

THE KHYBER PAKHTUNKHWA REGULARIZATION OF SERVICES OF
EMPLOYEES OF SETTLEMENT OPERATIONS AND REVENUE
ACADEMY ACT, 2022.
(KHYBER PAKHTUNKHWA ACT NO. XXVIII OF 2022)

CONTENTS

PREAMBLE

CHAPTER-I

PRELIMINARY

1. Short title, application and commencement.

Definitions.

Regularization of services of employees.

Scrutiny Committee.

Determination of seniority.

Removal of difficulties.

IN nuUFYSN

Overriding effect.

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(First published after having received the assent of the Governor of the
Khyber Pakhtunkhwa in the Gazette of the Khyber Pakhtunkhwa,
(Extraordinary), dated the 12th June, 2022).

AN
ACT

to provide for the regularization of services of certain employees appointed on
contract basis against the posts in the Settlement Operations and Revenue Academy

WHEREAS the Revenue and Estate Department has appointed certain
employees on contract basis against the posts in the Revenue Academy and Settlement
Operations for the purpose of Land Settlement in various Districts of the Province of
Khyber Pakhtunkhwa, however, the services of such employees are not regularized like
other employees of Government whose services had been regularized from time to time
through legislation;

AND WHEREAS it is expedient to provide for the regularization of services of
the aforesaid employees, in the public interest;

It is hereby enacted by the Provincial Assembly of Khyber Pakhtunkhwa as
follows:

1. Short title, application and commencement.---(1) This Act may be called the
Khyber Pakhtunkhwa Regularization of Services of Employees of Settlement
Operations and Revenue Academy Act, 2022.

(2) It shall apply to all the employees as defined in clause (b) of section 2 of
this Act.

(3) It shall come into force at once.

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

(a) "contract appointment" means appointment of a duly qualified
person for a specific period made otherwise than in accordance
with the prescribed method of recruitment;

(b) "employees" mean duly qualified persons, who were appointed
on contract basis, against a post, in,-

(i) Settlement Operation Chitral;

(ii) Re-Settlement Operation Abbottabad, Mansehra and
Nowshera; and

(iii) Revenue Academy Peshawar.

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

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

(e) "post" means a temporary post on a regular or current side
budget; and

(f) "Scrutiny Committee" means the Scrutiny Committee constituted under section 4 of this Act.

3. Regularization of services of employees.--- (1) Notwithstanding anything contained in any law or rules, the employees, who holds posts till the commencement of this Act, shall be deemed to have been validly appointed, on regular basis, from the date of their initial appointment, subject to verification of their qualifications and other credentials by the Security Committee.

(2) For the purpose of regularization of the employees under this Act, the following general conditions shall be observed, namely:

(a) the service promotion quota of all service cadres shall not be affected;

(b) the employees shall possess the same qualification and

experience as required for a regular post;

(c) the employees have not resigned from their services or terminated from service on account of misconduct, inefficiency or any other grounds, before the commencement of this Act; and

(d) the services of such employees shall be deemed to have been regularized only on the publication of their names in the official Gazette.

(3) On regularization:

(a) the employees at sub-clause (i) of clause (b) of section 2 of this Act shall be adjusted against the equivalent posts on revenue side in District Chitral (Upper and Lower);

(b) the employees at sub-clause (ii) of clause (b) of section 2 of this Act shall be adjusted by creating a separate Settlement dying cadre; and

(c) the employees at sub-clause (iii) of clause (b) of section 2 of this Act shall be adjusted against the posts held by them in the Revenue Academy.

4. Scrutiny Committee.--- There shall be a Scrutiny Committee, which shall consist of the following, namely:

(a) Secretary to Government, Chairperson
Revenue and Estate Department;

(b) Director, Land Record; Member

(c) arepresentative of the Establishment Member
Department of Government not below the
rank of Deputy Secretary; and

(d) a representative of the Finance Department Member

of Government not below the rank of Deputy

Secretary.

5. Determination of seniority.---The seniority inter-se of the employees, whose services are regularized under this Act within the same service or cadre, shall be determined as per provisions of the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973) and rules made thereunder.

6. Removal of difficulties.---If any difficulty arises in giving effect to any of the provisions of this Act, the Chief Minister of Khyber Pakhtunkhwa may make such order, not inconsistent with the provisions of this Act, as may appear to him to be necessary for the purpose of removing such difficulty.

7. 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.