

**THE KHYBER PAKHTUNKHWA, APPOINTMENT OF
GAVI, JICA, ADHOC AND CONTRACT EMPLOYEES ACT, 2016.**

(KHYBER PAKHTUNKHWA ACT NO. VIII OF 2016)

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the Khyber Pakhtunkhwa in the Gazette of Khyber Pakhtunkhwa
(Extraordinary), dated the 06/06/2016].*

**AN
ACT**

*to provide for the appointment of employees of Global Alliance of Vaccination and
Immunization (GAVI) Project on regular basis.*

PREAMBLE.---WHEREAS it is expedient to provide for the appointment of employees of Global Alliance of Vaccination and Immunization (GAVI) Project 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 GAVI, JICA, Adhoc and Contract Employees Act, 2016.

(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;
- (aa) Contract/Adhoc employees mean employees appointed by the Health Department during the period from 01-08-2013 to 01-05-2016 provided that these employees will include employees appointed as Medical Officers/Woman Medical Officers and Nurses (Male/Female);
- (b) “Department” means the Health Department of Government;
- (c) “Departmental Selection Committee” means a Departmental Selection Committee constituted for the purpose of making selection for initial appointment to posts in BPS-16 and below in the Department;

- (d) “GAVI employees” means the employees of Global Alliance of Vaccination and Immunization Project, appointed by Government on contract basis during the period from 2012 to 30th June, 2015;
- (e) “Government” means the Government of the Khyber Pakhtunkhwa;
- (ee) JICA employees mean the employees of the "Project Strengthening Routine Immunization SRI JICA Funded" appointed by the Government on contract basis during the period from June 2012 to 30th June, 2016;
- (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 the Departmental Selection Committee, as the case may be;
- (h) “Project” means the Project of Global Alliance of Vaccination and Immunization, for Strengthening the immunization services in the Khyber Pakhtunkhwa and Project Strengthening Routine Immunization SRI JICA Funded;
- (i) "project post" means a post in the project; and
- (j) “Scrutiny Committee” means the Scrutiny Committee constituted under section 4 of this Act.

(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 GAVI employees.---Notwithstanding anything contained in any law or rule, all GAVI employees, who were holding project posts till 30th June, 2015, 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, subject to verification of their qualification and other credentials by the Scrutiny Committee constituted under section 4 of this Act:

Provided that those GAVI employees, 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 advertise, till such time the GAVI employee enhance their qualification required for the upgraded post in the same service or cadre in the Department:

Provided further that those GAVI employees in Basic Pay Scale 6 and below, who are appointed on regular basis under this Act, for be their further posting would be on the strength of Directorate General Health Services, Khyber Pakhtunkhwa.

3A. Appointment of JICA Employees.--- Notwithstanding anything contained in the law or rules, all JICA employees who were holding project post till June 2015, 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 JICA employees, who fulfill the criteria initially advertised for a project post against which they recruited, but not the enhance qualification of the post duly upgraded by the 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 advertise, till such time the JICA employees enhance their qualification required for the upgraded post in the same service or cadre in the department:

Provided further that those JICA employees in basis pay Scale 6 and below, who are appointed on regular basis under this Act, their further posting would be on the strength of Director General, Health Services, Khyber Pakhtunkhwa.

3B. Appointment of Medical Officers.--- Notwithstanding anything contained in the law or rules, all Medical Officers/Woman Medical Officers who were holding Adhoc posts/contract posts on 1st May 2016, shall be appointed to posts on regular basis and shall be deemed to have been so validly appointed to such pos ts on the commencement of this Act.

3C. Appointment of Nurses.--- Notwithstanding anything contained in the law or rules, Charge Nurses (Male/Female) who were holding Adhoc posts/contract on 1st May 2016, 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.

4. Scrutiny Committee.---(1) There shall be Scrutiny Committee as provided in sub-section (2), to scrutinize and verify the credentials of the GAVI employees in light of the basic qualifications, experience and training as initially advertised for a project post, and against which they were appointed.

(2) The Committee shall consist of the following members, namely:

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| (a) | Secretary to Government, Health Department; | Chairperson |
| (b) | a representative of Law Department; and | member |
| (c) | a representative Establishment and Administration Department. | member |

5. Determination of seniority.---(1) The GAVI 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 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 GAVI 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 GAVI employees is the same, the GAVI employees older in age shall rank senior to the younger GAVI employees.

(3) The JICA 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 person, if any, who, in pursuance of the recommendation of the commission or the departmental selection committee made before, the commencement of this Act, or to be appointed to the respective services or cadre, irrespective of their actual date of appointment. The seniority inter-se of the JICA employees who is appointed under this Act within the same service or cadre, shall be determined on the basis of officiation in such service or cadre:

Provided that if the date of continuous officiation in the case of two or more JICA employee is the same, the JICA employees older in age shall rank senior to the younger JICA employees.

(4) The Medical Officers/Woman Medical Officers 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 person, if any, who, in pursuance of the recommendation of the commission or the departmental selection committee made before, the commencement of this Act, or to be appointed to the respective services or cadre, irrespective of their actual date of appointment. The seniority inter-se of the Medical officers/Woman Medical Officers who are appointed under this Act within the same service or cadre, shall be determined on the basis of officiation in such service or cadre:

Provided that if the date of continuous officiation in the case of two or more Medical Officers/Woman Medical Officers is the same, the Medical Officers/Woman Medical Officers older in age shall rank senior to the younger Medical Officers/Woman Medical Officers.

(5) The Charge Nurses (Male/Female) 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 person, if any, who, in pursuance of the recommendation of the commission or the departmental selection committee made before, the commencement of this Act, or to be appointed to the respective services or cadre, irrespective of their actual date of appointment. The seniority inter-se of the Charge Nurse (Male/Female) who are appointed under this Act within the same service or cadre shall be determined on the basis of officiation in such service or cadre.

6. Removal of difficulties.---If any difficulty arises in giving effect to any provision 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.

7. 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.