

THE KHYBER PAKHTUNKHWA REGULARIZATION OF SERVICES OF EMPLOYEES OF DISTRICT GOVERNANCE AND COMMUNITY DEVELOPMENT PROJECT ACT, 2022.

(KHYBER PAKHTUNKHWA ACT NO. XLV OF 2022)

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AN
ACT

to provide for the appointment and regularization of services of employees of District Governance and Community Development Project in the Province of Khyber Pakhtunkhwa.

WHEREAS it is expedient to provide for the appointment and regularization of services of employees of District Governance and Community Development Project in the Province of Khyber Pakhtunkhwa;

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

1. Short title, application and commencement.---(1) This Act may be called the Khyber Pakhtunkhwa Regularization of Services of Employees of District Governance and Community Development Project Act, 2022.
- (2) It shall apply to all the employees as defined in clause (e) 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) "Commission" means the Khyber Pakhtunkhwa Public Service Commission;

(b) "contract appointment" means the appointment of duly qualified person, for a specific period, made against a project post;

(c) "Department" means the Local Government, Elections and Rural Development Department of Government;

(d) "Departmental Selection Committee" means a Departmental Selection Committee, constituted for the purpose of making selection for initial recruitment to civil post under the

Department;

(e) "employee" means an employee, appointed on contract basis in the project, who possesses the required qualification and experience;

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

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

(h) "project" means the Khyber Pakhtunkhwa District Governance and Community Development Project(ADP No. 130567); and

(i) "project post" means a post in project.

3. Appointment and regularization of services of employees.---(1)

Notwithstanding anything contained in any other law or rules for the time being in force, the employees, who hold project posts till the commencement of this Act, shall be deemed to have been validly appointed on regular basis from the commencement of this Act, subject to verification of their qualifications and other credentials by the Department under sub-section (4).

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

(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 the service 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) The employees, on their regularization under this Act, shall, in lieu of pension and gratuity, be entitled to receive such amount contributed by them towards the Contributory Provident Fund, along with the contributions made by Government to their account in the said Fund, as prescribed under the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973).

(4) For the purpose of scrutiny of all the credentials, including record of initial recruitment of the employees, and to decide their adjustment or regularization to the relevant cadre before issuance of the regularization order, there shall be a Scrutiny Committee, consisting of the following:

(a) Secretary, Local Government, Elections and Rural Chairman Development Department;

(b) Director General, Local Government, Elections and Member Rural Development, Khyber Pakhtunkhwa;

(c) a representative of the Establishment and Member Administration Department of Government;

(d) a representative of the Finance Department of | Member Government; and

(e) a representative of the Planning and Development | Member

Department of Government.

4. Determination of seniority.---(1) All employees, whose services are regularized under this Act, shall rank junior to all civil servants 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, and shall also rank junior to such other persons, if any, who, in pursuance of the recommendation of the commission or Departmental Selection Committee, as the case may be, made before the commencement of this Act, are to be appointed to the respective service or cadre, irrespective of their actual date of appointment.

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

5. Assets and record of the project.---Soon after the commencement of this Act, all the record, service profiles and assets of project shall, invariably, be handed over to Directorate General, Local Government, Elections and Rural Development, Khyber Pakhtunkhwa.

6. Removal of difficulties.---If any difficulty arises in giving effect to any of the provisions of this Act, the Chief Minister, Khyber Pakhtunkhwa, 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 rules for the time being in force, 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.