

**A
BILL**

to provide for the appointment and regularization of the services of certain teachers appointed on ad-hoc basis in the Elementary and Secondary Education Department in the Province of Khyber Pakhtunkhwa

WHEREAS, it is expedient to provide for the appointment and regularization of the services of certain teachers appointed on ad-hoc basis in the Elementary and Secondary Education Department in the Province of Khyber Pakhtunkhwa, 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 Teachers (Appointment and Regularization of Services) Act, 2022.

(2) It shall apply to all the teachers, as defined in clause (d) of sub-section (1) of section 2 of this Act.

(3) It shall come into force at once.

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

- (a) "Government" means the Government of Khyber Pakhtunkhwa;
- (b) "law or rules" means the law or rules, for the time being in force, governing the selection and appointment of civil servants;
- (c) "post" means a post of teacher in the Elementary and Secondary Education Department; and
- (d) "teachers" mean duly qualified persons, who are appointed as Primary School Teachers, Certified Teachers, Drawing Masters, Physical Education Teachers, Theology Teachers, Arabic Teachers, Qari/Qaria Teachers, Certified Teachers IT, Primary Teachers and Secondary School Teachers, having different pay scales, in the Elementary and Secondary Education Department, on ad-hoc basis, through National Testing Service, but does not include the teachers engaged on work charge basis or who are paid out of contingencies or engaged by Parent Teachers Council.

(2) The expressions "ad-hoc appointment" shall have the same meaning as is respectively assigned to them in the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973).

3. Regularization of services of teachers.---(1) Notwithstanding anything contained in any law or rules, for the time being in force, all the teachers, who are holding various posts from 08.03.2017 till the commencement of this Act,

shall be validly appointed, on regular basis, with immediate effect; provided that,-

- (a) they possess the same qualification and experience required for a regular post;
- (b) they have not resigned from their services or terminated from services on account of misconduct, inefficiency or any other ground, before the commencement of this Act;
- (c) the service promotion quota of all service cadres shall not be affected; and
- (d) they shall be entitled for seniority and pay from the date of their initial appointment on ad-hoc basis.

(2) The services of the teachers shall be deemed to have been regularized only on the publication of their names in the official Gazette.

(3) The teachers, 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.

4. **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 rules, to the extent of inconsistency to this Act, shall cease to have effect.

STATEMENT OF OBJECTS AND REASONS.

It is desirable to provide for the appointment and regularization of the services of certain teachers, appointed on ad-hoc basis in the Elementary and Secondary Education Department in the Province of Khyber Pakhtunkhwa, in the public interest. Hence, this Bill.

**Peshawar,
dated the**

/ / 2022


MINISTER-IN-CHARGE