



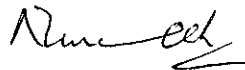
PROVINCIAL ASSEMBLY OF KHYBER PAKHTUNKHWA

NOTIFICATION

Dated Peshawar, the 26/10/2016.

No.PA/Khyber Pakhtunkhwa/Bills/2016/ 11616 In pursuance of the provision contained in rule 81 of the Provincial Assembly of Khyber Pakhtunkhwa Procedure and Conduct of Business Rules, 1988, the Khyber Pakhtunkhwa Regularization of Services of Teaching Assistants as Lecturers Bill, 2016 as introduced in the Provincial Assembly of Khyber Pakhtunkhwa on 24th October, 2016 is hereby published for general information.

(Here print as in the accompaniment).


(AMANULLAH)
Secretary,

Provincial Assembly of Khyber Pakhtunkhwa.

The Manager, Government
Printing Press, Peshawar

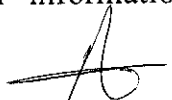
For publication in the Gazette of Khyber
Pakhtunkhwa, extraordinary bearing the same
date. One copy may be supplied to this
Secretariat


Assistant Secretary-X,

Provincial Assembly of Khyber Pakhtunkhwa

E.No. PA/Khyber Pakhtunkhwa /Bills/2016/ 11617 Dated 26/10/2016

A copy of the above is forwarded to the Director I.T/Special Secretary
Provincial Assembly of Khyber Pakhtunkhwa for information and necessary
action, please.


Assistant Secretary-X,
Provincial Assembly of Khyber Pakhtunkhwa

A
BILL

To provide for regularization of the services of Teaching Assistants as Lecturers appointed in Government Colleges by Higher Education, Archives and Libraries Department in the Province of the Khyber Pakhtunkhwa.

Preamble: WHEREAS Higher Education, Archives and Libraries Department has appointed Teaching Assistants through various notifications from 31.10.2014 till 02.12.2015, whereby 862 (EIGHT HUNDRED AND SIXTY TWO) incumbents male and female are performing duties as Teaching Assistants in various Government colleges of the Khyber Pakhtunkhwa;

AND WHEREAS it is expedient to provide for the regularization of the services of these Teaching Assistants as Lecturers in pursuance of Call Attention No. 663 moved in the assembly and Recommendation of Standing Committee for Higher Education, Archives and Libraries Department, which report was adopted by this house (Provincial Assembly of Khyber Pakhtunkhwa) on 28th March 2016, in the public interest, for the purposes hereinafter appearing;

It is hereby enacted as follow:

1. Short title and commencement.- (1) This ^{Act} ~~Bill~~ may be called the Khyber Pakhtunkhwa Regularization of Services of Teaching Assistants as Lecturers ^{Act} ~~Bill~~, 2016.

(2) It shall come into force at once.

2. Definitions.- (1) In this ^{Act} ~~Bill~~, unless the context otherwise requires,-

- a) "Commission" means the Khyber Pakhtunkhwa Public Service Commission;
- b) "Department" means the Higher Education, Archives and Libraries Department;
- c) "Government" means the Provincial Government of the Khyber Pakhtunkhwa;
- d) "law or rule" means the law or rule for the time being in force governing the selection and appointment of civil servants;
- e) "Teaching Assistants" means Teaching Assistants appointed by department on contract basis for a period of two years.

(2) The expressions "Contract appointment" shall have the same meanings 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 Teaching Assistants as lecturers.--- (1) Notwithstanding anything contained in any law or rule, all Teaching Assistants shall deemed to be contract lecturers and are hereby regularized as Lecturers, who were performing duties and holding the posts of teaching assistant in department till the commencement of this ^{Act} ~~Bill~~, shall be deemed to have been validly selected and appointed as lecturers to those posts on regular basis from the date of the commencement of this ^{Act} ~~Bill~~.

Provided that-

- (a) Such Teaching Assistants were appointed against those posts which fall within the ambit of the Commission;
- (b) The services of such Teaching Assistants shall be deemed to have been regularized to the post (lecturers) under this ^{Act} ~~Bill~~ only on the publication of their names in the official Gazette;
- (c) Such lecturers possess the qualification and experience prescribed for the posts to which they are appointed on regular basis;

(d) The candidates recommended by the Commission till the date of commencement of this ^{Act} ~~Bill~~ shall have the first right for appointment against the post instead of lecturers to be regularized under this ^{Act} ~~Bill~~; and

(e) Such lecturers (teaching assistants) were appointed after observance of all codal formalities/criteria.

(2) For the purposes of sub-section (1), the date, on which there commendation of the Commission is received in the Department, shall be deemed to be the date of recommendation of the Commission.

4. Determination of seniority. -(1) The lecturers whose services are regularized under this ^{Act} ~~Bill~~, shall rank junior to all those belonging to same service or cadre, as the case may be, who are in service on commencement of this ^{Act} ~~Bill~~, and shall also rank junior to such other persons, if in pursuance of the recommendation of the commission made before commencement, to be appointed to the respective service of cadre, irrespective of their actual date of joining the service.

(2) The inter-se-seniority of the lecturers whose services are regularized under this ^{Act} ~~Bill~~ shall be determined on the basis of their continuous officiating in service from the date of their joining as teaching assistant in the department:

Provided that if the date of continuous officiating in the case of two or more lecturers is the same, the lecturer older in age, shall rank senior to the younger one.

5. Removal of Difficulties:--- if any difficulty arises in giving effect to any provision of this ^{Act} ~~Bill~~, Government may make such order not inconsistent with the provision of this ^{Act} ~~Bill~~ as may appear to it to be necessary for the purpose of removing such difficulty.

6. Overriding effect .- Notwithstanding anything to the contrary in any other law or rule for the time being in force, the provision of ^{the Act} ~~the Bill~~ shall have an overriding effect and the provision of any such law or rule to the extent of inconsistency to this ^{Act} ~~Bill~~ shall cease to have effect.

7. Statement of subjects and reasons.- WHEREAS Higher Education, Archives and Libraries Department has appointed Teaching Assistants through various notifications from 31.10.2014 till 02.12.2015, whereby 862 (EIGHT HUNDRED AND SIXTY TWO) incumbents male and female are performing duties as Teaching Assistants in various Government colleges of the Khyber Pakhtunkhwa;

AND WHEREAS it is expedient to provide for the regularization of the services of these Teaching Assistants as Lecturers in pursuance of Call Attention No. 663 moved in the assembly and Recommendation of Standing Committee for Higher Education, Archives and Libraries Department, which report was adopted by this house (Provincial Assembly of Khyber Pakhtunkhwa) on 28th March 2016, in the public interest, hence this ^{Act} ~~Bill~~.

1. Meraj Namayun Khan MPA ~~MPA~~
- 2 - Sardar M Idrees M ~~MPA~~
- 3 - Mahmood Jan ~~MPA~~