

**A
Bill**

To provide for the regularization of the services of employees appointed on contract/fixed pay basis against the project posts of Establishment of Transport Inspection Stations in Khyber Pakhtunkhwa (TIS) and Peshawar Bus Terminal (PBT) Employees in the Transport & Mass Transit Department, Khyber Pakhtunkhwa.

PREAMBLE.----WHEREAS it is expedient to provide for the regularization of services of employees of ADP project "Establishment of Transport Inspection Stations in Khyber Pakhtunkhwa (TIS)" and Peshawar Bus Terminal (PBT) on 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, 2022.
(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 "160147" having name Establishment of Transport Inspection Stations in Khyber Pakhtunkhwa (TIS) in Transport Department respectively;
 - (b) "TIS employees" means those employees who were appointed by the Government on contract/fixed pay basis in Establishment of Transport Inspection Stations in Khyber Pakhtunkhwa Project, under respective ADP;
 - (c) "PBT employees" means those employees who were appointed by the Road Transport Board on contract/fixed pay basis in Peshawar Bus Terminal;
 - (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) "Post" means the post of contract employee under the ADP and are required to be regularized upon commencement of this act;
 - (h) "Project" means the ADP of Establishment of Transport Inspection Stations in Khyber Pakhtunkhwa in Transport Department; and
 - (i) "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 TIS Employees.**--- Notwithstanding anything contained in any law or rule, all TIS employees appointed on contract/fixed pay basis holding the project post since January 2018 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 TIS 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 PBT Employees.**--- Notwithstanding anything contained in any law or rule, Administrator, Manager, Deputy Manager, Office Assistants, Computer Operators, Engineers, Sub Engineers, Junior Clerks, Security Guards, Drivers and Naib Qasids employees 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, in the Basic Pay Scale of the post as initially 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.

5. **Determination of Seniority.** ----(1) The TIS 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 TIS 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 TIS employees is the same, the employee older in age shall rank senior to the younger one.
- (3) 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,
- (4) 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.
6. **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.
7. **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.

STATEMENT OF OBJECTS AND REASONS.

The bill is proposed to regularize the services of the TIS and PBT employees who are serving on contract/fixed pay basis under respective ADP & RTB. Following are the reasons for promulgation of the above bill:-

A new web based smart card system has been inaugurated on 09-09-2021 for issuance of driving license & international driving permit in Khyber Pakhtunkhwa under the TIS Project, It is centralized, highly secure smart card system, hence ensuring transparency in the public services which ultimately eradicated forged & pilferages in the driving license system. Similarly mobile inspection stations have been established for inspection of vehicle fitness and mobile weigh/axel load stations to check & fine overload vehicles on the Provincial roads which resultantly increase road safety, improve road worthiness of vehicles while simultaneously reduce the maintenance cost on the Provincial Highways as well as generate large amount of revenue for the Government.

Keeping in view the above it would be a prudent decision not to lose the experience and highly qualified staff working in TIS and PBT, and their services shall be regularized in best of public interest.

Nighat ORAKZAI

K. Orakzai

BILL

Member In-charge

Session No. 215 &

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