

THE '[KHYBER PAKHTUNKHWA] EMPLOYEES ON
CONTRACT BASIS (REGULATION OF SERVICES) ACT, 1989

?[KHYBER PAKHTUNKHWA] ACT NO. VIII OF 1989)

PREAMBLE

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‘Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

*Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

3Substituted vide Khyber Pakhtunkhwa Act No. II of 1990.

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THE '[KHYBER PAKHTUNKHWA] EMPLOYEES ON CONTRACT BASIS
(REGULATION OF SERVICES) ACT, 1989

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AN

ACT

to provide for regulation of services of certain employees
appointed on contract basis in Government Departments of the
°[Khyber Pakhtunkhwa].

Preamble.---WHEREAS it is expedient to provide for regulation of services of certain
employees appointed on contract basis in Government Departments of the °[Khyber
Pakhtunkhwa];

It is hereby enacted as follows:

1. Short title, extent and commencement.---(1) This Act may be called the '[Khyber
Pakhtunkhwa] Employees on Contract Basis (Regulation of Services) Act, 1989.

(2) It shall come into force at once.

(3) It shall extend to the whole of the Province of the *[Khyber Pakhtunkhwa].

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

(a) 'Government' means the Government of the °[Khyber Pakhtunkhwa];

(b) "Government Department" means any Department constituted under rule 3

of the Government of the '[Khyber Pakhtunkhwa] Rules of Business,
1985, and does not include any section of a Department or an organization
which is federally funded;

(c) 'Post' means a post in any Government Department; and

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(d) 'Public Service Commission' means the Public Service Commission constituted under the provisions of the '[Khyber Pakhtunkhwa] Public Service Commission Ordinance, 1978 (*[Khyber Pakhtunkhwa] Ordinance No. XI of 1978) hereinafter referred to as Commission.

3. Special provisions regarding employees on contract basis.---Notwithstanding anything contained in sub-section (1) of section 2 of the *[Khyber Pakhtunkhwa] Civil Servants Act, 1973 ('[Khyber Pakhtunkhwa] Act No. XVIII of 1973), any candidate appointed on contract basis in any Government Department against any post on contract basis under section 5 of the *[Khyber Pakhtunkhwa] Civil Servants (Regularization of Services) Act, 1988 ('[Khyber Pakhtunkhwa] Act No. I of 1989) till the commencing day of this Act shall be deemed to have been appointed as a Civil Servant on ad hoc basis, and shall always be deemed to have been so appointed.

714. Regularization of services of certain Civil Servants.---(1) Notwithstanding anything contained in any law for the time being enforce, any Civil Servant, who is or has been appointed or deemed to have been appointed against any post in any Government department under section 3 of this Act shall be deemed to have been regularly appointed from the date of his continuous officiation, subject to eligibility, according to the service rules applicable to the post, verified by the administrative Secretary of the department concerned:

provided that if any Civil Servant is aggrieved regarding his eligibility, he shall have one right of appeal to the Chief Secretary, Government of *[Khyber Pakhtunkhwa], and his decision in the case shall be final:

provided further that if there is any gap in service of any Civil Servant between this enactment and the date of appointment under section 3 of this Act, due to termination of contractual service only, the same shall be deemed to have been condoned as extra ordinary leave without pay.

(2) The inter-se-seniority of the Civil Servants under this Act shall be determined by the Government, according to the service rules in vogue.]

5. Repeal of section 5 of the *[Khyber Pakhtunkhwa] Act No. I of 1988.---Section 5 of the [Khyber Pakhtunkhwa] Civil Servants (Regularization of Services) Act, 1988, (![Khyber Pakhtunkhwa] Act No. I of 1988), is repealed and shall always be deemed to have been so repealed.

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