

**A
Bill**

to provide for the appointment and regularization of services of certain employees appointed on contract basis against project posts in the Directorate General Livestock and Dairy Development (Extension) of the Erstwhile Federally Administered Tribal Areas.

WHEREAS, the Khyber Pakhtunkhwa (Regularization of Services of Employees of Erstwhile Federally Administered Tribal Areas) Act, 2021 has been enacted to regularize the services of employees of projects in the Erstwhile Federally Administered Tribal Areas;

AND WHEREAS, it is expedient to provide for regularization of the services of the employees of the four left over projects of the Directorate General Livestock and Dairy Development (Extension) of the Erstwhile Federally Administered Tribal Areas from the aforesaid Act, in the public interest;

It is hereby enacted by the Provincial Assembly of Khyber Pakhtunkhwa as follows:


1. Short title, application and commencement.---(1) This Act may be called the Khyber Pakhtunkhwa Regularization of Services of Project Employees of the Directorate General Livestock and Dairy Development (Extension) of Erstwhile Federally Administered Tribal Areas Act, 2022.

(2) It shall apply to all the employees as defined in clause (e) of section 2 of this Act.

(3) It shall come into force at once.

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

- (a) **“Commission”** means the Khyber Pakhtunkhwa Public Service Commission;
- (b) **“contract appointment”** means appointment of duly qualified person for a specific period made otherwise than in accordance with the prescribed method of recruitment;
- (c) **“Department”** means the Agriculture, Livestock, Fisheries and Cooperation Department of Government;
- (d) **“Departmental Selection Committee”** means a Departmental Selection Committee, constituted for the purpose of making selection for initial recruitment to civil post under a Government Department or office of Government;
- (e) **“employees”** means persons, who were appointed on contract basis, as per project policy, to a project posts, of Erstwhile Federally Administered Tribal Areas, and such posts were duly reflected in PC-I of that projects, and who possess the prescribed qualifications, training


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and experience for the said posts, at the time of such appointment, as reflected in the Schedule;

- (f) **“Government”** means the Government of Khyber Pakhtunkhwa;
- (g) **“Law or rules”** means the law or rules, for the time being in force, governing the selection and appointment of civil servants;
- (h) **“project”** means the four left over perpetual nature projects in the Erstwhile Federally Administered Tribal Areas as reflected in the Schedule, the continuation of which and conversion to regular budget is essential for service delivery, duly identified by the Department;
- (i) **“project post”** means a post in the project; and
- (j) **“Schedule”** means a Schedule appended to this Act.

3. Appointment and regularization of services of employees.---(1) Notwithstanding anything contained in any law or rules, the employees, appointed in various projects, as reflected in the Schedule in the Erstwhile Federally Administered Tribal Areas, and holding posts till the commencement of this Act, shall be deemed to have been validity appointed, on regular basis, from the commencement of this Act, subject to verification of their qualification and other credentials by the Scrutiny Committee.

(2) The employees, whose services are regularized under this Act, shall, in lieu of pension and gratuity, be entitled to participate in the Contributory Provident Fund, as provided in sub-section (2) of section 19 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973) and rules made thereunder.

(3) A Scrutiny Committee, headed by the Secretary of the Department, with the following membership, shall scrutinize all the credentials of the employees, before issuance of the regularization orders:

- (a) head of the Attached Department concerned;
- (b) representative of the Establishment and Administration Department of Government;
- (c) representative of the Finance Department of Government;
- (d) representative of the Planning and Development Department of Government; and
- (e) Deputy Secretary of the Department concerned.


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

- (a) the service promotion quota of all the existing service cadres shall not be affected;
- (b) the employees shall possess the same qualification and experience as required for a regular post;
- (c) the employees have not resigned from their services or terminated from service on account of misconduct, inefficiency or any other grounds before the commencement of this Act; and
- (d) the services of such employees shall be deemed to have been regularized only on the publication of their names in the official Gazette.

5. Determination of seniority.---(1) All employees, whose services are regularized under 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 as per provisions of the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973) and rules made thereunder.

6. Removal of difficulties.--- If any difficulty arises in giving effect to any of the provisions of this Act, the Chief Minister of Khyber Pakhtunkhwa 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, 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.


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Schedule
[see sections 2(e) (h) and 3]


1.	Integrated Livestock Development in Merged Areas.
2.	Establishment and Construction/reconstruction of Veterinary Facilities and Provision of de-wormer, Vaccine, Medicine for all existing regular Veterinary Institutions in Merged Districts
3.	Establishment of Veterinary Facilities in Merged Areas
4.	Establishment of Mobile Veterinary Clinic in SWA (MA)

STATEMENT OF OBJECTS AND REASONS

It is desirable to provide for the appointment and regularization of services of the employees of the four left over projects of the Directorate General Livestock and Dairy Development (Extension) in the Erstwhile Federally Administered Tribal Areas. Hence this Bill.

Peshawar,
dated the- / / 2022.


MINISTER-IN-CHARGE.


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