

THE KHYBER PAKHTUNKHWA REGULARIZATION OF SERVICES OF  
TEACHING ASSISTANTS AS LECTURERS ACT, 2017.

(KHYBER PAKHTUNKHWA ACT NO. XXVIII OF 2017)

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(KHYBER PAKHTUNKHWA ACT NO. XXVIII OF 2017)

(First published after having received the assent of the Governor of the Khyber Pakhtunkhwa in the Gazette of the Khyber Pakhtunkhwa, (Extraordinary), dated the 25<sup>th</sup> October, 2017).

AN  
ACT

To provide for regularization of the services of Teaching Assistants as Lecturers appointed in Government Colleges by Higher Education, Archives and Libraries Department in the Province of the Khyber Pakhtunkhwa.

Preamble: WHEREAS Higher Education, Archives and Libraries Department has appointed Teaching Assistants through various notifications from 31.10.2014 till 02.12.2015, whereby 772 (SEVEN HUNDRED AND SEVENTY TWO) incumbents male and female are performing duties as Teaching Assistants in various Government colleges of the Khyber Pakhtunkhwa.

AND WHEREAS it is expedient to provide for the regularization of the services of these Teaching Assistants as Lecturers in pursuance of Call Attention No. 663 moved in the Assembly and Recommendation of Standing Committee for Higher Education, Archives and Libraries Department, which report was adopted by the House (Provincial Assembly of Khyber Pakhtunkhwa) on 28<sup>th</sup> March 2016, in the Public interest, for the purpose hereinafter appearing;

It is hereby enacted as follow:

1. Short title and commencement.- (1) This Act may be called the Khyber Pakhtunkhwa Regularization of Services of Teaching Assistant as Lecturers Act, 2017.

(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 Provincial 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) "Teaching Assistant" means Teaching Assistants appointed by department on fix pay against the vacant post of lecturer.

(f) "Post"means a post of lecturer (BS-17) in the Higher Education Archives and Libraries Department and as required to be filled in, on the recommendation of the Khyber Pakhtunkhwa Public Service Commission.

(2) The expressions "Contract appointment" shall have the 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 Teaching Assistants.—(1) Notwithstanding anything contained in any law or rules all Teaching Assistants who are holding the posts till the commencement of this Act, shall be deemed to have been validly selected and appointed as lecturer to these posts on regular basis from the date commencement of this Act.

Provided that-

(a) Such Teaching Assistants were appointed against those posts which fall within the ambit of the Commission;

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

(c) Such Teaching Assistants possess the qualification and experience prescribed for the post 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 Teaching Assistants to be regularized under this Act; and

(e) Such Teaching Assistants were appointed through due process after conducting a test by EATA on district basis.

(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 Teaching Assistants 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 Teaching Assistants whose services are regularized under this Act shall be determined on the basis of their merit order of Appointment as Teaching Assistants in Higher Education Archives & Libraries Department.

Provided that if the merit order in the case of two or more Teaching Assistants is the same, the Teaching Assistants older in age shall be rank senior to the younger one.

Provided that persons selected for appointment to post in an earlier notification shall rank senior to the persons selected in a later notification.

5. Removal of Difficulties —if any difficulty arises in giving effect to any provision of this Act, Government may make such order not inconsistent with the provision of this Act as may appear to it, to be necessary for the purpose of removing such difficulty.

6. Overriding effect —Notwithstanding anything to the contrary in any other law or rule for the time being in force, the provision of this 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.