

**STATUTORY NOTIFICATION (SRO)
GOVERNMENT OF ¹[Khyber Pakhtunkhwa].
NWFP HEALTH REGULATORY AUTHORITY**

NOTIFICATION

Peshawar, the 4th April, 2009.

NO.SRO 300(2)/2004/1/2009.--- In exercise of the power conferred by section 22 of the "²[Khyber Pakhtunkhwa] Medical & Health Institutions and Regulation of Health-Care Service Ordinance 2002" (N.W.F.P XLVII of 2002) the NWFP Health Regulatory Authority is pleased to make the following regulations namely.

"THE ³[Khyber Pakhtunkhwa], HEALTH REGULATORY AUTHORITY,
(SERVICE) REGULATIONS, 1/2009"

1. **SHORT TITLE AND COMMENCEMENT** (1) These rules may be called the "⁴[Khyber Pakhtunkhwa] Province Health Regulatory Authority (Service) Regulations 1/2009".
 - (2) It shall come into force with immediate effect.

2. **DEFINITIONS.** (1) In these Regulations unless the context otherwise requires. The following expressions shall have the meanings respectively assigned to them as given below:
 - (a) "Ordinance" means the ⁵[Khyber Pakhtunkhwa] Medical and Health Institutions and Regulation of Health-Care Services Ordinance 2002 (⁶[Khyber Pakhtunkhwa] Ordinance No. XLVII of 2002).
 - (b) "Regulatory Authority" means the ⁷[Khyber Pakhtunkhwa] Health Regulatory Authority established under Section 20 of the Ordinance.
 - (c) "Government" means the Government of ⁸[Khyber Pakhtunkhwa].
 - (d) "Chairperson" means Chairperson of the Regulatory Authority.
 - (e) "Member" means a Member of the Regulatory Authority.
 - (f) "Appointing Authority" means the competent authority specified in these Regulations.

¹ Subs. by the Khyber Pakhtunkhwa Act No. IV of 2011

² Subs. by the Khyber Pakhtunkhwa Act No. IV of 2011

³ Subs. by the Khyber Pakhtunkhwa Act No. IV of 2011

⁴ Subs. by the Khyber Pakhtunkhwa Act No. IV of 2011

⁵ Subs. by the Khyber Pakhtunkhwa Act No. IV of 2011

⁶ Subs. by the Khyber Pakhtunkhwa Act No. IV of 2011

⁷ Subs. by the Khyber Pakhtunkhwa Act No. IV of 2011

⁸ Subs. by the Khyber Pakhtunkhwa Act No. IV of 2011

- (g) "Secretary" means the person appointed as Secretary of the Regulatory Authority and includes any other person to whom all or any of the functions of Secretary are for the time being entrusted by the Regulatory Authority.
- (h) "Committee" means the Committee of the Regulatory Authority constituted for specific purpose and shall include technical, advisory and all other committees consisting of such Members, Experts and Consultants as it is determined by the Regulatory Authority.
- (I) "Selection Committee" means a Committee of the Regulatory Authority constituted for the purpose of making recommendations to the Competent Authority for initial recruitment, promotions etc. in respect of the employees of the Regulatory Authority.
- (j) "Employees" means an Employee of the Regulatory Authority as defined in the first schedule to these Regulations.
- (k) "Competent Authority" means the Authority competent to finally decide on the service conditions, removal and other aspect in respect of employee's of the Authority.
- (I) "Prescribed" means prescribed by the regulations or decisions of the Authority; and
- (m) "Schedule" means schedule to these Regulations.

(2) The word and expression used in these Regulations, but not herein defined shall have the same meaning as are assigned to them in the Ordinance.

3. CLASSIFICATION OF SERVICE. The services of the Regulatory Authority shall consist of such post of officers/official and services as the Regulatory Authority may from time to time determine;

- a. Permanent post shall be the sanctioned post without time limit and are given in the first schedule.
- b. Temporary Post shall be the post created by the Regulatory Authority over and above the permanent post, which may be abolished by the Regulatory Authority as deemed necessary. Temporary post shall have the priority to be converted into, a permanent post whenever a vacancy falls vacant. The Regulatory Authority shall create temporary posts for establishment of regional and district offices as and when deemed necessary.
- c. Temporary appointment of advisors, experts, and consultants may be made by Regulatory Authority as it may consider necessary for the efficient performance of its functions on terms and conditions as it may determine.

- d. Adhoc Appointment may be done in case the procedure for permanent or temporary appointment will require time to complete. The Adhoc appointee shall require to undergo the selection procedure for regular appointment if so required by the competent Authority.

4 METHOD OF APPOINTMENT. (1) The Chairperson may constitute a "Selection Committee" members of which shall be notified by designation for the purpose of the selection and recommendation to the competent authority for direct recruitment, promotion etc. after fulfilling: the prescribed procedure as laid down hereunder.

(2) The methods of appointment of employee of the Regulatory Authority shall be as follows:

- a. All the posts shall be advertised in two leading National Newspapers (One English and One Urdu) specifying therein the prescribed qualifications, experience, age limit, etc. as provided in the first schedule.
- b. The selection for direct recruitment shall be made on merit cum zonal allocation in accordance with the criteria evolved by the Government and the Regulatory Authority from time to time.
- c. A candidate for appointment must be citizen of Pakistan domiciled in NWFP and FATA.
- d. For the purpose of recommendation regarding promotion the Regulatory Authority shall prepare a working paper in accordance with prescribed Procedures and place it before the Selection Committee.
- e. The Selection Committee shall consider the working paper and shall make recommendation as to the suitability or otherwise of the employees for the proposed appointment or promotion in accordance with the criteria prescribed by the Regulatory Authority from time to time.

5. COMPETENT AUTHORITY. (1) The following shall be the Authority's competent to make initial appointment or promotion in relation to the posts specified against each.

- | | |
|---------------------|----------------------|
| a. BPS 17 and above | Regulatory Authority |
| b. BPS 5 to BPS16 | Chairperson |
| c. EPS 1 to EPS 4 | Secretary |

(2) The Chairperson shall be the competent Authority for the appointment of an adhoc appointments for period of six months which may be extended by another six months without adopting the codal formalities as prescribed in these regulations.

5. PROBATION. (1) A person appointed to a post on regular basis shall remain on probation for a period of one year if appointed by initial recruitment and for a period of six months if appointed otherwise. Provided that if his work and conduct during the period of probation has in the opinion of the appointing authority, not found satisfactory, the appointing Authority may, notwithstanding that the period of probation has not expired.

- a. Dispense with his service if he has been appointed by initial recruitment; or
- b. Revert him to his former post, if he has been appointed otherwise, or if there be no such post, dispense with his services; or
- c. Executed the period of probation not exceeding one year in all and may, during or on the expiry of such executed period, pass such orders as it could have been passed during or on expiry of the initial probationary period.

Explanation: Officiating service or service spent on "deputation, or service spent on temporary post or Adhoc post to a corresponding or a higher post may be allowed to count towards the period of probation.

(2) If no orders have been made by the day following the completion of the initial probationary period. The period of probation shall be deemed to have been extended for another one year, and if no orders have been made by the day on which the maximum period of probation expires the probationer shall be deemed to have satisfactorily completed his period of probation.

(3) A probationer who has satisfactorily completed his period of probation shall be confirmed with effect from the date of his continued regular appointment provided that where the period of his probation has been executed under the provision of Clause (c) of sub-para (1) above the date of confirmation shall be the date on which the period of probation was last extended.

(4) Notwithstanding the above provisions there shall be no confirmation against temporary post.

(5) An employee of the Authority who during the period of his service/eligible to be confirmed in any service against any post, retire from service before being confirmed, shall not merely by reason of such retirement, be refused confirmation in such service or post or any benefits occurring therefrom.

(6) Confirmation of an employee shall take effect from the date of occurrence of permanent vacancy in that service or post or from the date of continuous officiation, in such service or post, whichever is later.

(7) Successful undertaking of the basic course for inspector shall be the pre-requisite for any confirmation on Inspector post.

7. SENIORITY. The appointing Authority shall make a seniority list in respect of regular employee of the service. The civil servants unless absorbed shall not be included in the seniority list Officer/ Official recruited on temporary post are included in the regular employee of the service.

8. CONDUCT OF EMPLOYER. (1) Annual Confidential Reports/ Performance Evaluation Report of the employees shall be recorded in the manner prescribed by the Regulatory Authority.

(2) Employee shall be governed by the removal from service (special powers) Ordinance, 2000 (XVII of 2000) adopted by the Provincial Government.

The authorized officer and Authority in the subject ordinance shall be as follows:

		Authorized Officer	Authority
1.	BPS 1 to 4	Admin Officer	Secretary
2.	BPS-5to 16	Secretary	Chairperson
3.	BPS-17 or above	Chairperson	Regulatory Authority

(3) Administrative and Financial Discipline: All employees of the Authority shall be governed by the Administrative and Financial Discipline Regulations prescribed by the Regulatory Authority. The Secretary of the Regulatory Authority under the guidance of the Chairperson shall be responsible for the discipline of all the employees.

9. OPTION TO GOVERNMENT SERVANTS (1) The existing Government employee posted in the Regulatory Authority shall continue to work as civil servants on deputation basis, if they do not opt for absorption. However, if they opt for absorption the Regulatory Authority shall consider their cases. Provided that the existing civil servant shall not be considered for promotion unless they are absorbed permanently and become regular employee of the Regulatory Authority.

10. CONTRIBUTOR}T PROVIDEM" FUND AND GROUP INSURANCE ETC. (1) Rules made by Government regulating contributory Provident Fund and Group, insurance shall, mutatis mutandis, apply to the employees of the Regulatory Authority.

(2) The Regulatory Authority may create its own funds to provide for Contributory Provident Fund and Group Insurance for its employees, without creating any financial liability for the Government and may make regulations thereof. The contribution made by a civil servant who is subsequently absorbed in the service of Regulatory Authority shall be transferred to such fund to be established by the Regulatory Authority.

11. PLACE OF SERVICE. (1) All employees shall have to serve anywhere in the ⁹[Khyber Pakhtunkhwa]. The Chairperson shall be the competent Authority to post an employee anywhere in the ¹⁰[Khyber Pakhtunkhwa].

(2) The Headquarters of the Regulatory Authority shall be at Peshawar whereas regional and offices may be established at places/ cities by the Regulatory Authority.

12. ENTITLEMENT OF EMPLOYEES:

- a. leave: Employees shall be entitled to casual and earned leaves as per Government Rules.
- b. Accommodation: Employees shall be provided with free married and bachelor accommodation. Till such time the accommodation is made available, the employees shall be entitled to house rent allowance or house subsidy or requisition accommodation as prescribed by the Regulatory Authority.
- c. Transport: A transport may be provided to the employees for pick and drop. In case pick and drop service cannot be provided, the employees shall be entitled to the conveyance allowance as prescribed by the Regulatory Authority. The Regulatory Authority may prescribe the procedure of obtaining a car, motorcycle or cycle for official purpose which may be given cm ownership basis to the employee after the payment of cost of the vehicle is deposited in installment to the Regulatory Authority.
- d. Medical: Free medical shall be the entitlement of the employees. The Regulatory Authority may prescribe Medical Compensatory Allowance for its employee outdoor treatment. The indoor treatment during the service with Regulatory Authority shall be paid by Regulatory Authority or medical expenditure reimbursed to the employee as per procedure prescribed by the Regulatory Authority.
- e. Telephone: Telephone facility may be made available to the employee for conducting official functions. He Chairperson may authorize residence telephone with prescribed ceiling to any officer of the Regulatory Authority.
- f. Traveling / daily Allowance: The employees of the Regulatory Authority shall be entitled to traveling/ daily allowances as per the Government Rules.

13. PUBLIC SERVANTS: The employee of the Regulatory Authority shall be deemed to be Public Servants with the meaning of Section 21 of the Pakistan Penal Code.

⁹ Subs. by the Khyber Pakhtunkhwa Act No. IV of 2011

¹⁰ Subs. by the Khyber Pakhtunkhwa Act No. IV of 2011

14. GENERAL: (1) In Administration matters the Authority shall rest in the Chairperson. In matters not expressly provided in these rules, the decision of the Chairperson shall be final. The Chairperson if he so wish may consult members of the Regulatory Authority on substantial administrative matters.

(2) Where there is no provision for any item in these rules or in case of any hardship, the government rules and regulations shall be applicable.

15. The Regulatory Authority shall function as a body corporate and all its correspondence shall be addressed to the Secretary and not in the name of any Member or Chairperson.

Sd/-xxx
Col. (R) Muhammad Javaid Noor
Chairman
Khyber Pakhtunkhwa Health Regulatory
Authority
Peshawar

S. No.	Nomenclature of the Post	No. of Posts	BPSS	Appointing Authority	Age	Qualification	Minimum Experience	Method of Appointment/ Recruitment
1	Chairman	1	20 or above	Govt. of NWFP	Minimum 58 Years	Graduate	Serving or retired civil servants of Pakistan	
2	Members	4	20	Govt. of NWFP	Minimum 58 Years	2x Medical Professionals 2x Other Professionals	25 years of experience in respective profession.	
3	Director (Management)/ Secretary	1	19/20	Authority	55-65 Years for contract only	Graduate, preferably management course in NIPA/ Staff College either in civil or armed forces. The Authority may consider any Master degree in management for own employee	20 Years including 5 years in BPSS-19 or above post in Govt./ Armed Forces.	Transfer/ Retired Govt./ Armed Forces Officers on Contract/ Promotion of BS-19 officer of the Authority.
4	Director (Technical)	2	19	Authority	50-60 Years for contract only	Professional Graduate having 16 years study. (MBBS/BDS/BSc Engg/ B.Pharm/ Others)	15 Years including 5 years in BPSS-18 or above post in Govt./ Armed Forces/ Private Organization.	1. Transfer/ Retired Govt./ Armed Forces Officers on contract till 2012. 2. 100% Promotion from Chief Inspector of the Authority.
5	Deputy Director (Management)	1	18	Authority	45-60 Years for contract only	Graduate preferably Management Course in Civil/ Armed Force	10 years in BS-17 or above post in Govt./ Private organization.	1. Transfer/ Contract till 2012 2. 75% Promotion from Admin/Accounts/ Legal officer of the Authority
6	Chief Inspector	4	18	Authority	35-45 Years	Graduate having 16 years study. (MBBS/BDS/BSc Engg/ B.Pharm/ Others)	10 years including 5 years in BS-17 or above post in Govt./ Private organization.	1. 25% Initial Recruitment/ Transfer/ Contract till 2012 2. 75% Promotion from Senior Inspector.
7	Senior Inspector	6	17	Authority	25-35 Years	Graduate having 16 years study. Initial recruitment only in MBBS/BDS/BSc Engg/ B. Pharm.	1 years Experience in respective profession.	50% initial recruitment 50% promotion from Inspectors
8	Legal Officer	1	17	Authority	25-35 Years	Law Graduate	1 year standing experience in the field.	By initial recruitment or transfer of Sr. Inspector of the required qualification.

FIRST SCHEDULE
(SEE RULE 3a)

S. No.	Nomenclature of the Post	No. of Posts	BPSS	Appointing Authority	Age	Qualification	Minimum Experience	Method of Appointment/ Recruitment
9	Admin Officer	1	17	Authority	25-35/65 Years	Graduate	5 years experience in any Govt./ Private organization	1. Transfer/ Retired Govt./ Armed Forces officer on contract till 2012 or transfer of Senior Inspector. 2. 100% promotion from Accountant/ Supdt.
10	Accounts Officer	1	17	Authority	25-35 Years	MBA/M.Com from a recognised University	2 years experience in any Govt./ Private organization	1. 25% initial recruitment or transfer of senior inspector of the required qualification. 2. 75% promotion from Accountant
11	Accountant	1	16	Chairman	25-35 Years	Graduate in Business Administration or Commerce. Preferably M.Com/ MBA.	5 years experience in Accounts	50% Initial Recruitment or transfer of inspector of the required qualification. 50% Promotion from Assistant.
12	Superintendent	1	16	Chairman	upto 60 Years	Graduate	5 years experience in office management	100% Promotion from Assistant.
13	Inspectors	12	16	Chairman	25-35 Years	Graduate of 16 years study.	Freshman for Graduate of 16 years study or 3 years experience for Graduate of 14 years study.	1. 75% initial recruitment 2. 25% Promotion from Asstt. (Tech)
14	Assistant (Technical)	4	14	Chairman	25-40 Years	Graduate in Paramedics/ Nursing/ Biochemistry/ Homoeopathy/ others.	2 years experience in any Govt./ Private organization	100% initial recruitment
15	Assistant	4	14	Chairman	25-40 Years	Graduate (Computer Literate)	2 years experience in any Govt./ Private organization	50% Initial recruitment 50% Promotion from Senior Clerk/ Computer Operators
16	Computer Operators	8	12	Chairman	25-35 Years	Intermediate, One Year Diploma in IT	2 years experience in any Govt./ Private organization	100% initial recruitment

FIRST SCHEDULE
(SEE RULE 3a)

S. No.	Nomenclature of the Post	No. of Posts	BPSS	Appointing Authority	Age	Qualification	Minimum Experience	Method of Appointment/ Recruitment
17	Sr. clerk	4	9	Chairman	25-35 Years	1. Intermediate 2. Computer Literate	2 years experience in any Govt./ Private organization	1. 25% initial recruitment 2. 75% Promotion from Jr. Clerk
18	Jr. Clerk	8	7	Chairman	25-35 Years	1. Matric 2. Computer Literate 3. Typing Speed 35 WPM	Previous experience of the job will be preferable.	100% initial recruitment
19	Driver	10	4	Secretary	25-40 Years	Literate, preferably SSC. Holder of a valid Driving License for Car and LTV.	At least 3 years experience as a Driver.	100% initial recruitment
20	Qasid	2	2	Secretary	25-40 Years	Literate preferably Matriculate		100% Promotion from N/Qasid
21	Nalb Qasid/ Orderlys	18	1	Secretary	25-40 Years	Literate preferably Matriculate		100% initial recruitment
22	Despatch Rider	2	2	Secretary	25-40 Years	Literate preferably Matriculate Holder of valid driving license of a Motorcycle	At least one year experience as a Dak Runner	100% initial recruitment
23	Mali	1	1	Secretary	25-40 Years	Literate	At least one year experience in Gardening.	100% initial recruitment
24	Sweeper	3	1	Secretary	25-40 Years	Literate	At least one year experience in Gardening.	100% initial recruitment