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PROVINCIAL ASSEMBLY SECRETARIAT, KHYBER PAKHTUNKHWA

NOTIFICATION

Dated Peshawar, the 1st June, 2017.

No. PA/Khyber Pakhtunkhwa/Bills/2017/18409.—The Khyber Pakhtunkhwa Employees of Transport Department (Regularization of Services) Bill, 2017 having been passed by the Provincial Assembly of Khyber Pakhtunkhwa on 22nd May, 2017 and assented to by the Governor of the Khyber Pakhtunkhwa on 29th May, 2017 is hereby published as an Act of the Provincial Legislature of the Khyber Pakhtunkhwa.

THE KHYBER PAKHTUNKHWA EMPLOYEES OF TRANSPORT DEPARTMENT (REGULARIZATION OF SERVICES) ACT, 2017

(KHYBER PAKHTUNKHWA ACT NO. XX OF 2017)

(First published after having received the assent of the Governor of the Khyber Pakhtunkhwa in the Gazette of the Khyber Pakhtunkhwa, (Extraordinary), dated the 1st June, 2017).

AN
ACT

To provide for the regularization of the services of employees appointed on contract/ fixed pay basis against the project posts of Automation of Transport Department- Computerization of Route Permit (ATD-CRP) Project and Business Development Unit (BDU) Project and others in the Transport & Mass Transit Department, Khyber Pakhtunkhwa.

PREAMBLE.---WHEREAS it is expedient to provide for the regularization of services of employees of Automation of Transport Department- Computerization of Route Permit (ATD-CRP) and Business Development Unit (BDU) of the ADP Projects and certain other contract/fixed pay employees, in the public interest;

It is hereby enacted as follows:

1. **Short title and commencement.** — (1) This Act may be called the Khyber Pakhtunkhwa Employees of Transport Department (Regularization of Services) Act, 2017.

(2) It shall come into force **at once**.

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

(a) "ADP" means Annual **Development Programme Project**, falls against the code "90393" and "90040" having name "Automation of Transport Department (Computerization of **Route Permits**) (ATD-CRP) and Establishment of Business Development Unit (BDU) in Transport Department respectively.

(b) "ATD-CRP employees" means those employees who were appointed by the Government on **contract/fixed pay basis** in the Automation of Transport Department-Computerization of Route Permit Project under the respective ADP;

(c) "BDU employees" means those employees who were appointed by the Government on **contract/fixed pay basis** in Business Development Unit Project, under respective ADP;

(d) "Department" means the **Transport & Mass Transit Department** of Government;

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

(f) "law or rule" means the **law or rule** for the time being enforce governing the selection and appointment of **civil servants**;

(g) "PBT employees" means those employees who were appointed by the Road Transport Board on **contract/fixed pay basis** in Peshawar Bus Terminal;

(h) "Post" means the post of **contract employees** under the ADP and are required to be regularized upon commencement of this act;

(i) "Project" means the post of **contract employees** under the ADP of Automation of Transport Department- **Computerization of Route Permit (ATD-CRP)** and ADP of Establishment of Business **Development Unit (BDU)** in Transport Department; and

(j) "Project Post" means a **post in the ADP project**;

(2) The expression "contract **appointment**" shall have the same meaning as respectively assigned to them in Khyber Pakhtunkhwa Civil Servants Act 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973)

3. Regularization of Services of ATD-CRP Employees.—Notwithstanding anything contained in any law or rule, all ATD-CRP employees appointed on contract/fixed pay basis holding the project post since January 2011 under the ADP shall be deemed to have been so validly appointed to those posts on regular basis from the date of commencement of this Act, in the basic Pay Scale of the post as initially appointed.

Provided further that those ATD-CRP employees in their Basic Pay Scales, who are appointed on regular basis under this Act, for their further posting would be on the strength of Directorate of Transport & Mass Transit, Khyber Pakhtunkhwa.

4. Regularization of Services of BDU Employees.— Notwithstanding anything contained in any law or rule, all BDU employees appointed on contract/fixed pay basis under the ADP who have served against the project posts for minimum period of five year since start of the project till 31st December 2016 and those whose service contract extended upto 30th June 2017, shall be deemed to have been so validly appointed to those posts on regular basis from the date of commencement of this Act, in the Basic Pay Scale of the post as initially appointed,

Provided further that those BDU employees in their Basic Pay Scales, who are appointed on regular basis under this Act, for their further posting would be on the strength of Directorate of Transport & Mass Transit, Khyber Pakhtunkhwa.

5. Regularization of Services of PBT Employees. — Notwithstanding anything contained in any law or rule, Administrator, Manager, Computer Operators, CCTV Operators, Plumbers, Electricians, Tube Well Operators, Naib Qasids and Security Guards of PBT appointed on contract/fixed pay basis holding the post shall be deemed to have been so validly appointed to those posts on regular basis from the date of commencement of this Act,

Provided that a scrutiny committee shall be constituted by the Road Transport Board and it shall verify the qualification, experience and other criteria for PBT employees against which they were appointed.

Provided further that those PBT employees in their Basic Pay Scales, who are appointed on regular basis under this Act, for their further posting would be on the strength of Directorate of Transport & Mass Transit, Khyber Pakhtunkhwa.

6. Determination of Seniority. —(1) The ATD-CRP employees, who are appointed under this Act shall rank junior to all other employees, 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 in the Department,

(2) The seniority inter se of the ATD-CRP employees, who 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 ATD-CRP employees is the same, the employees older in age shall rank senior to the younger one.

(3) The BDU employees, who are appointed under this Act shall rank junior to all other employees, 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 in the Department,

(4) The seniority inter se of the BDU employees, who 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 BDU employees is the same, the employee older in age shall rank senior to the younger one.

(5) The PBT employees, who are appointed under this Act shall rank junior to all other employees, 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 in the Department,

(6) The seniority inter se of the PBT employees, who 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 PBT employees is the same, the employee older in age shall rank senior to the younger one.

7. Removal of difficulties. --- if any difficulty arises in giving effect to any provision of this Act, Government 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.

8. 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 this Act shall cease to have effect.

BY ORDER OF MR. SPEAKER
PROVINCIAL ASSEMBLY OF KHYBER PAKHTUNKHWA

(AMANULLAH)
Secretary
Provincial Assembly of Khyber Pakhtunkhwa