

**THE ¹[KHYBER PAKHTUNKHWA] CHILDREN INFECTIOUS
DISEASES HOSPITAL (PESHAWAR MUNICIPAL CORPORATION)
(TAKING OVER) ORDINANCE, 1983.**

²[KHYBER PAKHTUNKHWA] ORDINANCE NO. XI OF 1983.

[2nd August, 1983]

**AN
ORDINANCE**

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

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

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[2nd August, 1983]

**AN
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*to provide for the taking over of the Children Infectious Diseases Hospital,
Municipal Corporation, Peshawar, by the Government of the ³[Khyber
Pakhtunkhwa].*

WHEREAS it is expedient to provide for the taking Preamble.
over of the Children Infectious Diseases Hospital, Municipal
Corporation, Peshawar, by Government of the ⁴[Khyber
Pakhtunkhwa] for the purposes of improving the services and
the management thereof;

AND WHEREAS the Governor of the ⁵[Khyber
Pakhtunkhwa] is satisfied that circumstances exist which
render it necessary to take immediate action;

NOW, THEREFORE, in pursuance of the
Proclamation of the fifth day of July, 1977, and in exercise of
all powers enabling him in that behalf, the Governor of the
⁶[Khyber Pakhtunkhwa] is pleased to make and promulgate
the following Ordinance:—

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

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

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

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

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

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

1. (1) This Ordinance may be called the ¹[Khyber Pakhtunkhwa] Children Infectious Diseases Hospital (Peshawar Municipal Corporation), (Taking Over) Ordinance, 1983. Short title and commencement.

(2) It shall come into force at once and shall be deemed to have taken effect from the 1st day of January, 1983.

2. In this Ordinance, unless the context otherwise requires,— Definitions.

(a) "appointed day" means the 1st day of January, 1983;

(b) "Corporation" means the Municipal Corporation, Peshawar;

(c) "Government" means the Government of the ²[Khyber Pakhtunkhwa];

(d) "hospital" means the Children Infectious Diseases Hospital, Municipal Corporation, Peshawar; and

(e) "property" includes all movable and immovable property belonging to, or vesting in, the hospital.

3. As from the appointed day, the hospital shall stand transferred to, and , vest in, Government. Taking over of the hospital.

4. All rights, properties, assets, liabilities and obligations of the hospital, and all matters and things engaged to be done by, with or for, and all suits and other proceedings by or against, the hospital, shall be deemed to be rights properties, Transfer of assets and liabilities.

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

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

assets, liabilities 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.

5. (1) As from the appointed day, the employees engaged by, for or on behalf of the hospital, hereinafter referred to as "the employees", shall stand transferred for service under 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 Corporation immediately before the appointed day.

(2) Subject to any term and condition that may be prescribed under sub-section (1), the employees shall as far as may be practicable, be governed by the rules made or the instructions issued by Government from time to time in respect of Government servants, and shall for all purposes be deemed to be civil servants appointed under the ¹[Khyber Pakhtunkhwa] Civil Servants Act, 1973 (²[Khyber Pakhtunkhwa] Act XVIII of 1973).

6. (1) For a period of ten years from the appointed day, the Corporation shall, notwithstanding the transfer of the hospital to Government, pay to Government a sum of Rs. 5 lacs per annum for the maintenance of the hospital. Contribution of the corporation towards maintenance of the hospital.

(2) The sum payable by the Corporation under sub-section (1) shall be paid by it on or before the 30th September in each year, failing which deduction at source shall be made by Government from the property tax share payable by it to the Corporation.

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

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

7. (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 Corporation respectively, for settlement and adjustment, between the Corporation and Government, of rights, properties, assets, liabilities and obligations of the Corporation in respect of the hospital.

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 amongst 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 Chief Justice of the Peshawar High Court, whose decision thereon shall be final and binding on the parties.

8. 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 Ordinance or any rule or order made thereunder.

Indemnity.

9. For the purpose of carrying into effect the provisions of this Ordinance, 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 hospital in, Government; and

(b) all matters supplemental or incidental to, or consequential upon, such transfer and vesting of the hospital.

10. The provisions of this Ordinance 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.

Provisions to override other laws.

11. Government may make rules for carrying out the

Powers to make rules.

purposes of this Ordinance.

**LIEUTENANT GENERAL FAZLE HAQ
GOVERNOR OF THE KHYBER PAKHTUNKHWA**

**Camp Nathiagali,
dated the
31 July, 1983.**