

THE KHYBER PAKHTUNKHWA EMPLOYEES OF HEALTH DEPARTMENT
(REGULARIZATION OF SERVICES) ACT, 2017.

(KHYBER PAKHTUNKHWA ACT NO. VII OF 2017)

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(Extraordinary), dated the 13 March, 2017].

AN
ACT

to provide for the regularization of the services of employees appointed on adhoc or contract basis against civil posts and project posts in the

Khyber Pakhtunkhwa.

PREAMBLE:- WHEREAS it is expedient to provide for regularization of services of doctors, Drug Inspectors and other employees appointed on contract or adhoc basis in Health Department, Government of Khyber Pakhtunkhwa;

It is hereby enacted as follows:-

1. Short title and commencement.---(1) This Act may be called the Khyber Pakhtunkhwa employees of Health Department (Regularization of Services) Act, 2017.

(2) It shall come into force at once.

2. Definitions.--- (1) In this Act, unless the context otherwise requires,-

(a) "Government" means the Government of Khyber Pakhtunkhwa;

(b) "Commission" means the Khyber Pakhtunkhwa Public Service Commission;

(c) "Department" means the Health Department of Government of Khyber Pakhtunkhwa;

(d) "Departmental Selection Committee" means a Departmental Selection Committee constituted for making selection for initial appointment to posts in BPS-16 and below in the Department.

(e) "Project" means:-

(i) Health Sector Reforms Unit (HSRU), Health Department;

(ii) Strengthening of Planning Cell, Health Department;

- (iii) — District Health Information System, Health Department;
- (iv) Independent Monitoring Unit, Health Department, and;
- (v) Strengthening of Rehabilitation of Service of Physically Disabled at Health Department, Khyber Pakhtunkhwa.

(f) “employees” mean those duly qualified persons:-

- (i) who were appointed as District Specialist, Medical Officers, Dental Surgeons and Drug Inspectors on adhoc or contract basis by the Government in the years 2015, 2016 and 2017 but otherwise than in accordance with the prescribed method of recruitment;
- (ii) who were appointed in Saidu Medical College, Swat and Gajju Khan Medical College, Swabi on adhoc or contract basis by the Government in the years 2015, 2016 and 2017 but otherwise than in accordance with the prescribed method of recruitment;
- (iii) | who were appointed on adhoc or contract basis by the Government in Khalifa Gul Nawaz Teaching Hospital Bannu in the year, 2011 in the following cadres but otherwise than in accordance with the prescribed method of recruitment:-
 - (a) Paramedics cadre;
 - (b) Nursing cadre;
 - (c) Computer operator;
 - (d) Photographer;
 - (e) Sub-Engineer, and;
- (iv) | who were appointed in the projects referred to in sub section (1) on adhoc or contract basis in accordance with project policy.

(g) “law or rules” means the law or rules for the time being in force governing the selection and appointment of civil servants;

(h) “posts” means a posts occupied by the employee and is required to be filled on the recommendation of Commission or Departmental Selection Committee.

(2) The expressions, “Adhoc appointment or Contract appointment” shall have the same meaning as respectively assigned to them in the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973).

3. Regularization of services of employees.---- (1) Notwithstanding anything contained in any other law or rules, the employees appointed on contract or adhoc basis and holding the post till the commencement of this Act shall be deemed to have been validly appointed on regular basis from the day of the commencement of this Act.

Provided that;

(i) Where this Act affects the service promotion quota of any service cadre, such employee(s) shall be deemed to have been regularized against the post in the lower grade of such cadre prescribed under the rules for initial recruitment.

(ii) they have not resigned from their services or terminated from service on account of misconduct, inefficiency or any other ground before the commencement of this Act; and

(iii) the services of such employees shall be deemed to have been regularized only on the publication of their names in the Official Gazette.

4. Determination of seniority,--- (1) The employees whose services are regularized under this Act or in the process of attaining services at the commencement of this Act shall rank junior to all civil servants belonging to the same service or cadre, as the case may be, who are in service on regular basis on the commencement of this Act, and shall also rank junior to such other persons, if any, who, in pursuance of the recommendation of the Commission/ Departmental Selection Committee made before the commencement of this Act, are to be appointed to the respective service or cadre, irrespective of the actual date of appointment.

(2) The seniority inters of the employees, whose services are regularized under this Act within the same service or cadre, shall be determined on the basis of their continuous affiliation in such service or cadre;

Provided that if the date of continuous affiliation in the case of two or more employees is the same, the employee older in age shall rank senior to the younger one.

5. Removal of difficulties.--- If any difficulty arises in giving effect to any of the provision of this Act, the Department may give such direction as it may consider necessary for the removal of such difficulty.

6. Overriding effect.--- Notwithstanding anything to the contrary contained in any other law or rules, the provisions of this Act shall have an overriding effect and the provisions of any such law or rules to the extent of inconsistency to this Act shall cease to have effect.