

THE KHYBER PAKHTUNKHWA EXTRA-ASSISTANT COMMISSIONERS-CUM-ILLAQA QAZI (REGULARIZATION OF SERVICES) ACT, 2012.

(KHYBER PAKHTUNKHWA ACT NO. VII OF 2012)

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(KHYBER PAKHTUNKHWA ACT NO. VII OF 2012)

[first published after having received the assent of the Governor of the Khyber Pakhtunkhwa in the Gazette of Khyber Pakhtunkhwa (Extraordinary), dated the 17th March, 2012].

AN
ACT

to provide for the regularization of the services of certain Extra-Assistant Commissioners-cum-Illaqa Qazis appointed on contract basis.

Preamble.---WHEREAS it is expedient to provide for the regularization of the service of certain Extra-Assistant Commissioners-cum-Illaqa Qazis appointed on contract basis, in the public interest;

It is hereby enacted as follows:

1. Short title and commencement.---(1) This Act may be called the Khyber Pakhtunkhwa Extra-Assistant Commissioners-cum-Illaqa Qazi (Regularization of Services)

Act, 2012.

(2) It shall come into force at once.

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

(a) "contract appointment" means appointment of a duly qualified person made otherwise than in accordance with the prescribed method of recruitment;

(b) "employees" means the Extra-Assistant Commissioners-cum-Illaqa

Qazis appointed by Government on contract basis vide Notification No. SOS-II(S&GAD) 2(9)95-II, dated: 23rd July, 1995 and holding the posts of Extra-Assistant Commissioners-cum-Illaqa Qazis on the commencement of this Act and are posted against various posts of

Government;

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

(d) "law or rules" means a law or rules for the time being in force

governing the selection and appointment of Civil Servants or Government Servants; and

(e) "post" means a post in the Civil Service of the Province of the Khyber Pakhtunkhwa or in connection with the affairs of the Province of the Khyber Pakhtunkhwa.

3. Regularization of services of certain employees.---Notwithstanding anything to the contrary contained in any law or rules or in any decree, order or judgment of a Court, employees appointed by Government before the commencement of this Act shall, for all intents and purposes, be deemed to have been validly appointed on regular basis on commencement of this Act and they shall be deemed to be civil servant for the purposes of the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973) and the rules made thereunder:

Provided that employees regularized under this Act may be appointed by transfer on any equivalent post, as the Government may determine, and they shall stand appointed on regular basis to that post and shall reckon seniority from the date of joining that post notwithstanding, anything to the contrary contained in any law or rules:

Provided further that such employees possess the qualification and experience prescribed for the posts to which they are appointed.

4. Determination of seniority.---The inter-se-seniority of the employees, whose services are regularized under this Act within the same service or cadre, shall be determined from the date of their continuous officiation on the said post:

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

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