

(REGULARIZATION OF SERVICES) ACT, 2022.

(KHYBER PAKHTUNKHWA ACT NO. XXIV OF 2022)

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* Substituted vide Khyber Pakhtunkhwa Act No. XLII of 2022.

THE KHYBER PAKHTUNKHWA EMPLOYEES OF TRANSPORT DEPARTMENT
(REGULARIZATION OF SERVICES) ACT, 2022.
(KHYBER PAKHTUNKHWA ACT NO. XXIV OF 2022)

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

AN
ACT

to provide for the regularization of the services of employees appointed on contract/fixed pay basis against the project posts of Establishment of Transport Inspection Stations in Khyber Pakhtunkhwa (TIS) and Peshawar Bus Terminal (PBT) employees in the Transport & Mass Transit Department, Khyber Pakhtunkhwa.

PREAMBLE.---WHEREAS it is expedient to provide for the regularization of services of employees of ADP project "Establishment of Transport Inspection Stations in Khyber Pakhtunkhwa (TIS)" and Peshawar Bus Terminal (PBT) on contract/fixed pay employees, in the public interest:

It is hereby enacted as follows:

1. Short title and commencement.---(1) This Act may be called the Khyber Pakhtunkhwa Employees of Transport Department (Regularization of Services) Act, 2022.

(2) It shall come into force at once:

2. Definitions.----- (1) In this Act, unless the context otherwise requires.-

(a) "ADP" means Annual Development Programme Project, falls against the code "160147" having name Establishment of Transport Inspection Stations in Khyber Pakhtunkhwa (TIS) in Transport Department respectively:

(b) "TIS employees" means those employees who were appointed by the Government of contract/fixed pay basis in Establishment of Transport

Inspection Stations in Khyber Pakhtunkhwa Project, under respective ADP:

(c) "PBT employees" means those employees who were appointed by the Road Transport Board on contract/fixed pay basis in Peshawar Bus Terminal:

(d) "Department" means the Transport & Mass Transit Department of Government:

(e) "Government" means the Government of the Khyber Pakhtunkhwa.

(f) "law or rule" means the law or rule for the time being enforced governing the selection and appointment of this Act:

(g) "Post" means the post of contract employee under the ADP and are required to be regularized upon commencement of this Act:

(h) "Project" means the ADP of Establishment of Transport Inspection Stations in Khyber Pakhtunkhwa in Transport Department: and

(i) "Project Post" means a post in the ADP project.

(2) The expression "contract appointment" shall have the same meaning 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 TIS Employees.---Notwithstanding anything contained in any law or rule. all TIS employees appointed on contract/fixed pay basis holding the project post since January 2018 under the ADP shall be deemed to have been so validly appointed to those posts on regular basis from the date of commencement of this Act, in the Basis Pay Scale of the posts as initially appointed:

Provided further that those TIS employees in their Basic Pay Scales. who are appointed on regular basis under this Act, for their further posting would be on the strength of Directorate of Transport & Mass Transit, Khyber Pakhtunkhwa.

214. Regularization of Services of PBT Employees.---Notwithstanding anything contained in any law or rule, Senior Administrator (BPS-18), Administrator (BPS-17), Manager (BPS-17), Engineers (BPS-17), Deputy Manager (BPS-16), Assistant Network Administrator (BPS-16), Assistant Database Administrator (BPS-16), Assistant Public Relation Officer (BPS-16), Assistants, Computer Operators, Sub Engineers, Junior Clerks, Security Guards, Drivers and Naib Qasids employees of PBT appointed on contract/fixed pay basis holding the post shall be deemed to have been so validly appointed as civil servants, to those posts on regular basis from the date of commencement of this Act, in the Basic Pay Scale of the post as initially appointed:

Provided further that those PBT employees in their Basis pay Scales, who are appointed on regular basis under this Act, would be employees of Directorate of Transport & Mass Transit, Khyber Pakhtunkhwa, as civil servants.]

5. Determination of Seniority.----- (1) The TIS employees, who are appointed under this Act, shall rank junior to all other employees, belonging to the same service or cadre, as the case may be, who are in service on regular basis on the commencement of this Act, in the Department.

> Substituted vide Khyber Pakhtunkhwa Act No. XLIII of 2022.

(2) The seniority inter se of TIS employees, whose services are regularized under this Act, within the same service or cadre, shall be determined on the basis of their continuous officiation in such service or cadre:

Provided that if the date of continuous officiation in the case of two or more TIS employees is the same, the employee older in age shall rank senior to the younger one.

(3) The PBT employees, who are appointed under this Act, shall rank junior to all other employees, belonging to the same service or cadre, as the case may be, who are in service on regular basis on the commencement of this Act, in the Department.

(4) The seniority inter se of the PBI employees, whose services are regularized under this Act, within the same service or cadre, shall be determined on the basis of their continuous officiation in such service or cadre:

Provided that if the date of continuous officiation in the case of two or more PBT employees is the same, the employee older in age shall rank senior to the younger one.

6. 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 provisions of this Act, as may appear to it to be necessary for the purpose of removing such difficulty.

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