

EXTRAORDINARY
GOVERNMENT



REGISTERED NO. PIII
G A Z E T T E

KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, SATURDAY, 17TH MARCH, 2012.

PROVINCIAL ASSEMBLY SECRETARIAT KHYBER PAKHTUNKHWA

NOTIFICATION

Dated Peshawar, the 17th March, 2012.

No. PA/Khyber Pakhtunkhwa/Bills/2012/12804.—The Khyber Pakhtunkhwa Extra-Assistant Commissioners-cum-Illaqa Qazi (Regularization of Services) Bill, 2012 having been passed by the Provincial Assembly of Khyber Pakhtunkhwa on 6th March, 2012 and assented to by the Governor of the Khyber Pakhtunkhwa on 13th March, 2012 is hereby published as an Act of the Provincial Legislature of the Khyber Pakhtunkhwa.

THE KHYBER PAKHTUNKHWA EXTRA-ASSISTANT COMMISSIONERS-CUM-
ILLAQA QAZI (REGULARIZATION OF SERVICES) ACT, 2012.

(KHYBER PAKHTUNKHWA ACT NO. VII OF 2012)

*(first published after having received the assent of the Governor of
The Khyber Pakhtunkhwa in the Gazette of the Khyber Pakhtunkhwa
(Extraordinary), dated the 17th March, 2012).*

AN
ACT

*to provide for the regularization of the services of certain Extra-Assistant
Commissioners-cum-Illaqa Qazis appointed on contract basis.*

Preamble.—WHEREAS it is expedient to provide for the regularization of the service of certain Extra-Assistant Commissioners-cum-Illaqa Qazis, appointed on contract basis, in the public interest;

It is hereby enacted as follows:

1. **Short title and commencement.**---(1) This Act may be called the Khyber Pakhtunkhwa Extra-Assistant Commissioners-cum-Illaqa Qazi (Regularization of Services) Act, 2012.

(2) It shall come into force at once.

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

(a) "contract appointment" means appointment of a duly qualified person made otherwise than in accordance with the prescribed method of recruitment;

(b) "employees" means the Extra-Assistant Commissioners-cum-Illaqa Qazis appointed by Government on contract basis by Notification No. SOS-II(S&GAD)2(9)95-II, dated: 23rd July, 1995 and serving as such under Government on commencement of this Act;

(c) "Government" means Government of the Khyber Pakhtunkhwa;

(d) "law or rules" means a law or rules for the time being in force governing the selection and appointment of Civil Servants or Government Servants; and

(e) "post" means a post in the Civil Service of the Province of the Khyber Pakhtunkhwa or in connection with the affairs of the Province of the Khyber Pakhtunkhwa.

3. **Regularization of Services of certain employees.**---Notwithstanding anything to the contrary contained in any law or rules or an order or judgment of a Court, employees appointed by Government, before the commencement of this Act, shall, for all intents and purposes, be deemed to have been validly appointed on regular basis with immediate effect on commencement of this Act and they shall be deemed to be Civil Servants for the purposes of the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973) and the rules made thereunder:

Provided that employees regularized under this Act may be appointed by transfer on any equivalent post, as the Government may determine, and they shall stand be appointed on regular basis to that post and shall reckon seniority from the date of joining that post notwithstanding, anything to the contrary contained in any law or rules:

Provided further that such employees possess the educational qualification and experience prescribed for the posts to which they are appointed.

4. Determination of seniority.---The inter-se-seniority of the employees, whose services are regularized under this Act within the same service or cadre, shall be determined from the date of their continuous officiation on the said post:

Provided that if the date of continuous officiation in the case of two or more employees is the same, employees older in age shall rank senior to the younger one.

5. Overriding effect.---Notwithstanding anything to the contrary contained in any other law or rules, the provisions of this Act shall have the overriding effect and the provisions of any such law or rules 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