

A BILL

to provide for the regularization of services of the Zakat Internal Audit Staff, appointed on contract cum fixed pay basis.

Preamble.- WHEREAS it is expedient to provide for regularization of the services of the Zakat Internal Audit Staff, appointed on contract cum fixed pay basis, in the public interest, for the purposes hereinafter appearing;

It is hereby enacted as follows:

1. Short title and commencement.--- (1) This Act may be called the Khyber Pakhtunkhwa Zakat Internal Audit Staff (Regularization of Services) Act, 2015.

(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) "contract appointment" means appointment of a duly qualified person made otherwise than in accordance with the prescribed method of recruitment;
- (c) "Government" means the Government of Khyber Pakhtunkhwa;
- (d) "Zakat and Ushr Department" means Zakat and Ushr department Constituted under rule 3 of the Khyber Pakhtunkhwa Government Rules of Business, 1985;
- (e) "law" or rule" means the law or rule for the time being in force governing the selection and appointment of civil servants;
- (f) "post" means a post under Government or in connection with the affairs of Government to be filed in on the recommendation of the Commission or a Committee or body constituted for the purpose, as the case may be; and
- (g) "Zakat Internal Audit Staff" mean those employees of Tibb and Homeopathic whose posts were converted to regular budget in 2010.

(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 Zakat Internal Audit Staff.- All the staff of the Zakat Internal Audit Team, appointed on contract cum fixed pay basis by the Ushr and Zakat department, and holding posts since first May, 2003, or till the commencement of this Act, shall be deemed to have validly been appointed on regular basis, having the same qualification and experience for a regular post.

4. Determination of Pay Scale.- (1) The Internal Audit Staff, whose services are regularized under this Act or in the process of attaining service at the commencement of this Act, shall be placed on Basic Pay Scale, given as under:

- (1) Audit Officer (district, divisional and provincial level (BPS-17);
- (2) Auditor (BPS-16);
- (3) Audit Assistant (BPS-14); and
- (4) Junior Clerk (BPS-11).

5. Determination of seniority.- (1) The Internal Audit Staff, whose services are regularized under this Act or in the process of attaining service at the commencement of 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 Committee, or body, constituted for the purpose, 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 interse of the 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 employees, is the same, the employee older in age shall rank senior to the younger one.

5. Overriding effect.- Notwithstanding any thing 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 inconsistency to this Act shall cease to have effect.

STATEMENT OF OBJECTS AND REASONS

It is desirable to regularize the services of the Zakat Internal Audit Staff, highly qualified, working on contract basis from ten to eleven years, getting meager remuneration, Hence, this Bill.

1. **Sardar Aurangzeb Nalotha, MPA**
2. **Mr. Shah Hussain Khan, MPA**
3. **Jafar Shah, MPA**