capacity as Competent Authority for


Assistant Director (Litigation)
Population Welfare Department
Khyber Pakhtunkhwa

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initiating disciplinary proceedings against the accused officer. The competent authority was pleased to order suspension of the accused officer and she was served with charge sheet & statement of allegations. Copy of suspension order along with charge sheet & statement of allegation is at (ANNEX-III).

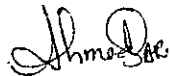
23. As per recommendations, the competent authority ordered constitution of an inquiry under Revised Efficiency & Discipline Rules-1973 to probe into the allegations levelled against the officer. An Inquiry Committee was constituted under Social Sector Department FATA Secretariat Notification No. FS/SD (H)/SD-1-9/2014/739-46 dated 19/03/2014 to probe into the charges levelled in charge sheet & statement of allegations against Dr. Lal Zari, the then Deputy Director Population Welfare Directorate FATA. The committee comprised of Mr Hasham Khan, Additional Director Education and Dr. Muhammad Nazir, Deputy Director Education, FATA Secretariat, Peshawar. The inquiry committee submitted its report on 15/05/2014. Copy of the report is at (ANNEX-IV).

24. The record reveals that there has been another inquiry in the instant case. The inquiry titled "*Inquiry into supply of Misbranded Medicines*" was conducted in compliance with Administration, Infrastructure & Coordination Department FATA Secretariat Notification No. FS/E/100-98/(Inq-Medicines)/15913-15 dated 17/10/2014 by a two-member enquiry committee comprising of Mr Sikander Qayyum, Secretary Finance FATA and Mr Shakeel Qadir, Secretary Law & Order, FATA Secretariat Peshawar. The committee submitted a detailed report with recommendations on 10/12/2014. Inquiry report is at (ANNEX-V).

25. On the basis of recommendations of Inquiry Committee, major penalty was imposed and the Services of Dr. Lal Zari were dismissed vide Notification No. dated 21/05/2015. (ANNEX-VI). Consequently, the officer concerned filed departmental appeal before the competent authority i.e. Governor Khyber Pakhtunkhwa which was also rejected vide No. letter dated 10/08/2015. (ANNEX-VII).

26. Feeling aggrieved, the officer concerned filed an appeal in the Services Tribunal for the purpose to revoke the impugned order. (ANNEX-VIII). The department filed Para wise comments before the Services Tribunal. The case was defended through the District Attorney General. (ANNEX-IX). The Services Tribunal set aside the impugned order in its judgement dated 31/08/2018 and directed for reinstatement of Dr. Lal Zari and initiation of de-novo inquiry against her. (ANNEX-X).

3. Inquiry Proceedings: The inquiry proceedings mainly based on available record, statements of the accused officer, witnesses and earlier inquiry reports. The charge sheet and statement of allegation was served upon the accused officer. She was called for statement and any other information, which could help leading to just and fair recommendations. (ANNEX-XI). Statements of members of procurement committee were also recorded. (ANNEX-XII). Along with Deputy Secretary AIC was also recorded. (ANNEX-XIII). Similarly chairman of the procurement committee i.e. the then Secretary Social Sector Development was requested to record his statement in compliance to court orders. (ANNEX-XIV). It has been strived to fill in the gaps as identified in the court judgement. Information gathered through discussions/explanations with all the concerned and efforts were coordinated to arrive at correct and logical conclusions.


Assistant Director (Litigation)
Population Welfare Department
Khyber Pakhtunkhwa

4. Finding 3/ Observations: The examination of available record, statements and cross examinations of the members and thus connecting dots lead to following findings and observations:

- a. The Tender Notice was forwarded with prior approval of Secretary Social Sector Director Media Cell FATA for publication in the two Newspapers vide letter No. F.No. 1(1) 2012-13/PoP/7523-27 dated 29/03/2013. (ANNEX-XV). It is the duty of Media Cell to ensure the observance of relevant Rules/Policies/Instructions etc for publication of the same. The departments have been restrained to publish their advertisements in press directly through a Notification No. & dated: (ANNEX-XVI). Thus the violation/lapse cannot be attributed to the accused officer.
- b. The perusal of Tender Notice reveals that it was fundamentally faulty as the date for bid opening was explicitly mentioned rather as per NIT "It was **communicated later**". Thus bid was opened after a lapse of more than one month time from the date of bid submission/opening. This is violation of Rule 28 of PPRA Rules 2004 under which the last date of bid submission & opening shall be the same. (ANNEX-XVII). It is also important to note that neither any member nor chairman of the committee opted for any correction. Thus the committee shares the responsibility.
- c. The Advertisement was floated whereas the funds were NOT available at the time of floating Tender Notice but Secretary Social Sector granted prior approval for the purpose. It is, however, important to note that no procurement regime including PPRA forbids floating tender notice just because funds are not available. The procurement process can be carried out except award of contract/issuance of work/ purchase order.
- d. PPRA Ordinance was not extended but for all practical purposes an Administrative Notification of the AL&C Department has taken effect and was to be observed by the lower formations including Directorate of Population Welfare. (ANNEX-XVIII).
- e. The record reveals that the bids of Wajid & Co. and Nasir & Sons were initially rejected as no CDR was found attached rather CDR was submitted later with tampered dates. It is the discretion/choice of the procuring entity to ask for CDR under Rule 25 of PPRA and not mandatory but the way facts and record has been twisted, it establishes the malafide intention. It is, however, astonishing to note that the minutes of bid opening are silent about it and duly signed by all the members. No bidding documents including an unambiguous evaluation criterion was developed and thus this gap area led to misprocurement under Rule 50 read with Rule 29 & 30 of PPRA Procurement Rules 2004. (ANNEX-XIX).
- f. As far violation of Rule 39 relating to obtaining Performance guarantee is concerned; it is not mandatory rather it is on the discretion of Procuring entity to secure the risk of contract abandonment by the bidder. The same is reproduced: "*Where needed and clearly expressed in the bidding documents, the procuring agency shall require the successful bidder to furnish a performance guarantee which shall not exceed ten per cent of the contract amount*".
- g. As per Notification, the number of committee members is seven (07). There are few other signatures on comparative statements by those officers/officials who are not notified members of the committee. There is no formal approval

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Assistant Director (Investigation)
Population Welfare Department
Khyber Pakhtunkhwa

for inclusion of these members in the committee. The plea of the accused officer is that they have been included on verbal directives of the Secretary SSD. The same should have been confirmed from the chairman of the committee but ironically none of the Inquiry committee/ officers have done so. The accused officer however produced an email report/reply of the secretary concerned, which supports the plea of the accused officer. (ANNEX-XX)

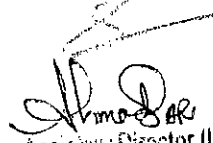
- h. Only last page of comparative statements was signed whereas members should have affixed their signatures on each page. The accused officer being secretary of purchase committee by virtue of being head of the Directorate of population welfare should have ensured it. Other members also share the negligence but major share can be attributed to the accused officer being secretary of purchase committee and administrative head of PWD. On further examination, she was clueless.
- i. The technical committee was notified with the approval of Secretary SSD (ANNEX-XXI). It is however added that there is no bar in formation of technical committee but it has to assist the procurement committee as per its notified TORs. The claim of the accused officer regarding formation of technical committee can further be proved by the Email as mentioned above (ANNEX-XXII).
- j. The inclusion of Dr. Naila wadood AD PWD instead of Dr. Rooh ul Ala VMO Khyber Agency in the procurement committee is based on the claim that it was done on the verbal orders of the Secretary SSD. Record is silent as there is no proper notification for the purpose and hence the accused officer could not prove her claim. Statements of both the officers were recorded and the charge is proved against the accused officer. Statements of Dr. Naila & Dr. Roohul Ala (ANNEX-XXIII)
- k. As far as maintenance of stock record is concerned, the record exhibit that primarily it was the duty of the storekeeper to take medicines on stock as they were duly inspected by the inspection committee constituted for the purpose. (ANNEX-XXIV). The storekeeper was directed vide letter dated 28/06/2013 to take the received medicines on stock as these were properly examined and evaluated by the technical committee. The storekeeper failed and thus on the basis of the accused officer report, he was suspended by Secretary SSD vide office order No. SO (SSD) FS/5-1/2012-13/5253-60 dated 03/09/2013. (ANNEX-XXV). The Email report of Secretary SSD can also verify the fact that supplies were made whereas stock was not taken on register by the storekeeper. (ANNEX-XXVI)
- l. As per Drug Act 1976 and Drug Labelling Packing Rules 1986, the medicines should have been supplied with certain mark of identification so as to differentiate them as "Govt Property" or "Not for Sale". The medicines were unbranded in this sense. There were some items, which were not marked as such and thus this charge is established. The record reveals that chairman Technical Committee vide letter No. [redacted] dated 04/07/2013 under her signatures pointed out the issue and directed the supplier for the needful. (ANNEX-XXVII). It is further to add here that AD (Medical) being chairperson of technical committee should have reported the matter regarding both the **Quality and labelling** of the medicines to the competent authority though she directed the supplier for course correction to the extent of labelling only. (ANNEX-XXVIII). AD (Medical) failed to point out the quality of the medicines if they were sub standard and hence she is more responsible for the lapse. To

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Assistant Director (Litigation)
Population Welfare Department
Khyber Pakhtunkhwa

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the extent of member/purchase committee, the accused officer along with other members including chairman of the committee share the responsibility. Here at this point the report of Dr. Ihsan ul Haq need to be referred but unfortunately the report is not available on record.

- m. No formal agreement has been signed which should have been signed/approved by Secretary, social sector as under Delegation of financial powers an officer of BS-18 being category-III officer cannot sign an agreement of such huge amount. It is however added that submission of performance guarantee @10% is not mandatory as it is obtained to protect the procuring entity against the risk of contract abandonment. Fortunately no mishap happened, however violation has been occurred as Rule 11 and Rule 14 were violated. The accused officer along with Accounts Section is responsible for the lapses.
- n. The record reveals that the standard protocols/norms of fiscal discipline and prudence have been compromised while handling cash / account matters. The bills of the procured medicines were prepared and submitted to sub-office of AGPR at Peshawar in the suppliers' vendor number but the amount has been released in the DDO vendor number. There is no clue that any such request in written is ever placed to AGPR by the DDO concerned. Cash payments have been made to the suppliers from DDO Account. It is admitted in the reply by the accused officer that full payment has been made to the supplier despite the fact that two minor items (1/6th of the supplies) was yet to be made. (ANNEX-XXIX). The accused officer is responsible for the lapse along with Account section as well as AGPR officials at sub-office Peshawar. It is also important to note that Secretary Social Sector was on board as he has explained and supported the stance of DDO in his reply through his Email to ACS. (ANNEX-XXX).
- o. The CPWD Code is applicable to public works only whereas a Handbook of DDOs 2003 relates to mode of making payments by the procuring entities. This charge cannot be established as there was no mechanism postulated in the bidding documents wherein the condition of clearance from Drug Testing Lab (DTL) or PCSIR was made mandatory. The earlier inquiry reports also supported this conclusion. (ANNEX-XXXI).
- p. The DG Health Services Khyber Pakhtunkhwa maintains a systematic process of Selection and Rate Contracting (S&RCC) through Medicines Coordination Cell commonly known as MCC list. This process has a legal backing of District Govt Rules of Business 2015. (ANNEX-XXXII). This MCC list is not applicable to FATA Secretariat and hence this charge cannot be established and the officer cannot be held responsible. The earlier inquiry reports are also of the same viewpoint. (ANNEX-XXXIII). Similarly, Secretary Social Sector rightly defended the same in his Email report. (ANNEX-XXXIV).
- q. As far as the charge of submitting the files directly to the Secretary Social Sector is concerned, it is a customised approach and the record reveals that most of the approvals have been obtained via Deputy Secretary. The plea of the accused officer for maintaining secrecy and for prompt decision making, the files were submitted to the secretary SSD being chairman of the committee is valid. The earlier inquiry reports are also of the same viewpoint (ANNEX-XXXV).
- r. The record reveals that there are only 4 to 5 medicines, which were declared sub-standard/spurious by the drug testing labs. Similarly, food supplements

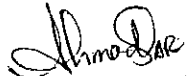

Assistant Director (Litigation)
Population Welfare Department
Khyber Pakhtunkhwa

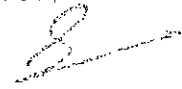
were also of poor quality and this constitutes a major bulk of the supplies. The arguments/ plea of the accused officer regarding the affidavit for replacement of the supplies if found sub-standard is available on the record. The medicines could not be replaced due to the fact that since store was sealed and inquiry proceedings were taking place.

5. There is no explicit bar under PPRA for participating of any eligible bidder in open tendering who happens to be a relative to an officer/member of procurement committee. However, the code of ethics demands that in such an eventuality the said member should be withdrawn/pulled out from the committee. It is however important to note that no evidence of favouritism could be proved but the actions like acceptance of bids without OPR Securing no performance guarantee @ 10% of contract cost, not executing formal agreement and making full payments despite of incomplete supplies cast a shadow on the fairness of the process. It is important to note that chairman of the committee was aware of this as has been explained in the Email to the ACS. (ANNEX-XXXVI).

General Analysis: It is also astonishing to note that:

- A fact finding inquiry was ordered by Secretary SSD vide Notification No. SO (SSD)/FS/5-1/2012-13/5149-56 dated 29/08/2013 but no report is available on record. The same has not been shared with the accused officer either.
- It is also important to note that Secretary SSD ordered the inquiry but at the same time he was chairman of the purchase committee. Similarly one member i.e. Mr. Tashfeen Halder DS (Admin) AI&C was appointed as inquiry officer/member of inquiry committee whereas at the same time he was also a member of the same purchase committee.
- Similarly a second inquiry committee was constituted vide No. FS/SO (H)/SSD/1-9/2014/498-99 dated 24/02/2014 for fact finding regarding furniture and equipment of the PWD store situated at Abshar colony Warsak Road Peshawar. No report of this inquiry committee is available on record.
- It is important to note that medicines of more than 12 million Rupees are lying dumped in the sealed store since 2013 and never used for the purpose they were procured and thus caused a colossal loss to public exchequer. These medicines should have been utilised by constituting a technical committee as per recommendations of inquiry conducted by Mr Sikander Qayyum and Mr Shakeel Qadir. No action has been taken till date.
- It is also an issue to be properly responded that why no inquiry committee have approached the chairman of the purchase committee i.e. Secretary social sector departments for the purpose to record statement and facilitate the legal proceedings.
- This Email has never been shared or placed before any inquiry committee the accused officer has to explain that why the same had not been shared earlier with previous inquiry committees?
- It appears that NAB has recovered the amount from the accused on account of procedural lapses and violation of Rules whereas no case of embezzlement and misappropriation of funds have been proved, prima facie it appears a case of double jeopardy.


Assistant Director (Litigation)
Population Welfare Department
Khyber Pakhtunkhwa

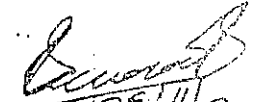


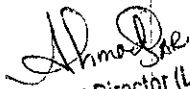
6. Conclusions: in view of the detailed analysis, examination of records and the inquiry proceedings, which also drawn upon some new findings, I hereby conclude as under:

- The accused officer cannot be held responsible for publication of the Tender Notice in the Newspaper.
- Partially responsible along with purchase committee for not opening the bid on closing date of bid submission.
- Responsible for twisting the facts & tampering the record by accepting the CDR in back dates whereas, the same were prepared after cut off date.
- Responsible for not having the comparative statements duly signed by all the members
- Responsible to the extent of member purchase committee along with technical committee for accepting those medicines, which were not properly labelled or branded
- Responsible for inclusion of Dr. Naila AD (Medical) in purchase committee without any formal approval
- The accused officer along with Accountant is responsible for violation of Rule 11 and Rule 44 in terms of not executing a formal agreement.
- Responsible along with Accountant as well as AGPR officials at sub-office Peshawar for the lapse in terms of making cash payments and also making full payments despite the fact that 1/6th of the supplies were yet to be made

7. Recommendations: In view of the above findings/ deliberations, it is recommended that:

- The officer has committed some serious irregularities in procurement process and thus section 04 of E&D Rules 1973 may be invoked and it is recommended that major penalty of reduction to lower grade/post may be imposed on the accused officer.
- Disciplinary proceedings against AD (Medical) may also be initiated.
- Censure has been served upon Mr Shahid Account Assistant and Mr Fakhre Alam, storekeeper, which is not commensurate looking at the gravity of negligence they committed. Disciplinary proceedings are recommended against both the officials.
- KPPRA may also be approached to initiate a full throttle capacity building program for the officers/officials of newly merged tribal districts of Khyber Pakhtunkhwa.


 (Dawood Khan)
 Secretary,
 Irrigation Department,
 Govt. Of Khyber Pakhtunkhwa
 (Inquiry Officer)


 Assistant Director (Litigation)
 Population Welfare Department
 Khyber Pakhtunkhwa

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(THROUGH SPECIAL MESSENGER)

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Annex XI



POPULATION WELFARE DIRECTORATE
TRIBAL DISTRICTS
WARSACK ROAD PESHAWAR

Phone & Fax# 091-9212746

Email: populationfata@gmail.com

F.No.DD/PWD/1(56)/2018-19/E.W/1

Dated: 14.02.2019

To


Dr. Lalzari


1. As per CNIC home address (Sardar Ahmad Jan Gull, Makar No. 154/3, Mohalla Afghan Colony, Peshawar).
2. As per Service Tribunal Appeal No: 976/2015 record (Phase 01 House No. 04 Sector No: N1 Street No. 01, Hayatabad, Peshawar).

Subject: APPEAL NO. 976/2015 DR. LALZARI V/S ACS FATA & OTHERS

I am directed to forward herewith show cause notice (dully signed by the Honorable Chief Minister, Government of Khyber Pakhtunkhwa being the competent authority in the subject case) which is served upon you (Dr. Lalzari) for your further perusal in your own interest, please.

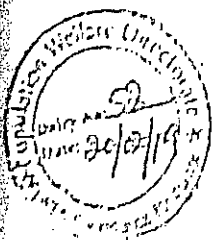
Note: The enclosed "Receipt for show cause notice" may please be signed for record and further submission to quarters concerned.


Deputy Director
Population Welfare Directorate
Tribal Districts


Assistant Director (Litigation)
Population Welfare Department
Khyber Pakhtunkhwa

Cc:

- Section Officer (Estab) Population Welfare Department Khyber Pakhtunkhwa w/r to the letter No. SOE(PWD) Misc/Inqiry/2018/FATA/6169-71 Dated. 11.02.2019, Peshawar for information please.
- PS to Secretary Population Welfare Department Khyber Pakhtunkhwa, Peshawar for information please.
- PS to Director General Population Welfare Department Khyber Pakhtunkhwa, Peshawar for information please.



Deputy Director
Population Welfare Directorate
Tribal Districts

Handwritten notes in Urdu:
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 9. اس کی کاپی ڈی جی کے پاس بھیجی جائے گی۔
 10. اس کی کاپی ڈی جی کے پاس بھیجی جائے گی۔

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Dr. Lal Zari W.
03355951826
CALL MORE

Madam, aap ka ik letter
hai wo dena hai. Aap
kaha hai

SMS 3:56 pm

Madam kaha puhancha
do

SMS 4:11 pm

I will send someone

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I don't want to receive
that as the statutory
period is over I have
already filled
implementation petition.

SMS 4:25 pm

Date:

14/02/2019

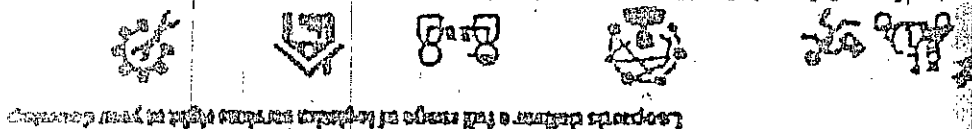
Armed
Assistant Director (Litigation)
Population Welfare Department
Khyber Pakhtunkhwa

Enter message



Assistant Director (Litigation)
Population Welfare Department
Hyder Pakhankhwa

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Leopards deliver a full range of legal services right in your doorway

To: DR. LAT ZARI
Address: Sabdar Ahmad Jan Gull colony
House No. 154/3, Afghan colony
City: Peshawar, contact: 0335-5951826



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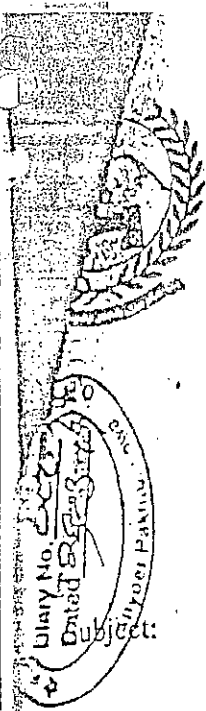
43

24/1

GOVERNMENT OF KHYBER PAKHTUNKHWA
INFORMATION & PUBLIC RELATIONS
DEPARTMENT.

No. SO.Estt:(INF) 4-115/2018/Inquiry
Dated Peshawar the 25th March, 2019

Section - XIV



Dr Lal Zari,
Deputy Director Population Welfare,
Directorate Tribal Districts
Khyber Pakhtunkhwa, Peshawar

PERSONAL HEARING IN APPEAL NO.976/2015 DR LAL ZARI VS ACS
FATA AND OTHERS

I am directed to refer to the Section Officer (Estt), Population Welfare Department, Govt of Khyber Pakhtunkhwa notification No.SOE(PWD)/Misc/Inquiry/2018/FATA: dated 27-12-2019 and to state that Chief Minister Khyber Pakhtunkhwa has authorized Secretary Information & Public Relations Department, Govt of Khyber Pakhtunkhwa to hear you personally on his behalf.

In order to proceed further in the matter, you are hereby directed to attend the office of Secretary Information & PRs Department on 02nd April, 2019 at 1400 hours for personal hearing alongwith relevant record and evidence, if any.

Section Officer (Establishment)

Ends: No & date:

Copy forwarded to the:

1. Section Officer (Estt), Population Welfare Department, Khyber Pakhtunkhwa for similar necessary action for assistance during the personal hearing.
2. PS to Secretary Information & PRs, Khyber Pakhtunkhwa for information.

[Signature]
Section Officer (Establishment)

*SO (E)
for i.a. Pks
26-3-19*

[Signature]
Assistant Director (Litigation)
Population Welfare Department
Khyber Pakhtunkhwa

REGISTERED

44
GOVERNMENT OF KHYBER PAKHTUNKHWA
INFORMATION & PUBLIC RELATIONS
DEPARTMENT

No. SO.Estt:(INF) 4-115/2017/Enquiry
Dated Peshawar the 2nd April 2019 950

Dr. Lal Zari,
Deputy Director Population Welfare,
Directorate Tribal Districts
Khyber Pakhtunkhwa, Peshawar

PERSONAL HEARING IN APPEAL NO.976/2015 DR. LAL ZARI VS ACS
FATA AND OTHERS

I am directed to refer to this Department letter of even number dated 25th March, 2019 on the subject noted above and to state that date for your personal hearing in the subject case has been rescheduled due to the engagements of Secretary Information & PRs, Department.

You are, therefore directed to attend the office of Secretary Information & PRs Department on 8th April, 2019 at 1400 hours for personal hearing alongwith relevant record and evidence, if any.

Section Officer (Establishment)

Ends: No & date:

Copy of the above is forwarded to the:

1. Section Officer (Estt), Population Welfare Department, Khyber Pakhtunkhwa for similar necessary action for assistance during the personal hearing.
2. PS to Secretary Information & PRs, Khyber Pakhtunkhwa for information.

Section Officer (Establishment)

Assistant Director (Litigation)
Population Welfare Department
Khyber Pakhtunkhwa

50(E)
3-4-19

Government of Khyber Pakhtunkhwa
INFORMATION & PUBLIC RELATIONS
DEPARTMENT

No. SO.Estt;(INF)-11/2017 Inquiry
Dated Peshawar the 2nd April, 2019.

Dr. Lal Zari
Deputy Director Population Welfare,
Directorate Tribal Districts
Khyber Pakhtunkhwa, Peshawar.

Subject:- PERSONAL HEARING IN APPEAL NO. 976/2015 DIR. TRIBAL DISTRICTS V/S
ACS FATA AND OTHERS.

I am directed to refer to this department letter of even number dated 15th March, 2019 on the subject noted above and to state that date for your personal hearing on the subject case has been rescheduled due to the engagements of Secretary Information & PRs Department.

You are, therefore directed to attend the office of Secretary Information & PRs Department on 08th April, 2019 at 1400 hours for personal hearing alongwith relevant record and evidence, if any.

Section Officer (Establishment)

Endst; No. & date.

Copy of the above is forwarded to the:-

1. Section Officer (Estt) Population Welfare Department, Khyber Pakhtunkhwa for similar necessary action for assistance during the personal hearing.
2. PS to Secretary Information & PRs; Khyber Pakhtunkhwa for information.

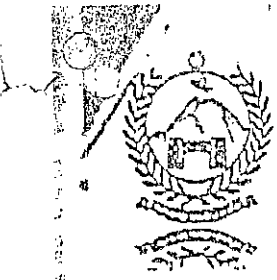
Section Officer (Establishment)

46

WAG

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GOVERNMENT OF KHYBER PAKHTUNKHWA
POPULATION WELFARE DEPARTMENT
02nd Floor, Abdul Wali Khan Multiplex, Civil Secretariat, Peshawar



Dated Peshawar the 25th June, 2019

NOTIFICATION

No. SOE(PWD) Misc/Inquiry/2018/FATA: Whereas, Dr. Lal Zari (BPS-18), Deputy Director, Population Welfare Directorate, Merged Area was proceeded against under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 for the charges mentioned in the Statement of Allegations.

AND WHEREAS, Mr. Dawood Khan (BS-20), Secretary, Irrigation Department, Khyber Pakhtunkhwa was appointed as Inquiry Officer to conduct de-novo inquiry in pursuance of Khyber Pakhtunkhwa Service Tribunal, Peshawar judgment dated 31-08-2018 against the said officer for charges leveled against her in accordance with rules.

AND WHEREAS, on the basis of findings and recommendations of the Inquiry Officer, Show Cause Notice was served upon the accused officer to which she replied. The accused officer was also heard in person.

NOW, THEREFORE, the Competent Authority after having considered the charges evidence on record, findings of inquiry officer, the reply of the accused officer to the Show Cause and also hearing her in person on 08-04-2019, in exercise of powers under Rule-4 (1) (b) (i) of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, has been pleased to impose major penalty of "reduction to a lower grade / post for a period of one year" upon Dr. Lal Zari (BPS-18), Deputy Director Population Welfare Directorate, Merged Area, Peshawar with immediate effect.

SECRETARY
POPULATION WELFARE DEPARTMENT

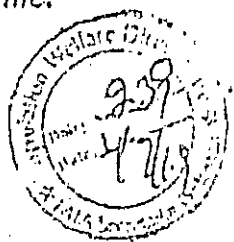
Endst: No. SOE(PWD) Misc/Inquiry/2018/FATA/1895-1906 Dated: 25th June, 2019

Copy forwarded for information & necessary to the:-

1. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa, Peshawar.
2. All Administrative Secretaries, Khyber Pakhtunkhwa.
3. Accountant General, Khyber Pakhtunkhwa, Peshawar.
4. Director General Population Welfare Department, Peshawar.
5. All Heads of Attached Departments, Khyber Pakhtunkhwa.
6. Registrar, Khyber Pakhtunkhwa Service Tribunal, Peshawar.
7. Deputy Director, Population Welfare Directorate, Merged Area, Warsi Road, Peshawar.
8. PS to Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
9. PS to Secretary, PWD, Khyber Pakhtunkhwa, Peshawar.
10. Manager, Govt. Printing Press, Peshawar.
11. Officer concerned.
12. Master file.

Handwritten notes: 6/11/19, no content, copy

Handwritten notes: 7 August, 7, 10/7/2019



Handwritten signature of Section Officer

SECTION OFFICER (EST)
Phone No. 091-97281-231

Handwritten signature of Assistant Director
Assistant Director (Legal)
Population Welfare Department
Khyber Pakhtunkhwa



47

Annexure 1/11

**GOVERNMENT OF KHYBER PAKHTUNKHWA,
POPULATION WELFARE DEPARTMENT**
02nd Floor, Abdul Wali Khan Multiplex, Civil Secretariat, Peshawar

No. SOE(PWD) Misc/Inquiry/2019/100 / 2157-7
Dated Peshawar the 06th September, 2019

Dr. Lal Zari,
Assistant Director (Medical),
Population Welfare Directorate Merged Area,
Warsak Road, Peshawar.

Subject: - REVIEW PETITION AGAINST THE IMPUGNED NOTIFICATION DATED 25-06-2019

I am directed to refer to your Review Petition dated 12-07-2019 on the subject noted above and to convey that your review petition has been thoroughly examined / processed by this Department and the competent authority, after taking into consideration the charges leveled against you in the charge sheet and statement of allegations, has been pleased to reject the same, being devoid of merit.

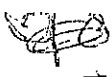
SECTION OFFICER (ESTT)

Copy to the:

1. Director General, Directorate General, PW, Khyber Pakhtunkhwa, Peshawar.
2. Deputy Director, PW Directorate Merged Area, Warsak Road, Peshawar.
3. PS to Secretary, PWD, Khyber Pakhtunkhwa, Peshawar.

SECTION OFFICER (ESTT)

Assistant Director (Litigation)
Population Welfare Department
Khyber Pakhtunkhwa



Government of Khyber Pakhtunkhwa

POPULATION WELFARE DEPARTMENT

03rd floor, Abdul Wali Khan Multiplex, Civil Secretariat, Peshawar

118

No. SOE(PWD)Misc/Inquiry/118/37/11/3187-90

Dated; 06th September, 2019.

Dr. Lal Zari
Deputy Director Population Welfare,
Directorate Tribal Districts
Khyber Pakhtunkhwa, Peshawar.

Subject:- **REVIEW PETITION AGAINST THE IMPUGNED NOTIFICATION
DATED 25-06-2019.**

I am directed to refer to your Review Petition dated 12-07-2019 on the subject noted above and to convey that your review petition has been thoroughly examined & processed by this Department and the competent authority, after taking into consideration the charges leveled against you in the charge sheet and statement of allegations, has been pleased to reject the same, being devoid of merit.

SECTION OFFICER (ESTT)

Copy to the:-

1. Director General, Directorate General PW, Khyber Pakhtunkhwa, Peshawar.
2. Deputy Director, PW Directorate Merged Areas, Warsak Road, Peshawar.
3. PS to Secretary, PWD, Khyber Pakhtunkhwa, Peshawar.

SECTION OFFICER (ESTT)



GOVERNMENT OF KHYBER PAKHTUNKHWA,
POPULATION WELFARE DEPARTMENT

02nd Floor, Abdul Wali Khan Multiplex, Civil Secretariat, Peshawar

Dated Peshawar the 31st August, 2020

NOTIFICATION

1658-01
No. SOE(PWD)Misc/Inquiry/2018/FATA: Consequent upon expiry of major penalty on 25/06/2020 and approval by the Competent Authority dated 27-08-2020, Sr. Tal. Adl. Assistant Director (Medical), BPS-17, Population Welfare Directorate Merged Districts is hereby restored on her original post and scale i.e. Deputy Director (BPS-18) w.e.f. 25-06-2020. However the officer, on restoration to her original post will be placed below her erstwhile Juniors promoted to higher post during subsistence of the period of penalty as per Rule-4(1)(b)(i) of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011.

On restoration, the officer concerned is hereby posted as Senior Women Medical Officer (BPS-18), I/c RHSC-A, Landi Kotal, Merged District Khyber.

-sd-

SECRETARY

GOVT. OF KHYBER PAKHTUNKHWA
POPULATION WELFARE DEPARTMENT

Dist. No. SOE (PWD) Misc/Inquiry/2018/FATA/

Dated Peshawar the 31st August, 2020

Copy for Information & necessary action to the:-

1. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa, Peshawar.
2. Accountant General, Khyber Pakhtunkhwa, Peshawar.
3. All Administrative Secretaries, Khyber Pakhtunkhwa.
4. Director General Population Welfare Department, Peshawar.
5. CSO to Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
6. Deputy Director, Population Welfare Directorate, Merged Districts, Peshawar.
7. PS to Advisor to the CM on Population Welfare Department, Khyber Pakhtunkhwa, Peshawar.
8. PS to Secretary Establishment Department, Khyber Pakhtunkhwa, Peshawar.
9. PS to Secretary, PWD, Khyber Pakhtunkhwa, Peshawar.
10. District Population Welfare Office, Merged District Khyber.
11. Manager, Govt. Printing Press, Peshawar.
12. Officer concerned.

Assistant Director (Litigation)
Population Welfare Department
Khyber Pakhtunkhwa

SECTION OFFICER (CSTT)
PHONE: NO. 091-9223623

Dated Peshawar the 31st August, 2020.

NOTIFICATION

No. SOE(PWD)Misc/Inquiry/2018/FATA: Consequent upon of major sanction on 25/06/2020 and approval by the Competent Authority dated 27-08-2020. Dr. Lal Zari, Assistant Director (Medical), BPS-17, Population Welfare Directorate Merged Districts is hereby restored on her original post and scale i.e Deputy Director (BPS-18) w.e.f 26-06-2020. However, the officer, on restoration to her original post will be placed below her erstwhile junior grades in higher post during subsistence of the period of penalty as per Rule-4(1)(b)(i) of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011.

2- On restoration, the officer concerned is hereby posted as Senior Women Medical Officer (BPS-18), i/c RHSC-A, Landi Kotal, Merged District Khyber.

-sd-

SECRETARY
GOVT. OF KHYBER PAKHTUNKHWA
POPULATION WELFARE DEPARTMENT

Endst: No. SOE (PWD) Misc/Inquiry/2018/FATA/ Dated Peshawar the 31st August, 2020.

Copy for information & necessary action to the:-

1. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa, Peshawar.
2. Accountant General, Khyber Pakhtunkhwa, Peshawar.
3. All Administrative Secretaries, Khyber Pakhtunkhwa.
4. Director General Population Welfare Department, Peshawar.
5. CSO to Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
6. Deputy Director, Population Welfare Directorate Merged Districts, Peshawar.
7. PS to Advisor to the CM on Population Welfare Department, Khyber Pakhtunkhwa, Peshawar.
8. PS to Secretary Establishment Department, Khyber Pakhtunkhwa, Peshawar.
9. PS to Secretary, PWD, Khyber Pakhtunkhwa, Peshawar.
10. District Population Welfare Office, Merged District Khyber.
11. Manager, Govt, Printing Press, Peshawar.
12. Officer concerned.

SECTION OFFICER (ESTT)
PHONE NO. 091-9223623

51

BEFORE THE KHYBER PAKHTUNKHA
PESHAWAR

SERVICE APPEAL

Service Appeal No.1299/2019

Date of Institution ... 02.10.2019
Date of Decision ... 14.04.2020

Dr. Lal Zari, Ex: Deputy Director (BPS-18), Population Welfare
Department FATA (Merged Area), Merged Area Secretariat, Ghosia
Road, Khyber Pakhtunkhwa, Peshawar.

VERSUS

The Chief Secretary, Khyber Pakhtunkhwa, Peshawar and three others.

Noor Muhammad Khattak,
Advocate

... (Appellant)

... For appellant.

Asif Masood Ali Shah,
Deputy District Attorney

... For respondents.

Mrs. Rozina Rehman
Miss Fareeha Paul

... Member (J)

... Member (E)

JUDGMENT

Rozina Rehman, Member(J): The appellant has invoked the jurisdiction of
this Tribunal through above titled appeal with the prayer as copied below:


“On acceptance of this appeal the impugned orders
dated 25.06.2019 and 06.09.2019 may very kindly be set
aside and the appellant may be restored on her original
post i.e. Deputy Director (BPS-18) with all back
benefits including seniority. That the respondents may
further please be directed to grant back benefits to the
appellant for the intervening period i.e. w.e.f the date of
dismissal (21.05.2015) till the date of reinstatement
(25.06.2019).”

ATTORNEY
FOR APPELLANT
NOOR MUHAMMAD KHATTAK
ADVOCATE
GHOSIA ROAD
PESHAWAR

2. Brief facts leading to filing of the instant appeal are that appellant was appointed as Deputy Director in the Population Welfare Department (FATA), now Merged Area vide order dated 26.07.2006. During service, she was promoted to single cadre post of Deputy Director (BS-18) on the recommendation of Departmental Promotion Committee. She was suspended on some allegations, where- after an inquiry was conducted and she was dismissed from service. She filed review petition which was also rejected, where-after, she filed service appeal which was accepted with direction to the authorities to conduct de-novo inquiry. Accordingly, de-novo inquiry was conducted and she was awarded major penalty of reduction in lower grade for a period of one year. Feeling aggrieved, she filed review petition which was rejected, hence, the present service appeal.

3. We have heard Noor Muhammad Khattak Advocate learned counsel for the appellant and Asif Masood Ali Shah learned Deputy District Attorney for the respondents and have gone through the record and the proceedings of the case in minute particulars.

4. Noor Muhammad Khattak Advocate, learned counsel for appellant, inter-alia, contended that the impugned notification dated 25.06.2019 whereby major penalty of reduction in lower grade for one year was imposed is against law, facts and norms of justice, hence, not tenable and liable to be set aside. He contended that the de-novo inquiry so conducted by the Secretary Irrigation was against law, Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 and spirit of judgment of this Tribunal dated 31.08.2018 as it had been observed by this Tribunal that statements of Secretary Social

ATTESTED

 KAMBER
 Khyber Pakhtunkhwa
 Service Tribunal

Welfare and Members of Procurement Committee and the Inquiry Committee should have been recorded in the presence of the appellant with opportunity to cross-examine them but despite their directions, their statements were not recorded nor the appellant was afforded an opportunity to cross-examine them. It was further argued that once again a deliberate attempt was made by the Inquiry Officer to expedite passage to the responsible officers by making the appellant's appeal for the second time. That no regular inquiry was conducted in the matter which as per Supreme Court judgments was necessary. Reliance was placed on 2008 SCMR-1369, 2020 PLC (C.S) 1291 and 2011 PLC (C.S)-1111.

5. Conversely, learned Deputy District Attorney contended that appellant was appointed as Woman Medical Officer (BS-17) who was promoted to BS-18 and was posted as Deputy Director Population Welfare Program in the erstwhile FATA. He submitted that she was suspended on 18.02.2014 with immediate effect on account of involvement in the irregularities committed in the procurement of medicines, therefore, charge sheet alongwith statement of allegations was served upon her and she submitted written reply which was found unsatisfactory; that the competent authority after perusal and examination of the inquiry report, imposed major penalty on the appellant after fulfillment of all codal formalities. Lastly, he submitted that as per judgment of this Tribunal, appellant was reinstated into service for the purpose of de-novo inquiry and after de-novo inquiry, the competent authority imposed major penalty of reduction to lower

2

BY MASTER
 [Signature]
 Deputy District Attorney
 FATA

grade/post for a period of one year and that she was paid for the fulfillment of all codal formalities.

6. After hearing the learned counsel for the parties and going through the record of the case with their assistance and after perusing the precedent cases cited before us, we are of the opinion that some glaring discrepancies were noticed by this Tribunal in the earlier round of litigation and it was concluded that the inquiry was not conducted in just, fair and transparent manner. Relevant para from the judgment of this Tribunal dated 31.08.2018 is hereby reproduced for ready reference:

"Perusal of reply of the appellant to the charge sheet and statements of allegations revealed that purchase committee headed by the Secretary Social Sector (FATA) along with seven others members was constituted after obtaining approval from the Secretary Social Sector (FATA). Bills invited were opened on the directions of the Secretary SS by a broad based committee having representation of relevant stakeholders. Comparative statement was signed by the concerned and finally by the Secretary Social Sector (FATA). In case there were deficiencies in the comparative statement was it not the responsibility of Secretary concerned as Head of the department to take corrective measure/stop the process? He can't be absolved of his responsibility. The inquiry committee should have recorded statements of members of purchase committee/technical committee and thereafter should have analyzed their role in

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TESTED
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their findings. While responding to the charge at Sr. no. 1 of the charge sheet the appellant in her reply stated that representative of A&C Department was included to participate in the proceedings of the procurement committee on the verbal advice of SSS (F). Why this fact was not got verified from the Secretary SS to meet the end of justice? While in reply to charge at Sr. no. 4 she stated certain accusations against Mr. Fakhar Alam, Storekeeper and Mr. Muhammad Kamran. It was the duty of the inquiry committee to have recorded their statements, but the report was silent on this issue.

In addition to this reply furnished to the enquiry committee by the official respondents was also worth perusal. In this reply fingers were pointed out towards Secretary, Social Sector (FATA) being responsible for certain lapses. It was quite strange why the Secretary Social Sector not associated with inquiry proceedings? Was it intentional or otherwise? Fairness demanded that his statement should have been recorded to counter the allegations leveled by the appellant those contained in the official reply. We apprehend that the appellant was made scapegoat to save the skin of others. Action of the enquiry committee also goes against the spirit of E&D Rules 2011. Firstly statements of all concerned, including Secretary should have been recorded in the presence of the appellant and thereafter opportunity of cross examination should have

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been given to her. It is a serious departure from the laid down procedure and is sufficient for making the proceedings illegal/unlawful. The inquiry committee also proposed disciplinary action against Mr. Fakhor Khan, Store Keeper and Mr. Rashid Ahmad but during the process of hearing official respondents when confronted at this point were clueless. Similarly, no documentary evidence was produced to substantiate that action against the officials of AGPR as proposed by the enquiry committee was taken."

In view of the above, appeal was accepted by this Tribunal and impugned order was set aside. Respondents were directed to conduct de-novo inquiry against the appellant strictly in accordance with law. The de-novo inquiry report is available on file which shows that charge sheet alongwith statement of allegations were never served upon appellant. As per Rule-10 (D)(b) of Khyber Pakhtunkhwa Government Servants-(Efficiency & Discipline) Rules, 2011, if the competent authority decides that it is necessary to hold an inquiry against the accused under Rule-5, it shall pass an order of inquiry in writing which shall include the grounds for proceeding, clearly specifying the charges alongwith apportionment of responsibility.

7. In the instant case, upon the direction of this Tribunal for de-novo inquiry, charge sheet alongwith statement of allegations was not served upon the appellant as per law. It will not be out of place to mention here that framing of charge and its communication alongwith statement of allegations is not mere a formality but it is a mandatory

TESTED

Signature
Khyber Pakhtunkhwa
Tribunal

pre-requisite which is to be followed. Despite direction of the Tribunal, Secretary Social Sector being head of the Department, was not examined in the presence of appellant in order to provide her a proper opportunity of cross-examination. Statement of members of the Purchase Committee/Technical Committee were also not recorded in the presence of appellant. The appellant had leveled certain allegations against Mr. Fakhar Alam, Store Keeper and Mr. Muhammad Hanif but their statements were not recorded despite directions and again the de-novo inquiry is silent on this issue. Secretary Social Sector (PATA) was responsible for certain lapses but again he was not associated with the inquiry proceedings and the appellant was made scapegoat to save the skin of others. De-novo inquiry was not conducted in accordance with Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 as neither the statements of all concerned were recorded in the presence of the appellant nor she was given any opportunity of cross-examination. Nothing was brought before this Bench in order to show any action against Secretary, Storekeeper and other officials of AGPRs and Rule-11(4) of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 was violated as their statements were not recorded in the presence of accused appellant. It is also on record that show cause notice was also not served upon the appellant. The report of de-novo inquiry is also silent in this regard and that's why no reply was submitted by the appellant. Inquiry report was also not provided. As per Rule-11(4)(c) of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, the competent authority shall provide a copy of the inquiry


TESTED

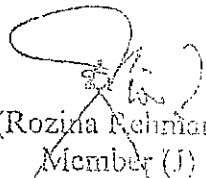
10/11/2011

report to the accused but in the instant case, inquiry report was presented on the previous date of hearing to the appellant. Admittedly, he was condemned unheard as no chance of personal hearing, was afforded to her. It has been held by the Supreme Court of Pakistan that when the civil servant was not afforded a chance of personal hearing before passing of termination order, such order would be *void ab initio*. Reliance is placed on 2003 PLC (C.S) 365.


8. For what has gone above, the impugned order of imposition of penalty with disciplinary proceedings wherefrom it resulted, is set aside and appeal is accepted as prayed for. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED.
14.04.2023


(Fareeha Paul)
Member (E)


(Rozina Rehman)
Member (J)

Munazem Shah


Secretary
Public Service Commission
Islamabad

Date of Issue
Number
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Stamp
Signature
Date of Issue

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Page 8
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17/5/23



GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

Dated Peshawar, 13/11/2020

NOTIFICATION

No.SO(E)H-11/10-25/2020: WHEREAS, Dr. Lal Zari, was selected as Woman Medical Officer (BS-17) in Health Department, Khyber Pakhtunkhwa, through Khyber Pakhtunkhwa Public Service Commission (KPPSC) vide notification no. SOME-11/10-25/07, dated September 7, 2007.

AND WHEREAS, her services were placed at the disposal of Ex- Director Health FATA as Assistant Director, Population Welfare vide Directorate Health FATA Office Order no. 19207-60/DHS/FATA dated 3/10/2007.

AND WHEREAS, the said doctor submitted her application to Health Department, Khyber Pakhtunkhwa to repatriate her services from Director Health Ersohwa FATA to her parent department i.e. Health Department, Khyber Pakhtunkhwa.

NOW THEREFORE, the Competent Authority is pleased to repatriate the services of Dr. Lal Zari, WMO (BPS-17) and placed at the disposal of Directorate General Health Services, Khyber Pakhtunkhwa for further posting with immediate effect.

SECRETARY HEALTH
KHYBER PAKHTUNKHWA

Enclst. of even No. & Date.

Copy to the:

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Director General, Health Services, Khyber Pakhtunkhwa.
3. Director Population Welfare Merged Districts, Peshawar.
4. Assistant Director (IT), Health Department.
5. PS to Secretary Health, Khyber Pakhtunkhwa.
6. PS to Special Secretary (E&A / B&D), Health Department.
7. PA to Additional Secretary (E&A / B&D), Health Department.
8. Doctor concerned.
9. Master file.

[Signature]
Secretary Health
13-11-2020

Copy also available on the website www.healthkp.gov.pk

HRD Building, Health Department Govt. of Khyber Pakhtunkhwa, Khyber Road Peshawar
Phone # 091-9210570, Fax # 091-9210419

[Signature]
Assistant Director (Litigation)
Population Welfare Department
Khyber Pakhtunkhwa





60
Annex-2

GOVERNMENT OF KHYBER PAKHTUNKHWA,
POPULATION WELFARE DEPARTMENT

2nd Floor, Abdal Wali Khan Multiplex, Civil Secretariat, Peshawar

No. SOE (PWD) 4-9/200/2019 DATED 06/01/2021
Dated Peshawar the 04th June, 2021

To

The Secretary to Government of Khyber Pakhtunkhwa,
Health Department,
Peshawar.

Subject: - NOTIFICATION NO. SOE(H-II/10-25/2020 DATED 09-12-2020 IN RESPECT OF DR. LAL ZARI WMO (BS-17).

Dear Sir,

I am directed to refer to the subject noted above, wherein the services of officer concerned has been repatriated back to Health Department in BPS-17 without taking the consent of her parent department (i.e.) Population Welfare Khyber Pakhtunkhwa where the officer was already serving in BPS-18 against the post of Senior Women Medical Officer in RHSC-A, Landi Kotal. Consequent upon initial query it reveals that the officer concerned directly submitted an application to Health Department KP (Annex-I) without following the proper channel/procedure. Resultantly, Fact Finding Inquiry was ordered vide this office order No.SOE(PWD)4-9/200/2019 DATED 06/01/2021 (Annex-II) to ascertain the factual position. The Inquiry Officer submitted the inquiry report accompanied by its relevant annexures (Annex-III). The findings of the report, is reproduced below for perusal:-

- iv) It was proved that Dr. Lal Zari who not only hide her appointment in Health Department for over a couple of years but also kept her Population Welfare Department in dark by submitting application for repatriation to Health Department, *which tantamounts to misconduct.*
- v) The Deputy Director Population Welfare (Newly Merged Areas) and the office of the DPWO Khyber where salaries were paid to the accused officer in BS-18 without any consultation with higher offices also *gives the impression of hands in gloves and further shows providing undue favor to the delinquent.*
- vi) To unmask the faces who were hands in gloves with the concerned officer can easily be dug-out by initiating proper disciplinary proceedings under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 against the delinquent ones.

I am therefore, directed to submit the following facts of the case:-

- (viii) On the requisition of the FATA Secretariat, the Khyber Pakhtunkhwa Public Service Commission recommended nine (09) number of candidates for appointment as WMO (BPS-17) including Dr. Lal Zari letter dated 16/02/2006 (Annex-IV) & subsequently she was appointed against the post of WMO (BPS-17) on contract basis; however, her mode of appointment was later on converted from contract to regular basis vide corrigendum dated 27/12/2006 (Annex-V). Consequently, she assumed the charge of the post of WMO (BPS-17) in Population Welfare, erstwhile FATA.
- (ix) Afterwards on 30/04/2013, the officer concerned was promoted from the post of WMO (BPS-17) to SWMO (BPS-18) on regular basis vide erstwhile FATA, Social Sectors Department Notification dated 30/04/2013 (Annex-VI).

Amir
Assistant Director (Litigation)
Population Welfare Department
Khyber Pakhtunkhwa



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- (x) Before merger of erstwhile FATA in 2015, the officer concerned was proceeded against under E&D Rules, 2011 on account of Financial Embezzlement & misuse of authority. Resultantly, he was dismissed from Service vide Notification dated 21/05/2015 (Annex-VII).
- (xi) After the rejection of her Departmental appeal for rehabilitation into service and aggrieved with the action of the Department, she approached Khyber Pakhtunkhwa Service Tribunal, however, after due process of litigation, the KP Service Tribunal's judgment dated 31/08/2018 set aside her Dismissal order (Annex-VIII), she was reinstated for the purpose of de-novo inquiry.
- (xii) De-novo inquiry was conducted and penalty of reversion to a lower grade / post for period of one year was imposed upon the officer under Rule-4 (i) (b) (i) of the Khyber Pakhtunkhwa Govt. Servants (Efficiency & Discipline) Rules, 2011 vide this Department's Notification dated 25/06/2019 (Annex-IX).
- (xiii) On expiry of completion of penalty, Dr. Lal Zari being an employee of this Department, submitted an application to the Secretary Population Welfare Department on 16/06/2020 wherein she requested for restoration of her pay scale in BPS-18 and after examination of her request, she was restored in BPS-18 and posted at RHSC-A Landi Kotal, District Khyber (Annex-X).
- (xiv) It is pertinent to mention that after the merger of erstwhile FATA, the officer concerned has been taken on the strength of DG Population KP as Civil Servant with the approval of the Competent Authority vide this department notification dated 10-11-2020 at Sr. No-12 (Annex-XI).

3- Foregoing in view, it is established fact that the afore mentioned doctor is an employee of this Department and has been illegally repatriated by Health Department without taking into consideration full facts viz-a-viz her service record. Therefore, this Department intends to initiate disciplinary action against the doctor concerned under E&D Rules, 2011.

4- Health Department is therefore requested to kindly look into the matter and furnish their considered views/ comments for further proceedings.

Yours faithfully,

(LAL SAEED KHATTAK)
SECTION OFFICER (ESTT)

Encls: As above

Copy to the:-

1. Director General, Population Welfare, Khyber Pakhtunkhwa
2. PS to Secretary PWD, Khyber Pakhtunkhwa.

SECTION OFFICER (ESTT)

Assistant Director (Litigation)
Population Welfare Department
Khyber Pakhtunkhwa



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**GOVERNMENT OF KHYBER PAKHTUNKHWA
POPULATION WELFARE DEPARTMENT**

2nd Floor, Abdul Wali Khan Multiplex, Civil Secretariat, Peshawar

No. SOE (PWD) 4-9/200/2019/ST/2125-27 90
Dated Peshawar the 15th July, 2021

To

The Secretary to Government of Khyber Pakhtunkhwa,
Health Department,
Peshawar.

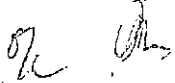
Subject: - NOTIFICATION NO. SO(EH-II/10-25/2020 DATED 09-12-2020
REGARDING REPATRIATION OF DR. LAL ZARI, WMO (BS-17).

Dear Sir,

I am directed to refer to this Department's letter No. SOE(PWD)4-9/200/2019/ST/2125-27 dated 04-06-2021 on the subject noted above and to state that the reply of Health Department in the instant case is still awaited, which may kindly be expedited at the earliest to proceed further into the matter.

2- An early action in the matter shall be highly appreciated, please.

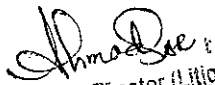
Yours faithfully,


(LAL SAEED KHATTAQ)
SECTION OFFICER (ESTT)

Copy to the: -

1. Director General, Population Welfare, Khyber Pakhtunkhwa.
2. PS to Secretary Population Welfare Department, Khyber Pakhtunkhwa.


SECTION OFFICER (BSTT)


Assistant Director (Litigation)
Population Welfare Department
Khyber Pakhtunkhwa



63

2nd Reminder



**GOVERNMENT OF KHYBER PAKHTUNKHWA,
POPULATION WELFARE DEPARTMENT**

2nd Floor, Abdul Wali Khan Multiplex, Civil Secretariat, Peshawar

No. SOE (PWD) 4-9/200/2019/ST/2125-27 dated Peshawar the 29th Sep, 2021

To
The Secretary to Government of Khyber Pakhtunkhwa,
Health Department,
Peshawar.

Subject: - NOTIFICATION NO. SOE(H-II/10-25/2020 DATED 09-12-2020
REGARDING REPATRIATION OF DR. LAL ZARI WMO (BS-17).

Dear Sir,

I am directed to refer to this Department's letter No. SOE(PWD)4-9/200/2019/ST/2125-27 dated 04-06-2021 (copy enclosed) and subsequent reminder Dated 15th July, 2021 on the subject noted above and to state that the reply of Health Department in the instant case is still awaited, which may kindly be expedited at the earliest to proceed further into the matter.

2- An early action in the matter shall be highly appreciated, please.

Yours faithfully,

SECTION OFFICER (ESTT)

Copy to the:-

1. Director General, Population Welfare, Khyber Pakhtunkhwa
2. PS to Secretary Population Welfare Department, Khyber Pakhtunkhwa.

SECTION OFFICER (ESTT)

Shamir
Assistant Director (Litigation)
Population Welfare Department
Khyber Pakhtunkhwa



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3rd Reg. No.



GOVERNMENT OF KHYBER PAKHTUNKHWA
POPULATION WELFARE DEPARTMENT
2nd Floor, Abdul Wali Khan Multiplex, Civil Secretariat, Peshawar

No. SOE (PWD) 4-9/200/2019/ST/1425/27
Dated Peshawar the 5th Nov, 2021

To

The Secretary to Government of Khyber Pakhtunkhwa,
Health Department,
Peshawar.

Subject: - NOTIFICATION NO. SOE/H-II/10-25/2020 DATED 09-12-2020
REGARDING REPATRIATION OF DR. LAL ZARI WMO (BS-17)

Dear Sir,

I am directed to refer to this Department's letter No. SOE(PWD)4-9/200/2019/ST/2125-27 dated 04-06-2021 (copy enclosed) and subsequent reminder Dated 15th July, 2021 and 29th Sept, 2021, on the subject noted above and to state that despite issuance of two reminders, the reply of Health Department in the instant case is still awaited, which may kindly be expedited at the earliest to proceed further into the matter.

An early action in the matter shall be highly appreciated, please.

Yours faithfully,

(SYED IMRAN SHAH)
SECTION OFFICER (ESTT)

Copy to the:-

1. Director General, Population Welfare, Khyber Pakhtunkhwa.
2. PS to Secretary Population Welfare Department, Khyber Pakhtunkhwa.

SECTION OFFICER (ESTT)

Assistant Director (Litigation)
Population Welfare Department
Khyber Pakhtunkhwa



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GOVERNMENT OF KHYBER PAKHTUNKHWA
POPULATION WELFARE DEPARTMENT
 2nd Floor, Abdul Wali Khan Multiplex, Civil Secretariat, Peshawar

No. SOE (PWD) 4-9/200/2019/ST/2125-27
 Dated Peshawar the 15th Dec, 2021

To

The Secretary to Government of Khyber Pakhtunkhwa,
 Health Department,
 Peshawar.

Subject: - **NOTIFICATION NO. SO(E)H-II/10-25/2020 DATED 09-12-2020**
REGARDING REPATRIATION OF DR. LAL ZARI, WMO (BS-17).

Dear Sir,

I am directed to refer to this department's letter No. SOE(PWD)4-9/200/2019/ST/2125-27 dated 04-06-2021 and subsequent reminders dated 15th July, 2021, 29th Sept, 2021 & 5th Nov, 2021, on the subject noted above and to state that comprehensive letter alongwith enclosures in r/o Dr. Lal Zari, WMO BS-17 was sent to your good office for views / comments regarding her repatriation back to Health Department without taking the consent of Population Welfare Department Khyber Pakhtunkhwa (**copy enclosed for ready reference**), which is still awaited.

2. I am therefore, directed to request you to furnish the requisite reply/comments to this department as forwarded vide letter quoted above.

3- An early action in the matter shall be highly appreciated, please.

Yours faithfully,

(SYED IRFAN SHAH)
 SECTION OFFICER (ESIT)

Copy to the:-

1. Director General, Population Welfare, Khyber Pakhtunkhwa.
2. PS to Secretary Population Welfare Department, Khyber Pakhtunkhwa.

SECTION OFFICER (ESIT)

Assistant Director (Litigation)
 Population Welfare Department
 Khyber Pakhtunkhwa





GOVERNMENT OF KHYBER PAKHTUNKHWA
POPULATION WELFARE DEPARTMENT
A-Block Abdul Wali Khan Multiplex, Civil Secretariat, Peshawar
Email Address: population.establishment@gmail.com
Phone No: 091-9223623

Immediate

No. SOE (PWD) 4-9/2023
Dated Peshawar the, 10/11/23

To
The Secretary to Govt: of Khyber Pakhtunkhwa,
Health Department,
Peshawar.

Deleted
11/1/23

SUBJECT:- ILLEGAL JOINING OF HEALTH DEPARTMENT BY DEPUTY DIRECTOR (BS-18) POPULATION WELFARE DEPARTMENT IN PURSUANCE OF NOTIFICATION DATED 09-12-2020 OF HEALTH DEPARTMENT

Dear Sir,
I am directed to refer to this department letter of even No. dated 04-06-2021 (Annex-I) followed by subsequent reminders and last reminder dated 01-12-2021 (Annex-II) on the subject noted above and to state that reply in the matter is still awaited.

02. It is pertinent to mention that this department is going to file CPLA in the august Supreme Court of Pakistan against the impugned judgment of the Service Tribunal Khyber Pakhtunkhwa in the services appeal No.1299 of 2019 Dr. Lal Zari Vs Chief Secretary Government of Khyber Pakhtunkhwa and others through which she had challenged the period of reduction from BS-18 to BS-17 for one year and provision of back benefits including service in BS-18.

03. Further, this department plans to initiate disciplinary proceedings against Dr. Lal Zari for misconduct under the E&D Rules, 2011.

04. In view of above, it is therefore requested that views / comments of Health Department may kindly be furnished to this department up to 27-06-2023 for further processing of the case.

05. The matter may be treated as immediate being Court matter, please.

Yours faithfully,

(SHAH BAKHT YOUSOF)
SECTION OFFICER (SOE)

Shah Bakht Yousof
Assistant Director (Litigation)
Population Welfare Department
Khyber Pakhtunkhwa

Encls: As above:
ENDST: OF EVEN NO. & DATE:
Copy is forwarded to the:

- 1. Section Officer-V, Health Department, Khyber Pakhtunkhwa.
- 2. PS to Secretary Population Welfare Department Khyber Pakhtunkhwa.

SECTION OFFICER (SOE)



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IMMEDIATE/COURT ORDER
ACTION REQUIRED



GOVERNMENT OF KHYBER PAKHTUNKHWA,
POPULATION WELFARE DEPARTMENT
02nd Floor, Abdul Wali Khan Mall (plex), Civil Secretariat, Peshawar
Email Address: population_establishment@pwmll.com
Phone No: 091-9221623

No. SOI (PWD) 4-9/200/2022-11/11
Dated Peshawar the 8th January, 2023

To
The Secretary to Govt. of Khyber Pakhtunkhwa,
Health Department,
Peshawar.

Subject: • ILLEGAL JOINING OF HEALTH DEPARTMENT BY DR. LAL ZAHID
DEPUTY DIRECTOR (HS-1) POPULATION WELFARE DEPARTMENT
IN PURSUANCE OF NOTIFICATION DATED 09.11.2020 OF HEALTH
DEPARTMENT

Dear Sir,

I am directed to refer to this department letter of even number dated 16.06.2022 on
the subject noted above and to state that reply in the matter is still awaited, which may kindly be
expedited, please.

Yours faithfully,

(SHAH BAKHT YOUSAFZAD)
SECTION OFFICER (ESTT)

ENDST. OF EVEN NO. & DATE:

Copy is forwarded to the:

PS to Secretary, PWD, Khyber Pakhtunkhwa, Peshawar.

SECTION OFFICER (ESTT)

Ahmed
Assistant Director (Litigation)
Population Welfare Department
Khyber Pakhtunkhwa





GOVERNMENT OF KHYBER PAKHTUNKHWA,
POPULATION WELFARE DEPARTMENT
02nd Floor, Abdul Wali Khan Multiplex, Civil Secretariat, Peshawar
Email Address: population.establishment@gmail.com
Phone No: 091-9223623

No. SOE(PWD) 4-9/200/2023
Dated Peshawar the 22nd January, 2024

To
The Secretary to Govt: of Khyber Pakhtunkhwa,
Health Department,
Peshawar.

Attention: Section Officer (E-V)

Subject: - IMPLEMENTATION OF COURT / SERVICE TRIBUNAL DECISION / ORDER DATED 14-04-2023 IN FAVOUR OF DR. LAL ZARI W.E.F FROM 25-06-2019 REGARDING BACK BENEFIT TO THE APPELLANT FOR THE INTERVENING PERIOD.

Dear Sir,

I am directed to refer to your letter No. SOH(E-V)2-2/2023/Dr. Lal Zari dated 01-01-2024 on the subject noted above and to state that this department has filed CPLA before the august Supreme Court of Pakistan against the judgement of the Khyber Pakhtunkhwa Service Tribunal in Service Appeal No. 1299/2019 titled Dr. Lal Zari V/S Government of Khyber Pakhtunkhwa dated 14-04-2023.

02. I am further directed to state that this department has already asked certain information from Health Department vide letter of even number dated 04-06-2021 and subsequent reminders dated 15-07-2021, 29-09-2021, 05-11-2021, 01-12-2021, 16-06-2023 and 08-01-2024, but no response in the matter has received as yet.

03. Therefore, it is once again requested that the requisite information may be furnished to this department for further proceedings in the case in accordance with law / rules, please.

Yours faithfully,

(SHAH BAKHT YOUSAFZAI)
SECTION OFFICER (BSTT)

Shah Bakht Yousafzai
Assistant Director (Litigation)
Population Welfare Department
Khyber Pakhtunkhwa

ENDST. OF EVEN NO. & DATE:

Copy is forwarded to the:-

PS to Secretary, PWD, Khyber Pakhtunkhwa, Peshawar.

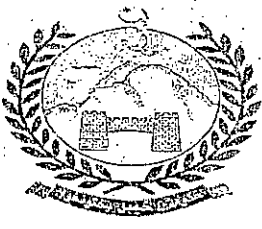
SECTION OFFICER (BSTT)

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Annex 1



**DIRECTORATE GENERAL HEALTH SERVICES
KHYBER PAKHTUN KHWA PESHAWAR**

E-Mail Address: nwfpdghs@yahoo.com office Pktd-9210187 Pktd-9210196
Exchange# 091-9210187, 9210196 Fax # 091-9210196
No. _____ /AE-I Dated: 04/11/2024

To,

1. Director General PHSA, Khyber Pakhtunkhwa.
2. All Principals, Medical Colleges in Khyber Pakhtunkhwa.
3. All District Health Officers in Khyber Pakhtunkhwa.
4. All Medical Superintendents DHQ: Hospitals in Khyber Pakhtunkhwa.
5. All Hospital Directors, MTI, in Khyber Pakhtunkhwa.

SUBJECT: -

**PROVISIONAL SENIORITY LISTS OF GENERAL CADRE DOCTORS IN
BS-18, BS-19 AND BS-20 IN THE HEALTH DEPARTMENT KHYBER
PAKHTUNKHWA FOR THE YEAR 2024**

Memo,

Provisional Seniority lists of General Cadre doctors BS-18, BS-19 and BS-20 serving in the Health Department, Khyber Pakhtunkhwa, prepared by this Directorate are sent herewith for the purpose of circulation amongst all concerned working under your control for their information and confirmation about accuracy of these lists. The lists are also available at official website of the Health Department www.healthkp.gov.pk and this Directorate official website www.dghskp.gov.pk. In case of any objection with regard to the contents of the seniority lists, the same may please be communicated to this Directorate for reconsideration and rectification within One month positively after the receipt of this communication.

**ADDL; DIRECTOR GENERAL (HRM)
DIRECTORATE GENERAL HEALTH SERVICES
KHYBER PAKHTUNKHWA PESHAWAR**

No. 1441-1580 /AE.I,

Copy forwarded to the:-

01. Secretary to Govt: of Khyber Pakhtunkhwa Health Department Peshawar
02. Director DHIS, DGHS Office, Peshawar.

For information with the request to upload these Seniority Lists on the official website of Health Department/DHIS, DGHS Office, Peshawar please.

**ADDL; DIRECTOR GENERAL (HRM)
DIRECTORATE GENERAL HEALTH SERVICES
KHYBER PAKHTUNKHWA PESHAWAR**

*Ehtesham
For the needful*

Saleem

Reviewed on

20/11/2024

R

4-11-24

**Assistant Director (Litigation)
Population Welfare Department
Khyber Pakhtunkhwa**

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,

PESHAWAR

In Service Appeal No.1299/2019 in Execution Petition No. 958/2023.

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Amir Qureshi
Assistant Director (Litigation)
Population Welfare Department
Khyber Pakhtunkhwa

AMIR QURESHI
ASSISTANT DIRECTOR
(LITIGATION)
POPULATION WELFARE DEPARTMENT
KHYBER PAKHTUNKHWA

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PROVISIONAL SENIORITY LIST OF SENIOR MEDICAL OFFICERS (BS-18) OF THE HEALTH DEPARTMENT 03.01.2024

SANCTIONED POSTS= 1235

Regular appointment/promotion to the present post.							
Sl. No.	Name of Officer/Official with medical qualification.	Date of Birth and Domicile	Date of Ist entry into Govt. Service	Date of promotion	BPS	Method of recruitment appointment	Present Place of posting.
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
1.	Dr. Zarmina Qasim D/O Muhd Qasim Imam, MBBS.	04.03.1965 Peshawar	15.5.1991	10.09.2009	BS-18	By promotion.	SWMO, KTH, Peshawar.
2.	Dr. Rubeena Gul D/O Rahim Gul, MBBS	08.10.1964 Peshawar	15-5-1991	23.11.2009	BS-18	By Promotion	Demonstrator, KMC, Peshawar
3.	Dr. Muhammad Abid Shah s/o Muhd Ayub Shah, MBBS	1.3.1965/ Abbottabad	9.12.1991	23.11.2009	BS-18	By Promotion	Demonstrator KMC, Peshawar.
4.	Dr. Zahid Muhammad Wazir s/o Dost Muhd Wazir, MBBS	8.10.1965/ FR Bannu	9.12.1991	23.11.2009	BS-18	By Promotion	KMC, Peshawar
5.	Dr. Naila Hamid D/O Abdul Hamid Khan, MBBS	23.03.1965 Peshawar	19-12-1991	10.09.2009	BS-18	By Promotion	, KMC, Peshawar
6.	Dr. Waqar Ahmad S/O Rafiq Ahmad, MBBS.	20.01.1966/ Peshawar	14.4.1992	04.08.2022	BS-18	By Promotion	RHC Regi Peshawar
7.	Dr. Farhat Rehman D/O Fazalur Rehman Azad,	21-03-66 Mohmand	09-09-1993	24.06.2014	BS-18	By Promotion	Demonstrator, BKMC Mardan.
8.	Dr. Najma Tariq D/O Moiz-ud-Din, MBBS	10.12.1967 Dir	14-01-1997	06.04.2015	BS-18	By Promotion	Attached to DHO, Nowshera. Absent
9.	Dr. Fatima Humera D/O Abdullah Khan, MBBS	28.05.1968/ Haripur	19-08-1997	02.02.2022	BS-18	By promotion	W&C hosp; Kohat
10.	Dr. Shah Nawaz s/o Fazalur Rehman, MBBS	15.12.1968/ Nowshera	15.09.1997	06.04.2015	BS-18	By Promotion	KMC, Peshawar
11.	Dr. Waqas Mohyuddin s/o Ghulam Mohyuddin, MBBS	13.5.1966/ Bannu	15.09.1997	06.04.2015	BS-18	By Promotion	NMC Nowshera
12.	Dr. Muhammad Ali s/o Lal Khan, MBBS	19.3.1964/ Khyber	15.09.1997	02.02.2022	BS-18	By promotion	KATH, Mansehra

Amir Ali
Assistant Director (Litigation)
Population Welfare Department
Khyber Pakhtunkhwa

Assistant Director (LITIGATION)

Population Welfare Department

Khyber Pakhtunkhwa

603.	Dr. Shaista Ilyas D/O Syed Ilyas Shah	01.01.1980/Bannu	07.09.2007	02.02.2022 14.11.2023	BS-18 BS-19	By Promotion By Promotion.	Sarhad Hosp:for Psy Peshawar
604.	Dr. Gul Zari Begum D/O Prof. Mubashir	25.06.1975/Pesha war	07.09.2007	02.02.2022 14.11.2023	BS-18 BS-19	By Promotion By Promotion.	DGHS Office, Peshawar
605.	Dr. Azeem Azeem D/O Fahim Azeem Khan	16.09.1970 D.I.Khan	07.09.2007	02.01.2018 14.11.2023	BS-18 BS-19	By Promotion By Promotion.	DHQH, DIKHAN
606.	Dr. Faryal Azeem D/O Muhammad Azeem	29.07.1973 FR Pesh	07.09.2007	02.01.2018 14.11.2023	BS-18 BS-19	By Promotion By Promotion.	KTH, Peshawar
607.	Dr. Muhammad Alam Khan S/O Noor Muhammad	19.02.1978 Swat	07.09.2007	02.01.2018 14.11.2023	BS-18 BS-19	By Promotion By Promotion.	SGTH Swat
608.	Dr. Adnan Khawar S/O Mirawas Khan	03.10.1978 Sawbi	07.09.2007	02.01.2018 14.11.2023	BS-18 BS-19	By Promotion By Promotion.	BKMC, Swabi.
609.	Dr. Bibi Hajira D/O Muhammad Nawaz Khan	18.02.1977 L. Marwat	07.09.2007	02.01.2018 14.11.2023	BS-18 BS-19	By Promotion By Promotion.	SWMO, City Hosp., Lakki Marwat
610.	Dr. Muhammad Kabir S/O Muhammad Safeer	08.04.1981 Peshawar	07.09.2007	22.05.2018 14.11.2023	BS-18 BS-19	By Promotion By Promotion.	HMC Peshawar
611.	Dr. Mustafa Abbas S/O Talib Ali	19.02.1979 Ko hat	07.09.2007	15.11.2017 14.11.2023	BS-18 BS-19	By Promotion By Promotion.	SMO DHQH: Kohat
612.	Dr. Lubna Begum D/O Mian Asmat Shah	01.02.1971 Peshawar	07.09.2007	02.01.2018 14.11.2023	BS-18 BS-19	By Promotion By Promotion.	Attached to Peshawar
613.	Dr. Erum Jehan D/O Shah Jehan	19.08.1973 Charsadda	07.09.2007	22.05.2018 14.11.2023	BS-18 BS-19	By Promotion By Promotion.	KTH Peshawar
614.	Dr. Ambareen Shahbaz D/O Shahbaz Khan	05.05.1976 Charsadda	07.09.2007	02.01.2018 14.11.2023	BS-18 BS-19	By Promotion By Promotion.	DHQ Hospital Charsadda
615.	Dr. Bibi Amina D/O Ghulam Muhammad	10.05.1976 L/ Marwat	07.09.2007	02.01.2018 14.11.2023	BS-18 BS-19	By Promotion By Promotion.	GMC DIKHAN.
616.	Dr. Manzoor Ahmad S/O Rustam Khan	20.10.1978 L/ Marwat	07.09.2007	15.11.2017 14.11.2023	BS-18 BS-19	By Promotion By Promotion.	Attached to DHO Lakki
617.	Dr. Adnan Saeed S/O Syed Hamid Ali Shah	16.11.1976 Peshawar	07.09.2007	22.05.2018 14.11.2023	BS-18 BS-19	By Promotion By Promotion.	RHC Takhtabad Peshawar
618.	Dr. Bela Inayat D/O Inayat Rehman	25.03.1974 Peshawar	07.09.2007	02.01.2018 14.11.2023	BS-18 BS-19	By Promotion By Promotion.	Demonstrator KGMC Peshawar

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL.

PESHAWAR

In Service Appeal No.1299/2019 in Execution Petition No. 958/2023.

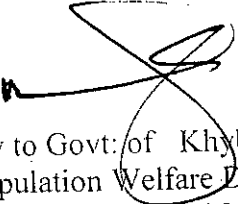
1. Chief Secretary, Govt. of Khyber Pakhtunkhwa Peshawar.
2. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa Peshawar.
3. Secretary Population Welfare Department Govt of Khyber Pakhtunkhwa Peshawar.
4. Director General Population Welfare Govt of Khyber Pakhtunkhwa Peshawar.
..... (Petitioners)

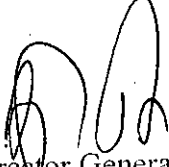
Versus

Dr. Lal Zari, D/O professor Muhibullah R/O Sector N-1, House No. 4 Street No.1, Hayatabad Peshawar. At present working under Directorate General Health Service Khyber Pakhtunkhwa Peshawar
..... (Respondent)

AUTHORITY LETTER

Mr. Ahmad Yar Khan Assistant Director (Litigation), Directorate General Population Welfare Khyber Pakhtunkhwa is hereby authorized / nominated on behalf of petitioners to submit application under section 12(2) CPC against the judgment of Service Appeal No. 1299/2019 in the Honorable Khyber Pakhtunkhwa Service Tribunal Peshawar.


Secretary to Govt. of Khyber Pakhtunkhwa
Population Welfare Department,
Petitioner No.3


22.3.24
Director General
Population Welfare Khyber Pakhtunkhwa
Petitioner No.4

Govt. of NWFP
Services and General Administration
(Regulation Wing)

SO.SOI(SAGAD)4-2/4P

Dated: 15.1.1999.

To

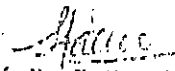
1. All Administrative Secretaries to Government of NWFP.
2. Secretary to Governor, NWFP.
3. Secretary to Chief Minister, NWFP.
4. All Divisional Commissioners in NWFP.
5. All Heads of Attached Departments in NWFP.
6. All Heads of Autonomous/Semi-autonomous Bodies in NWFP.
7. All Deputy Commissioners/Political Agents in NWFP.
8. The Registrar, Peshawar High Court, Peshawar.
9. All District and Session Judges in NWFP.
10. The Registrar, NWFP Services Tribunal, Peshawar.
11. The Secretary, NWFP Public Service Commission.
12. The Director, Anti-Corruption Establishment, Peshawar.
13. The Secretary, Board of Revenue, NWFP.

SUBJECT:- SIGNING OF PARA-WISE COMMENTS ETC. IN SERVICE APPEALS FILED IN THE NWFP SERVICES TRIBUNAL BY CIVIL SERVANTS.

Sir,

I am directed to refer to the subject noted above and to say that pursuant to Rule-12(2) of NWFP Services Tribunal Rules, 1974, the competent authority has been pleased to authorize the Administrative Secretaries concerned or a subordinate officer to be nominated by the Administrative Secretary to sign para-wise comments etc. on behalf of the Chief Minister, NWFP and Chief Secretary, NWFP, as the case may be in cases of service appeals filed by the Civil Servants before the NWFP Services Tribunal.

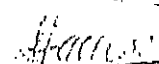
Your obedient servant,


(SAGAD)
SECTION OFFICER (REGULATION)
SAGAD.

Encl: Even No. and date.

A copy is forwarded for information to the:-

1. All Addl: Secretaries/Dy: Secretaries in SAGAD.
2. All Section Officers/Asstt Officer in SAGAD.
3. P.S. to Chief Secretary, NWFP.
4. P.S. to Secretary SAGAD.
5. Librarian, SAGAD.


(SAGAD)
SECTION OFFICER (REGULATION)



Services and General Adm
Deptt; (Regulation Wing)

No. SOR-I (S&GAD)-2/82,
Dated: 15.01.1999.

To

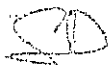
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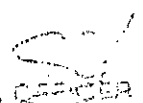
Yours Obedient Servant,


SECTION OFFICER (REGULATION-I)
S&GAD.

Endst: Even No. and date.

A copy is forwarded for information to the:-

1. All Addl. Secretaries/Dy. Secretaries in S&GAD.
2. All Section Officers/Estate Officers in S&GAD.
3. P.S. to Chief Secretary, NWFP.
4. P.S. to Secretary S&GAD.
5. Librarian, S&GAD.


SECTION OFFICER (REGULATION-I)



CamScanner