

**KHYBER MEDICAL COLLEGE AND HAYAT SHAHEED TEACHING
HOSPITAL (ABSORPTION OF EMPLOYEES)
RULES, 1976**

NOTIFICATION
22nd January, 1977.

NO. SO.(H)IV-5-1/75.--- In exercise of the powers conferred by section 10 read with section 5 of the ¹[Khyber Pakhtunkhwa] Khyber Medical College and Hayat Shaheed Teaching Hospital (Taking Over) Act, 1975, the Government of the ²[Khyber Pakhtunkhwa], are pleased to make the following rules regulating absorption of the employees of the College and the matters connected therewith, namely:--

1. (1) These rules may be called the Khyber Medical College and Hayat Shaheed Teaching Hospital (Absorption of Employees) Rules, 1976.
- (2) They shall come into force at once.
2. In these unless, unless the context otherwise requires:---
 - (a) “College” means the Khyber Medical College, Peshawar and includes the Hayat Shaheed Teaching Hospital, Peshawar.
 - (b) “employee” means an employee who was in the service of the University on the 1st day of July, 1975, and was engaged for the College but does not include an employee who was employed on contract or on work-charged basis; and
 - (c) “University” means the Peshawar University.
3. **Absorption.**--- All employees shall stand absorbed in the Health Services of the Province, with effect from the 1st day of July, 1975 in the following manner:---
 - (a) There shall be a separate teaching cadre for holders of the posts of Professor and Assistant Professors of the College and they shall be absorbed against such posts;
 - (b) there shall be separate cadres for Para Medical Staff, Ministerial Staff and other Subordinate Staff except the Nursing staff of the College and they shall be absorbed against the posts in the respective, cadres;
 - (c) the holders of the posts of Demonstrators and Senior Registrars of the College shall be absorbed with the Medical Officers and Specialists (Clinical) respectively in the Health Services of the Province; and

¹ Sub. by the Khyber Pakhtunkhwa Act IV of 2011.

² Sub. by the Khyber Pakhtunkhwa Act IV of 2011.

- (d) the Nursing Staff shall be absorbed in the equivalent cadres in the Health Services of the Province.

4. Services rendered by an employee continuously in a grade or post, whether substantive or otherwise, shall be counted for the purpose of pension or gratuity.

Provided that:

- (i) His services under the University, at the time of transfer to Government was pensionable;
- (ii) he had not superannuated at the time of transfer of his services to Government; and
- (iii) He was not dismissed or compulsorily retired from service;

Provided further that where an employee had resigned Government service for taking up service under the University, his service under Government, whether substantive or otherwise, shall also be counted for the said purposes.

5. The seniority of the employees in relation of Civil Servants with whom they are absorbed shall be determined with reference to the date of continuous appointment, substantive or otherwise, to a particular or comparable grade or post;

Provided that if the date of continuous appointment in the case of an employee and such civil servant is the same, the older Officer shall rank senior to the younger officer;

Provided further that the inter se seniority of the employees in a grade or post shall not be altered:’

Provided also that where an employee had resigned Government service for taking up service under the University, his service under Government, whether substantive or otherwise, shall also be counted for the said purpose.

6. The employees shall be deemed to be civil servants within the meaning of the ³[Khyber Pakhtunkhwa] Civil Servant Act, 1973, (⁴[Khyber Pakhtunkhwa] Act XVIII of 1973).

Sd/- X X X X X

Secretary

Government of ⁵[Khyber Pakhtunkhwa].

Health and Population Planning Department Peshawar.

³ Sub. by the Khyber Pakhtunkhwa Act IV of 2011.

⁴ Sub. by the Khyber Pakhtunkhwa Act IV of 2011.

⁵ Sub. by the Khyber Pakhtunkhwa Act IV of 2011.