

**GOVERNMENT OF ¹[Khyber Pakhtunkhwa],
HEALTH DEPARTMENT.**

NOTIFICATION

7th July, 2003.

No. SOH-III/Reg/8-52/03. In exercise of the powers conferred by Section 16 of the ²[Khyber Pakhtunkhwa] Health Foundation Act, 1995 (³[Khyber Pakhtunkhwa] Act No. VI of 1995), the Board, with the approval of Government, hereby makes the following rules, namely:

THE ⁴[Khyber Pakhtunkhwa] HEALTH FOUNDATION SERVICE RULES.

1. SHORT TITLE AND COMMENCEMENT,

- (1) These rules may be called the ⁵[Khyber Pakhtunkhwa] Health Foundation Service Rules.
- (2) These rules shall come into force at once.

2. DEFINITIONS:-

In these rules, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, that is to say –

- (i) "**Appendix**" means an Appendix to these rules;
- (ii) "**appointing authority**" means the various authorities specified in rule 4;
- (iii) "**contract employee**" means an employee, other than a regular employee, who is appointed for a specified period, on such terms and conditions as may be determined on case to case basis;
- (iv) "**deputationist**" means an officer or official on deputation to the Foundation from a department of the Federal Government, a Provincial Government or an autonomous or semi autonomous body;
- (v) "**employee**" means an employee of the Foundation;
- (vi) "**initial recruitment**" means appointment made otherwise than by promotion, deputation or transfer;
- (vii) "**pay**" means an amount drawn monthly by an employee as pay fixed in a time scale of pay or otherwise and includes technical pay, special pay, personal pay and any other emoluments specifically classed as pay by Government, but does not include allowances;
- (viii) "**post**" means a post whether permanent or temporary, borne on the establishment of the Foundation; and
- (ix) "**regular employee**" means a person appointed in the prescribed manner other than a contractual employee.

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

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

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

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

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

3. METHOD OF RECRUITMENT:-

Appointment to various posts shall be made either by —

- (a) initial recruitment;
- (b) Promotion; or
- (c) Transfer or Deputation,

In the manner as specified in (**Appendix-I**.)

4. APPOINTING AUTHORITY:-

(1) Appointment to various posts in the Foundation shall be made,--

- (a) In the case of posts in BPS 20 and 21 by Government;
- (b) In the case of posts in BPS-17 to 19, by the Board;
- (c) In the case of posts in BPS-11 to 16, by the Managing Director; and
- (d) In the case of posts in BPS-1 to 10, by the Director.

(2) Appointment to posts in BPS 20 and 21 shall be made on the recommendations of the Board; in BPS-17 TO 19, on the recommendation of the Selection Board and in case of all other posts, on the recommendation of the selection Committee.

(3) For the purposes of sub-rule (2) the-selection Board and Selection Committee shall be such as specified in (**Appendix-II**)

5. PROCEDURE FOR INITIAL RECRUITMENT:-

All posts meant for initial recruitment shall be advertised in the newspapers of repute and shall be filled in on merit-cum-zonal allocation basis according to the prescribed criteria as notified by Government from time to time; provided that post in BPS-01- and 02 may be filled in on local basis.

6. QUALIFICATION:-

No person shall be appointed to a post by initial recruitment or by transfer, unless he possesses the qualification prescribed for the post in column three of Appendix-I.

7. PROBATION:-

(1) A person appointed to a post on regular basis shall remain on probation for a period of two years, if appointed by initial recruitment, and for a period of one year, if appointed otherwise; provided that if his work or conduct during the period of probation has, in the opinion of the appointing authority, not been 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) extend the period of probation for a period not exceeding one year in all and may, during or on the expiry of such extended period, pass such orders as it could have passed during or on the expiry of the initial probationary period.

Explanation. --- Officiating service or service spent on deputation to a corresponding or a higher post may be allowed to count towards the period or probation.

- (2) If no orders have been made by the day following the completion of the initial probationary-period, the period or probation shall be deemed to have been extended, 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.

8. CONFIRMATION:-

On satisfactory completion of the probationary period, the probationer shall be confirmed:

Provided that he holds a substantive post:

Provided further that a probationer shall not be deemed to have satisfactorily completed his period of probation, if he has failed to pass an examination, test or course or has failed to complete successfully a training prescribed by the Foundation.

9. MEDICAL FITNESS:-

A candidate for initial recruitment to a post shall be in good mental and physical health and shall produce a medical certificate of fitness from a Registered Medical practitioner.

10. QUOTA FOR WOMEN AND DISABLED PERSONS:-

Out of posts to be filled in by initial recruitment, 2% shall be reserved for women and 2% for disabled persons; provided the disability is not a hindrance in the normal performance of his duties.

11. AGE:-

No person shall be appointed to a post by initial recruitment, unless he is within the age limits specified in column 4 of Appendix-I.

12. RETIREMENT/TERMINATION FROM SERVICE.

- (1) An employee other than a contract employ shall retire from service on completion of 60" years of his age; provided that he may on completion of 25 years of qualifying service, opt for retirement.

- (2) On abolition of a post in the Foundation due to administrative/ financial stringency or any other reasons, the services of the junior most employee in the pay scale in which the post has been so abolished shall be terminated.

13. JOB SPECIFICATION;-

The Managing Director with the approval of the Board shall prescribe "Job Specification" for- any post required by the Foundation and which is not specifically covered or provided for in these rules.

14. PAY AND ALLOWANCES:-

The pay and allowances of the employees shall be such as admissible to the civil servants of the same category. The deputation allowance to the deputationist in the service of the Foundation shall be as admissible under the relevant rules notified by Government from time to time.

15. HOUSING SUBSIDY:-

The employees shall be entitled for housing subsidy at .the prescribed rates and on the terms and conditions as laid down by the Government for civil servants.

16. APPLICATION OF GOVERNMENT RULES :-

In All other matters not expressly provided for in these rules, the employees shall be governed, as far as may be, in accordance with the rules pertaining to civil servants and made applicable to the employees.

17. DISCIPLINARY ACTION.

In disciplinary matters, the employees shall be governed by the ⁶[Khyber Pakhtunkhwa] Removal from Service (Special Powers) Ordinance, 2000.

18. GRANT OF HONORARIA:-

Honoraria may be granted to the employees by the competent authority in accordance with Government Rules 'Delegation of Powers Rules.

SECRETARY HEALTH

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