

(As introduced in the House on 12-08-2016)

A

BILL

to provide for regularization of services of certain employees appointed on adhoc basis in the Directorate of Information Technology, Khyber Pakhtunkhwa.

Preamble:- WHEREAS it is expedient to provide for regularization of certain employees appointed in the Directorate of Information Technology in 2011 on adhoc basis and other ancillary matters hereinafter appearing;

It is hereby enacted as follows:-

1. Short title and commencement.- (1) This Act may be called the Khyber Pakhtunkhwa Adhoc Employees of Directorate of Information Technology (Regularization of Services) Act, 2016

(2) It shall come into force at once.

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

(a) "Commission" means the Khyber Pakhtunkhwa Public Service Commission;

(b) "Department" means Science & Technology and Information Technology Department;

(c) "employees" mean employees the Deputy Director (BPS-18), Network Manager (BPS-17), IIS Manager (BPS-17), Accountant (BPS-16) and Computer Operator (BPS-12) appointed on adhoc basis by the Government in the Directorate of Information Technology of Khyber Pakhtunkhwa, in 2011;

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

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

(f) "Post" means the posts of the Deputy Director (BPS-18), Network Manager (BPS-17), IIS Manager (BPS-17), Accountant (BPS-16) and Computer Operator (BPS-12) in the Department and is required to be filled on the recommendation of the Commission.

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

3. Regularization of services of certain employees of the Directorate of Information Technology. (1) All employees appointed on adhoc basis by the Government in the Directorate of Information Technology in the year of 2011 and holding posts till the commencement of this Act, shall be deemed to have validly been appointed to those posts on regular basis from the date of the commencement of this Act:

Provided that-

(a) such employees were appointed against those posts which falls within the ambit of the Commission;

(b) the services of such employees shall be deemed to have been regularized under this Act only on the publication of their names in the official Gazette; and

(c) such employees possess the qualification and experience prescribed for the posts to which they are appointed on regular basis.

4. Determination of pay scales; All employees whose services are regularized under this Act or in the process of attaining service at commencement of this Act shall be placed on basic pay scale, given as under:-

- i. Deputy Director (BPS-18)
- ii. Network Manager (BPS-17)
- iii. IIS Manager (BPS-17)
- iv. Accountant (BPS-16)
- v. Computer operator (BPS-12)

5. Determination of seniority. (1) Those employees whose service are regularized under this Act or in the process of attaining service at the commencement of this act shall rank junior under the services tenure spent on adhoc basis against approved posts to all civil servant ongoing 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 person, if any who, in pursuance the recommendation of the commission or committee, or body, constituted for the purpose, made before the commencement of this Act, are to be appointed to the respective service or cadre, irrespective of their actual date of appointment.

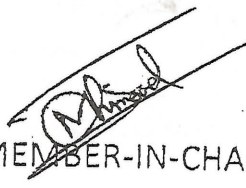
(2) The inter-se-seniority of the employees, whose services are regularized under this act with in the same service or cadre, shall be determined on the basis of their continuous officiating in such service or cadre.

6. Overriding effect- Notwithstanding any thing to the contrary contained in any other law or rule for the time being in force, the provisions of this Act shall have an overriding effect and the provisions of any such law or rule to the extent of in consistency to this Act shall cease to have effect.

STATEMENT OF OBJECTS AND REASONS

It is desirable to regularize the services of certain employees of the Directorate of Information Technology working on adhoc basis from February 2011 in the general public and to safeguard the right of such employees. Hence, this Bill.

Amran
Aurkhan Ali Khan


MEMBER-IN-CHARGE

(MEHMOOD JAN KHAN)
MPA.