

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

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ACADEMY ACT, 2022.
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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) a representative 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.