AN
ACT

to provide for the regularization of services of employees of Tibb
and Homeopathic, appointed on contract
and adhoc basis.

Preamble. ---WHEREAS it is expedient to provide for regularization of the
services of employees of Tibb and Homeopathic, appointed on contract or ad-hoc
basis, in the public interest, for the purposes hereinafter appearing;

It is hereby enacted as follows:

1. **Short title and commencement.**---(1) This Act may be called the Khyber
   Pakhtunkhwa Tibb and Homeopathic Employees (Regularization of Services)
   Act, 2014.

   (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) “contract appointment” means appointment of a duly qualified
       person made otherwise than in accordance with the prescribed
       method of recruitment;

   (c) “Government” means the Government of Khyber Pakhtunkhwa;

   (d) “Health Department” means Health department constituted
       under rule 3 of the Khyber Pakhtunkhwa Government Rules of
       Business, 1985;

   (e) “law” or rule” means the law or rule for the time being in force
       governing the selection and appointment of civil servants or
       employees of health institution;

   (f) “post” means a post under Government or in connection with
       the affairs of Government or health institution constituted under
       the respective law or rule of the health institution and to be filed
       in on the recommendation of the Commission or a Management
       Council or Management Committee, as the case may be; and

   (g) “Tibb and Homeopathic employees” mean those employees of
       Tibb and Homeopathic whose posts were converted to regular
       budget in 2010.

   (2) The expressions “adhoc and contract appointment” shall have the
       same meaning as respectively assigned to them in the Khyber Pakhtunkhwa Civil

3. **Regularization of services of Health employees.** All employees of Tibb
   and Homeopathic appointed on contract or adhoc basis and holding posts on 30th
   June, 2010, or till the commencement of this Act, shall be deemed to have validly
   been appointed on regular basis having the same qualification and experience for
   a regular post.
4. **Determination of seniority.**-(1) The employees of Tibb and Homeopathic, whose services are regularized under this Act or in the process of attaining service at the commencement of this Act shall rank junior to all civil servants 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 Management Council or the Management 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 interse of the employees of Tibb and Homeopathic, whose services are regularized 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 employees of Tibb and Homeopathic, is the same, the employee older in age shall rank senior to the younger one.

5. **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 inconsistency to this Act shall cease to have effect.

BY ORDER OF MR. SPEAKER
PROVINCIAL ASSEMBLY OF KHYBER
PAKHTUNKHWA

(AMANULLAH)
Secretary
Provincial Assembly of Khyber Pakhtunkhwa