

THE KHYBER MEDICAL UNIVERSITY EMPLOYEES SERVICE STATUTES, 2008

1. Short Title and Commencement: - (1) These statutes may be called the Khyber Medical University Employees Service Statutes, 2008.
- (2) They shall come into force at once.
2. Definitions: - (1) In these statutes, unless the context otherwise requires;
  - (a) "Appointing Authority" in relation to a post, means the authorities / persons authorized under Section 7 of these Statutes;
  - (b) "Basic Pay Scale" means the Basic Pay Scale for the time being sanctioned by the university, in which a post or a group of posts is placed;
  - (c) "Contract Appointment" means appointment of a duly qualified person made otherwise than in accordance with the prescribed method of recruitment, pending recruitment in accordance with such method;
  - (d) "Employee" means the Employee of the University;
  - (e) "Permanent Post" means a post sanctioned without limit of times;
  - (f) "Post" means a teaching and non teaching post sanctioned in connection with the affairs of the University;
  - (g) "Prescribed" means prescribed by rules;
  - (h) "Rules" means rules made or deemed to have been made under these Statutes;
  - (i) "Temporary post" means a post other than a permanent post;
  - (j) "Service" means the service of the University;
  - (k) "Statutes" means the Statutes made under the Khyber Medical University Act, 2006 (N.-W.F.P. Act No. I of 2007).
  - (l) "University Selection / Promotion Committee and Institutional Selection / Promotion Committee " means a committee constituted for making selection for initial appointment and promotion to such posts under the University or constituent colleges / institutions, as the case may be, which do not fall within the purview of the University Selection Board;
  - (m) "University Selection Board" means a Board constituted under Section 4 of the First Statutes of Khyber Medical University Act, 2006 (N.-W.F.P. Act No. I of 2007);
  - (n) "University" means the Khyber Medical University;
- (2) Words and expressions used but not defined in these Statutes shall have the same meanings as are assigned to them in the Khyber Medical University Act 2006 (N.-W.F.P. Act No. I of 2007).
3. Method of Appointment:- (1) Appointment to posts shall be made by any of the following methods, namely:-
  - (a) By transfer in accordance with the provisions contained in Section 8 of these Statutes; and
  - (b) By initial recruitment in accordance with the provisions contained in Section 9 of these Statutes.
- (2) The method of appointment, qualifications and other conditions applicable to a post shall be such as laid down by the Syndicate or university.
4. Terms and Conditions: - The Terms and Conditions of a University employee shall be as provided in these Statutes, rules and as prescribed by the University and Higher Education Commission of Pakistan, from time to time, as provided under Section 3(6)

of Khyber Medical University 2006 (N.-W.F.P. Act No. I of 2007), whether generally or in respect of a specified group or class of University employees.

5. Tenure of Office of Employee: - Every Employee shall hold office during the pleasure of the Chancellor.
6. Appointments: - Appointment to a service of the University or to a post in connection with the affairs of the University shall be made in the prescribed manner by the University or a person authorized by the University in this behalf.
7. Appointing Authority: - The authorities competent to make selection / appointment to posts in various basic pay scales shall be as follows:-

S. No.	Posts	Selection Authority	Appointing Authority
1.	Posts in Basic Pay Scale 18 and above.	University Selection Board	Senate of the University
2.	Posts in Basic Pay Scale 17.	University Selection Board	Syndicate of the University
3.	Posts in Basic Pay Scale 16.		
	(i) In University	University Selection Committee.	Vice-Chancellor of the University.
	(ii) In Constituent Colleges / Institutions	Institutional Selection Committee.	
4.	Posts in Basic Pay Scales 1 to 15;		
	(i) In University	University Selection / Promotion Committee	Registrar
	(ii) In Constituent Colleges / Institutions	Institutional Selection / Promotion Committee	Principal / Head of the Institution.
8.	Any employee of the Administrative Staff of the University or of the Constituent Units, as the case may be, may be transferred to another section with in the University or Constituent Unit in the similar grade, if possessing same qualification and experience so prescribed for the holder of that post / vacancy.		
9.	Appointment by Initial Recruitment:- (1) Initial appointment to posts in various pay scales shall be made on the recommendations of the University Selection Board or University Selection / Promotion Committee or Institutional Section / Promotion Committee, as the case may be, according to their purviews, in the manner prescribed under the these statutes, after vacancies have been advertised in newspapers;		
	(2) A candidate for initial appointment to a post must possess the educational qualification or technical qualifications and experience and except as provided in Section 10 for the purpose of relaxation of age limit, must be within the age limit as laid down for the post.		

Provided that the educational qualifications or technical qualifications and experience of teaching cadre shall be subject to guidelines and criteria of the Pakistan Medical & Dental Council / Higher Education Commission of Pakistan, as and when issued, from time to time.

(3) Two percent of all posts in each basic pay scale to be filled in by initial recruitment shall be reserved for disabled candidates.

Explanation: - For the purposes of reservation under this sub-section "disability" does not include such disability which hampers in the smooth performance of the duties required of a disabled candidate as determined by Medical Board of the University.

(4) Notwithstanding the procedure prescribed in sub-section (2), the appointing authority may appoint one of the children of a deceased employee, who died during service, to a post in any of the Basic Pay Scales No. 1 to 17; provided that the child possesses the minimum qualification prescribed for appointment to the post. The appointment, as aforesaid, shall be subject to the availability of a vacancy and if two or more vacancies in different pay scales are available at a time, and the child possesses the qualifications which make him eligible for appointment to more than one post, he shall ordinarily be appointed to the post carrying higher pay scale.

10. Age: (1) Where recruitment is to be made on the basis of written examination, age shall be reckoned on 1<sup>st</sup> January of the year in which the examination is proposed to be held. In other cases as on the last date fixed for submission of applications for appointment.

(2) Relaxation in maximum age limit may be allowed to candidates for various posts having prescribed qualifications up to a period of 5 years by the Appointing Authority and for not more than 10 years by the University.

(3) The age limit in respect of Government Servants and Employees of the University / universities, who have completed at least four years service in their respective Offices, on the closing day for submission of applications for the posts, shall be automatically relaxed by 10 years or number of years an officer / official has actually served, whichever is less

11. Eligibility: - (1) A candidate for Teaching and Research Faculty appointment shall be a citizen of Pakistan. While Ministerial Staff (BS-16 and below) shall also be bonafide resident of the North-West Frontier Province.

Provided further that for reasons to be recorded in writing, University may, in a particular case, relax this restriction.

(2) The person to be appointed to a post shall be required to produce a certificate of character from the Principal Academic Officer of the Academic Institution last attended.

(3) The University may, notwithstanding anything contained in sub-section (2), get verification of character and antecedents of the candidate or the person appointed, to the satisfaction of appointing authority.

(4) Candidate shall be appointed to a post after medical examination, to be in good mental and bodily health and free from physical defect likely to interfere in the efficient discharge of his duties.

(5) Initial recruitment to posts in Basic Pay Scales 1 and 5 or equivalent shall ordinarily be made on local basis by the respective authorities.

12. Contract Appointment:- (1) When the appointing authority considers it to be necessary to fill in a post falling within the purview of the Selection Board urgently, it may, pending nomination of a candidate by the Selection Board, proceed to fill in such post on contract basis for a period not exceeding six months by advertising the same in accordance with the procedure laid down for initial appointment under Section 9 of these Statutes.
- (2) Short term vacancies in the posts falling within the purview of the University Selection Board and vacancies occurring as a result of creation of temporary posts for a period not exceeding one year as provided under Section 11(5)(c) of the Khyber Medical University Act 2006 (N.-W.F.P. Act No. I of 2007), may be filled in by appointing authority otherwise than through the University Selection Board on purely contract basis after advertising the vacancy.
13. 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.
- (3) University employee 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 if deemed necessary for the post by the University.
14. Confirmation: - (1) A person appointed on probation shall, on satisfactory completion of his probation, be eligible for confirmation in a service or, as the case may be, a post.
- (2) An employee recruited to a post on regular basis shall be eligible for confirmation after rendering satisfactory service for the period prescribed for confirmation therein.
- (3) There shall be no confirmation against any temporary post.
- (4) An employee who, during the period of his service, was eligible to be confirmed in any service or against any post retires from service before being confirmed shall not,

merely by reason of such retirement, be refused confirmation in such service or post or any benefits accruing there from.

- (5) Confirmation of an employee in a service or post shall take effect from the date of occurrence of permanent vacancy in that service or post or from the date of continuous officiating, in such service or post, whichever is later.

15. Seniority: - (1) The seniority inter-se of University employee or of the Constituent College / Institution (non-teaching cadre), as the case may be, appointed to a service, cadre or post shall be determined:-

- (a) In the case of persons appointed by initial recruitment, in accordance with the order of merit assigned by the University Selection Board or as the case may be, the Selection and promotion Committee;

Provided that persons selected for appointment to post in an earlier selection shall rank senior to the persons selected in a later selection; and

- (b) In the case of University employee or Constituent College / Institution, appointed otherwise, with reference to the date of their continuous regular appointment in the post; provided that the employee selected for promotion to a higher post in one batch shall, on their promotion to the higher post, retain their inter se seniority as in the lower post.

Explanation-I :- If a junior person in a lower post is recruited to a higher post temporarily even though continuing later permanently in the higher post, it would not adversely affect the interest of his seniors in fixation of his seniority in the higher post.

Explanation-II :- If a junior person in a lower post is recruited to a higher post by superseding a senior person and subsequently that senior person is also recruited the person recruited first shall rank senior to the person recruited subsequently; provided that junior person shall not be deemed to have superseded a senior person if the case of the senior person is deferred for the time being for want of certain information or for incompleteness of record or for any other reason not attributing to his fault or demerit.

Explanation.III:- A junior person shall be deemed to have superseded a senior person only if both the junior and the senior persons were considered for the higher post and the junior person was appointed in preference to the senior person.

- (2) Seniority in various cadres of University employee or of constituent college / Institutions, appointed by initial recruitment vis-a-viz those appointed otherwise shall be determined with reference to the dates of their regular appointment to a post in that cadre; provided that if two dates are the same, the person appointed otherwise shall rank senior to the person appointed by initial recruitment.

16. Leave: A University employee shall be allowed leave in accordance with the leave rules applicable to him; provided that the grant of leave will depend on the exigencies of service and be at the discretion of the competent authority.
17. Conduct: The conduct of a University employee shall be regulated by rules made, or instructions issued, by the prescribed authority under Khyber Medical University 2006 (N.-W.F.P. Act No. I 2007) whether generally or in respect of a specified group or class of University employees.
18. Disciplinary Action: A University employee shall be liable to prescribed disciplinary action and penalties in accordance with the prescribed procedure.
19. Pay: A University Employee appointed to a post shall be entitled, in accordance with the Khyber Medical University Employees Pay Scale Statutes, to the pay sanctioned for such post;  
  
Provided that, when the appointment is made on a current-charge basis or by way of additional charge, his pay shall be fixed in the prescribed manner:  
  
Provided further that where a University Employee has, under an order which is later set aside, been dismissed or removed from service or reduced in rank, he shall, on the setting aside of such order, be entitled to such arrears of pay as the authority setting aside such order may determine.
20. Generality: - In all matters not expressly provided for in these statutes, University employee shall be governed by such rules as may hereafter be prescribed by University and made applicable to them.