

THE KHYBER PAKHTUNKHWA MEDICAL OFFICERS AND DENTAL
SURGEONS (REGULARIZATION OF SERVICES) ACT, 2015.

(KHYBER PAKHTUNKHWA ACT NO. XIII OF 2015)

CONTENTS

PREAMBLE

SECTIONS

1. Short title and commencement.
2. Definitions.
3. Regularization of services of certain Medical Officers and Dental Surgeons.
4. Determination of seniority.
5. Overriding effect.

THE KHYBER PAKHTUNKHWA MEDICAL OFFICERS AND DENTAL SURGEONS (REGULARIZATION OF SERVICES) ACT, 2015.

(KHYBER PAKHTUNKHWA ACT NO. XIII OF 2015)

[First published after having received the assent of the Governor of the Khyber Pakhtunkhwa in the Gazette of Khyber Pakhtunkhwa (Extraordinary), dated the 20th March, 2015].

AN
ACT

to provide for the regularization of the services of certain Medical Officers and Dental Surgeons appointed on adhoc and contract basis in various Government hospitals of the Khyber Pakhtunkhwa.

PREAMBLE: WHEREAS the Health Department of the Government of the Khyber Pakhtunkhwa had appointed 503 (five hundred and three) Medical officers and 30 (thirty) Dental Surgeons on Adhoc and Contract basis in various Government Hospitals of the Khyber Pakhtunkhwa from the year 19-04-2011 to 13-12-2013;

WHEREAS it is expedient to provide for the regularization of the services of these Medical Officers and Dental Surgeons in the public interest;

It is hereby enacted as follows:-

1. Short title and commencement.---(1) This Act may be called the Khyber Pakhtunkhwa Medical Officers and Dental Surgeons (Regularization of Services) Act, 2015.

(2) It shall come into force at once.

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

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

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

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

(d) "Medical Officers and Dental Surgeons" mean Medical Officers (BS-17) (General Cadre) and Dental Surgeons (BS-17) appointed by Government on Adhoc and Contract basis against vacant posts in various Government Hospitals of the Khyber Pakhtunkhwa from 19-04-2011 till 13-12-2013; and

(e) "post" means a post of the Medical Officer and Dental Surgeon in various Government Hospitals of the Khyber Pakhtunkhwa and is required to be filled on the recommendation of Commission.

(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 certain Medical Officers and Dental Surgeons.---

(1) Notwithstanding anything contained in any other law or rules, all Medical Officers and Dental Surgeons who were holding the posts till the commencement of this Act, shall be deemed to have been validly appointed to the posts on regular basis from the date of commencement of this Act;

Provided that:

(a) such Medical Officers and Dental Surgeons were appointed against those posts which fall within the ambit of the Commission;

(b) the services of such Medical Officers and Dental Surgeons shall be deemed to have been regularized only on the publication of their names in the Official Gazette;

(c) such Medical Officers and Dental Surgeons possess the qualification and experience prescribed for the posts to which they appointed on regular basis;

(d) the candidates recommended by the Commission till the date of commencement of this Act shall have the first right for appointment against the post instead of Medical Officers and Dental Surgeons to be regularized under this Act; and

(e) such Medical Officers and Dental Surgeons were appointed after observance of all codal formalities/criteria.

4. Determination of seniority.---(1) The Medical Officers and Dental Surgeons whose services are regularized under this Act shall rank junior to all other Medical Officers and Dental Surgeons belonging to the same service or cadre, as the case may be, on regular basis on the commencement of this Act, and shall rank junior to such other Medical Officers and Dental Surgeons, if any, who, in pursuance of the recommendation of the Commission made before the commencement of this Act, are to be appointed to the respective service or cadre, irrespective of their actual date of appointment.

(2) The seniority interse of the Medical Officers and Dental Surgeons, whose services are regularized under this Act within the same service, shall be determined on the basis of their continuous officiating in such service:

Provided that if the date of continuous officiating in the case of two or more Medical Officers and Dental Surgeons is the same, the Medical Officer and Dental Surgeon 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 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.