

**THE KHYBER PAKHTUNKHWA APPOINTMENT OF
CERTAIN LECTURERS ACT, 2011.**

(KHYBER PAKHTUNKHWA ACT NO. XV OF 2011)

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(KHYBER PAKHTUNKHWA ACT NO. XV OF 2011)

*(first published after having received the assent of the Governor of
the Khyber Pakhtunkhwa in the Gazette of Khyber Pakhtunkhwa
(Extraordinary), dated the 29th September, 2011).*

**AN
ACT**

*to provide for the appointment of certain
lecturers on regular basis.*

WHEREAS Higher Education, Archives and Libraries Department had appointed seven hundred and thirty-six lecturers on contract basis under the Annual Development Programme Projects;

AND WHEREAS five hundred and forty-six lecturers of them were adjusted against regular posts on contract basis, who were subsequently regularized through the Khyber Pakhtunkhwa Employees (Regularization of Services) Act, 2009 (Khyber Pakhtunkhwa Act No. XVI of 2009), leaving one hundred and thirty-seven lecturers working under the Annual Development Programme Projects;

AND WHEREAS it is expedient to provide for the appointment of these one hundred and thirty-seven certain lecturers on regular 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 Appointment of certain Lecturers Act, 2011.

(2) It shall come into force at once.

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

(a) “Annual Development Programme, projects” mean,-

- (i) ADP-2006-07 Scheme No. 136/60038;
- (ii) ADP-2007-08 Scheme No. 128/70137;
- (iii) ADP-2008-09 Scheme No. 76/80402;
- (iv) ADP-2005-06 Scheme No. 141/50187;

(b) “Commission” means the Khyber Pakhtunkhwa Public Service Commission;

- (c) “Government” means the Government of the Khyber Pakhtunkhwa;
- (d) “law or rule” means the law or rule for the time being in force governing the selection and appointment of civil servants;
- (e) “Lecturer” means a contract Lecturer appointed by Government on contract basis against posts in various Government colleges of the Khyber Pakhtunkhwa under the Annual Development Programme, projects; and
- (f) “posts” mean those posts of contract Lecturers in the Higher Education, Archives and Libraries Department of the Government, which were sanctioned by the Finance Department on current side, after the promulgation of the Khyber Pakhtunkhwa Employees (Regularization of Services) Act, 2009 (Khyber Pakhtunkhwa Act No. XVI of 2009), and are required to be filled on the recommendations of the Commission.

3. Appointment of certain Lecturers.---Notwithstanding anything contained in any law or rule, all Lecturers who were holding posts till 31st December, 2008, shall be deemed to have been validly appointed to those posts on regular basis on the commencement of this Act, subject to verification of their holding of the post on 31st December, 2008 by the Higher Education, Archives and Library Department.

4. Determination of seniority.---(1) The Lecturers, who are appointed under this Act shall rank junior to all Lecturers, 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 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 inter se of the Lecturers, who are appointed 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 Lecturers is the same, the Lecturer older in age shall rank senior to the younger Lecturer.

5. Overriding effect.---Notwithstanding anything to the contrary in any other law or rule for the time being in force, the provision of the Act shall have an overriding effects and the provision of any such law or rule to the extent of inconsistency to this Act shall cease to have effect.