

PRESIDENT'S SECRETARIAT (PUBLIC)
AIWAN-E-SADR, ISLAMABAD

Rep. No.387/WM/2021
Date of Decision: 31.01.2023

Dr. Umar Hayat Vs Islamabad Healthcare Regulatory Authority

REPRESENTATION FILED BY DR. UMAR HAYAT AGAINST THE ORDER OF THE WAFAQI MOHTASIB IN COMPLAINT NO. WMS-HQR/0005452/21

Kindly refer to your representation addressed to the President in the background mentioned below:-

2. This representation has been filed by Dr. Umar Hayat (the complainant) assailing the order dated 21.09.2021 of the Wafaqi Mohtasib whereby it has been held as under:-

“...The complainant reiterated his contention and further stated that he is being victimized and blackmailed by the Agency at the behest of one Dr. Ali Azhar Kazmi, owner of Emman Rehabilitation Centre, Rawalpindi who is a criminal and mentally sick person involved in antisocial activities. He further highlighted the achievements of his facility in public service, capacity building, works ethics of the staff and quality of the professionals working in the Clinic. The Agency’s representative pleaded the case in the light of the report and contested the claim of the complainant. He deposed that the action of the Agency was initiated on multiple complaints from the public and the Ministry. He affirmed that the perception of any bias toward the complainant is baseless and without evidence. He further stated that the complainant has not satisfactorily rebutted the contraventions and violations underlined in the inspection report of the visiting team of the Agency. Further the suspension of the operation of the Clinic was decided after due diligence and assessment of the prevailing hygienic and sanitary conditions; general and medical care of the patients. Arguments heard and record made available by both the parties gone through. The complainant has not produced palatable evidence which may incriminate the Agency on account of arbitrariness and discrimination. He has also failed to put up documentary evidence of faithful compliance of the observations of the Inspection team of the Agency for which timeframe was also notified. Based on the discussion during the hearings and perusal of the available record, it is held that the Agency has not overstepped its institutional and legal mandate; hence no maladministration on its part.

In view of the foregoing, the complainant has failed to established mal-administration on the part of the Agency. Hence, the instant complaint is rejected in terms of Regulation 23(3) of the Wafaqi Mohtasib (Investigation & Disposal of Complaints) Regulations, 2013.”

3. The complainant had alleged that he is running WADA Trust from last 12-years, which treated psychological and drug addictions. According to him, on 28.07.2021, the Islamabad Healthcare Regulatory Authority (the Agency) without lawful authority, has suspended operation of his non-hospital psychological and drug residential facility. He further alleged that the impugned order dated 28.07.2021 is unethical, incorrect and mala fide passed on the Inspection Report of an illegally constituted team of experts. Feeling aggrieved, he approached the learned Wafaqi Mohtasib who passed the impugned orders, hence the instant representation.

4. The case was fixed for hearing on 19.01.2023. Mr. Aqeel Khan advocate on behalf of the complainant whereas Dr. Syed Khurram Raza Shah, Deputy Director, Sabir Hussain, Inspection Officer and Hamza Akhter, Law Officer on behalf of the Agency have appeared.

5. During the hearing, the representative of the complainant stated that the requisite relief have been granted by the Hon'able Islamabad High Court, Islamabad vide its Order dated 09.12.2022 in Writ Petition No.4594/2022 and requested for withdrawal of the representation, this representation has lost its efficacy and liable to be disposed of as having been withdrawn.

6. In view of the above, the Hon'able President has been pleased to dispose of the representation as having been withdrawn.

-Sd-
(Asghar Ali)
Director (Legal)

The Chief Executive Officer,
Islamabad Health Regulatory Authority (IHRA),
M/o NHSR &C DMCL Building (PRCS),
2nd Floor, Sufi Tabassum Road,
H-8/2, **Islamabad.**

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Wada Clinic, Chattah Bakhtawar,
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Copy to:

The Secretary, Wafaqi Mohtasib (Ombudsman)'s Secretariat, Constitution Avenue,
Islamabad.