



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

In the matter of

Complaint No.P.F.4-Misc-92/2022-Legal

Mr. Asad Ahmed Khan & others Vs. Principal, Jinnah Medical and Dental College
& Medical Superintendent, Sohail Trust Hospital, Karachi

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:

Dr. Hussein Mahdi (Principal)	Respondent No. 1
Hearing dated	03.11.2022

I. FACTUAL BACKGROUND

1. Mr. Asad Ahmed Khan along with other House Officers (the “Complainant”) filed multiple Complaints against Sohail Trust Hospital (the “Hospital”) before the Pakistan Medical Commission (the “Commission”). Brief facts are as under:

- a) *The complaints received at this Commission are pertaining to “Under-payment of stipend” qua the Provincial Notification.*
- b) *In view of the receipt of Complaints from House Officers of the Sohail Trust Hospital, Karachi, a letter dated 21.06.2022 was issued to Respondent No. 1 from the Education & Evaluation Division of this Commission. This letter identified the receipt of complaints and directed the Principal to send a Compliance Report within three (03) working days.*



- c) *The Principal of the College replied through letter dated 27.06.2022 that the complaining House officers have not completed their one-month period of House Job, hence, the non-payment of their stipends.*
- d) *Due to the unsatisfactory response of the Respondent No. 1, further proceedings were initiated.*

II. SHOW CAUSE NOTICE TO RESPONDENTS

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

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

*4. **WHEREAS**, the Sohail Trust 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 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" 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" 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 25 of which stipulates that "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. Each private teaching hospital shall pay a stipend to a house officer being not less than the stipend payable to public teaching hospitals and that no unpaid house jobs shall be offered or obtained"; and*

*6. **WHEREAS**, the Commission has received complaints from many house officers, which are two folds; i) that they are not being paid a stipend for undergoing their house job; and ii) that the stipend paid to few house officers are being paid a stipend fee less than the house officers at the*



public teaching hospital under the Provincial Government. As per the notification dated 02 April, 2019 issued by the Government of Sindh, Finance Department, the applicable stipend for the house officers was fixed as PKR 45,000/- 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 22,000/-, per month (Copy of the complaints are attached as "Annexure A"); and

7. 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 25 of the Admission Regulations.*

8. Now therefore, *the College is directed to submit complete record of the house officers along with complete details pertaining to the stipend being paid to the house officers. Further, the College and the Hospital are hereby served this Show Cause Notice, explaining as to why the penalty (ies) as prescribed under the PMC Enforcement Regulations, 2021 shall not be imposed on the College and the Hospital. The College and the Hospital are directed to submit its response within a period of thirty (30) days..."*

III. REPLY OF RESPONDENTS

3. Neither Respondent No. 1 nor Respondent No. 2 submitted any response to the Show Cause Notice dated 17.08.2022 of the Commission.
4. Due to the failure to comply with the Show Cause Notice, the Respondent No. 1 and Respondent No. 2 were issued a Final Show Cause Notice dated 19.10.2022. Neither of the Respondents have submitted a response to the Final Show Cause Notice.

IV. HEARING

5. The matter was fixed for hearing before the Disciplinary Committee on 03.11.2022. Notices dated 01.11.2022 were issued to the Complainant and Respondent No. 1 & Respondent No. 2, directing them to appear before the Disciplinary Committee on 03.11.2022.
6. Principal, Jinnah Medical College appeared before the Disciplinary Committee and was queried about the instant complaint of underpayment of the inducted House Officer. He submitted before the Committee that all House Officers are being paid their due stipends in light of applicable laws. The stipend, however, contains deductions against facilities of



transport and health/medical, being provided to the House Officers. Upon query, he submitted proof of payments to the House Officers for the past one year.

V. FINDINGS AND CONCLUSION

7. Statement of the Respondent heard and record perused.
8. We have gone through the contents of the instant complaints regarding the allegation of the underpayment of stipends to the House Officers at Sohail Trust Hospital, Karachi.
9. The Principal of Jinnah Medical College accepted disparity of paid stipends compared to other college and has conceded that the stipend which is being paid is net amount after the deduction of transport and health facility charges to the House Officers.
10. The applicable statutory and regulatory provisions in the instant circumstances before us in this, regard reference is made to Section 27(2) of the PMC Act 2020, reproduced 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. ..."

11. In similar vein, it is to highlight, Regulation 23 of the PMC Medical and Dental Undergraduate Education (Admissions, Curriculum and Conduct) Policy and Regulations 2022-23 (the "Admission Regulations"), reproduced 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 ...*"

12. In conclusion, taking note of the complaints, relevant records and statement of the Principal of the Jinnah Medical College, we issue warning to the Sohail Trust Hospital, Karachi and direct that it shall ensure the payment of stipend/salary to its House Officers, strictly in accordance with the provisions of law, as in force. Respondents shall not make any deductions from the stipends payable to the House Officers in lieu of any facilities, e.g. transport, health or any others, whatsoever. Accordingly, the deductions made from the stipend/salary of the House Officers shall be reimbursed to the House Officers.

13. The instant complaint is disposed of in the above terms.

Dr. Muhammad Fakhre Alam

Member

Prof. Dr. Noshad Ahmad Shaikh

Member

Barrister Ch. Sultan Mansoor

Secretary

Professor Dr. Naqib Ullah Achakzai

Chairman

24th November, 2022