

**A  
BILL**

*to provide for the appointment of employees of Establishment of M&E System in Khyber  
Pakhtunkhwa Project on regular basis.*

**PREAMBLE:-** WHEREAS it is expedient to provide for the appointment of employees of Project "Establishment of M&E System in Khyber Pakhtunkhwa" 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 Employees of Establishment of M&E System in Khyber Pakhtunkhwa Act, 2017.

(2) It shall come into force at once.

**2. Definitions.**---(1) In this Act, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, that is to say,-

- (a) "Commission" means the Khyber Pakhtunkhwa Public Service Commission;
- (b) "Department" means the Planning and Development Department of Government;
- (c) "Departmental Selection Committee" means a Departmental Selection Committee constituted for the purpose of making selection for initial appointment to post in BPS-16 and below in the Department;
- (d) "Establishment of M&E System in Khyber Pakhtunkhwa employees" means the employees of Establishment of M&E System in Khyber Pakhtunkhwa Project, appointed by Government on contract basis during the period from 2009 till commencement of this Act;
- (e) "Government" means the Government of the Khyber Pakhtunkhwa;
- (f) "law or rule" means the law or rule for the time being enforce governing the selection and appointment of civil servants;
- (g) "Post" means a post under the Department and are required to be filled in on the recommendations of the Commission or Project Selection Committee or the Departmental Selection Committee, as the case may be;
- (h) "Project" means the project of Establishment of M&E System in Khyber Pakhtunkhwa; and
- (i) "Project Post" means a post in the project.

(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. Appointment of Establishment of M&E System in Khyber Pakhtunkhwa employees.**--- Notwithstanding anything contained in any law or rule, all employees of Establishment of M&E

System in Khyber Pakhtunkhwa, who were holding project posts from 01-04-2009 till the commencement of this Act, shall be appointed to posts on regular basis and shall be deemed to have been so validly appointed to such posts on the commencement of this Act:

Provided that those Employees of Establishment of M&E System in Khyber Pakhtunkhwa, who fulfilled the criteria initially advertised for a project post against which they are recruited, but not the enhance qualification of the post duly upgraded by Government of the same service or cadre in the Department, shall be appointed on regular basis in the Basic Pay Scale of the post as initially advertised, till such time the Establishment of M&E System in Khyber Pakhtunkhwa employees enhance their qualification required for the upgraded post in the same service or cadre in the Department:

Provided further that they have not resigned from their services or terminated from service on account of misconduct, inefficiency or any other ground before the commencement of this Act.

4. **Determination of seniority.**---(1) The project employees, who are appointed under this Act shall rank junior to all other employees, 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 or the Project Selection Committee or Departmental Selection Committee 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 project employees, 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 project employees is the same, the project employees older in age shall rank senior to the younger project employees.

5. **Removal of difficulties.**--- If any difficulty arises in giving effect to any provisions of this Act, Government may make such order not inconsistent with the provisions of this Act as may appear to it to be necessary for the purpose of removing such difficulty.

6. **Overriding effect.**--- Notwithstanding anything 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 inconsistency to this Act shall cease to have effect.

### STATEMENT OF OBJECT AND REASONS

There is an acute dearth of human resource in various categories and cadres of Planning and Development Department. Therefore, to utilize already trained human resources working to improve the project's monitoring and evaluation as third party validation toward output/objectives achievements and in time completion of projects/programs in Khyber Pakhtunkhwa, Hence, this Bill.

Uzma Khan

1. Fatima Azam  
Mazri

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