

FOR THE EXTRAORDINARY GAZETTE ISSUE OF
THE KHYBER PAKHTUNKHWA


PROVINCIAL ASSEMBLY SECRETARIAT
KHYBER PAKHTUNKHWA

No.PA/Khyber Pakhtunkhwa/Bills-49-71-75/2019/15784
Dated Peshawar, the 09/12/2019.

ERRATA.

In the Gazette of the Khyber Pakhtunkhwa Extraordinary issued vide notifications No.PA/Khyber Pakhtunkhwa/Bills-49/2019/8843, No.PA/Khyber Pakhtunkhwa/Bills-75/2019/8849 and No.PA/Khyber Pakhtunkhwa/Bills-71/2019/8832 dated the 8th October, 2019, for the Act Nos. as mentioned in column no.2 of the following Table, appearing at page Nos. mentioned against each, the Act Nos. mentioned in column no. 3 shall be read, respectively,-

1.	2.	PAGE NOS.	3.
1.	(KHYBER PAKHTUNKHWA ACT NO. XXVI OF 2019)	287	(KHYBER PAKHTUNKHWA ACT NO. XXXVI OF 2019)
2.	(KHYBER PAKHTUNKHWA ACT NO. XXVII OF 2019)	328	(KHYBER PAKHTUNKHWA ACT NO. XXXVII OF 2019)
3.	(KHYBER PAKHTUNKHWA ACT NO. XXVIII OF 2019)	291	(KHYBER PAKHTUNKHWA ACT NO. XXXVIII OF 2019)


(SECRETARY)

Provincial Assembly of Khyber Pakhtunkhwa.

E. No.PA/Khyber Pakhtunkhwa/Bills/2019/15785 Dated 09/11/2019.

Copy of the above is forwarded to the Manager, Government Stationery and Printing Department, Khyber Pakhtunkhwa, Peshawar, with the request to publish the same in the Khyber Pakhtunkhwa Gazette of today's and supply one copy of the same to this Secretariat.


ASSISTANT SECRETARY-VII,
Provincial Assembly of Khyber Pakhtunkhwa.

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FOR THE EXTRAORDINARY GAZETTE ISSUE OF
THE KHYBER PAKHTUNKHWA

PROVINCIAL ASSEMBLY SECRETARIAT
KHYBER PAKHTUNKHWA

NOTIFICATION

Dated Peshawar, the 8/10/2019.

No.PA/Khyber Pakhtunkhwa/Bills-49/2019/ 8843 The Khyber Pakhtunkhwa Employees of Transport and Mass Transit Department (Regularization of Services) Bill, 2019 having been passed by the Provincial Assembly of Khyber Pakhtunkhwa on 27th September, 2019 and assented to by the Governor of the Khyber Pakhtunkhwa on 4th October, 2019 is hereby published as an Act of the Provincial Legislature of the Khyber Pakhtunkhwa.

**THE KHYBER PAKHTUNKHWA EMPLOYEES OF TRANSPORT AND MASS TRANSIT
DEPARTMENT (REGULARIZATION OF SERVICES) BILL, 2019.**

(KHYBER PAKHTUNKHWA ACT NO. XXVI OF 2019)

(First published after having received the assent of the Governor of the
Khyber Pakhtunkhwa in the Gazette of the Khyber Pakhtunkhwa.

(Extraordinary), dated the 8 /10/2019).

(Here print as in the accompaniment).


SECRETARY,

Provincial Assembly of Khyber Pakhtunkhwa.

No. and date (as per notification above).

A copy of the above notification with the accompaniment is forwarded to the Manager, Government Stationery and Printing Department, Peshawar, with the request to publish the same in the extraordinary issue of the Khyber Pakhtunkhwa Government Gazette of today's date and distribute copies thereof immediately in accordance with the list given overleaf.

Proof should be sent to this Secretariat before publication.

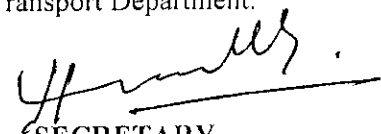

SECRETARY,

Provincial Assembly of Khyber Pakhtunkhwa

E.No. PA/Khyber Pakhtunkhwa /Bills-49/2019/ 8844-48 Dated 8 /10/2019

A copy of the above is forwarded to:-

1. The Principal Secretary to Governor, Khyber Pakhtunkhwa.
2. The Secretary to Government of Khyber Pakhtunkhwa, Law Department.
3. The Director Information, Khyber Pakhtunkhwa.
4. The Director I.T/ Special Secretary Provincial Assembly of Khyber Pakhtunkhwa.
5. The Secretary to Government of Khyber Pakhtunkhwa, Transport Department.


SECRETARY,

Provincial Assembly of Khyber Pakhtunkhwa

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2.	The Secretary to Government of Khyber Pakhtunkhwa, Transport Department.	5
3.	The Secretary to Government of Khyber Pakhtunkhwa Law, Parliamentary Affairs and Human Rights Department.	5

**AN
ACT**

to provide for appointment and regularization of services of Motor Vehicle Examiners, appointed on adhoc basis and certain employees of Vehicular Emission Testing Stations appointed on fixed pay basis in the Directorate of Transport and Mass Transit, Khyber Pakhtunkhwa.

WHEREAS it is expedient to provide for appointment and regularization of services of Motor Vehicle Examiners, appointed on adhoc basis and certain employees of Vehicular Emission Testing Stations appointed on fixed pay basis in the Directorate of Transport and Mass Transit, Khyber Pakhtunkhwa, in the public interest:

It is hereby enacted as follows:

1. **Short title, application and commencement.**---(1) This Act may be called the Khyber Pakhtunkhwa Employees of Transport and Mass Transit Department (Regularization of Services) Act, 2019.

(2) It shall be applied to the employees, mentioned in clause (f) of sub-section (1) of section 2 of this Act.

(2) It shall come into force at once.

2. **Definitions.**---(1) In this Act, unless the context otherwise requires,-

(a) "appointment" means the appointment of a duly qualified person, for a specific period, made against posts on adhoc basis or fixed pay basis, in the prescribed manner;

(b) "Commission" means the Khyber Pakhtunkhwa Public Service Commission;

(c) "Departmental Selection Committee" means a Departmental Selection Committee, constituted for the purpose of making selection for initial recruitment to posts, under a Government Department or office of Government;

(d) "Directorate" means the Directorate of Transport and Mass Transit, Khyber Pakhtunkhwa;

(e) "Government" means the Government of the Khyber Pakhtunkhwa; and

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Legal Drafter
Khyber Pakhtunkhwa
Government

(f) "employees" mean duly qualified,-

(i) Motor Vehicle Examiners, appointed, on adhoc basis, w.e.f. 06.02.2014 to 27.02.2014 (both days inclusive), and holding posts till the commencement of this Act, in the Directorate of Transport and Mass Transit, Khyber Pakhtunkhwa;

(ii) persons appointed on fixed pay in the Vehicular Emission Testing Stations, w.e.f. 30.04.1997 to 05.01.2018 (both days inclusive), and holding posts till the commencement of this Act, in the Directorate of Transport and Mass Transit, Khyber Pakhtunkhwa; and

(g) "law or rule" means the law or rule for the time being in force governing the selection and appointment of civil servants.

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

3. **Regularization of services of employees.**---Notwithstanding anything contained in any law or rule, for the time being in force, the employees, appointed on adhoc basis or on fixed pay basis, as the case may be, and holding such posts, till the commencement of this Act, shall be deemed to have been so validly appointed on regular basis from the date of commencement of this Act, subject to the verification of their qualifications and other credentials by the Transport and Mass Transit Department:

Provided that the employees on their regularization shall be on the strength of Directorate for their further posting.

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

- (i) the service promotion quota of the service cadres shall not be affected;
- (ii) the employees shall possess the same qualification and experience as are required for a regular post;
- (iii) the employees 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; and
- (iv) the services of such employees shall be deemed to have been regularized only on the publication of their names in the Official Gazette.

Asstt Legal Officer
Govt. of Khyber Pakhtunkhwa
Law Department

5. **Determination of seniority.**---(1) The employees, 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 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 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.

6. **Removal of difficulties.**---If any difficulty arises in giving effect to any provision of this Act, Chief Minister may make such order not inconsistent with the provisions of this Act as may appear to it to be necessary for the purpose of removing such difficulty.

7. **Overriding effect.**---Notwithstanding anything to the contrary contained in any other law or rules, 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 this Act shall cease to have effect.

BY ORDER OF MR. SPEAKER
PROVINCIAL ASSEMBLY OF KHYBER
PAKHTUNKHWA

(NASRULLAH KHAN KHATTAK)
Secretary
Provincial Assembly of Khyber Pakhtunkhwa

Assit. Legal Drafter
Govt. of Khyber Pakhtunkhwa
Law Department

