



BEFORE THE DISCIPLINARY COMMITTEE OF PAKISTAN MEDICAL COMMISSION

In the matter of

Complaint No. P.F.4-MISC-85/2022-Legal

Pak Red Crescent Medical and Dental College, Lahore

Vs.

Watim Medical College, Rawalpindi

Prof. Dr. Naqib Ullah Achakzai	Chairman
Prof. Dr. Noshad Ahmad Shaikh	Member
Mr. Jawad Amin Khan	Member
Barrister Ch. Sultan Mansoor	Secretary

Present:

Mr. Abdul Rahim	Manager HR, Watim Medical College
Date of Hearing	10.10.2022

I. FACTUAL BACKGROUND

1. Pak Red Crescent Medical and Dental College (the "Complainant") issued a complaint against the Watim Medical College (the "Respondent") on 02.06.2022, wherein it has been alleged that nine (09) students of MBBS session 2020 were transferred from the Respondent to the Complainant. Brief facts of the complaint are:

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- a) *Watim Medical College had issued 09 different cheques, each amounting to PKR 1,050,000/- and a total summing up to PKR 9,450,000/- in respect of these 09 students' tuition fee, however, all of these cheques were dishonoured due to insufficiency of fund. It has been alleged that the Respondent has failed to make the requisite payment to the Complainant, despite repeated reminders.*
- b) *In relevant account, the Commission had vide its letter dated 10-08-2021 directed the Watim Medical College to make the payment pertaining to these 9 students. However, the College failed to comply with the directions issued by the Commission.*

II. SHOW CAUSE NOTICE

2. In view of the allegations leveled in the Complaint, the Commission vide its letter dated 13.06.2022 forwarded the complaint to the Respondent. Pakistan Medical Commission issued a reminder letter to the Respondent regarding its earlier letter dated 10.08.2021, whereby the Respondent was directed to transfer the amount pertaining to the fee of 09 students to the Complainant. Further, the Commission directed the Respondent to submit its response to the allegation leveled by the Complainant.
3. In view of the Respondent's failure to respond to the Commission's letter dated 13-06-2022, a Show Cause Notice dated 26.06.2022 was issued to the Principal of the College conveying the allegations in the following terms:

*"... 3. **WHEREAS** the Commission had formulated the PMC (Admission Regulations, 2020-21 (the "Admission Regulations 2020"), which provided under regulation 8 that the college from whom the student transfers shall be required to reimburse the student the fee deposited by the student, other than the non-refundable admission fee, within fourteen (14) days of transfer and after deducting pro rata the fee for the number of days the student remained at the college. The reimbursable fee shall be transferred by the college of the student to the accepting college directly. Any dispute as to transfer of fees by one college to another may be referred by such college or colleges to the Council without affecting the studies of the student; and*

*4. **WHEREAS** the Commission has formulated the Medical and Dental Undergraduate Education (Admissions, Curriculum and Conduct) Regulations 2021, (the "Admission Regulations 2021") which provide under regulation 18 that if any student seeks to transfer from the college, the*



college shall have the right only to adjust the tuition fee already paid pro rata to the period spent by the student in the program; and

5. **WHEREAS** the Commission is in receipt of a complaint bearing Ref. PRCMC/PO/585/22 dated 02.06.2022 from Pak Red Crescent Medical and Dental College, Lahore against Watim Medical College (the "College"), wherein it has been alleged that nine (09) students of MBBS session 2020 were transferred from the College to Pak Red Crescent Medical and Dental College and the College issued 09 different cheques to Pak Red Crescent Medical and Dental College, each amounting to PKR 1,050,000/- and a total amounting to PKR 9,450,000/, in respect of these nine (09) students, however, cheques were dishonored due to insufficiency of funds; (Annex I) and

6. **WHEREAS** in terms of Complaint the College has failed to make payment to Pak Red Crescent Medical and Dental College in respect of the 09 students transferred to the Pak Red Crescent, despite repeated reminders to the College in respect of its cheques being dishonored; and

7. **WHEREAS** the Commission vide its letter dated 10.08.2021 had also directed the principal of the College to transfer the amount pertaining to the fee of 09 students, to Pak Red Crescent Medical and Dental College, however, the College has failed to comply with the direction of the Commission; and

8. **WHEREAS** such conduct of the College is, prima facie, in violation of the PMC Act, Admission Regulations framed thereunder and the directions of the Commission; and ...”

III. REPLY TO SHOW CAUSE NOTICE

4. Professor Dr. Maj. Gen(R) Muhammad Ahmed, Principal of the Respondent College submitted his reply to the Show Cause Notice on 19.07.2022, wherein he stated that:

- a) The said 09 students are amongst those group of students forcibly transferred from the Respondent college to different Medical Colleges by Defunct PM&DC and UHS with the plea that Watim Medical College is not recognized College as it was given recognition by the PMC (the body could not sustain due to non-approval of PMC ordinance). Moreover, Court Prohibited PM&DC, not to shift the students without final decision of Islamabad High Court but it was not complied with. PMC on its revival declared Watim Medical College as a recognized Medical College and affairs were on track

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again. PMC in its 2nd Council Meeting, agenda item no: 21, decided to bring back the students original Colleges. This decision of PMC was never implemented and complied with.

- b) In the meantime, Red Crescent Medical College demanded fee of students shifted from Watim Medical College. Accounts Department issued cheques against the names of all 31 students shifted to different Colleges. Unfortunately, some of the Cheques could not be cleared due to shortage of funds & delay in new admissions, as well the College running with only 48 students out of 100. No replacement was granted against 31 students forcibly shifted from the Respondent College. While 2nd year classes of said students stated and they paid the fee of 2nd year at the Complainant College. As per PMC decision of 2nd Council Meeting (Agenda Item no 21) Students were supposed to be shifted back. So this was supposed to be mere exchange of fee between two institutions. Fee charged at Red Crescent was supposed to be remitted back along with the Students. But this decision of PMC was never implemented.
- c) Letter Dated 10-08-2021 was never received by this College. Though the than Principal was under transfer and left the College during this period. Had it been actually received, it would have been complied with promptly and effectively. No violation has been committed, every attempt is made to solve the issue of forcibly transferred students. There have been a number of meetings in PMC and with other stake holders to implement the decision of 2nd Council Meeting (Copy Attached), but this fact was not brought to your notice by the complainant. Your letter dated 22nd June 2022 could not be replied immediately as I was on Ex Pakistan Leave.
- d) On my arrival back, I contacted the Principle of the Respondent College, who has promised to sit with the Respondent to sort out the issue by mutual agreement. I also wrote a letter to Complainant to follow the same.
- e) It is requested that 04 weeks' time be granted to the College to sort out the issue to the satisfaction of the Complainant & PMC.

IV. HEARING

5. After receipt of written reply to the Show Cause Notice on 19.07.2022, the matter was fixed for hearing before the Disciplinary Committee on 10.10.2022. Notices dated 27.09.2022 were issued to the Principal of Complainant College and the Principal of the Respondent College, directing them to appear before the Disciplinary Committee on 10.10.2022.



6. Neither the Principal of the Complainant College nor the Principal of the Respondent College appeared before the Disciplinary Committee on the stipulated date of hearing. However, Mr. Abdul Rahim Manager HR of the Respondent College appeared before the Disciplinary Committee on the date of hearing. The representative of the Respondent College submitted that the case at hand had been settled between the Complainant and the Respondent College through a mutual agreement.

V. FINDINGS AND CONCLUSION

7. This Committee has perused the record of this case and observed that the present complaint had been lodged by Pak Red Crescent Medical College alleging that nine (09) students of MBBS-2020 were transferred from the Watim Medical College (Respondent) to the Pak Red Crescent Medical College (Complainant). The Respondent College issued nine (09) different cheques each amounting to PKR 1,050,000/- totaling to PKR 9,450,000/- in respect of fees of these nine students. However, all of these nine (09) cheques were dishonored due to insufficiency of funds. Despite reminders the Respondent College had failed to pay-up.
8. This Commission had sent letters to the Respondent College dated 10.08.2021 and 13.06.2022 requesting it to make payments to the Complainant College regarding the nine (09) transferred students. Thereafter, Show Cause Notice was issued to the Respondent College.
9. It is noted from the available record before this Committee that the Complainant College through its letter dated 06.10.2022, has conveyed that the payment issues as contained in this complaint, have been settled with the Respondent College, being contested herein. This letter mentions that the Complainant College has reached a settlement on the dispute with the Respondent College and do not wish to pursue the present complaint and it should be dismissed as withdrawn.
10. The present Complaint relates to Regulation 8 of the PMC (Admission Regulations 2020), relevant part of which is reproduced as under:


“... the College from whom the student transfers shall be required to reimburse the student the fee deposited by the student, other than the non-refundable admission fee, within fourteen (14) days of transfer and after deducting pro-rata fee for the number of days the student remained at the College. The reimbursable fee shall be transferred by the College of the student to the accepting College directly. ...”

11. The issue of withdrawal of the present Complaint is the prerogative of this Disciplinary Committee, as governed by the Regulation 10 of the PMC (Enforcement) Regulations 2021, below:

“10. **Withdrawal of Complaint.** - The Disciplinary Committee may permit the withdrawal of a complaint at any stage of the proceeding or may for reasons to be recorded refuse a withdrawal and proceed with the Complaint in absence of the Complainant. ...”

12. In light of the fore-going, this Committee allows the compromise reached between the Complainant and the Respondent College. However, this Committee directs both the parties to submit a legal document conveying written expression of the compromise reached between the Colleges related to the payment of fees of the (09) students vis-à-vis the present Complaint. Further, this document to be submitted by both the Complainant and the Respondent should reflect that the settled issue shall not be brought before the Commission and/or this Disciplinary Committee, in the future.
13. We direct the Respondent, Watim Medical College that proof of payment regarding the transfer of the present nine (09) students shall be submitted to this Committee in the form of acceptable bank documents.
14. The present Complaint is disposed of in the above terms.

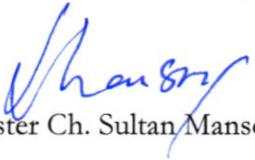



Prof. Dr. Noshad Ahmad Shaikh

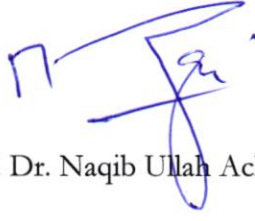
Member


Mr. Jawad Amin Khan

Member


Barrister Ch. Sultan Mansoor

Secretary


Prof. Dr. Naqib Ullah Achakzai

Chairman

27th October, 2022

