

# THE PAKISTAN MEDICAL COMMISSION (SERVICE) REGULATIONS, 2020

*Islamabad, the 10<sup>th</sup> November, 2020*

In exercise of the powers conferred under Section 8(2)(a) and Section 40(1)(e) of the Pakistan Medical Commission Act 2020, the Council to lay down the terms and conditions of service and ancillary administrative and financial matters of all employees of the Commission hereby frames the following, namely:

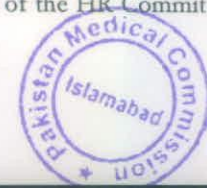
## THE PAKISTAN MEDICAL COMMISSION (SERVICE) REGULATIONS, 2020

1. **Short title, application and commencement:** - (1) The regulations shall be known as "Pakistan Medical Commission (Service) Regulations 2020".
2. These Regulations shall be for the internal use of the Council and shall come into force with immediate effect and shall apply to all employees in the service of the Council whenever appointed or to be appointed.
3. **Definitions:** In these Regulations unless there is anything repugnant in the subject or context:
  - a) "Act" or the "PMC Act" means the Pakistan Medical Commission Act 2020;
  - b) "Appointing Authority" means the Medical & Dental Council;
  - c) "Contract" means the contract of service as executed or deemed to be executed between each regular or temporary employee and the PMC;
  - d) "Competent authority" means the Medical & Dental Council or the President as authorized by the Council;
  - e) "Council" means the Medical & Dental Council as established under Sections 3 and comprising of members pursuant to section 4 of the Pakistan Medical Commission Act 2020;
  - f) "Designation" means a position defined and provided for under these Regulations or created by the Council on the recommendations of the HR Committee;
  - g) "Employees" means employees of Pakistan Medical Commission appointed subsequent to the promulgation of the Pakistan Medical Commission Act, 2020



- or having become employees of Pakistan Medical Commission pursuant to section 49(1) of the Pakistan Medical Commission Act 2020;
- h) “Emoluments” for the purpose of remuneration include pay and any allowance provided for under these Regulations and as approved by the Council on the recommendation of the Member Administration or the Human Resource Committee of the Council;
  - i) “Evaluation Report” means the Annual Performance Evaluation Report of an Employee;
  - j) “Family” for entitlement to medical treatment, means the employee and their spouses and dependent children;
  - k) “HR Committee” means the Human Resource Committee of the Council constituted by the Council for the purposes of overseeing the human resource matters of the PMC;
  - l) “Institutional Organogram” means the management organogram approved by the Council;
  - m) “Member” means the Members of the National Medical Authority defined and appointed under Section 16 of the Pakistan Medical Commission Act 2020;
  - n) “Misconduct” includes conduct prejudicial to good order or service discipline or as otherwise provided for under these Regulations;
  - o) “Probation” means the period for which the Contract of an Employee is treated as temporary and conditional upon the fulfillment of any defined performance or criteria;
  - p) “Penalty” means a penalty which may be imposed under these Regulations;
  - q) “President” means President of the Council;
  - r) “Post” means a designation particularly defined under Section 14 and 15 of the Act;
  - s) “Position” means and includes all positions created by the Council, other than Posts and Designations;
  - t) “Regular Employee” means an employee appointed pursuant to a Contract for a fixed period of time of more than one year, to a Post or Designation and approved by the Council in the prescribed manner, where a fixed period of time may be defined by attainment of the Retirement Age [or a time stipulated by the Council on the recommendation of the HR Committee]<sup>1</sup>;

<sup>1</sup> Clause (t) of regulation 3, [or a time stipulated by the Council on the recommendation of the HR Committee] is added by Council Decision, dated 23<sup>rd</sup> December 2020.





- u) "Temporary Employee" means an employee appointed pursuant to a Contract for a fixed period of time of six months or less subject to fulfillment of prescribed conditions with no renewal beyond the original contracted term;
- v) "Reporting Officer" means an immediate officer who is designated by a Member to supervise the work of the defined officers and staff attached to their Department for the purpose of their duties;
- w) "Retirement Age" means age of compulsory retirement as prescribed in these Regulations;
- x) "Promotion Committee" means the sub-committee of the HR Committee designated to review and recommend promotions of Employees;
- y) "Department" means the seven departments defined under Section 16 of the PMC Act including any Section created within each Department pursuant to the Institutional Organogram approved by the Council;
- z) "Section" means a sub department within a Department as identified in the Institutional Organogram approved by the Council;
- aa) "Senior Management Cadre" means and includes the Posts stipulated under the Act and as prescribed by the Council;
- bb) "Management Cadre" means and includes the Designations as included therein upon recommendation by the HR Committee and approved by the Council;
- cc) "Administrative Cadre" means and includes managerial [or other]<sup>2</sup> designations not included in the Management Cadre and as included therein upon recommendation by the HR Committee and approved by the Council;
- dd) "Staff Cadre" means and includes the non-managerial designations as defined and included therein upon recommendation by the HR Committee and approved by the Council;
- ee) "Pay Grade" means the pay grades within each cadre defined pursuant to these Regulations.

4. **Principal Authority.-** The Council is the principal authority competent to make, regulate and terminate appointment of all employees in the service of the Council on advice and recommendations of the HR Committee and subject to these Regulations.
5. **Posts, Designations and Cadres.-** All Posts, Designations and Cadres in pursuance of the Institutional Organogram shall be defined by the HR Committee and approved by the Council and notified.

<sup>2</sup> Clause (cc) of regulation 3, [or others] is added by ibid.



6. **Appointments.-** (1) All Regular appointments in PMC shall be made as applicable against either Posts or Designations or positions defined in Cadres against strength as sanctioned and approved by the Council on the advice of HR Committee. [Appointments in the Management Cadre, unless otherwise specified by the Council for exceptional reasons, shall be on a fixed time contract basis]<sup>3</sup>.

(2) Any Temporary appointments in PMC shall be made by the President on the recommendation of the HR Committee to fulfil an emergency or exigency to be stated in writing, subject to Temporary appointments not being in excess of 10% of the existing sanctioned strength and the contract of a Temporary Employee not being longer than 180 days and not renewable under any condition.

6A. **Appointment of Advisors, Experts etc.** (1) Upon the approval of the HR Committee, to carry out a specialized specific task for a fixed duration of time to assist the Authority in complying with an obligation pursuant to the Act or Regulations, advisors, subject-experts, consultants and other staff may from time to time be employed on such terms and conditions as deemed appropriate.

(2) Such advisors, subject – experts, consultants may be employed by way of selection against the criteria stipulated by the HR Committee to carry out the assignments.

(3) Any person employed under sub- regulation (1) for a period of more than 90 days shall be subject to the limitations imposed under Regulation 6(2).<sup>4</sup>

7. **Methods of Appointment.-**(1) Appointment to Posts shall be made by way of initial appointment on open merit as provided under the PMC Act subject to any Regular or Temporary Employee having the right to apply for an advertised Post.

<sup>3</sup> Sub regulation (1) of regulation 6, [Appointments in the Management Cadre, unless otherwise specified by the Council for exceptional reasons, shall be on a fixed time contract basis] is added by the Council Decision, dated 23<sup>rd</sup> December 2020.

<sup>4</sup> Regulation 6A, [(1) Upon the approval of the HR Committee, to carry out a specialized specific task for a fixed duration of time to assist the Authority in complying with an obligation pursuant to the Act or Regulations, advisors, subject-experts, consultants and other staff may from time to time be employed on such terms and conditions as deemed appropriate.

(2) Such advisors, subject – experts, consultants may be employed by way of selection against the criteria stipulated by the HR Committee to carry out the assignments.

(3) Any person employed under sub-regulation (1) for a period of more than 90 days shall be subject to the limitations imposed under Regulation 6(2)] is added by the Council Decision, dated 30<sup>th</sup> December, 2021.



(2) Appointment to any Designation or position in any Cadre of a Regular Employee shall be made by one or more of the following methods, namely:-

- (i) By promotion; or
- (ii) By initial appointment

Provided employees absorbed pursuant to Section 49 of the PMC Act, 2020 shall be appointed as Regular Employees to an available Designation or position in any Cadre, subject to fulfilling the qualification criteria and process provided under sub clause (3) other than a prior advertisement for such Designation or position, under a Contract on the standard terms and conditions determined under these Regulations for all Regular Employees. Such appointments shall be deemed Initial appointments.

(3) All initial appointments shall be made on merit by way of public advertisement pursuant to an interview process and an aptitude and skill test pursuant to these Regulations or as stipulated by the HR Committee if not stipulated under these Regulations. The requirement for an initial appointment shall be raised by the Member of the relevant Department to the Member Administration for review and approval. An initial appointment recommended by the Member Administration shall be subject to approval of the Member Finance for purposes of availability of budget. The HR Committee shall review the recommendation of the Member Administration and shall be the approving authority for initiating appointment process if the Designation or position exists. For any new Designation or position the HR Committee shall recommend creation of a Designation to the Council.

(4) A Temporary Employee shall be appointed by way of either selection against criteria stipulated by the HR Committee or on merit by way of public advertisement.

(5) The process and method of appointment, qualifications, experience and other conditions relating to all appointments shall be as approved by the Council on the recommendation of the HR Committee.

(6) A person who has retired or taken retirement or terminated from the employment of the Council in any form shall not be reappointed as an employee in any capacity.

(7) A person who has been convicted of any offence, whether financial or criminal, shall not be eligible for appointment as an employee.



(8) All promotions shall be made subject to the person fulfilling the qualification criteria required for the Designation or position they are considered for promotion.

(9) All recommendations of the HR Committee shall be pursuant to recommendations placed before the HR Committee by the Member Administration or on the direction of the Council.

(10) All persons to be employed as Regular Employees shall be required to qualify aptitude and skill tests as determined by the HR Committee to evaluate their ability and suitability for a position. The tests shall include amongst others the ability to read, write and comprehend English and computer skills as mandatory for any officer or assistant level position.

8. **Promotion and Selection Committees.** – (1) All promotions shall be pursuant to recommendations by the relevant Promotion Committee where such recommendations upon being approved by the HR Committee shall be submitted to the Council for approval.

(2) In respect of all initial appointments the relevant Selection Committee shall interview, assess and recommend the candidate for appointment to the HR Committee and for final approval by the Council, subject to the final interview of the top three candidates recommended by the Selection Committee for the initial appointment to a Post shall be by the Council.

(3) The following shall be the composition of Selection Committees namely:-

(i) **Composition of Selection Committee for Posts.**

- (a) Chairman of the HR Committee (Chair);
- (b) Chairman of the Council Committee to which the relevant department reports;
- (c) All members of the HR Committee; and
- (d) Atleast one expert member having standing in the field relevant to the appointment to be nominated by the President.

(ii) **Composition of Selection Committee for Management Cadre**

- (a) One members of the HR Committee (Chair);





- (b) One member of the relevant Council Committee nominated by the Chairman of such Committee to which the relevant [Division reports, in case, there is no relevant Council Committee, any one of the Council Members nominated by Chairman of the HR Committee]<sup>5</sup>;
- (c) Executive Member;
- (d) Member Administration; and
- (e) Member of the relevant department.

(iii) **Composition of Selection Committee for Administrative and Staff Cadre**

- (a) Member Administration (Chair);
- (b) []<sup>6</sup>
- (c) Head of relevant Section to which the appointment is to be made; and
- (d) Head of any one Section nominated by the Chairman of the HR Committee.

(4) The following shall be the composition of Promotion Committees namely:-

(i) **Composition of Promotion Committee for Management Cadre.**

- (a) A member of the HR Committee (Chair);
- (b) Executive Member;
- (c) Member Administration; and
- (d) Member of the relevant Department.

(ii) **Composition of Promotion Committee for Administrative Cadre**

- (a) Member Administration (Chair);
- (b) Member of the relevant Department;
- (c) Head of Human Resource Section; and
- (d) Head of the relevant Section.

(iii) **Composition of Promotion Committee for Staff Cadre**

<sup>5</sup> In sub clause (b) of clause (ii) of sub regulation (3) of regulation 8 the words [Division reports, in case, there is no relevant Council Committee, any one of the Council Members nominated by Chairman of the HR Committee] are added by the Council decision dated 5<sup>th</sup> January 2022.

<sup>6</sup> Sub clause (b) of clause (iii) of sub regulation 3 of regulation 8 [Head of Human Resource Section] is omitted by the Council Decision dated 5<sup>th</sup> January 2022.



- (a) Head of the Human Resource Section (Chair);
- (b) Head of Administration Section;
- (c) Head of the relevant Section; and
- (d) One member of the Management Cadre nominated by the Chairman HR Committee.

(5) The Promotion Committees shall sit once a year between May and June of each year as scheduled by the Member Administration and approved by the HR Committee to consider all pending cases of promotions.

(6) All promotions shall be strictly on the basis of merit including the evaluation reports of each person and eligibility for promotion as per the criteria notified by the HR Committee and approved by the Council, including the minimum period of service in any specific Pay Grade.

(7) No employee shall have a claim or have a vested right to be promoted by virtue of seniority.

(8) The Selection Committees shall convene where appointments are to be made by way of Initial Appointment.

9. **Transfer.-** (1) Any employee in any Cadre, other than a person appointed to a Post or a Designation or a position specified as a non-transferable designation or position, may be transferred to any Department or any office of the PMC.

(2) A non-transferable designation or position shall be a designation or a position in a Department which requires specialized skills, expertise and qualifications and are so notified by the HR Committee. [A non-transferable designation in the Management Cadre shall be on time fixed contract basis]<sup>7</sup>.

(3) An employee may be transferred to any other department on their request, the request of the relevant Member of the Department where the employee is working, or on the recommendation of the Member Administration. Approval of a transfer of an employee in the Management Cadre shall be approved by the President on the recommendation of the Member Administration and approval of such recommendation

<sup>7</sup> Sub regulation (2) of regulation 9, [A non-transferable designation in the Management Cadre shall be on time fixed contract basis] is added by the Council Decision, dated 23<sup>rd</sup> December 2020.





by the HR Committee. The transfer of an employee in the Administrative or Staff Cadre shall be approved by Member Administration.

10. **Citizens of Pakistan Eligible for Appointment.-** (1) Only a citizen of Pakistan shall be eligible for appointment as an Employee.

(2) In special cases, the Council may employ foreigners on a temporary contract for a limited period for assignment/consultancy in Pakistan and abroad in accordance with applicable law.

(3) Any person who has retired from any other service in Pakistan may be employed subject to if such person is drawing a pension upon retirement from the previous services, they shall not be eligible for pension benefits from the Council.

11. **Observance of Merit.** All appointments shall be made strictly on merit through a transparent and advertised process, with the exception of Temporary Employees which shall be undertaken as prescribed. There shall be no quotas applicable to any Post or Designation or position subject to the sole exception of a disability quota being approved by the Council on the recommendation of the HR Committee.

12. **Special Duties.** An employee may be designated as officer on special duty (OSD) in the same Pay Grade if so deemed necessary by the President subject to such designation not being for a period of more than 3 months and for reasons to be recorded.

13. **Deputation.** There shall be no appointments on deputation. No employee of the Commission shall be sent on deputation to any other organization or government department and no government servant taken on deputation by the Commission unless approved by the Council for reasons to be recorded.

14. **Conditions of Contract of Employment of an Employee.** The provisions of these Regulations shall form an inherent part of the terms and conditions of all contracts of employment notwithstanding any additional terms and conditions as may be included or provisions of these Regulations as may be made not applicable in contracts for Posts or Temporary appointments.

15. **Probation, Extension and Completion of Probation.-** (1) A person appointed as a Regular Employee in any Cadre by initial appointment shall be on probation for a



period of six months and upon completion of such period an evaluation of performance shall be prepared by the Human Resource Section.

(2) The period of probation may be extended by a further six months by the HR Committee at the request of the Member Administration for reasons to be recorded as to why the persons performance was not satisfactory during the period of probation and why it should be extended.

(3) On the successful completion of the period of probation the employees appointment shall attain finality and the period of probation shall be included in the period of service of the employee for purposes of service, promotion, retirement etc.

(4) If the employee fails to satisfactorily complete the probation period, employment contract of the employee shall stand terminated with immediate effect without any rights accruing to such employee as are available to a Regular Employee.

16. **Additional Charge of an Equivalent or Lower Designation.** If a Designation or position falls vacant it shall be ordinarily filled within 90 days of such vacancy occurring whether by Initial Appointment or Promotion. During the interim period the HR Committee with the approval of the President may entrust any other person holding any other Designation or position to hold the additional charge of the vacant designation or position.
17. **Liability to Serve in any Department, Section or Position or Station.-** An employee in the Management, Administrative or Staff Cadre, with the exception of non-transferable designations, may be required to serve in any Department, Section, position or station in or under the PMC anywhere in Pakistan .
18. **Promotion from One Cadre to Another.-** (1) An employee can be promoted from one cadre to another only once during the service. A promotion can be from the Staff Cadre to the Administrative Cadre or the Administrative Cadre to the Management Cadre subject to the employee fulfilling the minimum requirement for initial appointment to the cadre being promoted to.





19. **Pay Grade and Allowances.-** (1) All Regular Employees, except those appointed to Posts [or appointed on fixed time contracts renewable or otherwise]<sup>8</sup>, shall be subject to Pay Grades as notified by the Council on the joint recommendation of the HR Committee and the Finance Committee and formulated jointly by the Member Administration and Member Finance consisting of a minimum and maximum limit to each Pay Grade and as applicable to different Cadres. Each Pay Grade shall have maximum prescribed stages of increments.

(2) Pay Grades 1, 2 and 3 shall be applicable to Staff Cadres, Pay Grades 4, 5 and 6 shall be applicable to Administrative Cadre and Pay Grades 7 and 8 shall be applicable to Management Cadre. [For fixed time contracts separate Contractual Pay Grade structure shall be applicable as approved by the Council]<sup>9</sup>.

(3) An employee shall subject to satisfactory performance receive one increment in a given year or a maximum of two increments in a given year in consideration of an excellent performance and subject to recommendation of the relevant Promotion Committee and of the HR Committee.

(4) All Regular Employees shall receive medical allowance or medical insurance in lieu thereof, accommodation allowance and conveyance allowance and any other one time allowance for a purpose to be recorded and approved by the Council at prescribed rates subject to such one-time allowance not being carried forward to the next year [or repeated in the next year]<sup>10</sup>.

(5) Remuneration of Regular Employees appointed to a Post shall be determined by the Council on the joint recommendation of the HR Committee and the Finance Committee.

20. **Training or Study.-** (1) The HR Committee on the recommendation of the Human Resource Department may require an employee to undergo such training or study within or outside Pakistan at any time and for any duration and on such terms and conditions as may be determined in each case. Approval of any training or study of an employee in the Management Cadre shall be further approved by the Council.

<sup>8</sup> Sub regulation (1) of regulation 19, [or appointed on fixed time contracts renewable or otherwise] is added by the Council Decision, dated 23<sup>rd</sup> December 2020.

<sup>9</sup> Sub regulation (2) of regulation 19, [For fixed time contracts separate Contractual Pay Grade structure shall be applicable as approved by the Council] is added by the Council Decision, dated 23<sup>rd</sup> December 2020.

<sup>10</sup> Sub regulation (4) of regulation 19, [or repeated in the next year] is added by the Council Decision, 23<sup>rd</sup> December 2020.



(2) Any employee may seek long leave in excess of three months to undertake a study program subject to the approval of the Council and where such leave shall be without pay.

21. **Seniority not a Vested Right.-** There shall be no vested right of any employee in seniority on the basis of years of service with all appointments, transfers, postings and designations being pursuant to merit. For administrative purposes the sole seniority recognized shall be in respect of the reporting matrix of each Department.

22. **Code of Conduct.-** All Employees shall strictly adhere to the Code of Conduct notified by the Council from time to time. Any violation of the Code of Conduct shall result in disciplinary action.

23. **Grounds for Proceeding against an Employee.-** (1) an employee shall be proceeded against and penalized if having violated or committed a breach of the terms and conditions of their employment contract, these Regulations or the Code of Conduct.

(2) Notwithstanding sub clause (1) an employee may also be proceeded against and penalized [with a major or minor penalty]<sup>11</sup> if it is determined that the employee;

- (a) has been negligent in their duties; or
- (b) received two successive below satisfactory evaluations;
- (c) refuses to perform any duty assigned or causes obstruction to the work of the PMC; or
- (d) is guilty of misconduct; or
- (e) is guilty of a criminal offence; or
- (f) is guilty of tampering of record or data of the Council or causes loss/ misplacement of official documents, or fraudulently or incorrectly generates a document on behalf of PMC .

24. **Penalties.-** The competent authority may impose on any employee guilty of any offence one or more of the following penalties in accordance with these regulations.

- (i) Minor penalties: -

<sup>11</sup> Sub regulation (2) of regulation 23, [with a major or minor penalty] is added by the Council Decision, 23<sup>rd</sup> December 2020.





- (a) Censure;
- (b) Withholding, for a specific period promotion or increment, otherwise than for unfitness for promotion or financial advancement in accordance with regulations pertaining to the service, cadre or post;
- (c) Recovery from pay of the whole or any part of any pecuniary loss caused to the PMC by negligence or breach of orders.

(ii) Major penalties:-

- (a) Demotion to a lower Pay Grade or designation;
- (b) Compulsory retirement;
- (c) Termination of contract and removal from service.

25. **Removal from service.-** An Employee's contract may be terminated and be removed from service if the Employee is found to be medically unfit as determined by the Council on the recommendation of a medical board constituted by the Council [or has failed to achieve two consecutive satisfactory evaluations]<sup>12</sup>.

26. **Suspension.-** (1) An Employee who is accused of inefficiency, subversion, corruption, misconduct, violating the rules and regulations, violating the PMC Act 2020 or violating the Code of Conduct, may be suspended pending inquiry and disciplinary proceedings if any, with the approval of the President;

Provided an inquiry against a suspended employee shall be completed within 15 days of suspension and any disciplinary proceedings against a suspended employee shall be concluded within 60 days of such suspension.

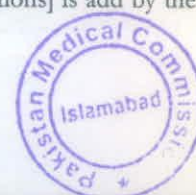
(2) An Employee during suspension shall continue to receive their salary and benefits.

(3) An Employee during suspension shall not be allowed to enter the office premises except with the prior permission of the Executive Member.

(4) An employee undergoing a criminal trial or an inquiry being conducted by the National Accountability Bureau or the Federal Investigation Agency may be suspended by the President on the recommendation of the Executive Member, notwithstanding

---

<sup>12</sup> Regulation 25, [or has failed to achieve two consecutive satisfactory evaluations] is add by the Council Decision, 23<sup>rd</sup> December 2020.



sub regulation (2) without pay, until such time as the trial or inquiry as the case may be is concluded. If the inquiry or trial is concluded in favour of the suspended employee the suspension shall be withdrawn and the employee shall receive any back pay for the period of suspension.

27. **Inquiry Procedure.** (1) Any violation or allegation which would entail a penalty pursuant to these Regulations or the Act as soon as the same comes into the knowledge of the relevant Department shall be referred to the Member Administration who shall after reviewing the same and collecting all necessary and relevant record place it before the Executive Member and thereafter, before the President.

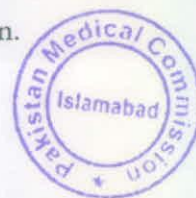
(2) The Member Administration shall recommend and the President shall appoint an Inquiry Officer or Inquiry Committee consisting of either members of the Council, Members or Heads of Sections. The accused shall be provided a copy of the notification of appointment of the Inquiry Officer or Inquiry Committee which shall contain the charges to be inquired into against the accused.

(3) The Inquiry Officer or the Inquiry Committee shall require the accused within a reasonable time, which shall not be less than three days or more than seven days from the day the charges were communicated to him, to put in a written explanation along with any evidence and submit it to the Inquiry officer or the Inquiry Committee, as the case may be, and to state at the same time whether he desires to be heard in person.

(4) The Inquiry Officer or the Inquiry Committee, as the case may be, shall inquire into the charges and may examine such oral or documentary evidence in support of the charge or in defence of the accused as may be considered necessary.

(5) The Inquiry officer or the Committee shall within fifteen days submit their written Inquiry Report along with all relevant evidence and record to the Legal & Regulatory Committee for review.

(6) The Legal & Regulatory Committee shall within ten days of submission of an Inquiry Report review the same including calling any of the witnesses or accused for personal examination if deemed necessary and thereupon submit a recommendation to the President as to whether a Show Cause Notice should be issued to the accused and if so provide a draft Show Cause Notice along with its recommendation.





(7) The President shall if so recommended by the Legal & Regulatory Committee proceed to issue a Show Cause Notice to the accused.

28. **Disciplinary Proceedings.-** (1) Upon issuance of the Show Cause Notice the disciplinary proceedings against the accused employee shall stand commenced.

(2) The Show Cause Notice shall be heard by the Disciplinary Committee of the Council and after giving an opportunity of being heard to the accused, it shall issue its recommendations for reasons to be recorded. The recommendations shall be placed before the Council for its approval and approval of the penalty, if any, recommended by the Disciplinary Committee.

(3) The proceedings of the Show Cause Notice by the Disciplinary Committee shall be conducted in accordance with the Code of Disciplinary Proceedings framed pursuant to these Regulations.

29. **Code of Disciplinary Proceedings not to apply in certain cases.-** Nothing in these regulations shall apply to a case;

(i) Where the accused is a Temporary Employee.

(ii) Where the accused or an employee has been convicted of a criminal offence, whether or not committed to prison or not and on such basis may be summarily terminated or compulsorily retired by the Council on the recommendation of the President.

(iii) Where the council who is competent to dismiss or remove or to reduce a person in rank, or compulsorily retire a person from service, is satisfied that, for reasons to be recorded in writing by the President, the circumstance and evidence against an employee is so over whelming that it is not reasonably practicable to conduct an inquiry or to give the accused an opportunity of show cause. In such cases the Council can dispense with the charge sheet, statement of allegations and show cause or personal hearing and can pass a final order pursuant to the Inquiry Report and recommendation of the President.

(iv) [Where the Member Administration, is of the opinion that based on record no inquiry is required prior to issuance of show cause notice, the matter may be



placed before the Legal & Regulatory Committee for their recommendation. If the Committee approves the recommendation of the Member Administration the President may issue a show cause notice under Regulation 27(7) directly]<sup>13</sup>.

**30. Performance Evaluation Reports.-** (1) A Performance Evaluation Report (PER) in the prescribed form shall be prepared annually at the close of each calendar year being 31<sup>st</sup> December or at any specific time as deemed by the HR Committee for each employee, and also on the departure of the employee or the Reporting Officer, if it occurs three months or more than three months, after the annual report has been recorded. For purposes of Evaluation the Human Resource Section shall notify the Reporting Officer of each employee.

(2) The annual PER shall be prepared and submitted by the Reporting Officer by the 31<sup>st</sup> January of each year for the preceding calendar year.

(3) The PER submitted by the Reporting Officer shall be submitted to the relevant Council Committee for its review and any additional comments thereon to be undertaken by 1<sup>st</sup> March of each year.

(4) The PER subsequent to the review by the relevant Council Committee shall be retained by the HR Section and shared with the employee confidentially.

(5) A below satisfactory PER shall result in an official warning whereas two below satisfactory PER's in three calendar years shall result in disciplinary proceedings being initiated against the employee for imposition of minor or major penalty.

**31. Adverse Entry or Remarks.-** (1) Adverse entry or remarks on a PER if any, shall be communicated in writing to the employee reported upon by the Human Resource Section within seven days of the final receipt of the PER by the Human Resource Section.

(2) A below satisfactory report shall be considered as an adverse report. Two consecutive annual adverse reports with remarks of the relevant Council Committee that

---

<sup>13</sup> Clause (iv) of regulation 29 [Where the Member Administration, is of the opinion that based on record no inquiry is required prior to issuance of show cause notice, the matter may be placed before the Legal & Regulatory Committee for their recommendation. If the Committee approves the recommendation of the Member Administration the President may issue a show cause notice under Regulation 27(7) directly] is added by the Council Decision, dated 19<sup>th</sup> February 2021.





the person is unfit for service shall result in the employee concerned liable to be removed from service without any further notice.

(3) In case of an adverse report, the employee concerned shall not be eligible for consideration for promotion or selection.

(4) An employee, to whom adverse remarks have been communicated, may submit an appeal, within thirty days of the communication of the adverse remarks, addressed to the Human Resource Committee who shall take a decision on the representation after obtaining comments from the Reporting Officer, the Head of the Department and the employee submitting the appeal. The decision shall be communicated to the employee whereby the Human Resource Committee may either maintain the adverse remarks or modify them or expunge them.

**32. Entries in Service Record:-** (1) All entries during service of an employee regarding appointment, leave, joining time, training, deputation etc. shall be recorded in the service record and each entry shall be properly endorsed and maintained in the safe and confidential custody of the Human Resource Section subject to an employee having the right to inspect their personal service record.

(2) All entries regarding suspension, interruption in service and penalties imposed on an employee shall also be noted in the service record.

(3) If any correction becomes necessary, the incorrect entry shall be corrected or amended subject to approval of the HR Committee.

**33. Resignation or Request for Early Retirement.-** (1) An Employee may tender his resignation to the Executive Member who shall submit it along with his recommendations for approval to the President. A resignation shall be final upon acceptance and approval of the President. Upon the resignation becoming final, the employees employment contract shall stand terminated subject to payment of dues as may be applicable upon termination of contract.

(2) The President may while accepting the resignation require a notice period of up to 60 days to be served by the employee.



(3) A Regular Employee may apply for early retirement subject to having served a minimum of twelve and a half years of qualifying service or half of the total service calculated from the date of appointment to the date of the prescribed retirement age, whichever is more. A request for early retirement if endorsed by the Member Administration and recommended by the HR Committee shall be accepted by the President subject to payment of applicable dues as would be payable on retirement qua the period actually served.

34. **Job Description of the Employees.** The Job description of the employees shall be prescribed by the Human Resource Section and as approved by the HR Committee.

35. **Representing the PMC and handling all matters in courts and other national and international forums.** - (1) The Secretary shall represent the Council and the Commission in all legal proceedings and may authorize and appoint the Member Legal or any other legal officer or external counsel to represent the Council or the Commission before the relevant quasi judicial or judicial forum or court of law to defend or institute proceedings as the case may be, subject to approval of the Member Legal and if necessary prior approval of the Legal & Regulatory Committee.

(2) The President or the Vice President shall represent the Council in all national and international forums and the President may authorize any member of the Council or a Member of the Authority or any officer of the Commission to represent on their behalf as deemed necessary.

36. **Retiring Age.** All Regular Employees, subject to the terms of their contract and excluding those appointed to a Post, shall retire at the age of sixty years or have an option to retire on completion of 25 years of qualifying service.

37. **Appeal against order.** (1) Appeal against any final order of the Council or the President shall be before the Medical Tribunal.

(2) An appeal against any order or decision of any Member or officer of the Authority or Council Committee shall be before the Council. The Council shall decide an appeal preferred to it within sixty days of such appeal being instituted.

(3) Where the time of appeal is not prescribed under the Act 2020 or any rules or regulations framed thereunder, the said appeal or representation shall be made within





thirty days of the order or decision has been issued or brought to the notice of the employee.

38. **All pending or decided Appeals or Representations.-** All appeals or representations pending immediately before coming into force of these regulations or referred by any court after coming into force of the regulations shall be deemed to have been filed in pursuance to these regulations and shall be processed pursuant to these regulations.
39. **Medical and Leave Rules.-** (1) All medical facilities as permissible and applicable to Employees shall be provided as per the Medical and Leave Rules.
- (2) Employees shall have the right to obtain leaves subject to the provisions of the Medical and Leave Rules.
- (3) The Medical and Leave Rules shall be approved by the Council on recommendation by the HR Committee and may be amended by the Council upon recommendation of the HR Committee from time to time.
40. **Over Time.-** (1) The standard working hours for Regular Employees shall be as notified from time to time by the President on the recommendation of the HR Committee subject to the working week being not less than 40 hours.
41. **Travel Allowance.-** Any employee travelling outside Islamabad or their designated station shall be admissible to payment of Travel Allowance including travel, accommodation and daily allowance as per the Travel Allowance Policy notified by the Member Administration upon approval by the HR Committee.
40. **Provident Fund.-** (1) The Council may establish a Provident Fund on recommendations of the Finance Committee.
- (2) The Council shall frame the rules for a Provident Fund when established by the Council and all payments to Regular Employee shall be subject to such rules as framed by the Council.

  
Secretary

Pakistan Medical Commission

