

BEFORE THE KP SERVICE TRIBUNAL, PESHAWAR

SERVICE APPEAL NO. 133/2024


Mr. Ayub Khan

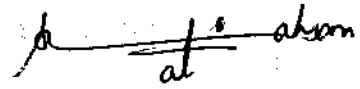
VS

Govt: of KP through Secretary Health
Deptt etc.

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Prof: Dr. Sahibzada Mehmood Noor
CEO, PGMI, Peshawar.
Respondent No.3


Syed Ahsan Ali Shah
Manager HR, PGMI Peshawar.
Respondent No.4

THROUGH:


(M. ASIF YOUSAFZAI, ASC)
STANDING COUNSEL FOR PGMI

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af-06-24
Peshawar

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BEFORE THE KP SERVICE TRIBUNAL, PESHAWAR

SERVICE APPEAL NO. 133/2024

Mr. Ayub Khan, Superintendent Cum P.S (BPS-17) PGMI,
Peshawar.

**Khyber Pakhtunkhwa
Service Tribunal**

Diary No. 13108

VERSUS

Dated 03-06-24

1. Govt of Khyber Pakhtunkhwa through Secretary Health Department,
Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
2. Director General, Health Department Warsak Road, Peshawar.
3. CEO/Chairman Executive Council, PGMI Hayatabad Peshawar.
4. HR Manager Post Graduate Medical Institute (PGMI) Hayatabad,
Peshawar.

**PARA-WISE COMMENTS ON BEHALF OF
RESPONDENT NO. 03 & 04**

RESPECTFULLY SHEWETH:-

Preliminary Objections:

1. That the appellant has no cause of action and locus standi.
2. That the appellant is no more the responsibility of PGMI as already
stood relieved from PGMI.
3. That the appellant cannot ask for desired posting and the appeal is hit
by Section-4, B (1) of the Khyber Pakhtunkhwa Service Tribunal,
Act, 1974.

FACTS:-

1. Correct to the extent of Citizen of Pakistan, while rest of Para regarding performance is not correct as evident from Executive Council decision and allegations mentioned in inquiry report.
2. Incorrect and misconceived. The Section-9 (8) OF THE KP MTI Act, 2015 and Section-24 of the Act (ibid) are very much clear. Moreover the PGMI Functions Rules, 2017 read with notification dated 31.08.2021 are also clear in this regard. Moreover the PGMI is not an attached Department of the Health Deptt as evident from the Schedule of the KP Rules of Business, 1985.
3. Incorrect and misconceived. Section-24 of the MTI Act, 2015 is very much clear on the point, which stipulate no such conditions.
4. No related to the matter in dispute, hence denied. However, this Para amounts to poking nose in other authorities functions, which also amount to misconduct. Moreover, the notification dated 31.08.2021 is very much clear on the point.
5. Incorrect and misconceived. Internal arrangement can be made by PGMI, whereas, Health Department has no concern with the PGMI after promulgation of the KP MTI Act, 2015.
6. Misconceived, hence denied. The appellant is bound to perform duties where deputed by the PGMI. Any sort of objection refusal is certainly amount to misconduct.
7. Incorrect and misconceived, hence denied. This august Tribunal has no jurisdictions to issue writ of quo-warranto because the points mentioned in this Para cannot be agitated before the forum and also now become a past and closed chapter due to retirement of said Dr. Hamid.
8. Incorrect, hence denied. As explained in above Para.

9. Incorrect. the appellant is superintendent and has no concern with the adjustment of any other official as P.S. it is the sole discretion of C.E.O to place any official as his P.S, being the Chief Executive of PGMI. The appellant cannot object legal on any internal arrangement of PGMI ordered by the C.E.O.
10. Incorrect, baseless, hence denied.
11. Incorrect and misconceived. The appellant legally cannot ask for posting at a place of his choice. The allegation leveled against appellant and its inquiry is an administrative function which cannot be interfered with by any legal fora. The appellant has been already relieved from PGMI on 12.09.2023.
12. Incorrect. After relieving from PGMI, the appellant is no more the responsibility of PGMI. As far as the memo dated 29.11.2023 is concerned that was issued by an incompetent authority. Moreover, the appellant himself admitted the reporting arrival to Health Deptt by obeying the order.
13. Misconceived. Any decision of Executive Council is not departmentally appealable. Moreover appeal is always made to higher authorities and not to the same one.
14. Incorrect, hence denied. As explained in Para-12 above.
15. Incorrect, hence denied. Moreover as explained in Para-12 & 13 above.
16. Incorrect. neither the registration of Association nor the proof of election if any is attached, hence denied.
17. Incorrect. The performance and conduct is evident from allegations and inquiry conducted against the appellant.

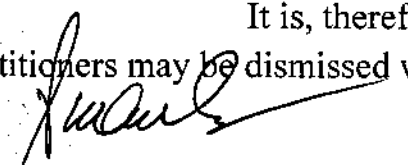
18. Misleading and incorrect. The appellant has been already relieved and he was also reported his arrival to Health Department. Therefore after that, the appellant cannot ask for pay from PGMI.

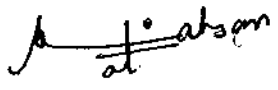
19. The appellant has no case at all, hence his appeal is liable to be dismissed.

GROUND:-

- A. incorrect, hence denied. The appellant was dealt in accordance with law and rules.
- B. Incorrect, hence denied. As explained in Para-18 above.
- C. Incorrect. Decisions of E.C are not appealable. Hence the stance of appellant is not correct.
- D. Incorrect. The memo dated 29.11.2023 was not from competent authority and was a mere request which was not acceded to.
- E. Incorrect. After repatriation from PGMI, the salary etc is the responsibility of Health Deptt and not of PGMI.
- F. Incorrect, misconceived, hence denied. More-over as explained in Para-12, 18 & E above.
- G. Incorrect and misconceived. As explained in Para-E above.
- H. No comments, but subject to proof.
- I. Legal.

It is, therefore, humbly prayed that the writ petition of the petitioners may be dismissed with cost throughout.


Prof: Dr. Sahibzada Mehmood Noor
 CEO, PGMI, Peshawar.
 Respondent No.3


Syed Ahsan Ali Shah
 Manager HR, PGMI Peshawar.
 Respondent No.4

THROUGH:


(M. ASIF YOUSAFZAI, ASC)
 STANDING COUNSEL FOR PGMI



Post Graduate Medical Institute Peshawar

No. _____/PGMI

Date _____/_____/2024

AUTHORITY LETTER

Syed Ijaz Ali Shah, Litigation Officer PGMI Peshawar (B.17) is hereby authorized to represent the Postgraduate Medical Institute Hayatabad Peshawar to plead, attest/verify/sign reply/file comments and submit affidavit on behalf of PGMI in Appeal# 133/2024 titled Mr Ayub Khan versus Government of KP & others.

**Chief Executive Officer
Postgraduate Medical Institute
Hayatabad Peshawar**

Copy to:

1. The KP Services Tribunal Peshawar
2. The Litigation Officer PGMI Peshawar

For information and n/action please.

EXTRAORDINARY
GOVERNMENT



REGISTERED NO. PIII
GAZETTE

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KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, MONDAY 19th JANUARY, 2015.

PROVINCIAL ASSEMBLY SECRETARIAT,
KHYBER PAKHTUNKHWA

NOTIFICATION

Dated Peshawar, the 19th January, 2015.

No. PA/Khyber Pakhtunkhwa/Bills/2015/1869.—The Khyber Pakhtunkhwa Medical Teaching Institutions Reforms Bill, 2015 having been passed by the Provincial Assembly of Khyber Pakhtunkhwa on 13th January, 2015 and assented to by the Governor of the Khyber Pakhtunkhwa on 15th January, 2015 is hereby published as an Act of the Provincial Legislature of the Khyber Pakhtunkhwa.

THE KHYBER PAKHTUNKHWA MEDICAL TEACHING INSTITUTIONS REFORMS ACT, 2015

(KHYBER PAKHTUNKHWA ACT NO. IV OF 2015)

*(First published after having received the assent of the Governor of the
Khyber Pakhtunkhwa in the Gazette of the Khyber Pakhtunkhwa
(Extraordinary), dated the 19th January, 2015).*

AN
ACT

*to provide autonomy to the Government owned Medical Teaching Institutions
and their affiliated teaching hospitals in the Province of the Khyber Pakhtunkhwa
and to improve performance, enhance effectiveness, efficiency and
responsiveness for the provision of quality healthcare services
to the people of the Khyber Pakhtunkhwa*

WHEREAS it is expedient to provide autonomy to the Government owned Medical Teaching Institutions and their affiliated teaching hospitals in the Province of the Khyber Pakhtunkhwa and to regulate on sound physical and technical footings the service being rendered by these institutions and to improve performance, enhance effectiveness, efficiency and responsiveness for the provision of quality healthcare services to the people of the Khyber Pakhtunkhwa and other matters ancillary and incidental thereto;

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It is hereby enacted as follows:

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**CHAPTER-I
PRELIMINARY**

1. **Short title, extent, application and commencement.**---(1) This Act may be called the Khyber Pakhtunkhwa Medical Teaching Institutions Reforms Act, 2015.

(2) It extends to the whole of the Province of the Khyber Pakhtunkhwa.

(3) It shall apply to all the existing Medical Teaching Institutions in the public sector and such other institutions as Government may establish under section 3 of this Act or may have been established by law.

(4) It shall come into force at once.

**CHAPTER-II
DEFINITIONS**

2. **Definitions.**---In this Act, unless the context otherwise requires,-

- (a) "Basic Science Faculty" means all Medical Faculty not involved in patient care;
- (b) "Board" means the Board of Governors constituted under section 5 of this Act;
- (c) "Chairperson" means the Chairperson of the Board of Governors of a Medical Teaching Institution;
- (d) "Clinical Faculty" means a Medical Faculty involved in any manner with a clinical care of patients, whether diagnostic or therapeutic;
- (e) "College" means a Medical College or a Dental College in public sector;
- (f) "Consultant" means and includes-
 - (i) those medical faculties involved in patient care; or
 - (ii) those staff hired by the Medical Teaching Institution to act as service provider to the patients in hospital.
- (g) "Dean" means the academic head of a medical teaching institution;
- (h) "Medical Faculty" means the Basic Science Faculty and Clinical Faculty which includes Senior Registrar and above as well as Principal of a College, involved in teaching, training or patient care;
- (i) "Medical Teaching Institution" means a Medical College, a Dental College, or other health related teaching institutions and their affiliated teaching hospitals in the public sector or directly under the control of Government, which provides healthcare services, medical education and training, and medical research;

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- (j) "Government" means the Government of the Khyber Pakhtunkhwa;
- (k) "healthcare services" means preventive, curative, promotive, rehabilitative health services and include diagnostic, support services, laboratory, accident and emergency, pharmacy and paramedic support;
- (l) "member" means a member of the Board including Chairperson;
- (m) "prescribed" means prescribed by rules or regulations made under this Act;
- (n) "Principal" means the head of a College;
- (o) "regulations" means regulation made under this Act;
- (p) "rules" means rules made under this Act;
- (q) "Search and Nomination Council" means Search and Nomination Council notified by Government under section 8 of this Act; and
- (r) "section" means a section of this Act.

CHAPTER-III
MEDICAL TEACHING INSTITUTIONS

3. **Establishment of Medical Teaching Institutions.**---(1) Government may, by notification in the official Gazette, establish such Medical Teaching Institutions, as it may deem necessary and shall apply the provisions of this Act to such institutions.

(2) A Medical Teaching Institution established under this Act to which this Act is applied or an existing Medical Teaching Institution to which this Act applies shall be a body corporate having perpetual succession and a common seal with power to acquire hold and dispose of movable and immovable property and may in its name sue and be sued.

4. **Objects of the Medical Teaching Institutions.**---The objects of the Medical Teaching Institutions shall be-

- (a) to undertake all functions required for providing health facilities to the people, medical education and training and research and provide health facilities to the people of the Khyber Pakhtunkhwa; and
- (b) to perform such other functions as are assigned to it by Government from time to time.

5. **Board of Governors.**---(1) There shall be a Board of Governors for each Medical Teaching Institution to administer and manage its affairs.

(2) The Board of each Medical Teaching Institution shall comprise such number of members as determined by Government but not exceeding ten members, with three of its members from Government Departments mentioned in sub-section (4) and seven members shall be from private sector.

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(3) The members from private sector shall be appointed and notified by Government on the recommendation of the Search and Nomination Council constituted under section 8 of this Act and they shall have right to vote.

(4) The Government members shall include representatives from Health, Finance, Establishment and Administration Departments not below the rank of an Additional Secretary and they shall have no right to vote.

(5) The members from the private sector may include eminent technical and professional persons in their respective fields having significant aptitude and time available for improving the hospital services, such as, legal, finance and economics, management, medical profession, retired civil servants, educationist, social workers, representative of civil society, businessman, and renowned philanthropist.

(6) The Chairperson shall be elected by the members from private sector through voting from amongst itself, who shall preside over the Board meetings. In case of his absence, the Chairperson may nominate a Board member as acting Chairman or if he has not done so, the members present shall elect an acting Chairperson for that meeting.

(7) The term of the members from the private sector including Chairperson shall be three years.

(8) The membership of members from private sector shall cease and fall vacant if, he resigns, or fails to attend three consecutive meetings without sufficient cause or for any other reasons which incapacitate to remain as member. Any such vacancy shall be filled in within one month.

(9) No person shall be appointed or remain as a member of the Board, if he-

- (a) is of unsound mind;
- (b) has applied to be adjudicated as an insolvent and his application is pending;
- (c) is an un-discharged insolvent;
- (d) has been convicted by a Court of law for an offence involving moral turpitude;
- (e) has been debarred from holding any office under any provisions of law; or
- (f) has conflict of interest with such position.

6. **Conduct of business.**---(1) All decisions of the Board shall be taken by consensus, and in case of division of opinion, the decision shall be taken by majority of votes:

Provided that in case of equality of votes, the Chairperson of the Board shall have a second or casting vote.

(2) No act or proceedings of the Board shall be invalid, merely on the ground of existence of any vacancy.

(3) The quorum shall be two third of the total number of Board members.

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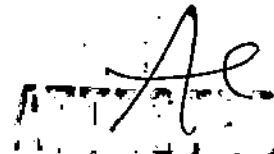
- (i) approval of bye-laws for medical staff and oversee the process for appointment of members of the medical staff;
- (j) approval of programs and services to ensure that a Medical Teaching Institution fulfills legal, regulatory and accreditation requirements;
- (k) constitute Executive Committee, Finance Committee, Recruitment Committee and such other Committees or Sub-Committees, as it may deem appropriate; and
- (l) compliance to Government policies and standards and in case of any deviation from agreed standards or procedures shall obtain prior approval from Government.

(2) Each Medical Teaching Institution shall be accountable to Government for its performance and shall regularly provide performance based data at set intervals based on Government's set performance monitoring format for the Medical Teaching Institutions with attendant reward and discipline measures and the Government shall also periodically evaluate the performance of the Medical Teaching Institutions against the set targets particularly related to efficiency, effectiveness and equity with attendant reward and discipline measures.

(3) The Board may delegate its powers for recruitment to various management levels within the Medical Teaching Institution.

3. Search and Nomination Council.--(1) Government shall constitute and notify a Search and Nomination Council, for recommendations of persons from private sector suitable to be appointed as members which shall consist of-

- | | | |
|-----|---|---------------|
| (a) | Minister for Health; | Chairman |
| (b) | Additional Chief Secretary Planning and Development Department; | Vice Chairman |
| (c) | Secretary to Government, Health Department; | Member |
| (d) | Vice Chancellor of the Khyber Medical University; | Member |
| (e) | a philanthropist with substantial contribution to the public healthcare system to be nominated by Government; | Member |
| (f) | a retired senior person from medical profession to be nominated by Government; and | Member |
| (g) | a representative of civil society to be nominated by Government. | Member |



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(4) The member count shall be determined by actual members being present and proxy vote shall not count.

(5) No member except specifically stated in the text shall, chair or be member of subordinate committee or sub-committee, to ensure unbiased oversight.

(6) The Board may hold meetings as frequently as required; provided that the Board shall hold at least one meeting on quarterly basis.

(7) Special meetings of the Board shall be convened on the special request of at least one third of the Board members for consideration of any important or urgent matter.

(8) Subject to the provisions of this Act and the rules made thereunder, a Committee constituted under this sub-section (8) shall perform such functions as may be prescribed.

(9) The remuneration for attending the Board meeting shall be such as may be prescribed by rules.

(10) The Secretary to the Board would be an employee of the Board, who would perform all secretarial and office functions of the Board at the direction of the Chairman; and would be responsible for taking minutes at the Board meetings, convening Board meetings, sending out letters to Board members as per direction of the Board Chairman.

7. Functions and powers of the Board.---(1) The Board shall be responsible for-

- (a) ensuring that the objectives of the Medical Teaching Institution within the overall ambit of Government policy are achieved; overseeing the effective management, and providing strategic direction to the Medical Teaching Institution;
- (b) policy making of a Medical Teaching Institution and ensuring that the performance of a Medical Teaching Institution and its programmes are efficient and effective;
- (c) prescribe procedure for appointment, terms and conditions of service, disciplinary matters and other service matters for the employees of a Medical Teaching Institution;
- (d) approval of vision and mission statement of a Medical Teaching Institution;
- (e) approval of annual business plan;
- (f) review and approval of major transactions;
- (g) approval of new programs and services and monitor organizational performance;
- (h) approval of financial plans and annual budget;

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KHYBER PAKHTUNKHWA GOVERNMENT GAZETTE, EXTRAORDINARY, 19th JANUARY, 2015. 637

(2) The Chairman shall chair the meeting of the Council and in his absence, the Vice Chairman shall chair the meeting.

(3) A member from private sector shall, unless otherwise directed by Government, hold office for a period of three years and shall be eligible for another term of three years or part thereof as Government may deem appropriate:

Provided that Government may remove a non-official member at any time after giving him an opportunity of being heard.

9. Teaching Institutions.--(1) All colleges in the Province of the Khyber Pakhtunkhwa shall affiliate with the Khyber Pakhtunkhwa Medical University for the purpose of their examination.

(2) The college shall be headed by a Principal and shall consist of Chairpersons of various departments of the college, including all medical faculties in the college.

(3) In each college, there shall be an Academic Council headed by Principal to prescribe and set principles and standards for teaching, research, training, development of curriculum, undertaking scholarly activity, ensuring, ethical and moral standards, student affairs and admission in colleges.

(4) The Principal shall be appointed by the Board for a period of three years through merit-cum-seniority process on such terms and conditions and having such qualification and experience as the Board may prescribe.

(5) The Chairperson of various departments for Medical Institutions shall be appointed by the Board for a period of three years through merit-cum-seniority based process, from amongst the Medical faculty on such terms and conditions and in such a manner as may be prescribed.

(6) The Dean, the Principal and the Chairpersons of various Departments may be removed from the office by the Board, before the expiration of the period of three years, on such grounds as may be prescribed.

(7) In the performance of functions, the Dean shall be responsible to the Board while the Vice-Dean and Chairpersons of the department shall be responsible to the Dean and Academic Council.

(8) After the commencement of this Act, the working of Postgraduate Medical Institute shall be streamlined under the rules.

10. Hospital Director.--(1) Each Board shall appoint a full time Hospital Director for the Medical Teaching Institution for a period of three years on the recommendation of a Recruitment Committee, on such terms and conditions as the Board may determine; provided that no Board member shall be appointed as Hospital Director.

(2) The Hospital Director shall possess a recognized Master's Degree in Hospital Management or Health Services Management or Business Management or Public Health or Public Administration or any other relevant management qualifications having experience of management in an organization or institution as may be prescribed.

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Provided that a person, who possess a recognized medical degree may also apply for the post of Hospital Director with the condition that he shall have an additional management degree and experience provided in this sub-section and shall have no right to do private practice.

(3) The Hospital Director may be removed from the office by the Board, before the expiration of the period of three years, on such grounds as may be prescribed.

(4) The Hospital Director shall be required to attend each Board meeting as co-opted member with no right of vote, to make presentations of his respective activities and update the Board on any functions or activities as required by the Board.

(5) In performance of his functions, the Hospital Director shall be responsible to the Board.

(6) The Hospital Director shall not have any conflict of interest with such a position.

11. Functions of the Hospital Director.---The Hospital Director shall be responsible-

- (a) for all non-clinical functions of the hospital;
- (b) preparation of the annual budget, and business plan for presentation and approval to the Board;
- (c) maintenance of building and engineering services;
- (d) maintenance and development of all ancillary services, including but not limited to pharmacy, nursing, materials management, human resources, clerical, communications and security services;
- (e) to act as the principal accounting officer responsible and accountable for maintaining the financial discipline and transparency; and
- (f) for implementation and execution of Board policies and to achieve the targets set by the Board.

12. Medical Director.---(1) Each Board shall appoint a full time, non-practicing Medical Director for the hospital for a period of three years on the recommendation of a Recruitment Committee, on such terms and conditions as the Board may determine; provided that no Board member shall be appointed as Medical Director.

(2) The Medical Director shall possess a recognized Medical degree with management or administrative qualification and experience of working in management positions in an institution or organization as may be prescribed.

(3) The Medical Director may be removed from the office by the Board, before the expiration of the period of three years, on such grounds as may be prescribed.

(4) All clinical department heads will report to the Medical Director.

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(5) The Medical Director shall be required to attend each Board meeting as co-opted member with no right to vote, to make presentations of his respective activities and update the Board on any functions or activities as required by the Board.

(6) In performance of his functions, the Medical Director shall be responsible to the Board.

(7) The Medical Director shall not have any conflict of interest with such a position.

13. Functions of the Medical Director.--- The Medical Director shall be responsible for all clinical functions of the hospital, including but not limited to:

(a) ensuring clinical excellence in all aspects of hospital function;

(b) ensuring timely, appropriate management of patients;

(c) ensuring the best outcomes for all patients;

(d) undertaking clinical governance for quality control;

(e) assessing and auditing existing clinical programs and developing new clinical programs; and

(f) develop an annual clinical budget, including capital medical equipment requests for presentation to the Hospital Director and the Board.

14. Nursing Director.---(1) Each Board shall appoint a full time, non-practicing Nursing Director for a hospital for a period of three years on the recommendation of a Recruitment Committee, on such terms and conditions as the Board may determine; provided that no Board member shall be appointed as such.

(2) The Nursing Director shall possess such qualification and experience as may be prescribed.

(3) The Nursing Director may be removed from the office by the Board, before the expiration of the period of three years, on such grounds as may be prescribed.

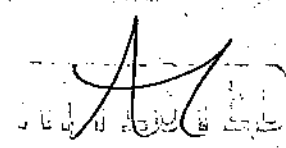
(4) The Nursing Director shall be required to attend each Board meeting as co-opted member with no right to vote, to make presentations of his respective activities and update the Board on any functions or activities as required by the Board.

(5) In performance of his functions, the Nursing Director shall be responsible to the Board.

(6) The Nursing Director shall not have any conflict of interest with such a position.

(7) The Nursing Director shall be responsible for all nursing functions, including training of nurses, ensuring adequate nursing staffing for all clinical needs, maintaining the highest nursing standards and performing regular audits of nursing functions.

(8) The Nursing Director shall perform such other functions as may be prescribed.



15. **Finance Director.**—Finance Director shall be appointed by the Board in the prescribed manner, for a period of three years, who shall be an employee of a Medical Teaching Institution with minimum qualifications as may be prescribed and to perform such functions in relation to financial matters as may be prescribed.

16. **Service of the Medical Teaching Institution.**—(1) The Board may appoint such persons, experts or consultants in the service of a Medical Teaching Institution, as deemed necessary and on such terms and conditions as may be prescribed.

(2) Before the commencement of this Act, all administrative and teaching staff recruited by the Management Council in the prescribed manner under the Khyber Pakhtunkhwa Medical and Health Institution and Regulation of Health Care Services Ordinance, 2002, shall be considered as employees of the concerned Medical Teaching Institution and shall continue to serve the Medical Teaching Institution on the same terms and conditions as applicable to them immediately before the issuance of the notification under sub-section (3) of section 1, till further orders.

(3) On commencement of this Act, all the civil servants serving in an existing Medical Teaching Institution shall be given an option either to continue to serve the Medical Teaching Institution as civil servant or may opt for the employment of the Medical Teaching Institution. The option shall be exercised within a period of ninety days after the commencement of this Act. Those employees, who do not opt for their absorption in the Medical Teaching Institution so notify, shall serve the Medical Teaching Institution concerned on their existing terms and conditions.

(4) After the commencement of this Act, if the provisions of this Act are applied to any newly established Medical Teaching Institution within the meaning of section 3 of this Act, all civil servants serving in the Medical Teaching Institution, shall be given an option either to continue to serve the institution as civil servant, or may opt for employee of institution. The option shall be exercised within period of ninety days after the notification of a Medical Teaching Institution under section 3 of the Act. Those employees, who do not opt for their absorption in the Medical Teaching Institution so notified, shall serve Medical Teaching Institution concerned, on their existing terms and conditions.

(5) The options under sub-section (4) once exercised shall be final. A civil servant, who opt to serve the Medical Teaching Institution, shall cease to be civil servant from the date of his absorption in the service of the Medical Teaching Institution concerned and their seniority, pension and other matters vis-à-vis with the employees of the Medical Teaching Institution, shall be determined in the manner, as may be prescribed by rules.

(6) If at any time, a Medical Teaching Institution reverts to Government for running under its own administration and management for any reason, the employees appointed under sub-section (1) shall continue to serve the Medical Teaching Institutions, on the same terms and conditions as applicable to them immediately before such reversion.

17. **Private practice.**—(1) After the commencement of this Act, all Consultants working in government hospitals, clinics, imaging facilities and laboratories shall be given an option either to do their private practice within the hospitals, clinics, imaging facilities and laboratories of the Medical Teaching Institutions or to do their private practice outside the hospitals, clinics, imaging facilities and laboratories of the Medical Teaching Institutions, as the case may be. The option shall be exercised within a period of sixty (60) days after the commencement of this Act. The question of option shall be further streamlined under the rules.

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(2) The civil servants or the employees of the Medical Teaching Institution, as the case may be, if, opt for the private practice within the premises of the hospital, clinics, imaging facilities and laboratories of the Medical Teaching Institution, may be entitled to such increase in salary, adjustment, bonuses or other ancillary benefits, as the Board may approve.

(3) The civil servants and the employees of the Medical Teaching Institutions, who do not opt for private practice within the premises of hospitals, clinics, imaging facilities and laboratories, shall be allowed to do their private practice outside the premises of the hospitals, clinics, imaging facilities and laboratories of the Medical Teaching Institutions and shall not be entitled for any increase in adjustment, bonuses or other ancillary benefits.

(4) In the performance of functions in the Hospital, the Consultant shall be responsible to the Hospital Management, with respect to service provider to the patient in the Hospital and shall follow all the rules and regulations relating to Hospital Management.

(5) The Medical Teaching Institution shall provide facilities for the most efficient services to allow the Consultants to perform their services at the highest level of excellence, including space, equipment, nursing, ancillary or clerical staff, laboratory, imaging and inpatient and surgical services as needed. The Medical Teaching Institution will remain open as long as necessary to provide these services. The individual Consultant shall be held responsible for the most efficient use of the facilities and shall be expected to provide cost and income projections for each new facility, equipment or service request with the support of Hospital Director and staff.

(6) Consultants professional fee shall not exceed the usual and customary fees charged for the same services in the community, assuring efficiency, and value for money to the clients.

(7) Private patient billing shall consist of the professional fee component and the Institutional charges representing the charges of the clinic, imaging facility, laboratory services, or other Institutional charges:

Provided that all patient billing shall be done only by the hospital, clinic, imaging facility, or laboratory, and the professional fee component shall be returned to the Consultant.

(8) No reduction of the professional component income to the Consultant from the patient shall be permissible by the Medical Teaching Institution.

(9) A percentage share from the institutional charges shall be distributed between the employees of the Medical Teaching Institution, based on the performance and productivity, according to a format to be prescribed by rules.

18. Retention of fee.--- (1) Notwithstanding anything contained in any law or rules, the Medical Teaching Institution shall retain receipts from various fees levied by Government or the Board to meet recurring and development expenditure of the Medical Teaching Institution.

(2) The amount realized from receipts of the Medical Teaching Institution shall not be deducted from the annual grant of the Medical Teaching Institution provided by Government and such amount realized from receipts shall be utilized as per specification by the Board.

19. Fund.---(1) There shall be a Fund to be known by the name of each Medical Teaching Institution and shall vest in the Medical Teaching Institution concerned.

ATTEST


(2) The Fund established under section 16 of the Khyber Pakhtunkhwa Medical and Health Institution and Regulation of Health Care Services Ordinance, 2002, shall be deemed to have been established under this Act.

(3) The Fund shall consist of-

- (a) grants from Government in such manner as may be notified;
- (b) receipts and user charges as specified by Board in consultation with Government from time to time in such manner as may be prescribed;
- (c) voluntary contributions or donations; and
- (d) grants from other sources.

(4) The Fund shall be kept in such custody and shall be utilized and regulated in such manner as may be prescribed.

(5) The Fund account shall be maintained at such Bank or Treasury as may be prescribed.

(6) The Board may, in so far as its money is not required for immediate expenses, invest the surplus money in such manner as may be prescribed.

(7) The Board shall not invest its money in listed securities or any derivative thereof whether listed or not.

20. Budget, audit and accounts---(1) The budget of an institution shall be approved and its accounts shall be maintained and audited in such manner as may be prescribed.

(2) Government may order to carry out special audit other than routine audit through third party as and when deemed necessary.

(3) The accounts of the Medical Teaching Institution shall be audited by the Auditor-General of Pakistan.

21. Public servant---The Board members and all other employees of the Medical Teaching Institution shall be deemed to be public servants within the meaning of section 21 of the Pakistan Penal Code (Act XLV of 1860).

22. Removal of difficulties--- If any difficulty arises in giving effect to any provision of this Act, Government may make such order not inconsistent with the provisions of this Act as may appear to it to be necessary for the purpose of removing such difficulty and such power may be exercised upto one year after the commencement of this Act.

23. Power to make rules--- Government may, by notification in the official Gazette, make rules for giving effect to the provisions of this Act.

24. Power to make regulations---(1) Board may make regulations, not inconsistent with the provision of this Act and the rules, for carrying out the purposes of this Act.

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A. H. Khan

(2) The power to make regulations conferred by this section shall be subject to the condition of previous publication and, before making any regulations, the draft thereof shall be published, in the official Gazette, in two newspapers of wide circulation and on the website of the Medical Teaching Institution, for eliciting public opinion thereon within a period of not less than fifteen days from the date of publication.

25. **Overriding effect.**---Notwithstanding anything to the contrary contained in any other law, the provisions of this Act shall have an overriding effect and the provisions of any such law to the extent of such inconsistency to this Act shall cease to have effect.

26. **Repeal and saving.**---(1) The Ayub Medical College Board of Governors Ordinance, 1978, (Khyber Pakhtunkhwa Ord. No. XIX of 1978), the Khyber Pakhtunkhwa Institute of Ophthalmic Sciences Ordinance, 1999 (Khyber Pakhtunkhwa Ordinance No XI of 1999) and the Khyber Pakhtunkhwa Medical Teaching Institutions and Regulation of Health-Care Services Ordinance 2002, (Khyber Pakhtunkhwa Ord. No. XLVII of 2002), are hereby repealed.

(2) All moveable or immovable property including fixed assets of the Ayub Medical College and Institute of Ophthalmic Sciences and all liabilities pertaining to them shall be the assets and liability of the concerned institution.

(3) Notwithstanding anything contained in any law for the time being in force, the services of all the employees of Ayub Medical College and Institute of Ophthalmic Sciences shall be deemed to be the services of medical institution concerned; regardless of their terms and conditions of service before the commencement of this Act.

(4) Notwithstanding the repeal of the laws under sub-section (1), the Medical Institution established under the repealed laws shall be deemed to have been established under this Act.

(5) All rules, regulations and orders made or issued under the repealed laws, shall continue to hold ground, unless altered, amended, repealed or inconsistent to the provisions of this Act.

BY ORDER OF MR. SPEAKER
PROVINCIAL ASSEMBLY OF KHYBER PAKHTUNKHWA

(AMANULLAH)
Secretary
Provincial Assembly of Khyber Pakhtunkhwa

AMANULLAH

EXTRAORDINARY

REGISTERED NO. PIII

GOVERNMENT

GAZETTE



19

KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, MONDAY, 17TH APRIL, 2017

GOVERNMENT OF KHYBER PAKHTUNKHWA

HEALTH DEPARTMENT

NOTIFICATION

Peshawar, dated the 17th April, 2017

No. E&A/Health/PGMI Rules/2017.— In exercise of the powers conferred by sub-section (8) of section 9 of the Khyber Pakhtunkhwa Medical Teaching Institutions Reforms Act, 2015 (Khyber Pakhtunkhwa Act No. IV of 2015) read with section 23 thereof, the Government of the Khyber Pakhtunkhwa is pleased to make the following rules, namely:

THE KHYBER PAKHTUNKHWA POST GRADUATE MEDICAL INSTITUTE (FUNCTION) RULES, 2017

1. **Short title and commencement**—(1) These rules may be called the Khyber Pakhtunkhwa Post Graduate Medical Institute (Function) Rules, 2017.

(2) They shall come into force at once.

2. **Definitions**.—(1) In these rules, unless the text or context otherwise requires,—

- (a) "Act" means the Khyber Pakhtunkhwa Medical Teaching Institutions Reforms Act, 2015 (Khyber Pakhtunkhwa Act No. IV of 2015);
- (b) "Associate Dean" means the Associate Dean who is,—
 - (i) in-charge of post graduate medical education in a Medical Teaching Institution; or
 - (ii) designated by the Government for teaching hospitals under its control;
- (c) "Chief Executive Officer" means the Head of the Post Graduate Medical Institute appointed by Government;
- (d) "Executive Council" means the Executive Council of the Post Graduate Medical Institute;
- (e) "Post Graduate Medical Institute" means the Post Graduate Medical Institute at Hayatabad, Peshawar; and
- (f) "post graduate medical education" means the post graduate medical education recognized by the Pakistan Medical and Dental Council and College of Physicians and Surgeons.

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(2) All other words and expressions used but not defined in these rules shall have the same meanings as assigned to them under the Act.

3. Functions of the Post Graduate Medical Institute.—(1) The Post Graduate Medical Institute established by the Government vide Notification No. SOV(H)3-PI/80-81, dated: 27.08.1984, shall be the governing body of all the doctors in the Khyber Pakhtunkhwa to:

- (a) provide post graduate medical education and post-graduate level courses; and
- (b) coordinate with Pakistan Medical and Dental Council and College of Physicians and Surgeons for post graduate medical education;

(2) The Post Graduate Medical Institute shall be under the supervision and control of Government and in performance of its functions, shall act in accordance with the directions of the Executive Council.

4. Chief Executive Officer of the Post Graduate Medical Institute.—(1) The Post Graduate Medical Institute shall be headed by the Chief Executive Officer to be posted by the Government for a period of two (02) years and may be transferred earlier before the completion of his tenure:

Provided that this appointment shall be in addition to the responsibilities towards the Clinical Unit that Professor heads in students' and patients' benefit.

(2) Appointment as Chief Executive Officer of the Post Graduate Medical Institute shall be a single-term appointment and the incumbent shall not be eligible for extension for another term.

5. Executive Council.—(1) For the smooth and efficient functioning of the Post Graduate Medical Institute, there shall be constituted an Executive Council to be headed by the Chief Executive Officer and comprising Associate Deans.

- (2) The Executive Council shall:
 - (a) be the decision making body with regard to post graduate education and shall also act as the Central Induction Committee for the purposes of induction of Trainee Medical Officers;
 - (b) induct FCPS Trainees for different specialties against slots indicated by Associate Deans based on guiding principles of the College of Physicians and Surgeons Pakistan and Pakistan Medical and Dental Council Rules and any other procedure approved and laid down by the Executive Council; and
 - (c) facilitate and coordinate Medical Teaching Institutions for the use of skills Lab of the Post Graduate Medical Institute and to provide hands on experience to trainees in diverse disciplines of medicine.

6. Responsibility In relation to trainees.—(1) The administrative, financial and academic activities of all trainees, who are inducted in the Post Graduate Medical Institute, shall be the responsibility of the Associate Dean.

(2) Stipend and other financial benefits of trainees shall be released to the Associate Deans of the individual trainees. Such Associate Deans shall be the Drawing and Disbursing officers for such moneys.

7. Meetings of the Executive Council.—(1) The Executive Council shall meet as frequently as required:


CHIEF EXECUTIVE OFFICER

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KHYBER PAKHTUNKHWA GOVERNMENT GAZETTE, EXTRAORDINARY, 17th APRIL, 2017. 656

Provided that even if there is no pressing business of agenda, the Executive Council shall meet atleast once every three (03) months.

(2) Ordinarily the Chief Executive Officer shall call the meetings on his own and ensure that the agenda for such meetings is delivered with a gap of atleast seven (07) clear days to all members. However, the Chief Executive Officer shall call a meeting within seven (07) days of written request of atleast two Associate Deans and in extra ordinary circumstances within twenty four (24) hours:

Provided that in such an eventuality the condition of agenda delivery time shall stand relaxed.

(3) Decisions of the Executive Council shall be on majority vote of the members present at the time of the meeting:

Provided that for the purposes of such decisions the Chief Executive Officer shall also be considered a Member for purposes of voting:

Provided further that in case of difference of opinion, the matter shall be referred to Government for decision which shall be considered as final.

SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

Printed and published by the Manager,
Staty. & Ptg. Dept., Khyber Pakhtunkhwa, Peshawar

ATTACHED



(22)

B3

**GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT**

Dated Peshawar the 31-08-2021

NOTIFICATION.

No.SOHIV/4-13/PGMI/2021/. In exercise of powers conferred by rule 5 sub-rule (2) after clause (c) in the Postgraduate Medical Institute (Function) Rules, 2017, the Provincial Government of Khyber Pakhtunkhwa has been pleased to approve the following amendments in rules 5 sub rule (2) with the directions to draft separate long term Act for PGMI:

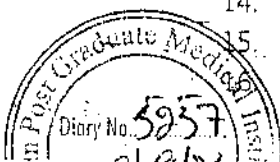
- (d) Collaborate with other institutions, universities, both public and private sectors hospitals within and outside the province and if need be, outsource functions of clinical skills labs, to achieve excellence in medical education and to promote and sustained the valued synergy between research, teaching and training.
- (e) Create, re-designate or abolish posts, provided that while creating posts the financial implications do not exceed the approved annual budget.
- (f) Appoint such persons, experts or consultants in the service of the Postgraduate Medical Institute, as deemed necessary and on such terms and conditions as may be prescribed by the regulations.

SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT

Endost of even number & date

Copy forwarded to :

1. The Principal Secretary to Governor Khyber Pakhtunkhwa, Peshawar.
2. The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa, Peshawar.
3. The Chief Executive Officer, Postgraduate Medical Institute HMC, Peshawar.
4. The Section Officer (Cabinet) Administration Department, Peshawar w/r to his letter No.SOC(E&AD)9-58/2021 dated 17-08-2021.
5. The Director General Health Services, Khyber Pakhtunkhwa, Peshawar
6. The Manager Printing Press, Peshawar for publication in the official Gazette.
7. PS to Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
8. PS to Minister for Health Khyber Pakhtunkhwa, Peshawar.
9. PS to Secretary to Govt. of Khyber Pakhtunkhwa, Establishment Department, Peshawar.
10. PS to Secretary to Govt. of Khyber Pakhtunkhwa, Finance Department, Peshawar.
11. PS to Secretary to Govt. of Khyber Pakhtunkhwa, Law, Parliamentary Affairs & Human Rights, Department, Peshawar.
12. PS to Secretary to Govt. of Khyber Pakhtunkhwa, Health Department, Peshawar.
13. PS to Special Secretary Health Department (Estt) (B&D).
14. PA to Additional Secretary (MTI) Health Deptt.
15. P.A. to Deputy Secretary, Establishment Dept.
16. P.A. to Deputy Secretary-II, Health Department.



Establishment Dept.
Endorse to
Dy. Secy
A. F. Shahid

(Signature)



(P24)
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39th EXECUTIVE COUNCIL MEETING

The 39th Executive council meeting was held on 04-011-2022 at 9:30 am under the chairmanship of Dr. Hamid Ahmad, Dy CEO PGMI, Peshawar.

The following members attended the meeting: -

- | | | |
|----|---------------------------|---|
| 01 | Prof. Lal Muhammad | AD KIMS, Kohat |
| 02 | Prof Dr. Mahid Iqbal | AD STH, Swat |
| 03 | Prof. Muslim Khan | AD KCD, Peshawar |
| 04 | Prof Dr. Yasir Gillani | AD MTI-ATH Abbottabad |
| 05 | Dr. Shehzadi Neelan | AD MTI-QHAMC Nowshera |
| 06 | Dr. Imran Khan | AD MTI- HMC Peshawar (Rep) |
| 07 | Dr. Riaz Ahmad Khan | AD MTI-LRH Peshawar |
| 08 | Dr. Fahad Naeem | AD MTI-KTH Peshawar(Rep) (through ZOOM) |
| 09 | Dr. Mohammad Hamayun Khan | AD MTI-MMTHI |
| 10 | Dr. Naeem Ul Haq | AD, MTI-MMC Mardan |
| 11 | Dr. Erum Behroz Khan | AD SCD Swat (through ZOOM) |
| 12 | Dr. Raza Mohammad | AD GKMC swabi |
| 13 | Dr. Muhammad Nadeem | AD MTI Bannu |

The following members were unable to attend the meeting: -

- | | | |
|----|--------------------|----------------------|
| 01 | Dr. Mohammad Tariq | AD, MTI-PIC Peshawar |
|----|--------------------|----------------------|

The following Staff of PGMI also participated in the meeting:

- | | | |
|----|-------------------------|------------------------|
| 01 | Dr. Mumtaz Muhammad | Assistant Editor JPMI |
| 02 | Mr. Syed Ahsan Ali Shah | Manager Human Resource |

ATTESTED



The meeting started with recitation from Holy Quran. Dr. Hamid Ahmad DEPUTY CEO PGMI chaired the meeting who was authorized by the Secretary Health to chair the Executive Council in absence of CEO PGMI. He briefed the members regarding the various agenda points to be discussed.

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Item # 1	The constitution of Inquiry Committee.
Case Details	<p>The inquiry committee constituted by the Executive Council through WhatsApp group and notified by the Deputy Chief Executive Officer vide notification no 11692/PS/PGMI dated 1st September 2022 to prob in to the unlawful / unauthorized orders / notifications / actions by PGMI officials during last 03 weeks. It has to point out these unlawful events and fix the responsibility upon officials involved directly or indirectly. It will also suggest the penalties for responsible officials as per law. The report will be presented to EC in its next meeting. The committee selected Prof Lal Muhammad Khan as Chairman of the committee.</p> <p><i>Discussion:</i></p> <p><i>The committee was already approved by the EC in WhatsApp group, it was put on the agenda for the purpose of record.</i></p>
Decision	Approved as authentic.
Item # 2	Induction Jan 2023
Case Details	<p>The Chairman brief about the upcoming induction and its time schedule. He also presented the new induction Policy for the session Jan 2023</p> <p>Induction Policy: The chairman highlighted the major changes in the policy as following: -</p> <ol style="list-style-type: none"> a. PGMI Entrance Test Format—Request regarding English language part i.e., 20%. It is suggested that it may be reduced to 15% and in MBBS these marks may be added to Basic medical subjects & in BDS this may be added to Clinical subjects' marks.

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- b. Change of Fee for Foreign Nationals- As per Executive Council Decision it is reduced to 600\$. The stipend for foreign national will be different from local residents. It will be 8500 per month.
- c. The application processing fee may be increased to 5000/- Rs per application.
- d. Eligibility – Part-I passing date
 - i. FCPS-I: Those who passed part-I before 31st Oct 2022 will be eligible
 - ii. Exemption from part-I: Those who has got Exemption from part-I, must submit Exemption letter along with Application. The letter must be issued on or before the closing date for application.
 - iii. 2nd Fellowship. In case of 2nd fellowship, the result must be announced on or before the closing date for application.
- e. Resignation Policy: Is incorporated in the induction policy so that the PGRs may be aware of the policy.
- f. Leave/Break rules including maternity leave rules made the part of policy. The maternity leave is also without stipend and the at the end when resident complete this deficient period, she gets the pay if leave is approved by the competent authority.
- g. All leaves approved as ex-post facto must be unpaid leaves and this deficient period will be completed at end of training without stipend.
- h. Pediatrics surgery was declared as uninhabited specialty in last EC meeting, is included in it.

Discussion:

The suggestions presented by CEO was discussed regarding the scoring criteria and EC agreed to reduce English language weightage from 20% to 10% and this 10% shall be added to the Basic Medical subjects to make it 20% in case of MBBS papers and in BDS paper this weightage shall be added to Clinical subjects to make it 40%.

ATTESTED



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	<p>The CEO informed the members of EC that on some occasion the PGR left the training and sent resignation later on or after few months which is not a good practice and it is against the PGMI policy. The members of EC also debated on the resignation policy that the trainee shall give one-month prior notice or forfeit one stipend of last working month. In case, he leaves duty place without information or prior permission, the AD shall send recommendation of termination to PGMI with a copy to CPSP.</p> <p>The maternity leaves issues of PGs have also been deliberated and members suggested that the maternity leave shall be sanctioned as 90 days in total The Trainee shall apply for maternity leaves with Ultrasound and medical certificate. On arrival she must present CPSP approval for this leave otherwise it will be considered as absent period.</p>
Decision:	The Executive Council Unanimously approved the Induction Policy Jan 2023 after amendments mentioned above. The approved Policy is attached as annex A.
Item # 3	MCPS and Diploma
Case Details	MCPS and Diploma will be announced in December 2022 for session Jan 2023. Its policy will be announced later.
Decision:	Approved
Item # 4	Sub-specialty induction
Case Detail	Sub-specialty induction for the inductees of session Jan 2021 will be made by the same software which was used for last session and process for subspecialty shall be carried out in December 2022.
Decision:	Approved
Item # 5	Change of specialty
Case Detail	<p>Change of specialty: The PGMI standard policy is:</p> <p>a. If slots of uninhabited specialties left vacant in PGMI affiliated Institutes after sub-specialty induction of regular residents and</p>

ATTESTED

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	<p>fresh applicants, these will be announced for residents of General Medicine (4 years Program) who have completed pre-IMM training and allotted on the merit. This will be subject to CPSP approval and at their own risk and cost.</p> <p>b. If no slot in the relevant group is available (irrespective of place) in PGMI affiliated Institutes, then they will be allowed to continue in general medicine or group change at their own risk and cost.</p> <p>c. Group Change: It's not allowed by CPSP as a routine. The PGMI will allow it only to move into an uninhabited specialty of other group if slots not available in its own group and at their own risk and cost.</p>
Decision	It was decided to continue the same policy in this session.
Item # 6	Change of Stipend amount as per category in case of rotations.
Case Detail	<p>Change of Stipend amount as per category in case of rotations. Present Policy is if Category A resident go to category B, he will not get increased amount of stipend. If category B resident go to Category A, he gets less amount of stipend.</p> <p>a. May be adopted as same amount of stipend will paid during the rotation as per parent unit. OR</p> <p>b. Will get amount of stipend as per category of the rotation unit/hospital OR</p> <p>c. May be continue with the same policy</p>
Decision	The Executive council unanimously decided that the PG will get the stipend of the category where PGR is on rotation. If the PGR is on rotation to category A Hospital, then he/she will get the stipend of category A hospital similarly. if PGR is on rotation to category B hospital, then he/she will get the stipend of category B hospital during the rotation period.
Item # 7	The Service Rules Committee:

ATTESTED

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Case Detail	The AD Admin was member cum secretary of the committee. After appointment of Human Resource Manager, there is no AD admin. Therefore. It is suggested that the HR manager may be included in the committee in place of AD admin. Moreover, it is further suggested to abolish the post of AD admin.
Decision	The Executive council agreed to revise the service rule committee and Manager HR shall be appointed as member cum secretary of service rule committee similarly, the post of AD Admin shall stand abolished.
Item # 8	Correction in minutes of service rules committee approved by EC
Case Detail	The Executive Council approved the service rules and Job description suggested by the service rules committee. In the Job description portion, the HR manager job description was not correct. It is suggested to approve attached Job description for HR manager (attached as Annex-B). <i>Discussion:</i> <i>The members of EC reviewed the existing Job Description of Manager HR and it has been found that the Job description of Manager Simulation is erroneously pasted in Job description of Manger HR therefore, suggested to rectified his Job Description.</i>
Decision	The proposed Job Description of Manager HR has approved by Executive Council. (attached as Annex-B)
Item # 9	Change of Name of Establishment department to Human Resource Department
Case Detail	In view of changes in the nomenclature in health department and MTIs', it is suggested that the establishment section may be named as Human Resource Management (HRM)
Decision	The Executive Council approved the new nomenclature of establishment department as Human Resource Management Department.
Item # 10	Diploma in Clinical Cardiology

~~ATTESTED~~



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<p>Case Detail</p>	<p>The Chairman informed the EC regarding Diploma in clinical Cardiology. It was approved by KMU long time ago but PGMI has not started it. Now curriculum is revised along with new guidelines by the Team of cardiologists and PGMI Medical Education department. If EC allows, the process will be initiated with KMU for admission in this Diploma.</p> <p><i>Discussion:</i></p> <p><i>Prof Dr. Zahid Aslam from HMC joined for discussion on the request of the Chairman. Dr Zahid briefed the members of EC regarding the importance of starting the Diploma in Clinical Cardiology. He informed about shortage of cardiology specialist in the periphery. Therefore, in order to cater the need of such specialized human resource we should start this diploma in the best interest of the public. Dr Muslim inquired about the reason to discontinue a few diplomas. The chairman explained that it is prerogative of EC to discontinue any program or start as per need of the time.</i></p>
<p><u>Decision</u></p>	<p>It was decided to start Diploma in Clinical cardiology in coming session after fulfilling all codel formalities with KMU. It will be un-paid.</p> <p>It was further decided to approach the health department to declare the Diploma in clinical cardiology and Diploma in Medical jurisprudence as paid diplomas with in existing budget of PGMI.</p> <p>It was also decided that the curriculums of other diplomas should be revised on the same guideline by a committee of subject specialists and the Department of Medical Education PGMI.</p>
<p>Item-11</p>	<p>The Appellate Committee:</p>
<p>Case Detail</p>	<p>The Appellate Committee was constituted 02 years back. It needs revision. The following committee was suggested:</p> <ul style="list-style-type: none"> i. The AD HMC Chairman ii. The AD KTH Member iii. The AD KCD Member iv. 1-2 Co-opted member at the discretion of EC through Chairman if needed.

ATTESTED

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	<p>v. The AD (in case of MTI)/the Training Director (in case of non-MTI) of the institution where the resident is working as co-opted member but he will not has voting right.</p> <p>vi. If the resident belongs to the institution of the Chairman, the Chairman Executive Council will appoint chairman amongst permanent members and another AD as co-opted member.</p> <p>vii. If the resident belongs to institution of AD as permanent member, the AD will attend as co-opted member (with no voting right) and another AD will be appointed by the EC through Chairman as member.</p>
Decision	<p>The Executive Council approved proposed appellate committee and also decided that the three permanent members shall be on rotation as chairman (for period of one year) of appellate committee. The First Chairman will be AD HMC for one year.</p>
Item 12	<p>Change of Supervisor case of Pulmonology Residents of CMH</p>
Case Detail	<p>The chairman informed the council that the Pulmonology supervisor at CMH Peshawar has been transferred and there is no other supervisor is available in CMH Peshawar. Two residents have been adjusted on vacant slot available in Peshawar. The other residents also requested that to adjust them in Peshawar. The chairman explained the situation. In one unit there are 23 residents with three going to be relieved in December and 4 slot will be available for Jan 2023 session. As per cpsp formula, at any given time, the number of residents should not cross the limit of 24. He further informed that CPSP sometimes does not follow this rule but some time become very strict on this issue. The chairman put it to EC to adjust them over and above the limit of 24 or adjust them in other units where slots are available.</p>
Decision	<p>The EC decided to adjust them in units at STH and MMC and didn't agree to take the risk of compromising the coming specialty induction. Further it was observed that when slots are available in PGMI affiliated hospital, the upper limit of 24 should not be crossed and the future induction should not be put at risk.</p>

ATTESTED

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Item # 13	Change of supervisor with in the Institution for certain reason, letter from LRH
Case Detail	The chairman briefed about the issue presented by AD LRH. One of the supervisors refused to supervise a resident. The chairman explained that it's a simple case of misconduct on the part of resident. The case should be referred to the Institutional Disciplinary committee. It can decide the case on merit. If resident is guilty, committee can decide some minor penalty with change of supervisor with in the institution or major penalty including termination. The resident can be given option of resignation. The chairman explained that in any case its not possible to adjust him in another institute.
<u>Decision</u>	The EC agreed with the standard policy explained by the Chairman,
Item # 14	Stipend deduction and refund requests by the ADs.
Case Detail	The chairman briefed the members that some institutes report the PGMI to deduct the certain amount of stipend as penalty. After some time, they request again to refund it. It's not possible until & unless AD constitute a committee to find out and fix responsibility on someone for this misinformation with punishment. The stipend was deducted from PGR of NMC and later on request of Associate Dean was received to refund the deducted amount as it has been erroneously deducted. <i>Discussion:</i> <i>The, CEO informed the EC that the deducted stipend is not refundable. In case it is mistakenly deducted the AD shall constitute the enquiry committee which shall prob the matter and decide that who has given the wrong information in order to fix the responsibility and then send to the PGMI with recommendation.</i>
<u>Decision</u>	The Executive Council decided that the stipend once deducted is not refundable until and unless the enquiry report is submitted by the Associate Dean with fixation of responsibility on the individual who has provided the wrong information and forward to PGMI with recommendation.
Item # 15	Inquiry Committee-I Report regarding theft of personal files in month of Jan – Feb 2022.

ATTACHED



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<p>Case Detail</p>	<p>An enquiry committee was constituted by Ex-CEO on the suggestion of Manager HR regarding missing personal files which was came into notice on dated 24-02-2022 when Manager HR directed the record keeper to streamline the personal files record. The record keeper while updating the record reported that few personal files of the employees are missing or part of their personal files has been removed during the maintenance work in the establishment department. The CEO directed the enquiry committee to prob the matter and submit fact finding report with recommendations which was submitted by Enquiry Chairman vide No.16970/Esst/PGMI dated 02-11-2022 (Enquiry report is attached at Annexure-C</p> <p>The committee's Conclusion/ Recommendation are:</p> <ul style="list-style-type: none"> a) Record keeper was found negligent in discharging of his official duty i.e., safe keeping of office files/ record. b) Duplicate personal files may be created with the help of accounts department record and other sections from where relevant document can be accessed. c) On the basis of existing evidence, further proceeding shall be carried out through external inquiry committee so that responsibility can be fixed on the culprit/s. <p><i>Discussion:</i> The members of executive council discussed the recommendation of enquiry committee and along with his earlier record of inquiry against him where in he was found guilty of financial embezzlement. He accepted the allegations and returned certain amount to PGMI. In view of his old record and instant inquiry report, the EC directed to initiate the proceeding against Mr Zubair Record Keeper for this major misconduct.</p>
<p><u>Decision</u></p>	<p>It was decided to take disciplinary action against the record keeper and issue him show cause/chargesheet.</p>
<p>Item # 16</p>	<p>Inquiry Committee II Report reg unauthorized orders in the absence of CEO & Deputy CEO.</p>

ATTACHED



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Case
Detail

The inquiry committee constituted by the Executive Council through WhatsApp group and notified by the Deputy Chief Executive Officer vide notification no 11692/PS/PGMI dated 1st September 2022 to prob in to the unlawful / unauthorized orders / notifications / actions by PGMI officials during last 03 weeks when CEO & Deputy CEO were not present. (Enquiry Report is attached at Annexure: D).

The Committee inquired about two events and submitted following conclusion & recommendation regarding both events.

Event-1, unauthorized/illegal notification

Conclusion:

1. On 12th August 2022, when Mr. Masal Khan typed the notification number 11154-56/11153,11154-56 dated 12th August 2022 (Annexure- C) and Mr. Asif Jan put his initial on it and Dr Siddique signed it, they all are knowing that Dr. Siddique is not Assistant Director Admin. The committee is satisfied that there was no urgent need for this notification and all the three had ill-intention to prepare and sign this notification. Therefore, this notification was illegal & unauthorized and apparently, it amounts to **major misconduct on the part of these officials.** (Para i-viii)
2. Dr. Siddique is absent from PGMI since 30th August 2022.
3. It was evident from diary section record that Mr. Ayoub has received the notification (6300-05/Esstt:/PGMI dated 29/03/2022) and he was knowing that Dr Siddique is not authorized to use the designation and authority of Assistant Director Admin, he obeyed his order but refused to obey his order when he withdrawn the same order. Moreover, he plainly refused to obey the orders of HR manager being the competent authority in absence of CEO & Deputy CEO. It shows that he is involved in this planning to get himself back to the office of the PS to CEO. **This is an act of misconduct** (Para ix-xiii)

ATTESTED



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4. The role of Dr Naila Irum Director Medical Education, Research and Publication is not appropriate and is not expected from such a dignified chair. Being a very senior official, she should have played a positive role to direct her PS not to follow the unauthorized orders and to follow the orders of competent authority. (Para-xiv)

Recommendations:

1. As Dr. Muhammad Siddique, Mr. Asif Jan & Mr. Masal Khan are civil servants, therefore, the competent authority should be requested to repatriate their services to their parent department i.e., DGHS with the remarks that the competent authority may further proceed on this matter as per E&D rules.
2. As Dr. Muhammad Siddique is absent since 30th August 2022, his absent report should also be sent along with recommendation -1.
3. As Mr. Ayoub Khan is civil servants, therefore, the competent authority should be requested to repatriate his services to his parent department i.e. DGHS with the remarks that the competent authority may further proceed on this matter as per E&D rules.

Event-2, Announcement and interview for induction

Conclusion:

In the absence of CEO & Deputy CEO, when responsible official (Incharge PGR section Dr. Siddique) failed to take initiative for induction process, due to urgency of the situation, Mr. Bakhtiar took the initiative and saved 06 months of young doctors. It was negligence on the part of Dr Siddique.

Recommendation:

ATTACHED



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	<p>1. As Dr. Muhammad Siddique is civil servants, therefore, the competent authority should be requested to repatriate his services to his parent department i.e., DGHS.</p> <p>2. The committee observed that the whole chaos was created due to absence of the CEO and Deputy CEO at the same time. The Committee recommends that a letter on the behalf of the Executive Council may be written to Competent authority with the request that in future both officials should not be transferred at the same time.</p>
Decision	<p>The Executive Council after detailed deliberation, approved the recommendation of enquiry committee and decided to repatriate the services of Dr. Muhammad Saddique (Medical Officer), Mr. Muhammad Asif (Office Assistant), Mr. Masal Khan (Computer Operator) and Mr. Muhammad Ayoub (Office Superintendent) civil servants to the parent department on administrative grounds with the remarks to take further disciplinary action as per E&D rules.</p>
Item# 17	<p>MSc Oral Medicine in collaboration with the Khyber Medical University, Peshawar at KCD. (Member agenda point by AD KCD)</p>
Case Detail	<p>The AD KCD briefed the EC for need of this program and requested for its approval.</p>
Decision	<p>The Council Approved to initiate the process with KMU for this program.</p>
Item # 18	<p>Creation of Post.</p>
Case Detail	<p>The chairman briefed the need for creation of new post. He informed the council that four officials (as decided in the agenda item – 16) will be repatriated to Health department and Mr Irshad Khaliq PGR section will be retired in next few months. The replacement of these official will be required. He further explained that two gardeners are hired through a company two years back for the reason that PGMI was not had the powers to hire directly. Now as EC is given the powers to do so, it's appropriate to hire these gardeners on daily wages/minimum wages. In the same way, the PGMI hire services of electrician and AC technician on need basis that cost a lot. In view of new building and</p>

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	installation of large number of ACs its required to have in house Electrician cum AC technician. It was requested to create following post in PGMI. HR Officer 02 number @ 60,000/- per month PS to CEO 01 number @ 70,000 - 70000/- per month Electrician cum AC Technician 01 number @ 35,000/- per month Gardner 02 number @ 25,000/- per month (minimum wages as notified by Govt)
Decision	The Executive council approved following posts: HR Officer 02 number @ 60,000/- per month PS to CEO 01 number @ 70,000 - 70000/- per month Electrician cum AC Technician 01 number @ 35,000/- per month Gardner 02 number @ 25,000/- per month (minimum wages as notified by Govt)

Meeting ended with a vote of thanks from the chair.

Hamid
Dr. Hamid Ahmad
Chairman Executive Council
PGMI, Hayatabad Peshawar.

~~ATTACHED~~



PS

No. 9775 /HR Deptt:/PGMI,

Dated: - 19 / 9 /2023

37

To

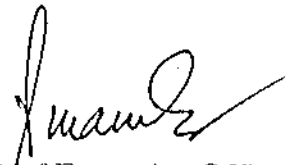
1. Prof Dr. Shahid Ayub, AD MTI-HMC Peshawar.
2. Prof. Dr. Mohammad Shoaib Khan, AD MTI-KTH Peshawar
3. Prof Dr. Mahid Iqbal, AD SGTH, Swat.
4. Prof. Dr. Erum Behroz Khan, AD Saidu College of Dentistry, Saidu Sharif Swat.
5. Assoc Prof Dr. Yasir Gillani, AD MTI-ATH Abbottabad.
6. Dr. Imtiaz Ahmed Khattak, AD KIMS, Kohat
7. Dr. Mohammad Tariq, AD MTI-PIC Peshawar
8. Dr. Mohammad Hamayun Khan, AD MTI-MMTH
9. Dr. Raza Muhammad, AD GKMC Swabi.
10. Dr. Atta ur Rehman, AD KCD, Peshawar
11. Dr. Shehzadi Neelam, AD MTI-QHAMC Nowshera.
12. Dr. Naeem Ul Haq, AD, MTI-MMC Mardan
13. Dr. Muhammad Nadeem, AD, MTI/Group of Teaching Hospital, Bannu.
14. Dr. Muhammad Faisal Khan, AD LRH/MTI, Peshawar.

Subject: - MINUTES OF 43rd EXECUTIVE COUNCIL MEETING HELD ON 01-09-2023.

Memo:

The 43rd Executive Council meeting was held on 01st September, 2023 at 09:30 a.m. in the Committee Room of PGMI Hayatabad Peshawar under the Chairmanship of Prof. Dr. Sahibzada Mehmood Noor, Chief Executive Officer PGMI Peshawar.

The minutes of the meeting are enclosed for information of Executive Council members for their perusal and record.


Chief Executive Officer
Postgraduate Medical Institute
Hayatabad Peshawar

ATTACHED

43rd EXECUTIVE COUNCIL MEETING

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The 43rd Executive Council meeting was held on 01-09-2023 at 9:30 am under the chairmanship of Prof. Dr Sahibzada Mehmood Noor, CEO PGMI, Peshawar.

The following members attended the meeting: -

01	Prof Dr. Muhammad Shoaib	Member	AD MTI-KTH Peshawar
02	Prof Dr. Mahid Iqbal	Member	AD STH, Swat
03	Prof Dr. Erum Behroz Khan	Member	AD -SCD Swat
04	Dr. Mohammadi Hamayun Khan	Member	AD MTI-MMTH
05	Dr. Atta Ur Rehman	Member	AD KCD, Peshawar
06	Dr. Naeem Ul Haq	Member	AD, MTI-MMC Mardan
07	Dr. Muhammad Nadeem	Member	AD MTI-BKMC
08	Dr. Muhammad Faisal Khan	Member	AD MTI-LRH Peshawar
09	Dr. Raza Muhammad	Member	AD GKMC Swabi
10	Dr. Imtiaz Ahmed Khattak	Member	AD KIMS, Kohat

The following member had not participated in the meeting due to their busy schedule:

01	Prof Dr. Shahid Ayub	Member	AD MTI- HMC Peshawar
02	Assoc Prof Dr. Yasir Gillani	Member	AD MTI-ATH Abbottabad
03	Dr. Muhammad Tariq	Member	AD MTI-PIC, Peshawar.
04	Dr. Shehzadi Neelam	Member	AD MTI-QHAMC Nowshera

The following Staff of PGMI also participated in the meeting:

01	Dr. Mumtaz Muhammad	Asst Editor JPMI	PGMI
02	Dr. Farah Sagheer	Deputy CEO	PGMI
03	Mr. Syed Ahsan Ali Shah	Manager Human Resource	PGMI

CEO Report:

The meeting started with recitation from Holy Quran. Prof. Dr Sahibzada Mehmood Noor CEO PGMI was chairing the meeting and warmly welcomed all the members of EC including the newly appointed Assoc Dean of LRH-MTI Dr. Muhammad Faisal Khan. The CEO briefed the EC members regarding the various agendas to be discussed and decided in the 43rd Executive Council Meeting.

ATTESTED

Agenda Item 1	CHANGE OF SUPERVISOR AS PER HEALTH DEPARTMENT NOTIFICATION No. SOH-IV/4-13/PGMI/2023/2585 Dated: 14 th July 2023.
Case Detail	<p>CEO PGMI informed the EC that in response to Health Department notification, residents were allowed change of supervisor as per COS policy of PGMI and as per vacant slots provided by institutes, but a few supervisors from intended hospitals refused to accept arrival reports. EC members are requested to finally decide if COS will be exercised on vacant slots provided by institutes OR NOCs by intended supervisor, to avoid any inconvenience in next session</p> <p>Discussion:</p> <p>The members of the EC discussed that if PGMI has devised a policy for change of supervisor then it is mandatory that it should be implemented and the supervisor shall not refuse the arrival of PGs.</p>
Decision	The Members of EC has shown great displeasure on the supervisor who had refused to accept the arrivals of PGs despite PGMI's office order. A letter shall be written to those supervisors to provide clear justification and solid reason for such refusal. It was unanimously decided by the EC that change of supervisor for next session will be exercised through software on vacant slots communicated by Assoc Deans to PGMI.
Agenda Item 2	1+4 FORMULA APPROVED BY CPCP COUNCIL FOR ORTHOPEDIC/ NEUROSURGERY
Case Details	The CEO PGMI briefed the EC members that CPSP Council has approved 1+4 formula for Orthopedic/ Neurosurgery i.e first year in general surgery and 04 years in Orthopedic/ Neurosurgery. Jan 2022 session & Jan 2023 session both will be eligible for subspecialty induction in Jan 2024 session. No policy is communicated by CPSP to PGMI regarding number of slots. EC members were requested to devise a mechanism of induction of 02 batches.
Decision	Assoc Dean KTH, Prof. Dr. Muhammad Shoaib agreed to discuss the subject case in CPSP faculty meeting. The matter will also be discussed by PGMI with CPSP.
Agenda Item 3	EXPERIENCE CERTIFICATE
Case Details	<p>The CEO PGMI discussed the Provisional Experience Certificate issued by training institute. It was suggested that institutes only issue provisional experience certificate (after verification of rotation testimonials) and PGMI will issue final experience certificate after clearance from litigation, Accounts and Library.</p> <p>Discussion:</p> <p>The Members of EC suggested that for the purpose of issuing experience certificate, signatures of concerned Assoc Dean & CEO PGMI both will be mandatory and PGs must obtain clearance from all relevant sections of PGMI before experience certificate is issued.</p>

ATTACHED


	the end of his training with stipend.
Agenda Item No 10	CHANGE OF NOMENCLATURE OF POST. a) <u>Computer Operator (BPS-16) Re-designate as Sr. Scale Stenographer (BPS-16)</u> b) <u>Junior Scale Stenographer (BPS-14) Re-designate as Senior Clerk (BPS-14)</u>
Case Detail	<p>a) <u>Computer Operator (BPS-16) Re-designate to Sr. Scale Stenographer (BPS-16)</u></p> <p>Mr. Tufail Ahmad (Junior Scale Stenographer) is working since 19-12-2014 on the similar post and has been given the responsibility of I/C purchase at PGMI. He has requested for promotion on the next higher post however, no vacant post of senior scale stenographer (BPS-16) is available and occupied by Mr. Naik Zaman who will retire from service on 16-01-2031 and hence no chance of promotion in the next 08 years.</p> <p>Currently this institution has vacant post of computer operator (BPS-16) and it is proposed that the nomenclature of the post may change to Senior Scale Stenographer (BPS-16)</p> <p>b) <u>Junior Scale Stenographer (BPS-14) Re-designate as Senior Clerk (BPS-14)</u></p> <p>Mr. Shah Fahad (Junior Clerk) has submitted an application for promotion to the post of Senior Clerk BPS-14. In his application he has mentioned that he is working on the same post since 2007 till date with dedication and devotion despite his more than 15 year service he did not get single promotion.</p> <p>As per available record currently no post of senior clerk (BPS-14) is vacant and this is long list of junior clerks waiting for their promotions. Therefore, it is proposed that the nomenclature of the post of Jr scale stenographer (BPS-14) may be redesignated to Senior Clerk (BPS-14) so that promotion opportunity can be provided to the institutional staff of PGMI.</p> <p>As per PGMI function rules clause (e) Executive Council is competent to <i>create, re-designate, or abolish posts, provided that while creating posts the financial implication do not exceed annual budget.</i></p>
Decision	The Executive Council has approved the re-designation of post from a) Computer Operator (BPS-16) as Sr. Scale Stenographer (BPS-16) & b) Jr. Scale Stenographer (BPS- 14) as Sr. Clerk (BPS- 14).
Agenda Item No 11	APPEAL AGAINST REPATRIATION OF MR. AYUB KHAN (OFFICE SUPERINTENDENT) DULY FORWARDED BY SECRETARY HEALTH.
Case	An application is submitted by Mr. Ayub Khan (Superintendent BPS-17) for decision on his appeal in the case of repatriation of 04 civil servants. In this


Detail	<p>regard a letter from health department has also been received to decide on the appeal submitted by the officer concerned.</p> <p>The CEO PGMI briefed the Executive Council that an enquiry was conducted on 04 civil servants on their issuance of unlawful/ unauthorized Notification/ actions in the absence of CEO and Deputy CEO. The enquiry committee after analyzing the facts and figures found that Dr. Muhammad Saddique (Demonstrator), Mr. Asif Jan (Office Assistant), Mr. Masal Khan (Computer Operator) and Mr. Ayub Khan (Office Superintendent) was involved in issuing unauthorized office orders during the absence of CEO and Deputy CEO and recommended to repatriate their service to parent department with the remarks that the competent authority may further proceed on this matter as per E&D rules 2011. The decision was later on endorse by the Executive Council in its 39th meeting held on 4th Nov 2022.</p> <p>Subsequently, in order to implement the decision of Executive Council a letter vide no 17424/essit:/PGMI dated 24-11-2022 is written to Secretary Health and DGHS to repatriate the services of above mentioned 04 civil servants as no more required at this institution. However, no proper action has been taken by the health department till yet and delaying on one or another pretext. The CEO PGMI also added that, during this process Mr. Muhammad Saddique and Mr. Asif Jan has already been transferred from PGMI and two civil servants are left Mr. Ayub Khan and Mr. Masil Khan in this institution.</p> <p>The Executive Council is requested to take decision on the appeal submitted by Mr. Ayub Khan (Office Superintendent) in the case of repatriation of 04 civil servants duly forwarded by the Health department.</p>
Decision	<p>The Executive Council after reviewing the appeal of Mr. Ayub Khan (Office Superintendent) duly forwarded by the Health Department found that the grounds he has taken in his appeal do not satisfy the members of the Executive Council and the findings of the enquiry committee are correct, hence his appeal is regretted and decided to repatriate the services of Mr. Ayub Khan (Office Superintendent) and Mr. Masil Khan (Computer Operator) to parent department forthwith on administrative grounds.</p>
Agenda Item No 12	<p>IPA APPROVAL AS PER REVISION OF HPA.</p>
Case Detail	<p>All the PGMI staff jointly moved an application for revision of their IPA (Institutional Performance Allowance) as the HPA allowance has been revised by the government from 10,000 per month to 15,000 per month and notified vide no FD (SOSR-II)2-5/2021/HPA dated 07-07-2021. The executive council in its 16th meeting held on 18-12-2019 decided to approve the IPA allowance as per below mentioned ratio on monthly basis.</p> <p>However, on the revision of HPA allowance by the government of KPK it is proposed that the IPA of the staff may be revised on the ration mentioned below.</p> <p>As per comments of audit/accounts section PGMI total financial implication</p>

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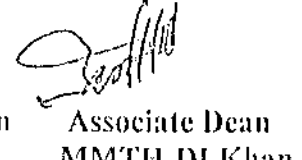
Decision	Change of supervisor policy devised by PGMI was approved earlier via circulation by EC.
Agenda Item 24	MEDICAL ONCOLOGY TRAINEES CHANGE OF SUPERVISOR TO KTH (DR. SHIREEN IRSHAD, DR. AZAZ KAMAL, DR. ZARLISH RAHMAN)
Case Details	<p>The above mentioned trainees have applied to PGMI for change of institute to Medical Oncology KTH on the plea that KTH Medical Oncology Unit recently got CPSP Accreditation. <u>As per policy, change of institute is allowed only session wise against the vacant slots.</u> No vacant slots of Medical Oncology are available in KTH in their session of induction (as the unit recently got CPSP accreditation) and PGMI has already inducted fresh trainees on four slots for the session July, 2023. As per CPSP criteria only 04 trainees can be inducted in subspecialty per session, therefore entertaining their case will violate this set criteria and might affect future induction.</p> <p>Dr Zarlish Rehman case was already discussed in 41st EC and she was allowed break in training till supervisor for Medical Oncology is available in KP. Her case for approval of break in training is still under process in CPSP.</p>
Decision	EC members decided that applications of above trainees for change of institute will be regretted with the exception of Dr Zarlish Rehman provided she is allowed by CPSP for break in training and also because her case is already approved in 41 st EC meeting.

Meeting ended with a vote of thanks from the chair.

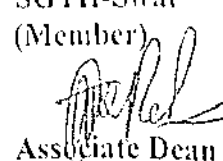

 Associate Dean
 MPI-KTH
 (Member)

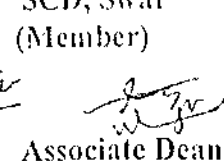

 Associate Dean
 SGTH-Swat
 (Member)

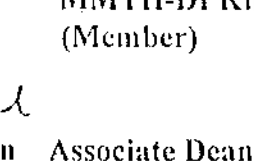

 Associate Dean
 SCD, Swat
 (Member)


 Associate Dean
 MMTH-DI Khan
 (Member)

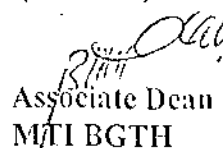

 Associate Dean
 MTI-LRH
 (Member)



 Associate Dean
 MTI-KCD Pesh
 (Member)



 Associate Dean
 MTI-GKMC
 (Member)


 Associate Dean
 MTI-MMC
 (Member)

Associate Dean
 KIMS Kohat Member
 (Member)


 Associate Dean
 MTI BGTH
 (Member)


 Prof Dr. Sahibzada Mahmood Noor
 CEO PGMI, Peshawar.
 Chairman Executive Council


 A.D. Kohat

ATTESTED



Dated: 4th Nov 2022

INQUIRY COMMITTEE REPORT:

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The inquiry committee constituted by the Executive Council and notified by the Deputy Chief Executive Officer vide notification no 11692/PS/PGMI dated 1st September 2022 (Annexure-A) to probe into the unlawful / unauthorized orders / notifications / actions by PGMI officials during last 03 weeks. It has to point out these unlawful events and fix the responsibility upon officials involved directly or indirectly. It will also suggest the penalties for responsible officials as per law. The report will be presented to EC in its next meeting.

The members of the committee were:

- | | |
|----------------------------------|----------------------|
| 1. Prof Lal Muhammad KIMS | Chairman |
| 2. Prof Shahid Ayoub HMC | Member cum Secretary |
| 3. Prof Mahid Iqbal STH | Member |
| 4. Prof Muhammad Shoaib KTH | Member |
| 5. Dr Naeem ul Haq MMC | Member |
| 6. Dr Shehzadi Neelum NMC | Member |
| 7. Dr Riaz Ahmed Khan Afridi LRH | Member |

The committee held its first meeting on 2nd September 2022 at 10:00 am (Annexure-B) in the committee room of PGMI. The committee unanimously selected Prof Lal Muhammad as chairman and Prof Shahid Ayoub as secretary of the committee and it was authenticated by Executive Council later on. All the members were present.

The two events in question were already reported to the Executive Council by Dr. Muntaz Muhammad, Assistant editor JPMI on the day it occurred. The Deputy CEO briefed the committee about the two events:

- A notification was issued vide number 11154-56/11153,11154-56 dated 12th August 2022 (Annexure-C) to transfer Mr. Ayoub Khan PS to Director Medical Education to PS to CEO in addition to his own duty and to transfer Mr. Muhammad Hussain from PS to CEO to Establishment. The order was signed by Dr Muhammad Siddique with the designation of Assistant Director Admin. The notification was typed by Mr. Masal Khan, Computer Operator establishment section and Mr. Asif Jan Office Assistant of establishment section made initial on this notification.

The Deputy CEO further explained that Dr. Muhammad Siddique was working as Assistant Director Admin till 29th March 2022 when he was relieved from this post and

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appointed as Incharge PGR section vide notification number 6300-05/Esstt/PGMI dated 29th March 2022 (Annexure-D).

- b. In the last week of August, the CPSP opened the RTMC portal till 31st August. As a few slots for FCPS training were lying Vacant and there were many aspirant registered applicants for these posts, so need was aroused to initiate the process for induction on these slots. The "Update-XIX FCPS-II, Slots for Leftovers, Dated: 26th August 2022" (Annexure-E) was uploaded on website and subsequently interview were conducted on given schedule. The initiative was taken by Mr. Bakhtiar Ahmad, the Junior clerk of PGR section. In the absence of CEO / Deputy CEO, it was the responsibility of In-charge PGR to take that initiative.

The committee decided to interview all the relevant staff of PGMI including Dr Hamid Ahmad Deputy CEO.

a. FIRST EVENT

The committee called following staff for interview

Mr. Syed Ahsan Ali Shah HR Manager

Mr. Ayoub Khan PS to Director Medical Education

Mr. Asif Jan Office Assistant Establishment section

Mr Masal Khan Computer Operator Establishment Section.

Dr Muhammad Siddique Incharge PGR section.

Dr Muntaz Muhammad Assistant Editor JPMI

Mr Rizwan Diary & Dispatch clerk.

All appeared to committee except Dr. Muhammad Siddique who didn't come for inquiry for different lame excuses and submitted approval of EOL by the health department. He was informed by PGMI that his departure can't be accepted till conclusion of the inquiry and directed again to attend the inquiry committee but he neither came to office nor attended inquiry committee meeting. However, later on he submitted a written statement to the chairman committee through PGMI. He is absent from PGMI since 28th August 2022.

After detailed inquiry from all the relevant officials and inspection of relevant documents, following facts were established;

- i. Dr Siddique was removed from the designation of Assistant Director admin w.e.f 29th March, 2022 vide notification number 6300-05/Esstt/PGMI (Annexure-D) and from

ATTESTED



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the evidence presented by the diary section (Annexure-F-I) and the Deputy CEO whatsapp record (Annexure-F-II), it was proved that the mentioned notification was delivered to the concerned staff of PGMI. Mr. Ayoub took the plea that he was not informed about this notification and hence he acted upon the orders of Dr. Muhammad Siddique as AD admin but diary section evidence proved that the said notification was delivered to PS to CEO office and the Director DMEP&R. Moreover, on 15th August when all staff of PGMI was gathered (where all the characters who were involved in this issue were very active and his immediate boss was also present) and it was cleared and accepted by all including Dr Siddique that this notification has no legal status. Even after that Mr Ayoub continuously insisted to occupy the office of PS to CEO on behest of this unauthorized and illegal notification. It shows the involvement and interest of Mr. Ayoub in this notification.

- ii. The fact was established up to the satisfaction of the committee that, Dr. Muhammad Siddique was not Assistant Director Admin after 29th March 2022 and all PGMI officials were well aware of it.
- iii. Dr. Muhammad Siddique, presented an experience certificate to Dr. Hamid Ahmad, Deputy CEO for signature on 10th August, 2022, his last working day in PGMI. In this certificate he mentioned his duration of being Assistant Director Admin till 17th August 2022. On the office copy of this certificate Deputy CEO wrote that it was taken by deceiving him.
- iv. On very next day he managed to write his name on the board where names of previous AD admin were written and he mentioned his duration till 17th August 2022. As per Mr. Masal Khan and Mr. Asif Jan statement he mentioned this board date to prove himself as AD admin on the day of 12th August 2022.
- v. Mr. Masal accepted that he typed this notification on direction of Dr. Muhammad Siddique.
- vi. Mr Asif accepted that he put his initial on the notification typed by Mr. Masal Khan.
- vii. Dr. Muhammad Siddique accepted in his written statement that he signed the said notification himself.
- viii. Mr. Masal Khan and Mr. Asif Jan have Govt service more than 20 years.

ATTACHED



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- ix. Mr. Ayoub and Mr. Hussain complied to this illegal notification (11154-56/11153, 11154-56 dated 12th August 2022) (Annexure- C) but when disturbance was created due to this notification and Dr Siddique himself withdrawn it (11165-67 dated 15/08/2022) (Annexure-G), Mr. Ayoub refused to accept that and continued to work as PS to CEO and he took record of CEO office in his custody.
- x. Mr. Ayoub gave arrival (diary 3897 dated 15/08/2022) (Annexure-H) as per this illegal notification on the same day i.e. 12th August 2022 while Mr. Muhammad Hussain gave arrival (diary 3898 dated 15/08/2022) on 15th August 2022 (Annexure-I).
- xi. Mr. Ayoub refused to vacate the PS to CEO office on Dr. Siddique order (11165-67 dated 15/08/2022)
- xii. On 19th August 2022, the HR manager being the lawful incharge of the establishment of PGMI, regretted Mr. Ayoub's arrival reports on the ground that the said notification was un-authorized and directed him (vide 11249/Est/PGMI dated 19/08/2022) (Annexure-J) to join previous post. First, he refused to take that letter as evident from diary section report on the back side of letter and then he responded to this letter vide diary no. 4018 dated 22/08/2022 (Annexure-K). In this response, he mentioned the staff meeting held on 15th August 2022, in which meeting it was discussed and majority of senior staff members including Dr. Siddique agreed upon that the said order issued by Dr Siddique is illegal and un-authorized (as told by Dr. Mumtaz Muhammad and act of Dr. Siddique to withdraw the said notification). Further in this letter, Mr. Ayoub refused to accept the direction and states that the matter of being authorized or un-authorized regarding said notification is jurisdiction of new CEO. That is plain refusal of competent authority orders.
- xiii. The committee members themselves are witness to the misbehavior of Mr Ayoub during EC meeting that led to his transfer from the office of PS to CEO by EX-CEO. That also give clue about the background of this scenario.
- xiv. It was also noted with great concern that on the letter mentioned in para-xii (Annexure-K), the Director Medical Education, Research & Publication, Dr. Naila Irum wrote a note. She made an objection on HR manager for writing to Mr Ayoub directly. She also objected on writing a letter to PS without consulting her. Being very senior official, instead of directing her PS to follow the direction of competent authority, it shows as she is intentionally protecting Mr. Ayoub for continuous disobedience.

ATTESTED



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Conclusion:

1. On 12th August 2022, when Mr. Masal Khan typed the notification number 11154-56-11153, 11154-56 dated 12th August 2022 (Annexure- C) and Mr. Asif Jan put his initial on it and Dr Siddique signed it they all are knowing that Dr Siddique is not Assistant Director Admin. The committee is satisfied that there was no urgent need for this notification and all the three had administration to prepare and sign this notification. Therefore, this notification was illegal & unauthorized and apparently, it amounts to major misconduct on the part of these officials. (Para i-viii)
2. Dr. Siddique is absent from PGMI since 30th August 2022.
3. It was evident from diary section record that Mr. Ajaz has received the notification (6300-05 East PGMI dated 19/08/2022) and he was knowing that Dr Siddique is not authorized to use the designation and authority of Assistant Director Admin, he obeyed his order but refused to obey his order when he withdrawn the same order. Moreover, he plainly refused to obey the orders of HR manager being the competent authority in absence of CEO & Deputy CEO. It shows that he is involved in this planning to get himself back to the office of the PS to CEO. This is an act of misconduct (Para ix-xiii)
4. The role of Dr Naila Inam Director Medical Education, Research and Publication is not appropriate and is not expected from such a dignified chair. Being a very senior official, she should have played a positive role to direct her PS not to follow the un-authorized orders and to follow the orders of competent authority. (Para-xiv)

Recommendations:

1. As Dr. Muhammad Siddique, Mr. Asif Jan & Mr. Masal Khan are civil servants, therefore, the competent authority should be requested to repatriate their services to their parent department i.e., Health Department DGHS with the remarks that the competent authority may further proceed on this matter as per E&D rules.
2. As Dr. Muhammad Siddique is absent since 30th August 2022, his absent report should also be sent along with recommendation -1.

ATTESTED



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3. As Mr. Ayoub Khan is civil servants, therefore, the competent authority should be requested to repatriate his services to his parent department i.e. DGHS with the remarks that the competent authority may further proceed on this matter as per E&D rules.

b. 2nd Event- Induction

The committee called following staff for interview:

- Dr. Muntaz Muhammad
- Mr. Bakhtiar Ahmad PGR-I PGR section
- Mr. Syed Ahsan Ali Shah HR Manager
- Dr. Hamid Ahmad Deputy CEO (as additional charge)

After detailed inquiry from all the relevant officials, following facts were established;

- i. As RTMC portal was opened by CPSP for very limited period i.e. till 31st August. Therefore, to save the future of young doctors' applicants and to save their 06 months, it was urgency to act to announce interview schedule for available slots.
- ii. It was the responsibility of Incharge PGR Dr. Muhammad Siddique to take initiative in the absence of CEO and Deputy CEO.
- iii. The incharge PGR section Dr Siddique didn't take any initiative rather he opted to be absent even on the day of interview.
- iv. As nobody else took any initiative, Mr. Bakhtiar Ahmad, Junior Clerk PGR-I took the initiative and announced the interview schedule in urgency (Annexure- E).
- v. On the day of interview, he requested Dr. Naila from Director Medical Education and Dr. Ashfaq Javed Khan to conduct the interview along with him.
- vi. Interview was conducted peacefully and no complaint was registered about any irregularity by any participant.
- vii. Moreover, it was clarified that this interview doesn't carry any marks rather it was just a slot allocation as per their merit.
- viii. The deputy CEO confirmed that the announcement and slot allocation was done exactly as per policy approved by the Executive Council.
- ix. On the day of interview, Dr Hamid Ahmad was given the additional charge of Deputy CEO by the competent authority in the evening and he immediately took over the charge and issued the placement order after satisfying that the whole process is as per approved policy and after seeking approval of the Executive council.

~~ATTACHED~~



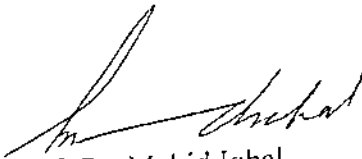
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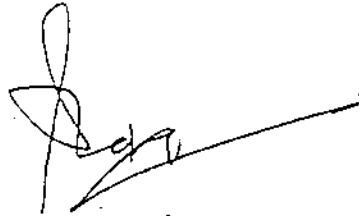
Conclusion:


In the absence of CEO & Deputy CEO, when responsible official (Incharge PGR section Dr. Siddique) failed to take initiative for induction process, due to urgency of the situation, Mr. Bakhtiar took the initiative and saved 06 months of young doctors. It was negligence on the part of Dr Siddique.

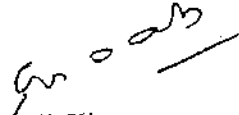
Recommendation:

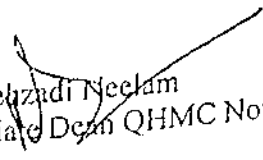
1. As Dr. Mohammad Siddique is civil servants, therefore, the competent authority should be requested to repatriate his services to his parent department i.e., Health Department/DGHS.
2. The committee observed that the whole chaos was created due to absence of the CEO and Deputy CEO at the same time. The Committee recommends that a letter on the behalf of the Executive Council may be written to Competent authority with the request that in future both officials should not be transferred at the same time.

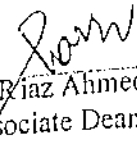

Prof. Dr. Mahid Iqbal
Associate Dean Saidu Swat

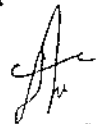

Prof. Shahid Ayub
Associate Dean MTI/HMC Peshawar


Dr. Naeemul Haq
Associate Dean MTI/MMC Mardan


Prof. Muhammad Shoaib Khan
Associate Dean MTI/KTH, Peshawar


Dr. Shehzadi Neelam
Associate Dean QHMC Nowshera


Dr. Riaz Ahmed Khan Afridi
Associate Dean MTI/LRH, Peshawar


Prof. Lal Mohammad
Associate Dean KIMS Kohat

~~ATTACHED~~

No. 0788 /HR Deptt://PGMI, (R7)

Dated: - 12/19 /2023

(50)

To

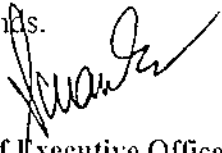
The Secretary Health,
Health Department,
Govt of Khyber Pakhtunkhwa.

Subject: APPEAL IN THE CASE OF REPATRIATION OF 04 CIVIL SERVANTS.

Kindly refer to your office letter No. SOH-VI/HD/Secret/1-1/2021-22(Ayub Khan/Supdtt/PGMI) dated 16-03-2023 on the subject cited above.

In this connection it is stated that the appeal of Mr. Ayub Khan (Office Superintendent) regarding the enquiry conducted on his unlawful/ unauthorized notification issued in the absence of CEO-PGMI was placed before the Executive Council in 43rd Meeting dated 01-09-2023 vide agenda item No.11 for decision. After detailed deliberation of the Executive Council it was decided that the grounds/ plea taken in his appeal did not satisfy the Executive Council and the findings of the enquiry committee is correct hence, his appeal was regretted by the EC.

Consequent upon the decision of the Executive Council, the services of Mr. Ayub Khan (Office Superintendent) civil servant is no more required at this institution and is repatriated to Health department with immediate effect on administrative grounds.


Chief Executive Officer
Postgraduate Medical Institute
Peshawar.


No. 0789-93 / HR Deptt://PGMI,

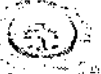
Dated: - 12/19 /2023

Copy forwarded for information and n/a to: -

1. Director General Health Services, Govt of Khyber Pakhtunkhwa, Peshawar.
2. Director MER&P, PGMI, Hayatabad, Peshawar.
3. Deputy Director Finance, PGMI, Hayatabad Peshawar to stop his salary.
4. PS to CEO PGMI, Hayatabad, Peshawar.
5. Mr. Ayub Khan (Office Superintendent) with the direction to report to DGHS with immediate effect.


Chief Executive Officer
Postgraduate Medical Institute
Peshawar.


Chief Executive Officer
Postgraduate Medical Institute
Peshawar.



PGMI | POST GRADUATE MEDICAL INSTITUTE
PESHAWAR, KPK PAKISTAN

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No. 12423 HR Dept/PGMI

Dated: 17/1/2023


To,

Mr. Ayub Khan,
Superintendent DGHS,
Govt. of Khyber Pakhtunkhwa,
Peshawar

Subject: - FATE OF APPEAL PGMI DIARY NO. 5224/PGMI DATED 19/9/2023.

Reference your application dated 01.01.2024 on the subject cited above.

It is to inform you that your subject appeal will be put on the upcoming Executive Council's agenda meeting.


Deputy Chief Executive Officer
Postgraduate Medical Institute
Hayatabad Peshawar

04

ATTACHED

VAKALAT NAMA

APPEAL NO 133/2024

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL PESHAWAR

MR AYUB KHAN

(Appellant)

VERSUS

GOVERNMENT OF KP AND OTHERS

(Respondents)

I/We, _____

Do hereby appoint and constitute *M. Asif Yousafzai, Advocate Supreme Court of Pakistan*, to appear plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate/Counsel on my/our costs.

I/We authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

The Advocate/Counsel is also at liberty to leave my/our case at any stage of the proceedings, if his any fee left unpaid or is outstanding against me/us.

Respondents

3 _____

(CEO PGMI/Chairman EC)

4 _____

(HR Manager PGMI)

Dated _____ / _____ /2024

OFFICE:

Room # FR-8, 4th Floor,
Bilour Plaza, Peshawar,
Cantt: Peshawar
Cell: (0333-9103240)

Asif Yousafzai
ACCEPTED

M. ASIF YOUSAFZAI
Advocate Supreme Court of Pakistan