

Procedure of Medical Service Committee (Punjab) Rules, 1957

PUNJAB

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Rule

PROCEDURE-OF-MEDICAL-SERVICE-COMMITTEE-PUNJAB-RULES-1 of 1957

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Procedure of Medical Service Committee (Punjab) Rules, 1957Published vide Notification No. 3248/3911-C-Lab-57/28691 Dated 27.5.1957Labour DepartmentNo. 3248/3911-C-Lab-57/28691. - With reference to Punjab Government notification No. 11270-SLP-56/81417, dated the 7th November, 1956, and in exercise of the powers conferred by section 96 of the Employees' State Insurance Act, 1948 (Act XXXIV of 1948), the Governor of Punjab is pleased to make the following rules, which shall come into force with immediate effect :-

1. Short Title.

- These Rules may be called the Procedure of Medical Service Committee (Punjab) Rules, 1957.

2. Meeting of the Committee.

(1)Notice of meeting. - The Medical Service Committee shall met on such day and at such place as may be fixed by the Chairman, or convened by the Secretary. A notice of not less than 7 days from the date of issue shall ordinarily be given to every member. Such notice may be sent by post or in any other suitable manner.(2)If it is necessary to convene an emergent meeting such shorter notice of not less than 48 hours as may be reasonable in the circumstances shall be given to every member.(3)Any two members of the Committee may send a requisition to the Chairman to call a meeting. If the Chairman refuses to call a meeting after such a requisition has been presented to him, or if without so refusing, the Chairman does not call a meeting within two weeks after such requisition has been presented to him, any two members may forthwith call a meeting, giving a notice of not less than 7 days to every member of the Committee.

3. List of Business.

(1) A summon to attend the meeting, specifying the business to be transacted there at, and signed by the Secretary shall be sent by post to the usual place of residence of every member : Provided that want of service of the summons on any member not affect the validity of a meeting : Provided further that in the case of a meeting called by members in default of the Chairman, the summons shall be signed by the requisitioning members. (2) No business other than that for which a meeting is convened shall be conducted at that meeting except with the permission of the Chairman.

4. Chairman of the Meeting.

(1) A Vice-Chairman may be elected who shall continue in office until the expiration of his term of membership. (2) At any meeting the Chairman, if present, will preside. (3) If the Chairman is absent from the meeting, the Vice-Chairman, if present, shall preside. (4) If both the Chairman and Vice-Chairman are absent, such member, as the members present shall choose, shall preside.

5. Quorum.

- No business shall be transacted at a meeting unless at least three members are present : Provided that if at any meeting sufficient number of members are not present to form a quorum the meeting shall stand adjourned to the same place at a time and date to be notified by the Secretary and at such an adjourned meeting it shall be in order to dispose of the business irrespective of the number of members attending.

6. Procedure relating to meetings.

(1) Every question at a meeting shall be determined by a majority of the votes of the members present and voting on the question and in case of an equality of votes, the person presiding at the meeting shall have a casting or second vote. (2) The names of the members present at a meeting shall be recorded. (3) The minutes of the proceedings of the meeting shall be drawn up by the Secretary and entered in a book kept for that purpose and shall be signed at the same or next ensuing meeting by the person presiding thereat after affording the members opportunity to raise objections if in the opinion of any one the minutes written by the Secretary are not correctly recorded. Any minute purporting to be so signed shall be received in evidence without further proof.

7. Procedure relating to investigations.

(1) Any question or matter required to be investigated by the Medical Service Committee should be forwarded to the Secretary. (2) The Secretary shall, as soon as practicable, send to the practitioner as copy of the complaint, statements and any ensuing correspondence on the matter and obtain from him a written statement in his defence. If the Secretary is satisfied that the complaint is trivial, frivolous or vexatious or that the statements of the complainant do not disclose any prima facie ground of complaint, he may dispose of it off without reference to the Committee and inform the

complainant accordingly provided, however, that if the complainant is not satisfied and writes to the Secretary to that effect, the relevant documents will be put up before the next meeting of the Committee. (3) The Committee may dispense with a hearing if they are satisfied with the action of the Secretary. (4) If a hearing is considered necessary, the Secretary shall give to both the parties and the Secretary of the Local Medical Committee, the appropriate officer of the Corporation, the Trade Union or the employer not less than 10 days notice of the meeting at which the case will be heard. (5) The Chairman may upon the application of either part, postpone a hearing if he is satisfied that attendance of the party or any witness on the date fixed for the hearing is not reasonably practicable or for any other reason he thinks fit. (6) The Secretary shall, three clear days before the hearing, supply to each members of the Committee copies of the statement and the reply, if any, thereto and any further correspondence relating to the matter which has taken place between the Secretary and either party. (7) If, in the appoint of the Chairman, any member of the Committee is interested in or is a partner, principal, assistant or manager to a practitioner who is interested in a question referred to them, he may direct that such member shall take no part in the hearing thereof but a deputy having some qualification shall come in his place. (8) (a) Either party shall be entitled to be present at the hearing and to give and call such evidence as the Committee may think relevant to the matter at issue and may put questions relevant to the matter in dispute to either party or to any witness called by him either directly or if the Committee so directs, through the Secretary of the Committee. Subject as aforesaid, the proceeding at the hearing shall be such as the Committee may determine. (b) The complainant will be entitled to be represented through an officer of the registered trade union of which he is a member and if he is not a member of a registered trade union, he will be entitled to be represented through office bearer of any registered trade union. (c) A complainant will also be entitled to be represented by an officer of the Central Trade Union Organisation to which the Union of which he is a member is affiliated, provided such Officer of the Union, ho has been authorised to represent the complainant is not appearing in the capacity of counsel, solicitor or other paid Advocate. (d) The authority to represent the complainant must be in writing. (9) If either party fails to appear at the hearing and the Committee are satisfied that his absence is due to illness or other reasonable cause or if, for any other reasons, the Committee think fit, they may adjourn the hearing. (10) If in the course of a hearing the complainant introduces any issue, which in the opinion of the Chairman is not sufficiently disclosed in the written statement or statements sent to the respondent, it shall be within the discretion of the Chairman to admit or exclude such issue, as the thinks fit, but if the issue is admitted, the hearing will be adjourned if the respondent desires an opportunity of producing further evidence and desires an adjournment for the purpose. (11) The Committee may, when considering their decision exclude from the proceedings the parties and other persons present at the meeting. (12) Where a case has been opened before any Committee and the meeting is adjourned for the purpose of hearing further evidence or for preparing or considering the report, a member of the Committee who was not present at the meeting shall not be entitled to be present and take part in the proceedings at the adjourned meeting.

8. Procedure relating to other Committees.

- The provisions in the foregoing rules shall apply to cases referred to Allocation Committee with the following modifications :-(i) Quorum will consist of two instead of three. (ii) As there is no Secretary for the Allocation Committee, and the Chairman acts as such, where the word 'Secretary' appears in

those provision, the word 'Chairman' will be substituted.