

EXTRAORDINARY

REGISTERED NO. P.III

GOVERNMENT

G A Z E T T E



KHYBER PAKHTUNKHWA

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PESHAWAR, WEDNESDAY, 26TH MARCH, 2014.

**PROVINCIAL ASSEMBLY SECRETARIAT,
KHYBER PAKHTUNKHWA**

NOTIFICATION

Dated Peshawar, the 26th March, 2014.

No. PA/Khyber Pakhtunkhwa/Bills/2014/10015.—The Khyber Pakhtunkhwa Tibb and Homeopathic Employees (Regularization of Services) Bill, 2014 having been passed by the Provincial Assembly of Khyber Pakhtunkhwa on 14th March, 2014 and assented to by the Governor of the Khyber Pakhtunkhwa on 21st March, 2014 is hereby published as an Act of the Provincial Legislature of the Khyber Pakhtunkhwa.

**THE KHYBER PAKHTUNKHWA TIBB AND HOMEOPATHIC EMPLOYEES
(REGULARIZATION OF SERVICES) ACT, 2014**

(KHYBER PAKHTUNKHWA ACT NO. VII OF 2014)

*(First published after having received the assent of the Governor of the
Khyber Pakhtunkhwa in the Gazette of the Khyber Pakhtunkhwa,
(Extraordinary), dated the 26th March, 2014).*

**AN
ACT**

to provide for the regularization of services of employees of Tibb
and Homeopathic, appointed on contract
and adhoc basis.

Preamble. ---WHEREAS it is expedient to provide for regularization of the services of employees of Tibb and Homeopathic, appointed on contract or ad-hoc basis, in the public interest, for the purposes hereinafter appearing;

It is hereby enacted as follows:

1. **Short title and commencement.**---(1) This Act may be called the Khyber Pakhtunkhwa Tibb and Homeopathic Employees (Regularization of Services) Act, 2014.

(2) It shall come into force at once.

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

- (a) "Commission" means the Khyber Pakhtunkhwa Public Service Commission;
- (b) "contract appointment" means appointment of a duly qualified person made otherwise than in accordance with the prescribed method of recruitment;
- (c) "Government" means the Government of Khyber Pakhtunkhwa;
- (d) "Health Department" means Health department constituted under rule 3 of the Khyber Pakhtunkhwa Government Rules of Business, 1985;
- (e) "law" or rule" means the law or rule for the time being in force governing the selection and appointment of civil servants or employees of health institution;
- (f) "post" means a post under Government or in connection with the affairs of Government or health institution constituted under the respective law or rule of the health institution and to be filed in on the recommendation of the Commission or a Management Council or Management Committee, as the case may be; and
- (g) "Tibb and Homeopathic employees" mean those employees of Tibb and Homeopathic whose posts were converted to regular budget in 2010.

(2) The expressions "ad hoc and contract appointment" shall have the same meaning 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 Health employees.**- All employees of Tibb and Homeopathic appointed on contract or ad hoc basis and holding posts on 30th June, 2010, or till the commencement of this Act, shall be deemed to have validly been appointed on regular basis having the same qualification and experience for a regular post.

4. **Determination of seniority.**- (1) The employees of Tibb and Homeopathic, 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 the Management Council or the Management Committee 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 interse of the employees of Tibb and Homeopathic, 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 of Tibb and Homeopathic, is the same, the employee older in age shall rank senior to the younger one.

5. 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 inconsistency to this Act shall cease to have effect.

**BY ORDER OF MR. SPEAKER
PROVINCIAL ASSEMBLY OF KHYBER PAKHTUNKHWA**

(AMANULLAH)
Secretary
Provincial Assembly of Khyber Pakhtunkhwa