

THE KHYBER PAKHTUNKHWA SAFE BLOOD TRANSFUSION PROJECT
(PHASE-IT) EMPLOYEES (REGULARIZATION OF SERVICES) ACT, 2022.

(KHYBER PAKHTUNKHWA ACT NO. XXXIV OF 2022)

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THE KHYBER PAKHTUNKHWA SAFE BLOOD TRANSFUSION PROJECT
(PHASE-IT) EMPLOYEES (REGULARIZATION OF SERVICES) ACT, 2022.

(KHYBER PAKHTUNKHWA ACT NO. XXXIV 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 services of the employees appointed on contract basis against project posts in the Safe Blood Transfusion Project (Phase-II), of the Health Department, Government of Khyber Pakhtunkhwa.

WHEREAS it is expedient to provide for the regularization of services of employees appointed on contract basis in the Safe Blood Transfusion Project (Phase-II), Health Department, Government of Khyber Pakhtunkhwa for Regional Blood Centers Abbottabad, Dera Ismail Khan and Swat respectively, 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 Safe Blood Transfusion Project (Phase-II) Employees (Regularization of Services) Act, 2022.

(2) — It shall apply to all the project employees as defined in clause (h) of sub-section (1) of section 2 of this Act.

(3) — 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) "Departmental Selection Committee" means the Departmental Selection Committee constituted for the purpose of selection of persons for initial recruitment to a civil post in the Department or its Attached Department;

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

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

(f) "project" means the Safe Blood Transfusion Project

(Phase-II), of the Department;

(g) "project post" means a post in the project; and

(h) "project employees" means duly qualified persons, who were appointed in the project on contract basis in accordance with the project policy, and who possess the prescribed qualification, training, and experience for the said post at the time of such appointment.

(2) The expression "Contract appointment" shall have the same meaning as assigned to it in the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973).

3. Regularization of services of project employees.---Notwithstanding anything contained in any other law or rules, all the project employees appointed against project posts and holding such project posts till the commencement of this Act, shall be deemed to have been appointed on regular basis from the date of commencement of this Act, subject to verification of their qualifications and other credentials by the Department.

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

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

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

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

5. Seniority.---(1) The project 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 project 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

project employees is the same, the Project employee 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.