

THE KHYBER PAKHTUNKHWA MEDICAL OFFICERS OF HEALTH
DEPARTMENT (REGULARIZATION OF SERVICES) ACT, 2022.

(KHYBER PAKHTUNKHWA ACT NO. XXXIII OF 2022)

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DEPARTMENT (REGULARIZATION OF SERVICES) ACT, 2022.

(KHYBER PAKHTUNKHWA ACT NO. XXXIII OF 2022)

(First published after having received the assent of the Governor of the
Khyber Pakhtunkhwa in the Gazette of the Khyber Pakhtunkhwa,
(Extraordinary), dated the 3rd August, 2022).

AN
ACT

to provide for the regularization of the services of certain Medical Officers
appointed on contract basis against civil posts in the Health Department,
Government of the Khyber Pakhtunkhwa.

WHEREAS, it is expedient to provide for regularization of services of
certain Medical Officers appointed on contract basis in Health Department,
Government of Khyber Pakhtunkhwa;

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

1. Short title and commencement.---(1) This Act may be called the Khyber
Pakhtunkhwa Medical Officers of Health 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) "Commission" means the Khyber Pakhtunkhwa Public
Service Commission;

(b) "Department" means the Health Department of
Government;

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

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

(e) "Medical Officers" mean those duly qualified persons, who were appointed as Medical Officers on contract basis by the Government in the year 2020 and 2021 and having valid registration from the Pakistan Medical Commission (PMC), at the time of their appointment;

(f) "post" means a post occupied by a Medical Officer in connection with the affair of the Province and is required to be filled on the recommendation of Commission.

(2) The expressions, "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 Medical Officers.--- (1) Notwithstanding anything contained in any other law or rules, all the Medical Officers appointed on contract basis and holding the posts till the commencement of this Act, shall be deemed to have been validly appointed on regular basis from the day of commencement of this Act, subject to verification of their qualifications and other credentials by the Department.

(2) The Medical Officers, whose services are regularized under this Act, shall:

(i) in lieu of pension and gratuity, be entitled to participate in the Contributory Provident Fund, as provided in sub-section (2) of section 19 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973) and rules made thereunder; and

(ii) in lieu of seniority and pay, be entitled to calculation of the same effective from the date of initial ad-hoc appointment.

4. General conditions for regularization.---For the purpose of regularization of the Medical Officers under this Act, the following general conditions shall be observed, namely:

(a) the service promotion quota of all existing Medical Officers shall not be affected;

(b) the Medical Officers shall possess the same qualification and experience as required for a regular post;

(c) the Medical Officers 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;

(d) Medical Officers have valid registration from the Pakistan Medical Commission (PMC), at the time of their appointment on contract basis;

(e) they have not been recruited by the private partner of Health Department through Public Private Partnership mode;

(f) they are not employed through Accelerated Implementation Program (AIP Scheme); and

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

5. Seniority.--- The seniority inter-se of the Medical Officers, 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 Medical Officers is the same, the Medical Officers older age shall rank senior to the younger one.

6. Removal of difficulties.---If any difficulty arises in giving effect to any of the provision of this Act, the Chief Minister may give such directions, as he may consider necessary for the removal of 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 law or rules to the extent of inconsistency to this Act, shall cease to have effect.