

**THE ¹[KHYBER PAKHTUNKHWA] KHYBER MEDICAL COLLEGE
AND HAYAT SHAHEED TEACHING HOSPITAL
(TAKING OVER) ACT, 1975.**

²[KHYBER PAKHTUNKHWA] ACT NO. VI OF 1975.

[1st August, 1975.]

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¹Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011.

²Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011.

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First published after having received the assent of the Governor of the ³[Khyber Pakhtunkhwa] in the Gazette of ⁴[Khyber Pakhtunkhwa] (Extra-Ordinary), dated the 1st August, 1975.

**AN
ACT**

to provide for the taking over of the Khyber Medical College and Hayat Shaheed Teaching Hospital, Peshawar, by Government of the ⁵[Khyber Pakhtunkhwa].

WHEREAS it is expedient to provide for the taking over the Khyber Medical College and Hayat Shaheed Teaching Hospital for the purposes of improving the teaching provided hereby and the management thereof;

Preamble.

It is hereby enacted as follows:—

1. (1) This Act may be called the ⁶[Khyber Pakhtunkhwa] Khyber Medical College and Hayat Shaheed Teaching Hospital (Taking Over) Act, 1975.

Short title and commencement.

(2) It shall be deemed to have come into force on and from the first day of July, 1975.

2. In this Act, unless the context otherwise requires.—

Definitions.

(a) "College" means the Khyber Medical College, Peshawar, and includes the Hayat Shaheed Teaching Hospital, Peshawar;

¹Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011.

²Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011.

³Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011.

⁴Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011.

⁵Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011.

⁶Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011.

- (b) "Government" means the Government of the ¹[Khyber Pakhtunkhwa];
- (c) "prescribed" means prescribed by rules made under this Act;
- (d) "property" includes residential accommodation provided by the University to, and in occupation of, the staff and employees of the College at the time of coming into force of this Act;
- (e) "University" means the Peshawar University.

3. As from the coming into force of this act, the College shall stand transferred to, and vest in, Government. Taking over of the college.

4. All rights, properties, assets, liabilities, debts and obligations of the, College, and all matters and things engaged to be done by, with or for and all suits and other proceedings by or against, the College, shall be deemed to be rights, properties, assets, liabilities, debts and obligations, or, as the case may be, matters and things engaged to be done, by, with or for, and suits and other proceedings by or against, Government. Transfer of Assets and liabilities.

5. As from the coming into force of this Act, employees engaged by, for or on behalf of the College, shall stand transferred for service under employees Government on such terms and conditions as may be prescribed: Transfer of employees.

Provided that where the changed circumstances so permit, such terms and conditions shall not be less favourable than those admissible to them under the University immediately before the coming into force of this Act

²[Provided further that all such employees shall have the right to opt for service under the University, such option to be exercised within four months from the coming into force of the ³[Khyber Pakhtunkhwa] Khyber Medical College and Hayat Shaheed Teaching Hospital (Taking Over) (Amendment) Act, 1977, in the form specified in the Schedule to this Act, and if they so opt, then the service rendered by them from the 1st day of July, 1975, to the date they stand transferred to the University, shall, for all purposes, be deemed to be service under the University:

Provided also that option so exercised shall be final.]

¹Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011.

²Replaced and inserted vide Khyber Pakhtunkhwa Act No. III of 1977.

³Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011.

6. (1) As soon as may be, there shall be constituted a Committee consisting of four members, two each to be nominated by Government and the Chancellor of the University respectively, for settlement and adjustment, between the University and Government, of rights, properties, assets, liabilities and obligations of the University in respect of the College. Constitution of a Committee to settle assets and liabilities
- (2) Where the recommendations of the Committee with respect to any matter referred to in sub-section (1) are unanimous, Government shall make an order in accordance with those recommendations and, where there is difference of opinion among the members of the Committee with respect to any of the aforesaid matters, the same shall be referred by Government for arbitration to a person nominated by the Chief Justice of the Peshawar High Court, whose decision thereon shall be final and binding on the parties.
7. No suit, prosecution or other legal proceeding shall lie against Government or any other person for anything in good faith done or intended to be done under this Act or any rule or order made thereunder. Indemnity.
8. For the purpose of carrying into effect the provisions of this Act, Government may, in such manner as it may consider necessary or expedient, provide for— Removal of difficulties.
- (a) the removal of difficulties arising out of, or in connection with, the transfer to, and vesting of the College in, Government; and
- (b) other matters supplemental or incidental to, or consequential upon, such transfer and vesting of the College.
9. The provisions of this Act and the rules and orders made thereunder shall have effect notwithstanding anything to the contrary contained in any other law for the time being in force. Provision to over ride other laws.
10. Government may make rules for carrying out the purposes of this Act. Power to make rules.
11. The North-West Frontier Province Khyber Medical College and Hayat Shaheed Teaching Hospital (Taking Over) Ordinance, 1975 (N.W.F.P. Ordinance No. VI of 1975), is hereby repealed. Repeal.

¹[SCHEDULE]

OPTION FORM

To

The Secretary to Government of ²[Khyber Pakhtunkhwa], Health Department.

Sir,

In pursuance of the provisions contained in section 5 of the ³[Khyber Pakhtunkhwa] Khybr Medical College and Hayat Shaheed Teaching Hospital (Taking Over) Act, 1975, I opt/do not opt for service under the University.

Signature.....
Name in block letters.....
Father's name
Designation
Branch
Office/Department.....

Attested.

Signature.

Designation/Stamp of Head Office.]

¹Inserted vide Khyber Pakhtunkhwa Act No. III of 1977.

²Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011.

³Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011.