THE KHYBER PAKHTUNKHWA PLANNING & MONITORING CELL, IRRIGATION EMPLOYEES (REGULARIZATION OF SERVICES) ACT, 2017.

(KHYBER PAKHTUNKHWA ACT NO. VIII OF 2017)

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(KHYBER PAKHTUNKHWA ACT NO. VIII OF 2017)

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AN
ACT
to provide for regular appointment of certain contract/fixed pay employees of Planning & Monitoring Cell, Irrigation Department, Khyber Pakhtunkhwa.

Preamble,----WHEREAS the Irrigation Department, Khyber Pakhtunkhwa had appointed ten (10) employees on contract/fixed pay basis in the Planning & Monitoring Cell created under Annual Development Programme (ADP) Project;

AND WHEREAS it is expedient to provide regularization of services of these ten (10) 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, Planning & Monitoring Cell, Irrigation Employees (Regularization of services) Act, 2017.

    (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 "30577", having the name "Creation of Planning & Monitoring Cell in the Department";

    (b)   "Department" means the Irrigation Department of Government;

    (c)   "employees" mean those employees who were appointed on contract/fixed pay basis in the Planning and Monitoring Cell created under ADP;

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

    (e)   "law or Rules" means the law or rule for the time being in force governing the selection and appointment of civil servants; and

(f)   "post" means following posts of contract/fixed pay employees in the Department, which were sanctioned by the Finance Department on current side.

Environmentalist (BPS-18), Senior Planning Officer (Civil) (BPS-18), Computer Operator (BPS-16), Assistant (BPS-16), Driver (2 Nos.) (BPS-04), Naib Qasid (2 Nos.) (BPS-01), Sweeper (BPS-01) and Chowkidar (BPS-01)

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

3.   **Regularization of services of employees:-** Notwithstanding any thing contained in any law or rules, all employees, appointed on contract/fixed pay basis and holding the post in the Planning and Monitoring Cell of the Department till the commencement of this Act, under the ADP, shall be deemed to have been validly appointed to those posts on regular basis from the date of the commencement of this Act:

Provided that such employees possess the qualification and experience prescribed for the posts to which they are appointed on regular basis.

4.   **Determination of seniority.----** (1) The employees whose services are regularized under this Act shall rank junior to all those employees belonging to same service or cadre as the case may be on the commencement of this Act, in the Department.

(2)   The inter-se-seniority of the employees whose services are regularized under this Act shall be determined on the basis of their continuous officiating in service:

Provided that if the date of continuous officiating in the case of two or more employees is the same, the employee 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 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.