



SENATE OF PAKISTAN

Report No.4 of 2020

REPORT OF THE **STANDING COMMITTEE ON NATIONAL HEALTH SERVICES,** **REGULATIONS AND COORDINATION**

- (i) **Point of public importance regarding “Termination/repatriation of doctors serving at PIMS as per 5% quota policy from provinces”, moved by Senator Sajjad Hussain Turi on 14th May, 2020.**
- (ii) **“Promotion cases of Senior Doctors at PIMS” raised by Senator Usman Khan Kakar on 20th January, 2020**

PRESENTED BY

SENATOR KHUSHBAKHT SHUJAT

Chairperson SSC on National Health Services, Regulations and Coordination

SENATE SECRETARIAT

REPORT OF THE SENATE STANDING COMMITTEE ON NATIONAL HEALTH SERVICES, REGULATIONS AND COORDINATION

I, Chairperson of the Senate Standing Committee on National Health Services, Regulations and Coordination have the honor to present the report, on behalf of the Committee on **“Promotion cases of Senior Doctors at PIMS”** raised by Senator Usman Khan Kakar on 20th January, 2020 and Point of public importance regarding **“Termination/repatriation of doctors serving at PIMS as per 5% quota policy from provinces”**, moved by Senator Sajjad Hussain Turi on 14th May, 2020.

2. The matter was referred to the Senate Standing Committee on National Health Services, Regulations and Coordination for consideration and report to the House.

3. The composition of the Committee is as under:-

1. Senator Khushbakht Shujat	Chairperson
2. Senator Ayesha Raza Farooq	Member
3. Senator Bahramand Khan Tangi	Member
4. Senator Dilawar Khan	Member
5. Senator Dr. Asad Ashraf	Member
6. Senator Dr. Ashok Kumar	Member
7. Senator Sikandar Mandhro	Member
8. Senator Dr. Ghous Muhammad Khan Niazi	Member
9. Senator Liaqat Khan Tarakai	Member
10. Senator Prof. Dr. Mehr Taj Roghani	Member
11. Senator Sana Jamali	Member
12. Senator Sardar Muhammad Shafiq Tareen	Member
13. Senator Syed Muhammad Ali Shah Jamot	Member
14. Minister for National Health Services, Regulations & Coordination	Ex-Officio Member

4. The Standing Committee considered the issue in its meeting held on 19th August, 2020. The Committee clubbed both the agenda items together. The Committee disposed of the matter and decided to submit the report to the House. The meeting was attended by the following members, namely:-

1. Senator Bahramand Khan Tangi	Member
2. Senator Dilawar Khan	Member
3. Senator Dr. Asad Ashraf	Member
4. Senator Dr. Ashok Kumar	Member
5. Senator Prof. Dr. Mehr Taj Roghani	Member
6. Senator Sana Jamali	Member
7. Senator Sardar Muhammad Shafiq Tareen	Member/Mover
8. Advisor for National Health Services, Regulations & Coordination	Ex-Officio Member
9. Senator Usman Khan Kakar	Mover
10. Senator Mushtaq Ahmed	Mover
11. Senator Sajjad Hussain Turi	Mover
12. Senator Hidayat ullah	Mover

SUMMARY

Senator Usman Khan Kakar and Senator Hidayatullah briefed the Committee that the doctors in question belonged to the provincial civil service prior to their posting in PIMS. They got their NOCs from the respective provincial health department and got themselves absorbed in PIMS. As per rules they were placed at the bottom of seniority so their absorption did not disturb the seniority list. On 14th October, 2016, an illegal notification was issued, repatriating the doctors of PIMS, FGSH and NIRM. The doctors challenged the said orders in the court and on 7th April, 2016, the Honourable Supreme Court suspended the repatriation orders, and decreed in favour of the doctors and directed the Ministry to re-examine the service-structure of doctors through a Committee. On 5th January, 2018 the said notification of repatriation was



withdrawn as ab-initio. However, once again the Ministry of NHSR&C submitted the report in the Supreme Court with recommendation to repatriate the above said doctors. But the then Chief Justice of Pakistan (CJP) did not agree with the report and constituted another committee. The Committee submitted the report to the Supreme Court and the said doctors were legalized by the Committee. While examining the report, the Honourable CJP ordered to consider the report and make the service structure for doctors of ICT within three months. The Ministry presented the service structure in the Supreme Court and the Attorney General of Pakistan categorically stated that there is no question of repatriation of the above said doctors as already decided by the Honourable Supreme Court.

Senator Hidayat Ullah, the Mover also read a letter dated 18th September, 2015 issued by the Establishment Division, clearly mentioning that the practice of circulating judgments in bits and pieces should be discontinued. The civil service rules do not discriminate between a provincial civil servant and a federal civil servant. Senator Dilawar Khan was of the view that doctors were eligible to be part of federal health structure as described in letter of Ministry of Health dated 15th May, 2008 as all the prescribed formalities were fulfilled before absorption of the said doctors and they all stood on merit.

While looking into the development of the case, the Committee showed its reservation on the approach of the Ministry while dealing with the human resource of the medical profession. The Committee observed that:

- (i) The Ministry should not waste its time in such petty matters rather there are more significant issues on agenda of the Health Ministry.
- (ii) The Committee regretted that the officers of the Ministry have waged an unnecessary war with the doctors who have a legal right to be the part of the Federal structure. After successive decisions of the Honourable Supreme Court there was no room for further escalation of the dispute with the doctors.



- (iii) At this point of time while we are paying tribute to the health professionals as front line soldiers against COVID-19, the Committee lamented on the behavior of the Ministry.

While responding the promotion cases of doctors, the Ministry confessed its fault and assured the Committee that the doctors will be promoted according to the seniority and merit. It was also assured that no doctor will be repatriated and the promotion will be made in accordance with the rules.

RECOMMENDATION

The Committee recommended that promotion cases of the doctors be decided according to the seniority and merit and the Ministry to submit a report to the Committee within 15 working days. Advisor of the Health Ministry assured the Committee that it will be decided as per direction of the honourable forum.


(Javaid Iqbal)
Secretary Committee


(Senator Khushbakht Shujat)
Chairperson Committee