



**BEFORE THE DISCIPLINARY COMMITTEE OF PAKISTAN MEDICAL
COMMISSION**

In the matter of

Complaint No.P.F.4-Misc-91/2022-Legal

Saeed Akhtar & others Vs. Principal, Amna Inayat Medical College& Medical Director, Kishwar
Fazal Teaching Hospital

Prof. Dr. Naqib Ullah Achakzai	Chairman
Prof. Dr. Noshad Ahmad Shaikh	Member
Dr. Muhammad Fakhre Alam	Member
Prof. Dr. Khurshid Nasim	Co-opted Member
Barrister Ch. Sultan Mansoor	Secretary

Present:

Mr. Saeed Akhter <i>with Counsel</i> (Online)	Complainant
Prof. Saad Mateen (<i>Representative</i>)	Respondent No. 1
Hearing dated	03.11.2022

I. FACTUAL BACKGROUND

1. Pakistan Medical Commission (the “Commission”) has received an order of the Honorable Lahore High Court, Lahore, dated 27.10.2022, in Writ Petition No. 65788 of 2022. The order of the Honorable Lahore High Court is reproduced, as under:

“Petitioner is aggrieved of not giving stipends which assertively is mandatory under section 27 (2) of the PMC ACT 2020 (“Act of 2020”).

Learned AAG, after perusing the file has no objection if directed is issued for deciding application (Annex –B1), pending before respondent No. 1 strictly in accordance with law. Order accordingly.

Decision of the Disciplinary Committee in the matter of Complaint No.P.F.4-Misc-91/2022-Legal

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Needful be done in 15-days”.

2. The Complainant, Mr. Saeed Akhtar, a graduate of Amna Inayat Medical College Lahore, (the “College”) filed complaint against Kishwar Fazal Teaching Hospital (the “Hospital”) pertaining to denial of joining the Hospital for his House Job, despite being graduate of the same college. Brief facts of the received complaint are that:

- a) *The Hospital didn't enroll the Complainant and others for the house-job after their graduation from the College, which was violative of the laws and regulations of the Commission.*
- b) *Qua the complaints, on 19.07.2022 the Education and Evaluation Division of the Commission, highlighted the complaints received against the Hospital and directed a compliance report to be submitted within five (05) days.*
- c) *The Hospital replied on 19.09.2022 conveying that it had complied with all laws and regulations, in force. Further submitted that all those who appeared for interview were offered House Jobs at the Hospital.*
- d) *The Complaint also filed a representation before the Federal Ombudsman regarding the present issue being faced by him. This representation was forwarded the institution to this Commission dated 25.07.2022.*
- e) *Most recently, the Complainant had filed Writ Petition No. 65788/2022 before Lahore High Court and the High Court though its order dated 24.10.2022 in the afore-mentioned Writ Petition has directed the Commission, to do the needful within 15 days.*

II. SHOW CAUSE NOTICE TO RESPONDENTS

3. In view of the allegations leveled in the Complaint, Show Cause Notice dated 17.08.2022 was issued to the Respondent No. 1 & Respondent No. 2, in the following terms:

“... 3. WHEREAS, Amna Inayat Medical College (the "College") is recognized by the Commission for undergraduate medical program, with a seat allocation of 100 seats is required to comply with the Act, regulations and the decisions/directions made there under and all other applicable documents, and

4. WHEREAS, the Kishwar Fazal teaching Hospital (the "Hospital"), is recognized by the Commission as a teaching hospital affiliated with the College, for the purposes of providing house jobs to the graduating students of the College in accordance with the Act and the Admission Regulations; and



5. **WHEREAS**, Section 27(2) of the Act stipulates "every medical or dental college in Pakistan shall be responsible to provide a paid house job, at its own affiliated teaching hospital to all of its graduates". Further, the Pakistan Medical and Dental Council (the "Council") framed the PMC Medical and Dental Undergraduate Education (Admissions, Curriculum And Conduct) Regulations 2021 (the "Admission Regulations") Regulation 22(1) of which stipulates that "each graduating student eligible for a house job shall have a right to seek and obtain admission to a house job program with the teaching hospital affiliated to the college from which the student has graduated. The affiliated teaching hospital shall not refuse admission to its own graduated student applying for a house job", and
6. **WHEREAS**, it has come to the knowledge of the Commission through multiple complaints received at the Commission that the Hospital is not offering house jobs to all the fresh graduates of the MBBS program, as mandated under the Act and the Admission Regulations, since wards of the Hospital are non-functional and there is no satisfactory patient ratio in the Hospital (Copy of the Complaints are attached as Annexure "A"); and
7. **WHEREAS**, second proviso to the Section 27(2) of the Act, lays down the minimum stipend or salary to be paid to house officers which "shall be determined by the Provincial Government or Federal Government as applicable for public colleges and private colleges shall pay a stipend or salary not being less than the amounts applicable to public colleges". The Admission Regulations further provides the legal framework for the conduct of house jobs, particularly Regulation 25(2) prescribes the minimum stipend requirement that "each private teaching hospital shall pay a stipend to a house officer being not less than the stipend payable to public teaching hospitals"; and
8. **WHEREAS**, in terms of the complaints lodged before the Commission, it has been further alleged by number of MBBS graduates, who have been offered house jobs, that they are being paid a stipend fee less than the house officers at the public teaching hospital under the Provincial Government. As per the Order No. SO (ND) 1-28/ 2016, dated 10th January, 2018 issued by the Government of Punjab, Primary & Secondary Healthcare Department, the applicable stipend for the house officers was fixed as PKR 45,555/- per month, whereas a few number of house officers graduated from the College and undertaking house job at the Hospital are allegedly being paid a lower monthly stipend of PKR 31,000/- per month; and
9. **WHEREAS**, in view of above-mentioned facts and circumstances, the College and Hospital have, prima facie, violated the fundamental principles of house jobs as prescribed in the Act and the Admission Regulations, particularly Section 27 of the Act read with Regulation 22 and 25 of the Admission Regulations. ...”



III. REPLY OF RESPONDENTS

4. Respondent No. 1 did not submit any response to the Show Cause Notice dated 17.08.2022 of the Commission.
5. Respondent No. 2 submitted his reply to Show Cause Notice on 19.09.2022, wherein he contended that:

“... ”

- a) *With reference to your letter vide no. PF. 4-MISC-91/2022-Legal/3583 17th August 2022 with regards to the subject as cited above. The reply is as follows:*
- b) *As per Section 27(2) and Regulation 22 (1) of PMC Medical and Dental Undergraduate Education (Admissions, Curriculum and Conduct) Regulations 2021 referred to as the "Admission Regulations, the undersigned had issued a notification vide letter no. KFTH/ADMIN-22/27 dated 23 May 2022 stating that those students who wish to do house job in the Kishwar Fazal Teaching Hospital should submit applications within ten days of the said notification (Copy of Notification Attached As Annexure A).*
- c) *The list of graduates who submitted the applications is attached herewith as Annexure "B".*
- d) *Interviews were conducted by the nominated committee and all those who appeared for the interview were offered house job at Kishwar Fazal Teaching Hospital. (Notification of Nominated Committee attached as Annexure "C"). Nineteen house officers joined Kishwar Fazal Teaching Hospital.*
- e) *It is, further, brought to your kind knowledge that all house officers inducted at Kishwar Fazal Teaching Hospital are being given a stipend as per regulations (List of transfer of stipends to the respective bank accounts as well as those who were paid via cheque of last month salary is attached herewith as Annexure "D").*
- f) *Under no circumstances the college and Hospital have violated the fundamental principles of house jobs as prescribed in the act and the admission Regulations. The complaints generated are frivolous and holds no moral grounds.*
- g) *More so, it is also brought to your attention that the hospital operates round the clock with a mix inpatient and OPD load. It is brought to your knowledge that our house officers who have completed their house job from Kishwar Fazal Teaching Hospital had hands on experience on patients and were well trained by our respective faculty members and staff (Results of NLE held by PMC is Attached as Annexure "E").*



- b) *Affidavit is submitted by the house officers currently working at Kishwar Fazal Teaching Hospital which further invalidates the frivolous complaints (Annexure "F").*
- i) *It is worth mentioning that not even a single graduate of Amna Inayat Medical College has never been refused or denied house job at Kishwar Fazal Teaching Hospital.*
- j) *Photos of the hospital are also annexed herewith. ..."*

IV. HEARING

6. The matter was fixed for hearing before the Disciplinary Committee on 03.11.2022. Notices dated 01.11.2022 were issued to the Complainant, Respondent No. 1 and Respondent No. 2 directing them to appear before the Disciplinary Committee on 03.11.2022.
7. The Complainant was present through online mode along with his counsel and reiterated his written stance already submitted before the Disciplinary Committee. He stated that due to delay and to save time, he joined Mayo Hospital, Lahore for his House Job in Honorary capacity and the Disciplinary Committee should direct the Hospital to pay his stipend.
8. Professor Dr. Saad Mateen appeared on behalf of Respondent No. 1 and submitted that the present Complainant had applied for House Job. He was called for interview; however, he refused to appear, stating that he wanted to pursue his House Job at Shalimar Hospital. Furthermore, all those candidates who had applied for house jobs at the hospital and appeared for interview were offered House Jobs. He placed reliance on the notification inviting applications for house job which was issued and served, well in time and in accordance with the existing laws and regulations.

V. FINDINGS AND CONCLUSION

9. The Disciplinary Committee has perused the relevant record and heard the submissions of the parties in the instant Complaint. We observed that the representation of the present Complainant forwarded from the Federal Ombudsman to this Commission pertains to the same issue and thus, the present hearing shall finalize this pending matter.
10. During the present hearing, we put this query to the Complainant regarding his submission of application for the House Job, pursuant to, Notification of Respondent No. 2 dated 23.05.2022, inviting House Job applications. This query was put, as this notification also specifies the scheduled date and time of interviews for the applicants of house job at the Hospital. The Complainant couldn't provide a satisfactory response as to his application for



the House Job being in time *vis-a-vis* the afore-mentioned Notification, where he has subsequently made no effort (*or submitted any evidence thereof*) to appear at the Hospital on the notified date and time. The Respondent was directed that to submit the letter it received from UHS, Lahore; the proof of publication of Notification on website and proof of circulation in student groups and agreed to provide these.

11. It is evident from the PMC Act 2020 and the PMC Medical and Dental Undergraduate Education (Admissions, Curriculum and Conduct) Policy and Regulations 2022-23 (the "Admission Regulations"), that all graduating students are entitled to become House Officers at the affiliated Teaching Hospital of their institute of graduation. We wish to, firstly, refer to the guiding section 27 (2) of the PMC Act 2020, as under:

"Every medical or dental college in Pakistan shall be responsible to provide a paid house job, at its own affiliated teaching hospital to all of its graduates have acquired a provisional license. Failure to provide a house job shall result in the medical or dental college reimbursing the stipend paid to the graduate by the training hospital where the graduate obtains house job training:

Provided that in the event the graduate opts voluntarily to pursue training in any other teaching hospital, their salary or stipend shall not be the responsibility of the medical or dental college of the graduate:

Provided further that the stipend or salary paid to house officers shall be determined by the Provincial Government or Federal Government as applicable for public colleges and private colleges shall pay a stipend or salary not being less than the amounts applicable to public colleges. ..."

12. Furthermore, Regulation 23 of the PMC Medical and Dental Undergraduate Education (Admissions, Curriculum and Conduct) Policy and Regulations 2022-23 (the "Admission Regulations"), the relevant provision of which is as under:

"... Payment of Stipend to House Officers. *-(1) Every public teaching hospital shall pay a stipend to each house officer as prescribed by the Provincial or Federal Government under whose control the public teaching hospital operates.*

(2) Each private teaching hospital shall pay a stipend to a house officer being not less than the stipend payable to public teaching hospitals ...



13. In light of the above and concurrence of the Respondent, the Complainant shall be admitted as a House Officer at the Kishwar Fazal Teaching Hospital, forthwith. Mayo Hospital, Lahore, is directed to issue an experience certificate to the Complainant subject to his consensus.
14. The Committee stresses on the Medical and Dental Colleges along with the Teaching Hospitals to ensure strict compliance with the statutory and regulatory obligations of providing House Job to all of their respective medical graduates, without exception.
15. The instant complaint is disposed of accordingly.

Dr. Fakhre Alam

Member

Barrister Ch. Sultan Mansoor

Secretary

Professor Dr. Naqib Ullah Achakzai

Chairman

Prof. Dr. Noshad Ahmad Shaikh

Member

24th November, 2022