

**A
Bill**

To provide for the regularization of the services of employees appointed on contract or fixed pay basis of Creation of Planning and Monitoring Cell as well as Operationalization of Re-Designed Energy and Power Department, Khyber Pakhtunkhwa

PREAMBLE.--- *WHEREAS* it is expedient to provide for the regularization of services of projects Creation of Planning and Monitoring Cell as well as Operationalization of Re-Designed of Energy and Power Department employees appointed on contract or fixed pay basis in Energy and Power Department, Government of Khyber Pakhtunkhwa;

It is hereby enacted as follows:

1. Short title and commencement. --- (1) This Act may be called the Khyber Pakhtunkhwa employees of Energy and Power Department (Regularization of Services) Act, 2017.

(2) It shall come into force at once.

2. Definitions. --- (1) In this Act, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, that is to say,-

- (a) "Government" means the Government of Khyber Pakhtunkhwa;
- (b) "Commission" mean the Khyber Pakhtunkhwa Public Service Commission;
- (c) "Department" means the Energy and Power Department of the Government of Khyber Pakhtunkhwa;
- (d) "Departmental Selection Committee" means a Departmental Selection Committee constituted for making selection for initial appointment.
- (e) "Project" means;
 - i. Creation of Planning and Monitoring Cell ADP (code # 90137) project;
 - ii. Operationalization of Re-Designed Energy and Power Department ADP (code # 130330) project.
- (f) "employees" mean those duly qualified persons;
 - (i) who were appointed in Creation of Planning and Monitoring Cell ADP project as well as Operationalization of Re-Designed of Energy and Power Department ADP project;
 - (ii) who were appointed on contract or fixed pay during the period from 2003 to 2013 in Energy and Power Department, Government of Khyber Pakhtunkhwa;

(iii) who were appointed in the following cadres but otherwise than in accordance will the prescribed method of recruitment:-

- a) Chief Planning Officer (BPS-19);
- b) Planning Officer (Power) (BPS-17);
- c) Planning Officer (IT) (BPS-17);
- d) Assistant Manager RE (Wind)(BPS-17);
- e) Assistant Manager RE (Solar)(BPS-17);
- f) Assistant Manager Hydel (Regulation)(BPS-17);
- g) Assistant Manager Hydel (Policy) (BPS-17);
- h) Computer Operator (02) (BPS-16);
- i) Driver 02 (BPS-04);
- j) Naib Qasid 02 (BPS-01), and

(iv) who were appointed in the projects referred to in sub section (i) on contract or fixed pay basis in accordance with project policy.

- g) "law or rule" means the law or rule for the time being in force governing the selection and appointment of civil servants;
- h) "Post" means a post occupied by the employees and is required to be filled on the recommendations of the Commission or the Departmental Selection Committee.

(2) The expression "contractual appointment or fixed pay" 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 employees,--- (1) Notwithstanding anything contained in any other law or rules, the employees appointed on contract or fixed pay basis and holding the post till the commencement of this Bill shall be deemed to have been validly appointed on regular basis from the day of the commencement of this Bill.

Provided that;

- (i) Where this Bill affects the services promotion quota of any service cadre, such employee(s) shall be deemed to have been regularized against the post in the lower grade of such cadre prescribed under the rules for initial recruitment.
- (ii) they have not resigned from their services or terminated from service on account of misconduct, inefficiency or any other ground before the commencement of this Bill; and
- (iii) the services of such employees shall be deemed to have been regularized only on the publication of their names in the Official Gazette.

4. Determination of seniority,---(I) The employees, whose services are regularized under this Bill or in the process of attaining services at the commencement of this Bill 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 Bill, and shall also rank junior to such other persons, if any, who, in pursuance of the recommendation of the Commission or the Departmental Selection Committee made before, the commencement of this Bill, are to be appointed to the respective service or cadre, irrespective of the actual date of appointment.

(2) The seniority inters of the employees, whose services are regularized under this Bill, within the same service or cadre, shall be determined on the basis of their continuous affiliation in such service or cadre;

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

5. **Removal of difficulties.**---If any difficulty arises in giving effect to any of the provision of this Bill, the Department may give such direction as it may consider necessary for the removal of such difficulty.

6. **Overriding effect.**---Notwithstanding anything to the contrary contained in any other law or rules, the provisions of this Bill shall have an overriding effect and the provisions of any such law or rules to the extent of inconsistency to this Bill shall cease to have effect.

STATEMENT OF OBJECTS AND REASONS

The bill is proposed to regularize the services of the existing staff of Creation of Planning and Monitoring Cell as well as Operationalization of Re-Designed Energy and Power Department working on contract/ fixed pay basis. Following are the reasons for the promulgation of the above bill.

a. In Energy and Power Department Creation of Planning and Monitoring Cell as well as Operationalization of Re-Designed Energy and Power Department arrangements were inadequate to examine, evaluate and appraise the feasibility reports and PC-Is of major Energy sector projects, evaluate the progress of development schemes and physically monitoring and the implementation of these projects. The creation of the above Cells in the department has solved the above problems up to a great extent.

b. Due to creation of these cells planning of many projects have been boosted up like Hydro power, Oil and Gas and Alternate energy those are included in annual development plan. Apart from the above the cells also contribute their efforts for giving technical assistant to all provincial Departments in development of power based process.

c. For the long term purpose the continuation of these Cells on regular basis is quite essential so that developmental plans/ strategies could be formulated, implemented, monitored and evaluated in the best interest of the province. Keeping in view the requirement of the Planning and Monitoring Cell and Operationalization of Re-Designed Energy and Power Department in the department and on the recommendation of the Planning and Development as well as Energy and Power department. The Finance Department after approval the Bill will, sanction regular posts in the budget for the staff working in the projects. It would be a wise decision not to lose these experienced and highly qualified staff in the best public interest.

Handwritten signature and date: 04.05.17

BAKHT BAINAR KHAN
Member Provincial Assembly
Khyber Pakhtunkhwa PK-97

MEMBER-IN-CHARGE
Provincial Assembly
Khyber Pakhtunkhwa
MAHMOOD JAN
Chairman Standing Committee Health

Handwritten signature: Zareen Gul Khan

Zareen Gul Khan
Member Provincial Assembly
Chairman DDAC Distt: Torghar

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