

The Gilgit-Baltistan Health Department
(Regularization of Services of Doctors)
(Act No. VII of 2018)

Gilgit dated November 27, 2018

To Provide for the regularization of the services of employees appointed on contract basis or reinstatement of Specialist doctors as a fresh appointee who have previously been removed /dismissed/terminated against the posts of Medical Doctors, Dental Officer or consultants with degrees (graduation or post graduation) duly recognized by Pakistan medical and dental council, who are currently working or previously served as specialist doctors in the Gilgit-Baltistan.

PREAMBLE:- whereas it is expedient to provide for regularization of services of doctors, being an essential service, appointed on contract basis or specialist doctors who had previously been appointed permanently and later on dismissed / terminated / removed from services in Health Department, Government of Gilgit-Baltistan;

It is hereby enacted as follows:-

1. Short title and commencement). --- (1) This act may be called the Gilgit-Baltistan Health Department (Regularization of Services of Doctors) Act, 2018

(2) It shall come into force at once.

2. Definitions.--- (I) In this Act, unless the context otherwise requires,-

(a) "Government" means the Government of the Gilgit-Baltistan;

(b) "Commission" means the Federal Public Services Commission;

(c) "Essential Services" include the services of medical doctors and dental officers, with degree MBBS, BDS or post graduate recognized by Pakistan Medical and Dental Council and also the specialist doctors who had served previously Health Department Gilgit-Baltistan and later on dismissed / terminated /removed from services.

(d) "Department" means the Health Department of Government of Gilgit-Baltistan;

(e) "Departmental Selection Committee" means a Departmental Selection Committee constituted for making selection for initial appointment through walk-in interviews in Health Department Gilgit-Baltistan.

(f) "Employee" means those dully qualified persons:-

- i. Who were appointed as Consultants/Medical and Dental Officers on contract basis by the Government through walk in interviews and who

have degrees of MBBS/BDS or post-graduation degrees recognized by Pakistan Medical and Dental Council;

(g) "law or rules" means the law or rules for the time being enforce governing the selection and appointment of medical officers ;

(h) "post" means a post occupied by the employee and is required to be filled on the through this Act.

(2) The expressions, "contract appointment" shall have the same meaning as respectively assigned to them in the Gilgit-Baltistan Civil Servant Act 2011.

3. Regularization of services of employees.--- (1) Notwithstanding anything contained in any other law or rules, the employees appointment on contract basis and completed one year continuous services holding the post till the commencement of this Act and all those specialist doctors who had previously served in Gilgit-Baltistan Health Department and dismissed / terminated / removed from service due to any reason shall be deemed to have validly appointed on regular basis from the day of commencement of this Act.

Provided that;

- i. Where this Act affects the service promotion quota in General Duty Medical Officer/Dental/Consultant cadre, such employee(s) shall be deemed to have been regularized against the post in the lower grade of such cadre prescribed under the rules for initial recruitment.
- ii. The services of such employees shall be deemed to have been regularized only on the publication of their names in the Official Notification from Government of GB.
- iii. The employee shall hold a domicile of Gilgit-Baltistan
- iv. Being the services of Doctors as essential services, the West Pakistan Essential Services (Maintenance) Act 1958 shall apply to the employment of Doctors.

- v. The Specialist doctors, previously terminated / dismissed / removed from service and are willing to rejoin shall be deemed to have validly appointed as a fresh appointees.
- vi. The specialist doctors previously terminated/ dismissed / removed from service shall show their willingness to rejoin their services as fresh appointees within 90 days of commencement of this Act.
- vii. On the availability of post with the Department of Health GB, the services of contract Doctors will be regularized. This dispensation will be for one time.

4. Determination of seniority,--(1) the employees whose services are regularized under this Act or in the process of attaining services at the commencement of this Act shall rank junior to all

Civil Servants belonging to same service or cadre, as the case may be, who are in service on regular basis on the commencement of this Act, and shall also rank junior to such other persons, if any, who, in pursuance of their recommendations of the Commission made before the commencement of this Act, or to be appointed to the respective service or cadre, irrespective of the actual date of appointment.

(2) The seniority interest of the employees, whose services are regularized under this Act within the same service or cadre, shall be determined on the basis of their continuous officiating in such service or cadre;

Provided that if the date of continuous officiating in the case of two or more employees in the same, the employee older in age shall rank senior to the younger one.

5. Removal of difficulties.--- if any difficulty arises in giving effect to any of the provision of this Act, the Department may give such direction as it may consider necessary for the removal of such difficulty.

6. Overriding effect.---Notwithstanding anything to the contrary contained in any other law or rules, the provisions of this Act shall have an overriding effect and the provisions of any such law or rules to the extent of inconsistency to this Act shall cease to have effect.

STATEMENT OF OBJECTIONS AND REASONS

Considering the severe dearth of Medical Doctors and Dental Officers in Gilgit-Baltistan, and for the larger interest of public for the provision of Medical services to the people of Gilgit-Baltistan and to improve the health status of the region. Hence, this Bill.

(Fida Muhammad Nashad)

Speaker

Gilgit-Baltistan Assembly

(Raja Jalal Hussain Maqpoon)

Governor

Gilgit-Baltistan