

THE KHYBER PAKHTUNKHWA ADHOC LECTURERS
(REGULARIZATION OF SERVICES) ACT, 2014.

(KHYBER PAKHTUNKHWA ACT NO. XXII OF 2014)

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AN
ACT

to provide for regularization of the services of certain lecturers appointed on adhoc basis in the Province of the Khyber Pakhtunkhwa.

Preamble: WHEREAS Higher Education, Archives and Libraries Department has appointed on 04.09.2013 upto 30.06.2014, one hundred and ninety-five male and forty-six

female lecturers in various colleges of the Khyber Pakhtunkhwa on adhoc basis;

AND WHEREAS it is expedient to provide for the regularization of the services of these lecturers, in the public interest, for the purposes hereinafter appearing;

It is hereby enacted as follow:

1. Short title and _commencement.- (1) This Act may be called the Khyber Pakhtunkhwa Adhoc Lecturers (Regularization of Service) Act, 2014.

(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) "Department" means the Higher Education, Archives and Libraries Department;

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

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

(e) "lecturer" means an adhoc lecturer appointee by Government on 04.09.2013 on adhoc basis against post in various Government Colleges of the Khyber Pakhtunkhwa; and

(f) "post" means a post of the lecturer in the Department and is required to be filled on the recommendation of the Commission.

(2) The expressions "ad hoc appointment" shall have the same meanings 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 ad hoc lecturers.--- (1) Notwithstanding any thing contained in any law or rule, all lecturers, who were holding the posts till the

commencement of this Act, shall be deemed to have been validly selected and appointed to those posts on regular basis from the date of the commencement of this Act:

Provided that-

(a) such lecturers were appointed against those posts which falls within the ambit of the Commission;

(b) the services of such lecturers shall be deemed to have been regularized under this Act only on the publication of their names in the official Gazette;

(c) such lecturers possess the qualification and experience prescribed for the posts to which they are 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 lecturers to be regularized under this Act; and

(e) such lecturers were appointed after observance of all codal formalities/ criteria.

(2) For the purposes of sub-section (1), the date, on which the recommendation of the Commission is received in the Department, shall be deemed to be the date of recommendation of the Commission.

4. Determination of seniority.-(1) The lecturers whose services are regularized under this Act, shall rank junior to all those belonging to same service or cadre, as the case may be, who are in service on commencement of this Act, and shall also rank junior to such other persons, if in pursuance of the recommendation of the commission made before commencement, to be appointed to the respective service of cadre, irrespective of their actual date of joining the service.

(2) The inter-se-seniority of the lecturers whose service are regularized under this Act shall be determined on the basis of their continuous officiating in service:

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

5. Overriding effect.- Notwithstanding anything to the contrary in any other law or rule for the time being in force, the provision of the Act shall have an overriding effect and the provision of any such law or rule to the extent of inconsistency to this Act shall cease to have effect.