



## **KHYBER PAKHTUNKHWA**

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### **GOVERNMENT OF KHYBER PAKHTUNKHWA HEALTH DEPARTMENT**

#### **NOTIFICATION**

Peshawar Dated, the 24<sup>th</sup> May, 2021.

**NO. SOH(MTI)/1-1/2020** In exercise of the powers conferred by section 23 of the Khyber Pakhtunkhwa Medical Teaching Institutions Reforms Act, 2015 (Khyber Pakhtunkhwa Act No. IV of 2015), read with sub-section (1) of section 16A thereof, the Government of Khyber Pakhtunkhwa is pleased to direct that in the Khyber Pakhtunkhwa Medical Teaching Institutions Appellate Tribunal Rules, 2020, the following further amendments shall be made, namely:

#### **AMENDMENTS**

1. In rule 3, in sub-rule (1), for clause (b), the following shall be substituted, namely:  
“(b) two members to be appointed in consultation with the Chairman from amongst the retired District and Sessions Judges or lawyers with at least fifteen years practice at the Bar as Advocates of the High Court, who shall have no conflict of interest with the position as members.”.
2. In rule 4, after sub-rule (2), the following new sub-rule (3) shall be added, namely:  
“(3) The Search and Nomination Committee shall propose a panel of three persons to the Chief Minister, Khyber Pakhtunkhwa for appointment as Chairman.”.
3. After rule 4, as so amended, the following new rule shall be inserted, namely:  
“4A. **Remuneration of Chairman and members.**---(1) The remuneration of the Chairman shall be equivalent to the last pay drawn.

(2) In case of other members of the Appellate Tribunal, the remuneration shall be such as may be determined by a Committee to be notified by the Department for the purpose.”.

4. In rule 6,-

(a) in sub-rule (1), the words, brackets, figure and comma “or till attaining the age of sixty eight (68) years, whichever is earlier” appearing at the end shall be deleted.

(b) in sub-rule (2), the words, brackets, figure and comma “or till attaining the age of sixty five (65) years, whichever is earlier” shall be deleted.

(c) in sub-rule (3), the words, brackets, figure and comma “or till attaining the age of sixty eight (68) years, whichever is earlier” shall be deleted; and

(d) in sub-rule (4), the words, brackets, figure and comma “or till attaining the age of sixty five (65) years, whichever is earlier” shall be deleted.

5. In rule 12, after sub-rule (8), the following new sub-rule (9) shall be added, namely,

“(9) Every appeal or application filed in the Appellant Tribunal shall be verified in the manner provided in the code of Civil Procedure, 1908 (*Act No. V of 1908*).”

6. In rule-32 for sub-rule (2), the following shall be substituted, namely:

“(2) The Appellate Tribunal may grant cost to the party in whose favour a judgment is issued.”

7. For rule 49, the following shall be substituted, namely:

**“49. Transfer of Appeals.**---All proceedings pending before the Appellate Authority immediately before the establishment of the Appellate Tribunal shall stand transferred to the Appellate Tribunal. On transfer of proceedings under this sub-rule, the parties shall appear before the Appellate Tribunal on the date previously fixed.”.

**SECRETARY TO GOVT: OF KHYBER PAKHTUNKHWA  
HEALTH DEPARTMENT**

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