

FOR THE EXTRAORDINARY GAZETTE ISSUE OF  
THE KHYBER PAKHTUNKHWA

PROVINCIAL ASSEMBLY SECRETARIAT  
KHYBER PAKHTUNKHWA

NOTIFICATION

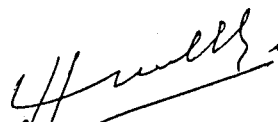
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Dated Peshawar, the \_\_\_/10/2017.

No.PA/Khyber Pakhtunkhwa/Bills/2017/10/30 The Khyber Pakhtunkhwa Regularization of Services of Teaching Assistants as Lecturers Bill, 2017 having been passed by the Provincial Assembly of Khyber Pakhtunkhwa on 13<sup>th</sup> October, 2017 and assented to by the Governor of the Khyber Pakhtunkhwa on 20<sup>th</sup> October, 2017 is hereby published as an Act of the Provincial Legislature of the Khyber Pakhtunkhwa.

THE KHYBER PAKHTUNKHWA REGULARIZATION OF SERVICES OF TEACHING  
ASSISTANTS AS LECTURERS ACT, 2017  
(KHYBER PAKHTUNKHWA ACT NO. XXVIII OF 2017)

(First published after having received the assent of the Governor of the Khyber Pakhtunkhwa in the Gazette of the Khyber Pakhtunkhwa. (Extraordinary), dated the 25 /10/2017).

(Here print as in the accompaniment).

  
SECRETARY,

Provincial Assembly of Khyber Pakhtunkhwa.

No. and date (as per notification above).

A copy of the above notification with the accompaniment is forwarded to the Manager, Government Stationery and Printing Department, Peshawar, with the request to publish the same in the extraordinary issue of the Khyber Pakhtunkhwa Government Gazette of today's date and distribute copies thereof immediately in accordance with the list given overleaf.

Proof should be sent to this Secretariat before publication.

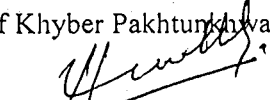
  
SECRETARY,

Provincial Assembly of Khyber Pakhtunkhwa

E.No. PA/Khyber Pakhtunkhwa /Bills/2017/ 10131-35 Dated 25/10/2017

A copy of the above is forwarded to:-

1. The Principal Secretary to Governor, Khyber Pakhtunkhwa.
2. The Secretary to Government of Khyber Pakhtunkhwa, Law Department.
3. The Secretary to Government of Khyber Pakhtunkhwa, Higher Education, Archives and Library Department.
4. The Director Information, Khyber Pakhtunkhwa.
5. The Director I.T/ Special Secretary Provincial Assembly of Khyber Pakhtunkhwa.

  
SECRETARY,

Provincial Assembly of Khyber Pakhtunkhwa

**AN  
ACT**

To provide for regularization of the services of Teaching Assistants as Lecturers appointed in Government Colleges by Higher Education, Archives and Libraries Department in the Province of the Khyber Pakhtunkhwa.

**Preamble:** WHEREAS Higher Education, Archives and Libraries Department has appointed Teaching Assistants through various notifications from 31.10.2014 till 02.12.2015, whereby 772 (SEVEN HUNDRED AND SEVENTY TWO) incumbents male and female are performing duties as Teaching Assistants in various Government colleges of the Khyber Pakhtunkhwa.

**AND WHEREAS** it is expedient to provide for the regularization of the services of these Teaching Assistants as Lecturers in pursuance of Call Attention No. 663 moved in the Assembly and Recommendation of Standing Committee for Higher Education, Archives and Libraries Department, which report was adopted by the House (Provincial Assembly of Khyber Pakhtunkhwa) on 28<sup>th</sup> March 2016, in the Public interest, for the purpose hereinafter appearing;

It is hereby enacted as follow:

1. **Short title and commencement.**- (1) This Act may be called the Khyber Pakhtunkhwa Regularization of Services of Teaching Assistants as Lecturers Act, 2017.

(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 the Higher Education, Archives and Libraries Department;
- (c) "Government" means the Provincial 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) "Teaching Assistant" means Teaching Assistants appointed by department on fix pay against the vacant post of lecturer.
- (f) "Post" means a post of lecturer (BS-17) in the Higher Education Archives and Libraries Department and as required to be filled in, on the recommendation of the Khyber Pakhtunkhwa Public Service Commission.

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

3. **Regularization of Services of Teaching Assistants.**—Notwithstanding anything contained in any law or rules all Teaching Assistants who are holding the posts till the commencement of this Act, shall be deemed to have been validly selected and appointed as lecturer to these posts on regular basis from the date commencement of this Act.

- (c) Such Teaching Assistants possess the qualification and experience prescribed for the post 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 Teaching Assistants to be regularized under this Act; and
- (e) Such Teaching Assistants were appointed through due process after conducting a test by EATA on district basis.

(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.

4. **Determination of seniority.**-(1) The Teaching Assistants 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 Teaching Assistants whose services are regularized under this Act shall be determined on the basis of their merit order of Appointment as Teaching Assistants in Higher Education Archives & Libraries Department:

Provided that if the merit order in the case of two or more Teaching Assistants is the same, the Teaching Assistants older in age shall be rank senior to the younger one:

Provided that persons selected for appointment to posts in an earlier notification shall rank senior to the persons selected in a later notification.

5. **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 provision 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 in any other law or rule for the time being in force, the provision of this Act, shall have an overriding effect and the provision 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**

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**(NASRULLAH KHAN KHATTAK)**  
Secretary  
Provincial Assembly of Khyber Pakhtunkhwa