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AN
ACT

to provide for the appointment of certain Tibb and Homeopathic employees on regular basis.

WHEREAS Health Department had appointed certain Tibb and Homeopathic employees in the Project Establishment of Homeo Tibb-E-Islami dispensers in the Province of the Khyber Pakhtunkhwa 2007.

AND WHEREAS, certain Tibb and Homeopathic employees of grade 16 and 17 working in the Project were regularized by Government through the Khyber Pakhtunkhwa Tibb and Homeopathic Employees (Regulation of Services) Act, 2014 (Khyber Pakhtunkhwa Act No. VII of 2014) against various sanctioned posts on regular basis, leaving other employees of Tibb and Homeopathic in grade 14 and below working in the same Project;

AND WHEREAS, it is expedient to consolidate the laws relating to the appointment of all employees of Tibb and Homeopathic for uniformity and removal of doubts;

It is hereby enacted as follows:

1. **Short title, and commencement.**---(1) This Act may be called the Khyber Pakhtunkhwa Tibb and Homeopathic Employees (Appointment) Act, 2016.

(2) It shall come into force-

- (a) with respect to employees mentioned in sub-clause (i) of clause (b) of section 2, from the commencement of the Khyber Pakhtunkhwa Tibb and Homeopathic Employees (Regulation of Services) Act, 2014 (Khyber Pakhtunkhwa Act No. VII of 2014); and
- (b) with respect to employees mentioned in sub-clause (ii) of clause (b) of section 2, at once.

2. **Definitions.**---In this Act, unless the context otherwise requires -

- (a) "Department" means the Health Department of Government;
- (b) "employees" mean-
 - (i) those Tibb and Homeopathic employees in grade 16 and 17, who are holding various posts in Project till 30th June, 2010 and which posts were later on converted to regular budget in the year 2010; and
 - (ii) those Tibb and Homeopathic Employees in grade 14 and below, who were holding various posts in the Project till 30th June, 2010 and which posts were later on converted to regular budget in the year 2015;

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- (c) "Government" means the Government of Khyber Pakhtunkhwa;
- (d) "law or rules" means the law or rules for the time being enforced governing the selection and appointment of civil servants;
- (e) "posts" means those posts of employees which were sanctioned by the Finance Department on current scale in the year 2010 and 2015; and
- (f) "Project" means Establishment of Homeo Tibb-E-Islami dispensers in the Province of the Khyber Pakhtunkhwa 2007.

3. **Appointment of certain employees on regular basis.**---Notwithstanding anything contained in any law or rules-

- (a) all employees mentioned in sub-clause (i) of clause (b) of section 2 of this Act, shall be deemed to have been validly appointed to posts duly sanctioned by the Finance Department in the year 2010, on regular basis, from the commencement of the Khyber Pakhtunkhwa Tibb and Homeopathic Employees (Regulation of Services) Act, 2014 (Khyber Pakhtunkhwa Act No. VII of 2014); and
- (b) all employees mentioned in sub-clause (ii) of clause (b) of section 2 of this Act, shall be deemed to have been validly appointed to posts duly sanctioned by the Finance Department in the year 2015, on regular basis from the commencement of this Act:

provided that-

- (i) the employees have the same qualifications and experience as required for the posts to which they are appointed on regular basis;
- (ii) the employees have been performing their duties till the commencement of this Act; and
- (iii) 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 Act.

4. **Determination of seniority.**---(1) The employees whose services are regularized under this Act shall rank junior to all those employees belonging to same service or cadre as the case may be, who are in service on regular basis, on the commencement of this Act.

(2) The inter se seniority of the employees whose services are regularized under this Act shall be determined on the basis of their continuous officiating in service:

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Provided that if the date of continuous officiating 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 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 such law or rules to the extent of inconsistency to this Act, shall cease to have effect.

6. **Repeal and saving.**---(1) The Khyber Pakhtunkhwa Tibb and Homeopathic employees (Regulation of Services) Act, 2014 (Khyber Pakhtunkhwa Act No. VII of 2014) is hereby repealed.

(2) Notwithstanding the aforesaid repeal, anything done, action taken and notifications or orders issued under the aforesaid Act, shall, in so far as it is not inconsistent with the provisions of this Act, be deemed to have been done, taken or issued under this Act and shall have effect accordingly.

BY ORDER OF MR. SPEAKER
PROVINCIAL ASSEMBLY OF KHYBER
PAKHTUNKHWA

(AMANULLAH)
Secretary
Provincial Assembly of Khyber Pakhtunkhwa