

THE KHYBER PAKHTUNKHWA REGULATION OF LADY HEALTH WORKERS
PROGRAM AND EMPLOYEES (REGULARIZATION AND STANDARDIZATION)
ACT, 2014.

(KHYBER PAKHTUNKHWA ACT NO. XXVI OF 2014)

CONTENTS

PREAMBLE

SECTIONS

a

Short title, application and commencement.

Definitions.

Status of Program.

Regularization.

Mechanism of recruitment for Community Embedded Employees.

Posting, transfer and adjustment of Program employees.

Disciplinary action.

Application of Government rules.

oo ND mW RYN

Public servants.

S

Power to make rules.

a

=

Saving.

XN

Removal of difficulties.

a

Ww

Repeal.

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(KHYBER PAKHTUNKHWA ACT NO. XXVI OF 2014)

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the Khyber Pakhtunkhwa in the Gazette of Khyber Pakhtunkhwa
(Extraordinary), dated the 2nd July, 2014].

AN

ACT

to regulate the status of Lady Health Workers Program
in the Province of the Khyber Pakhtunkhwa and to regularize
and standardize the services of employees of the said program

WHEREAS in pursuance of the Constitution (Eighteenth Amendment) Act, 2010,
the subject of Health has been devolved to the Provinces and as such Lady Health Workers
Program run by Federal Government for supporting the family planning and primary health
care was devolved to the Provinces accordingly;

AND WHEREAS in the Lady Health Workers Program, the community based
workers have a special nature of job, for the execution of which they have to remain
continuously embedded with their local catchment population;

AND WHEREAS it is obligatory to maintain the original concept and design of the
Lady Health Workers Program, to ensure the presence of community embedded employees
for effective service delivery to the people of the area;

AND WHEREAS it is expedient to regulate the status of Lady Health Workers
Program in the Province of the Khyber Pakhtunkhwa and to regularize and standardize the
services of the employees of the said program.

It is hereby enacted as follows:

1. Short title, application and commencement.---(1) This Act may be called the
Khyber Pakhtunkhwa Regulation of Lady Health Workers Program and Employees

(Regularization and Standardization) Act, 2014.

(2) It shall apply to all persons employed or to be employed in Lady Health
Workers Program, in the Province of the Khyber Pakhtunkhwa.

(3) It shall come into force at once except section 4, which shall come in to force
on 1st July, 2012.

2. Definitions.---In this Act, unless there is anything repugnant in the subject or context,-

(a)

"catchment population" means the local population for which a Community Embedded Employee of the Program is appointed or posted and regularly resides therein;

(b) "Community Embedded Employee" means a Program employee residing and working within his defined catchment population for which he was appointed or posted;

(c) "District Program Implementation Unit" means the Management Unit of the Program at District level;

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

(e) "prescribed" means prescribed by rules;

(f) "Program" means the Lady Health Workers Program devolved to the Province and which was previously run by the Federal Government under the name of the National Program for Family Planning and Primary Health Care;

(g) "Program employee" means an employee of the Program, whose service is regularized under this Act and includes persons to be appointed after the commencement of this Act;

(h) "Province" means the Province of the Khyber Pakhtunkhwa;

(i) "Provincial Program Implementation Unit" means the Management Unit of the Program at Provincial level; and

Gj) "rules" means rules made under this Act.

3. Status of Program.---(1) On commencement of this Act, the National Program for

Family Planning and Primary Health Care, shall be deemed to be a Program of Government to be known as the Lady Health Workers Program.

(2) The purpose of the Program shall be to provide preventive, curative, rehabilitative and promotive health care services to the catchment population in the Province.

(3) The Program shall continue for such a period as Government may determine.

(4) After coming into force of this Act, Government may appoint persons to various posts in the Program on contract basis and there shall be no regular appointment in the Program.

(5) The appointment under sub-section (4) shall be made in accordance with the criteria and manner as may be prescribed.

4. Regularization.---(1) On commencement of this Act, all the Program employees, who were appointed in the Program on contract or fixed monthly stipend basis before 1st July 2012, and holding the said post till the commencement of this Act, shall stand regularized with effect from 1st July, 2012:

Provided that the services of such Program employees shall be deemed to have been regularized under this Act only on the publication of their names in the official Gazette:

Provided further that the posts of the Program fallen vacant on account of death, retirement, resignation, dismissal, termination or otherwise shall be filled-in on contract basis.

(2) The Program employees regularized under this Act shall be placed in the relevant Pay Scales corresponding to the civil servants or as may be determined by Government.

(3) The seniority of the Program employees regularized under this Act shall be determined in a manner as may be prescribed.

(4) A Program employee, whose services are regularized under this Act, shall retire from service, on the option of the Program employee and on such date as requested by the Program employee, after completion of twenty five years of qualifying service or on the completion of sixtieth year of age.

(5) A Program employee, whose service is regularized under this Act, shall be entitled to such pensionary and retirement benefits as may be determined by Government.

5. Mechanism _ of recruitment _for Community Embedded _Employees.---(1) For filling a post of Community Embedded Employee, the appointing authority shall cause to

verify and ensure in the prescribed manner that person, who is to be appointed against such post, shall be a regular resident of his catchment population.

(2) The Provincial Program Implementation Unit shall oversee and monitor the process and finding of the verification, carried out by the appointing authority under sub-section (1), before a person is appointed against post of Community Embedded Employee.

(3) The Community Embedded Employee shall perform his duties within the catchment population of his residence; provided that Government may adjust a Community Embedded Employee in another area in certain circumstances to be prescribed.

(4) Notwithstanding anything contained in other provisions of this Act, the services of the Community Embedded Employees, whose services are regularized under this Act, or other Community Embedded Employees to be appointed after the commencement of this Act, shall be liable to termination, if the employee-

(a) has unlawfully ceased to be a regular resident within or has become a non-resident for his catchment population; or

(b) is involved in any other engagement or a practice which is not in accordance with the laid down and approved policy of the Program;
or

(c) has ceased to be efficient in the performance of official duties; or

(d) has proved guilty of gross misconduct.

(5) A Community Embedded Employee, whose service is terminated under sub-clause (a) or (b) of sub-section (4) of this Act may be reinstated into service in a manner as may be prescribed:

Provided that this opportunity of reinstatement shall not be given more than once throughout the tenure of a Community Embedded Employee's service:

Provided further that-

(a) no salary or allowances shall be paid to the re-instated employee for the period spent under termination; and

(b) payment made, if any, to the terminated employee being re-instated, which was not allowed during or for the period spent under termination, is recovered from the employee.

6. Posting, transfer_and_ adjustment of Program employees.---Notwithstanding anything contained in other provisions of this Act, the Program employees, except the

Community Embedded Employees, may be transferred to perform duty anywhere in the Province.

7. Disciplinary action.---Disciplinary cases against the Program employees shall be dealt with in a manner as may be prescribed.

8. Application_of Government _rules.---The Program employees shall be dealt in accordance with the provisions of this Act and rules; provided that if no specific rules are available on any matter, the Government rules shall be applicable to such Program employees.

9. Public servants.---All Program employees shall be deemed to be public servants within the meaning of section 21 of the Pakistan Penal Code, 1860 (Act No. XLV of 1860).

10. Power to make rules.---Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

11. Saving.--- Any rules, orders or instructions in respect of any terms and conditions of services of Program employees duly made or issued by an authority competent to make them and in force immediately before the commencement of this Act shall, in so far as such rules, orders or instructions are not inconsistent with the provisions of this Act, be deemed to be rules made under this Act.

12. Removal of difficulties.---If any difficulty arises in giving effect to any of the provisions of this Act, Government may make such order, not inconsistent with the provisions of this Act, as may appear to be necessary for the purpose of removing the difficulty:

Provided that no such power shall be exercised after the expiry of one year from the commencement of this Act.

13. Repeal.---The Khyber Pakhtunkhwa Regulation of Lady Health Workers Program and Employees (Regularization and Standardization) Ordinance, 2014 (Khyber Pakhtunkhwa Ord. No. VI of 2014) is hereby repealed.