

FOR THE EXTRAORDINARY GAZETTE ISSUE OF  
THE KHYBER PAKHTUNKHWA

PROVINCIAL ASSEMBLY SECRETARIAT  
KHYBER PAKHTUNKHWA

NOTIFICATION

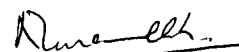
Dated Peshawar, the 14/10/2016.

No.PA/Khyber Pakhtunkhwa/Bills/2016/ 10343 The Khyber Pakhtunkhwa Tibb and Homeopathic Employees (Appointment) Bill, 2016 having been passed by the Provincial Assembly of Khyber Pakhtunkhwa on 26<sup>th</sup> September, 2016 and assented to by the Governor of the Khyber Pakhtunkhwa on 6<sup>th</sup> October, 2016 is hereby published as an Act of the Provincial Legislature of the Khyber Pakhtunkhwa.

THE KHYBER PAKHTUNKHWA TIBB AND HOMEOPATHIC EMPLOYEES  
(APPOINTMENT) ACT, 2016  
(KHYBER PAKHTUNKHWA ACT NO. XXIII OF 2016)

(First published after having received the assent of the Governor of the Khyber Pakhtunkhwa in the Gazette of the Khyber Pakhtunkhwa. (Extraordinary), dated the 14 /10/2016).

(Here print as in the accompaniment).



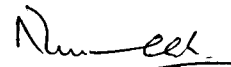
SECRETARY,

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.



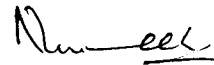
SECRETARY,

Provincial Assembly of Khyber Pakhtunkhwa

E.No. PA/Khyber Pakhtunkhwa/Bills/2016/ 10344-48 Dated 14/10/2016

A copy of the above is forwarded to:-

1. The Principal Secretary to Governor, Khyber Pakhtunkhwa.
2. The Secretary to Government of Khyber Pakhtunkhwa, Health, Department.
3. The Secretary to Government of Khyber Pakhtunkhwa, Law 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

## **LIST OF COPIES TO BE DISTRIBUTED**

<b>S.No.</b>	<b>Designation of Officer</b>	<b>No of Copies to be Supplied</b>
<b>1.</b>	<b>The Secretary, Provincial Assembly of Khyber Pakhtunkhwa.</b>	<b>75</b>
<b>2.</b>	<b>The Secretary to Government of Khyber Pakhtunkhwa Health Department.</b>	<b>5</b>
<b>3.</b>	<b>The Secretary to Government of Khyber Pakhtunkhwa Law, Parliamentary Affairs and Human Rights Department.</b>	<b>10</b>

1  
3

AN  
ACT

*to provide for the appointment of certain Tibb and Homeopathic employees on regular basis.*

WHEREAS Health Department had appointed certain Tibb and Homeopathic employees in the Project Establishment of Homeo Tibb-E-Islami dispensers in the Province of the Khyber Pakhtunkhwa 2007.

AND WHEREAS, certain Tibb and Homeopathic employees of grade 16 and 17 working in the Project were regularized by Government through the Khyber Pakhtunkhwa Tibb and Homeopathic Employees (Regulation of Services) Act, 2014 (Khyber Pakhtunkhwa Act No. VII of 2014) against various sanctioned posts on regular basis, leaving other employees of Tibb and Homeopathic in grade 14 and below working in the same Project;

AND WHEREAS, it is expedient to consolidate the laws relating to the appointment of all employees of Tibb and Homeopathic for uniformity and removal of doubts;

It is hereby enacted as follows:

1. **Short title, and commencement.**---(1) This Act may be called the Khyber Pakhtunkhwa Tibb and Homeopathic Employees (Appointment) Act, 2016.

(2) It shall come into force-

- (a) with respect to employees mentioned in sub-clause (i) of clause (b) of section 2, from the commencement of the Khyber Pakhtunkhwa Tibb and Homeopathic Employees (Regulation of Services) Act, 2014 (Khyber Pakhtunkhwa Act No. VII of 2014); and
- (b) with respect to employees mentioned in sub-clause (ii) of clause (b) of section 2, at once.

2. **Definitions.**---In this Act, unless the context otherwise requires -

- (a) "Department" means the Health Department of Government;
- (b) "employees" mean-
  - (i) those Tibb and Homeopathic employees in grade 16 and 17, who are holding various posts in Project till 30<sup>th</sup> June, 2010 and which posts were later on converted to regular budget in the year 2010; and
  - (ii) those Tibb and Homeopathic Employees in grade 14 and below, who were holding various posts in the Project till 30<sup>th</sup> June, 2010 and which posts were later on converted to regular budget in the year 2015;

1  
2/16/2010  
Asstt: Legal Drafter  
Govt: of Khyber Pakhtunkhwa  
Law Department

- (c) "Government" means the Government of Khyber Pakhtunkhwa;
- (d) "law or rules" means the law or rules for the time being enforced governing the selection and appointment of civil servants;
- (e) "posts" means those posts of employees which were sanctioned by the Finance Department on current scale in the year 2010 and 2015; and
- (f) "Project" means Establishment of Homeo Tibb-E-Islami dispensers in the Province of the Khyber Pakhtunkhwa 2007.

3. **Appointment of certain employees on regular basis.**---Notwithstanding anything contained in any law or rules-

- (a) all employees mentioned in sub-clause (i) of clause (b) of section 2 of this Act, shall be deemed to have been validly appointed to posts duly sanctioned by the Finance Department in the year 2010, on regular basis, from the commencement of the Khyber Pakhtunkhwa Tibb and Homeopathic Employees (Regulation of Services) Act, 2014 (Khyber Pakhtunkhwa Act No. VII of 2014); and
- (b) all employees mentioned in sub-clause (ii) of clause (b) of section 2 of this Act, shall be deemed to have been validly appointed to posts duly sanctioned by the Finance Department in the year 2015, on regular basis from the commencement of this Act:

provided that-

- (i) the employees have the same qualifications and experience as required for the posts to which they are appointed on regular basis;
- (ii) the employees have been performing their duties till the commencement of this Act; and
- (iii) 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 employees whose services are regularized under this Act shall rank junior to all those employees belonging to same service or cadre as the case may be, who are in service on regular basis, on the commencement of this Act.

(2) The inter se seniority of the employees whose services are regularized under this Act shall be determined on the basis of their continuous officiating in service:

97021016  
 Assst. Secretary  
 Govt. of Khyber Pakhtunkhwa  
 Law Department

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 contained in any other law or rules, the provisions of this Act shall have an overriding effect and the provisions of any such law or rules to the extent of inconsistency to this Act, shall cease to have effect.

6. **Repeal and saving.**---(1) The Khyber Pakhtunkhwa Tibb and Homeopathic employees (Regulation of Services) Act, 2014 (Khyber Pakhtunkhwa Act No. VII of 2014) is hereby repealed.

(2) Notwithstanding the aforesaid repeal, anything done, action taken and notifications or orders issued under the aforesaid Act, shall, in so far as it is not inconsistent with the provisions of this Act, be deemed to have been done, taken or issued under this Act and shall have effect accordingly.

**BY ORDER OF MR. SPEAKER**  
PROVINCIAL ASSEMBLY OF KHYBER  
PAKHTUNKHWA

---

(AMANULLAH)  
Secretary  
Provincial Assembly of Khyber Pakhtunkhwa