

A
BILL

The Khyber Pakhtunkhwa Regularization of services of Adhoc
Lecturers Bill, 2014.

Session 12
Sitting 07

to provide for regularization of the services of the adhoc lecturers
appointed on 04.11.2010 working in various colleges of the province
of Khyber Pakhtunkhwa.

Preamble: WHEREAS it is expedient to provide for the regularization of the services
of adhoc lecturers appointed on adhoc basis whose services could not be regularized
earlier.

It is hereby enacted as follow:

1. **Short title and commencement:** (1) This Act may be called the Khyber
Pakhtunkhwa Regularization of Services of Adhoc Lecturers Act, 2014.

(2) It shall come into force at once, and shall be deemed to have taken effect in
the commencement of this Act.

2. **Definitions.** (1) In this Act, unless the context otherwise requires.

- (a) "Commission" means province of Khyber Pakhtunkhwa Public
Service Commission,
- (b) "ad hoc appointment" means appointment of a duly qualified
person made otherwise than in accordance with the prescribed
method of recruitment.
- (c) "Employee" means an employee appointed by government of
ad hoc basis but does not include the employees for the project
posts or appointed on work charge basis or who are paid out of
contingencies.
- (d) "Government" means the Government of province of Khyber
Pakhtunkhwa province.
- (e) "Government Department" means Higher Education, Archives,
& Libraries Department.
- (f) "Law or rule" means the law or rule for the time being in force
governing the selection and appointment of civil servants; and
- (g) "Post" means a post under Government or in connection with
affairs of government to be filled in on the recommendation of the
commission.

3. **Regularization of services of lecturer:** All the lecturers who were re-
appointed on 04.11.2010 on ad hoc basis, working in the Higher Education Department
and holding that post till now, after the passage of the Bill into Act and its
commencement shall be deemed to have been validly appointed on regular basis on the
same qualification and experience for a regular post.

4. **Determination of seniority.** (1). The Employees whose services are
regularized under *this Act*, shall rank junior to all those belonging to same service
or cadre, as the case may be, who are in service on commencement of this Act, and shall
also rank junior to such other persons, if in pursuance of the recommendation of the
commission made before commencement, to be appointed to the respective service of
cadre, irrespective of their actual date of joining the service.

(2) The inter-se-seniority of the lecturers whose service 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 in any other law or rule for the time being in force, the provision of the bill shall have an overriding effect and the provision of any such law or rule to the extent of inconsistency to this bill shall cease to have effect.

STATEMENT OF OBJECTS AND REASONS

It is desirable that to regularized the services of the adhoc lecturers appointed on adhoc basis working in the various colleges of the Khyber Pakhtunkhwa. Hence this Bill.



Muzaffar Said, MPA
Member-in-charge

MUZAFFAR SYED ADVOCATE
Member Provincial Assembly
Khyber Pakhtunkhwa

**PROPOSED AMENDMENTS IN THE KHYBER PAKHTUNKHWA
REGULARIZATION OF SERVICES OF ADHOC LECTURERS BILL, 2014**

CLAUSE 1

The Minister for Higher Education, to move that for clause 1, the following shall be substituted namely:

"1. Short title and commencement.---(1) this Act may be called the Khyber Pakhtunkhwa Adhoc Lecturers (Regularization of Services) Act, 2014.

(2) It shall come into force at once."

CLAUSE 2

The Minister for Higher Education, to move that for clause 2, the following shall be substituted namely:

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

- (a) "Commission" mean the Khyber Pakhtunkhwa Public Service Commission;
- (b) "Department" means the Higher Education Archives and Libraries Department;
- (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) "lecturers" means an adhoc lecturer appointed by Government on **04-09-2013** on adhoc basis against post in various Government Colleges of the Khyber Pakhtunkhwa; and
- (f) "post" means a post of the lecturer in the Department and is required to be filled on the recommendation of the Commission.

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

CLAUSE 3

1. The Minister for Higher Education, to move that for clause 3, the following shall be substituted namely:

"3. Regularization of services of adhoc lecturers.----(1) Notwithstanding any thing contained in any law or rule, all lecturers, who were holding the posts till the commencement of this Act, shall be deemed to have been validly selected and appointed to those posts on regular basis from the date of the commencement of this Act:

Provided that-

- (a) such lecturers were appointed against those posts which falls within the ambit of the Commission;
- (b) the services of such lecturers shall be deemed to have been regularized under this Act only on the publication of their names in the official Gazette;

- (c) such lecturers possess the qualification and experience prescribed for the posts to which they are appointed on regular basis;
- (d) the candidates recommended by the Commission till the date of commencement of this Act shall have the first right for appointment against the post instead of lecturers to be regularized under this Act; and
- (e) such lecturers were appointed after observance of all codal formalities/criteria.
- (2) For the purposes of sub-section (1), the date, on which the recommendation of the Commission is received in the Department, shall be deemed to be the date of recommendation of the Commission.”

2. **Mulana Asmatullah, MPA** to move that in clause 3, for after the word “reappointed”, the word “appointed” may be substituted and thereafter the figures “04.11.2010”, the words and figures “or 14.09.2011 or 06.10.2011” may be inserted.

CLAUSE 4

The Minister for Higher Education, to move that in clause 4, for the words “Employee or employee”, wherever occurring, the word “lecturer” shall be substituted.

CLAUSE 5

The Minister for Higher Education, to move that in clause 5, for the word “Bill”, wherever occurring, the word “Act” shall be substituted.

Amendment in long title

1. **The Minister for Higher Education**, to move that for the long title, the following shall be substituted, namely:

“to provide for regularization of the services of certain lecturers appointed on adhoc basis in the Province of the Khyber Pakhtunkhwa.”

2. **Mulana Asmatullah, MPA** to move that in the long title, after the figures “04.11.2010”, the words and figures “or 14.09.2011 or 06.10.2011” may be inserted.

Amendment in the Preamble Clause

Minister for Higher Education, to move that for the preamble, the following shall be substituted, namely:

“WHEREAS Higher Education, Archives and Libraries Department has appointed on 04.09.2013, one hundred and ninety-five male and forty-six female lecturers in various colleges of the Khyber Pakhtunkhwa on adhoc basis for a period of one year;

AND WHEREAS it is expedient to provide for the regularization of the services of these lecturers, in the public interest, for the purpose hereinafter appearing:

It is hereby enacted as follows:”

upto
30-06-2014 →