



BEFORE THE DISCIPLINARY COMMITTEE OF PAKISTAN MEDICAL COMMISSION

In the matter of

Complaint No. P.F-8-1915/2021-DC/PMC

Dr. Khawar Riaz Ahmad

Mr. Ali Raza	Chairman
Dr. Anis-ur- Rehman	Member
Dr. Asif Loya	Member

Present:

Dr. Khawar Riaz Ahmed	Respondent
Hearing dated	10.12.2021

FACTUAL BACKGROUND:

1. Dr. Khawar Riaz (hereinafter referred to as the “Respondent”) filed C.P. No. D-5983/2019 before the Honorable Sindh High Court, Karachi wherein he prayed that the PMC be directed to restore/retain his name in register of medical practitioners. The Honorable Sindh High Court, Karachi vide its order dated 09.02.2021, disposed of C.P.No.D-5983/2019 with the directions to PMC to decide the pending application of the petitioner for renewal of license within three weeks.
2. In compliance of order dated 09.02.2021 passed by Honorable Sindh High Court, Karachi, the matter was fixed for personal hearing of Respondent Dr. Khawar Riaz Ahmad on 15.02.2021 to decide his application. The hearing was conducted through online facility i.e. Zoom at PMC Regional Office Karachi. During the said hearing he stated that he passed MBBS from Karachi University through Dow Medical College Karachi in the year 1976, got registered with the Council vide Reg. No. 18360 dated 13.11.1976 and the same was claimed to have been valid for lifetime

(with no expiry date) as per his assertion. He further stated that he has been working as a medical officer at Ministry of Labor and Manpower, health and population in 1977 and as a Medical Officer casualty, Jinnah Post Graduate Medical Centre in 1978-1979; and thereafter continued his private practice. He stated that he applied for retention of name on the register of medical practitioner with Pakistan Medical and Dental Council on 04-12-2018 on prescribed form-II of PMDC. He also paid fee of PKR63,200/- vide Bank Receipt No.B11558905, dated 11-12-2018 and Rs.1000/- for verification fee of MBBS degree, in favour of University of Karachi. However, process of retention of his name in the register of medical practitioner has not been completed by PMDC.

3. After hearing Respondent Dr. Khawar Riaz, relevant old record was perused minutely whereby it was observed that his license was infact suspended in 1981 for a period of 2 years and a notification in this regard was also issued by the competent authority on 26.05.1981 but this material fact was neither brought by him before the Honorable Court and nor before Pakistan Medical Commission during his personal hearing on 15.02.2021. He did not approach PM&DC for the restoration of his license and has been therefore, admittedly practicing without possessing a valid license and registration for last 40 years. Every license issued by the erstwhile PM&DC was valid only for 5 years and was required to be revalidated after every 5 years in terms of Pakistan Registration of Medical & Dental Practitioners Regulations, 2008. It was observed in the order dated 23.02.2021 that

“it is transpired that after suspension of license, the petitioner did not approach Pakistan Medical and Dental Council for retention of his name. Even otherwise during the period of 40 years he never applied for retention of his name and practiced medicine without a valid registration which is explicitly prohibited in terms of code of ethics. Therefore, the matter is referred to Disciplinary Committee of the Pakistan Medical Commission for an appropriate action under Section 32 of the PMC Act 2020. Till such time retention of his name in the register of medical practitioners is withheld”.

SHOW CAUSE NOTICE

4. In view of the facts narrated above, show cause notice dated 18.03.2021 was served to Respondent Dr. Khawar Riaz Ahmed in the following terms that:-
3. In compliance to order dated 09.02.2021 passed by Honorable Sindh High Court, Karachi a hearing opportunity was provided to you to decide your petition on 15.02.2021 through facility i.e. Zoom at Pakistan Medical Commission Regional Office at Karachi.

4. In the said hearing you stated that you passed MBBS from Karachi University through Dow Medical College, Karachi in the year 1976 got registered with the council vide Reg No. 18360 dated 13.11.1976 and the same was claimed to have been valid for lifetime (with no expiry date) as per your assertion.
5. During the aforementioned hearing you stated that you have been working as a Medical Officer at Ministry of Labor and Manpower, Health and Population in 1977 and as a Medical Officer casualty, Jinnah Post Graduate Medical Centre for the period of 1978-1979 and thereafter continued your private practice.
6. After your hearing relevant old record was perused minutely whereby it was observed that your license was suspended in 1981 for the period of 02 years and a notification in this regard was also issued by the competent authority on 26.05.1981 but this material fact was neither brought before the Honorable court and nor before Pakistan Medical Commission during your personal hearing on 15.02.2021.
7. You did not approach PM&DC for the retention of name and have been practicing without possessing valid license and registration for last 40 years.
8. Every license issued by the Council is valid only for 05 years and is required to be revalidated after every 5 years in terms of Pakistan Registration of Medical & Dental Practitioners Regulations, 2008.
9. In terms of the facts mentioned above, continuing practice in absence of valid license is prima facie in contravention of code of ethics and applicable regulations and amounts to professional negligence/misconduct.

REPLY TO SHOW CAUSE NOTICE

6. Respondent Dr. Khawar Riaz submitted reply to show cause notice on 30.03.2021 wherein he stated that:
 - a. The Applicant passed MBBS from Karachi University through Dow medical College Karachi and got Reg. No. 18360 issued by the Medical Council, Islamabad which is lifelong with no expiry date mentioned. My NIC 42101-1709095-3 is also lifelong. This is a material fact and not my ascertainment.
 - b. That the officials in PMDC Karachi Office are not orientated, who did not consult the Higher authorities in Islamabad to retain the name in the PMDC Islamabad register as the Applicant Reg: No. 18360 in 1976 was lifelong with no expiry date. They guided me to apply on 04.12.2018 with the required fee Rs.63,200/- alongwith Rs.1,000/- pay order for verification of MBBS degree from Karachi University.
 - c. That the applicant sent 3 reminders and one requesting legal notice dated 07.08.2019 but no response so far; ever after 3.5 years. Thus the petitioner submitted petition under Article 199 in the Sindh High Court Karachi to expedite the subject matter and to take action against the responsible / concerned officials of the PMDC Islamabad.
 - d. That I was shocked to know through your letter dated 22.02.2021 that my license Reg. No. 18360 was suspended for 2 years (1981 - 1983) and a notification dated 26.05.1981 was also issued which I did not receive. Hence concealment of this in the Honorable Sindh High Court or in zoom meeting dated 15.02.2021 is not justified.

- e. The competent Authority ignored my answer of doing business (Estate Business). The petitioner sent Rs.2,500/- vide pay Order No. 07314145 dated: 16-02-2021 The Petitioner has paid Rs.63,200/- + Rs.1,000/- + Rs.2,500/- (along with legal fee + Advocate Fee amounting to Rs.60,000/-) Thus the petitioner is eligible to get his name registered / retained in the PMC Register upto 2023.
- f. Had the petitioner knew about the suspension of license for 2 year, he would have applied after 2 years and not after 40 years. However the suspension for 2 Years passed away in 1983.
- g. That the petitioner categorically said that he was doing Business (Estate Business) and even now continuing it. Though I started Clinic in 1976 after getting license from MC & in 1979 in Shershah Colony but short lived due to no response and stopped after few months; hence your assumption / assertion of doing Medical Practice for the Last 40 Years is without Justification.

HEARING

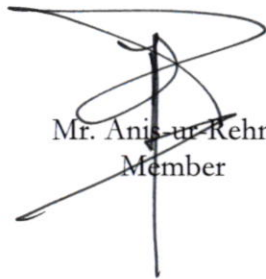
7. After completion of codal formalities, the matter was fixed for hearing before the Disciplinary Committee on 10.12.2021. Notice dated 29.11.2021 was issued to Respondent Dr. Khawar Riaz directing him to appear before the Disciplinary Committee for hearing on 10.12.2021.
8. Respondent Dr. Khawar Riaz Ahmad vide application dated requested to attend the hearing through online facility appeared before the Disciplinary Committee on the date of hearing. His request was acceded to and he was allowed to attend the hearing through Zoom.
9. The Disciplinary Committee enquired from Respondent Dr. Khawar Riaz that why he has not renewed his license to practice which was suspended by the PM&DC on 26.05.1981, Dr. Khawar stated that he was not aware of the suspension of license. Responding to the question put by the Disciplinary Committee Dr. Khawar Riaz stated that he was in government job on ad-hoc basis in 1977. Later his contract was not extended and he left the job in 1979.
10. The Disciplinary Committee referred to the contents of reply submitted by Respondent Dr. Khawar wherein he had stated that *“the petitioner categorically said that he was doing Business (Estate Business) and even now continuing it. Though I started Clinic in 1976 after getting license from MC & in 1979 in Shershah Colony but short lived due to no response and stopped after few months;”*. Responding to another question Dr. Khawar Riaz clarified that he stopped medical practice in 1979 and remained in real estate business since then hence his disinterest in renewing the license.

11. The Committee during the hearing asked the Respondent doctor that since there is such a long gap in practice he will be required to undergo a training for a period of one year in a hospital for the purpose of getting his license renewed whether he is willing to undergo the training for one year. Dr. Khawar Riaz replied that he is not interested in training and does not want to renew his license. He further requested that he had paid fee for renewal of his license, which may kindly be refunded.

FINDINGS AND CONCLUSION

12. The Disciplinary Committee after going through the record and statement of Respondent Dr. Khawar Riaz observes that he submitted his application for renewal of his license on 05.12.2018 to the erstwhile PM&DC. He subsequently filed C.P. No. D-5983/2019 before the Honorable Sindh High Court, Karachi wherein he prayed that PMC be directed to restore/retain his name in the register of medical practitioners. The Honorable Sindh High Court, Karachi vide its order dated 09.02.2021, disposed off C.P.No.D-5983/2019 with the directions to PMC to decide the pending application of the petitioner within three weeks.
13. In compliance of order dated 09.02.2021 passed by Honorable Sindh High Court, Karachi, the matter was fixed for personal hearing of Respondent Dr. Khawar Riaz Ahmad on 15.02.2021, to decide his application. After hearing Dr. Khawar Riaz, relevant old record was perused minutely whereby it was observed that his license was suspended in 1981 for a period of 2 years and a notification in this regard was also issued by the competent authority on 26.05.1981 He did not approach PM&DC for the restoration of his license for last 40 years.
14. The Committee observed that Respondent Dr. Khawar Riaz in his written reply dated 30.03.2021 stated that *“he was doing Business (Estate Business) and even now continuing it. Though I started Clinic in 1976 after getting license from MC & in 1979 in Shershah Colony but short lived due to no response and stopped after few months?”*.

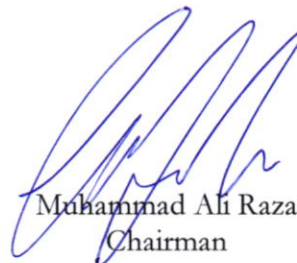
15. The Respondent Dr. Khawar Riaz during the course of hearing admitted that he has not been practicing for the last forty (40) years and he is not interested in practice any more. The Committee observes that after such a long gap in practice his license to practice cannot be renewed unless he undergoes a training for a period of one year in a hospital. However, when Respondent Dr. Khawar Riaz was asked whether he is willing to undergo the training for one year Dr. Khawar Riaz replied that he is not interested in training and does not want to renew his license. He further requested that he had paid fee for renewal of his license, which may kindly be refunded.
16. Considering the statement of Respondent Dr. Khawar Riaz, it is directed that since he is not in practice for the last forty (40) years and is not willing to undergo any training for the purpose of renewal of his license, therefore his pending request to renew license is disposed of and his license to practice which was suspended vide notification dated 26.05.1981 is hereby permanently cancelled. In view of foregoing the show cause notice issued to Mr. Khawar Raiz stands disposed of.
17. It is further directed to refund the amount of PKR63,200/- paid by Mr. Khawar Riaz vide Bank Receipt No.B11558905, dated 11-12-2018 and PMR.1,000/- as verification fee of MBBS degree, in favour of University of Karachi, submitted by him at the time of submission of application for the renewal of his license to erstwhile PMDC.



Mr. Anis-ur Rehman
Member



Dr. Asif Loya
Member



Muhammad Ali Raza
Chairman

31st January, 2022