

EXTRAORDINARY

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GOVERNMENT

GAZETTE



KHYBER PAKHTUNKHWA

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PESHAWAR, TUESDAY, 18th FEBRUARY, 2025.

PROVINCIAL ASSEMBLY SECRETARIAT KHYBER PAKHTUNKHWA

NOTIFICATION

Dated Peshawar, the 18th February, 2025.

No.PA/Khyber Pakhtunkhwa/Bills-45/2025/3786.— The Khyber Pakhtunkhwa Employees (Removal from Service) Bill, 2025 having been passed by the Provincial Assembly of Khyber Pakhtunkhwa on 27th January, 2025 and assented to by the Governor of the Khyber Pakhtunkhwa on 7th February, 2025 is hereby published as an Act of the Provincial Legislature of the Khyber Pakhtunkhwa.

THE KHYBER PAKHTUNKHWA EMPLOYEES (REMOVAL FROM SERVICE) ACT, 2025. (KHYBER PAKHTUNKHWA ACT NO. V OF 2025)

(First published after having received the assent of the Governor of the Khyber Pakhtunkhwa in the Gazette of the Khyber Pakhtunkhwa. (Extraordinary), dated the 18th February, 2025).

AN
ACT

To declare the appointment of certain employees, as unlawfully, Made by various Departments of Government of Khyber Pakhtunkhwa through initial recruitment, during the tenure of Caretaker Government.

WHEREAS, it is expedient to remove certain employees appointed by various Departments of Government of Khyber Pakhtunkhwa through initial recruitment during the tenure of Caretaker Government and to provide for matters connected therewith and ancillary thereto;

It is hereby enacted by the Provincial Assembly of Khyber Pakhtunkhwa as follows:

1. **Short title, application, extent and commencement.**—(1) This Act may be called the Khyber Pakhtunkhwa Employees (Removal from Service) Act, 2025.
- (2) It shall apply to all the employees, as defined in clause (e) of section 2 of this Act.
- (3) It shall extend to the whole of Province of Khyber Pakhtunkhwa.
- (4) It shall come into force at once.

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

- (a) **“Appointing Authority”** means the Authority, competent to make recruitment to a post, in a Department, as per relevant rules;
- (b) **“Caretaker Government”** means the Caretaker Government, appointed by the Governor of Khyber Pakhtunkhwa, under Clause (3) of Article 105 of the Constitution, on 01-02-2023, upon dissolution of Provincial Assembly of Khyber Pakhtunkhwa on 18-01-2023;
- (c) **“Constitution”** means the Constitution of the Islamic Republic of Pakistan, 1973;
- (d) **“Department”** means, notwithstanding anything contained in any other law or rules, for the time being in force, a Department of Government, its Attached Department, any other entity, institution or agency, established by Government, through law or otherwise;
- (e) **“employee”** means any employee, appointed through initial recruitment, by various Departments, against regular posts, during the tenure of Caretaker Government, in the Province of Khyber Pakhtunkhwa, w.e.f. 22-01-2023 to 29-02-2024, except employees appointed by initial recruitment-
 - (i) in pursuance of order or judgment of a court of competent jurisdiction;
 - (ii) on the recommendations of the Khyber Pakhtunkhwa Public Service Commission;
 - (iii) against the deceased son quota in case of death or invalidation of a civil servant in accordance with sub-rule (4) of rule 10 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989;
 - (iv) against the minorities quota in accordance with sub-rule (5) of rule 10 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989; and
 - (v) in cases where tests and interviews were conducted before the date of issuance of Notification No. F. No. 2(1)/2023-Cord, dated: 22-01-2023, by the Election Commission of Pakistan;
- (f) **“Government”** means the Government of Khyber Pakhtunkhwa;
- (g) **“initial recruitment”** means appointment made otherwise than by promotion or transfer: and
- (h) **“regular post”** means a regular post sanctioned under the concerned Department without limit of time.

3. **Status of the employees.**---(1) The employees, unlawfully appointed, shall be deemed to have never been appointed and their appointment are hereby declared to be *void-ab-initio*.

Explanation: For the purpose of this section the expression "unlawfully appointed" means appointment made in contravention of the provisions of section 230 of the Elections Act, 2017 (Act No. XXXIII of 2017) and the instructions of the Election Commission of Pakistan issued vide Notification No. F.No. 2(1)/2023-Cord. dated: 22-01-2023.

(2) The Department concerned shall, for the purpose of sub-section (1), issue a notification, in this regard.

(3) Upon declaration of employees, under sub-section (1), all the emoluments, admissible to the employees under the post, to which they were unlawfully appointed, shall stand discontinued forthwith.

4. Indemnity.---No suit or any other legal action shall lie against any person for any action done under this Act.

5. Removal of difficulties.---(1) If any difficulty arises, in giving effect to any of the provisions of this Act, the same shall be referred to the following Committee for consideration and decision, namely:

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| (a) Secretary to Government, Establishment Department; | Chairman |
| (b) Advocate General, Khyber Pakhtunkhwa or his nominee not below the rank of an Additional Advocate General; | Member |
| (c) Secretary to Government, Law, Parliamentary Affairs and Human Rights Department or his nominee not below the rank of Additional Secretary; | Member |
| (d) Secretary to Government, Finance Department or his nominee not below the rank of Additional Secretary; | Member |
| (e) Secretary to Government, Administration Department or his nominee not below the rank of Additional Secretary; | Member |
| (f) Secretary to Government of the concerned Administrative Department or his nominee not below the rank of Additional Secretary; and | Member |
| (g) Special Secretary (Regulation), Establishment Department. | Member-cum-Secretary. |

(2) The decision of the Committee with regards to implementation of this Act or any difficulty associated therewith shall be final and binding and shall be given effect by the concerned Department accordingly.

6. Report.---(1) The Establishment Department of Government shall submit progress report to Government with regards to implementation of this Act in such a manner as may be determined by the Establishment Department of Government.

(2) The Department concerned shall, within the period of thirty (30) days from the commencement of this Act, submit report with regards to the implementation of this Act, concerning employees unlawfully appointed within the said Department, to the Establishment Department of Government for compilation of final report under sub-section (1).

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

(KIFAYAT ULLAH KHAN AFRIDI)
Secretary
Provincial Assembly of Khyber Pakhtunkhwa